

1 An Ordinance pertaining to a Citywide Housing Conservation Program; repealing earlier
2 adopted ordinances establishing housing conservation districts and regulations; enacting in lieu
3 thereof, an Ordinance pertaining to the same matter subject matter with provisions setting forth
4 the procedures, requirements, fees, regulations, inspections, issuance and revocation of
5 Certificates of Inspection for dwelling units; and containing a penalty clause and severability
6 clause.

7 **WHEREAS**, the City of St. Louis contains many aging residential properties, with
8 approximately ninety percent (90%) being built before 1978, that now require, and will continue
9 to require, improvements and maintenance in order to meet the minimum housing standards of
10 the City of St. Louis.

11 **WHEREAS**, the City of St. Louis first created Housing Conservation Districts in 1986 to
12 preserve the integrity of the residential housing and building structures in the City of St. Louis.

13 **WHEREAS**, seventy-five percent (75%) of the residential units in the City of St. Louis
14 are currently in the Housing Conservation District program and sixty-seven percent (67%) of
15 physical area of the City of St. Louis is in a Housing Conservation District.

16 **WHEREAS**, Housing Conservation Districts have been successful in sustaining and
17 improving the quality of residential housing and buildings in the City of St. Louis.

18 **WHEREAS**, the requirement of Certificates of Inspection as a prerequisite for the
19 occupation of any residential dwelling unit will serve as a valuable tool in the enforcement of the
20 minimum housing standards in the City of St. Louis.

21 **WHEREAS**, the requirement of Certificates of Inspection will also assist in identifying
22 lead contaminated residences and, thus, preventing childhood lead poisoning.

1 **WHEREAS**, the lead safe community believes that the City can provide a safer and
2 healthier environment for children by placing the entire City of St. Louis under a Housing
3 Conservation Program.

4 **WHEREAS**, it is desirable and prudent for the health and safety of the City of St. Louis
5 to create a Citywide Housing Conservation Program.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

7 **SECTION ONE.** Ordinance Nos. 60632, 60677, 60733, 60734, 60798, 60853, 60929, 61178,
8 61180, 61293, 61545, 61845, 62195, 62335, 62404, 62449, 62561, 62780, 62876, 62879, 62887,
9 62925, 62927, 63003, 63113, 63121, 63175, 63401, 63657, 64283, 64400, 64456, 64543, 64544,
10 64677, 64842, 65499, 65640, 65712, 65743, 65949, 66704, 66977 and 67043 are hereby
11 repealed as of the effective date of this Ordinance, January 1, 2009, and the following is hereby
12 enacted in lieu thereof:

13 **SECTION TWO.** 25.56.010 Citywide Housing Conservation Program.

14 All areas within the legal boundaries of the City of St. Louis are hereby placed under the
15 Citywide Housing Conservation Program to be administrated and regulated by the provisions and
16 requirements herein and implemented pursuant to Section Seventeen of this Ordinance.

17 **SECTION THREE.** 25.56.020 Definitions.

18 A. "Code Official" as used in this Ordinance means the Building Commissioner or a duly
19 authorized representative.

20 B. "Condemnation for Occupancy" means an order issued by the Code Official, prohibiting any
21 person from occupying the dwelling unit specified in such order until it has been revoked, and
22 further preventing anyone from being present on such premises except for the purpose of
23 cleaning up and/or making repairs to the premises.

1 C. "Dwelling Unit" means single family homes and any single unit in a multi-family dwelling
2 which provides complete independent living facilities for one or more persons, including
3 permanent provisions for living, sleeping, eating, cooking, and sanitation.

4 D. "Owner" means any person, agent, operator, firm, corporation or any other legal entity having
5 a legal or equitable interest in the property; or recorded in the official records of the City of St.
6 Louis as holding title to the property; or otherwise having control of the property, including the
7 collector of rent or the guardian of the estate of any such person, the executor, personal
8 representative, administrator of the estate of such person, or bankruptcy trustee.

9 **SECTION FOUR.** 25.56.030 Code Official to Enforce Ordinance.

10 The Code Official shall implement the requirements of this Ordinance.

11 **SECTION FIVE.** 25.56.040 Certificate of Inspection Requirements.

12 A. It shall be unlawful for any person, firm, partnership, corporation, or any other legal entity to
13 occupy or permit the occupancy for any purpose or collect the rent of any occupied dwelling unit
14 when a complete change of occupancy has occurred without first securing a Certificate of
15 Inspection for said dwelling unit.

16 B. It shall be unlawful for any person, partnership, firm, corporation or other legal entity to take
17 possession as a result of conveyance as it is reflected in the Office of the Recorder of Deeds, of
18 an occupied residential unit(s) without first securing a Certificate of Inspection for said unit(s).

19 C. Upon determining that a dwelling unit has undergone a complete change of occupancy or a
20 sale of the property as reflected in the Recorder of Deeds Office without first obtaining a
21 Certificate of Inspection, the Code Official shall serve notice on the owner of such dwelling unit,
22 by either first class mail or personal service that a Certificate of Inspection must be obtained

1 within thirty (30) calendar days of notification or unit will be condemned for occupancy and
2 must be vacated.

3 D. It is the responsibility of the owner or grantee to secure a Certificate of Inspection. It shall be
4 the responsibility of the owner or the owner's agent and/or the tenant to provide access to all
5 applicable areas subject to inspections as provided in this ordinance.

6 E. It shall be unlawful for the owner or owner's agent to require a prospective occupant to apply
7 or pay for any fee contained herein for a Certificate of Inspection.

8 F. If there is a change in occupancy or ownership of a dwelling unit(s) within twelve (12)
9 months of the date of issuance of a Certificate of Inspection for that unit(s), a new Certificate of
10 Inspection shall not be required.

11 **SECTION SIX. 25.56.050 Certificate of Inspection—Issuance.**

12 A. If the unit is available for inspection by the City, the City shall inspect the unit within (7)
13 working days from date of application for Certificate of Inspection unless owner approves a
14 longer time. Failure of City to make inspection within said seven days does not waive
15 requirements of Certificate of Inspection.

16 B. The Certificate of Inspection will be issued for the proposed or actual dwelling unit and
17 premises that comply with the exterior provisions of the International Property Maintenance
18 Code, the Zoning Ordinance of the City of St. Louis, and the requirements of Exhibit "A" of this
19 Ordinance, which is attached hereto and made a part hereof.

20 C. The Certificate of Inspection may be issued for the proposed or actual dwelling unit(s) and
21 premise(s) that comply with the Zoning Code of the City of St. Louis and the requirements of
22 Exhibit A and are in substantial but not complete compliance with the exterior provisions of the
23 International Property Maintenance Code as determined by the Code Official, but said building

1 must meet total compliance within thirty (30) calendar days after the date of issuance. When total
2 compliance is not practical or feasible within the specified time period, extensions to the
3 aforementioned compliance period may be granted at the discretion of the Code Official.

4 D. No Certificate of Inspection can be issued when the dwelling unit(s), building or the
5 premise(s) is in such condition as to warrant condemnation or when there are found to be
6 conditions existing that may imminently and adversely affect the health, safety and welfare of
7 the actual or proposed occupants.

8 E. When long term rehabilitation work is in progress with required building permits being
9 issued, a portion of that building may be occupied if that portion meets the requirements of
10 Exhibit "A" and the exterior portion of the building is in compliance with the International
11 Property Maintenance Code. That portion of the building that meets the requirements will be
12 inspected and a Certificate of Inspection with an occupancy load will be issued for that area only.
13 Additional areas will be required to be inspected after rehabilitation work is completed and
14 before those areas become occupied. A new application must be filed for these additional areas.

15 **SECTION SEVEN. 25.56.060 Certificate of Inspection—Issuance—Exceptions.**

16 A. The provisions of this Ordinance pertaining to the issuance of a Certificate of Inspection shall
17 not apply to changes in building ownership nor to tenancy changes in individual dwelling units
18 in lawfully licensed residential and/or nonresidential buildings, nor to lawful occupancies
19 existing at the time of the effective date of the ordinance codified in this Ordinance.

20 B. The provisions of this Ordinance shall not apply to a change of ownership of any occupied
21 residential and/or nonresidential building which the buyer either thirty (30) calendar days prior to
22 purchase or within seven (7) calendar days after purchase delivers a notarized statement to the
23 Code Official that the buyer will cause said building to be demolished within six (6) months after

1 purchase. Failure to provide the notarized statement to the Code Official within this time period
2 will require the owner to comply with the provisions of this Ordinance. The provisions of this
3 Ordinance shall not apply to a change of ownership of one- or two-family dwellings as a result of
4 inheritance or a transfer of title to a first degree relative.

5 **SECTION EIGHT. 25.56.070 Certificate of Inspection--Fees.**

6 A. Fees for a Certificate of Inspection prior to occupancy when the application for inspection is:

7 1. General inspection of exterior of building and all common areas and premises plus one
8 dwelling unit is \$70.00. Each additional dwelling unit included in the General Inspection, if
9 inspection is performed within the same building and on a common date is \$25.00 per each
10 additional dwelling unit.

11 2. As noted above, general inspection of exterior of building and all common areas and premises
12 plus one dwelling unit is \$70.00. An owner may apply for Certificates of Inspection for several
13 dwelling units located in different buildings. The fee for each additional dwelling, up to three (3)
14 units regardless of location will be \$25.00 per unit above and beyond the initial fee of \$70.00
15 provided, however, that to qualify for this reduced fee, the owner must apply for all of the
16 Certificates of Inspection at the same time, all of the dwelling units must be available for
17 inspection on a common date and all of the buildings in which the dwelling units are located
18 must have the same owner according to the records in the office of the Recorder of Deeds.

19 B. The fee for a Certificate of Inspection per unit which is unlawfully occupied shall be as
20 follows:

21 1. \$110.00 per unit.

22 C. Major rehabilitation of dwelling units pursuant to interior floor plans for each level, and site
23 plans approved by the Building Division as well as newly constructed units having been certified

1 as completed in accordance with the codes and ordinances of the City of St. Louis will be issued
2 original Certificates of Inspection as described herein at no charge after construction completion
3 and Building Code compliance certification.

4 **SECTION NINE.** 25.56.080 Reinspection of Premises for Which Valid Certificate of
5 Inspection Exists.

6 A. After the issuance of the Certificate of Inspection for a dwelling unit, or multiple dwelling
7 units in the same building, the Code Official may require reinspection, pursuant to the provisions
8 of this Section. The Code Official may require reinspection where he has reasonable cause to
9 believe that the dwelling unit(s) to be reinspected, and/or the building in which the unit or units
10 are located, no longer comply with the standards for issuance of a Certificate of Inspection.

11 Reasonable cause to conduct a reinspection shall include, but not be limited to: (1) damage to the
12 building in which the dwelling unit to be reinspected was impacted by wind, fire, earthquake, an
13 Act of God, or by man-made causes that jeopardize the health and safety of the occupants; (2) a
14 complaint made by a resident of the dwelling unit to be reinspected; or (3) a documented
15 complaint of the existence of conditions not in compliance with standards for issuance of a
16 Certificate of Inspection from someone other than the resident, including, but not limited to,
17 police officers and inspectors employed by the Division of Building and Inspection or other City
18 agencies. No reasonable cause shall be necessary to conduct a reinspection where an occupant of
19 the dwelling unit to be reinspected voluntarily permits the reinspection to be conducted.

20 B. If unit/s and/or common areas are not accessible for reinspection, a request for reinspection
21 shall be made in writing to the owner, owner's agent, and/or tenant designating the date and time
22 on which the reinspection shall be made, giving at least seven (7) days notice of the date on
23 which the reinspection is to occur.

1 C. If the Code Official determines, pursuant to subsection A of this section, that a dwelling
2 unit(s) should be reinspected, the owner, owner's agent and/or tenant shall be responsible for
3 providing access to the unit(s) and common areas for which a Certificate of Inspection has
4 previously been issued. If entry for reinspection of a dwelling unit(s) is denied by the owner,
5 owner's agent, and/or tenant, the Code Official may revoke the Certificate of Inspection for said
6 dwelling unit(s), condemn the unit(s) for occupancy, and require vacation of the unit(s).

7 D. Should the Code Official determine upon reinspection that a dwelling unit no longer
8 complies with the standards for issuance of a Certificate of Inspection, the Code Official shall
9 give the owner notice of the deficiencies found by the inspection. This notice shall specify that
10 such deficiencies must be corrected within thirty (30) calendar days of the date of notice. It shall
11 further state that if the deficiencies are not corrected within thirty (30) calendar days of the date
12 of the notice that the Code Official may revoke the Certificate of Inspection for such unit,
13 condemn it for occupancy, and order the unit vacated. The Code Official shall have authority to
14 grant extensions for completion of work necessary to eliminate deficiencies observed during a
15 reinspection where it is not feasible or possible to complete such work within thirty (30) calendar
16 days of the date on which the notice was issued. Notwithstanding the foregoing, if the Code
17 Official determines that a dwelling unit, or the building in which such unit is located, is
18 condemnable pursuant to the provisions of this ordinance or any other ordinances, the Code
19 Official shall have authority to condemn such unit or building pursuant to the provisions of this
20 code, without regard to the time limits specified above.

21 **SECTION TEN. 25.56.090 Condemnation for occupancy.**

22 A. Condemnation for Failure to Obtain Certificate of Inspection Prior to Occupancy.

1 1. The Code Official may condemn for occupancy any building or portion thereof when a
2 Certificate of Inspection has not been obtained thirty (30) calendar days after notification by the
3 Code Official.

4 2. The building or portion thereof shall remain vacated until such time that the Code Official has
5 issued a Certificate of Inspection.

6 3. The condemnation will be lifted after a Certificate of Inspection has been issued for the
7 building or any portion thereof that was previously condemned.

8 B. Condemnation for Conditions.

9 1. When the Code Official shall find any building or portion thereof to be in an extreme
10 unsanitary or unsafe condition or any condition that constitutes an immediate and serious fire
11 hazard and thus endangers the lives of any persons whether owners or occupants the Code
12 Official shall condemn for occupancy under the provisions of the City Condemnation
13 Ordinances.

14 2. Such notice shall clearly state the conditions causing the unsafe conditions thereof and shall
15 command the immediate vacation of the building or portions thereof.

16 3. The building shall be placarded and the building or portion thereof shall remain vacated until
17 a Certificate of Inspection has been issued for the condemned portion(s) by the Code Official.

18 C. It shall be the duty of the Police Department to cause removal of any person from such
19 building or portion thereof, so condemned, and to prevent any person from entering same.

20 D. Every dwelling unit or premises condemned for occupancy due to the condition of such
21 dwelling unit or premises must be issued a valid Certificate of Inspection prior to reoccupancy.

22 E. Notwithstanding any provision of this Ordinance to the contrary, no Certificate of Inspection
23 shall be reissued for a dwelling unit or premises which has been condemned for occupancy by

1 the Building Commissioner unless such dwelling unit or premises are in substantial compliance
2 with the exterior provisions of the International Property Maintenance Code and in full
3 compliance with the interior provisions of the International Property Maintenance Code and
4 Exhibit A.

5 **SECTION ELEVEN. 25.56.100 Change of Utility User—Notification.**

6 A. Upon change of user of residential electric or gas service, Union Electric company and/or
7 Laclede Gas Company shall notify the Code Official of the City of St. Louis in writing within
8 seven (7) business days of said change, indicating the address and apartment number, the
9 name(s) of electric or gas user(s) per service who has terminated said service and the names of
10 electric or gas user(s) per service and address and apartment number in whose name said service
11 is connected and billed.

12 B. It shall be unlawful for the owner of a dwelling unit not to inform any prospective purchaser
13 or grantee of the requirement to obtain Certificates of Inspection before occupancy as provided
14 in this Ordinance.

15 **SECTION TWELVE. 25.56.110 Previously Established Housing Conservation Districts.**

16 All Housing Conservation Districts which have been established pursuant to the provisions of
17 earlier ordinances and which are in existence on the effective date of this Ordinance shall remain
18 in existence until the effective date of this Ordinance. On July 1, 2008, these previously existing
19 Housing Conservation Districts shall thereafter be governed by and subject to the provisions of
20 this Ordinance, or Chapter, with regard to all future inspections, issuances and revocations of
21 Certificates of Inspection, condemnations for occupancy, fees, penalties and other procedures
22 and requirements. All actions taken prior to the effective date of this Ordinance, pursuant to the
23 provisions of previous ordinances pertaining to Housing Conservation Districts, including but

1 not limited to, inspections, issuances or revocations of Certificates of Inspections, condemnations
2 for occupancy, impositions and collections of fees and penalties, shall remain valid and in full
3 force and effect unless and until they are specifically rescinded or superseded by actions taken
4 pursuant to this Ordinance.

5 **SECTION THIRTEEN.** 25.56.120 Administration—Appeals.

6 A. The Code Official may adopt and promulgate such rules, policies and procedures as are
7 necessary for the administration of this Ordinance. This Ordinance runs solely to the benefit of
8 the City of St. Louis and not to any owner, lessee, tenant or occupant. The City makes no
9 warranties as a result of these inspections and certificates, and the City and its employees and
10 officials are not liable for errors or omissions in performing the duties enumerated in this
11 ordinance.

12 B. Any person aggrieved by the decision of the Code Official relative to this Ordinance may file
13 an appeal with the Board of Building Appeals in the same manner and time period as provided in
14 the Building Code of the City of St. Louis.

15 **SECTION FOURTEEN.** 25.56.130 False Statements Prohibited—Occupancy Load.

16 It shall be unlawful for any applicant for a Certificate of Inspection to make a false statement in
17 the application. It shall be the responsibility of the owner to inform the prospective occupants of
18 the maximum occupancy load and post a copy of the Certificate of Inspection within the unit.
19 Notwithstanding the provisions of any other ordinance it shall be unlawful to occupy or to allow
20 occupancy of a dwelling unit beyond that number legally allowed in accordance with this
21 Ordinance. It shall be the responsibility of the owner or grantor of any property to inform any
22 prospective lessee or prospective grantee of a building that said building is subject to the

1 requirements of this Ordinance, of the posted occupancy load of all the units within that building
2 and of any outstanding violations of this Ordinance.

3 **SECTION FIFTEEN.** 25.56.140 Penalties for Violation.

4 Any person, firm or corporation, who shall violate any provision of this ordinance shall upon
5 conviction thereof, be subject to a fine of not less than one hundred dollars (\$100) nor more than
6 five hundred dollars (\$500.00) or imprisonment for a term not to exceed ninety (90) days, or
7 both. Every day that a violation exists shall be deemed a separate offense.

8 **SECTION SIXTEEN.** Severability Clause.

9 The sections of this ordinance shall be severable. In the event any section of this ordinance is
10 found by a Court of competent jurisdiction to be unconstitutional, the remaining sections of this
11 ordinance are valid, unless the Court finds the valid sections of this ordinance are so essentially
12 and inseparably connected with, and so dependent upon the void section that it cannot be
13 presumed that the Aldermen would have enacted the valid sections without the void ones; or
14 unless the Court finds that the valid sections, standing alone, are incomplete and are incapable of
15 being executed in accordance with the legislative intent.

16 **SECTION SEVENTEEN.** Implementation.

17 The provisions of this Ordinance shall take effect on July 1, 2008, for all areas within a
18 previously established Housing Conservation District. The Code Official shall set forth an
19 implementation schedule for the areas of the City not currently within a Housing Conservation
20 District. The implementation schedule and any amendments made to such schedule shall be kept
21 on file with the Code Official in the Building Department. Furthermore, notice of the
22 implementation of the Citywide Housing Conservation Program shall be provided to the
23 impacted areas by publication in the City Journal and the City website four weeks prior to the

- 1 implementation date for that area. The notice shall set forth the legal boundaries of the area to be
- 2 included in the Program as well as the implementation date. All areas of the City shall be
- 3 included in the Citywide Housing Conservation Program no later than July 1, 2009.

1 EXHIBIT A

2 (Interior Only)

3
4 1. SANITATION

5 General unsanitary conditions shall not be allowed within Public Areas, Dwelling Unit or
6 Basement. Trash, debris, rodent and insect infestation shall be eliminated.

7 2. WALLS & CEILINGS

8 Plaster or tile shall not be missing, loose or broken.

9 Required fire resistance assemblies shall be maintained.

10 Wall coverings shall not be loose, water damaged or in bad repair.

11 3. ENTRY DOORS

12 Lock on entry door(s) shall be in good working order. Door(s) shall latch properly for privacy. If
13 entry door is a fire door, it shall have an operable self closer. Common area entrance/exit door(s)
14 where a door frame exists shall not be equipped with double key or clasp type locking
15 mechanism.

16 4. STRUCTURAL

17 Floors/joists shall not be missing, rotten, fire damaged, spalled, rusted or broken. Floor covering
18 shall not be torn or broken. There shall be no unsafe structural conditions.

19 5. SAFETY

20 Sufficient exits shall be provided. Stair(s) shall not be missing, rotten, fire damaged, spalled,
21 rusted or broken. Handrail(s) or guardrail(s) shall not be missing, rotten or broken. Operable
22 entrance/exit doors shall be provided and maintained. Excessive storage of any material shall not
23 be permitted. Operable smoke detectors shall be provided as required by Ordinance.

1 6. PLUMBING FIXTURES

2 No fixtures shall be missing, inoperable or defective. No pipe or fixture shall be leaking or
3 improperly connected. Hot water heater shall be required. Hot water heater shall be operable, and
4 properly vented. Hot water heater shall have a temperature/pressure relief valve.

5 7. ELECTRICAL EQUIPMENT

6 Cover plates shall not be missing or broken. Switches or outlets shall be operable, and of
7 sufficient number.

8 Fuses/Circuit breakers shall be properly sized. Lighting fixtures shall not be defective.

9 Excessive, defective or hazardous extension cords shall not be allowed. Loose, hanging, frayed,
10 bare wires or open splices shall not be permitted. Defective or hazardous electrical services shall
11 be prohibited.

12 8. MECHANICAL EQUIPMENT

13 Heating unit shall be operable. Furnace shall be properly vented. Space heaters shall be properly
14 vented (when applicable).

15 9. SPACE REQUIREMENTS

16 Occupancy load shall be limited by the most stringent of:

17 a. Minimum habitable gross floor area of 150 square feet for first occupant, plus 100 square feet
18 for each additional occupant; or

19 b. Sleeping room area of a minimum of 70 square feet for first occupant, 50 square feet for each
20 additional occupant; and the master bedroom will be limited to a maximum of two (2) occupants.

21 The master bedroom will be construed as the largest bedroom within said unit. After an

22 occupancy load has been established and unit is legally occupied, said unit will still be

1 considered to be legally occupied if an infant under the age of thirty (30) months is found to be
2 added to the legally occupied unit.

3 c. Minimum occupancy area requirements for living room and dining room as reflected in the
4 applicable Sections of the 2003 International Property Maintenance Code of the City of St.
5 Louis.

6 **MINIMUM OCCUPANCY IN SQUARE FEET**

SPACE	1-2 OCCUPANTS	3-5 OCCUPANTS	6 OR MORE
LIVING ROOM	NO REQUIREMENTS	120	150
DINING ROOM	NO REQUIREMENTS	80	100

7
8 d. Basement occupancies shall not be permitted unless they meet the following requirements:

- 9 1. Floors and walls are weather tight so as to prevent entry of moisture.
- 10 2. Minimum ceiling heights are in accordance with applicable sections of this ordinance.
- 11 3. Means of egress and emergency escape requirements as reflected in the applicable sections of
12 the current building code of the City of St. Louis.

13 e. **MINIMUM CEILING HEIGHT:** Habitable spaces shall have a clear ceiling height over the
14 minimum area required by this code at not less than 7 feet (2134 mm) except that in attics or top
15 half stories the ceiling height shall be not less than 7 feet (2134 mm) over not less than one third
16 of the minimum area required by this code when used for sleeping, study or similar activity. In
17 calculating the floor area of such rooms, only those portions of the floor area of the room having
18 a clear ceiling height of 5 feet (1524 mm) or more shall be included. Exception: Hallways,
19 corridors, bathrooms, toilet rooms, and habitable basements used as recreation rooms shall have
20 a ceiling height of not less than seven feet (2134 mm) to the lowest projection from the ceiling.

- 1 f. Every bedroom shall be equipped with an operable window which complies with the current
- 2 building codes of the City of St. Louis.
- 3 g. Toilet rooms and bathrooms shall be arranged and designed to provide privacy.
- 4 h. Every room used as a bedroom shall have access to at least one water closet without passing
- 5 through another room used as a bedroom.
- 6 i. The required dining room shall be located on the same level as the required kitchen.
- 7 j. Kitchens, nonhabitable spaces, and public spaces shall not be used for sleeping purposes.