

AN ORDINANCE PERTAINING TO RESIDENTIAL AND COMMERCIAL OCCUPANCY PERMITS, PROHIBITIONS AND STATING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

WHEREAS, the City of St. Mary needs to establish occupancy requirements for personal residences and commercial property prior to any change in occupancy to ensure that the properties are in a safe condition and serviced by the necessary utilities within the city limits;

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

SECTION 1. OCCUPANCY PERMIT REQUIRED

(a) Scope. Except as otherwise provided, it shall be unlawful for any person or family to occupy or for any owner or agent to permit the occupancy of any dwelling, dwelling unit or addition thereto, or part thereof, for any purpose until an occupancy permit has been issued by the issuing official. For the purposes of this ordinance, the City Collector shall be deemed the issuing official. The occupancy permit shall not be issued until the applicant has provided to the City Collector receipt for payment of hookup for electric, gas, water and sewer. The occupancy permit shall state that the address complies with all of the provisions of this article.

(b) Fee. There shall be no fee for the occupancy permit.

(c) Report change of occupancy. Every dwelling unit in which a change of occupancy is to occur must be reported by the owner to the City Collector. Failure to make such a report shall constitute a violation of this article, and the person responsible for the failure shall be subject to the penalties of this article.

(d) Responsibilities of real estate brokers. All real estate brokers and agents and similar businesses and owners of multiple-family dwelling units shall report each dwelling unit that is to change occupancy as defined in this article. Failure to register or make such a report shall constitute a violation of this article, and the person responsible for the failure shall be subject to the penalties of this article.

(e) Request for Occupancy Records. Every owner and managing agent of a multiple-family dwelling shall, upon request of the enforcement official, make available receipt for electric, gas, water and sewer services.

(f) Application. It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit for a dwelling or non-residential unit. The issuing official shall examine or cause to be examined all applications for permits within a reasonable time after filing. If the issuing official is satisfied that all

utilities are in service, the issuing official shall issue the occupancy permits as soon as possible.

(g) Rejection of application. If the applicant does not provide receipt for electric, gas, water and sewer the permit shall not be issued and the address cannot be occupied.

(h) Revocation of permit. The issuing official shall revoke a permit in case of any false documentation or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to the Dangerous Building Ordinance.

SECTION 2. DEFINITIONS

Occupancy Permit: A certificate of occupancy issued under the provisions of this Ordinance.

SECTION 3. UTILITIES

It shall be unlawful for any person to occupy a personal or commercial dwelling without the proper utilities being electric, gas, water and sewer.

SECTION 4. VIOLATIONS

It shall be unlawful for any person to violate any provision or section of this ordinance, and the person responsible for the failure or violation shall be subject to the penalties of this article.

SECTION 5. PENALTY

Any person in violation of any section of this ordinance shall be fined in amount not to exceed five hundred dollars (\$500.00).

SECTION 6. This ordinance shall be in full force and effect from its passage and approval.

SECTION 7. All ordinances or parts of ordinances in conflict with this ordinance shall be, and the same are hereby repealed insofar as they may be in conflict.

SECTION 8. The validity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part of parts.

Passed and approved this the 11th day of October, 2005.


MAYOR SCOTT J. GIBBAR

ATTEST:


CITY CLERK JOANN E. DONZE

<u>ALDERMAN</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gloria Bader	x			
Robert Bequette	x			
Lyla Bova	x			
Roger Odem	x			

I, JoAnn E. Donze, Clerk of the City of St. Mary, Missouri, do hereby certify that the foregoing ordinance was duly read and adopted by the Board of Aldermen at a regular meeting so convened on this the 11th day of October, 2005.



CITY CLERK JOANN E. DONZE