

ARTICLE XI. OCCUPANCY PERMIT PROGRAM PROVISIONS

SECTION 405.805: PURPOSE

The purpose of the Occupancy Permit Program is to provide for the health, safety and general welfare of the residents of the City of New Haven through the establishment of an occupancy permit inspection program. The program shall monitor the general condition of structures within the City through the establishment of a regularly scheduled inspection procedure. At a minimum, the health and safety occupancy inspection shall review the following areas of potential health and safety concerns to assure that all necessary utility services are provided and functioning properly; all HVAC systems are in working condition; all plumbing fixtures are in proper working condition; no unsafe electrical hazards exist; the structure is structurally sound; all windows are in place, unbroken and function properly; plaster and paint on walls are not peeling or flaking; there is no accumulation of trash, debris, chemicals or fabric which could pose a fire hazard; there are no insect or rodent infestations; and the exterior of the structure meets all property maintenance codes.

SECTION 405.810: DEFINITIONS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATIVE OFFICER: An officer or individual having specific authority to administer the regulations of the Article.

CRIMINAL ACTIVITY: The commission, attempted commission, conspiracy to commit, or the solicitation, coercion or intimidation of another person to commit any crime which is chargeable by indictment or information under Missouri law including but not limited to:

- (1) RSMo. Ch. 195, relating to drug regulations;
- (2) RSMo. Ch. 570, relating to stealing and related offenses;
- (3) RSMo. Ch. 567, relating to prostitution; or
- (4) RSMo. Ch. 571, relating to weapons.

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons including permanent provision for living, sleeping, eating, cooking and sanitation.

SECTION 405.815: CERTIFICATE OF COMPLIANCE

(A) It shall be unlawful after the adoption of this subchapter for any person to occupy any dwelling unit or structure, for any purpose, until the owner or agent for the occupant has applied for a Health and Safety Occupancy Certificate and a Certificate has been issued by the City of New Haven. A Certificate shall be valid until such time as an inspection is required.

(B) The Certificate shall state that the dwelling unit, and any adjacent common area, if applicable, has been inspected and that the same is in compliance with the provisions of this subchapter. The Certificate shall also state the name and address of the owner.

(C) It shall be unlawful for any person to knowingly make any false statement in an application for a Certificate.

(D) By issuing a Health and Safety Occupancy Certificate, the City does not intend to, and does not warrant, insure, or guarantee to the holder thereof, to his or her assignee, or to any other person, that there are no violations of any provision of this or any other ordinance. The City makes no warranty or representation whatsoever as to the condition of the unit or building.

SECTION 405.820: DWELLING UNIT INSPECTION

(A) The City of New Haven is authorized to and may make inspections structures and of the dwelling units and adjacent common areas, if any, upon any change in occupancy thereof after the adoption of this subchapter. At the discretion of the Administrative Officer, an inspection upon a change in occupancy may be waived if it is found that the structure/unit in question has at least a one-year history of compliance with these regulations and a limited period of time, generally not to exceed one year, has expired since the previous inspection of said structure/unit.

(B) The inspections shall be for the purpose of determining whether the dwelling structure/unit and the adjacent common areas, if any, conform to the requirements of this subchapter. Under this subchapter, common areas shall not be subject to independent inspection but shall only be inspected in conjunction with the inspection of an adjacent dwelling unit.

(C) For the purpose of making the inspection, the Administrative Officer is authorized to enter, examine and survey the premises by appointment with the knowledge of the owner, and tenant if occupied.

(D) The inspection shall determine compliance with the basic health and safety requirements of the Building Code, maximum occupancy of unrelated persons, and the Property Maintenance Code.

(E) If a violation is found, the owner shall be given a reasonable length of time to make repairs prior to reinspection. A Temporary Certificate shall be issued while repairs are being made, unless a violation renders the premises unfit for human habitation, as determined in writing by the City of New Haven. No Final Certificate shall be issued until the structure/dwelling unit, and the common area, if applicable, complies or comply with the requirements of this subchapter.

(F) For the purpose of issuing a Certificate under this subchapter, inspections may also be performed by private inspectors who are not employed by the City of New Haven. Such inspectors shall hold a current, valid certification issued by Building Officials and Code Administrators International, Inc. (BOCA), in its Property Maintenance Code; and shall utilize official inspection forms provided by the City. The City shall verify all inspection forms submitted by such inspectors. The submission of a materially false inspection form by a private inspector shall be a violation of this chapter, and the City may revoke the approval of any private inspector who fails to comply with any provision of this subchapter or who fails to perform accurate inspections.

(G) Appeals from decisions of the Administrative Officer shall be filed with the BOCA Board of Appeals. The procedures for appeal and for the meetings, hearings, and decisions of the Board shall be the same as set forth elsewhere in the Code of Ordinances of the City of New Haven.

SECTION 405.825: CRIMINAL ACTIVITY IN DWELLING UNIT; FREQUENCY OF INSPECTION

If a dwelling unit is the site of criminal activity, then the following procedure shall be used to inspect the dwelling unit and to determine frequency of reinspections:

(A) The Chief of Police may request the Administrative Officer to inspect a dwelling unit which was a site of criminal activity to determine compliance of the property.

(B) The Administrative Officer may immediately inspect the dwelling unit to determine compliance of the property.

(C) After the initial inspection of a unit, the Chief of Police and Administrative Officer are authorized to determine whether the premises shall be re-inspected and the Administrative Officer is authorized to reinspect the premises.