

BILL NO. 1866

ORDINANCE NO. 1721

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**AN ORDINANCE REPEALING SECTION 510.020  
SUBSECTION 103.6.1 OF THE PROPERTY  
MAINTENANCE CODE RELATING TO INSPECTIONS AND OCCUPANCY  
PERMITS  
AND ENACTING A NEW ORDINANCE IN LIEU THEREOF  
RELATING TO THE SAME SUBJECT MATTER**

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BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF VALLEY PARK, MISSOURI, AS FOLLOWS:

**Section One**

Section 510.020 Subsection 103.6.1 of the Code of Ordinances is hereby repealed.

**Section Two**

A new section to be known as "Section 510.020 Subsection 103.6.1, Applications and Inspections" is hereby adopted as follows:

(a) It shall be unlawful for any owner or agent of real property containing a dwelling unit or units to permit or allow any person to occupy the dwelling unit or part thereof for any purpose until a certificate of occupancy has been issued by the Building Commissioner. Every owner, agent or manager of any dwelling unit shall inform the City whenever any portion of the building or dwelling unit becomes vacant, or that a change of occupancy in the building or unit is imminent, and the owner, manager or agent shall apply for an occupancy permit on such forms provided by the City. The City shall review the application, which shall set forth names, ages, citizenships, and relationships for each proposed occupant, together with such identifying information that shall be required by the City. The Building Commissioner, consistent with federal law and Ordinance 1715, shall not issue an occupancy permit and will deny the same if any alien unlawfully present in the United States is a proposed occupant of the dwelling unit or units, and no inspection shall be performed. When an alien is a proposed occupant, the Building Commissioner shall verify with the federal government whether the alien is lawfully present in the

United States, pursuant to 8 USC § 1373(c). The Building Commissioner shall make no independent judgment of the legal status of any alien. If the unit contains no proposed occupant who is an alien unlawfully present in the United States, an inspection shall be performed under the provisions of this article and, if compliance with this section is made, an occupancy permit shall be granted to the owner or his agent setting forth the occupants' names, relationships, and number of occupants allowable at the premises.

(b) It shall be unlawful for any owner, agent or manager of a dwelling unit or units to knowingly make any false statements in the application for occupancy as to the names, ages, citizenship, relationships, identification or number of occupants who will occupy the premises.

(c) This section shall only apply prospectively, to occupancies commencing after the effective date of this ordinance.

(d) If the federal government notifies the City of Valley Park that it is unable to verify whether a proposed occupant who is an alien is lawfully present in the United States, the City of Valley Park shall not deny the occupancy permit on that basis, and an inspection shall be performed.

(e) Any owner of real property containing a dwelling unit who is denied an occupancy permit, or any proposed occupant who is unable to lease a dwelling unit because the City of Valley Park has denied an occupancy permit concerning the occupant, may challenge the denial of the occupancy permit before the Board of Adjustment of the City of Valley Park, Missouri, subject to the right of appeal to the St. Louis County Circuit Court. The determination of whether an alien is lawfully present in the United States shall only be made by the federal government. The Board of Adjustment may take judicial notice of any verification of the individual's status previously provided by the federal government and may request the federal government to provide automated or testimonial verification pursuant to 8 USC § 1373(c).

### **Section Three**

This Ordinance shall become effective from and after its passage and upon approval of the Mayor and upon the termination of any restraining orders or injunctions which are now in force in Cause No. 06CC-3802 now

pending in St. Louis County, Missouri in Division 13, and shall be applicable only to changes in occupancies made after the effective date hereof.

PASSED this 5<sup>th</sup> day of February, 2007.

APPROVED this 14<sup>th</sup> day of February, 2007.

  
JEFFERY J. WHITTEAKER, MAYOR

**ATTEST:**

  
**MARGUERITE WILBURN**  
City Clerk

BILL NO. 1868

ORDINANCE NO. 1723

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**AN ORDINANCE AMENDING BILL 1866, PROPOSED  
ORDINANCE 1721, PERTAINING TO THE  
PROPERTY MAINTENANCE CODE RELATING  
TO INSPECTIONS AND OCCUPANCY PERMITS BY  
CLARIFYING SECTION TWO AND SECTION THREE THEREOF**

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BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF VALLEY PARK, MISSOURI, AS FOLLOWS:

**Section One**

Section Two of Bill 1866, proposed Ordinance 1721, is hereby amended by deleting the language in brackets and substituting in lieu thereof the language in **bold**:

A new section to be known as "Section 510.020 Subsection 103.6.1, Applications and Inspections" is hereby adopted as follows:

(a) It shall be unlawful for any owner or agent of real property containing a dwelling unit or units to permit or allow any person to occupy the dwelling unit or part thereof for any purpose until a certificate of occupancy has been issued by the Building Commissioner. Every owner, agent or manager of any dwelling unit shall inform the City whenever any portion of the building or dwelling unit becomes vacant, or that a change of occupancy in the building or unit is imminent, and the owner, manager or agent shall apply for an occupancy permit on such forms provided by the City. The City shall review the application, which shall set forth names, ages, citizenships, and relationships for each proposed occupant, together with such identifying information that shall be required by the City. The Building Commissioner, consistent with federal law [and Ordinance 1715] **and Ordinance 1722**, shall not issue an occupancy permit and will deny the same if any alien unlawfully present in the United States is a proposed occupant of the dwelling unit or units, and no inspection shall be performed. When an alien is a proposed occupant, the Building Commissioner shall verify with the federal government whether

the alien is lawfully present in the United States, pursuant to 8 USC § 1373(c). The Building Commissioner shall make no independent judgment of the legal status of any alien. If the unit contains no proposed occupant who is an alien unlawfully present in the United States, an inspection shall be performed under the provisions of this article and, if compliance with this section is made, an occupancy permit shall be granted to the owner or his agent setting forth the occupants' names, relationships, and number of occupants allowable at the premises.

(b) It shall be unlawful for any owner, agent or manager of a dwelling unit or units to knowingly make any false statements in the application for occupancy as to the names, ages, citizenship, relationships, identification or number of occupants who will occupy the premises.

(c) This section shall only apply prospectively, to occupancies commencing after the effective date of this ordinance.

(d) If the federal government notifies the City of Valley Park that it is unable to verify whether a proposed occupant who is an alien is lawfully present in the United States, the City of Valley Park shall not deny the occupancy permit on that basis, and an inspection shall be performed.

(e) Any owner of real property containing a dwelling unit who is denied an occupancy permit, or any proposed occupant who is unable to lease a dwelling unit because the City of Valley Park has denied an occupancy permit concerning the occupant, may challenge the denial of the occupancy permit before the Board of Adjustment of the City of Valley Park, Missouri, subject to the right of appeal to the St. Louis County Circuit Court. The determination of whether an alien is lawfully present in the United States shall only be made by the federal government. The Board of Adjustment may take judicial notice of any verification of the individual's status previously provided by the federal government and may request the federal government to provide automated or testimonial verification pursuant to 8 USC § 1373(c).

### **Section Two**

Section Three of Bill 1866, proposed Ordinance 1721, is hereby amended by deleting Section Three and inserting in lieu thereof a new Section Three as follows:

This Ordinance shall become effective from and after its passage and upon approval by the Mayor; provided, however, the City shall not enforce the provisions of Section Two as it pertains to the identification by citizenship of proposed occupants, the verification of alien status by City officials, the grant or denial of an occupancy permit based on the immigration status of an occupant and the false statement on applications as to citizenship until the termination of any restraining orders or injunctions now in force in Cause No. 06CC-3802 now pending in St. Louis County, Missouri, Division 13.

**Section Three**

This Ordinance shall be come effective from and after its passage and upon approval by the Mayor.

PASSED this 11<sup>th</sup> day of February, 2007.

APPROVED this 14<sup>th</sup> day of February, 2007.

  
JEFFERY J. WHITTEAKER, MAYOR

**ATTEST:**

  
**MARGUERITE WILBURN**  
City Clerk