

ORDINANCE NO. 6957

AN ORDINANCE ADOPTING THE INTERNATIONAL CODE COUNCIL® 2015 INTERNATIONAL CODES® INTERNATIONAL PROPERTY MAINTENANCE CODE® AND REPEALING SECTION 525.010 AND SECTION 525.040 OF CHAPTER 525 OF TITLE V: BUILDING CONSTRUCTION OF THE MUNICIPAL CODE OF THE CITY OF ST. PETERS AND ENACTING A NEW SECTION 525.010, ALONG WITH APPENDIX A, AS AMENDED, AND A NEW SECTION 525.040 IN LIEU THEREOF

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri, does hereby find and determine that the International Code Council®, Inc. has published the 2015 International Codes®/International Property Maintenance Code®; and

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri, deems it to be in the best interest of the City and its citizenry, and pursuant to its general police powers and in order to promote the health, safety, and general welfare of its citizens, that it adopt said 2015 International Codes®/International Property Maintenance Code®, as the Property Maintenance Code of the City of St. Peters, and to repeal Section 525.010 Property Maintenance Code – Adopted. and Section 525.040 Property Maintenance Code – Amendments. of Chapter 525 of Title V: Building Construction of the Municipal Code of the City of St. Peters and enacting a new Section 525.010, along with Appendix A, and a new Section 525.040 in lieu thereof.

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

**SECTION 1.** The Board of Aldermen of the City of St. Peters, Missouri, does hereby adopt the 2015 International Codes®/International Property Maintenance Code® as published by the International Code Council®, as amended and including Appendix A, as amended under Section 525.040

**SECTION 2.** That the Board of Aldermen of the City of St. Peters, Missouri, does hereby repeal Section 525.010 Property Maintenance Code – Adopted. of Chapter 525 Property Maintenance Code of Title V: Building and Construction of the Municipal Code of the City of St. Peters, Missouri, in its entirety, and enact a new Section 525.010 Property Maintenance Code – Adopted. of said Chapter 525 of said Title V, in lieu thereof, to wit:

**Section 525.010 Property Maintenance Code – Adopted.**

The 2015 International Property Maintenance Code®, as published by the International Code Council®, Inc., as amended, along with Appendix A, as amended, is hereby adopted

as the Property Maintenance Code of the City; and all of the regulations, provisions, penalties, conditions, and terms of the 2015 International Property Maintenance Code<sup>®</sup> are hereby referred to, adopted and made part thereof, as if fully set out in this Chapter, with additions, insertions, deletions, and changes prescribed in this Chapter.

**SECTION 3.** The Board of Aldermen of the City of St. Peters, Missouri, does hereby repeal Section 525.040 Property Maintenance Code – Amendments. of Chapter 525 Property Maintenance Code of Title V: Building and Construction of the Municipal Code of the City of St. Peters, Missouri, in its entirety, and enact a new Section 525.040 Property Maintenance Code – Amendments. of said Chapter 525 of said Title V, in lieu thereof, to wit:

**Section 525.040 Property Maintenance Code — Amendments.**

A. The Code adopted in Section **525.010** is amended as follows:

1. *101.1.* Delete.

2. *103.1.* Delete.

3. *106.4. Violation Penalties.* Any person violating any of the provisions of this Article or the code adopted in this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

4. *108.6.1 Temporary abatement boarding.* A structure may be closed by securing all openings with locks and/or screwing them shut or by boarding. If boarding is used, it shall be installed per Appendix A. Oriented strand board (OSB) shall be installed with the smooth side facing out. Boarding may only be temporary for 90 days. Failure of the owner or agent having charge of a property to remove the temporary boarding and repair the structure to comply with a correction notice shall be considered a violation of this Section. That owner or agent shall be subject to prosecution in accordance with Section 525.025. Further, in cases of non-compliance with any correction order in such notice of violation, the code official may cause the violation to be abated as provided in Section PM 110.0.

5. *109.1 Imminent dangers.* When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of

defective or dangerous equipment, or toxic chemicals and residue associated with the production of methamphetamine, the code official or his designee is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

6. *109.2 Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

7. *109.3 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.

8. *109.4 Emergency repairs.* For the purposes of this Section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

9. *109.5 Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

10. *109.6 Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this code.

11. *109.7 Protocol for decontamination of structures where toxic chemicals are used in the production or stored for the production of methamphetamine.* Purpose the following standards and protocols are established for the cleanup of toxic chemicals and residue associated with the production of methamphetamine.

12. *109.7.1 Applicability.* The requirements of this Section apply when notice has been posted in accordance with Section 108 or Section 109 notifying the person(s) responsible that chemicals, equipment, or supplies indicative of a clandestine drug

laboratory were located at the property, or when a drug laboratory is otherwise discovered.

**13. 109.7.2 Definitions as used in Sections 109.7 through 109.7.8.**

“*Chemical Storage Area*” means any area where chemicals used in the manufacture of methamphetamine are stored or have come to be located or were located.

“*Contaminant*” means a chemical and/or residue that may present an immediate or long-term threat to human health and the environment.

“*Contamination*” or “*Contaminated*” means the presence of chemical and/or residues, which may present an immediate or long-term threat to human health or the environment.

“*Contractor*” means one or more qualified individuals or commercial entities hired to perform work in accordance with the requirement of this protocol.

“*Cooking Area*” means any area where methamphetamine manufacturing is occurring or has occurred.

“*Decontamination*” means the process of reducing the level of contamination to the lowest practical level using currently available methods. At a minimum, decontamination must reduce contamination of specified substances below the concentrations allowed by this protocol.

“*Department*” means the Building Department.

“*Disposal*” means handling, transportation and ultimate disposition of materials removed from contaminated properties.

“*Documentation*” means preserving a record of an observation through writings, drawings, photographs, or other appropriate means.

“*Functional Space*” means a space where the spread of contamination may be expected to occur relatively homogeneously, compared to other functional spaces. The “functional space” may be a single room or a group of rooms, designated by an inspector who, based on professional judgment, considers the space to be separate from adjoining areas with respect to contaminant migration. Typical examples of functional spaces include a crawl space, an attic, and the space between dropped ceiling and the floor or roof deck above.

“*Media*” means the physical material onto which sample substrate is collected. Media includes gauze, glass fiber filter, etc.

*“Methamphetamine”* means dextro-methamphetamine, levo-methamphetamine, and unidentified isomers of the same, any racemic mixture of dextro/levo methamphetamine, or any mixture of unidentified isomers of methamphetamine. The term includes derivative, conjugates, oxides and reduced forms of the basic structure associated with the formation of methamphetamine. For the purposes of this protocol, this term includes amphetamine, ephedrine and pseudoephedrine.

*“Removal”* means the taking out or stripping of material or surfaces to eliminate the potential for exposure to contaminants on or in the material or surfaces.

*“Substrate”* means the material being collected. Substrates may include soils, water, painted surfaces, carpet or carpet debris, unidentified powders, dust, etc.

*“Vacuum sample”* means a non-airborne dust sample collected from a known surface area of a porous surface or material using standard micro-vacuum sampling techniques.

*“Waste disposal area”* means any area where chemicals used or generated in the manufacture of methamphetamine are disposed or have come to be located.

*“Wipe sample”* means a surface sample collected by wiping a sample media on the surface being sampled.

**14. 109.7.3 Assessment.** When law enforcement personnel discover toxic chemicals associated with the production of methamphetamine, or where the equipment and chemicals to produce methamphetamine are present in sufficient quantities to warrant enforcement action, the structure shall be considered unsafe for human habitation and shall be posted. A structure or unit that is posted as unsafe shall not be occupied until the code official orders that status removed.

**15. 109.7.4 Procedures for Assessment, Sampling and Testing.** While posting of the structure constitutes notice, the code official shall also attempt to contact the owner If record of the affected property, or the owner’s agent, by sending a notice in accordance with Section 107.

Notice shall inform the owner to contact the Building Department to establish a schedule for decontaminating the structure. If the owner does not contact the Building Department within the time specified in the notice, the code official may request AmerenUE to disconnect the electric service to ensure the structure is not reoccupied until decontamination is performed.

The owner must employ the services of a company that the code official shall determine is qualified to perform sampling and to analyze the samples. The results of the analysis shall be provided to the code official.

Testing shall be performed in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup, August, 2009.

**16. 109.7.5 Contamination Levels.** A structure will be considered unsafe and non-compliant if it is found to contain more than the following levels of any of these chemicals or exceeds the exposure limits established by the national Institute for Occupational Safety and Health (NIOSH):

1. Red Phosphorus – any amount.
2. Iodine Crystals – C 0.1 ppm (1 mg/m<sup>3</sup>).
3. Sulfuric Acid – TWA 1 mg/m<sup>3</sup>.
4. Hydrogen Chloride – C 5 ppm (7 mg/m<sup>3</sup>).
5. Hydrochloric Acid (Hcl gas).
6. Methamphetamine in a concentration equal to or greater than 1.5 ugram/100 cm<sup>2</sup>.
7. If it is determined that the phenyl-2-propanone (P 2 P) method of methamphetamine manufacturing was used, surface levels for lead in excess of 20 ug/ft<sup>2</sup> and vapor samples for Mercury in excess of 50 ng/m<sup>3</sup>).

**17. 109.7.6 Decontamination.** If testing reveals the presence of contamination in levels that exceed the standards set forth in 109.7.13 of this Section, the owner will be required to hire a qualified contractor to decontaminate the structure and will advise the code official of the schedule for decontamination. At a minimum, to be qualified to perform decontamination, contractors and all personnel must have complete the 40-hour Hazardous Waste Operations and Emergency Response (HAWOPER) training [Occupation Safety and Health Administration (OSHA) 29 CFR 1910] and a clandestine drug lab assessment and decontamination course that is provided by a sponsor acceptable to the code official.

The schedule for the work and evidence that the contractor has met the minimum training requirement must be submitted for approval to the code official within 48 hours of the receipt of notice. Approval will be based solely on the timeliness of the schedule and the qualifications of the contractor. Approval or rejection of the schedule will be provided within twenty-four (24) hours of submission. If rejected,

the owner will be informed of specific reasons for the rejection and will be required to amend the schedule or the proposed contractor. Decontamination shall be performed in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August, 2009).

If the owner of the property determined to be in violation of the minimum allowable levels of chemicals as provided in this protocol fails to voluntarily mitigate the violation, the code official may serve a Notice of Violation and proceed in accordance with Section 110 Demolition. The code official may request AmerenUE to disconnect electrical service until the decontamination is complete.

**18. 109.7.7 Post-Decontamination Sampling.** When the owner arranges for decontamination, following the completion of the work the owner will notify the code official that work is complete and the owner must provide test results as evidence that the property is compliant with this regulation. The post-remediation sampling and testing must be performed by a company the code officials has determined to be qualified and done in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August, 2009).

**19. 109.7.8 Final action.** After the property has been decontaminated and the code official is in possession of evidence that the pertinent chemical levels are below the levels established by this regulation, the structure will be considered safe and suitable for performance of a full inspection for an occupancy permit. If electric service has been disconnected, the code official will notify AmerenUE that the unsafe condition has been mitigated and service can be restored. The property owner shall be responsible for any re-connection fees.

## **20. SECTION 110 DEMOLITION OF PUBLIC NUISANCES**

**21. 110.1 Dangerous Building Defined.** All buildings that are detrimental to the health, safety or welfare of the residents of the City and that have any or all of the following defects shall be deemed “dangerous buildings”:

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage to or deterioration of the support member or members, or fifty percent (50%) damage to or deterioration of the non-supporting enclosing or outside walls or covering;

3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used;
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City;
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that 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 cause injury to the health, safety or welfare of those occupying such building;
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation;
8. Those having parts thereof that are so attached that they may fall and injure members of the public or property; or
9. Those because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City;
10. Those because of failure to install or maintain sufficient water supply for fire protection;
11. Those because of the failure to remove boarding and repair structure.

**22.** *110.2 Dangerous Buildings Declared Nuisance.* All dangerous buildings, as defined in Section 110.1, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein.

**23.** *110.3 Standards for Repair, Vacation or Demolition.* The following standards shall be followed in substance by the code official in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this Section 110, it shall be ordered repaired.

2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
  3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Section 110, it shall be demolished.
  4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Section 110 or any ordinance of this City or Statute of the State of Missouri, it shall be repaired or demolished.
- 24.** *110.3.1 Duties of Building Inspector; Procedure and Notice.* The building official shall have the duty under this Section 110 to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a dangerous building when he has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Section 110, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Section 110.
4. Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Charles County of any building found by the Building Inspector to be a dangerous building within the standards set forth in Section 110.1.

The notice required shall state that:

- a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Section 110;
- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;

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- c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Charles County wherein the land is located may, at his own risk, repair, vacate or demolish the building and clean up the property or have such work done, provided that any person notified under this Subsection to repair, vacate or demolish any building, or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work; and
  - d. Shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
5. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
  6. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
  7. Immediately report to the Building Commissioner concerning any building found by him to be inherently dangerous and that he determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the City Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Charles County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive any persons entitled thereto by this Section 110 to the notice and hearing prescribed herein.

**25.** *110.3.2 Duties of the Code Official.* The code official is hereby authorized and directed to enforce the provisions of this *Code*. The code official shall have the authority to render interpretations of this *Code* and adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this *Code*. Such

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policies and procedures shall not have the effect of waiving requirements specifically provided for in this *Code*. The Code Official shall have the power pursuant to this Section 110 to:

1. Supervise all inspections required by this Section 110 and cause the Building Inspector to make inspections and perform all the duties required of him by this Section 110. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this Section 110 or upon failure to proceed continuously with work without unnecessary delay, the Building Commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter. Written notice, either by personal service or by certified mail, return receipt requested, or by publication of two (2) successive weeks in a newspaper qualified to publish legal notices, at least ten (10) days in advance of a hearing date, shall be made to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds for St. Charles County wherein the land is located, to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
3. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 110.1.
4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other person(s) having an interest in said building as shown by the land records of the Recorder of Deeds for St. Charles County wherein the land is located to repair, vacate or demolish any building found to be a dangerous building and to clean

up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinance of this City, or the owner or any person having an interest in said building as shown by the land records of St. Charles County wherein the land is located may vacate and demolish said dangerous building at his own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

5. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the Building Commissioner shall certify the cost of the work borne by the City for such repair, vacation or demolition or cleanup to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or 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 building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360 Revised Statutes of Missouri. Except as provided in Subsection (6) of this Section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of eight percent (8%) per annum until paid.
6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Commissioner as provided in Subsection (4) of this Section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in Subdivisions (a) and (b) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:
  - a. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies 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 ordinance.

- b. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (a) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section, If the City has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair and cleanup of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
7. If there are no proceeds of any insurance policy as set forth in Subsection (6) of 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 date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
9. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after the receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (6) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection.

The following is the language we used in the NEC.

**26. 110.3.2.1**      *Delegation of duties by code official.*

In accordance with the prescribed procedures of this jurisdiction the code official shall have the authority to delegate certain duties for the review and enforcement of the building codes of the City of St. Peters.

**27. 110.3.3** *Appeal of notice of demolition.* Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by

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the land records of the Recorder of Deeds of St. Charles County, Missouri, wherein the land is located may, within thirty (30) days from the receipt of the order of the Code Official, appeal such decision to the Circuit Court of the County wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statutes of Missouri.

**28.** *110.3.4 Emergencies.* In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Code Official and the Code Official may cause the immediate repair, vacation or demolition of such dangerous building and clean up the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided.

**29.** *110.3.5 Violation; Disregarding Notices or Orders.*

1. The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Code Official shall be guilty of a misdemeanor hereof and upon conviction shall be punishable as set forth in Section 525.050 of the Municipal Code of the City of St. Peters.
2. Any person removing any notices provided for in this Section 110 shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 525.050 of the Municipal Code of the City of St. Peters.

**30.** SECTION 111 MEANS OF APPEAL OTHER THAN DEMOLITION.

**31.** *111.1 Application for appeal.* Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, as established in Chapter 410 of the Municipal Code of the City of St. Peters provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

**32.** *111.2* – Delete.

**33.** *111.2.1* – Delete.

34. *111.2.2* – Delete.

35. *111.2.3* – Delete.

36. *111.2.4* – Delete.

37. *111.2.5* – Delete.

38. *111.3* – Delete.

39. *111.4* – Delete.

40. *111.4.1* – Delete.

41. *111.5* – Delete.

42. *111.6* – Delete.

43. *111.6.1* – Delete.

44. *111.6.2* – Delete.

45. *111.7* – Delete.

46. *111.8* – Delete.

47. SECTION 113 EXTERIOR PROPERTY MAINTENANCE PROGRAM.

48. *113.1 General.* The exterior of all property in the City of St. Peters may be inspected for compliance with this code. Whenever the code official determines that there has been a violation of this code that does not create an unsafe condition that would require action under Sections 108, 109, or 110, notice shall be given to the owner or the person responsible therefore in the manner prescribed in Sections 113.2 and 113.3.

49. *113.2 Form.* Such notice prescribed in Section 113.1 shall:

1. Be in writing.
2. Include a description of the property sufficient for identification.
3. Include a statement of reason or reasons why the notice is being issued and identify the code Section that is in violation.

4. Include a correction order allowing a reasonable time for repairs and improvements required to bring the building or structure into compliance with this code, pending weather conditions.
  5. Include an explanation of the owner's right to appeal the order contained in the notice.
- 50.** *113.3 Method of service.* First (1<sup>st</sup>) notice may be by form prepared for this purpose and mailed to the owner of record by regular mail. If due to non-compliance of first (1<sup>st</sup>) notice, legal service of subsequent notices and orders shall be as required in Section 107 of this code.
- 51.** *113.4 Summons.* If no appeal is pending per Section 111.1 and subsequent orders meeting Section 107 have not been complied with, the code official shall cause issuance of a Municipal Court summons to the responsible parties.
- 52.** *113.5 Reoccurrence.* If violations of the exterior property maintenance requirements of this code reoccur on the same property or premise more than once during a calendar year, the code official or his designee may, without further notification, cause issuance of a summons to Municipal Court. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- 53.** *302.4 Weeds.* (Refer to Chapter 215, Section 215.020 (H) of the Municipal Code of the City of St. Peters)
- 54.** *302.7 Accessory structures.* All accessory structures, including detached garages, fences and walls shall be maintained structurally sound and in good repair, free from holes, breaks, and loose or rotting materials, mold and mildew (excluding roofs), or other conditions reflective of deterioration or inadequate maintenance.
- 55.** *302.8 Motor vehicles, trailers, etc.* (Refer to Chapter 217 of the Municipal Code of the City of St. Peters)
- 56.** *304.2.1 Painting.* Deteriorated exterior surfaces shall be painted and not remain in a partially painted condition for a period not to exceed forty-five (45) days.
- 57.** *304.6 Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; maintained structurally sound and in good repair, free of broken glass, crumbling stone, brick or stucco, rotted wood, mold or mildew, or other conditions reflective of deterioration or inadequate maintenance and maintained weatherproof and properly surface coated where required to prevent deterioration.

**58. 304.14 Insect screens.** Every door, window and other outside opening utilized or required for ventilation purposes service any structure containing habitable rooms, food preparation area, 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 not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

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

**59. 507.1 General.** Drainage of roofs, paved areas, yards, courts, other open areas, and subsurface drainage systems on the premises shall be discharged per a site plan approved by the City of St. Peters, Missouri, or if no plan is required, a minimum of five (5) feet from a property line, and shall not be discharged in a manner that creates a public nuisance.

**60. 602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September first (1<sup>st</sup>) to May first (1<sup>st</sup>) to maintain the room temperatures specified in Section 602.2.

**61. 602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from September first (1<sup>st</sup>) to May first (1<sup>st</sup>) to maintain a temperature of not less than sixty-five degrees Fahrenheit (65°F) (eighteen degrees Centigrade (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.

**62. Appendix A:**

#### A101 GENERAL

*A101 General.* All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

#### A102 MATERIALS

*A102.1 Boarding sheet material.* Boarding sheet material shall be minimum ½-inch (12.7 mm) thick wood structural panels complying with the International Building Code.

*A102.2 Boarding framing material.* Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

*A102.3 Boarding fasteners.* Boarding fasteners shall be minimum 3/8 inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

### A103 INSTALLATION

*A103.1 Boarding installation.* The boarding installation shall be in accordance with Figures A203.1(1) and A103.1(2) and Sections A103.2 through A103.5.

*A103.2 Boarding sheet material.* The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

*A103.3 Windows.* The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

*A103.4 Door walls.* The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

*A103.5 Doors.* Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

Figure A103.1(1) BOARDING OF DOOR OR WINDOW – **No Change.**

Figure A103.1(2) BOARDING OF DOOR WALL – **No Change.**

**No. 6957**

SECTION 4. Savings Clause.

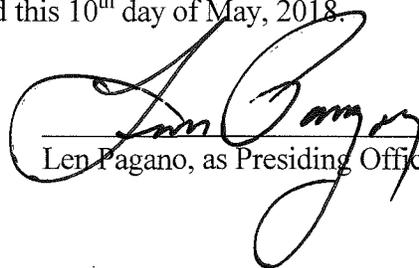
Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 5. Severability Clause.

If any term, condition, or provision of this Ordinance or of the 2015 International Codes<sup>®</sup>/International Property Maintenance Code<sup>®</sup>, or if the Amendments to the 2015 International Codes<sup>®</sup>/International Property Maintenance Code<sup>®</sup>, shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 6. This Ordinance shall be in force and take effect from and after the date of its final passage and approval.

Read two (2) times, passed, and approved this 10<sup>th</sup> day of May, 2018.



Len Pagano, as Presiding Officer and as Mayor

Attest:   
Patricia E. Smith, City Clerk

No. 6957