First reading: 09/14/20
Second reading: 09/28/20

Introduced by the Board as a Whole

BILL NO. 20-45 **ORDINANCE NO. 4385**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF TOWN AND COUNTRY BY ADOPTING AND ENACTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AND CERTAIN MODIFICATIONS THERETO, ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF, AND AMENDING SECTION 500.210 RELATING THERETO

WHEREAS, a copy of the code referenced and adopted in this ordinance, has been filed in the office of the City Clerk and kept available for public use, inspection, and examination for a period of at least ninety (90) days prior to the adoption of this ordinance and will, following the adoption of this ordinance, be similarly filed and kept available in the office of the City Clerk, all in accord with Section 67.280 RSMo.

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

Section 1. Section 500.210 of the Municipal Code of the City of Town and Country, Missouri, is hereby repealed and new Section 500.210 is hereby enacted in lieu thereof, adopting the 2018 International Property Maintenance Code and certain amendments relating thereto to read as follows:

TITLE V. BUILDING AND CONSTRUCTION
CHAPTER 500: BUILDING CODES AND BUILDING REGULATIONS
ARTICLE I. BUILDING CODE
SECTION 500.210: PROPERTY MAINTENANCE CODE -- ADOPTION -- ADDITIONS, INSERTIONS, DELETIONS AND CHANGES

A. Adoption. The 2018 International Property Maintenance Code, as published by the International Code Council, a copy of which is on file in the office of the City Clerk, is hereby adopted as the Property Maintenance Code of the City of Town and Country, Missouri, for the control of existing structures, premises and exterior property as herein provided, and all of the regulations, provisions, penalties, conditions and the terms of the International Property Maintenance Code, 2018 are hereby referred to, adopted and made a part hereof, as if fully set out in this Section with the amendments, additions, insertions and deletions prescribed in Subsection (B) of this Section.

B. Additions, Insertions, Deletions and Changes. The following numbered Sections and Subsections of the International Property Maintenance Code, 2018 are hereby amended by additions, insertions, deletions and changes so that such amended Sections and Subsections shall read as follows:

Chapter 1 - Scope and Administration

101.1 Title. (Amended): The Property Maintenance Code of the City of Town and Country ("Property Maintenance Code") shall consist of:

1. The International Property Maintenance Code, 2018 Edition, one (1) copy of which is on file in the office of the City Clerk of the City of Town and Country.

2. The amendments to the International Property Maintenance Code, 2018 Edition, set forth herein. The International Property Maintenance Code, 2018 Edition, is referred to herein as the "code."

102.3 Application of other codes. (Amended): Repairs, additions or alterations to a structure or change of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Fire Code, International Mechanical Code and International Residential Code as adopted by the City of Town and Country and the applicable codes for work as contracted with St. Louis County. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Town and Country Zoning Regulations.

103.5 Fees. Delete.

111.1 Application for appeal. (Amended): The Board of Adjustment shall hear all appeals from decisions of the Code Official made in the administration of the Code, as described in Appendix B of the International Building Code as adopted by the City of Town and Country.

Sections 111.2 through 111.8 (and all subparts). Delete.

112.4 Failure to comply. (Amended): Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, may be subject to prosecution in the City's Municipal Court. Each day that a violation continues to exist after service of such order shall be deemed a separate offence.

Chapter 2 – Definitions

201.3 Terms defined in other codes. (Amended): Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Mechanical Code, International Residential Code, Town and Country Zoning Regulations or the St. Louis County adopted plumbing and electrical code, such terms shall have the meaning ascribed to them as stated in those codes, ordinances and regulations, as the same may be amended from time to time.

Chapter 3 – General Requirements

302.4 Weeds. (Amended): Premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches, excepting parks and open space where the maximum height of weeds, brush or natural vegetation will be twelve (12) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

302.4.1 Failure to abate – hearing – certification of cost as lien. (Addition): An owner who permits weeds to grow in violation of Section 302.4 shall be subject to the following provisions:

1. The City shall hold a hearing after four (4) days' notice thereof, either personally or by United States mail to such owner or owners, or his/her or their agents, or by posting such notice on the premises. At such hearing, the City Administrator or his/her designee may declare the weeds to be a nuisance and may order the same to be abated within five (5) business days after the hearing.

2. If such weeds are not cut down and removed in a proper manner within five (5) business days after the hearing, the order shall allow the City to immediately remove the weeds pursuant to this Section. The City Administrator or his/her designee shall certify the cost of cutting down and removal to the City Clerk.

3. The City Clerk shall cause a special tax bill against the property from which the weeds were cut and removed to be prepared and to be collected by the Collector with the other taxes assessed against the property.

4. The special tax bill from the date of its issuance shall:
   a. Be a first (1st) lien on the property until paid, and prima facie evidence of the recital therein, and of its validity and no mere clerical error or informality in the same or in the proceedings leading up to the issuance shall be a defense thereto.
   b. Include the costs in cutting and removing the weeds.
   c. Be issued by the City Clerk on or before June first (1st) of each year and, if not paid when due, shall bear interest at the rate of eight percent (8%) per annum.

5. If weeds are allowed to grow on the same property more than once during the same growing season, the City Administrator or his/her designee may, without further notification, have the weeds cut down and removed and the cost of the same shall be billed in the manner described in Subsection (4) above.

302.10 Yards and lawn areas. (Addition): Lawn areas and landscaping shall be properly maintained. Every yard area shall be free of litter, dead trees, limbs and shrubs. All dead limbs, trees and shrubs shall be removed. All trees, bushes or vegetation, which overhangs a public thoroughfare, shall be properly trimmed to avoid obstruction of the view and movement of vehicles and pedestrians.

304.14 Insect screens. (Amended): During the period from March first (1st) to October thirty-first (31st), every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Chapter 6 – Mechanical and Electrical Requirements

602.3 Heat supply. (Amended): Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October first (1st) to April thirtieth (30th) to maintain a minimum temperature of not less than sixty-eight degrees Fahrenheit (68°F) (18°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be indicated in the St. Louis County Plumbing Code, as the same may be amended from time to time.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (30°F) (-1°C), a minimum temperature of sixty-five (65°F) (18°C) shall be maintained.

602.4 Occupiable work spaces. (Amended): Indoor occupiable work spaces shall be supplied with heat during the period from October first (1st) to April thirtieth (30th) to maintain a temperature of not less than sixty-five degrees Fahrenheit (65°F) (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section Two. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed by the Board of Aldermen for the City of Town and Country, Missouri, this 28th day of September, 2020.

Presiding Officer

Attest:

Ashley McNamara, City Clerk

Signed this 28th day of September, 2020.

Jonathan F. Dalton
Mayor, City of Town and Country

Attest:

Ashley McNamara, City Clerk