



**CITY OF VALLEY PARK
LEGISLATIVE COMMITTEE MEETING
VIA VIDEO CONFERENCING (Zoom)
AT 6:30 P.M. ON JUNE 11, 2020
VALLEY PARK CITY HALL, 320 BENTON
STREET, VALLEY PARK, MISSOURI 63088**

****** AGENDA******

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. NEW BUSINESS**
 - a. Discussion of Problem Properties Unit Contract**
 - b. Public Hearing change for CUP**
 - c. Excavation Permit Discussion**
- 4. ADJOURNMENT**

PROPERTY MAINTENANCE CODE

- This is an unofficial user-friendly copy of the St. Louis County ordinance 27617 for the Adoption of the 2015 International Property Maintenance Code.
- Copies of the St. Louis County ordinances, in total, including certified copies, may be Obtained from the St. Louis County Clerk's office, 41 S. Central Avenue, Clayton, Missouri, 63105 – Phone: (314) 615-7171

ST. LOUIS COUNTY REVISED ORDINANCES (SLCRO)
TITLE XI
PUBLIC WORKS AND BUILDING REGULATIONS
CHAPTER 1110
THE PROPERTY MAINTENANCE CODE

Subchapter A. Short Title and Scope

1110.010 Short Title. --This chapter may be cited and shall be known as "The Property Maintenance Code." For the purposes of Sections 441.500 et seq. RSMo, this chapter qualifies as the "Housing Code" as defined in Section 441.500(8) RSMo.

1110.020 Scope. --The provisions of this chapter shall be effective in the portions of St. Louis County outside of incorporated areas.

Subchapter B. Adoption and Amendment of the ICC International Property Maintenance Code, Year 2015 Edition

1110.030 Property Maintenance Code Adopted. --A certain document, copies of which are on file in the Offices of the Director of Transportation and Public Works, Director of Public Health and the Administrative Director of the County Council, said copies being marked and designated as the ICC International Property Maintenance Code, year 2015 edition ("Code" or "code"), as published by the International Code Council, Inc., shall be and is hereby adopted as the Property Maintenance Code of St. Louis County, Missouri, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the code are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes prescribed in this chapter.

1110.040 Jurisdictional Titles. --Throughout the code, whenever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear it shall be deemed to mean "St. Louis County, Missouri." Likewise, whenever the term "Department of Building Inspection" appears it shall be deemed to mean "St. Louis County Department of Transportations and Public Works" and whenever the term "Code" or "code" appears it shall mean the ICC International Property Maintenance Code, year 2015 edition, as adopted herein.

1110.050 Contracting with Municipalities.

1. The Director of Transportation and Public Works, with the approval of the County Executive, is hereby authorized to execute, on behalf of St. Louis County, contracts with municipalities within St. Louis County to provide appropriate property maintenance code enforcement and further to collect fees for the applicable permits and inspections issued or made pursuant to such contracts. Contracts shall be approved by the Code Official and shall be approved as to legal form by the County Counselor. No contract shall be entered into until the municipality desiring to contract with St. Louis County for property maintenance code enforcement shall first have duly adopted appropriate legislation authorizing said contract (a certified copy to be attached to and made a part of the contract) and duly adopted a property maintenance code identical in substance to this code.

2. Notwithstanding the provisions of subsection 1 of this section, the Code Official, on behalf of St. Louis County, is authorized to execute contracts on a temporary or project-by-project basis with municipalities, fire districts and other authorities having jurisdiction to provide code enforcement services within their political boundaries. No such contract shall provide for a term in excess of six months. Any such contract shall provide for fees for applicable plan review and inspection services, which fees shall be subject to approval by order of the County Council; and shall contain such other terms and conditions as are approved by the County Counselor.

3. Municipalities wishing to contract with St. Louis County for code enforcement services necessary for the enforcement of a municipal requirement for inspections and permits for the re-occupancy of existing residential buildings and pre-occupancy inspections and permits for new residential building complexes, shall adopt appropriate municipal legislation in which such requirements are established (a certified copy to be attached to and made a part of the contract).

4. Contracts with municipalities for code enforcement services shall provide for the payment to St. Louis County of the fees by the municipality as specified hereunder in Table 1110.050 (1).

TABLE 1110.050 (1)
MUNICIPAL CONTRACT FEES

TABLE INSET:

Type of Code Enforcement Work	Fees
Re-occupancy permit inspections - Single-family dwelling	\$95.50
Re-occupancy permit inspections - Multiple-family dwelling	\$75.00 per unit
Re-occupancy permit inspections - Commercial Properties	See Building Code
Requested inspections at Residential or Commercial properties for other than Re-occupancy permit inspections	\$47.00 per hour
Other requests for code enforcement services related to performance of municipal contract	\$47.00 per hour

Notes:

1. Overtime charges will apply for any inspection or service requested beyond normal working hours.

2. Fees for re-occupancy permit inspections shall include one (1) initial inspection and one (1) follow-up inspection. If, because of conditions not in compliance with the requirement of this Property Maintenance Code, additional follow-up inspections are required, the fee for the additional inspections shall be at the rate of \$47.00 per hour.

1110.060 Code Review Committee Assignment. --Review of the Property Maintenance Code for the purpose of considering proposed changes to the code and making recommendations to the Building Commission shall be the responsibility of the Building Code Review Committee. The Building Commission and the Building Code Review Committee shall function as set out in Chapter 1115 SLCRO 1974 as amended.

1110.100 Amendments to Chapter 1 - ICC International Property Maintenance Code - Chapter 1 - Administration and Enforcement. -

-Chapter 1 of the International Property Maintenance Code, year 2015 edition, is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one (1) of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto.

101.1 *Title.* These regulations shall be known as the Property Maintenance Code of St. Louis County, Missouri, hereinafter referred to as "this code".

102.3 *Application of Other Codes.* The Building, Mechanical, Plumbing and Electrical Codes referenced in this code and listed in Chapter 8 of this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes, the provisions of this code shall apply. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance of St. Louis County, nor the Plumbing Code, Electrical Code, Waste Management Code, Existing Building Code, Building Code, and Residential Code as adopted by St. Louis County.

103.1 *General.* The authority of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the "Code Official."

103.2 *Appointment.* Delete.

103.5 *Fees.* The fees for activities and services performed by the Department of Transportation and Public Works in carrying out its responsibilities under this code shall be as indicated in sections 1110.050 (municipal contracts) and 1110.1065 of this code. Research fees shall be calculated per Section 114.070 SLCRO 1974 as amended.

106.4 *Violation Penalties.* Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served, shall be deemed a separate offense.

107.2 *Form.* Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; except, however, that the time allowed in any correction order pertaining to the removal of graffiti in compliance with section 302.9 shall not exceed thirty (30) days and said correction order shall further advise that the matter will be referred to the County Counselor for prosecution without further notice at the expiration of the prescribed period if the graffiti violation has not been remedied.
5. Inform the property owner of the right to appeal.

107.3 *Method of Service.* Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. A copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice and in or about the premises affected by such notice; or
3. Sent by first-class mail addressed to the last known mailing address in the County real estate record; or
4. If the notice is returned showing that the letter was not delivered and a copy was not already posted on the property, a copy thereof shall be posted in a conspicuous place in or about the structure or on the premises affected by such notice and in or about the premises affected by such notice, or served in such other manner as is reasonably calculated to achieve actual service upon the owner of the structure.

SECTION 110 DEMOLITION

110.1 *General.* The demolition of all structures shall be in accordance with the provisions of the Building Code as adopted by St. Louis County.

110.2 *Notices and orders.* Delete.

110.3 *Failure to comply.* Delete.

110.4 *Salvage materials.* Delete.

SECTION 111 MEANS OF APPEAL

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 within thirty days to the board of appeals pursuant to the procedures adopted in Chapter 1115 SLCRO 1974, as amended. An appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of compliance will be used.

111.1.1 *Filing fee.* An application for appeal may not be filed without full payment of the filing fee prescribed in Chapter 1100.130 SLCRO 1974 as amended.

111.2 *Membership of board.* Delete.

111.2.1 *Alternate members.* Delete.

111.2.2 *Chairman.* Delete.

111.2.3 *Disqualification of members.* Delete.

111.2.4 *Secretary.* Delete.

111.2.5 *Compensation of members.* Delete.

111.3 *Notice of meeting.* Delete.

111.4 *Open meeting.* Delete.

111.4.1 *Procedures.* Delete.

111.5 *Postponed hearing.* Delete.

111.6 *Board decision.* Delete.

111.6.1 *Records and copies.* Delete.

111.6.2 *Administration.* Delete.

SECTION 112 STOP WORK ORDER

112.4 *Failure to Comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of up to \$1,000.00, or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

1110.200 Amendments to Chapter 2 - ICC International Property Maintenance Code - Chapter 2 - Definitions. --Chapter 2 of the International Property Maintenance Code, year 2015 edition, is amended by the following provisions. Each section, sub-section, definition or clause of the code that corresponds to one of the following provisions is hereby deleted where so noted or amended as set forth below. Each provision set out below without a corresponding section, sub-section, definition or clause in the code is hereby enacted and added thereto.

SECTION 201 GENERAL

201.3 *Terms Defined in Other Codes.* Where terms are not defined in this code and are defined in the St. Louis County Building, Plumbing, Mechanical, and Electrical Codes and in the St. Louis County Zoning Ordinance, such terms shall have the meaning ascribed to them therein.

SECTION 202 GENERAL DEFINITIONS

Code Official. The Director of Transportation Public Works or any person(s) or agent(s) employed or designated by the Director to enforce this code.

Vehicle. A device normally required to be licensed and intended to transport persons or property and which is drawn, driven or otherwise transported on land, air or water.

1110.300 Amendments to Chapter 3 - ICC International Property Maintenance Code - Chapter 3 - General Requirements. --Chapter 3 of the International Property Maintenance Code, year 2015 edition, is amended by the following provisions. Each section, sub-section or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted or amended to read as set forth below. Each provision set out below without a corresponding section, sub-section or clause number in the code is hereby enacted and added thereto.

SECTION 302 EXTERIOR PROPERTY AREAS

302.4 *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches (203 mm). All 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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.4 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

SECTION 304 EXTERIOR STRUCTURE

304.10.1 *Stair Dimension Tolerances.* Treads and risers shall be significantly the same in depth or height so as to not create a trip hazard.

304.12 *Handrails and Guards.* Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Every handrail and guard shall be firmly fastened and capable of supporting normal imposed loads and shall be maintained in good condition.

304.12.1 *Handrail and Guard Installations.* The replacement or installation of handrails and/or guards shall be in accordance with the Building Code listed in Chapter 8 of this code.

304.14 *Insect Screens.* During the period from April 15 to November 15, 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 not less than 16 mesh per inch (16 mesh per 25mm) 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.

SECTION 305 INTERIOR STRUCTURE

305.4.1 *Stair Dimension Tolerances.* Treads and risers shall be significantly the same in depth or height so as to not create a trip hazard.

305.5 *Handrails and Guards.* Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Every handrail and guard shall be firmly fastened and capable of supporting normal imposed loads and shall be maintained in good condition.

304.5.1 *Handrail and/or Guard Installations.* The replacement or installation of handrails and/or guards shall be in accordance with the Residential Code as adopted by St. Louis County.

1110.400 Amendments to Chapter 4 - ICC International Property Maintenance Code - Chapter 4 - Light, Ventilation and Space Requirements. --Chapter 4 of the International Property Maintenance Code, year 2015 edition, is amended by the following provisions: Each section, subsection or clause of the code that numerically corresponds to one (1) of the following numbered provisions is hereby deleted where so noted or amended to read as set forth below. Each provision set out below without a corresponding section, sub-section or clause number in the code is hereby enacted and added thereto.

404.4.1 *Area for Sleeping Purposes.* For the purposes of determining occupancy load, every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

404.5 *Overcrowding.* Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5

TABLE 404.5 MINIMUM AREA REQUIREMENTS

<p>MINIMUM AREA IN SQUARE FEET</p>

SPACE	1-2 occupants	3-5 occupants	6 or more occupants
Living room	No requirements	120	150
Dining room	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section 404.4		

1110.500 Amendments to Chapter 5 - ICC International Property Maintenance Code - Chapter 5 - Plumbing Facilities and Fixture Requirements. --Chapter 5 of the International Property Maintenance Code, year 2015 edition, is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one (1) of the following numbered provisions is hereby deleted where so noted or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto.

504.1 *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. No accordion type plastic, or other flexible material, is allowable on any drains or traps.

505.3 *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixture, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks. Supply lines to the hot and cold water valves at the sink must be metal, or metal braid composition, not plastic.

507.1 *General.* Drainage of roofs, paved areas, yards and courts, and other open areas on the premises shall not be modified or altered to discharge in a manner that creates a public nuisance.

1110.600 Amendments to Chapter 6 - ICC International Property Maintenance Code - Chapter 6 - Mechanical and Electrical Requirements. --Chapter 6 of the International Property Maintenance Code, year 2015 edition, is amended by the following

provisions. Each section, subsection or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted or amended to read as set forth below. Each provision set out below without a corresponding section, sub-section or clause number in the code is hereby enacted and added thereto.

602.3 *Heat Supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: 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 the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Residential Code and Mechanical Code as adopted by St. Louis County.

602.4 *Occupiable Work Spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 of each year to maintain a temperature of not less than sixty-five (65) degrees Fahrenheit (eighteen degrees centigrade) 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.

605.2 *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter ("GFCI"). All receptacles in a bathroom shall be GFCI protected. Every bathroom shall have at least one receptacle. All receptacles intended to serve the kitchen countertop shall be GFCI protected. All receptacles installed outdoors shall be GFCI protected.

1110.700 Amendments to Chapter 7 - ICC International Property Maintenance Code - Chapter 7 - Fire Safety Requirements. -- Chapter 7 of the International Property Maintenance Code, year 2015 edition, is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one (1) of the following numbered provisions is

hereby deleted where so noted or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto.

702.2 *Aisles*. The required width of aisles in accordance with the Building Code shall be unobstructed.

702.3 *Locked Doors*. All means of egress doors shall be readily operable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Building Code as adopted by St. Louis County.

702.4 *Emergency Escape Openings*. Required emergency escape and rescue openings shall be openable from the inside of the room without the use of keys or tools. Bars, grills, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Building Code as adopted by St. Louis County and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 704 of this code.

703.2 *Opening Protectives*. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. Door closers at individual units at apartment complexes will be required where it is determined that they were a part of the original approved equipment or the door closers were previously installed.

1110.1040 Definitions. --The following terms shall have the meanings indicated in this Subchapter.

Certificate of Occupancy: A certificate issued under the provisions of the Building Code indicating a building or structure may be occupied after the completion of work for which a building permit was issued.

Pre-occupancy Permit: A permit to occupy all common and/or public areas serving two or more dwelling units in a Type II Residential Building. The permit includes inspection approval of the equipment serving these areas.

Re-occupancy Permit: A permit to re-occupy an existing dwelling unit by a new tenant or owner.

Residential Condominium Units: Residential dwelling units, which are units of condominiums under Chapter 448 RSMO. For the purposes of this subchapter only, the term "condominium" also includes real property owned by a cooperative housing association. The term "cooperative housing association" means an association, whether incorporated or unincorporated, organized for the purpose of owning and operating residential real property, the shareholders or members of which, by reason of their ownership of a stock or membership certificate, a proprietary lease or other evidence of membership, are entitled to occupy a dwelling unit pursuant to the terms of a proprietary lease or occupancy agreement. For the purpose of this subchapter only, the term "residential condominium" unit includes residential units within a structure owned by such a cooperative housing association.

Type I Units include single-family residential dwelling units in buildings containing one (1) single-family dwelling unit and accessory structures, as well as each single-family residential dwelling unit in a building containing two (2) single-family residential dwelling units (some of which may also be known as duplexes) and accessory structures and also includes residential dwelling units which are units of condominiums under Chapter 448 RSMo.

Type II Units include each single-family residential dwelling unit which is not a Type I dwelling unit. This includes, but may not be limited to, dwelling units, which are in apartment complexes or in other buildings containing three (3) or more single-family residential dwelling units.

Type II Unit Complexes are collections of Type II units in the same building or adjacent buildings, under common ownership.

Type III Units are dwelling units which are not single-family dwelling units, including, but not limited to, dormitories, hotels and buildings containing rooming units.

Type IV Units are buildings and structures or parts thereof that are not Type I units, Type II units or Type III units.

1110.1045 Disclosure of Occupancy Permit Requirement upon Conveyance or Rental. --1. Every person who conveys or rents property, and every real estate agent or broker, attorney, or person acting on behalf of a person who conveys or rents

property, shall disclose in writing to the person(s) or entity(ies) to whom the property is being conveyed or rented that the property is subject to the requirements of this chapter and that occupancy and re-occupancy permits shall be required for single-family residential dwelling units. Written disclosure shall be made prior to execution of any written contract for conveyance or rental of the property, or prior to conveyance or rental if no written contract is executed.

2. For purposes of this section, the term "person who conveys or rents property" shall include, in addition to the conveyor or landlord, any person or firm responsible for management of the property.

1110.1050 Occupancy, Re-occupancy, and Pre-Occupancy Permits

Required. --1. *Type I and II Units.* No person shall occupy or permit the occupancy of any Type I or Type II unit which the owner does not occupy unless an occupancy or re-occupancy permit has been issued for said person's occupancy of that unit by the Code Official and the permit is available for inspection at the unit. A re-occupancy permit is required for each change of occupancy of a Type I or Type II unit wherein an owner will not occupy the unit.

2. *Type II Unit Complexes.* No occupancy or re-occupancy permit shall be issued for a Type II unit which the owner does not occupy unless a pre-occupancy permit has been issued for the Type II unit complex within which the unit is located.

3. Applications for occupancy, re-occupancy and pre-occupancy permits shall be made on forms prescribed by the Code Official. The Code Official may establish administrative procedures to assure increased efficiency of the permitting process, including but not limited to procedures to accept applications from owners before specific renters (occupants) are identified. These applications shall have associated inspections conducted but with the final permits withheld until the occupants are identified. The inspections, in these cases, shall remain valid for one hundred and twenty (120) days and shall require no further inspection in order to issue the re-occupancy permit. If no occupant is identified within one hundred and twenty (120) days from the approved inspection date, the application is cancelled per Section 1110.1070 #1.

4. *New (not previously occupied) Type I and Type II Units.* An occupancy permit shall be issued for newly constructed Type I and Type II units under the provisions of Section 1110.1075, item 3 of this code.

Note: See item 2 of Section 1110.1065 for permit inspection fee exemptions.

5. (a) The Code Official may issue conditional occupancy permits upon the following conditions:

i. The unit to which the conditional re-occupancy permit applies, in the opinion of the Code Official, presents no threat to health or safety; and

ii. With respect to the unit to which the conditional re-occupancy permit applies, the owner thereof has obtained a documented commitment for an FHA loan with an escrow for needed upgrades as outlined in an FHA-approved appraisal.

(b) Applications for conditional re-occupancy permits shall be made in the manner set out in this section for re-occupancy permits. A conditional re-occupancy permit shall expire not more than sixty (60) days from its issuance, or at the end of such lesser amount of days as the Code Official may specify on the conditional re-occupancy permit, based upon the amount of time reasonably thought by the Code Official to be necessary to complete the required upgrades. Possession of a valid, unexpired conditional re-occupancy permit shall satisfy the provisions of this section requiring possession of a re-occupancy permit.

1110.1051 Exemption from Inspection Requirement. --1. The Director of Transportation and Public Works may, by rule adopted after public hearing, exempt a dwelling unit or units or any class of dwelling unit or units from inspection, provided that the Director makes a finding that another governmental entity is performing inspections of the dwelling units according to similar requirements for passing the inspection. If a class of units is exempted under this section, the class of units so described may be any definition, which is reasonable, and need not bear any relationship to the types of units defined in Section 1110.1040. Following adoption of the rule, the Director shall forward a copy of his findings, with an indication of the date and location of the public hearing, to the Administrative Director of the County Council.

2. Newly constructed Type I and Type II units shall be exempt from re-occupancy inspection requirements for a period of five (5) years from receipt of a new construction occupancy permit and newly constructed Type II units shall be exempt from pre-

occupancy inspection requirements for a period of five (5) years from receipt of a new construction occupancy permit.

3. Units within those Type II unit complexes that contain more than nine (9) units shall be partially exempt from re-occupancy permit inspection requirements as follows: if re-occupancy permits have been issued upon initial inspection for the most recent ten (10) consecutive units within a 36-month period, then the Code Official shall exempt randomly two-thirds of the units within the subject complex from the normally required physical inspections. The Code Official shall discontinue such exemption if a re-occupancy permit is not issued upon initial inspection for each of two consecutive units.

1110.1060 Inspection. --1. *Type I and II Units.* Upon receipt of an occupancy or re-occupancy permit application accompanied by the appropriate permit inspection fee, the Code Official shall cause an inspection to be made for the purpose of determining whether or not the Type I or Type II unit complies with the provisions of this code; except, however, that neither a permit inspection fee nor an inspection shall be required for inclusion on the occupancy or re-occupancy permit of the name of a child born to or adopted by a person listed on the occupancy or re-occupancy permit after issuance of said permit. If the unit does not comply, then the inspector shall give the applicant a written notice of deficiencies.

2. *Type II Unit Complexes.* Upon receipt of a pre-occupancy permit application accompanied by the appropriate permit inspection fee, the Code Official shall inspect the exterior and common portions of each Type II unit complex for the purpose of determining whether or not the exterior of the complex and its common portions comply with the provisions of this code. If the inspection reveals noncompliance with this code, the inspector shall give the applicant or his agent a written notice of deficiencies.

1110.1065 Permit Inspection Fees. --Fees for permit inspections shall be in accordance with Table 1110.1065(1).

TABLE 1110.1065(1)
PERMIT INSPECTION FEES

TABLE INSET:

Type of Unit	Fee
Type I units. Occupancy and re-occupancy--Permit inspections.....	\$80.00 for each unit
Type II units. Occupancy and re-occupancy--Permit inspections.....	\$40.00 for each unit
Complexes--Type II units. Pre-occupancy permit inspections--Permit inspection fees for the inspection of exterior of premises and common areas shall be:	
3 to 50 units.....	\$75.00
51 to 100 units.....	\$125.00
101 to 200 units.....	\$200.00
Over 200 units.....	\$1.00 per unit

Note: Fees for re-occupancy permit inspections, and pre-occupancy permit inspections, shall include one (1) initial inspection and one (1) follow up inspection. If, additional follow up inspections are necessary because of conditions not in compliance with the Property Maintenance Code an additional fee of \$40.00 per inspection shall be paid for re-occupancy permits and 50% of the initial applicable fee shall be paid for pre-occupancy permits with a minimum fee of \$40.00.

1. Permit inspection fees shall be paid at the time of permit application.

2. Type I and Type II units. Newly constructed Type I and Type II units shall be exempt from permit inspection fees as prescribed in this code.

1110.1067 Re-inspection. --1. Upon receipt of a notice of deficiencies, the applicant shall both correct all such deficiencies and advise the Code Official that the deficiencies have been corrected within ninety (90) days. Failure to correct the deficiencies and so advise the Code Official within ninety (90) days shall cause the application to lapse and no re-occupancy or pre-occupancy permit shall be issued until a new application is filed and a new inspection made.

2. Upon notice to the Code Official by the applicant or his agent that there has been completion of remedial action addressing the deficiencies listed in the notice of deficiencies, the Code Official shall cause the Type I or II unit or the exterior and common portions of a condominium containing residential condominium units or the exterior and common portions of a Type II unit complex to be re-inspected. The Code Official shall charge additional permit inspection fees as stipulated in Table 1110.1065 in this code.

3. Notwithstanding action correcting the deficiencies noted in the original notice of deficiencies, the Code Official shall not issue a re-occupancy or pre-occupancy permit where there remains noncompliance with the code where such noncompliance has first occurred following the initial inspection, or was not apparent upon use of reasonable diligence by the inspector upon the first inspection.

1110.1070 When Permit Expires. --1. *Type I and II Units.* Where a re-occupancy permit has been issued for a Type I or Type II unit, but change of occupancy has not occurred within one hundred and twenty (120) days following the approved inspection date the permit shall expire, and a new re-occupancy permit shall be required before any occupancy may occur.

2. *Type II Unit Complexes.* The pre-occupancy permit for a Type II unit complex shall expire two (2) years following its issuance.

1110.1072 Access to Premises. --1. *Type I and II Units.* No re-occupancy permit shall be issued for a Type I or Type II unit where the owner or occupant, or prospective owner or occupant denies access to the premises for inspection or re-inspection or takes other action or fails to take necessary action which has the effect of precluding inspection or re-inspection by the Code Official, nor where access is denied to common areas of a condominium adjacent to or closely associated with the unit being inspected.

2. *Type II Unit Complexes.* No pre-occupancy permit shall be issued for a Type II unit complex where the owner denies access to the premises for inspection or fails to take necessary action which has the effect of precluding inspection or re-inspection by the Code Official.

1110.1075 Issuance of Permit; Standards. --1. *Type II Unit Complexes.* A pre-occupancy permit shall be issued for a Type II unit complex if the exterior and common portions of the Type II

unit complex are in compliance with the applicable requirements of this code. The permit shall indicate the maximum number of persons permitted to reside in each Type II unit in the Type II unit complex.

2. *Type I and Type II Units.* An occupancy permit shall be issued for a newly constructed Type I or a Type II unit after structures have received all final construction approvals as required by the building code listed in Chapter 8 of this code and a certificate of occupancy is issued pursuant to that code. The occupancy permit issued under this code shall indicate the number of persons permitted to reside in the unit and the name of each person for whom occupancy is authorized. The permit shall be amended without additional charge upon the applicant's request, for up to ninety (90) days after its issuance, to name additional occupants as otherwise permitted. Exception: Demonstration homes for a subdivision, and homes constructed on speculation by the builder, shall not require an occupancy permit until first occupancy by a family.

3. *Type I and II Units.* A re-occupancy permit shall be issued for a Type I or Type II unit if the unit is in compliance with the applicable requirements of this code. The permit shall indicate the maximum number of persons permitted to reside in the unit under this code and the name of each person for whom occupancy is authorized. The permit shall be amended without additional charge upon the applicant's request, for up to ninety (90) days after its issuance, to name additional occupants as otherwise permitted. Where the Type I unit is a residential condominium unit, a permit shall not be issued where common areas adjacent to the unit or areas closely associated with the occupancy of such unit are not in compliance with the requirements of this code. If portions of the common area not adjacent to the unit and not closely associated with the occupancy of a unit being inspected are not in compliance with the requirements of this code, a re-occupancy permit may still be issued; however, the inspector may issue a citation for such noncompliance in the name of the condominium association or the cooperative housing association, as the case may be.

1110.1080 Citations for Violation of Provisions of Re-Occupancy Permit Requirements; Form of Citation. --1. Any person designated by the Code Official to enforce the provisions of this code pertaining to re-occupancy permits may issue a citation to any person when having probable cause to believe that such person has committed a violation of Section 1110.1050. The citation shall require the person in whose name the citation is issued to pay a fine either by mail or in person at the

Offices of the St. Louis County Department of Transportation and Public Works within three (3) working days after receipt of the citation. Vacant property notwithstanding, an occupancy permit must be obtained within 15 working days (extended only upon approval of the Code Official). A second citation (for non-compliance within 15 days) will result in fines in accordance with section 1110.1090 of this ordinance.

2. The citation issued pursuant to subsection 1 of this section shall be in substantially the following form:

TABLE INSET:

STATE OF MISSOURI)	
)	
COUNTY OF ST. LOUIS)	

ST. LOUIS COUNTY, MISSOURI, Complainant, v. _____, Violator.

Race: _____

Sex: _____

Date of Birth: _____

Height: _____

Weight: _____

Hair: _____ Eyes: _____

Address: _____

Employer: _____

Business Address: _____

Address of property for which re-occupancy permit was required: _____

The undersigned complains and states that the violator, did, on or about _____ at or about _____ .m commit the following violation within the _____ Property Conservation District, in violation of section 1110. _____ of the St. Louis County Revised Ordinances 1974 as amended:

TABLE INSET:

_____	_____
Signature	Title
_____	_____
Date	_____

The Director of the St. Louis County Department of Transportation and Public Works to the above named violator: You are to appear at the Offices of the St. Louis County Department of Transportation and Public Works at St Louis County Lawrence K. Roos Building, 41 South Central Avenue, 6th floor, Clayton MO 63105 on or before ____/____/____. Between the hours of 8:00 a.m. and 4:00 p.m. to either pay a fine for this violation or to state that you are not guilty. If you fail to appear, a report of this violation will be referred to the County Counselor, who may institute legal proceedings against you without further notice. Fines may be paid by mail. To inquire about this possibility, you may call between the hours of 8:00 a.m. and 4:00 p.m.

Without admitting guilt, I hereby acknowledge receipt of this notice.

TABLE INSET:

_____	_____
-------	-------

Signature	Title
-----------	-------

3. Nothing in this section shall be construed to require that prosecution for any violation of Section 1110.1050 be preceded by a citation under this section.

1110.1090 Authorization for Code Official to Accept Payment for Penalties Assessed Herein; Prosecution of Violations. --1. In cases where citations have been issued pursuant to Section 1110.1080, the Code Official is authorized to, and shall have and perform the following duties:

- (a) Accept payment of fines as provided;
- (b) Maintain records of all violations of Section 1110.1050 or Section 1110.1070, indexed by name of the person violating any such provision, whether such violation was established in court or by payment of a fine pursuant to this section;
- (c) Refer to the County Counselor for prosecution where a person is charged with violation of Section 1110.1050 or Section 1110.1070 and fails to appear and pay the fine within the time or in the manner prescribed by this code.

2. Penalties for violations of Section 1110.1050 or Section 1110.1070, which may be paid to the Code Official, are as follows: For the first violation, the fine shall be \$100.00: for the second violation, the fine shall be \$500.00; for any subsequent violations, the fine shall be \$1,000.00.

1110.1100 Referenced Codes and Standards. --This section lists the St. Louis County codes that are referenced in various sections of this Property Maintenance Code. These codes, including the standards adopted therein, shall be considered part of the requirements of the Property Maintenance Code to the prescribed extent of each such reference within this code and those provisions of Chapter 8 of the ICC Property Maintenance Code that are not set out in this section are not adopted in this code.

Government of St. Louis County, Missouri
 41 South Central Avenue
 Clayton, Missouri 63105

TABLE INSET:

Codes and Standards Reference Number	Title	Referenced in I.P.M.C. Section Number
Chapter 1115 SLCRO 1974 as amended	Building Code.....	102.3, 201.3, 702.2, 702.3, 702.4
Chapter 1102 SLCRO 1974 as amended	Electrical Code.....	102.3, 201.3
Chapter 1108 SLCRO 1974 as amended	Mechanical Code.....	102.3, 201.3
Chapter 1116 SLCRO 1974 as amended	Residential Code...	602.3
Chapter 1103 SLCRO 1974 as amended	Plumbing Code.....	102.3, 201.3, 602.2, 602.3
Chapter 1003 SLCRO 1974 as amended	Zoning Ordinance.....	102.3, 201.3

1110.1200 Penalties and Enforcement. --1. Every person who shall be convicted of violation of any of the provision of this chapter shall be fined not more than \$1,000.00 or imprisoned in the St. Louis County Jail for not more than one (1) year, or punished by both such fine and imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense; however, no notice is required to prosecute and convict a person for any violation or violations of this code.

2. In addition to or as an alternative to the penalties hereinabove authorized and established, the County Counselor shall take such other actions at or in equity as may be necessary for the purpose of ordering that person:

- a. To restrain, correct or remove the violation or refrain from any further execution of work;
- b. To restrain or correct the erection, installation, maintenance, repair or alteration of a structure;
- c. To require the removal of work in violation; or

d. To prevent the occupancy, re-occupancy, or use of the structure which is not in compliance with the provisions of this code.

3. It shall not be a defense to prosecution under this code that the alleged violation was in existence at the time of the issuance of a re-occupancy permit under Subchapter D of this code.

SECTION 2. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on the 1st day of the month following 90 calendar days from and after the date of its enactment.

CITY/VILLAGE OF (MUNI), MISSOURI

AN ORDINANCE

INTRODUCED BY: _____

BILL NO.

ORDINANCE NO.

AN ORDINANCE ADOPTING AND ENACTING THE BUILDING, RESIDENTIAL, EXISTING BUILDING, MECHANICAL, ELECTRICAL, PLUMBING AND PROPERTY MAINTENANCE CODE(S) OF SAINT LOUIS COUNTY AS AMENDED AS THE BUILDING, RESIDENTIAL BUILDING, EXISTING BUILDING, MECHANICAL, ELECTRICAL, PLUMBING AND PROPERTY MAINTENANCE CODE(S) OF THE CITY/VILLAGE OF (MUNI), MISSOURI

WITNESSETH:

WHEREAS, the **City/Village of (Muni), Missouri** is desirous of adopting minimum requirements and standards for **Building, Residential, Existing Building, Mechanical, Electrical, Plumbing and Property Maintenance** activities to protect the health, safety and welfare of the citizens of the **City/Village of (Muni), Missouri**.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE **CITY/VILLAGE OF (MUNI), MISSOURI**, AS FOLLOWS:

SECTION 1: The Saint Louis County **Building, Residential, Existing Building, Mechanical, Electrical, Plumbing, and Property Maintenance Code(s)** as amended by the County of Saint Louis, Missouri through date of last amendatory ordinances:

(List all applicable codes, and all service exclusions)

- a) **Building Code, Chapter 1115, SLCRO, as amended**
- b) **Residential Code, Chapter 1116, SLCRO, as amended**
- c) **Existing Building Code, Chapter 1117, SLCRO, as amended**
- d) **Mechanical Code, Chapter 1108, SLCRO, as amended**
- e) **Electrical Code, Chapter 1102, SLCRO, as amended**
- f) **Plumbing Code, Chapter 1103, SLCRO, as amended**
- g) **Property Maintenance Code, Chapter 1110, SLCRO, as amended (If applicable, add "Including Residential re-occupancy permits")**

is/are hereby adopted as the Building, Residential, Existing Building, Mechanical, Electrical, Plumbing, and Property Maintenance Code(s) of the City/Village of (Muni), Missouri, a copy of which is attached hereto, as if fully set out herein.

SECTION 2: All ordinances, parts of ordinances or provisions of the Municipal Code of the **City/Village of (Muni), Missouri** in conflict with any provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance, and the code adopted hereby, shall be in full force and effect from and after its passage and approval.

APPROVED: _____
(Type name), Mayor/Board Chairman Date of Execution by Municipality

ATTEST: _____
(Type name), City/Village Clerk

Embossed Municipal Seal: (Affix seal here) →

CITY/VILLAGE OF (MUNI), MISSOURI

CITY/VILLAGE OF (MUNI), MISSOURI

AN ORDINANCE

INTRODUCED BY: _____

BILL NO.

ORDINANCE NO.

AN ORDINANCE ADOPTING AND ENACTING THE BUILDING, RESIDENTIAL, EXISTING BUILDING, MECHANICAL, ELECTRICAL, PLUMBING AND PROPERTY MAINTENANCE CODE(S) OF SAINT LOUIS COUNTY AS AMENDED AS THE BUILDING, RESIDENTIAL BUILDING, EXISTING BUILDING, MECHANICAL, ELECTRICAL, PLUMBING AND PROPERTY MAINTENANCE CODE(S) OF THE CITY/VILLAGE OF (MUNI), MISSOURI

WITNESSETH:

WHEREAS, the **City/Village of (Muni), Missouri** is desirous of adopting minimum requirements and standards for **Building, Residential, Existing Building, Mechanical, Electrical, Plumbing and Property Maintenance** activities to protect the health, safety and welfare of the citizens of the **City/Village of (Muni), Missouri**.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY/VILLAGE OF (MUNI), MISSOURI, AS FOLLOWS:

SECTION 1: The Saint Louis County Building, Residential, Existing Building, Mechanical, Electrical, Plumbing and Property Maintenance Code(s) as amended by the County of Saint Louis, Missouri through date of last amendatory ordinances:

(List all applicable codes, and all service exclusions)

- a) **Building Code, Chapter 1115, SLCRO 27,654, as amended**
- b) **Residential Code, Chapter 1116, SLCRO 27,654, as amended**
- c) **Existing Building Code, Chapter 1117, SLCRO 27,654, as amended**
- d) **Mechanical Code, Chapter 1108, SLCRO 27,619, as amended**
- e) **Electrical Code, Chapter 1102, SLCRO 27,430, as amended**
- f) **Plumbing Code, Chapter 1103, SLCRO 27,424, as amended**
- g) **Property Maintenance Code, Chapter 1110, SLCRO 27,617, as amended (if applicable, add "Including Residential re-occupancy permits")**

is/are hereby adopted as the Building, Residential, Existing Building, Mechanical, Electrical, Plumbing and Property Maintenance Code(s) of the City/Village of (Muni), Missouri, a copy of which is attached hereto, as if fully set out herein.

SECTION 2: All ordinances, parts of ordinances or provisions of the Municipal Code of the City/Village of (Muni), Missouri in conflict with any provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance, and the code adopted hereby, shall be in full force and effect from and after its passage and approval.

APPROVED: _____
(Type name), Mayor/Board Chairman _____
Date of Execution by Municipality

ATTEST: _____
(Type name), City/Village Clerk

Embossed Municipal Seal: **(Affix seal here)** →

CITY/VILLAGE OF (MUNI), MISSOURI



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PROPERTY AND ROADS

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Neighborhood Services

Problem Properties Unit

Property Maintenance

Re-Occupancy Application

Neighborhood Preservation

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Trash Collection

Community Planning & Revitalization

Occupancy Permits

Community Development

Transportation

Countywide Planning & Policy

Planning Zoning and Subdivision Information

Water Service Line Repair

Sewer Lateral

Clean Green Beautiful

Subdivision Trustee Resource Center

Assessment

Taxes and Deeds

Real Estate Information

Problem Properties Unit

What is the Problem Property Unit?

A St. Louis County partnership between Law Enforcement and Code Enforcement. Our teams consist of County Police Officers and Public Works Code Enforcement Inspectors. They tackle and solve especially persistent Problem Properties—the poorly maintained addresses that drive down land values and prompt neighbors to move. **This unit works by referral only from fellow St. Louis County departments as well as local school districts.**

Main Office

1050 N.Lindbergh

Saint Louis, MO 63132

Phone:(314) 615-4100

Hours: 7:00 a.m. - 4:00 p.m.

Email Your Question or Complaint



How Do They Do It?

St. Louis County's Problem Property Unit marshals an immense array of resources to accomplish its mission. They are experts at using churches, volunteer groups, charities, governmental agencies and private sector businesses to make a positive and lasting change that benefits the community in general, the neighborhood and, more often than not, the problem property owner him/herself. We have coordinated remarkable changes in hundreds of properties.

'Problem Property:' What is it?

Problem properties affect us all—rich, middle class and poor communities alike. They're the front yards overrun with vegetation, abandoned boats and scrap iron. They're the houses with sagging porches and boarded-up windows. They're the lots cluttered with engine blocks, bags of refuse and toppled over sheds. No city's property maintenance code is infallible. Eventually, a particular address—similar to one of those described above— will become a headache for your community.

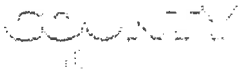
Problem Properties: Contributing Factors

Old age, mental and physical health problems, divorce, job loss, child abuse, substance abuse, gambling, bankruptcy, grief, crime and isolation are all source causes. These conditions lead to hoarding,



Services Offered by St. Louis County's Problem Property Unit

- Physical investigation and in-depth records research
- Counseling of problem landlords
- On-site warnings to problem tenants
- Finding absent landlords
- Removal of trash and debris
- Prosecution at the local and state levels
- Demolition of condemned buildings
- Coordination of social services and public and private sector resources
- Orders to Vacate



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Neighborhood Services

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Property Maintenance

As homes age, routine maintenance plays a vital role in maintaining property values. Our Neighborhood Preservation Inspection team is responsible for inspecting existing housing stock for code violations and ensuring the violations are corrected. Our team is proactive in their pursuit of code violations.

With a proactive approach, an Inspector will discover code violations while he/she rigorously combs his/her designated area. Once a violation is discovered, a member of the team performs an inspection of the exterior of the house for Property Maintenance Code violations (peeling paint, house gutters not properly secured, loose or missing siding and roofing, litter in yards). By correcting these code violations, neighborhoods can enjoy property value stability.

You can partner with Saint Louis County by using this Property Maintenance Code Checklist to perform an inspection of your property. Early detection and correction of maintenance issues eliminates costly repairs and neighborhood deterioration.

[Click here to view the Property Maintenance Ordinance.](#)

Main Office
(No Re-occupancy applications accepted here)

41 S. Central Avenue
Clayton, MO 63105
Phone:(314) 615-7360
Hours: 6:30 a.m. - 3:00 p.m.

North County Satellite Center

Northwest Crossing
715 Northwest Plaza Drive
St. Ann, MO 63074
Phone:(314) 615-4100
Re-occupancy applications accepted from 8:00 a.m. - 4:00 p.m.

South County Satellite Center

Keller Plaza
4556 Lemay Ferry Road
Saint Louis, MO 63129
Phone:(314) 615-4100
Re-occupancy applications accepted from 8:00 a.m. - 4:00 p.m.

[Email Your Question or Complaint](#)

Helpful Links

- [Animal Control](#)
- [Environmental Services](#)
- [Dept. of Transportation](#)
- [Landlord-Tenant Law \[pdf\]](#)
- [Legal Services of Eastern Missouri](#)
- [Subdivision Trustee Resource Center](#)
- [St. Louis County Building Codes](#)

City of Valley Park, MO
Tuesday, July 16, 2019

Chapter 405. Zoning Regulations

ARTICLE X. Special Procedures and Regulations

Division 1. Generally

Section 405.610. Conditional Use Permit Procedure.

[Ord. No. 1914 §1(405.610), 5-6-2013]

A. *Purpose.*

1. Conditional uses are those types of uses which are considered by the City to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation have:
 - a. A tendency to generate excessive traffic,
 - b. A potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants,
 - c. A detrimental effect upon the value or potential development of other properties in the neighborhood, or
 - d. An extraordinary potential for accidents or danger to public health or safety.
2. It is hereby declared that certain land uses and developments present unique problems with respect to their proper location and relationship to other land uses. Therefore, analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety, and general welfare. Such land uses and developments are identified in each particular zoning district under conditional land use and development permits issued by the Commission.

B. *Procedures.* The granting of a conditional use permit may be initiated by a verified application of one (1) or more of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives, or by a resolution of intention by the Planning and Zoning Commission or the Board of Aldermen. Procedures for application, review, and approval of a conditional use permit shall be as follows:

1. *Application.* Application for a conditional use permit for a specific tract of land shall be addressed to the Planning Commission and filed with the City Clerk. The application shall be filed on forms prescribed for that purpose by the Planning Commission and be accompanied by the following:
 - a. Filing fee per requirements of the City.
 - b. Legal description of the property.

- c. Outboundary plat of the property.
 - d. A site plan in conformance with the requirements of Article IX, Site Plan Approval.
2. *Public hearing.* A public hearing on the application shall be held by the Planning and Zoning Commission in accordance with the provisions of Article XII, Amendments, except that the posted public notice signs shall indicate that the public hearing is for a conditional use permit. The public hearing shall be held within forty-five (45) days of verification by the City Clerk that the petition meets the minimum application requirements. The public hearing requirements shall be the same if a petition for a conditional use permit is initiated by resolution of intention by the Planning and Zoning Commission or the Board of Aldermen.
 3. *Burden of proof.* In presenting any application for a conditional use permit to the Planning Commission for review and approval, the burden of proof shall rest with the applicant to provide any necessary evidence required by the Commission to clearly indicate that the proposed conditional use shall meet the following criteria:
 - a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
 - b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
 - c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
 - d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature and height of buildings, structures, walls, and fences on the site, and
 - (2) The nature and extent of proposed landscaping and screening on the site.
 - e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
 - f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 - g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

If the facts in the case do not establish that the findings and standards set forth in this Chapter will apply to the proposed use, the Planning Commission shall deny the conditional use permit.

4. *Approval or denial of application.* Subsequent to public hearing, the Planning and Zoning Commission shall file a report with the Board of Aldermen in which the Commission shall grant or deny each application for a conditional use permit and state the reasons therefore. The Planning and Zoning Commission may permit those developments and uses where such developments and uses are deemed consistent with good planning practice; can be operated

in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City of Valley Park. In approving such conditional uses, the Planning and Zoning Commission shall impose such conditions as it determines necessary. Said conditions shall include, but not be limited to, the following:

- a. Permitted uses, including maximum floor area.
- b. Performance standards.
- c. Height limitations.
- d. Minimum yard requirements.
- e. Off-street parking and loading requirements.
- f. Sign regulations.
- g. Minimum requirements for site development plans.
- h. Time limitations for duration of the use or subsequent review.
- i. Architectural elevations of any proposed structures.
- j. All proposed landscaping.

These, and any other conditions deemed necessary by the Commission, may be made more restrictive than the minimum requirements of the respective zoning district within which the conditional use will be located.

5. *Permit effective, when.* Unless the Board of Aldermen exercises its power of review, or a duly filed protest is received by the City Clerk, a conditional use permit, or an amendment thereto, shall become effective following the regularly scheduled meeting of the Board of Aldermen at which the report of the Planning and Zoning Commission concerning the proposed conditional use permit is received. In the event that a conditional use permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
6. *Effect of denial.* Upon denial by the Planning and Zoning Commission of an application for a conditional use permit, the Commission shall notify the applicant of the denial. If no appeal is filed from the denial and if the Board of Aldermen does not exercise its power of review, no subsequent application for a permit with reference to the same property or part thereof shall be filed by any applicant until the expiration of twelve (12) months after the denial. No provision herein shall be construed to prevent the Planning and Zoning Commission or the Board of Aldermen from initiating the procedure provided in this Section by a resolution of intention at any time.

C. *Appeal, Protest, Or Board Review Of Planning Commission Decision.*

1. *Appeal by petitioner from decision.* Upon a decision being reached by the Planning and Zoning Commission concerning an application for a conditional use permit, the applicant may file an appeal with the Board of Aldermen requesting a determination from that body. A notice of appeal shall be filed within ten (10) days following the Commissions' decision, be in writing, filed with the City Clerk in duplicate, and accompanied by a fee of two hundred dollars

(\$200.00). The appeal shall specifically state how the application as initially filed, or subsequently modified, meets the applicable criteria set forth in this Chapter.

2. *Protest by nearby property owners to decision.* Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.
 3. *Board of Aldermen review of decision.* The Board of Aldermen may exercise the power of review of any Planning and Zoning Commission decision on an application for a conditional use permit, or an amendment thereto, upon motion adopted by a majority vote at the regularly scheduled meeting of the Board at which the report of the Planning and Zoning Commission on the application is received.
 4. *Public hearing by the Board of Aldermen.* Before acting on any appeal or protest the Board of Aldermen shall set the matter for hearing. The Board of Aldermen shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in opposition to the application at the public hearing before the Planning and Zoning Commission or to the protestants in the case of a protest. The applicant and the protestants in the case of a protest shall be heard at the hearing. In addition, any other person or persons whom, in the discretion of the Board of Aldermen, will be aggrieved by any decision or action with respect to an appeal or protest may also be heard at the hearing.
 5. *Board of Aldermen decision.* Following the hearing by the Board of Aldermen on an appealed or protested application, the Board of Aldermen may affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of three-fourths (¾) of the members of the whole Board of Aldermen shall be required to reverse or modify any determination of the Planning and Zoning Commission.
- D. *Procedure To Amend Approved Conditional Use Permit.* In order to amend an existing conditional use permit, the application procedures, required materials, approval process, and appeal process shall be the same as for a new permit.
- E. *Recording.* Prior to the issuance of any building permit, or permit authorizing the use of the property in question, the property owner shall record a copy of the approved conditional use permit, including all attached conditions. The approved site plan, legal description of the property, and outboundary survey, along with any subsequent amendments, shall be recorded with the St. Louis County Recorder of Deeds.
- F. *Time Limit Of Conditional Use Permits.* Conditional use permits shall be valid for an unlimited period subject to the requirements of this Chapter unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the conditional use permit be reviewed by the Board of Aldermen, which may extend it for an unlimited period or for a specified additional period of years.
- G. *Failure To Commence Construction Or Operation.* Unless otherwise stated in the conditions of a particular conditional use permit, substantial work, construction, or operation of the conditional use where construction is not required shall commence within six (6) months of the effective date of the permit unless such time period is extended through appeal to and approval by the Board of Aldermen. If no appeal is made, or no extension of time is received or granted, the permit shall immediately terminate upon expiration of the six (6) month period.

- H. *Revocation Of Conditional Use Permit.* Upon a finding that an approved conditional use permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use or basic changes within the general neighborhood, the Planning and Zoning Commission and Board of Aldermen reserve full authority to revoke the approval at anytime.

- I. *Transferability.* All conditional use permits shall be approved for the originating applicant for a specific location, and may not be transferred to any other location by that applicant. Should the business or use for which the conditional use permit was sought be transferred to a different ownership, a renewal of the original conditional use permit shall be automatically required.