

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING CHAPTER 515, ARTICLE III, TO THE MUNICIPAL CODE IN REGARD TO RENTAL AND NON-OWNER OCCUPIED PROPERTIES, AND SETTING EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MILAN, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 515, Article III of the Municipal Code, is adopted as follows:

CHAPTER 515, Article III, RESIDENTIAL AND NON-OWNER OCCUPIES PROPERTIES

Sec. 515.110. - Purpose.

The general purpose of these Sections of the Municipal Code is to protect the public health, safety, comfort, morals and the general welfare of the people of the City who are residing in rental properties. These general objectives include, among others, the following specific purposes:

- (1) To protect the character and stability of residential areas within the City.
- (2) To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of rental dwellings.
- (3) To provide facilities for light and ventilation, necessary for health and safety.
- (4) To prevent additions or alterations to existing rental dwellings that would be injurious to the life, health, safety, or general welfare of the occupants of such dwellings or neighboring properties.
- (5) To prevent the overcrowding of rental dwellings by providing minimum space standards per occupant of each dwelling unit.
- (6) To provide minimum standards for the maintenance of existing residential rental dwellings and to prohibit the spread of slums and blight.
- (7) To preserve the taxable value of land and buildings throughout the City.

Sec. 515.120. - Conflicting provisions.

- (a) These Sections establish minimum standards for rental dwelling units and accessory buildings and does not replace or modify standards otherwise established for the construction, replacement, or repair of rental dwellings except such as are in conflict with the provisions of these Sections. It is not the intention of this article to require reconstruction or replacement of existing facilities or structures in sound condition of repair in order to meet specific requirements of any of the above-mentioned Codes unless there is an existing or probable health or safety hazard to the occupants or any residents of the City.
- (b) Any inconsistency or conflict between the provisions of these Sections or any existing ordinance shall not repeal such provision or ordinance; but the provisions of these Sections shall be cumulative thereto.

Sec. 515.030. - Conformance to International Property Maintenance Code required.

Every building or its premises used in whole or in part as (i) a rental home or rental residence, and (ii) every building used in whole or in part as a home or residence of two or more persons or families living in separate apartments or living quarters, (collectively all of these types of dwellings are called "Rentals" or a "Rental" in these Sections) shall conform to the requirements of the International Property Maintenance Code, as adopted and amended by the

City, irrespective of the class to which such buildings may otherwise belong, and irrespective of when such buildings may have been constructed, altered or repaired. The term “Rentals” shall include dwellings that are rented for occupancy, dwellings that are rented with an option to purchase, and dwellings being occupied under rent-to-own arrangements. This Article does not apply to single family homes occupied by an owner, hospitals, nursing homes, or other dwellings which offer or provide medical or nursing services, or hotels, motels, or dormitories if such units are subject to other city, state, or federal licensing or regulations concerning the safety of the users, patients, or tenants, or where owned and inspected by the city housing authority.

Sec. 515.040. - Inspection authorized; access.

The City Administrator or his/her designate is authorized and directed to make inspections to determine whether Rentals located within the City conform to the requirements of this Chapter. For the purpose of making such inspections, the City Administrator or his/her designate is authorized to enter, examine, and survey at all reasonable times all Rentals. The owner or occupant of all Rentals and its premises shall give the City Administrator or his/her designate free access thereto at all reasonable times for the purpose of such inspection, examination, and survey. If consent is not given then the City Administrator may obtain an administrative search warrant to may such an inspection, and the City shall not commence furnishing utility services to the Rental until it has been inspected.

After an inspection, a Rental shall only be required to be reinspected on the next change in occupancy but in no event sooner than 24 months, except an inspection may be made at any time upon receipt by the City of a complaint the Rental is not in compliance with this Article.

Sec. 515.050. - Occupancy permit required; fees; Registration.

(a) It shall be unlawful for any person to occupy or for any owner or agent thereof to permit the occupation of any Rental, or part thereof, for any purpose until a certificate of occupancy has been issued by the City Administrator or his/her designate. Every owner, agent or manager of any Rental shall inform the City Administrator or his/her designate whenever any portion of such Rental therein becomes vacant and request an inspection thereof under the provisions of these Sections, except that no inspection will be required if the Rental has been inspected within 24 months of the date of the request. The certificate of occupancy so issued shall state that the occupancy complies with the provisions of this Article. This Section shall not apply to any occupancy in existence on January 1, 2024, until the next change in occupancy in rental unit occurs. If a rental unit is occupied before a "certificate of occupancy" is issued, an inspection fee in double the amount established by ordinance will be required. It is a violation of this Article for an owner, agent, or manager of any Rental to permit occupancy prior to issuance of an occupancy certificate. This Article does not apply to hospitals, nursing homes, or other dwellings which offer or provide medical or nursing services, or hotels, motels, or dormitories if such units are subject to other city, state, or federal licensing or regulations concerning the safety of the users, patients, or tenants, or where owned and inspected by the city housing authority.

(b) The occupancy certificate will be issued for each Rental unit occupied. It shall be unlawful for any person to knowingly make any false statement in his application for an occupancy certificate as to the names, ages, relationship, or number of occupants who will occupy the Rental.

(c) Effective January 31, 2024, the Code Enforcement Officer shall keep a registry of all rental properties in the City, and each property owner who owns rental property as described in this Article shall provide to the Code Enforcement Officer for each Rental owned the property owner's name, mailing address and telephone number, and, if there is a property manager for such Rental, the manager's name, address, and telephone number. Failure of any owner to register shall constitute a violation of this article, except that registrations for 2024 are not delinquent until _____, 2024. The City will publicize the need for Owners to register the Rental property.

Registrations required by this Article shall be valid until December 31 of the registration year and submitted annually prior to February 1 of each year thereafter. If the registering owner does not reside within 45 miles of the City or maintain a local business office in the City, the owner(s) of all registered properties shall be required on the registration form to designate a local agent who resides within the City or within 45 miles of the City (a "local agent") and to provide the City the following information for the local agent: full legal name(s), a direct street/office mailing address (no P.O. boxes), and a phone number/fax number/cell phone and e-mail address (if applicable).

Until changed by ordinance the registration fee is \$10.00 per dwelling unit. Registration fees are non-transferable. Any change of ownership of a Rental shall be required to register within 30 days. Failure of any owner to register on or before the 30th day after a change of ownership shall constitute a violation of this Article.

Sec. 515.060. - Inspections and certificates of compliance.

If the inspected Rental meet City standards, a certificate of occupancy will be issued to the tenant and the owner. The certificate of occupancy shall be valid as long as the unit is occupied by the tenant. The tenant must bring the certificate of occupancy to sign up for utilities. Two copies of the inspection list are to be left at the site by the inspector. Utilities will not be transferred into the tenant's name unless the certificate of occupancy accompanies the request.

Sec. 515.070. - Inspection fee; Fee for rescheduled inspections or reinspections.

(a) An inspection fee in the amount established by ordinance shall be paid to the City and shall accompany each request for inspection of a Rental, provided a separate fee shall be paid for each dwelling unit of a multiple dwelling building to be inspected. Until otherwise changed the inspection fee is \$15.00 per unit. (See Section 515.050 for fee if property is occupied before the certificate of occupancy is issued.)

(b) An addition fee of \$15.000 will be charged for each rescheduled inspection if an appointment is scheduled and the inspector is unable to get into the unit as scheduled by the applicant or if the Rental fails the initial inspection and must be reinspected. (See Section 515.050 for fee if property is occupied before the certificate of occupancy is issued.)

Sec. 515.080. - Notice of violation.

Whenever the City Administrator or his/her designate determines there are reasonable grounds to believe there has been a violation of any provision of this Article, he shall give notice of such alleged violation to the Owner or local agent which will:

- (1) Be in writing.
- (2) Contain a statement of the reason(s) why it is being issued.
- (3) Allow a reasonable time for the performance of any act it requires (30 days' maximum).
- (4) Contain an outline of remedial action which, if taken, will affect compliance with the provisions of this Article.
- (5) Be served upon the owner or his agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or on any such occupant, if a copy thereof is:
 - a. Served upon him personally;
 - b. Sent by certified mail to his last known address; or
 - c. Posted in a conspicuous place in or about the dwelling affected by the notice.

Sec. 515.090. - Designation of dwellings unfit for habitation.

The following may be designated as dwellings or dwelling units unfit for human habitation:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public;
- (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
- (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public; or
- (4) One which does not substantially conform to this Article.

Sec. .100. - Placarding.

Any Rental unit which shall be found to have any of the defects set out in these Sections shall be declared unfit for human habitation and shall be so designated and placarded by the City Administrator or his/her designate when the person responsible has failed to correct the condition set forth in a notice issued.

Sec. .110. - Removal of placards.

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as may be provided.

Sec..120. - Right of appeal.

Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board of Adjustment under the procedure set forth in Article XIV of Chapter 405 of this Code.

Sec. .130. - Vacation of building.

- (a) Any Rental unit condemned as unfit for human habitation, and so designated and placarded by the City Administrator or his/her designate, shall be vacated within a reasonable time as ordered by the City Administrator or his/her designate.
- (b) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall be used for human habitation until written approval is secured from, and such

placard is removed by, the City Administrator or his/her designate. The City Administrator or his/her designate shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated.

Sec. .140. - Vacated structures to be made secure.

If a Rental thereof is vacant or unfit for human habitation, occupancy, or use, and is not in danger of structural collapse, the City Administrator or his/her designate may post a placard on the premises and may order the structure closed up with plywood so as to prevent that structure from becoming a public nuisance. Upon failure of the owner to close up the condemned structure within the time specified in the order, the City Administrator or his/her designate shall cause those premises to be closed up with plywood by City employees or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall thereafter become a lien upon that real estate. In addition, any structure which is ordered to be closed up shall have at least one No-Trespassing sign posted in a prominent place on each of its outside walls.

Sec. .150. - Remedy of defects.

- (a) The owner of any Rental shall have 30 days from the issuance of the notice to remedy the condition therein specified; provided, however, that the City Administrator or his/her designate may, at his discretion, extend the time for compliance with any such notice; and provided further, that no owner shall be held responsible for any condition that is not specifically described in such notice.
- (b) The failure of any owner to comply with any order of the City Administrator or his/her designate contained in a notice within the time specified shall subject such owner to the penalties provided in Section 515.170 for such offense.

Sec. 515.160 - Transfer of ownership.

- (a) It shall be unlawful for the owner of any Rental unit upon whom a notice of violation or compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose of the Rental to another until the provisions of the notice of violation or compliance order have been complied with, or until such owner shall first furnish to the grantee, lessee or mortgagee a true copy of any notice of violation or compliance order issued by the City Administrator or his/her designate. A transferee, lessee, or mortgagee who has received actual or constructive notice of the existence of a notice of violation or compliance order shall be bound by such notice as of the date of the transfer without further service or notice upon him.
- (b) The owner to whom a Rental unit has been transferred may consent to make repairs which have been required by a notice of violation from the City Administrator or his/her designate, by signing an agreement with the City agreeing to make the repairs required by the violation notice on or before a date as determined by the City Administrator or his/her designate. Upon receipt of such agreement, the City Administrator or his/her designate may issue an occupancy permit to be held by the City until such time as the repairs are completed by the new owner of the Rental dwelling unit. The form of this agreement will contain the following:
 - (1) Identity of the owner.
 - (2) Description and location of the dwelling or dwelling unit.
 - (3) List of all required repairs.
 - (4) The date upon which repairs will be completed.

(5) Signed by both the new owner and an authorized person for the City.

Sec. 515.170 Penalties.

Any violation of these Sections is punishable by a fine, combined with court costs, for violations committed within a twelve-month period beginning with the first violation: \$200 for the first violation, \$275 for the second violation, \$350 for the third violation, and \$450 for the fourth and any subsequent violations.

Every day that a violation continues after the expiration of the reasonable period of time for the completion of the work specified by the City Administrator or his/her designee shall be deemed a separate offense; and provided that every day that a violation continues in violation of an order shall be deemed a separate offense. The City is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did the act which was prohibited or failed to do an act which the defendant was legally required to do. In addition, the City may institute an appropriate action or proceeding against the person or firm responsible for a failure to comply with this Article to: (1) Enjoin the occupancy of the rental unit not in compliance with this Article, and (2) to enforce the penalty provisions of this Article. If such an action or proceeding is brought the City may recover all costs of the action or proceeding including court costs and reasonable attorney fees.

Section 2: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3: It is the intent of the Board of Aldermen that this Ordinance be made a part of the Municipal Code of the City of Milan, Missouri, and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the Board of Aldermen. The sections of this ordinance may be renumbered as a part of incorporating this Ordinance as a part of the Code.

Section 4: This ordinance shall be in full force and effect from and after the date of its passage and approval.

A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Dated: _____, 2024

Andy Herington, Mayor

Attest:

Lisa Sharp, City Clerk