

INTRODUCED BY ALDERMAN NOLTE

BILL NO. 18-2322

ORDINANCE NO. 18-2206

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AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER BY REPEALING SECTIONS 505.040 THROUGH AND INCLUDING 505.190 OF SUCH CODE AND ENACTING NEW PROVISIONS RELATING TO THE ISSUANCE OF OCCUPANCY PERMITS WITHIN THE CITY OF MANCHESTER.

WHEREAS, the City of Manchester has a distinct interest in maintaining and enhancing the City's housing stock and in protecting the public's safety and quality of life; and,

WHEREAS, the Board of Aldermen believes it necessary and proper to establish regulations relating to the issuance of occupancy permits within the City in order to achieve these goals.

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

Section One: Sections 505.040 through and including 505.190 of the City of Manchester's Code of Ordinances are hereby repealed in their entirety.

Section Two: The Code of Ordinances of the City of Manchester is hereby amended by adding thereto new Sections 505.040 through and including 505.150 which shall, hereafter, read as follows:

**Section 505.040 Occupancy Permits**

It is the intent of this Section to secure the public welfare by promoting the orderly maintenance of property within the City by applying the standards set forth in the City's Property Maintenance Code. It shall be unlawful for any person, owner, corporation, or agent to occupy or permit the occupancy of any commercial, multi-family residential or single-family residential structure in the City without first obtaining an inspection and certificate of occupancy. The term "occupancy" shall include the movement of furniture, equipment or other property into said structure.

**Section 505.050 Certificate Required.**

A certificate of occupancy is required at any change of ownership or representation of ownership, tenant or occupant. Certificates are not transferable. The applicant shall provide proof of identification and contact information upon request.

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**Section 505.060 Fees.**

All fees for non-residential structures or single-family dwellings shall be paid at the time of application. Fees owed by the owners of multi-family residential buildings shall be remitted in accordance with procedures established by the Director. Additional fees may be incurred for re-inspections. All application fees are non-refundable

**Section 505.070 Occupancy Inspections.**

A. The Director shall receive all applications for certificates of occupancy, and shall, at his discretion, make, or cause to be made, an inspection of the structure. Application for an occupancy inspection shall be made by the owner or agent on forms supplied by the City.

B. If the Inspector finds that the structure does not meet the requirements of the City's Property Maintenance Code or any other applicable standards adopted by Ordinance, he shall notify the owner or agent of such deficiencies, in writing, informing him that the structure may not be occupied until such deficiencies are corrected.

C. Only when the structure complies with the Property Maintenance Code most recently adopted by the City or other applicable standards, may a certificate of occupancy be issued.

**Section 505.080 Temporary Occupancy.**

The Director is authorized to permit temporary occupancy on a conditional basis, for a term not to exceed ninety (90) days, when serious hardships interfere with completing all repairs required to bring structure into full compliance with the Property Maintenance Code or the applicable building codes prior to occupancy. The Director may extend the expiration date of a conditional certificate of occupancy if, in his opinion, the progress of repairs to date so warrant. No temporary certificate may be extended, however, for more than an additional ninety (90) days. No conditional certificate shall be issued for structures where a condition exists which could threaten the health or safety of the occupant(s) or the general public.

**Section 505.090 Expiration.**

Any certificate of occupancy shall become invalid if occupancy is not commenced within ninety (90) days after it is issued. The Director is authorized to grant an extension of this period of up to an additional sixty (60) days when, in his opinion, an extension is warranted and further provided that an application for such extension is received within ninety (90) days of the issuance of the original certificate.

**Section 505.100 Remedies for Non-Compliance.**

A. In case any violation of this Chapter is not remedied within the prescribed time designated by the Code Official, he/she shall institute an appropriate action or proceeding at law against the person or firm responsible for the failure to comply, ordering him/her:

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1. To restrain, correct or remove the violation or refrain from any further execution or work;
2. To restrain or correct the erection, installation or alteration of such building;
3. To require the removal of work in violation;
4. To prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Chapter or in violation of a plan or specification under which an approval, permit or certification was issued; or
5. If the person or firm responsible for a violation of this Chapter shall fail to remedy such violation as directed by the City, the City may undertake to remedy such violation and, upon the completion of such action by the City, it shall charge the responsible party with the expense incurred; if such responsible party fails to pay the amount of the expenses so incurred, the City Administrator shall cause a special tax bill to be prepared against the property, such tax bill to be collected by the Collector with the other taxes assessed against the property; such special tax bill shall, from its date of issuance, be a first (1st) lien on the property until paid, and prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same or in the proceedings leading up to the issuance thereof shall be a defense thereto; as a part of the expenses incurred by the City in this regard, all inspection fees shall be included as well as the City Attorney's fees relating thereto.
6. The owner of any building or property, in the first instance of failure to obtain an occupancy permit, and in the absence of a prior violation of these Sections, shall receive a warning and shall be required to abate the violation(s) within the time specified on the notice of violation, except when emergency conditions shall require immediate action (as provided in the International Property Maintenance Code). If violation is not abated within the allotted amount of time, or the property owner has prior violations of these sections, the owner of the property may be subject to a fine of \$20.00 per day for every day that the property is in violation. Certificate of Occupancy will not be issued until fines have been paid. Failure to pay fines will result in a lien on the property.

**Section 505.110 Appeals.**

A. Any person affected by a notice issued by the code official hereunder may request and shall, upon such request, be granted a hearing before the City Administrator; provided, however, that such person shall file in the office of the City Administrator a written request seeking such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the date such notice was served. Upon receipt of such request, the petitioner shall be given written notice of the time and place of the hearing. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why the notice should be modified or withdrawn.

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B. Following such hearing, the City Administrator shall sustain, modify or withdraw the notice, upon his/her finding as to whether or not the provisions of this Chapter have been observed. If the City Administrator sustains or modifies such notice, it shall be entered as an order. The proceedings at such hearing, including the findings and decision of the City Administrator, shall be informal. Any notice served pursuant to Section 107 of the 2009 International Property Maintenance Code shall become an order if a written request for a hearing is not filed in the office of the City Administrator within ten (10) days following the service of such notice. Notice of any post-hearing orders shall be given in the same manner as notice of the non-compliance of Section 107 of the 2009 International Property Maintenance Code.

**Section 505.120 Warranty.**

In issuing a certificate of occupancy, the City does not intend to, nor does it warrant, insure or guarantee to the holder thereof, to his or her assignee or to any other interested person, that there are no violations of any provision of this or any other Ordinance. The City makes no warranty or representation, whatsoever, as to the condition of any building.

**Section 505.130 Temporary Safeguards.**

A. Whenever any exterior openings are found boarded up, it shall be the duty of the code official to notify the owner or agent of the dwelling unit or non-residential building or structure giving him/her a period of not more than ten (10) days in which to properly replace the broken glass or cause the dwelling unit or non-residential building or structure to be vacated unless the following exception is met:

1. Since the presence of boarded-up buildings, particularly those where the boarding is unpainted or applied in an insecure, careless, or unrepresentable fashion, incites vandalism, and creates a blighting influence which adversely affects the general welfare of the people of the City of Manchester, it is hereby required that all boarding up of exterior openings be accomplished in a neat, workmanlike manner with not less than one-half-inch thick, weather-resistant plywood or other suitable material cut to fit within the openings and fastened in place as securely as possible and suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the buildings as inconspicuously as possible. It shall be the duty of the code official to notify the owner or agent of any boarded-up dwelling unit not complying with the above requirements, of the necessity of immediate compliance and ordering him/her to replace the broken glass, or repair or replace or paint the boarding. This notice shall be given in the manner required in Section 106 of the 2009 International Property Maintenance Code.

**Section 505.140 Tampering With or Destroying Notice.**

No person shall remove, deface, tear, destroy, mutilate or in any way tamper with any notice, order or other document posted or placed by the code official on any building, or structure under the provisions of this Chapter.

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**Section 505.150 Emergency Measures.**

When any dwelling unit has become so damaged by fire, wind or other causes, or has become so unsafe, unhealthful or sanitary, that in the opinion of the code official, life or health is immediately endangered by the occupation of the dwelling unit, the code official is hereby authorized to revoke, without notice, any occupancy permit for such dwelling unit and to order and require the occupants to vacate the same forthwith and to order the owner or agent to proceed immediately with the corrective work and repairs required to make the dwelling unit temporarily safe and fit for human habitation, whether or not a notice of violation has been given as described in this Chapter, and whether or not legal procedures described herein have been instituted.

Section Three: If any section of this Ordinance is found to be invalid or unconstitutional, the remaining sections will maintain validity.

Section Four: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF FEBRUARY, 2018.

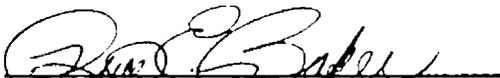
CITY OF MANCHESTER, MISSOURI

By



Mayor

ATTEST:

  
City Clerk

APPROVED AS TO LEGAL FORM:

  
City Attorney

**CITY OF MANCHESTER  
PLANNING AND ZONING DEPARTMENT  
STAFF REPORT**

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January 15, 2018

**Project Information**

Case: #17-TXT-005  
Applicant: City of Manchester, Department of Planning and Zoning  
Activity: Zoning Text Amendment – Article II of Chapter 505 of the Code of Ordinances of the City of Manchester regarding Section 505.040 thru Section 505.190 pertaining to Occupancy Permits.

**Background**

City staff proposes repealing Sections 505.040 through and including Section 505.190 from the Building and Construction Regulations and replacing it with the Sections 505.040 thru Section 505.150 listed in the attached Ordinance.

**Staff Comments**

In the interest in maintaining and enhancing the City's housing stock and in protecting the public's safety and quality of life, City Staff is implementing a new property maintenance program pertaining to residential occupancies. In order to do so, staff has proposed changes to the current Occupancy Regulations that include eliminating St. Louis County, all fees associated with St. Louis County, and will require an occupancy inspection at any change of owner or occupant.



City of Manchester  
14318 Manchester Road  
Manchester, Missouri 63011

(636) 227-1385

## **PUBLIC HEARING NOTICE**

**The City of Manchester Board of Aldermen shall hold a public hearing on Monday, January 15 at 7:00 p.m. at the Manchester Police Facility, 200 Highlands Boulevard Drive, to consider the following:**

**CASE #17-TXT-005 – Text Amendment – Article II of Chapter 505 of the Code of Ordinances of the City of Manchester regarding Section 505.040 through Section 505.190 pertaining to the Property Maintenance Code.**