

1<sup>st</sup> Reading: July 28, 2016  
2<sup>st</sup> Reading: July 28, 2016

**SPONSOR: BORGARD**

**ORDINANCE NO. 3620**

**BILL NO. 16-56**

**AN ORDINANCE AMENDING CHAPTER 505, "EXISTING EXTERIOR STRUCTURES CODE," OF THE MUNICIPAL CODE OF THE CITY OF FENTON, MISSOURI BY REPEALING CHAPTER 505 AND ENACTING A NEW CHAPTER 505, "EXISTING EXTERIOR STRUCTURES CODE."**

**WHEREAS**, discussion was held at the July 14, 2016 Committee Meeting relating to proposed amendments to Chapter 505, "Existing Exterior Structures Code," and enacting a new Chapter 505 to reflect such amendments; and

**WHEREAS**, the Board of Aldermen desires and finds it in the best interest of the City to enact a new Chapter 505 Existing Structures Code.

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

**Section 1.** Chapter 505, "Existing Exterior Structures Code," of the City of Fenton Code is hereby amended by repealing Chapter 505 in its entirety and enacting a new Chapter 505 to read as follows:

**EXISTING STRUCTURES CODE  
ARTICLE I  
Definitions**

Section 505.010 General; Definitions.

A. *Scope.* Unless otherwise expressly stated, the following terms shall for the purpose of this Chapter have the meanings indicated in this Section.

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B. *Interchangeability.* Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

C. *Terms defined in other Codes.* Where terms are not defined in this Chapter and are defined in the adopted Building, Electrical, Plumbing or Mechanical Codes of the City, they shall have the same meanings ascribed to them as in those Codes.

D. *Terms not defined.* Where terms are not defined, through the methods authorized by this Section, they shall have their ordinarily-accepted meanings such as the context shall imply.

E. *Parts.* Whenever the words "*Dwelling*", "*Building*", "*Structure*" "*Premises*", "*Rooming Unit*", *etc.*, are used in this Code, they shall be construed as though they were followed by the words, "or any part thereof".

F. *Applied Meaning of Words and Terms.*

**APPEALS BOARD**

The Board of Adjustment of the City sitting as the Building Code Appeals Board.

**APPROVED**

Approved by Code Official or by another regulating authority, if applicable.

**BASEMENT**

That portion of a Building which is partly or completely below grade.

**BUILDING**

Any covered Structure permanently affixed to land and designed or used to shelter persons, chattels or property.

**BUILDING CODE**

All of the technical codes officially adopted by the City in Title V ("Building And Construction") of the Municipal Code or other such codes officially designated by the Board of Aldermen for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of Structures.

**CITY**

The City of Fenton.

**CODE OFFICIAL**

The Code Enforcement Officer of the City or any duly authorized representative.

**COMMERCIAL VEHICLE**

Any Motor Vehicle or Trailer which is designed, maintained or used primarily for the transportation of property or which is used primarily for the transportation of passengers for hire, including, but not limited to, tow trucks, dump trucks, flat-bed trucks, stake-bed trucks, step vans, refuse or Garbage trucks, buses Semi-

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trailers, truck-tractors, or any Motor Vehicle or Trailer having a gross vehicle weight rating (GVWR) in excess of 14,000 pounds.

**CONSTRUCTION EQUIPMENT**

Any equipment primarily used for commercial construction purposes, including but not limited to, tractors, backhoes, blades, buckets, bulldozers, compactors, crane scrapers, excavators and front-end loaders.

**DANGEROUS STRUCTURE**

All Structures deemed unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this City because of any or all of the following characteristics:

1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
2. Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside wall or covering;
3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the Occupants or the people of the City;
5. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
6. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings;
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communications;
8. Those which have parts thereof which are so attached that they may fall and injure members of the public or property; and/or
9. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this City.

**DIRECTOR**

The Community Development Director of the City.

**DWELLING**

Any Building or portion thereof used exclusively for human habitations, except hotels, motels or house trailers.

**DWELLING, MULTI-FAMILY**

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A Building or portion thereof containing more than two (2) Dwelling Units and not classified as a One or Two-Family Dwelling.

**DWELLING, ONE-FAMILY**

A Building containing one (1) Dwelling Unit.

**DWELLING, TWO-FAMILY**

A Building containing two (2) Dwelling Units.

**DWELLING UNIT**

A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EXTERIOR PROPERTY AREAS**

The open space on the Premises and on adjoining property under the control of Owners or Operators of such Premises.

**EXTERMINATION**

The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping, or by any other Approved pest elimination methods.

**GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**IMMINENT DANGER.**

A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION**

The presence, contiguous to a Structure or Premises of insects, rodents, vermin or other pests.

**LET FOR OCCUPANCY OR LET**

To permit possession or occupancy of a Dwelling, Dwelling Unit, Rooming Unit, or Structure by a Person who shall be legal Owner or not be the legal Owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**MAINTENANCE**

Acts of repair and other acts to prevent a decline in the condition of grounds and Structures, such that the condition does not fall below the standards established by this Code and other applicable Statutes, Codes and ordinances.

**MOTOR VEHICLE**

Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles or Commercial Vehicle or Off-Road Vehicle as defined herein. For purposes of this Chapter a Recreational Vehicle, as defined herein, is included in all regulations relating to Motor Vehicles.

**OCCUPANT**

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Any person living and/or sleeping in a Dwelling Unit or having possession of a space within a Building.

**OFF-ROAD VEHICLE**

Any camper, travel trailer, boat trailer or other Trailer; or any boat, golf cart , dune buggy, snowmobile, all-terrain vehicle (ATV), utility vehicle (UTV), or any similar Motor Vehicle not primarily used or designed for ordinary day-to-day transportation on public streets.

**OPENABLE AREA**

That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR**

Any Person who has charge, care or control of a Structure or Premises which is Let for Occupancy.

**OWNER**

Any Person or Persons in whom is vested an interest in the premises as shown by the land records located in the office of the Recorder of Deeds in and for St. Louis County, Missouri. For purposes of this Chapter 505, the term "owner" shall also include any Person(s) or Operator known to the City and who is recognized in equity as the owner of the property, because the real and beneficial use and title belong to that Person or Operator, although the bare legal title as shown by the conveyancing records in the office of the Recorder of Deeds of St. Louis County, Missouri, remains in another. For purposes of enforcing the provisions of this Chapter 505, the City may, at its option, proceed against the legal or equitable interest in said premises, or against both said interests.

**PERSON**

An individual, partnership, unincorporated association, corporation, fraternal or religious organization or any other group acting as a unit.

**PREMISES**

A lot, plot or parcel of land including the Structures thereon.

**PUBLIC NUISANCE**

Includes the following:

1. The physical condition, or use of any Premises regarded as a Public Nuisance at common law; or
2. Any physical condition, use or occupancy of any Premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, Basements, excavations and unsafe fences or Structures; or
3. Any Premises which has unsanitary sewerage facilities; or
4. Any Premises designated as unsafe for human habitation or use; or
5. Any Premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property; or

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6. Any Premises which the required precautions against trespassers have not been provided; or

7. Any Premises which is unsanitary, or which is littered with Rubbish or Garbage, or which has an uncontrolled growth of weeds, or;

8. Any Structure that is in a state of dilapidation, deterioration or decay; faulty construction; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the Premises; or;

9. Any Premises found to be harboring, causing or permitting a nuisance as set forth in Chapter 215 of the Municipal Code.

**RECREATIONAL VEHICLE (RV)**

A Motor Vehicle equipped with living quarters and amenities found in a home. Touring buses are considered Recreational Vehicles for purposes of this Chapter.

**ROOMING UNIT**

Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**RUBBISH**

Combustible and noncombustible waste materials, except Garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SEMI-TRAILER**

Any vehicle of the trailer type so designed and used in conjunction with a self-propelled towing vehicle (such as a "tractor", "truck tractor" or "truck-tractor" as defined in Section 301.010 RSMo.) where a considerable part of trailer's own weight rests upon and is carried by the towing vehicle.

**STRUCTURE**

That which is built or constructed, including without limitation because of enumeration, Buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

**TRAILER**

Any vehicle without power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle. The term "trailer" shall not include the following: Cotton trailers as defined in Section 301.010 (8) RSMo.; Manufactured homes as defined in Section 700.010, RSMo.; and Semi-Trailers as defined herein.

**WORKMANLIKE**

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Whenever the words "*workmanlike state of maintenance and repair*" are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

**YARD**

An open unoccupied space on the same lot with a Building extending along the entire length of street, or rear or interior lot line.

**ARTICLE II  
Administration**

**Section 505.020 General.**

A. *Title.* These regulations shall be known as the Existing Structures Code of the City hereinafter referred to as the Existing Structures Code or "*this Code*".

B. *Scope.* This Code is to protect the health, safety and welfare of the City's residents in and around all existing Structures, whether residential and non-residential, and on all existing Premises, by establishing:

1. Minimum Maintenance standards for all Structures and Premises for use and location; and for safe and sanitary Maintenance of all Structures and Premises now in existence.
2. Regulations for rehabilitation and reuse of existing Structures and allowing differences between the application of the Code requirements to new construction and the application of the Code requirements to alterations and repairs.
3. The responsibilities of Owners; Operators and Occupants of all Structures; and
4. Procedures for administration, enforcement and penalties.

C. *Intent.* This Code shall be construed liberally and justly to ensure public health, safety and welfare insofar as they are affected by the continued use and maintenance of Structures and Premises.

D. *Severability.* If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of this Code.

**Section 505.030 Applicability.**

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A. *General.* The provisions of this Code shall apply to all matters affecting or relating to Structures and Premises, as set forth in Section 505.020. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

B. *Maintenance.* Except as otherwise noted herein, the Owner or the Owner's designated agent shall be responsible for the maintenance of Structures and Premises.

C. *Application of Other Regulations.* Any repairs or alterations to a Structure which are caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of the City's Building Code. Nothing in this Code shall cancel, modify or set aside the City's Zoning Code.

D. *Existing Remedies.* The provisions in this Code shall not be construed to abolish or impair existing remedies of the City or its officers or agencies relating to the removal or demolition of any Structures which are dangerous, unsafe and unsanitary.

E. *Workmanship.* All repairs, maintenance work, alterations or installations which are required for compliance with this Code shall be executed and installed in a Workmanlike and acceptable manner so as to secure the results intended by this Code.

F. *Alterations or Repairs.* Exterior alterations or repairs to any Structure shall be performed in conformance with all applicable, current regulations and Building Codes for a new Structure; provided that such exterior alterations and/or repairs shall not cause the remainder of the existing Structure to be required to be brought into compliance with all the requirements of the Code for new construction. No exterior alterations or repairs may be undertaken in a way that causes an existing Structure to become unsafe or adversely affects the performance of the Structure. Exterior alterations or repairs to an existing Structure which are structural, or adversely affect any structural member or any part of the Structure having a required fire-resistance rating, shall be made with materials as required for a new Structure.

G. *Other Ordinances.* This Code establishes minimum exterior requirements for all Structures and Premises and does not replace or modify requirements otherwise established by ordinance which are additional or more stringent for the construction, repair, alteration or use of Structures.

H. *Other Regulations.* The provisions in this Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

**Section 505.040 Enforcement Authority, Duties and Powers of the Code Official.**

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A. *General.* It shall be the duty and responsibility of the Code Official to enforce the provisions of this Code as herein provided.

B. *Inspections.* For the safety, health and welfare of the public, the Code Official in compliance with all applicable laws may enter upon any Premises at any reasonable time for the purpose of making inspections and performing duties under this Code.

1. *Non-conforming conditions.* If additional non-conforming conditions are encountered during the course of any Approved alteration or repair which were not considered or known initially, the Code Official shall have the authority to require compliance with this Code of such additional conditions. The determination of what is necessary to bring such conditions into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this Code. The Code Official shall have the authority to approve construction changes in the field when conditions are encountered which make the originally Approved work impractical, provided such changes in Approved work can be readily determined to be in compliance with this Code and are requested by the Owner or the Owner's agent prior to such construction changes. Such changes shall be specifically documented by the Owner or the Owner's agent describing the change in work and the reasons and justification for the change and shall be filed with the permit for the project.

2. *Right of entry.* If any Owner, Occupant, Operator or other Person in charge of a Structure subject to the provisions of this Code refuses entry and free access to any exterior part of the Premises where inspection authorized by this Code is sought, the Code Official for good cause shall be permitted to seek from the Municipal Court or other court of competent jurisdiction, an administrative search warrant to allow entry onto the Premises for inspection of any exterior feature or area not freely observable from the public right-of-way or other adjacent property.

C. *Credentials.* The Code Official shall display proper official credentials for the purpose of inspecting the exterior of any and all Structures and Premises in the performance of duties under this Code.

D. *Relief from Personal Liability.* Any Code Official, officer or employee of the City who acts in good faith, without malice and within the scope of duties or enforcement of this Code is relieved of all personal liability for any damage accruing to Persons or property as a result of such acts or alleged failure to act. Further, the Code Official shall not be held liable for any costs in any action, suit or proceeding that is instituted by the City in the enforcement of this Code. In any of these actions, the official or employee shall be defended or represented by the City's attorney at law until the final termination of the proceedings. Nothing herein is intended as, nor shall be deemed, a waiver of the City's sovereign immunity which sovereign immunity is expressly reserved.

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E. *Notices and Orders.* The Code Official shall issue all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with this Code's requirements for the safety, health and general welfare of the public.

**Section 505.050 Materials.**

A. *Approved Materials.* All Approved materials shall be constructed and installed in accordance with such approval.

B. *Used Materials.* Building materials shall not be reused unless they have been reconditioned and Approved for use.

C. *Alternative Materials.* The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code, provided any such alternative has been Approved. An alternative material or method of construction shall be Approved when the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire-resistance, durability and safety.

D. *Research and investigations.* The Code Official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the Code Official shall approve its use subject to the requirements of this Code. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.

**Section 505.060 Notices and Orders.**

A. *Notice to Owner or to Person or Persons Responsible.* Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, notice shall be given to the Owner, Operator or other Person or Persons responsible therefore in the manner prescribed below.

B. *Form of Notice.* Except where otherwise provided, any notice required under this Chapter 505 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.

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3. Include a statement of the reason or reasons why it is being issued. If the Owner of the property does not also occupy the property, any notice of violation(s) directed to the property Owner shall enumerate the specific violation or violations then existing on the property at the time of the notice.
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the Dwelling Unit, Structure or Premises into compliance with the provisions of this Code; and,
5. Include an explanation of the Owner's right to seek modification or withdrawal of the notice by petition to the Appeals Board.

C. *Method of Service.* Service shall be deemed proper if the notice is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the Owner at the last known address (notices directed to a non-Occupant property Owner may be sent by first class mail to the last known address of such Owner); or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the Structure or Premises affected by such notice.

D. *Transfer of Ownership.* It shall be unlawful for the Owner of any Dwelling Unit, Structure or Premises who has received a notice of violation or upon whom such notice has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until such Owner has first furnished the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and furnished the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

E. If the Person (or Persons) served with notice fails to comply with the correction order within a reasonable time as established by the Code Official taking into account the extent of work anticipated to be necessary to bring the Structure or Premises into compliance but less than 10 days of receiving notice, the Code Official shall take such action as authorized in Section 505.070.

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**Section 505.070 Violations.**

A. *Unlawful Acts.* It shall be unlawful for any Person to erect, construct, alter, extend, repair, remove, demolish, use or occupy any Structure or Premises regulated by this Code, or cause same to be done contrary to or in conflict with or in violation of any of the provisions of this Code, or fail to timely comply with a lawful notice or correction order of the Code Official, or to remove or deface a placard or notice posted under the provisions of this Code.

B. *Penalty.* In case any notice of violation is not promptly complied with, the Code Official shall request the City Prosecutor to institute an appropriate action for violation of this Code. Any Person who shall violate any provision of this Code shall, upon conviction thereof, be punished as set out in Section **100.060** of the Municipal Code. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

C. *Corrective Action.* In addition, or as an alternative to the action authorized in Section B above, the Code Official may ask the City Attorney or Prosecutor to proceed at law or in equity against the Person responsible for the violation for the purpose of ordering that Person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, or alteration of such Structure;
3. To require the removal of work in violation, or;
4. To prevent the occupation or use of the Structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with the provisions of this Code, or in violation of a plan or specification under which an approval, plan, permit or certificate was issued.

**Section 505.080 Means of Appeals.**

A. *Modifications.* When there are demonstrated practical difficulties involved in carrying out structural provisions, upon application of the Owner or the Owner's representative, the Appeals Board shall have the authority to grant modifications for individual cases, provided that the spirit and intent of the law shall be observed and public welfare and safety assured.

B. *Appeal of Code Official Action.* Any Person aggrieved by any notice for corrective action which has been issued in connection with the enforcement of any provision of this Code, or of any rule or regulation adopted pursuant thereto, shall have the right to request and shall be granted a hearing on the matter before the Appeals Board; provided that such Person shall file in

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the Community Development office a written petition requesting such hearing containing a statement of grounds therefore within twenty (20) days after the day the notice was served.

*C. Appeals Board.* The Appeals Board shall hear all appeals relative to the enforcement of this Code.

1. *Vote.* The Appeals Board is empowered to hear and decide appeals relative to the enforcement of this Code and by a concurring vote of the majority of its members shall reverse or affirm wholly or partly, or modify, the decision appealed from and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Code Official.

2. *Financial interest.* A member of the Appeals Board shall not participate in any hearings or vote on any appeal in which that member or his/her family member, has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

**ARTICLE III  
General Regulations of Exterior Property**

**Section 505.090 General.**

A. The provisions of this Section shall govern the minimum conditions for maintenance of exterior property, Premises and Structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

B. The Owner of the Premises shall maintain such Structures and Premises in compliance with these requirements. A Person shall not occupy as Owner-Occupant or let to another for occupancy or use Premises which do not comply with the following requirements of this Chapter.

C. All vacant Structures and Premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or property value or adjacent properties.

**Section 505.100 Exterior Property Areas.**

A. *Sanitation.* All Exterior Property Areas and Premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of Rubbish or Garbage.

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B. *Grading and Drainage.* All Exterior Property Areas and Premises shall be graded and maintained so as to prevent the erosion of soil and prevent accumulation of stagnant water thereon, or within any Structure located thereon. Stagnant water shall be determined as any accumulation in an improperly drained pool, pond, ground depression, collector, container that has not dispersed within five (5) days of the last recorded local rainfall. **Exception:** Approved retention areas and reservoirs.

C. *Watercourse.* A natural or established watercourse shall not be disturbed in any manner which reduces the capacity of the watercourse or diverts the water, unless as a part of an Approved development or grading permit or authorization of the Metropolitan Sewer District.

D. *Sedimentation.* All Exterior Property Areas and Premises shall be graded and maintained to prevent sediment on adjacent property, public property or in a watercourse.

E. *Weeds.* All Exterior Property Areas and Premises shall be maintained in accordance with Section 215.020 of the Municipal Code and shall be free of excessive growth of trees, shrubs, weeds and other vegetation in contact with a Structure's siding, doors, windows, roof, or chimney that may cause damage to the Structure's components.

F. *Insect and Rodent Control.* An Owner of a Structure or Premises shall be responsible for the Extermination of insects, rodents, vermin, or other pests in all Exterior Property Areas of the Premises, except that the Occupant shall be responsible for such Extermination in the Exterior Property Areas of the Premises of a One-Family Dwelling. Whenever Infestation exists on a Premises other than a One-Family Dwelling, Extermination shall be the responsibility of the Owner.

G. *Public Areas.* All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair, free of all snow, ice, mud, overhanging trees and shrubs which obstruct walkways and other debris and shall be maintained free of hazardous conditions. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger of public health and safety, the sidewalk or driveway or portion thereof shall be replaced. Steps shall comply with the requirements for exterior stairs.

H. *Exhaust Vents.* A Person shall not construct, maintain or operate pipes, ducts, conductors, fans, or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.

I. *Accessory Structures.* All accessory Structures, including but limited to, detached garages, fences, walls, and mailboxes shall be maintained structurally sound and in compliance with this Code.

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J. *Swimming Pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

K. *Motor Vehicles.*

1. *Regulations.*

- a. Except as provided in other regulations, no inoperative, unregistered or currently unlicensed Motor Vehicle shall be parked on any property in the City, and no Motor Vehicle shall at any time be in a state of disassembly, disrepair or shall it be in the process of being stripped or dismantled.
- b. A Motor Vehicle shall not at any time undergo major overhaul, including bodywork, on any property within the City unless such work is performed inside a Building or similarly enclosed area designed and Approved for such purposes.
- c. No parking of any Motor Vehicle is permitted on any property unless said Motor Vehicle is on a paved parking surface.

2. *Exceptions.*

- a. Driveways constructed of material other than concrete or asphalt which is a legal non-conforming use and driveways constructed of material other than concrete or asphalt in the "R-1" Single-Family Residential District shall be permissible parking spaces for Motor Vehicles which are operable, currently licensed and are not in a state of major disassembly or disrepair.
- b. Motor Vehicles within a fully enclosed Building, closed to public view and view of adjacent properties; or Motor Vehicles stored or displayed as part of a licensed vehicle dealership business which is in compliance with the Fenton Zoning Code; or Motor Vehicles on the Premises of a state licensed vehicle inspection station or Motor Vehicle service station licensed in the City, waiting for services or repairs; provided that such Motor Vehicle(s) are not on the Premises for more than five (5) consecutive days.

L. *Commercial Vehicles.*

1. *Regulations.* Notwithstanding anything in Section K above, no Person shall park, keep, store or leave any Commercial Vehicle on any residential property unless said vehicle is located within an enclosed garage or located on residential property containing more than one (1) acre and kept behind the front elevation of the primary Building.

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2. *Exceptions.* This Section shall not apply to any emergency vehicles, ambulances, public utility service vehicles, moving vans or any Commercial Vehicle in the process of making a legitimate pickup, delivery or call to a residence.

**M. *Off-Road Vehicles.***

1. *Regulations.* Any Off-Road Vehicle parked, kept, stored or left on any property used for residential purposes shall be located within an enclosed garage or shall be located on a paved parking surface constructed of concrete or asphalt. Said Off-Road Vehicles shall not at any time be in a state of disassembly or disrepair.
2. *Exceptions.* Parking surfaces other than asphalt or concrete shall be permissible in the "R-1" Single-Family Residential Zoning District.

**N. *Construction Equipment.***

1. *Regulations.* No Person shall park, keep, store or leave any Construction Equipment on any property used for residential purposes in the City.
2. *Exceptions.* This Section shall not apply to any Construction Equipment:
  - a. Located on residential property containing more than one (1) acre and kept in a manner that such equipment is not visible to any adjoining street or residential property; or
  - b. Being utilized for construction, remodel or repair on any residential property.

**O. *Defacement of Property.*** No Person shall willfully or wantonly damage, mutilate or deface any exterior surface of any Structure on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the Owner to restore said surface to an Approved state of maintenance and repair.

**P. *Exterior Storage of Household Items.*** The accumulation, placement, use or storage of any type of household items and household furniture not designed or intended for outdoor use, including but not limited to, furniture, mattresses, appliances, cabinets, etc., for more than seven (7) days, is prohibited.

**Section 505.110 Exterior Structure.**

**A. *General.*** The exterior of a Structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the health, safety or welfare of the Occupants and so as to protect the Occupants from the adverse effects of the environment.

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B. *Protective Treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipping paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the Structure envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. Siding shall be maintained free from excessive mold growth. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

C. *Street Numbers.* Each Building to which a street number has been assigned shall have the number so assigned displayed in a position easily observed and readable from the public right-of-way.

D. *Structural Members.* All supporting structural members of all Structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

E. *Exterior Surfaces (Foundations, Walls and Roof).* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a Workmanlike state of maintenance and repair and shall be kept in such condition as to prevent the entry of rodents and other pests.

1. *Foundation walls.* All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

2. *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

3. *Roofs and drainage.* The roof shall be structurally sound, tight and not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the Structure. Roof water shall not be discharged in a manner that creates a nuisance to Owners or Occupants of adjacent Premises, or that creates a Public Nuisance.

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4. *Decorative features.* All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

5. *Overhang extensions.* All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

6. *Stairway, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting imposed loads. Every stairway and porch shall be maintained free of hazardous conditions such as snow, ice, mud and other debris.

7. *Chimneys and towers.* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

F. *Window and Door Frames.* Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to be weathertight.

1. *Weathertight.* Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the Dwelling or Structure and shall be kept in sound condition and good repair.

2. *Glazing.* Every required window sash shall be fully supplied with Approved glazing materials which are without open cracks and holes.

3. *Open windows.* Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

4. *Insect screens.* During the period from April first (1st) to December first (1st) every door and window or other outside opening used for ventilation purposes serving any Structure containing habitable rooms, food preparation area, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with Approved tight fitting screens of not less than sixteen (16) mesh per inch and every swinging screen door shall have a self-closing

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device in good working condition. *Exception.* Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other Approved means such as air curtains or insect repellent fans are employed.

5. *Door hardware.* Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering Dwelling Units shall be in good repair and capable of tightly securing the door.

6. *Basement hatchways.* Every Basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the Structure.

7. *Guards for Basement windows.* The Openable Area of every Basement window shall be supplied with rodent shields, or storm windows or other material affording protection against the entry of rodents.

8. *Boarded-Up Windows and Doors.* Windows or doors may be boarded up only on a short-term basis for the purpose of scheduling and allowing for repairs.

G. *Infestation.* All Structures shall be kept free from Infestation. All Structures in which insects or rodents are found shall be promptly exterminated by Approved processes that will not be injurious to human health. After Extermination, proper precautions shall be taken to prevent re-infestation.

**Section 505.120 Sanitary Drainage System.**

A. *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an Approved private sewage disposal system.

B. *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**Section 505.130 Storm Drainage.**

A. *General.* Drainage of roofs and paved areas, Yards and courts, and other open areas on the Premises shall not be discharged in a manner that creates a Public Nuisance.

B. *Stormwater.* Stormwater or sump pump water shall not be directed through a pipe, culvert or drain which discharges within ten (10) feet of an abutting property line.

*Exceptions:*

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1. Roof or foundation drains which discharge within two (2) feet of the Structure foundation; or
2. Discharge into an open natural creek or swale on the same property; or
3. Discharge which is parallel to abutting property line and at least five (5) feet from said line.

C. *Stormwater Systems.* All stormwater systems on the Premises or Exterior Property Area shall be maintained in working condition free from damage or restriction of flow. All entries to stormwater drainage systems shall be maintained clear and free of any restrictions to water flow.

D. *Stormwater Discharge.* Stormwater shall not be directed to a sanitary sewer system.

**ARTICLE IV  
Dangerous Structures**

**Section 505.140. Dangerous Structures.**

- A. *Authority and Purpose.* Pursuant to §67.400 et seq. of the Revised Missouri Statutes, the City is authorized to enact orders or ordinances to provide for vacation and the mandatory demolition of Structures or mandatory repair and maintenance of Structures within the corporate limits of the City which are detrimental to the health, safety or welfare of the residents and declared to be a Public Nuisance. This Article IV of Chapter 505 has been adopted pursuant to that authority of §67.400, RSMo., as amended, and in full compliance with all requirements of §67.410, RSMo., as amended.
- B. *Dangerous Structures as a Nuisance.* All Dangerous Structures, as defined in Section 505.010, are hereby declared to be Public Nuisances and the Owner of such structures shall be responsible for their repair, removal or demolition.

The following standards shall be followed by the Owners of Dangerous Structures in repair, removal or demolition:

1. If the Dangerous Structure can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered repaired.
2. If the Dangerous Structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of future Occupants, it shall not be occupied until repaired.

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3. In any case where a Dangerous Structure is vacant and more than fifty percent (50%) damaged or decayed, or deteriorated from its original value, it shall be demolished; and in all cases where a Dangerous Structure cannot be repaired so that it will no longer exist in violation of the terms of this Article IV, it shall be demolished.

*C. Duties of Code Official.* The Code Official shall:

1. Inspect any Structure about which complaints are filed by any Person to the effect that a Structure is or may be existing in violation of this Article IV.
2. Inspect any Structure reported by the Fire or Police Department as probably existing in violation of the terms of this Article IV.
3. Report receipt of such complaints and the results of the investigation and inspection to the Director.
4. Provide notice pursuant to Section D.
5. Set out, in the notice provided for in Subsection (4) hereof, a description of the Structure deemed unsafe, a statement of the particulars which make the Structure a Dangerous Structure, and an order requiring the same to be put in such condition as to comply with the terms of this Article IV within such length of time, not exceeding thirty (30) days, as is reasonable.
6. Report to the Director any noncompliance with the notice provided for in Subsections (4) and (5) hereof.
7. Appear at all hearings conducted by the Director and/or Board of Appeals and testify as to the condition of Dangerous Structures.
8. Place a notice on all Dangerous Structures as set forth in Section D.

*D. Notice.* The City of Fenton, Missouri, hereby establishes the following procedures for notices of Dangerous Structures and other unsafe structures or equipment.

1. *Notice of Dangerous Structure.* If a structure is found to be a Dangerous Structure, the Code Official shall prepare and issue a notice, which at a minimum, shall specify that:
  - a. The Structure is to be removed, repaired or demolished, and vacated if such be the case, in accordance with the terms of the notice and this Article IV;

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- b. The Structure may not be occupied until it shall be repaired in accordance with this Article IV;
  - c. The Persons having an interest in said Structure shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to commence or have commenced the work or act required by the notice provided for herein.
  - d. The notice shall be addressed to the Owner, Occupant, lessee, mortgagee, agent, and all other Persons having an interest in the Structure as shown by the land records of the Recorder of Deeds of St. Louis County
  - e. Notice may be served either by personal service or by certified mail, return receipt requested; but if service cannot be had by either of these modes of service, then service may be had by publication.
2. *Identification of defects.* The notice shall list defects in the Structure that constitute a Dangerous Structure and declare that Structure a public nuisance.
- a. The notice shall also order the Structure vacated by the 15th day following service of the notice. However, if the Code Official determines that a condition of Imminent Danger exists, the notice shall also order that the Structure be vacated and that the Structure be boarded up or otherwise secured within twelve (12) hours of service of the notice.
  - b. In addition, the notice shall order that substantial work on repairs must begin or (if repairs would be unreasonable) that demolition must be completed by no later than the 30th day (or other such time frame) following service of the notice.
3. *Form of notice.* The notice shall be in substantially the following form:

**CITY OF FENTON, MISSOURI  
NOTICE OF UNSAFE STRUCTURE AND DECLARATION OF PUBLIC  
NUISANCE AND ORDER**

Unsafe Structure: [*insert address or other adequate description of Structure*]

Serve: [*insert names of owner, occupant, lessee, mortgagee, agent and all other Persons having an interest in the Structure according to the land records of the St. Louis County Recorder of Deeds*]

Notice of Unsafe Structure, Declaration of Public Nuisance, and Order: [*complete Paragraphs 1, 2 and either 3a or 3b depending on whether repair or demolition is sought*]

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[1] THE STRUCTURE IDENTIFIED ABOVE IS UNSAFE AND IS HEREBY DECLARED A PUBLIC NUISANCE BECAUSE OF THE FOLLOWING DEFECTS:

*[List specific defects]*

[2] NO PERSON MAY OCCUPY THIS STRUCTURE, OR ANY PART THEREOF, AFTER THE 15TH DAY *[or other reasonable period]* FOLLOWING SERVICE OF THIS NOTICE.

After such date, no person shall occupy, enter, refuse to leave, or remain in this Structure or any part thereof, except persons directly employed in securing, repairing or removing such Structure.

*[If it is determined that repairs but not demolition of the Dangerous Structure is in order, then the notice shall state:]*

[3a] THIS STRUCTURE MUST BE REPAIRED TO CURE THE DEFECTS LISTED IN PARAGRAPH 1 ABOVE. WORK MUST BEGIN WITHIN *[insert number of days, not exceeding thirty (30)]* DAYS FOLLOWING SERVICE OF THIS NOTICE AND PROCEED CONTINUOUSLY WITHOUT UNNECESSARY DELAY TO COMPLETION.

Nothing herein shall prohibit an Owner from complying with a repair order by demolition and removal of this structure.

*[If it is determined that demolition of the Dangerous Structure is in order, then the notice shall also state:]*

[3b] THIS STRUCTURE MUST BE DEMOLISHED AND REMOVED FROM THE PREMISES BY WITHIN *[insert number of days, not exceeding sixty (60)]* DAYS FOLLOWING SERVICE OF THIS NOTICE.

This demolition order is mandatory. However, it may be converted into a repair order, provided that plans and bids satisfactory to the Code Official are presented to the Code Official within *[insert number of days, not exceeding twenty (20) days]* of the service of this notice.

4. *Posting of notice.* In addition to service of the notice as set forth above, a copy of the notice shall be posted in a prominent place on the premises. The posted notice shall state that it is, and it is hereby declared to be, unlawful to remove the notice until such time as the City shall cause the notice to be removed.

E. *Review of Code Official's Classification of Dangerous Structure.* Appeal by aggrieved person. Any person aggrieved by a finding by the Code Official that a structure is a Dangerous Structure within the meaning of Section 505.010.F shall have ten (10) days in which to appeal, in writing, to the Director, who shall schedule a hearing, upon written notice or waiver thereof, which said notice and hearing shall be conducted in accordance with this Article IV.

F. *Failure to Repair, Demolish or Complete; Hearing.*

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1. *Hearing on failure to repair/demolish as ordered.* If the Owner, occupant, lessee, mortgagee, agent and all other Persons having an interest in said Structure fail to undertake repair or demolition within the time specified by the Code Official, or upon failure to proceed continuously with the work without unnecessary delay, as provided to be done in the required notice, the Code Official shall notify the Director, and the Director shall call and have a full and adequate hearing upon the matter, giving the Owner, occupant, lessee, mortgagee, agent and all other Persons having an interest in said Structure at least ten (10) days written notice of the hearing served either by personal service or by certified mail, return receipt requested; but if service cannot be had by either of these modes of service, then service may be had by publication. The Notice shall also provide that any party may be represented by counsel, and all parties shall have an opportunity to be heard.

2. *Determination and order.* If the evidence at the hearing supports a finding that the Structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the City, the Director shall render a final decision in the form of an order making specific findings of fact, based upon competent and substantial evidence, which shows the Structure to be a Dangerous Structure thereby constituting a nuisance and detrimental to the health, safety or welfare of the residents of the City, and ordering the Structure to be vacated, demolished and removed, or repaired within a specified time. If the evidence does not support a finding that the Structure is a Dangerous Structure or otherwise a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.

3. *Review of Order of Director.* Any request for review of a final action by the Director shall be in accordance with Chapter 160 (Administrative Procedure for Review of Certain Actions) of the Fenton Municipal Code.

G. *Costs of Abatement; Special Tax Bill or Assessment.* If the Director, or other designated officer or Board, issues an order whereby the Structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the City Clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the Collector or other official collecting taxes, unless the Structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the Dangerous Structure is located. The contractor may enforce this lien as provided in §§429.010 to 429.360, RSMo., as amended. At the written request of the taxpayer within thirty (30) days of the date of issuance of the tax bill or assessment, the tax bill, including the costs of tax collection, accrued interest and attorneys' fees, if any, may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property Owner and shall also be a lien on the property until paid.

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H. *Insurance.* If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a Structure caused by or arising out of any fire, explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in this Section. The order or ordinance shall apply only to a covered claim payment which is in excess of fifty percent (50%) of the face value of the policy covering Structure.

1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such moneys to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the order or ordinance.

2. The City shall release the proceeds and any interest which has accrued on such proceeds received under Subsection (1) of this Section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance moneys, unless the City has instituted legal proceedings under the provisions of this Article IV. If the City has proceeded under the provisions of Section G of this Article IV, all moneys in excess of that necessary to comply with the provisions of Section G of this Article IV for the removal, securing, repair and cleanup of the Structure, and the lot on which it is located, less salvage value, shall be paid to the insured.

3. If there are no proceeds of any insurance policy as set forth in this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property until paid.

4. This Section shall apply to fire, explosion, or other casualty loss claims arising on all Structures.

5. This Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

I. *Emergencies.*

1. When, in the opinion of the Code Official, it reasonably appears that a Dangerous Structure, as defined herein, poses an immediate or potential danger to the health, safety or welfare of any Person, the Code Official may take emergency measures to vacate the Structure and to abate, secure, repair or demolish the dangerous condition. The Code Official shall order the necessary work to be done, including the boarding-up of openings, to render such Structure temporarily safe and shall cause such other action to be taken as may be necessary to meet such emergency.

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2. In the event of such an emergency, the Code Official shall notify interested Persons, as promptly as possible, as required in Section D hereof; provided, however, to protect the health, safety and welfare of the public, the Code Official shall have the authority to act in accordance with Subsection (1) of this Section regardless of whether such notice has issued or whether review proceedings as established in Section E have been instituted.

3. The Code Official shall cause to be posted at each entrance to any vacated, Dangerous Structure a notice to read substantially as follows: "*This Structure is Unsafe and its Occupancy Has Been Prohibited. Do Not Enter.*" It shall be unlawful for any Person to enter such Structure except for the purpose of securing the Structure, making the required repairs, abating the dangerous condition or demolishing the Structure.

4. For the purposes of this Section, the Code Official shall employ the necessary labor and materials to perform all required work as expeditiously as possible. The costs incurred in the performance of such emergency work shall be collected as provided in Section G hereof.

5. In all cases where a Structure does not meet the standards for Dangerous Structures as set forth herein but nonetheless constitutes a nuisance to the general public because it is vacant and open to unauthorized entry, the Code Official may notify the Owner to secure the Structure within forty-eight (48) hours. In the event the Owner fails to secure the Structure in that time, the Code Official may take whatever measures are necessary to secure the Structure. The cost of such measures shall be recovered in the same manner as that provided in Section G hereof.

6. *Closing streets.* When necessary for public safety, the Code Official shall temporarily close Structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe Structures, and prohibit the same from being utilized.

J. *Unlawful to Enter Structure Ordered Vacated or to Remove Notice.* It shall be unlawful for any Person to enter any Structure which has been placarded with a notice setting forth the order of the Code Official requiring the Structure to be vacated. The Police Department may remove any unauthorized Person from any such Structure and may take all steps necessary to prevent any unauthorized Person from entering such Structure.

K. *Violations and Penalties.* Pursuant to Section 67.410.4 RSMo., as amended, any Person who shall violate any of the provisions of this Article IV, or fail to obey or abide by an order of the Code Official made pursuant thereto, shall, upon conviction thereof, be fined not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), unless the Owner of the property is not also a resident of the property, then such fine may not exceed two thousand

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dollars (\$2,000.00). Each day any such violation shall occur or continue shall be deemed a separate offense.

**Section 2.** If any clause, word, paragraph, section or other part or portion of this Ordinance is held to be invalid, illegal or unconstitutional for any reason, the Board of Aldermen hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

**Section 3.** This Ordinance shall be in full force and effect after the date of its passage and approval.

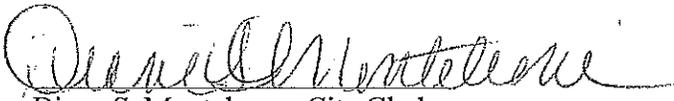
PASSED this 28<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
MICHAEL D. POLIZZI, MAYOR

APPROVED this 28<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
MICHAEL D. POLIZZI, MAYOR

ATTEST:

  
\_\_\_\_\_  
Diane S. Monteleone, 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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