

City of O'Fallon, Missouri

Subdivision Trustee Resource Guidebook

A general information guide



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Preface

The intent of this document is to convey general information regarding subdivision indentures and should not be used as legal advice, especially concerning specific subdivision indentures. Anyone seeking interpretation of their particular indentures should contact their respective subdivision trustees or an attorney.

Additionally, the language throughout most of this guidebook is general in nature and may not apply to every subdivision in all circumstances. The Appendix is less general and contains information regarding code enforcement, zoning and building permits specific to properties within the City of O'Fallon.

Introduction

Subdivision associations are formal, legal entities created to maintain common grounds, recreational facilities, entrance signs or monuments and to enforce subdivision trust indentures. Some of the features of a subdivision association include:

- Mandatory membership for all homeowners within the boundaries of the subdivision.
- Collecting annual and special assessments.
- Establishment as a corporation with formal bylaws. (Typically, a governing Board of Trustees or a private management firm manages maintenance and enforcement issues.
- The authority to establish and enforce restrictions and design standards, which are in addition to City of O'Fallon ordinances.
- Providing a unified voice in matters of civic interests.
- Maintaining liability insurance covering common grounds and other necessary features.

Common Subdivision Association Committees

Many subdivisions may also have a variety of committees, which can be made up of trustees as well as other residents. If your subdivision is experiencing problems in a specific area, one useful solution may be to form a committee that deals only with issues related to that problem. The following are examples of common committees:

- Architectural Review Committee
- Budget and Finance Committee
- Buildings and Grounds Committee
- External Affairs Committee
- Neighborhood Watch
- Welcome Committee

Subdivision Trust Indentures

Subdivision Trust Indentures are put in place to protect and maintain the aesthetics of common amenities through the collection of annual and special assessments. Indentures set out the physical boundaries of the subdivision, describe the responsibilities/powers of the association and detail the rules and procedures by which the subdivision operates. Subdivision trust indentures are legally binding recorded documents recognized by the State of Missouri and recorded with the St. Charles County Recorder of Deeds simultaneously with the recording of the Record Plat for a subdivision.

There are several common components to indentures:

- Definitions of key terms.
- Duration of indentures.
- Powers and duties of Board of Trustees.
- Rights and responsibilities of subdivision association.
- Membership and voting rights.
- Maintenance and services provided.
- Annual and special assessments.
- Delinquent assessments and remedies.
- Finance and borrowing provisions.
- Use restrictions.
- Architectural control and design review.
- Amendment provisions.
- General provisions.
- Bylaws.

Indentures also dictate the process for electing subdivision trustees. Working under the constraints of the indentures, trustees oversee the collection of annual and special assessments and the maintenance of the subdivision. For more information on the roles and responsibilities of subdivision trustees, please see page 6.

It may become necessary to amend the indentures of a subdivision. Reasons to amend could include changes in trustee members, association assessments levied, building rules, the election of new trustees, the language contained in the indentures, etc. Most often, amendments to subdivision trust indentures are drafted by an attorney retained by the Board of Trustees. Once the desired changes are made, the board will call a meeting of the subdivision residents. At that meeting, the homeowners will vote to approve the amendments. If the amendments receive the appropriate number of positive votes, the amended indentures are ready to be signed by the Board of Trustees and recorded. The amended indentures are filed with the St. Charles County Recorder of Deeds. Generally, all the procedures for amending the indentures will be contained in the body of the indentures as one of the clauses. **Also, the City of O'Fallon should be notified of trustee changes as well as be provided with the contact information for the new trustees. Contact O'Fallon's Citizens First Center at 636-379-5553.**

Subdivision Assessments

Subdivision associations levy annual and special assessments to maintain common land and facilities in the subdivision and to enhance the quality of life for residents. An elected Board of Trustees collects and manages the funds on an annual basis. Annual assessments are typically used for such expenses as cutting grass and maintaining landscaping on common ground, maintaining subdivision signs, recreational amenities, duplicating and mailing subdivision newsletters and meeting notices, supporting block parties/other subdivision-sponsored social events and hiring attorneys or other professional services. Private subdivisions may use their annual assessments to maintain private streets (snow removal, paving, etc.). Special assessments may be levied periodically and are typically used for major capital improvements, such as replacement or improvements to subdivision signage, fencing, detention facilities, retaining walls and recreational facilities. Examples of enhancements are: upgraded street lights, upgraded street signs, stamped concrete pavement within the public right-of-way, etc. The City of O'Fallon will not pay to replace any upgraded light, sign and/or pavement section; however, the City will replace fixtures with standard installation equipment.

Collecting Assessments

The amount and method of collecting association assessments are usually called out in the indenture itself as are the enforcement options of their collection. In that indentures are legal documents and the language contained in them is essentially the law of the subdivision, the enforcement of them is a civil matter. If a homeowner fails to pay the required assessment, the Board of Trustees or the professional property management company hired to handle such matters can file a lien against the homeowner's real estate. Many subdivisions use collection agencies or property management companies to assist in the collection of assessments. Collection agencies typically charge a rate based on a percent of assessments collected.

Filing a Lien

Liens may be placed upon properties which do not pay their required association assessments. A lien is a legal document that becomes a monetary encumbrance on the property deed and is required to be paid as part of the closing when the property is sold. The assistance of an attorney is generally necessary when drafting a lien.

Trustees

The specific duties of subdivision trustees are dependent upon the provisions of the association's indentures. In general, the Board of Trustees is responsible for the enforcement of indentures along with the maintenance and upkeep of the subdivision's common amenities, (i.e. common ground, swimming pools, playgrounds, trails, etc.). These duties may include:

- Budgeting and allocating funds for necessary maintenance and repairs.
- Working in conjunction with public utility companies to maintain adequate services within the subdivision.
- Contracting for services such as snow removal (if streets are private), tree trimming, and landscape maintenance.
- Approving or denying construction plans based upon subdivision indentures for certain structures in the subdivision, such as swimming pools, fences, decks, and additions to homes.
- Ensuring that the subdivision association and its employees are covered by insurance policies.
- Ensuring that all outstanding assessments are collected during the sale of homes in the subdivision by working closely with title companies.
- Retaining and consulting with legal counsel for issues impacting the subdivision.
- Responding to residents' request for service or other assistance.
- Continually seeking to enhance communication among neighbors, striving for community consensus, and getting residents involved.
- Conducting meetings to review subdivision business and holding an annual general meeting to elect a Board of Trustees.
- Attending municipal or county council meetings and other public events to represent the subdivision association and keep subdivision residents informed.
- Signing documents as official representatives of all residents in the subdivision as allowed by the subdivision trust indentures.

In most subdivisions, the Board of Trustees is comprised of subdivision homeowners who volunteer their time to maintain and improve their respective subdivisions for the betterment and enjoyment of all residents. Generally, the subdivision community elects trustees to their positions at an annual meeting. The duration of service is detailed in the association's indentures and terms are usually staggered to ensure a continuing level of experience on the board.

Professional Property Management

Since trustees often serve their subdivisions on a voluntary basis and earn no salary for their efforts, many subdivisions hire a professional property management firm to provide greater expertise. Generally professional property management firms are able to more adequately respond to the subdivision's needs than could volunteers. They also offer residents a specific contact person. Professional property managers typically:

- Collect annual and special assessments.
- Mail out notices and coordinate association meetings.
- Inform trustees of changes in relevant laws and ordinances.
- Prepare financial reports for the subdivision association.
- Provide expert advice while taking direction from the trustees on enforcing indentures.
- Manage the day-to-day operations of the association.
- Place liens on homes for failure to pay annual assessments.
- Retain an attorney to take necessary legal actions.

Municipal vs. Private Violations

It is important to note that an ordinance violation is a municipal violation, but an indenture violation is a private matter. If a violation is found to be applicable to municipal code, the City of O'Fallon will take necessary steps to enforce the O'Fallon Municipal Code. Alleged concerns can be reported by calling (636) 379-5553 (O'Fallon Citizens First Center). Violations of subdivision trust indentures are a private matter that should be handled by the subdivision trustees or the private professional property management firm hired by the respective subdivision and not by the City of O'Fallon (by law the City cannot enforce subdivision indentures).

Subdivision indentures are private, contractual agreements and enforcement of violations (other than those related to municipal code) is a civil action between the subdivision association or an individual property owner making a complaint and the property owner who is allegedly in violation of the indenture. The indentures will typically identify how violations should be enforced.

Common Subdivision Issues

Many subdivision associations find that they have similar issues affecting their neighborhoods. Some of the most common issues are related to common ground, home improvements, and storm water facilities. In order to help subdivisions address these issues, general information is provided below.

Common Ground

Common ground is the land set aside for open space, including storm water facilities, lakes, creeks, or recreational use for the owners of lots in a subdivision, conveyed in trust for the benefit, use, and enjoyment of the lot owners. Playgrounds and parks, as well as their access ways, are common ground areas in subdivisions. Portions of the annual and special assessments are typically allocated for the maintenance and upkeep of the subdivision's common ground. At times, a house may be adjacent to undeveloped property which is owned by someone else and that is not within the subdivision, nor part of the common ground of the subdivision. It is important to note that this property may be developed in the future. During future development, the property could be rezoned. For more information about the City of O'Fallon Zoning Ordinance, please see the Appendix.

Home Improvements

When planning to add on to, reconstruct, or erect accessory structures to a home, homeowners should be sure that the changes will meet municipal code and subdivision requirements. They should also be certain to read the subdivision trust indentures carefully. Often times, indentures are more restrictive than municipal ordinances. To avoid private legal issues and to maintain good neighborly relations, it is recommended that homeowners contact their Board of Trustees before making changes to their home. The City of O'Fallon does not have authority over an association's building or other deed restrictions as long as they are not in violation of municipal codes or ordinances. When buying a home that has a swimming pool and/or a deck, it is a good idea to make sure the previous owner had all of the necessary permits for those structures. It is also recommended to have a full survey of the lot conducted to identify official property lines and ensure that all structures meet the required setbacks.

Construction codes and zoning ordinances are enacted to protect the health, safety, and well-being of the public. By requiring quality construction and proper land use, property values are protected in our neighborhoods. The City of O'Fallon should be consulted to find out if any home improvements will require building permits; call City staff at 636-379-5660. The Appendix of this document includes a list of typical home improvements requiring permits in the City of O'Fallon. **Additionally, homeowners living in subdivisions with subdivision trust indentures should inquire about any permits or regulatory reviews that will be required from the subdivision association. Remember, subdivision indentures and municipal ordinances are separate from one another.** Indentures are private, contractual agreements between homeowners and associations.

Storm Water Facilities

Storm Water Facilities are designed to capture, hold and slowly release storm water while trapping sediment and debris. The subdivision association is responsible for routine maintenance of these facilities to prevent flooding and water pollution. Maintenance of storm water facilities (such as mowing, debris and sediment removal, unblocking outfall

pipes, etc.) is essential in order for them to effectively serve their purpose. A malfunctioning system can become an eyesore, a nuisance, a health hazard, and cause flooding. To prevent these problems, a Board of Trustees should:

- Review improvement plans and locate the storm water facilities in the subdivision.
- Review the subdivision trust indentures and any maintenance agreements. Determine how much money can be collected from each homeowner for storm water management.
- Gather information about the maintenance of storm water facilities.
 - What has to be done and when?
 - Who can do the work?
 - What kind of equipment is needed?
 - What is the cost?
- Develop a plan for maintenance, which includes equipment and workers needed, maintenance schedules, costs, fundraising, and response procedures. Check the City's Storm Water Management webpage for guidance and fact sheets on detention and retention basin maintenance and related topics at ww.ofallon.mo.us/storm-water-management. Also, call the City of O'Fallon's Storm Water Management Coordinator at 636-379-7633 for more information.
- Present the maintenance plan to the subdivision association for approval, highlighting the problems that storm water runoff and dumping in ditches and drains can cause, along with what has to be done and what it will cost to manage the facilities in the subdivision.
- Institute the maintenance program. In addition to consulting O'Fallon's Storm Water Management Coordinator, it may be necessary to consult an engineering firm with experience in storm water management or another subdivision Board of Trustees to gather all the necessary information. Some of the maintenance work may require the subdivision association to hire a consulting engineer and/or a contractor.

Frequently Asked Questions

What are subdivision trust indentures?

Subdivision trust indentures are written agreements that restrict or limit property use or activities in a subdivision. Indentures also detail the rules and procedures under which the subdivision will operate. These regulations and restrictions appear in the deed records and are private contracts between a property buyer and a property seller. Indentures are legally binding documents, recognized by the State of Missouri and recorded with the St. Charles County Recorder of Deeds.

Who must abide by subdivision trust indentures?

In the City of O'Fallon, indentures are binding upon every property owner in a defined private subdivision operating under an indenture. Additionally, all subsequent or future owners of property in a deed restricted subdivision are required to abide by the indenture as well.

How are indentures put into place?

Indentures are usually created and activated on a subdivision by the initial developer. The developers are generally referred to as the "First Party," and serve as the initial governors, or trustees, of the subdivision. After set percentages of the lots are sold by the developer, the developer begins to turn over the controls of the association to the homeowners association. (See your Covenants and Restrictions for the percentages that apply to your association).

Who is responsible for informing new home buyers of the subdivision trust indentures?

Since subdivision trust indentures are referenced on the title insurance policy, homebuyers should become aware of the indentures at closing. Also, it is common for trustees or a "Welcome Committee" of the subdivision association to educate new homeowners about the indentures after they move in. Associations may wish to contact local realtors and listing agents on "For Sale" properties to ensure that they are aware of the subdivision trust indentures.

Why are use restrictions important for my neighborhood?

Use restrictions are intended to preserve a subdivision's aesthetic appearance by setting standards for property maintenance, rules for construction on new or existing structures, and regulations for allowing or prohibiting certain uses or activities within a property in a subdivision. Before beginning any home improvement projects, it is wise to contact the subdivision trustees and review the subdivision indentures to ensure compliance.

What can I do to help maintain compliance with the indenture in my subdivision?

The most effective way of maintaining or enforcing indentures is through active participation in the subdivision association. An active group of neighbors will provide an effective voice for proper land use and maintenance. Attending monthly and annual meetings will also keep trustees and residents well-informed about current events, policy updates, and legislation that can affect your subdivision. Solid communication between neighbors will allow problems to be worked out more effectively.

How can our association enforce our indentures and deal with violations?

First and foremost, carefully read the indentures to be sure that the issue at hand is actually a violation. Then, speak with the owner of the property in question. This may solve the problem since it is possible that the property owner did not know that the indenture was violated. If a problem persists, approaching the subdivision trustees is a good next step. The trustees can take the necessary steps to attempt to remedy the situation. They can also decide at which point the assistance of an attorney will be necessary. It is important to note that government authorities do not enforce subdivision trust indentures; indentures are private, contractual agreements between a subdivision association and an individual property owner.

Our subdivision's trust indenture is old and outdated. Is it possible to amend our indentures to make it more effective?

Yes. It is quite common for indentures to be updated or rewritten when they are old or are lacking substance. The ease or difficulty of amending a subdivision's trust indenture depends on the procedures established in the documents themselves. A well-written indenture will usually have a clearly-defined amendment provision. It is recommended that subdivision associations enlist the assistance of an attorney in creating or updating their indenture.

What is a mitigation area?

Wetlands and streams provide important environmental functions including protecting and improving water quality and providing habitat to fish and wildlife. Some subdivisions have set aside mitigation areas to establish, preserve, or restore other aquatic resources in order to offset those impacted by the development. This process seeks to replace the unavoidable loss of existing wetland and stream functions and area. Mitigation areas are typically recorded easements or deed restrictions to assure long-term avoidance of the mitigation area. Maintenance requirements and monitoring schedules are determined by the Army Corps of Engineers during the development process and can be found in the subdivision indentures. Typically, there are restrictions regarding the removal of trees or plants, mowing, draining, or recreational use of the area. These requirements remain in perpetuity. For more information, please contact the U.S. Army Corps of Engineers, St. Louis District at (314) 331-8068 or at their website <http://www.mvs.usace.army.mil>.

Should my subdivision have liability insurance?

In most subdivisions that have common elements such as common ground, private streets, recreational facilities, and other amenities for the use and benefit of the subdivision residents and their guests, the subdivision association is responsible for the proper management of these elements. It is therefore suggested that the Board of Trustees or the subdivision's professional property management company have liability insurance. The policy should provide coverage for accidents and personal injury that may occur in the common elements of the development. In addition, to cover trustees' actions as they perform their official duties it is recommended that the Board of Trustees explore Trustee Error and Omissions Insurance.

I live in a subdivision which is not complete and the original developer is no longer developing in our subdivision; how do I determine who is in charge of the development?

Sometimes a developer has gone out of business or otherwise abandons development of the subdivision prior to completing the subdivision and prior to passing on control of the

homeowners association to the homeowners. In these situations, it may be hard for homeowners to get information about the financial status of the homeowners association or find out who is in charge and other information. In those situations, a homeowner or group of homeowners may have to look for outside help to determine a course of action. The following is a list of resources:

- ***The City of O'Fallon:*** The City will have the name and last known address of the contact person for the developer. The City will also have information as to whether there are any new submittals or plans for the subdivision. Beyond that, however, the City may not have any more information than the homeowners as to the status of the subdivision. The O'Fallon Planning and Development department can be reached at (636) 379-5544 or www.ofallon.mo.us/planning-and-development.
- ***Missouri Attorney General's Office:*** While the Attorney General's office does not have any information on specific subdivisions or their management, a homeowner can file a complaint with the Attorney General's office if the homeowner believes that their assessments are being mishandled or otherwise mismanaged. The St. Louis office of the Missouri Attorney General's Office can be reached at (314) 340-6816 or a complaint can be filed online at <http://ago.mo.gov/>

Resources

Community Associations Institute:

The Community Associations Institute (CAI) is a leading national advocate for subdivision associations providing education, networking opportunities, and other important resources to its members. The CAI mission is “to assist community associations in promoting harmony, community, and responsible leadership.” CAI can be accessed online at <http://www.caionline.org>. Its resources include:

- Seminars, workshops, conferences and educational programs.
- Online tools and resources
- Advocacy and legislative support.
- Networking and referral opportunities.
- Up-to-date information regarding best practices, management procedures and policymaking.
- Seven specialized newsletters, *Common Ground Magazine*, and other books, pamphlets and guides.

The Uniform Common Interest Ownership Act (UCIOA):

Originally promulgated in 1982 by the National Conference of Commissioners of the Uniform State Laws (ULC), the UCIOA is a comprehensive act that governs the formulation, management, and termination of a common interest community. In 1994, the ULC promulgated a series of amendments. The Act as a whole can be found at <http://uniformlaws.org/Acts.aspx> (Common Interest Ownership Act 1994).

Internet Resources for Subdivision Associations and Homeowners:

Community Associations Institute: www.caionline.org

National Board of Certification for Community Association Managers:
www.nbccam.org/about

Community Tool Box: <http://ctb.ku.edu>

Neighborhood Link: www.neighborhoodlink.com

Soil & Water Conservation District, St. Charles: www.swcd.mo.gov/stcharles

Missouri Secretary of State: www.sos.mo.gov

Building Owners & Managers Association: www.boma.org

HOATalk.com: www.hoatalk.com

St. Charles County Assessor: <http://assessor.sccmo.org/assessor/>

St. Charles County Recorder of Deeds: <http://recorder.sccmo.org/recorder/>

U.S. Army Corp of Engineers, St. Louis District: www.mvs.usace.army.mil

City Telephone Numbers

EMERGENCY

DIAL 9-1-1

Citizens First Center

636-379-5553

Animal Control

636-240-3200

City Hall

636-240-2000

Cultural Arts Gallery

636-474-8150

Municipal Court

636-240-8766

Parks and Recreation Office

636-379-5606

Police (Non-emergency)

636-240-3200

Refuse and Recycling Collection

636-272-0477

Renaud Spirit Center

636-474-2732

Senior Center

636-272-4180

Street Division

636-379-3808

Trash/Bulk Pick-up

636-272-0477

Volunteer Services

636-379-5417

Water/Sewer

636-281-2858

Glossary

The following is a list of useful definitions of terms typically associated with subdivision associations. The O'Fallon Zoning Ordinance and the Subdivision Ordinance have a more extensive listing of pertinent definitions for subdivisions. For more information on these ordinances, please see the Appendix.

Architectural Control: The power of a subdivision association to restrict the types of structures, alterations, or improvements permitted on property within the subdivision and to require the approval of the trustees or the architectural review committee before they are made.

Articles of Incorporation: A document that typically specifies the purposes and powers of the association, what officers it has, and essentially creates the association.

Assessments: An amount of money levied by a subdivision association on its members for the maintenance and upkeep of the association and its common property. Assessments are sometimes referred to as "dues."

Board of Trustees: The governing body of a subdivision association.

Bylaws: The operating procedures of a subdivision association, which regulate such matters as the election of trustees, the nature of meetings, quorums and proxies, and other matters related to the operation of the association. Bylaws can usually be modified, either via the Board of Trustees or by a vote of the association's members.

Common Ground: Land set aside for open space, including storm water facilities, lakes, creeks, parks and recreational areas for the owners of lots in a subdivision. This land is conveyed in trust for the benefit, use, and enjoyment of the lot owners.

Covenant: A covenant is a written agreement to do something or to refrain from doing something. The actual covenants that govern the rights and responsibilities of individual owners within a subdivision are detailed in a subdivision's trust indenture.

Covenant Running with the Land: A recorded, written covenant that is tied into a particular parcel of property. The covenant is said to run with the land because it remains with the land, even when the land is sold from one owner to another.

Easements: Areas of land set aside for public utilities (gas, electricity, phone, cable); storm sewer, sanitary sewer and water main lines, and surface drainage. Easements give utility companies, municipal and county workers, etc. the right to conduct work on the property within the easement boundaries. In most subdivisions, easements are platted.

Floodplain: An official zoning category as designated by the Federal Emergency Management Association (FEMA) Flood Boundary and Floodway maps. Such designation causes land to be subject to flood plain regulations as specified in the municipal or county zoning ordinance. FEMA's 100-year flood plain designation is intended to include all land that has a one (1%) percent chance of flooding in any given year.

Indenture: Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific maintenance obligations or both. An indenture creates the common ownership of common land and defines the covenants, use restrictions, access agreements, insurance requirements, the rights of members, and the authority of the association and its trustees. The indenture also details processes for amending association regulations and documents, as well as assessing and collecting assessments. Indentures are private, contractual agreements between a subdivision association and an individual property owner. Within a private subdivision association, no owner can avoid being subject to the provisions of a trust indenture.

Lien: A claim upon the property of a debtor as security for a debt. A lien is a legal right of a creditor to force the sale of property of a debtor to satisfy the debt.

Lot: A parcel within the City of O'Fallon created under the provisions of the City Subdivision Ordinance intended to be separately owned, developed, or otherwise used as a unit.

Mitigation Area: Land set aside to establish, preserve, or restore a wetland, stream, or habitat conservation area in order to offset those adversely impacted by development. These areas are governed by the U.S. Army Corps of Engineers, have land-use and maintenance restrictions, and are typically recorded as perpetual easements or deed restrictions.

Plat: A land survey in two dimensions that gives the legal descriptions of pieces of property by lot, street, and block numbers, establishes common ground, and dedicates public streets. Plats are recorded at the St. Charles County Recorder of Deeds office.

Right-of-Way: A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain, or any other legal means and occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use. Normally, a right-of-way is fifty (50') feet wide whereas the street pavement is twenty-six (26') feet wide; thus, the right-of-way covers an area that includes both sidewalks and the road pavement.

Sanitary Sewer: A system of pipes that collects wastewater and directs it to a wastewater treatment plant, where it is treated and released.

Special Assessment: An assessment levied to finance a single project. Special assessments are separate from a regular assessment, which is levied once per month or once per year to finance the regular operations of an association.

Storm Sewer: A network of inlets, manholes, underground pipes or an open ditch that carries rainwater.

Storm Water Facility: Man-made structures or natural areas such as detention or retention basins, wetlands, infiltration trenches or swales that are designed to manage flooding or improve the water quality of downstream creeks or lakes.

Water Main: A system of pipes that brings potable water from a water treatment plant to homes and businesses.

Appendix: **Information Specific to the City of O'Fallon**

Code Enforcement

Code Enforcement can address many concerns regarding property maintenance issues within the City of O'Fallon. Ordinances enforced by Code Enforcement were established to help protect against neighborhood deterioration and blight within the City of O'Fallon.

This office is responsible for inspecting existing housing for code violations and ensuring that violations are corrected in a timely fashion. By correcting code violations, neighborhoods can enjoy sustainability in their property values. If you think a property warrants an investigation, please call the Citizens First Center at (636) 379-5553 or email citizensfirst@ofallon.mo.us or contact Code Enforcement at (636) 379-5422 to file your concern.

Zoning and Subdivision Ordinances

The City of O'Fallon Zoning Ordinance is the regulatory tool used to secure coordinated development within the City. Every parcel of land within the City has a zoning designation. The zoning district defines the types of land uses or development that are allowed within that district. Within each district, standards such as building setbacks, minimum lot area requirements, parking needs, and sign provisions are specified. Please visit the following link to view the Zoning Ordinance <http://ecode360.com/27634402>

Building Permits

A building permit ensures that your building project is structurally sound, that it complies with the building and zoning codes, and that the structure is built to ensure the health, safety and welfare of all occupants.

Here are some improvements that require a building permit:

- decks
- sheds
- pools
- basement finishes
- additions
- major alterations

For a more extensive list of projects that do or do not require a building permit as well as information on how to apply for a building permit, please visit www.ofallon.mo.us/building-permits or contact staff by calling (636) 379-5660.

Grading

For changes in existing grade, please contact the City's Engineering Division at (636) 379-5596.