

AN ORDINANCE REPEALING ARTICLE XI OF CHAPTER 15 OF THE CITY CODE REGARDING ROOMS TO LEASE, LET, HIRE OR RENT, AND ENACTING A NEW ARTICLE XI OF CHAPTER 15 REGARDING RESIDENTIAL RENTAL LICENSING

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. Article XI of Chapter 15, of the Code of Ordinances of the City of Cape Girardeau, Missouri, relating to Rooms to Lease, Let, Hire or Rent, containing Sections 15-336 through 15-339, reading as follows:

Sec. 15-336 - License required; fee.

All persons who house college students and other persons who have rooms to let, lease, hire or rent, and all such persons who own such property, shall procure annually a license from the city clerk. Such license shall cost one dollar (\$1.00) per year.

Sec. 15-337. - Application for license.

The application for a license required by this article shall be in the following form:

APPLICATION BY OWNER OR POSSESSOR OF CAPE GIRARDEAU REAL ESTATE TO LEASE OR RENT ROOMS FOR HIRE

- (1) Name _____
 - (2) Location of property _____
 - (3) Name and address of property owner _____
 - (4) Number of rooms in home rented or for rent, lease, let or hire _____
 - (5) Number of persons occupying or to occupy the foregoing rooms _____
 - (6) Number of persons occupying the foregoing rooms _____
-
- A. With automobiles _____
 - B. With motorcycles _____

C. Other forms of motor vehicles _____
(7) Number of off-street parking spaces provided
for persons occupying or to occupy the foregoing
rooms

_____.

I agree that authorized personnel of the City of
Cape Girardeau and State of Missouri at reasonable
times may inspect my property for purposes of determining
health, fire, electric, plumbing and other factors
affecting the safety and welfare of those persons who
occupy the premises described herein.

I certify that the foregoing answers are true and
correct according to my best information and belief.

Applicant _____
Address _____
Telephone Number _____

Sec. 15-338. - Form of license.

The license issued under this article shall be in
the following form:

City of Cape Girardeau
Cape Girardeau, Missouri

TO WHOM IT MAY CONCERN:

Know ye, that _____ (applicant) _____
having on the _____ day of
_____/_____/_____, 19_____,
paid to the City Clerk of the City of Cape Girardeau,
Missouri, the sum of ONE DOLLAR, being the license tax
levied upon such applicant, the said _____
(applicant) _____ is hereby authorized and
empowered to house college students and to rent, let,
lease or hire rooms for rent at _____ (address)

_____, Cape Girardeau, Missouri, for one year from the date of this license.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of said city at Cape Girardeau, Missouri.

	_____ City Clerk
(SEAL)	
Dated: _____	

Sec. 15-339. - Penalty for violation.

Any person, whether owner of the licensed premises or the holder of the license, who violates any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense. Every day thereafter that any such person shall violate any term or provision of this article shall be deemed to be a separate offense.

are hereby repealed in their entirety, and new Article XI of Chapter 15 of the City of Cape Girardeau, Missouri, containing Sections 15-336 through 15-352 is hereby enacted in lieu thereof, in words and figures, to read as follows:

Sec. 15-336 - Definitions.

Words or phrases in this Article shall be interpreted so as to give them the same meaning as they have in common usage. However, for the purpose of this Article, the following terms shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Approved. Accepted by the code official.

Building. A roofed and walled structure built for use as a dwelling.

City. The City of Cape Girardeau, Missouri.

City Manager. The City Manager or his or her designee.

Code official. Officer or other designated authority charged with the administration and enforcement of this ordinance.

Duplex. A building containing two dwelling units.

Dwelling. A building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings and multiple-family dwellings but not including hotels or motels.

Dwelling unit. A single residential dwelling, or portion thereof, that is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

Existing Structure. A structure existing prior to the effective date of this ordinance.

Family.

- (1) One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit, plus up to two (2) domestic servants; or
- (2) Three (3) or fewer unrelated persons, including any domestic servants, living as a single housekeeping unit; or
- (3) Two (2) unrelated persons, plus their biological, adopted or foster children or other minors, for whom they have legally established custodial responsibility, plus up to two (2) domestic servants, living as a single housekeeping unit.

The term "family" shall not be construed to mean a fraternity, sorority, club or institutional group.

Flush water closet. A toilet bowl flushed with water with a water-sealed trap.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and

consumption of food.

Habitable building. A dwelling or dwelling unit that meets the general requirements as stated in Section 11 for use as a home or place of abode by one or more persons.

Habitable room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without floor covering, ceiling covering, wall finish, required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than fifty square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

Heated water. Water heated to a temperature of not less than one hundred twenty degrees Fahrenheit measured at faucet outlet.

Inspector(s). Code inspectors, fire marshal, fire inspector, police officers or any other person as authorized by the City Manager.

Kitchen. A space containing a sink and counter space sized for food preparation, with adequate space for cooking and refrigeration equipment and storage of cooking utensils.

Multiple-family dwelling. A dwelling containing three or more dwelling units.

Occupant. Any person who lives in a dwelling unit.

Operator. The owner or agent who has charge, care, control, or management of a building, or part thereof, in which dwelling unit or rooming units are let.

Owner. Any person having legal possession of, charge of, care or control of any dwelling or dwelling unit within the city. Any such person representing the actual owner shall be bound to comply with the provisions of this ordinance to the same extent as the owner.

Permissible Occupancy. The maximum number of persons that

can legally occupy a dwelling or dwelling unit.

Person. An individual, firm, partnership, association, limited liability corporation, limited liability company, corporation or joint venture or organization of any kind.

Plumbing. Any or all components of a system designed to convey liquids or gases.

Premises. A parcel, portion of a parcel, or group of parcels under common ownership.

Public hall. A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.

Refuse. All putrescible and nonputrescible waste solids including garbage and rubbish.

Rental or rented dwelling or dwelling unit. A dwelling or dwelling unit let or intended to be let for rent or lease.

Repair. To restore to a sound and acceptable state of operation, serviceability or appearance.

Rodent harborage. Any place where rodents can live, nest or seek shelter.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

Substandard dwelling. Any dwelling which does not conform to the general requirements established by this ordinance.

Supplied. Paid for, furnished by, provided by or under the control of the owner, operator, or agent of a dwelling.

Unit. A family occupancy or a bedroom of a facility, a boarding house, or a dwelling.

Meaning of certain words - whenever the words "dwelling," "dwelling unit," "premises," or "structure" are used in this Article, they shall be construed as though they were followed by the words "or any part thereof."

Sec. 15-337 - Fee and license required.

It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, lessee, agent or manager within the City, any rental dwelling unit without paying all applicable fees and obtaining a license as provided in this ordinance. This ordinance shall not apply to hospitals, nursing homes or other rental units used for human habitation which offer or provide medical or nursing services or hotels, motels and dormitories if such units are subject to other City, State or Federal licensing or regulations concerning the safety of the users, patients or tenants.

Sec. 15-338 - Applicability to existing dwelling units.

Within six months after the effective date of this ordinance, the owner of each rental dwelling unit existing on the effective date shall apply to the City Manager or his designee for a license on a form to be supplied by the City and containing such information as necessary to administer and enforce the provisions of, and to insure compliance with, the provisions of this ordinance.

Sec. 15-339 - Issuance of license.

Upon completion of the application process, if the code official finds the requirements of this ordinance have been met for the issuance of a license, a license shall be issued. If the code official finds that the requirements of this ordinance have not been met, a written denial specifying the defects shall be transmitted to the applicant.

Sec. 15-340 - Renewal of License.

The landlord license shall be renewable annually on the anniversary date of issuance. Licensees shall have a 30 day grace period following the anniversary date to renew the license without a late fee. Licenses will expire on day thirty-one following the anniversary date. A late fee shall apply upon expiration of thirty-one (31)

to sixty (60) days and upon expiration of 61 to 90 days as established by the city fee schedule, as amended.

Sec. 15-341 - Expiration of license.

A licensee whose license has expired longer than ninety (90) days shall be required to apply in the same manner as the required initial application under this Article.

Sec. 15-342 - Availability of license.

Licenses issued under this Article shall be produced on the request of a tenant or prospective tenant, and shall be available at reasonable times for public inspection.

Sec. 15-343 - Fees.

The annual fee for landlord licensing shall be payable at the time of application or renewal in addition to any late fees imposed. The amount of the fees charged shall be established by the city fee schedule, as amended.

Sec. 15-344 - Application; Condition in Lease

Every building and its premises, or an accessory structure thereof, used in whole or in part as a rented dwelling or dwelling unit for a single family or person, and every building used in whole or in part as a rented dwelling or dwelling unit of two or more persons or families each living in a separate unit shall conform to the requirements of this ordinance, irrespective of when such building may have been constructed, altered or repaired. A provision that the landlord is required to be licensed by the terms of this Article shall be contained as a condition, either expressed or implied, in all applicable residential leases.

Sec. 15-345 - General requirements.

No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the city, including the following requirements:

- (1) Maintenance of shared or public areas:
Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof provided, however, a tenant or tenants may assume that responsibility;
- (2) Maintenance of occupied areas:
Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part of those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls;
- (3) Pest extermination: every owner of a dwelling or dwellings shall be responsible for the extermination of vermin and rodents on the premises. No occupant of a dwelling or dwelling unit shall accumulate fire wood, rubbish, boxes, lumber, scrap metal or any other materials in such manner that may provide a rodent harborage in or about any dwelling or dwelling unit; stored materials shall be stacked neatly and safely;
- (4) Sanitary fixtures and appliances: Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof;
- (5) Minimum heating and maintenance: Every dwelling unit shall have a source of heat capable of maintaining a temperature of at least sixty-eight degrees (68°) Fahrenheit at a distance of three feet above the floor in all habitable rooms, bathrooms and water closet compartments from September through May;
- (6) Minimum exterior lighting: The owner of every dwelling shall be responsible for providing and maintaining effective illumination at or near the entrances of the dwellings;
- (7) Minimum standards for food preparation,

cooking equipment, and associated facilities:
Every dwelling unit shall have a space in which food may be prepared and cooked, which shall have adequate ventilation and which shall be equipped with the following;

- (a) A kitchen sink in good working condition, connected to an approved water supply including hot and cold water and also connected to an approved sewer system;
 - (b) Cabinets or shelves, for the storage of eating, drinking and cooking equipment and utensils;
 - (c) Adequate space and hook-ups shall be provided for a stove, or similar device for cooking food and a refrigerator, or similar device;
- (8) Toilet facilities: Within every dwelling unit there shall be a room which affords privacy to anyone within said room and which is supplied with a flush toilet in good working condition, connected to an approved water and sewer system;
- (9) Lavatory sink: Within every dwelling there shall be a lavatory sink; said sink may be in the same room with the flush toilet or if located in another room, the sink shall be placed in close proximity to the door leading directly into the room containing the flush toilet; said lavatory sink shall be connected to an approved water system with both hot and cold water and also connected to an approved sewer system;
- (10) Bathtub or shower: Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said tub or shower can be in the same room with the flush toilet or in another room, shall be properly connected to an approved water system with hot and cold water and connected to an approved sewer system;

Every dwelling unit and all public and common areas shall comply with Section 604 and Section 605 of the 2009 International Property Maintenance Code.

- (18) Exterior: foundations, exterior walls and roofs: The foundation shall adequately support the building at all points. Every exterior wall shall be free of deterioration including holes, breaks, loose or rotting boards or timbers and any other thing that might admit rain or dampness to the interior portion of the walls. The roof shall be tight and have no defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness to interior walls. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective coverings or treatment. If the exterior surface of such a wood structure is unpainted or unprotected or is determined by the code official to be paint-blistered, it shall be painted or other acceptable covering applied;
- (19) Windows and doors: Every window and exterior door shall be substantially tight in the closed position and shall be kept in operable condition and repair;
- (20) Floors, interior walls, ceilings: Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be free of large holes, large cracks and loose plaster and shall be maintained. Paints or materials remain toxic after being applied and after drying or hardening shall not be used. Every toilet room and bathroom floor surface shall be acceptable of being easily maintained in a clean and sanitary manner;
- (21) Safe buildings: Every foundation, roof, floor, exterior wall, interior wall, ceiling inside and outside stairways, every porch, balcony and

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every attachment thereto, shall be safe to use and capable of supporting loads that may be anticipated to be placed on them in normal use;

- (22) Limitation on occupancy per dwelling unit: Not more than one family, except for temporary guests, shall occupy a dwelling unit, unless otherwise authorized by the zoning ordinance;
- (23) Occupancy of bedrooms: In every dwelling unit, every bedroom occupied for sleeping purposes shall have a minimum floor area of seventy square feet. Rooms or areas of unfinished basements shall not be used as bedrooms;
- (24) Smoke Detector: Owners of all buildings which fall under this ordinance shall provide a minimum of one approved single-station smoke detector in the sleeping area. When activated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit. Common areas including hallways, stairways and laundry areas shall have one approved single-station smoke detector.

Sec. 15-346 - Enforcement and inspection authority.

- (1) The City Manager or his designee shall enforce the provisions of this ordinance and is hereby authorized to make inspections when reason exists to believe that a violation of this ordinance has been or is being committed.
- (2) Inspection access: If initial request made to the owner, occupant or other person in charge of a dwelling or a dwelling unit fails or refuses to allow free access and entry to the structure or premises under his control for any inspection pursuant to this ordinance the code official will notify the owner, occupant, or other person in charge of the dwelling or dwelling unit in writing. If free access and entry to the structure or premise under his control for any inspection pursuant to this ordinance, then the code official may seek a search warrant or other appropriate court order

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authorizing such inspections ~~and~~ may suspend such license until entry and inspection is allowed.

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Sec. 15-347 - Notice of violation.

Whenever the code official determines that any dwelling or dwelling unit or the premises surrounding any of these fails to meet the requirements set forth in this ordinance, he shall issue a notice setting forth the alleged failure and advising the owner, operator, or agent that such failure must be corrected. This notice shall:

- (1) Be in writing;
- (2) Set forth the alleged violations of this Article;
- (3) Describe the dwelling, dwelling unit or other premises where the violations are alleged to exist or to have been committed;
- (4) Provide a reasonable time not to exceed nine (9) months for the correction of any alleged violations; and
- (5) Be served on the owner, occupant, operator and/or agent of the dwelling or dwelling unit personally, or by certified mail, addressed to the last known place of residence of the owner, operator or agent. If upon a diligent effort to locate the owner, occupant, operator or agent, none can be found, notice may be posted on or near the dwelling, dwelling unit or premises described in the notice.

Sec. 15-348 - Suspension or revocation.

A license may be suspended upon a finding by the code official that the licensee has received three (3) or more violations. The code official shall give written notice to the license holder of the violations of this ordinance. The suspended license shall be reinstated upon a determination by the code official that the license holder has complied with all the requirements of this ordinance. If a license has been suspended pursuant to the terms of this section, any dwelling units that are owned or operated by that license holder that are occupied, and that comply with the requirements of this

Article, may continue to be occupied by the current tenants during the period of suspension, but the license holder may not rent those dwelling units to any new tenants. In addition, such license holder may not rent any newly acquired dwelling units until the license has been reinstated.

In the event that a license holder has failed to correct the violations within ninety (90) days after written notice from the code official, or any extension granted by the code official, or has been convicted of two (2) or more violations of this ordinance, the license shall be revoked for a period of one (1) year. A reasonable extension shall be granted by the code official if the license holder has commenced formal eviction proceedings. If a license has been revoked, the license holder may not rent or continue to rent any dwelling units to any occupants during the period of revocation. The Code Official shall give written notice of any applicable suspension or revocation to the tenants involved by first class mail, postage prepaid, and sending such notice addressed to the "tenants" at the property address.

Sec. 15-349 - Secure unfit and vacated dwellings.

The owner, operator, or agent of a dwelling or dwelling unit which has been declared unfit for human habitation or which is otherwise vacant for a period of thirty days or more, shall make it safe and secure so that it is not hazardous to the health, safety or welfare of the public and does not constitute a public nuisance. Any vacant dwelling or dwelling unit with open and unguarded doors or windows shall be deemed to be a hazard to the health, safety or welfare of the public and a public nuisance within the meaning of this Section. Any dwelling or dwelling unit determined to be a dangerous building under Article VII of Chapter 7 of the City Code shall be deemed to be in violation of this Section.

Sec. 15-350 - Process of complaint.

Complaints may be made to the code official in writing, by email, telephone call or other acceptable means.

Sec. 15-351 - Appeal to City Manager.

Any person aggrieved by any decision of the code official may appeal the decision within ten (10) days to the City Manager.

Sec. 15-352 - Penalty.

Except as otherwise provided in this Section, any person violating the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each and every day that such violation continues, or by imprisonment in the city jail for not more than three (3) months, or by both such fine and imprisonment.

ARTICLE 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 3. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

Harry E. Rediger, Mayor

ATTEST:

Gayle L. Conrad, City Clerk