

SECTION 2:

Sections 500.060, 500.070, and 500.078 of Article II of Chapter 500 of Title V of the code of Ordinances of the City of O'Fallon, Missouri, are hereby repealed and two new Sections initially to be designated as 500.060, 500.070, and 500.078 are hereby enacted in lieu thereof to read as follows:

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

ARTICLE II: PROPERTY MAINTENANCE CODE

SECTION 500.060: ADOPTION OF PROPERTY MAINTENANCE CODE

That certain document, a copy which is on file in the office of the City Clerk of the City of O'Fallon, Missouri, being marked and designated as the International Property Maintenance Code, 2015 edition including Appendix A, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of O'Fallon, in the State of Missouri for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk of the City of O'Fallon, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions, and changes, if any, prescribed in Section 500.070 of this Article.

SECTION 500.070 ADDITIONS, INSERTIONS AND CHANGES

The following numbered subsections of the International Property Maintenance Code, 2015 Edition, including appendix A, as published by the International Code Council, Inc., are hereby amended by additions, insertions, deletions and changes so that such section and subsections read as follows:

(CHAPTER 1 ADMINISTRATION)

(SECTION 101 GENERAL)

101.1 Title. These regulations shall be known as the International Property Maintenance Code of O'Fallon, hereinafter referred to as "this code."

(SECTION 102 APPLICABILITY)

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Municipal Code, City of O'Fallon, Missouri.

(SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE
INSPECTION)

103.1 General. Wherever the term "jurisdiction" is used, it is deemed to mean the "City of O'Fallon, Missouri" and whenever the expression or term "Code Official" is used, it is deemed to mean "Building Official or his/her designee."

103.5 Fees. Fees related to administration of this Code shall be as set forth elsewhere in this Chapter of the Municipal Code.

(SECTION 110 DANGEROUS BUILDINGS / DEMOLITION)

110.1 General. The Building Official shall order the owner of any premises on which is located and structure which is found to be detrimental to the health, safety or welfare of the residents of the City of O'Fallon, Missouri, or a structure which in the Code Official's judgment is so damaged, dilapidated or has become so unfit for human habitation or occupancy that it is unreasonable to repair the structure, to raze or remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where

there has been a cessation of normal construction of any structure for a period of more than six months, to raze and remove such structure.

110.2 Notices and orders. Notice shall be deemed to be properly serviced if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested; or (c) a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice, and then by at least one (1) publication in a newspaper of general circulation in the City. The affected parties shall have not less than thirty (30) days from the date of service to complete demolition or to begin repairs. If (a) or (b) cannot be accomplished, (c) will be used.

110.3 Mandatory demolition or repair of a dangerous building. The following steps shall be taken to effect the mandatory demolition or repair of a structure which is deemed to be detrimental to the health, safety or welfare of the residents of the City of O'Fallon, Missouri, or which is declared a dangerous building.

110.3.90 Notice of declaration of dangerous building. A notice of declaration of dangerous building and Pre-Hearing order shall be prepared and shall comply with Section 110.2

110.3.91 Notice of hearing. Upon issuance of the notice of declaration of dangerous building, the Code Official shall call a hearing upon the matter. Notice shall comply with Section 110.2 and shall be provided at least ten (10) days prior to hearing.

110.3.92 Hearing. The Code Official or duly designated representative of the Code Official shall conduct a full and adequate hearing. Any affected party may be represented by counsel, and all affected parties shall have an opportunity to be heard. After the hearing, if evidence supports a finding that the structure is a dangerous building and detrimental to the health, safety or welfare of the residents of the City of O'Fallon, Missouri, the Code Official shall issue a post hearing order making specific findings of facts, based on the competent and substantial evidence and ordering the structure to be demolished and removed, or repaired. The post hearing order shall comply with Section 110.91. The post hearing order shall contain a date for completion of the required action.

110.3.93 Failure to demolish or repair as ordered. If the owner of the property has not undertaken the work within the time prescribed by the Code Official's order following the hearing and no proper appeal proceedings are pending, the Code Official may cause such structure to be vacated and repaired or demolished as provided in the post-hearing order. The Code Official shall certify the cost for such action, including all administrative cost, to the City Clerk, who shall cause a special tax bill against the property to be prepared, filed and collected. Said tax bill shall be a lien upon said property, said lien shall bear interest at the rate of ten (10) percent per annum, until paid. If paid in installments, the tax bill shall be paid over a period of not more than ten (10) years.

110.90 Insurance proceeds. 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, and if the covered claim payment is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure, then the following procedures apply:

a) The insurer shall withhold from the covered claim payment twenty five percent (25%) of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Checks shall be made payable to the "City of O'Fallon" and shall not include any co-payees. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Section. If a special tax bill or assessment is issued by the City for the expense of demolition of such building or structure as a dangerous building or structure, the money held by the city shall be applied toward a payment of special tax bill or assessment. If there is any excess, it shall be paid by the city to the insured or as the terms of the policy and endorsements thereto provide.

b) If within thirty (30) days of the receipt of such insurance monies the city has not instituted legal proceedings by issuance of the notice provided for in Section 110, or Section 114.2 of the Building Code of the City of O'Fallon, or by taking emergency measures as provided for in Section 116 of the Building Code of the City of O'Fallon, then the City's Director of Finance shall release such proceeds and any interest which has accrued on such proceeds to the insured under the insurance policy or as the terms of the policy and endorsements thereto provide.

c) If such building or structure is repaired or demolished pursuant to this article as attested to by the building official without cost to the city, then any insurance proceeds paid to the City's Director of Finance and any interest thereon shall be paid to the insured under the insurance policy, or as the terms of the policy and endorsements thereto provide.

d) When the city takes bids from independent contractors for demolition of a building, bidders shall deduct any salvage value materials of the building or structure may have, from the cost of demolition in arriving at their bid amount. In no case will the net cost of demolition be increased in order to effect salvage of materials.

e) Upon presentation of satisfactory proof that the insured has removed or will remove debris, and repair, rebuild or otherwise make the insured premises safe and secure, the Building Official shall issue a notice within thirty (30) days after receipt of such satisfactory proof to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making claim to provide the insurance company with such notice.

f) No provision of this Section shall be construed to make the City a party to any insurance contract.

(SECTION 111 MEANS OF APPEAL)

111.2 Application for appeal. For the purposes of this code, all appeals shall be in accordance with the procedure established for the Building Code of the City of O'Fallon, Missouri.

111.2 Appeals board. Delete in its entirety.

111.2.1 Alternate members. Delete in its entirety.

111.2.2 Chairman. Delete in its entirety.

111.2.3 Disqualification of member. Delete in its entirety.

111.2.4 Secretary. Delete in its entirety.

111.2.5 Compensation of members. Delete in its entirety.

111.4 Open hearing. Delete in its entirety.

111.4.1 Procedure. Delete in its entirety.

111.5 Postponed hearing. Delete in its entirety.

111.6 Board decision. Delete in its entirety.

111.6.1 Records and copies. Delete in its entirety.

111.6.2 Administration. Delete in its entirety.

111.7 Court review. Delete in its entirety.

111.8 Stays of enforcement. Delete in its entirety.

(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 liable to a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500).

(SECTION 190 INSURANCE PROCEEDS)

(CHAPTER 3 GENERAL REQUIREMENTS)

(SECTION 302 EXTERIOR PROPERTY AREAS)

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking lots, private streets, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. Refer to City of O'Fallon Municipal Code 220.010 Nuisances Prohibited.

302.7 Accessory structures. Accessory structures, including detached garages, fences, private signs, sheds, exterior storage structures, flag poles and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. [Refer to City of O'Fallon Municipal Code 220.010 Nuisances Prohibited regarding derelict vehicles.]

Exception:

A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. [Refer to City of O'Fallon Municipal Code 220.010 Nuisances Prohibited regarding graffiti.]

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. Painting over graffiti shall be a color to match or closely match the existing building.

(SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS)

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exceptions:

1. Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.
2. Where a pool with a chain link fence, a minimum of 42 inches in height, was erected prior to April 5, 1999, the fence shall be allowed to remain as an approved barrier.

(SECTION 304 EXTERIOR STRUCTURE)

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

304.7 Roofs and drainage. The roof and flashing shall be (1) sound, (2) tight, and (3) not have defects that admit rain. Missing shingles shall be replaced with similar roof covering. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

Exception:

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

(CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS)

(SECTION 602 HEATING FACILITIES)

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from January 1 to December 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from January 1 to December 31 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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

SECTION 500.078: PENALTY

Any person, firm, or corporation violating any of the provisions of this Article or the code hereby adopted shall, upon conviction, for each offense be fined not more than five hundred dollars (\$500.00) or be punished by imprisonment in jail not to exceed three (3) months, or be punished by both fine and imprisonment. Each day's violation of, or refusal or neglect to comply with, any provision of this Article or the code hereby adopted shall constitute a separate and distinct offense.

However, any person, firm, or corporation violating Section 110 of the code hereby adopted by failing to demolish or repair a dangerous building within the time prescribed by order of the building official, shall be subject to a fine and imprisonment in jail not to exceed three (3) months or both a fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars.
