

1st Reading: April 28, 2016
2nd Reading: April 28, 2016

SPONSOR: BADE

ORDINANCE NO. 3579

BILL NO. 16-12 AMENDED

AN ORDINANCE AMENDING SECTION 500.010 OF THE MUNICIPAL CODE OF THE CITY OF FENTON AND ADOPTING AND ENACTING THE PROPERTY MAINTENANCE CODE OF ST. LOUIS COUNTY, AS AMENDED, AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF FENTON, MISSOURI APPLICABLE ONLY TO THE SERVICES OF THE ST. LOUIS COUNTY PROBLEM PROPERTY UNIT AND AUTHORIZING AN AMENDMENT TO THE EXISTING CONTRACTUAL AGREEMENT WITH THE ST. LOUIS COUNTY GOVERNMENT FOR THE PROVISION OF CODE ENFORCEMENT SERVICES FOR ST. LOUIS COUNTY TO ENFORCE SUCH CODE.

WHEREAS, pursuant to Section 500.010 of the Municipal Code of the City of Fenton, the City of Fenton, Missouri ("City") has adopted St. Louis County's Building, Mechanical, Electrical, Plumbing, Explosives, Residential, Existing Building, and Land Disturbance codes as the codes of the City ("Codes"); and

WHEREAS, the City and St. Louis County entered into an agreement, dated May 19, 2003, for St. Louis County to provide code enforcement services to the City under and in accordance with the above Codes ("Agreement"); and

WHEREAS, the City has also enacted a Non-Residential Property Maintenance Code of the City of Fenton (Article II of Chapter 500) which is enforced by the City; and

WHEREAS, the City is desirous of entering into an Agreement with St. Louis County for its Problem Properties Unit to provide services to the City to protect the health, safety, and welfare of the citizens of the City; and

WHEREAS, to utilize the services of St. Louis County's Problem Property Unit, St. Louis County requires the City to adopt the St. Louis County Property Maintenance Code; and

WHEREAS, at the Thursday, March 10, 2016 Committee Meeting of the Board of Aldermen, discussion was held concerning the adoption of St. Louis County's Property Maintenance Code, which was on file with the City Clerk/Manager for public use, inspection, and examination, only as

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it applies to the services of the Problem Properties Unit and corresponding amendment to the Agreement; and

WHEREAS, at the Thursday, March 24 Board of Aldermen Meeting, an ordinance was presented for consideration and the St. Louis County Property Maintenance Code, as amended by the County of St. Louis, Missouri; and

WHEREAS, the Board of Aldermen finds it in the best interest of the City to adopt the St. Louis County's Property Maintenance Code and amend the Agreement to utilize the services of the Problem Properties Unit under the terms of the Agreement; and

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

Section 1. The St. Louis County Property Maintenance Code, as amended by the County of St. Louis, Missouri through date of last amendatory ordinances (County Ordinance 24,440—Approved July 14, 2010), is hereby adopted as the Property Maintenance Code of the City of Fenton, Missouri, as if fully set out herein, only for the limited purposes of enforcement by the St. Louis County Problem Property Unit on an as-needed basis.

Section 2. Section 500.010 of the Municipal Code of the City of Fenton, County Code Adoptions, is hereby amended by deleting the crossed-out words and enacting the underlined language to read as follows:

SECTION 500.010: COUNTY CODE ADOPTIONS

The St. Louis County Building, Mechanical, Electrical, Plumbing, Explosives, Residential, ~~and Existing Building, and Property Maintenance, only for the limited purposes of enforcement by the St. Louis County Problem Property Unit,~~ Codes as amended by the County of Saint Louis through date of last amendatory ordinances, three (3) copies of which are on file in the office of the City Clerk:

1. Building (County Ordinance 24,444--Adopted by County 7/21/10)
2. Mechanical (County Ordinance 24,438--Adopted by County 7/14/10)
3. Electrical (County Ordinance 24,439--Adopted by County 7/14/10)
4. Plumbing (County Ordinance 24,441--Adopted by County 7/14/10)
5. Explosives (County Ordinance 18693--Adopted by County 11/12/97)
6. Residential (County Ordinance 24,427--Adopted by County 7/13/10)
7. Existing Building (County Ordinance 24,444--Adopted by County 7/21/10)
8. Land Disturbance Code (County Ordinance 24,084--Adopted by County 8/12/09)
9. Property Maintenance Code, only for the limited purposes of enforcement by the St. Louis County Problem Property Unit (County Ordinance 24,440--Adopted by County 07/14/10)

Are hereby adopted as the:

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1. Building,
2. Mechanical,
3. Electrical,
4. Plumbing,
5. Explosives,
6. Residential,
7. Existing Building, and
8. Land Disturbance, and
9. Property Maintenance, only for the limited purposes of enforcement by the St. Louis County Problem Property Unit,

Codes of the City of Fenton, Saint Louis County, Missouri, as if fully set out herein.

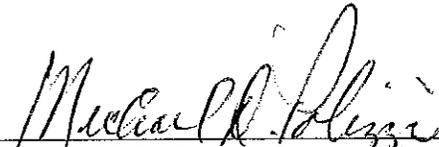
Section 3. Nothing herein shall be deemed to repeal or affect the City's existing Non-Residential Property Maintenance Code of the City of Fenton or the provisions within Article II of Chapter 500, Property Maintenance.

Section 4. The Board of Aldermen hereby approves and authorizes the Mayor to execute on behalf of the City an amendment to the existing contractual agreement with the St. Louis County government, dated May 19, 2003 for code enforcement services, to authorize the St. Louis County Problem Property Unit on an as-needed basis to enforce the Property Maintenance Code in substantially the form of Exhibit A, attached hereto and incorporated herein.

Section 5. The portions of this ordinance shall be severable. In the event that any portion of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 6. This ordinance shall be in full force and effect from and after the date of its passage and approval; provided however, that in accordance with Section 67.280 RSMo., the Property Maintenance Code adopted herein shall become effective on June 8, 2016 to allow a copy of the Property Maintenance Code to be on file with the City Clerk/Manager for public use, inspection, and examination for a total period of ninety (90) days.

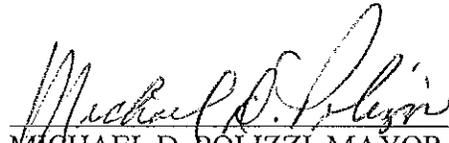
PASSED this 28th day of April, 2016.



MICHAEL D. POLIZZI, MAYOR

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APPROVED this 28th day of April, 2016.


MICHAEL D. POLIZZI, MAYOR

ATTEST:


CITY CLERK

Motion to approve. Roll Call vote:

Ayes: Bade, Sobey, Voyles, Maurath, Clauss, Borgard, Patton, Glick

Nays: 0

Absent: 0

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Exhibit A

CITY OF FENTON MISSOURI

ACTION TO AMEND SCOPE OF SERVICES OF EXISTING CONTRACTUAL AGREEMENT WITH COUNTY OF SAINT LOUIS, MISSOURI FOR CODE ENFORCEMENT SERVICES

This Amendment to Scope of Services of Existing Contractual Agreement for Code Enforcement services between COUNTY OF SAINT LOUIS, MISSOURI, hereinafter referred to as "COUNTY", and the CITY OF FENTON, MISSOURI, hereinafter referred to as "MUNICIPALITY", is effective when approved, accepted, signed and dated by both parties.

WHEREAS, COUNTY and the MUNICIPALITY entered into a Contractual Agreement, attached and incorporated herein by reference, dated May 19, 2003 for COUNTY to provide certain common services to MUNICIPALITY; and

WHEREAS, the parties desire to amend the SCOPE OF SERVICES of said Contractual Agreement; and

WHEREAS, MUNICIPALITY has enacted Ordinance Number: 3579, a copy of which is attached hereto and made a part hereof, for the adoption and enactment of the St. Louis County Property Maintenance Code, as it applies to the services of the St. Louis County Problem Property Unit Code, as amended; and

WHEREAS, MUNICIPALITY has duly enacted Ordinance Number: 3579, copies of which are attached hereto and made a part hereof, authorizing this amendment to the Contractual Agreement first entered into on May 19, 2003; and

NOW, THEREFORE, the parties hereby agree as follows:

1. Article I, Section 1.1 SCOPE OF SERVICES in the code enforcement Contractual Agreement dated May 19, 2003, is hereby amended to read as follows:

"COUNTY shall provide MUNICIPALITY code enforcement services in the manner proscribed in the applicable code provisions for the following areas:

- 1) Building Code
- 2) Residential Code
- 3) Existing Building Code
- 4) Mechanical Code
- 5) Plumbing Code
- 6) Electrical Code
- 7) Explosives Code
- 8) Residential Fire Protection Code
- 9) Property Maintenance Code, only for the limited purposes of enforcement by the St.

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Louis County Problem Property Unit on an as-needed basis.

2. In all other respects, said contract dated May 19, 2003, shall continue in effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seal the day and year as written below:

MUNICIPAL APPROVAL

CITY OF FENTON MISSOURI

Approved: Michael Polizzi

4/28/16
Date

Attest: Daniel Monteleone

4/28/16
Date

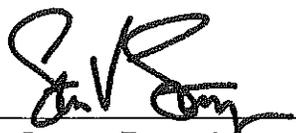
Municipal Seal:

COUNTY OF ST. LOUIS, MISSOURI ACCEPTANCE

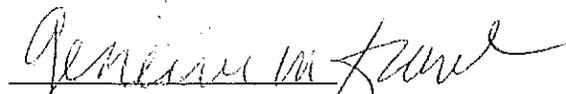
IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals this
23rd day of May, 2016.

ST. LOUIS COUNTY, MISSOURI

(SEAL)

By 
County Executive

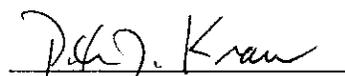
ATTEST:


Administrative Director of the
St. Louis County Council

APPROVED:


St. Louis County Department of
Public Works

APPROVED AS TO LEGAL FORM:


County Counselor

ACCOUNTING OFFICER'S CERTIFICATION:


Accounting Officer

