

CITY OF GRANDVIEW

BILL NO. 7381

ORDINANCE NO. 7129

AN ORDINANCE AMENDING ARTICLE XII (RESIDENTIAL RENTAL PROPERTIES) OF CHAPTER 6 OF THE CODE OF LAWS OF THE CITY OF GRANDVIEW, MISSOURI, TO ESTABLISH A PROGRAM FOR INSPECTION OF RESIDENTIAL RENTAL AND NON-OWNER OCCUPIED PROPERTIES.

WHEREAS, Article XII (Residential Rental Properties) of Chapter 6 Buildings of the Code of Laws (“Code”) of the City of Grandview, Missouri (“City”) requires that owners of residential rental and non-occupied properties register their properties with the City; and

WHEREAS, the Board of Aldermen of the City (“Board”) deems it to be in the best interest of the City to amend Article XII of Chapter 6 of the Code to require that residential rental and non-occupied properties be inspected upon change of occupancy; and

WHEREAS, the Board conducted public hearings on November 27 , 2018 and January 8, 2019 to allow members of the public, including owners and tenants of residential rental and non-occupied properties, to testify regarding the proposed inspection program; and

WHEREAS, after considering the testimony taken at the public hearings, the Board finds that establishment of the inspection program will protect the public health, safety and general welfare of both residents of residential rental and non-occupied properties as well as the public at large.

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

Section 1. Article XII, Chapter 6 of the Code of Laws Amended. Ord. No 6252, Sections 1 through 7, and subsequent amendments thereto, codified as Article XII (Residential Rental Properties) of Chapter 6 Buildings of the Code of Laws (“Code”) of the City of Grandview, Missouri, is hereby amended in its entirety to read as follows:

ARTICLE XII - RESIDENTIAL RENTAL AND NON-OWNER OCCUPIED PROPERTIES

Sec. 6-101. - Purpose.

It is the purpose and intent of the board of aldermen, through the adoption of this article, to:

- (1) establish a residential rental and non-owner occupied property registration program as a mechanism to communicate with owners of residential rental and

non-owner occupied properties in the City for all purposes, including building Code enforcement; and

- (2) protect the public health, safety, and general welfare of residents of residential rental and non-owner occupied properties in the City by establishing minimum standards for residential rental and non-owner occupied properties; and
- (3) provide mechanisms for the enforcement and administration of the Code of Laws of the City to ensure that the above purposes are accomplished.

Sec. 6-102. – Savings Clause.

If any section, subsection, paragraph, sentence, clause or phrase of this article should be declared invalid for any reason whatsoever, the remaining portions of this article shall remain in full force and effect. The provisions of this article are not intended to replace or modify standards otherwise established in the Code of Laws or elsewhere for the construction, replacement or repair of buildings unless such standards are in conflict with the provisions of this article. In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or Code of the City existing on the effective date of this article, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. 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.

Sec. 6-103. - Definitions.

For purposes of this article, certain words and phrases are defined as follows:

The City: the City of Grandview, Missouri.

Director: the director of community development of the City or his designee.

Dwelling: Any building or portion thereof containing one (1) or more dwelling units, but not including motels, hotels, rooming or boarding houses, institutions, or convalescent or nursing homes.

Dwelling unit: A building or portion of a building which is exclusively arranged, occupied, or intended to be occupied as living quarters for one family; a separate, independent living quarter consisting of one or more connected rooms with permanently installed bathroom and kitchen facilities.

Enforcement official: The official designated herein or otherwise charged with the responsibilities of administering this article or his authorized representatives.

Interior maintenance standards: Standards of maintenance of the inside elements of dwelling units only where the owner does not reside.

Local or locally: within forty-five (45) road/driving miles distance from the City's corporate limits.

Local agent: an adult person residing locally or maintaining a local business office and designated by the owner(s) of a residential rental and non-owner occupied property for purposes of accepting notice, service of process, or other communication from the City on behalf of the owner(s) and for otherwise ensuring compliance with the requirements of this article.

Minimum standards: The least quality admissible by this article.

Non-owner occupied: the property/dwelling is used by the owner as their primary address for less than six (6) months during the calendar year.

Occupant: Any person living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit with permission of the owner.

Owner: any person, agent, operator, entity, firm or corporation having any legal or equitable interest in the property; or recorded in official records of the state, county or municipality as holding an interest or title to the property; or otherwise having possession or control of the property, including guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, whether or not such interest is recorded in the Jackson County, Missouri, recorder's office.

Person: A corporation, firm, partnership, association, organization and any other group acting as a unit as well as any individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this article prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

Premises: A lot, plot or parcel of land or any part thereof, including the buildings or structures thereon.

Public nuisance: Includes the following:

- (1) The physical condition or use of any premises regarded as a public nuisance at common law; or
- (2) Any physical condition, use or occupancy of any premises or its appurtenances, considered an attractive nuisance to children, including but not limited to abandoned wells, swimming pools, shafts, basements, excavations, unsafe fences or structures, etc.; or
- (3) Any premises designated as unsafe for human habitation or use; or
- (4) Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or
- (5) Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or
- (6) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; open, vacant or abandoned; damaged by fire to the extent as to not provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises; or
- (7) Any other condition defined as a nuisance in the Grandview Code of Laws.

Repair: To restore to a sound and acceptable state of operation, serviceability. Repairs shall be expected to last approximately as long as would be the replacement by new items.

Replace: To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is beyond repair.

Residential rental and non-owner occupied property: any contiguous real property situated in the City, under one (1) ownership, improved with one (1) or more buildings, each containing one (1) or more dwelling units, which are non-owner occupied, including premises rented or leased to the residential occupants thereof. This includes any real property being offered for sale, trade, transfer or exchange as "residential" whether or not it is legally permitted or zoned for such use.

Substandard: All structures which do not conform to the minimum standards established by this article or any other ordinance.

Workmanlike: Whenever the words "workmanlike state of maintenance and repair" or "workmanlike state of manner" are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

Sec. 6-104. - Registration of residential rental and non-owner occupied properties.

- (a) *Registration.* The owner or owners of any residential rental and non-owner occupied property located within the City shall register such property with the City on or before December 31, 2018. The director shall make registration forms available immediately. Failure of any owner to register before December 31, 2018, shall constitute a violation of this article.
- (b) *Properties.* An owner or owners submitting a residential rental and non-owner occupied property registration form may list multiple noncontiguous residential rental and non-owner occupied properties in the City under the same ownership on one (1) registration form.
- (c) *Duration.* Registrations required by this article shall be valid until December 31 of the registration year. Registrations submitted during 2018 shall be valid until December 31, 2019.
- (d) *Registration due date.* Beginning on January 1, 2020, and every succeeding year thereafter, all owners of residential rental and non-owner occupied property in the City shall submit the required registration form(s) to the City no later than December 31 of the previous year. Failure of any owner to register on or before December 31 shall constitute a violation of this article and penalties as defined by this article will be assessed.
- (e) *Required information.* In addition to any other information that the director may in his discretion require, all registrations required by this article shall contain the full legal name(s) of the owner or owners, the direct street/office mailing address of the owner(s) (no P.O. boxes), a phone number/fax number/cell phone and e-mail address (if applicable) for the owner(s), and any local property management companies responsible for maintenance of any of the residential rental and non-owner occupied properties listed on the registration form.
- (f) *Authorized agent.* If no registering owner resides locally or maintains a local business office, the owner(s) of all registered properties shall be required on the registration form to designate a local agent and to provide 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).
- (e) *Registration changes.* Any owner(s) that has registered one (1) or more residential rental and non-owner occupied properties under this article must report any change of information provided on any submitted registration form within thirty (30) days of the change, including a change in ownership of any listed residential rental property.

Sec. 6-105. - Registration fees.

Each annual residential rental and non-owner occupied property registration form submitted to the City shall be accompanied by a nonrefundable annual fee. The City shall assess registration fees based on the following schedule:

- One (1) to fifty (50) dwelling units: Twelve dollars (\$12.00) per dwelling unit.
- Fifty-one (51) to one hundred (100) dwelling units: Six hundred dollars (\$600.00), or eleven dollars (\$11.00) per dwelling unit, whichever amount is more.
- One hundred one (101) to one hundred fifty (150) dwelling units: One thousand one hundred dollars (\$1,100.00), or ten dollars (\$10.00) per dwelling unit, whichever amount is more.
- One hundred fifty-one (151) to two hundred (200) dwelling units: One thousand five hundred dollars (\$1,500.00), or nine dollars (\$9.00) per dwelling unit, whichever amount is more.
- Two hundred one (201) or more dwelling units: One thousand eight hundred dollars (\$1,800.00), or eight dollars (\$8.00) per dwelling unit, whichever amount is more.

Registration fees are non-transferrable. Any change of ownership of residential rental and non-owner occupied property shall be required to register within 30 days. Failure of any owner to register on or before the 30th day of possession shall constitute a violation of this article and penalties as defined by this article will be assessed.

Sec. 6-106. Retroactive Application; landlord-tenant relations.

- (a) *Applicability.* All residential rental and non-owner occupied properties shall conform to the requirements of this article irrespective of when such building or premises was constructed, altered or repaired. Nothing in this article shall be construed to require existing buildings or premises to comply with the requirements of the current building Code, electrical Code, plumbing Code, or mechanical Code; provided, however, that, after the effective date of this ordinance, repairing, reconditioning or remodeling of existing buildings shall be completed as required by this article. All residential rental and non-owner occupied properties shall meet Minimum Standards for Buildings (Grandview Code of Ordinances, Chapter 6, Article VIII "Minimum Standards for Buildings").

- (b) *Landlord-tenant relations.* Nothing in this article or its enforcement shall be construed in any way to affect landlord-tenant relations nor shall relieve the tenant of any implied contractual obligations with the landlord. Further, should the enforcement official order the maintenance or repair of an element of a structure, the property owner shall not remove said element unless the enforcement official has first determined that the removal of said element would not increase the rate of deterioration of said structure.

Sec. 6-107. - Maintenance requirements.

Residential rental and non-owner occupied properties shall be maintained, both internally and externally, in compliance with all federal, state and local laws and regulations, including, but not limited to Chapter 6, Chapter 14 and Chapter 16 of the Code of Laws of the City. Adherence to this section does not relieve the owner(s) or local agent of any obligations set forth in any covenants, conditions, restrictions or homeowners' association rules and regulations that may apply to the residential rental and non-owner occupied property.

Sec. 6-108. Minimum Standards for Buildings.

- (a) *Standards.* Rental and non-owner occupied properties shall meet the minimum standards for buildings (Grandview Code of Ordinances, Chapter 6, Article VIII "Minimum Standards for Buildings") or any additional standards required by the building official and/or his designated representatives.
- (b) *Supplemental standards.* The provisions of Chapter 6, Article VIII "Minimum Standards for Buildings" of the Code of Laws shall be supplemented by the 2012 International Property Maintenance Code. In the event of a conflict between this article, Article VIII, and the 2012 International Property Maintenance Code, the provisions of this article shall prevail.

Sec. 6-109. Inspections; certification; enforcement.

- (a) *Enforcement official.* For purposes of this article, the enforcement official shall be the building official and/or his designated representatives, whose duty and responsibility it shall be to enforce the provisions of this article.
- (b) *Inspection(s).* All residential rental and non-owner occupied properties are required to be inspected by the enforcement official when a change in occupancy of the residential rental and non-owner occupied properties occurs. Upon successful completion of inspection, the City will issue a residential rental and non-owner occupied inspection certificate. The initial inspection and first reinspection, if applicable, shall not be assessed a fee. The owner shall be assessed a hundred dollar (\$100.00) fee for each subsequent reinspection required to clear a violation.

- (c) *Certificate(s)*. A residential rental and non-owner occupied inspection certificate fee of twenty dollars (\$20) must be paid prior to receiving the residential rental and non-owner occupied inspection certificate. Residential rental and non-owner occupied inspection certificates shall be provided to the property owner or their agent by the enforcement official. Certificates shall not be issued until compliance with this article has been confirmed by the enforcement official and all applicable fees have been paid.
- (d) *Conditional certificate(s)*. A conditional residential rental and non-owner occupied inspection certificate may be issued by the enforcement official if, in his judgment, any deficiencies in structures covered by this article would not seriously endanger the health or safety of the occupants, a signed affidavit stating that the owner will correct deficiencies within a specified time and thus bring the structure into compliance with the provisions of this article, and payment of a twenty dollar (\$20) certificate fee. The prospective occupant may occupy the dwelling unit while repairs are being made with a signed agreement prior to occupying the property allowing any needed reinspection(s). At such time and within the period covered by the affidavit, if the dwelling complies with all provisions of this article, a residential rental and non-owner occupied inspection certificate be will issued as provided above.
- (e) *Permit duration*. Residential rental and non-owner occupied inspection certificate(s) shall be issued for a twelve (12) month period. Once issued, such permits shall be reapplied for with any new occupancy of the residential rental and non-owner occupied property. As a condition of renewal, said owner or his agent shall permit the enforcement official to inspect the property.
- (f) *Reoccupancy of permitted unit(s)*. Immediately upon and after receipt of notice pursuant to Section 6-109 (c), it shall be illegal for the owner or his agent to allow reoccupancy of the subject dwelling unit until a residential rental and non-owner occupied inspection certificate is issued pursuant to this section.
- (g) *Additional cause for inspection(s)*. Inspections may be initiated by the enforcement official under the following circumstances:
- (1) Where there is extensive deterioration of a building or dwelling; or
 - (2) When, on the basis of a complaint or personal observation, the enforcement official reasonably suspects that a building or dwelling has Code violations; or
 - (3) Where an inspection of a residential rental and non-owner property is required in conjunction with an improvement for which a permit has been

issued, the enforcement official is authorized to make further inspection to determine whether such dwelling unit conforms to the requirements of this article. Such inspection is subject to the consent of the owner unless an administrative search warrant is obtained.

(h) *Scheduling inspection(s)*. Property owners or an authorized agent shall contact the City to schedule inspections between periods of occupancy.

(i) *Non-inspected certificate(s)*. Properties will be inspected within four (4) days of a requested inspection with a signed lease. If the City is unable to complete an inspection within four (4) days, the City will issue a non-inspected residential rental and non-owner occupied inspection certificate. Owners are required to inform residents that the property was not inspected and the tenant may request a complete inspection within 15 days of the lease move in date. Inspection fees defined in this article will be assessed.

A non-inspected residential rental and non-owner occupied inspection certificate fee of twenty dollars (\$20) must be paid prior to receiving the non-inspected residential rental and/or non-owner occupied inspection certificate.

(j) *Access for purposes of inspections*. The enforcement official shall make or cause to be made inspections to determine the condition of all structures and premises governed by this article. The enforcement official may enter any structure or premises at any reasonable time for the purpose of performing his duties under this article, when given permission by the owner, occupant, operator, or person in charge of the structure or premises. In the event the owner, operator, occupant or person in charge shall refuse access to any structure or premises, the enforcement official may make application to the judge of the municipal court for an administrative search warrant.

(k) *Noncompliance with article; notice to be given*. Whenever the enforcement official finds evidence of a violation of any provisions of this article, he shall declare a Code violation and give notice of same to the person or persons responsible hereunder. Such notice shall be in writing and shall include a statement of each of the provisions of this article being violated together with a statement of the corrective action required to cure such violation. Such notice shall specify that the owner or his agent has the right to appeal the decision of the enforcement official to the Construction Code Appeals Board within thirty (30) calendar days. Such notice shall be served by delivering a copy to the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building as shown by the land records of the County Recorder of Jackson County, or, if any such person cannot be found, by placing a copy of the notice in the U.S. mail to the address of record, or if same cannot be delivered, by posting a copy of such notice in a conspicuous place in or

about the building affected by the notice. The notice shall be deemed served on the date mailed, or ten (10) days after posting as herein provided.

- (l) *Remedy of defects.* The owner of any building shall remedy the conditions specified in such notice prior to occupancy of the residential rental and non-owner property. The owner of any building shall remedy any common area conditions specified in such notice within the time designated by the enforcement official; however, the enforcement official may, at his discretion, extend the time for compliance with any such notice, with written request from the owner.
- (m) *Reinspection.* When the owner notifies the enforcement official that the defects have been brought into compliance, the enforcement official shall reinspect the building, dwelling, or accessory structure and its premises, taking particular notice whether the violations previously noted have been brought into compliance and whether any hazardous conditions have come into existence in the time which has elapsed since the first inspection. If the property is found to be in compliance and appropriate fees have been paid, the owner or his agent shall be given a notice of residential rental and non-owner occupied inspection certificate. If defects still exist, the owner or his agent shall be given a written listing such defects.
- (n) *Hearing; appeal.* Upon an owner's written request or the request of the enforcement official for an administrative hearing, the enforcement official shall notify the Construction Code Appeals Board, which shall call and have an administrative hearing upon the matter within twenty-one (21) days, giving written notice of the time, place and purpose of the hearing. If the hearing request is made by an owner, the written request shall be accompanied by a one-hundred-fifty dollar (\$150.00) appeal filing fee. At the hearing, any party may be represented by counsel, and all parties shall have an opportunity to be heard. A record shall be made of the hearing, witnesses shall be sworn, and the parties or their attorneys shall be allowed to cross examine opposing witnesses. After the hearing, if the evidence supports a finding that the building or structure violates the Code or is detrimental to the health or safety of any residents of the City, the Construction Code Appeals Board shall issue a written order making specific findings of fact and conclusions of law, based upon competent and substantial evidence, which shows the building or structure to be in violation of this article or to be detrimental to health or safety of any residents of the City, and ordering the building or structure to be repaired. If the evidence does not support a finding that the building or structure is a Code violation or detrimental to the health or safety of any residents of the City, no order shall be issued. Notice of any post-hearing orders shall be given in the same manner as notice of a noncompliance. The decision of the Construction Code Appeals Board may be appealed by a party aggrieved thereby to the Circuit Court of Jackson County pursuant to Chapter 546 of the Revised Missouri Statutes as a contested case.

- (o) *Performance of work by City; special tax bill.* If any order of the enforcement official is not obeyed and the Construction Code Appeals Board has held a hearing as provided for in Code Section 6-113(g) and no appeal of the decision of the Construction Code Appeals Board has been filed as provided for in Code Section 6-62(i), then the enforcement official may cause the building or structure to be repaired as provided for in the post-hearing order. Prior to the commencement of such action to repair said building or structure, the enforcement official shall provide a minimum thirty (30) day notice by delivering copies to the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building as shown by the land records of the County Recorder of Jackson County of the intent of the City of Grandview to cause the order of the Construction Code Appeals Board to be carried out and work to be done under the jurisdiction of the City. Once completed, the enforcement official shall certify the notice of Code violation and the cost for such repair to the finance director who shall cause a special tax bill therefore against the property to be prepared, filed and collected. Such tax bill, if not paid within thirty (30) days of its issuance, shall bear interest at the rate of eight (8) per cent per annum. At the request of the taxpayer, the bill may be paid in equal installments over a period of not more than three (3) years with approval of the board of aldermen upon determination by the board of an economic hardship. The tax bill shall be a lien on the property from the date the tax bill is delinquent until paid and shall bear interest at the maximum rate that the law will allow until paid.

Sec. 6-110. Landlord/tenant guide.

Landlord/tenant guide. Owners and agents of rented or leased dwelling units shall deliver to their tenants within sixty (60) days after the effective date of this ordinance and upon each subsequent change of occupancy thereafter, a Missouri Landlord-Tenant Law pamphlet provided by the State of Missouri Attorney General. For each guide delivered, the owner or agent shall obtain a receipt from each such tenant. Such receipts shall be available for inspection and copying by the enforcement official upon request at any reasonable time.

Sec. 6-111. Prosecution of violation.

Prosecution. In case any owner is found to be violating any provision of this ordinance by the enforcement official, he may issue a general ordinance summons for appearance in municipal court to answer for the Code violation. In addition, he may request the City attorney to institute an appropriate action or proceeding at law against the person or firm responsible for the failure to comply:

- (1) To enjoin the occupation of the rental unit not in compliance with the provisions of this article; and
- (2) To enforce the penalty provision of this article.

Sec. 6-112. - Penalties.

- (a) *Owner violation.* Any owner found to be violating any provision of this article shall be punished by a fine of not less than \$50.00, but not more than \$500.00 or by imprisonment of not more than 90 days or by both such fine and imprisonment.
- (b) *Additional penalties.* Every day that a violation continues shall be considered a separate offense, for which the violator may be arrested, tried and convicted without the necessity of further notice.
- (c) *Penalties.* Whenever the penalty is to be a fine or a fine and imprisonment, the fine shall be no less than the following minimum amounts:
 - (1) First violation \$50.00
 - (2) Second violation\$200.00
 - (3) Third violation \$300.00
 - (4) Fourth violation\$400.00
 - (5) Fifth violation and subsequent violations \$500.00

In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded, or been found guilty of, violating the same minimum standards at the same location.

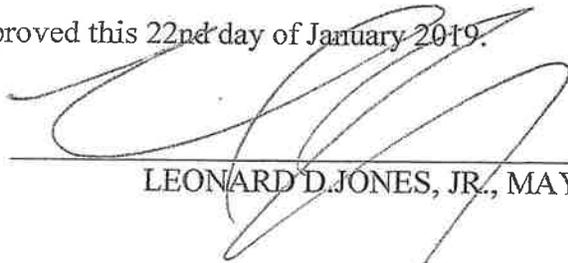
Sec. 6-113. Utility Company Notification.

Notification. For any month when there is a change of user of residential rate electric service within the City, Kansas City Power and Light shall notify the Chief Building Official of the changes, indicating the address and apartment number or unit number in whose name the service is connected or billed.

Section 2. Effective Date. This ordinance shall be in full force and effect from and after its passage.

Passed this 22nd day of January 2019.

Approved this 22nd day of January 2019.



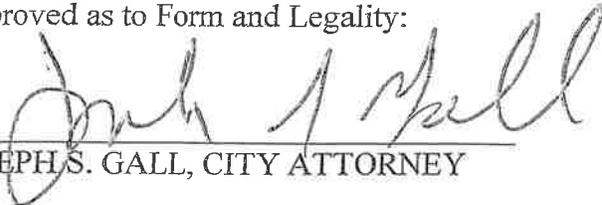
LEONARD D. JONES, JR., MAYOR

ATTEST:



BECKY SCHIMMEL, CITY CLERK

Approved as to Form and Legality:



JOSEPH S. GALL, CITY ATTORNEY



