

Introduced by: Mayor Hoskins

AN ORDINANCE AMENDING SECTION 500.170; RENT/LEASE PERMITS OF RESIDENTIAL RENTAL UNITS, BY ADDING NEW DEFINITIONS, FEES, AND SUBSECTIONS

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 Section 500.170, in the Berkeley Municipal Code, shall be amended to include the following:

DEFINITIONS

DWELLING: A structure or portion thereof, which is wholly or partly designed for or used for human habitation.

DWELLING UNIT: Two (2) or more rooms or part thereof in a structure usable for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

DWELLING, DUPLEX: A detached building designed for or occupied by two (2) families living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking in said building, including apartments, apartment hotels and group houses.

DWELLING, ONE-FAMILY: A detached building designed for or occupied exclusively by one (1) family.

OWNER: The owner of record of residential rental property, whether an individual(s), trust, partnership or corporation.

PUBLIC NUISANCE: Shall, include, but not be limited to, lewd and lascivious behavior, loud music and/or noises (Section 215.010), failure to maintain property (215.060, Ch. 510), graffiti (Section 210.351), garbage/rubbish/litter (Sections 235.015, 210.195, 215.010 (10)), tall weeds and grass (Section 215.010 (7)), property having physical conditions that threaten a person's health/safety/welfare (Section 505.020), having a dangerous building and/or conditions that threaten the physical health of a person (Sections 505.020), rodent and insect infestation (Section 540), having derelict vehicles and/or equipment (Section 215.050), grass clippings (Section 210.205), outside cooking (Section 210.060), recreational activity in street (Section 210.090), stagnant water (Section 215.030 (3)), leaves, brush must be bagged (Section 215.010 (15)), and moving at night (Section 210.330).

Section 2 Section 500.170 in the Berkeley Municipal Code shall be amended to remove fee of \$5.00 and add fee of \$25.00 for the second inspection and each additional re-inspection.

Section 3 There shall be a new subsection (B) (5) entitled "License Application/Amendment" in the Berkeley Municipal Code to state the following:

- A. Application for a license required by this Section shall be filed annually in the office of Finance Department by the earlier of:
1. January 31 of each calendar year for all residential rental property owned on January 1 of that year, or
 2. For residential rental property, prior to permitting any occupancy of or any offering thereof for rent/lease by the owner to the Director of Finance, shall set forth the name, street address, telephone number and a copy of identification of the owner of record of such residential property, signed thereby and shall list by street address each and every parcel of residential rental property owned by that owner that is located in the City of Berkeley. If the owner of said residential rental property wishes to designate an agent to be responsible for said property and to accept notices and process, then the owner of record shall designate said agent in the application together with the agent's name, street address and telephone number and the extent of the agent's authority to rent, manage and make expenditures of said property. The owner, property manager or authorized representative must reside within fifty (50) miles of the City of Berkeley. A Post Office box, e-mail address, mailing address, or long distance toll free (e.g., 800) numbers shall **not** be deemed sufficient to meet the provisions of this Article.
- B. In the event of any change of circumstances subsequent to the filing of an application that would result in a change in the information required by the application, the owner shall promptly file an amendment of such application on forms as specified by the Director of Finance.

Section 4 There shall be a new subsection (B) (6) entitled "Occupancy Prohibited" in the Berkeley Municipal code to state the following:

Unless and until the annual application is filed by the owner, together with all necessary accompanying documents, and all fees due hereunder are paid in full and all outstanding fines imposed by the Berkeley Municipal Court for any housing or Building Code violations by such owner are paid in full, no residential rental license shall be issued to such owner nor shall any new occupancy permit be issued for the occupancy of any parcel of residential rental property of such owner. Failure to obtain and maintain a valid residential rental license shall constitute grounds for the revocation or cancellation of all outstanding occupancy permits issued for any parcels of residential rental property of such owner associated with said rental license.

Section 5 Penalty: Any person violating any of the provisions of this Article or the Code adopted in this Article shall be deemed guilty of a misdemeanor where the court may impose fines or penalties.

Section 6 Codification: This Ordinance shall be codified and made part of the City of Berkeley Code of Ordinances.

Section 7 This Ordinance shall be in full force and effect from and after the date of its passage.

1st Reading this 03rd day of April 2017

2nd Reading this _____ day of _____ 2017

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2017

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___