

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: GENERAL PROVISIONS

SECTION 500.010: ADOPTION OF ST. LOUIS COUNTY CODES

The St. Louis County

1. Building,
2. Electrical,
3. Explosives,
4. Mechanical,
5. Plumbing, and
6. Property Maintenance

Code(s) as amended by the County of St. Louis through date of last amendatory ordinance(s),

1. December 21, 2000,
2. March 6, 1997, as amended by St. Louis County Ordinance 22556 adopted November 29, 2005,
3. November 12, 1997,
4. December 3, 2000,
5. January 6, 2001, and
6. September 3, 1998

respectively are hereby adopted as the

1. Building,
2. Electrical,
3. Explosives,
4. Mechanical,
5. Plumbing, and

6. Property Maintenance,

Code(s) of the Village of Wilbur Park, Missouri, as if fully set out herein. (Ord. No. 96-01 §1, 5-21-96; Ord. No. WPC-96-02 §1, 12-15-97; Ord. No. 98-04 §1, 11-17-98; Ord. No. 2000-02 §1, 8-22-00; Ord. No. 2001-01 §1, 1-23-01; Ord. No. 006-003 §1, 4-4-06)

SECTION 500.020: NUMBERING OF ALL STRUCTURES

- A. In order to implement and carry out the 911 emergency phone service all inhabitable structures for human habitation and all buildings in which private and public business is conducted shall be designated by a numerical system of numbers and alphabetical letters or a combination thereof.
- B. All such numbers shall be placed on all new and existing structures as designated in Subsection (A), beside or near the front entrance thereof on the street or road side of the building. The numbers shall be no less than four (4) inches in height and shall be increased by one (1) inch in height for every fifty (50) feet the structure sets back from the street or road. The numbers shall contrast with the background color and shall be visible from the street or road, day or night.
- C. If the structure is not visible from the street or road, the numbers shall be placed at the driveway entrance and street or road, either on the mailbox or on a separate post or support. If a separate post is used, the numbers shall be placed no less than seven (7) feet or more than seven (7) feet from ground level to provide optimum visibility.
- D. *Primary And Secondary Numbers.* All structures shall be designated by a primary number. If the structure is divided into separate units such as apartments in one (1) structure, the overall structure shall be given a primary numerical designation and each unit thereof shall have an alphabetical letter added to the primary number in sequence.

CHAPTER 505: BUILDING REGULATIONS

SECTION 505.010: PUBLIC UTILITIES)PROHIBITION AND VIOLATIONS

- A. It shall be unlawful for any person, firm, or corporation, to erect, construct or relocate existing utility poles or lines for the transmission of electricity, telephone messages, or other public utility transmissions above the surface of the ground within the boundaries of the Village of Wilbur Park, Missouri.
- B. Nothing contained in this Section shall prevent the maintenance or repair of existing above ground utility poles and lines, the erection, construction, and maintenance of temporary poles and lines erected in connection with construction projects or the erection of poles for street lighting in the Village of Wilbur Park, Missouri.
- C. Any person, firm or corporation which violates the provisions of this Section shall be guilty of a misdemeanor and on conviction thereof, be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) for each offense and each day or fraction thereof of construction or maintenance shall be deemed a distinct and separate offense. (Ord. No. 70 §§1)3, 7-8-71)

SECTION 505.020: CARPORTS, PERMANENT OBSTRUCTIONS IN DRIVEWAYS

- A. It shall be unlawful for any person or persons to erect a carport, shelter or permanent obstruction in any driveway located in the Village of Wilbur Park.
- B. Any person or persons who shall violate any of the terms of this Section by erecting a carport, shelter or permanent obstruction in a driveway located in the Village of Wilbur Park shall be deemed guilty of a misdemeanor; upon a conviction thereof, the offender shall be fined not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00).
- C. Each day that the said carport, shelter or permanent obstruction remains in the said driveway located in the Village of Wilbur Park shall be deemed a separate offense and a separate violation of this Section. (Ord. No. 65 §§1)3, 1, 1-14-67)

SECTION 505.030: COST OF PERMITS

- A. The fee to be paid for a permit to erect a building or retaining wall or for the removal of any building from one place to another, shall be two dollars (\$2.00) if the estimated cost thereof be less than one thousand dollars (\$1,000.00); and for every additional one thousand dollars (\$1,000.00) of cost or fraction thereof, the further sum of one dollar (\$1.00) shall be paid. The fee to be paid to alter, enlarge or repair (except minor repairs) shall be at the same rate as prescribed for the erection of new structures.
 - 1. The fee to be paid to wreck a building shall be two dollars (\$2.00).
 - 2. No permit shall be issued until the fee has been paid.
- B. If it should appear to the Board of Trustees during the erection, alteration, enlargement, repair or removal of any building or retaining wall, for which a permit has been issued, that

the cost thereof is in excess of the amount stated in the original application, the Board shall have the authority to

re-estimate such cost and to require the owner of said structure to pay an additional fee, so that the fee when paid in full shall conform to the entire cost of erecting, altering, enlarging, repairing or removing such structure as provided in this Section. (Ord. No. 59 §2, 3-64)

SECTION 505.040: APPLICATION FOR PERMIT

- A. Application for permit shall be made in writing to the Board. All applications shall state clearly and fully the work to be done, the cost thereof and shall be signed by the owner or his/her agent and filed with the Board.
- B. True copies of so much of the plans and specifications as in the opinion of the Board may be required to illustrate the features of the construction of the building shall be filed with the Board and remain on file until completion or occupation of said building, after which such plans and specifications shall on demand be returned to the parties who deposited them.
- C. All plans presented for examination or filing shall be drawn on tracing cloth or other material equally durable to a scale, in India ink or other indelible ink, or may be drawings reproduced by the sun print or other process. The building line shall be indicated on the foundation plan and the plan of each floor and all necessary elevations and section drawings to fully and clearly demonstrate the character and construction of the proposed work shall be furnished, together with a plan of the lots upon which the building is to be erected or altered, showing its proposed location on the lot. The plat shall be drawn to scale and shall have written thereon the principal dimensions of the lot and building and their location.
- D. No plans shall be accepted unless accompanied by specifications sufficient to enable the Board to obtain full and complete information as to the character of the work to be done and the time to be occupied in doing it. The specifications and plans shall be in duplicate, agree in every respect, and shall state the block and lot number where the building is to be erected in the Village and contain the name and address of the owner, architect and builder. (Ord. No. 59 §3, 3-64)

SECTION 505.050: APPROVAL

- A. If the matters mentioned in any application for a permit, or if the plans and specifications accompanying and illustrating the same indicate to the Board that the work to be done is not in all respects in accordance with the provisions of this Chapter, they shall refuse to issue a permit until such applications, plans and specifications shall have been made to conform in every respect to the requirements hereof, and when such applications and plans and specifications conform thereto the Board shall issue a permit, and shall file said application, and shall apply to the plans and specifications their official stamp which shall imply that the plans and specifications to which the same have been applied, comply with the terms of this Chapter. The one (1) set of plans and specifications so stamped shall then be returned to such applicant.
- B. If the work upon any building shall be conducted in violation of the provisions of this Chapter, as to the use or application of material or workmanship or by deviation from the approved plans and specifications or by a false statement as to any material part contained in or accompanying the application upon which any permit has been issued, it shall be the duty of the Board to revoke the permit for such building operations. And it shall be unlawful after the revocation of a permit for any person to proceed with such building operation until

said permit shall first have been reinstated or reissued by the Board. Before a permit which has been revoked, for any of the causes hereinbefore mentioned shall be reinstated, the entire building and building site shall first have been

placed in condition corresponding with the requirements of this Chapter, and any work or material applied to the same, in violation of the provisions of this Chapter, shall be removed from said building. The reissuance or reinstating of a permit shall be without cost to the owner, unless the cost of said building shall be found to have been materially increased over the amount stated in the application, in which case the fee shall be pro-rated as provided in Section 505.030.

- C. No permit shall be of any force or effect after the expiration of one (1) year from the date of its issuance. If, after a permit for the erection, enlargement, or alteration of a building, retaining wall, or fence wall, or for the repair or removal of any building, or for any other purpose authorized by this Chapter, shall have been granted and the operation called for by such permit shall not have been begun within one (1) year from the date thereof, or if such operations when begun, are not completed within one (1) year next after the issuance of said permit, then said permit shall be void, and before such operations can be begun or completed a new permit shall be procured and the fee paid as required by this Chapter for the original permit. (Ord. No. 59 §4, 3-64)

SECTION 505.060: INSPECTION BOND

- A. It shall be the duty of the owner or his/her duly authorized agent or builder to notify the Board, in writing, whenever any building is ready for inspection. No building, partition, or structure shall be covered in by lathing, plastering, sheathing, or otherwise until it shall have first been inspected by the Board or their duly authorized agent, and the fee for said inspection shall have been paid.
- B. The Board shall appoint a competent electrical inspector who shall inspect the installation, erection and alteration of all materials, wiring, fixtures or other apparatus for the utilization of electricity for light, heat or power in any building. The owner or his/her agent shall notify the Board when the building is ready for such inspection. No person, firm or corporation shall cause to be concealed from view or cover or cause to be covered against ready access, any electrical installation before such installation has been inspected and approved. Any material or installation ordered corrected or removed shall be done before any further electrical work on the building shall proceed.
- C. The Board shall appoint a competent plumbing inspector who shall inspect the installation, erection and alteration of all plumbing materials, fixtures and other apparatus connected with either the storm or sanitary sewerage. The owner or his/her agent shall notify the Board when the building is ready for such inspection. No person, firm or corporation shall cause to be concealed from view or cover or caused to be covered against ready access, any plumbing installation before such installation has been inspected and approved. Any material or installation ordered corrected or removed shall be done before any further plumbing work on the building shall proceed.
- D. In addition thereto it shall be the duty of every person, firm or corporation or their agents doing plumbing or drainlaying or making any other excavations, to give a cash deposit to be fixed by the Board which shall be filed with the Clerk of the Village, and conditioned that the party principal therein will faithfully observe all ordinances of the Village regulating plumbing, drainlaying and excavations and that all plumbing and drainlaying and excavation work done by such principal, or under the direction of such principal shall be executed in a workmanlike manner; that they will indemnify and save harmless the Village from all accidents and damages caused by any negligence in protecting their work or by any

unlawful or inadequate work done by themselves or their employees.

- E. Said deposit shall also insure the Village against unreasonable and unnecessary obstructions of the streets, avenues, alleys, sidewalks or public grounds of said Village in the constructing, placing, taking up or repairing any sewers, water connections or other devices, and the persons, firm or

corporation giving such deposit shall restore said streets, avenues, alleys, sidewalks and public grounds immediately after completion of the work or when so ordered by the Village, to their former conditions. Danger signal lights are to be kept burning all night and temporary barricades are to be erected at any excavations in the streets, avenues, alleys, sidewalks or public grounds.
(Ord. No. 59 §5, 3-64)

SECTION 505.070: MINOR REPAIRS

Minor repairs shall be taken to mean repairs not affecting the structural portion of a building and costing less than one thousand dollars (\$1,000.00). (Ord. No. 59 §6, 3-64)

SECTION 505.080: PERMIT RESTRICTIONS

No building permit shall be issued by the Board unless the type of building or addition conforms to the Zoning Ordinance for the location on which said building or addition is to be erected and unless the plans and specifications therefor comply with the Building Code.
(Ord. No. 59 §7, 3-64)

SECTION 505.090: REQUIREMENTS AS TO DESIGN AND SIZE

No building shall hereafter be erected, altered, enlarged or significantly repaired unless it conforms in exterior design and size and the exterior use of materials and workmanship, buildings and additions with the other buildings now in the immediate vicinity. The Board shall be the sole judge as to whether the proposed building complies with the spirit and letter of this Section. (Ord. No. 59 §8, 3-64)

SECTION 505.100: DRIVEWAYS AND SIDEWALKS

- A. No driveway or sidewalk for public use shall be constructed within the Village of Wilbur Park by any person, firm or corporation, without first obtaining a permit authorizing the same from the Board of Trustees. The cost and regulations governing such permits and those who obtain such permits shall be governed by the provisions of this Chapter as pertaining to buildings or other structures.
- B. All sidewalk construction must be concrete of a width of three (3) feet, or more, and a thickness of not less than four (4) inches and shall consist of six (6) sacks (ninety-six (96) pound sacks) of Portland cement to each cubic yard of concrete, and shall conform with the sidewalks adjacent, or in adjacent blocks as to the distance from the curb, and finished grade of sidewalk shall be at least one (1) inch above curb.
1. All driveways must be constructed of concrete or bituminous asphalt (black top) material. No other material will be allowed.
 2. Concrete driveways must have a minimum thickness of four (4) inches and consist of six (6) sacks (ninety-six (96) pound sacks) of Portland cement to each cubic yard of concrete.

3. Bituminous asphalt (black top) driveways must have a minimum thickness of two (2) inches poured over a bed of six (6) inches of crushed rock or limestone.

- C. It shall be the duty of every owner of real estate to keep the sidewalks, curbs, gutters and driveway entrances adjacent to his/her property in good repair at all times and free from irregularities and offsets in the surface thereof which may render the same unsafe for use. Should the Board of Trustees determine that any such repairs are necessary, it shall notify the responsible property owner of the nature of the repairs required and shall order said repairs completed within a specified time. Such notice and order may be served on the owner personally or by certified mail or may be posted on the subject premises. Any owner who fails, neglects or refuses to comply with such an order within the time specified therein shall be deemed guilty of a misdemeanor.
- D. The Board of Trustees may in its discretion, by resolution, require the owner of any lot or tract to build and construct, or rebuild and reconstruct, a sidewalk, curb, gutter or driveway entrance lying along and adjacent to his/her property and may, by ordinance, condemn defective sidewalks, curbs and gutters and driveway entrances, order their removal and require the construction of new sidewalks, curbs and gutters and driveway entrances in the place of those so condemned. Said owner may also be required to grade and fill that portion of the street lying between the property line and the street curb line. Notice of the aforesaid required work shall be given by directing a written order by certified mail to the last known address of said owner or, if no address is available for such owner, by posting a copy of said order on the subject premises. Any owner who fails, neglects or refuses to comply with such an order within ten (10) days of the receipt or posting thereof shall be deemed guilty of a misdemeanor.
- E. No person shall allow any tree or bush (which for the purposes of this Section shall include trees, bushes, plants, vines, or other vegetative matter) located on his/her property to extend over any public street or sidewalk unless such vegetation is maintained with a minimum clearance above grade of eight (8) feet above sidewalks and ten (10) feet above the paved portion of public streets. No tree or bush shall be planted closer than three (3) feet from any sidewalk or any street curb. Nothing in this Section shall require removal of any tree or shrub in existence at the time of the passage of this Section, but any and all trees and shrubs shall comply with the trimming provisions contained herein.
- F. If an owner does not comply with Subsections (C), (D) or (E) above within fifteen (15) days of receiving notice, or the owner shall not have in good faith commenced to build or repair the sidewalk or trim the vegetation in question and complete the same in a reasonable time in the judgment of the Board of Trustees, the Board of Trustees shall cause such sidewalk to be built or repaired, or such vegetation to be trimmed, at the expense of the Village, the cost and expense of which shall constitute a lien on the property along which said sidewalk is built or repaired or vegetation is located, and the Village may enforce this lien against such property in the Circuit Court of St. Louis County. (Ord. No. 59 §9, 3-64; Ord. No. 98-03 §1, 7-21-98)

SECTION 505.110: FENCES

- A. No fence shall be erected or constructed on any lot within the Village of Wilbur Park unless such fence meets the following requirements:
1. The fence is constructed with new materials. Fences shall be constructed of wood, vinyl or metal chain link. Barbed wire and electrical fences are prohibited.
 2. Any fence erected or constructed under the provisions of this Chapter may not extend

beyond the rear building line of the lot on which same is constructed or erected. Fences along side lot lines shall be on the lot line and only one (1) fence will be allowed between residences. The property owner erecting a fence, and his or her successors in interest, shall be responsible for the maintenance thereof.

3. The fence is not in excess of six (6) feet in height.
 4. No fence shall be built within ten (10) feet of an intersection; on corner lots, no fence shall be built along the side street within eight (8) feet of the curb line.
 5. The finished side of fences must face out or fences must be double-sided. Stockade fences are required to have the horizontal and vertical supports posts hidden from the neighbor's and general public's view.
 6. Fences will be maintained in a proper manner including, but not limited to, being properly painted, if painted, and without broken materials or components or unintentional holes or openings.
 7. Replacement of existing fences and construction of new fences shall require a building permit.
- B. Any fence meeting the foregoing requirements may be erected upon application to the Building Commissioner of the Village of Wilbur Park and issuance of a building permit by said Building Commissioner. An application shall include plans which include a diagram of the fence location, type of fence, color and description of the fence materials. A fee of twenty dollars (\$20.00) shall accompany all applications, payable to the Treasurer of the Village of Wilbur Park. The Building Commissioner may deny a permit request that does not conform with the foregoing or if, in his or her opinion, the requested fence will not conform with the nature and aesthetics of the surrounding fences and properties. The Building Commissioner may also deny a permit if the proposed fence could or would detrimentally affect the health or safety of the residents or guests of the Village or could or would inhibit or impinge the functions of the Fire or Police Departments.
- C. The Board of Adjustment of the Village of Wilbur Park may, after due consideration, grant a variance upon application from the provisions of this Section; provided however, before said variance may be granted, a set of plans or drawings accurately depicting the proposed fence shall be submitted to the Board of Adjustment. In considering any request for a variance, the Board of Zoning Adjustment may take into consideration, but shall not be bound thereby, the approval or disapproval of such application by neighbors and adjacent landowners concerning the proposed fence. (Ord. No. 59 §10, 3-64; Ord. No. 007-003 §1, 10-16-07)

SECTION 505.120: BUILDING COMMISSIONER

The Board of Trustees shall appoint some suitable person as Building Commissioner. The duties of the Building Commissioner shall be as follows:

1. To inspect or cause to be inspected every fence, retaining wall, driveway and sidewalk which may be in the course of erection, construction, enlargement, alteration, repair, wrecking or removal in the Village of Wilbur Park.
2. The fee for inspections by the Building Commissioner shall be fixed by resolution of the Board. (Ord. No. 59 §11, 3-64)

SECTION 505.130: PENALTIES

Any person, firm or corporation, or the agent thereof, who shall violate or permit to be violated any provision of this Chapter, shall be deemed guilty of a misdemeanor and upon conviction shall be

fined not less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00), and each day that a violation is permitted to continue shall constitute a separate offense. (Ord. No. 59 §12, 3-64)

SECTION 505.140: BOARD OF TRUSTEES

- A. The Board of Trustees shall have the power by a majority vote to vary or modify the application of any of the regulations or provisions of this Chapter.
- B. This Chapter shall not be construed so as to interfere with the use of any buildings or structure or land existing at the time of passage of this Chapter.
- C. Where the word "*Board*" is used in this Chapter it shall be taken to mean the Board of Trustees of the Village of Wilbur Park, and where the word Village is used in this Chapter, it shall be taken to mean the Village of Wilbur Park, St. Louis County, Missouri. (Ord. No. 59 §13, 3-64)

CHAPTER 510: EXCAVATIONS

SECTION 510.010: EXCAVATIONS WITHOUT PERMIT) MISDEMEANOR

Except in case of public work done by authority of the Board of Trustees, no person shall make or cause to be made any opening or excavation in any public street, alley, highway, sidewalk, tree lawn, parkway or public place or thoroughfare, without written permit from the Village Clerk. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor.

(Ord. No. 41 §1, 1-13-59)

SECTION 510.020: APPLICATION FOR PERMIT FEES TO BE PAID, BONDS OR CASH DEPOSIT, METHOD OF BACKFILLING

Application for an excavation permit shall be made in writing to the Village Clerk, which application shall contain information regarding the purpose, location and size of the proposed excavation and the approximate time when work on same will be commenced. Each excavation shall require a separate permit for which a fee of three dollar (\$3.00) permit cost and a fee of three dollar (\$3.00) inspection charge shall be paid. Before any excavation permit is issued, a bond or cash deposit of fifty dollars (\$50.00) shall be deposited with the Village Clerk to guarantee compliance with this Section. A refund of the bond or cash deposit will be made on satisfactory completion of the work performed, upon inspection by the Commissioner of Streets. Any person, firm or corporation engaged in making frequent excavations may, in lieu of a deposit as outlined above, file a bond with the Village in the penal sum of five hundred dollars (\$500.00) conditioned upon the restoration of the surface of any excavation made to its original condition as required by this Section. Excavations made in or under the street, walk or driveway pavements shall be backfilled with limestone screenings placed in horizontal layers no greater in final thickness than six (6) inches, and shall be densified by mechanical tamping or inundating and vibration, and the pavement surface restored to its original condition. Contractors and utility companies engaged in the construction, replacement or repair of utility lines in paved areas shall have the option of backfilling the trench with the excavated material in lieu of granular material or limestone screenings, provided that the soil is not frozen when being replaced, has been protected by covering while excavated, the moisture content during backfilling is no greater than during excavating, has not individual lumps with a volume larger than eight (8) cubic inches, and provided that the material shall be backfilled and compacted in lifts no thicker than six (6) inches to its maximum density. Whenever earth backfill is utilized as set forth hereinabove, the excavation shall be maintained by the person, firm or corporation making the excavation until the excavated area has been stabilized to its original condition.

(Ord. No. 43 §2, 3-10-59)

SECTION 510.030: VILLAGE CLERK TO KEEP RECORDS OF PERMITS

The Village Clerk shall keep a full and complete account in a book provided for that purpose, of all permits issued showing the date, party to whom issued, location and fees received on account thereof. (Ord. No. 41 §3, 1-13-59)

SECTION 510.040:

TIME OF APPLICATION IN EMERGENCY

The provisions of this Chapter requiring a permit before any work is commenced shall not apply in emergencies where public safety or welfare is endangered, but such work may immediately proceed,

provided, a permit is applied for and issued as soon as practicable after the work is commenced. (Ord. No. 41 §4, 1-13-59)

SECTION 510.050: EXCAVATIONS) SAFEGUARDS TO PUBLIC) MISDEMEANOR

No person shall make any opening or excavation, with or without a permit, in any street, highway, alley, sidewalk, parkway, tree lawn or public place in the Village of Wilbur Park without providing during the progress of the work and until said excavation has been backfilled and the surface restored, barricades around the same as a warning to the public, and between sunset and sunrise lights or red lanterns around said excavation, lighted, and sufficient in number and placed in such a manner as to be clearly visible in all directions. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor. (Ord. No. 41 §5, 1-13-59)

CHAPTER 515: MINIMUM HOUSING CODE

Cross Reference)As to adoption of the Property Maintenance Code, see §500.010.

ARTICLE I. PURPOSE

SECTION 515.010: GENERAL PURPOSE

The general purpose of this Chapter is to protect the public health, safety, comfort, morals, and the general welfare of the people of the Village. These general objectives include, among others, the following specific purposes:

1. To protect the character and stability of residential property within the Village.
2. To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings.
3. To provide facilities for light and ventilation necessary to health and safety.
4. To prevent additions or alterations to existing dwellings that would be injurious to the life, health, safety or general welfare of the occupants of such dwellings or neighboring properties.
5. To prevent the overcrowding of dwellings by providing minimum space standards per occupant of each dwelling unit.
6. To provide minimum standards for the maintenance of existing residential buildings, and to thus prohibit the spread of slums and blight.
7. To thus preserve the property value of land and buildings throughout the Village.
8. To provide mechanisms for the enforcement and administration of the Code to ensure that the above purposes are accomplished. (Ord. No. 80 §101.0, 7-12-74)

SECTION 515.020: DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

ACCESSORY STRUCTURE: A structure subordinate to the main or principal structure, the use of which is customary to the main building.

BASEMENT: That portion of a building which is partly underground, but having at least fifty percent (50%) of its ceiling height above the average grade of the adjoining ground.

BATHROOM: A room affording privacy containing bathing and sanitary facilities provided within each living unit consisting of a water closet, a tub or shower, and a lavatory basin.

BUILDING COMMISSIONER: The official designated herein or otherwise charged with the

responsibilities of administering this Chapter or his/her authorized representatives.

CHANGE OF OCCUPANCY: Any circumstances wherein the composition of the residents of a dwelling unit changes either through the sale, lease, rental or other provision for the occupancy of any dwelling unit or by the addition of one (1) or more persons to the number of residents of a dwelling unit, except by birth or legal custody of minors.

CONDITIONAL OCCUPANCY PERMIT: A document which states the names, ages, relationships, and number of occupants of a dwelling unit which does not comply with all of the provisions of this Chapter. It is issued only under specified circumstances listed in Article XI, Occupancy Permit Required, for a limited, specified length of time.

DETERIORATION: The condition of appearance of a building or part thereof, characterized by evidence of physical decay or neglect, excessive use, or lack of maintenance.

DWELLING: Any building or portion thereof which is designed or used exclusively for residential purposes.

DWELLING UNIT: One (1) or more rooms or any part thereof, in a building usable for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

EXTERIOR APPURTENANCES: Objects which are added to a structure for aesthetic or functional purposes. These include, but are not limited to, screens, awnings, trellises, television antennae, storm windows and storm doors.

EXTERMINATION: The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the designated representative of this Village.

FAMILY: One (1) or more persons related by blood, marriage, adoption or other court or official State welfare agency action, occupying a dwelling unit as an individual housekeeping organization, including not more than one (1) additional person, not related to the family by blood or marriage, provided that such additional person may be provided with sleeping accommodations but not with kitchen facilities.

FENCE: An independent structure forming a barrier at grade between lots, between a lot and a street or any alley, or between portions of a lot or lots. A barrier includes a wall or latticework screen but excludes a hedge or natural growth, or a barrier less than eighteen (18) inches in height which is used to protect plant growth.

GARBAGE: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

GUTTER: A trough under an eave to carry off water.

HABITABLE BUILDING: Any structure or part thereof that shall be used as a home or place of abode by one (1) or more persons.

HABITABLE ROOM: Every room in any building in which persons sleep, eat, or carry on their usual domestic or social vocations or avocations. It shall not include private laundries, bathrooms, toilet rooms, watercloset compartments, pantries, storerooms, foyers, closets,

corridors, rooms for

mechanical equipment for service in the building, or other similar spaces not used by persons frequently or during extended periods.

HARBORAGE PLACES)INSECTS, PESTS OR RODENTS: Any place where insects, pests or rodents can live, nest or seek shelter.

INFESTATION: The presence, within or contiguous to, of a structure or premises of insects, rodents, vermin or other pests.

KITCHEN: A space which contains a sink, and adequate space for installing, cooking and refrigeration equipment and for the storage of cooking utensils.

MULTIPLE-FAMILY DWELLING: A building or portion thereof designed or altered for occupancy by two (2) or more families living independently of each other in separate dwelling units.

OCCUPANCY PERMIT: A document which states the names, ages, relationships, and number of occupants of a dwelling unit, and that the occupancy complies with all of the provisions of this Chapter. It is issued under the circumstances listed in Article XI, Occupancy Permit Required.

OCCUPANT: Any person living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

OPERABLE AREA: Part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR: Any person who has charge, care or control of a building, or part thereof, which is let or offered for occupancy.

OWNER: Any person, firm or corporation who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling or dwelling unit within the Village as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder, and such person shall be bound to comply with the provisions of this Chapter to the same extent as the owner.

PERSON: A corporation, firm, partnership, association, organization and any other group acting as a unit as well as any individual. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law. Whenever the word "person" is used in any Section of this Chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof who are responsible for any violation of such Section.

PLUMBING: Facilities and equipment including, but not limited to, the following: Gas pipes, gasburning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures, together with all connections to water, sewer, vent or gas lines.

PREMISES: A lot, plot or parcel of land or any part thereof including the buildings or structures thereon.

PROVIDED: Any material furnished, supplied, paid for or under the control of the owner.

REPAIR: To restore to a sound and acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

REPLACE: To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is beyond repair.

RUBBISH: Non-putrescible solid wastes consisting of both combustible and non-combustible wastes.

STRUCTURE: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or free standing wall. A sign, billboard or other advertising medium, detached or projecting, shall be constructed to be a structure.

SUBSTANDARD: All structures which do not conform to the minimum standards established by this Chapter or any other ordinance.

SUPPLIED: Paid for, installed, furnished or provided by or under the control of the owner or operator.

VENTILATION: The process of supplying and removing air by natural or mechanical means to or from any space. Ventilation by power-driven devices shall be deemed mechanical ventilation. Ventilation by openings to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices shall be deemed natural ventilation.

YARD: An open space at grade on the same lot as a building or structure located between the main building and the adjoining lot line, and/or street line. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure. (Ord. No. 80 §110.0, 7-12-74)

SECTION 515.030: APPLICABILITY

Every building or its premises used in whole or in part as a dwelling or as an accessory structure thereof, shall conform to the requirements of this Chapter. (Ord. No. 80 §120.0, 7-12-74)

SECTION 515.040: INTERPRETATION

- A. *Scope.* This Chapter establishes minimum standards for dwellings, dwelling units and accessory buildings, and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings except such as are in conflict with the provisions of this Chapter. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this Village existing on the effective date of this Chapter, (July 12, 1974), the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.
- B. *Severability.* If any Section, Subsection, paragraph, sentence, clause, or phrase of this

Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect. (Ord. No. 80 §§131.0)132.0, 7-12-74)

ARTICLE II. MINIMUM STANDARDS FOR DWELLINGS AND DWELLING UNITS**SECTION 515.050: APPLICABILITY**

It shall be unlawful for any person to occupy as owner-occupant or to let or hold out to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking, or eating which is not safe, clean, and fit for human occupancy, and which does not comply with the particular requirements of the following Sections of this Article. (Ord. No. 80 §210.0, 7-12-74)

SECTION 515.060: FOUNDATION, EXTERIOR WALLS AND ROOFS

The foundation, exterior walls and roof shall be substantially watertight, weathertight, and protected against rodents and shall be kept in sound condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be maintained in a sound condition of repair and shall be free of any other condition which admits rain or dampness to the interior portions of the building. All exterior surface material must be treated, painted in a workmanlike manner, or otherwise maintained in a sound condition. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All cornices, rustications, quoins, moldings, belt courses, lintels, sills, oriel windows, pediments, gutters and similar projections shall be kept in good repair and free from defects which make them hazardous and dangerous. (Ord. No. 80 §211.0, 7-12-74)

SECTION 515.070: FLOORS, INTERIOR WALLS AND CEILINGS

Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotting floor boards. Every interior wall and ceiling shall be free of large cracks and holes, and shall be free of loose plaster or other structural or surface materials. Every toilet room and bathroom floor surface shall be substantially impervious to water and be capable of being maintained easily in a clean and sanitary condition.
(Ord. No. 80 §212.0, 7-12-74)

SECTION 515.080: WINDOWS, DOORS AND HATCHWAYS

Every window, exterior door, and basement hatchway shall be substantially tight, and shall be kept in sound condition and repair. Every window shall be fully supplied with window panes which are without cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware. Every exterior door, when closed shall fit reasonably well within its frame. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as completely to exclude rain, and substantially to exclude wind from entering the dwelling. Every basement hatchway and window shall be so constructed, screened or maintained as to prevent the entrance of rodents, rain and surface drainage water into the building. (Ord. No. 80 §213.0, 7-12-74)

SECTION 515.090: EXTERIOR APPURTENANCES

Exterior appurtenances including, but not limited to, screens, awnings, trellises, television antennae, storm windows, and storm doors shall be installed in a safe and secure manner, and shall be maintained in sound condition. (Ord. No. 80 §214.0, 7-12-74)

SECTION 515.100: STAIRWAYS AND PORCHES

Every stairway, inside or outside of the dwelling, and every person, shall be kept in safe condition and sound repair. Every flight of stairs and every porch floor shall be free of deterioration. No flight of stairs shall have settled more than one (1) inch out of its intended position or have pulled away from supporting or adjacent structures. No flight of stairs shall have rotting, loose, or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every stair tread shall be strong enough to bear a concentrated load of at least four hundred (400) pounds. Every porch shall have a sound floor. No porch shall have rotting, loose, or deteriorating supports. (Ord. No. 80 §215.0, 7-12-74)

SECTION 515.110: BASEMENTS AND CELLARS

Every basement, and cellar shall be maintained in a safe and sanitary condition. Water shall not be permitted to accumulate or stand on the floor. All sewer connections shall be properly trapped. All cellar and slab drains shall be covered with grating. Junk, rubbish and waste shall not be permitted to accumulate to such an extent as to create fire hazard or to endanger health or safety. (Ord. No. 80 §216.0, 7-12-74)

SECTION 515.120: FACILITIES, EQUIPMENT AND CHIMNEYS

Every supplied facility, fixture, system, piece of equipment or utility, and every chimney and chimney flue shall be maintained in a safe, sound and sanitary working condition, consistent with the requirements of this Chapter. (Ord. No. 80 §217.0, 7-12-74)

SECTION 515.130: DRIVEWAYS AND SIDEWALKS

Driveways and sidewalks must be constructed according to Section 505.100, titled "Driveways and Sidewalks". All driveways and sidewalks must be maintained in good repair and free of safety hazards. (Ord. No. 80 §218.0, 7-12-74)

SECTION 515.140: YARDS

All areas which are not covered by lawn or vegetation shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public thoroughfare shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians. Hazardous dead trees and shrubs shall be promptly removed. (Ord. No. 80 §219.0, 7-12-74)

SECTION 515.150: INFESTATION

Each dwelling and all exterior appurtenances on the premises shall be adequately protected against insects, rats, mice, termites, and other vermin infestation. Building defects which permit the entrance of insects, rats, mice, termites, and other vermin shall be corrected by the owner. Tenants shall be responsible for the elimination of rodents and vermin from the part of the premises under their exclusive control except when more than one (1) unit is infested at the same time and in this instance the owner shall be responsible for elimination of the infestation.

(Ord. No. 80 §220.0, 7-12-74)

ARTICLE III. REQUIREMENTS AT CHANGE OF OCCUPANCY**SECTION 515.160: SPACE REQUIREMENTS**

Every dwelling unit shall contain a minimum gross floor area of not less than two hundred fifty (250) square feet for the first occupant, three hundred forty (340) square feet for two (2) occupants, five hundred (500) square feet for three (3) occupants, six hundred eighty (680) square feet for four (4) occupants, and two hundred (200) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms. (Ord. No. 80 §231.0, 7-12-74)

SECTION 515.170: BASEMENT ROOMS

It shall be unlawful for any person to use or permit any room in any basement to be used to satisfy the habitable room requirements of Article III, Space Requirements at Change of Occupancy, unless such room meets all the applicable requirements of this Chapter, particularly with regard to ceiling height, ventilation, window area, and meets the following additional requirements:

1. The lowest point of the ceiling shall be at least three (3) feet six (6) inches above the surface of the ground immediately adjoining the room.
2. The required minimum window area is entirely above ground level.
3. No floor area three (3) feet below grade shall be used in determining habitable living space.
4. Two (2) means of exit are provided, at least one (1) of which leads directly to the outside of the building.
5. The floors and walls shall be constructed in a manner to prevent the entry of moisture and insulated to prevent the condensation of moisture within the room.

(Ord. No. 80 §217.0, 7-12-74)

SECTION 515.180: NATURAL LIGHTING

All habitable rooms except as otherwise provided in this Chapter shall be provided with a

means of transmitting natural light from outside complying with the following requirements:

1. *Window area.* Every habitable room shall have at least one (1) window or skylight of approved size facing directly to the outdoors except in kitchens where artificial light may be provided in

accordance with the provisions of the Building Code. The minimum total window area, measured between stops, for every habitable room shall be at least five percent (5%) of the floor area of such room, and not less than five (5) square feet. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area for the room.

2. *Windows leading to porches.* Whenever the natural light area opening from a habitable room is to an enclosed porch, such area shall not be counted as a required light area unless the enclosed porch has a natural light area of at least thirty percent (30%) of the floor area of the room in question. (Ord. No. 80 §§252.0)252.2, 7-12-74)

ARTICLE IV. ELECTRICAL

SECTION 515.190: ELECTRICAL SERVICE

It shall be unlawful to occupy or permit another to occupy any dwelling unit for the purpose of living therein, which is not adequately and safely provided with an electrical system in compliance with the requirements of this Section. (Ord. No. 80 §261.0, 7-12-74)

SECTION 515.200: MINIMUM REQUIREMENTS

The following shall be considered as absolute minimum requirements: Conditions such as size of the dwelling unit and usage of appliances and equipment within the unit shall be used as the basis for requiring additional electrical works. (Ord. No. 80 §262.0, 7-12-74)

SECTION 515.210: DEFICIENCIES

Wherever it is found, in the judgment of the Building Commissioner, that the electrical system in the building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, improper or inadequate grounding of the system, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the defects shall be corrected to eliminate the hazard. The Building Commissioner shall base his/her findings of hazard on accepted engineering practice standards as listed in the latest edition of the National Electrical Code of the National Electrical Contractors Association. (Ord. No. 80 §262.1, 7-12-74)

SECTION 515.220: NUMBER OF ELECTRICAL OUTLETS

Every habitable room shall contain not less than two (2) separate and remote wall or approved floor convenience outlets, one of which may be a ceiling or wall-type electric light fixture. Every kitchen shall be provided with at least three (3) separate and remote wall-type electric convenience outlets one of which may be a ceiling or wall-type electric light fixture. (Ord. No. 80 §262.2, 7-12-74)

SECTION 515.230: LAUNDRY AREA

Every laundry area shall contain at least one (1) grounded type convenience outlet.
(Ord. No. 80 §262.3, 7-12-74)

SECTION 515.240: NON-HABITABLE SPACE

Every bathroom, laundry room and furnace room shall contain not less than one (1) ceiling or wall lighting fixture. (Ord. No. 80 §262.4, 7-12-74)

SECTION 515.250: INSTALLATION AND SAFETY

Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
(Ord. No. 80 §262.5, 7-12-74)

SECTION 515.260: HAZARDS DEFINED

In addition to the hazards established by the Building Commissioner, the following installations are prohibited and their presence shall be deemed a hazard:

1. Flush or semi-flush mounted floor convenience outlets, unless provided with an approved waterproof cover.
2. Extension cords for other than short term, temporary use.
3. Conductor supported pendant switches or conductor supported light fixtures.
4. Loose or hanging wires.
5. Frayed or bare wires.
6. Inadequately grounded, grounded type convenience outlets. (Ord. No. 80 §263.0, 7-12-74)

ARTICLE V. WATER FACILITIES**SECTION 515.270: SCOPE**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements regarding water facilities.
(Ord. No. 80 §271.0, 7-12-74)

SECTION 515.280: BATHROOMS

Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet, lavatory basin and bathtub or shower, all of which are

in good working condition and are properly connected to hot and cold water lines and to an approved water and sewer system. (Ord. No. 80 §271.1, 7-12-74)

SECTION 515.290: KITCHEN SINK

Every dwelling unit shall contain a kitchen sink apart from a lavatory basin required which is in good repair, and in working condition, properly connected to hot and cold water lines and to an approved water and sewer system. (Ord. No. 80 §271.2, 7-12-74)

SECTION 515.300: WATER HEATING FACILITIES

Every dwelling unit shall have supplied water heating facilities which are properly installed and are maintained in safe and good working condition, capable of heating water to a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F). (Ord. No. 80 §271.3, 7-12-74)

SECTION 515.310: PLUMBING FIXTURES

Every dwelling unit and structure covered by this Chapter shall have water lines, plumbing fixtures, vents, and drains which are properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the Building Code or Plumbing Code of the Village. (Ord. No. 80 §271.4, 7-12-74)

ARTICLE VI. HEATING

SECTION 515.320: APPLICABILITY

Every dwelling unit shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments within its walls to a temperature of at least seventy degrees Fahrenheit (70°F) when the outside temperature is zero degrees Fahrenheit (0°F) and a temperature of at least sixty degrees Fahrenheit (60°F) when the outside temperature is less than ten degrees Fahrenheit (10°F). (Ord. No. 80 §281.0, 7-12-74)

SECTION 515.330: PROHIBITED EQUIPMENT

Gas appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this Section. Portable heating equipment employing flame and the use of liquid fuels or coal does not meet the requirements of this Chapter and is prohibited. (Ord. No. 80 §282.0, 7-12-74)

SECTION 515.340: INSTALLATION AND SAFETY

The owner shall see that the heating facilities shall be properly installed, safely maintained and in good working condition. (Ord. No. 80 §283.0, 7-12-74)

ARTICLE VII. VENTILATION REQUIREMENTS**SECTION 515.350: GENERALLY**

Every habitable room shall have natural ventilation or a mechanical ventilation system adequate for the purpose for which the room is used. (Ord. No. 80 §291.0, 7-12-74)

SECTION 515.360: TOILET ROOMS, BATHROOMS AND KITCHENS

Every toilet room, bathroom and kitchen shall have adequate ventilation which may be either an openable window with an openable area of five percent (5%) of the floor area, mechanical ventilation, or a gravity vent flue constructed with incombustible material leading to the roof of the building or a combination of any of these. The gravity vent shall be computed at an aggregate clear area of not less than five percent (5%) of the floor area of the room with a minimum area of at least one hundred twenty (120) square inches. Gravity vents shall be provided with a weather cap, directional vane or rotary type ventilation on the roof. (Ord. No. 80 §292.0, 7-12-74)

SECTION 515.370: ADEQUACY

A ventilating system maintained in a safe and good working condition which provides a complete change of air for the bathroom or water closet compartment every fifteen (15) minutes shall meet the requirements of this Chapter. (Ord. No. 80 §293.0, 7-12-74)

ARTICLE VIII. REFUSE, GARBAGE AND RUBBISH STORAGE**SECTION 515.380: GENERAL**

Adequate containers and covers for storage of rubbish, refuse, and garbage shall be required for every dwelling unit. (Ord. No. 80 §300.0, 7-12-74)

ARTICLE IX. ACCESSORY STRUCTURES**SECTION 515.390: OBSTRUCTION)DISREPAIR NOT PERMISSIBLE**

Accessory structures shall not obstruct light and air of doors and windows of any dwelling unit, or obstruct a safe means of access to any dwelling unit or create fire and safety hazards or provide rat or vermin harborage. Accessory structures shall be functional and shall be maintained in a state of good repair and alignment. All structures must have

vermin-proof floors.
(Ord. No. 80 §311.0, 7-12-74)

SECTION 515.400: REMOVAL OF NON-FUNCTIONAL STRUCTURES

All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated condition which are not economically repairable, shall be removed. Such structures shall include, but not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, miscellaneous sheds and sidewalks. (Ord. No. 80 §312.0, 7-12-74)

ARTICLE X. EGRESS**SECTION 515.410: GENERAL EGRESS**

Every dwelling unit shall have a safe and unobstructed means of egress leading to safe and open space outside. Passage through such exit shall not lead through any other dwelling unit.
(Ord. No. 80 §321.0, 7-12-74)

ARTICLE XI. OCCUPANCY PERMIT REQUIRED**SECTION 515.420: APPLICABILITY**

This Section shall not apply to any occupancy in existence at the time of the adoption of this Chapter (July 12, 1974) and until a change of occupancy occurs. (Ord. No. 80 §411.0, 7-12-74)

SECTION 515.430: SCOPE

Except as otherwise provided, it shall be unlawful for any person or family to occupy, or for any owner or agent thereof to permit the occupation of any dwelling, dwelling unit or addition thereto, or part thereof, for any purpose until an occupancy permit has been issued by the Building Commissioner. The occupancy permit shall not be issued until all violations of this Chapter have been brought into compliance. The occupancy permit so issued shall state that the occupancy complies with all of the provisions of this Chapter. (Ord. No. 80 §412.0, 7-12-74)

SECTION 515.440: APPLICATION FOR AND CONTENT OF OCCUPANCY PERMIT

The application for occupancy permit shall include a copy of the lease and shall state the names, ages, relationships, and number of occupants of the dwelling unit, and the number and type of pets proposed to occupy. The issued permit shall in turn include this stated information as well. It shall be unlawful for any person to knowingly make any false statement or submit any non-legitimate document in his/her application for an occupancy permit. No more than one (1) family as defined in this Chapter shall occupy each dwelling unit. All persons who occupy the premises of a dwelling unit must be listed on the occupancy permit or the permit applicant and non-listed person(s) occupying the premises shall be subject to the penalties provided in this Chapter. (Ord. No. 80 §414.0, 7-12-74; Ord. No. 2000-01 §1, 7-25-00)

SECTION 515.450:**REPORT CHANGE OF OCCUPANCY**

Every dwelling unit in which a change of occupancy is to occur must be reported by the owner to the Chairman of the Board of Trustees so that the Building Commissioner may inspect the structure

according to the provisions of this Chapter. Upon inspection, he/she shall determine the number of occupants which can be housed in the dwelling unit without creating a health or safety hazard. Failure to make such a report shall constitute a violation of this Chapter, and the person responsible for the failure shall be subject to the penalties of this Chapter. (Ord. No. 80 §415.0, 7-12-74)

SECTION 515.460: RESPONSIBILITIES OF REAL ESTATE BROKERS

All real estate brokers and agents and similar businesses and owners of multiple-family dwelling units shall report each dwelling unit which is to change occupancy as in this Chapter defined so that the Building Commissioner may inspect the unit according to the provisions of this Chapter. Failure to register or make such a report shall constitute a violation of this Chapter, and the person or firm responsible for the failure shall be subject to the penalties of this Chapter. (Ord. No. 80 §416.0, 7-12-74)

SECTION 515.470: CONDITIONAL OCCUPANCY PERMIT

A conditional occupancy permit may be issued by the Building Commissioner if, in his/her judgment, any deficiencies in structures covered by this Chapter would not seriously endanger the health or safety of the occupants or the Village, and provided that the occupant makes an affidavit stating that he/she will correct deficiencies within a specified time and thus bring the structure into compliance with the provisions of this Chapter. The occupant may then occupy the dwelling unit while repairs are being made. At such time as the dwelling complies with all the provisions of this Chapter, an occupancy permit will be issued as provided above. (Ord. No. 80 §417.0, 7-12-74)

ARTICLE XII. NON-COMPLIANCE WITH CHAPTER PROVISIONS

SECTION 515.480: NON-COMPLIANCE WITH PROVISIONS) NOTICE GIVEN

Whenever the Building Commissioner or his/her delegated representative finds evidence of a violation of any provision of this Chapter, he/she shall declare a public nuisance, and give notice of same to the person or persons responsible hereunder. Such notice shall be in writing and shall include a statement of each of the provisions of this Chapter being violated together with a statement of the corrective action required to cure such violation. Such notice shall specify the period of time within which such remedial action shall be taken, which time shall be a reasonable period of time under all of the circumstances. Appeal procedures available shall be specified. Such notice shall be served by delivering a copy to the owner, or his/her agent, or the occupant, as the case may require, or, if such person cannot be found, by sending a copy of the notice by registered or certified mail with return receipt requested, or if same cannot be delivered, by posting a copy of such notice in a conspicuous place in or about the building affected by the notice. The notice shall be deemed served on the date served or received or ten (10) days after posting as herein provided. (Ord. No. 80 §420.0, 7-12-74)

SECTION 515.490:**REMEDY OF DEFECTS**

The owner of any building shall have thirty (30) days from the issuance of the notice provided for in Section 515.480 in which to remedy the condition therein specified, except when emergency conditions shall require immediate action as provided in Sections 515.640 and 515.650, provided

however, that the Building Commissioner may, at his/her discretion, extend the time for compliance with any such notice. (Ord. No. 80 §431.0, 7-12-74)

SECTION 515.500: REINSPECTION

At the time when the defects have allegedly been brought into compliance, the Building Commissioner shall reinspect the dwelling, dwelling unit, rooming unit, accessory structure and its premises. At this time, he/she shall make a complete inspection, taking particular notice that the violations previously noted have been brought into compliance, and that no new violations have come into existence in the time which has elapsed since the first inspection.

(Ord. No. 80 §432.0, 7-12-74)

ARTICLE XIII. UNINHABITABLE AND BOARDED-UP BUILDINGS

SECTION 515.510: PLACARD ON DWELLINGS

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for such declaration and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

1. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be declared unfit for human habitation and shall be so designated and placarded by the Building Commissioner when the person responsible has failed to correct the condition set forth in a notice issued in accordance with Section 515.480.
2. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public. (Ord. No. 80 §441.0, 7-12-74)

SECTION 515.520: VACATE UNFIT DWELLINGS

Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Building Commissioner, shall be vacated within a reasonable time as ordered by the Building Commissioner. (Ord. No. 80 §442.0, 7-12-74)

SECTION 515.530: REOCCUPATION OF UNINHABITABLE DWELLING

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard removed by, the Building Commissioner. The Building Commissioner shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. (Ord. No. 80 §443.0, 7-12-74)

SECTION 515.540: PLACARD REMOVAL UNLAWFUL

No person shall deface or remove the placard from any dwelling or dwelling unit which has been

condemned as unfit for human habitation and placarded as such, except as provided in Section 515.530 above. (Ord. No. 80 §440.0, 7-12-74)

SECTION 515.550: SECURE VACATED BUILDINGS

The owner of every building or dwelling unit or rooming unit which is declared "unfit for human habitation" for continued occupancy shall make the dwelling, building or rooming unit safe and secure under the terms so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant dwelling open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and public nuisance within the meaning of this provision. (Ord. No. 80 §450.0, 7-12-74)

SECTION 515.560: BROKEN GLASS AND BOARDING-UP

Every window, glazed exterior door, exterior transom, or exterior sidelight shall be provided with properly installed glass or other approved glazing material. In the event of breakage, the owner shall cause the immediate removal of broken glass from the premises and shall temporarily board-up the affected openings with suitable material to provide protection from the elements and to prevent entry of birds or animals and to provide security to occupants or contents of the building. Within ten (10) days after the boarding-up, the owner shall cause the boarding material to be removed, and all affected openings shall be simultaneously reglazed by the owner. During an emergency or an act of God or shortage of glazing material, an extended time may be granted at the discretion of the Building Commissioner. (Ord. No. 80 §461.0, 7-12-74)

SECTION 515.570: PROVISION OF ADEQUATE LIGHTING AND VENTILATION

Adequate ventilation and natural lighting shall be provided for all occupied dwelling units. Whenever any exterior openings are found boarded-up, it shall be the duty of the Building Commissioner to notify the owner or agent of this requirement giving him/her a period of not more than ten (10) working days in which to properly replace the broken glass or cause the dwelling unit to be vacated. This notice shall be given in the manner required by Section 515.480.
(Ord. No. 80 §462.0, 7-12-74)

SECTION 515.580: SPECIFICATIONS

Since the presence of boarded-up buildings, particularly those where the boarding is unpainted or applied in an insecure, careless, or unrepresentable fashion, invites vandalism, and creates a blighting influence which adversely affects the general welfare of the people of this Village, it is hereby required that all boarding-up of exterior openings be accomplished in a neat workmanlike manner with not less than one-half (½) inch thick, weather-resistant plywood cut to fit within the openings, fastened in place as securely as possible, and suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the building as inconspicuously as possible. It shall be the duty of the Building Commissioner to notify the owner or agent of any boarded-up dwelling unit not complying with the above requirements, of the necessity of immediate compliance and

ordering him/her to replace the broken glass, or repair, replace or paint the boarding. This notice shall be given in the manner required in Section 515.480. (Ord. No. 80 §463.0, 7-12-74)

ARTICLE XIV. VIOLATIONS, APPEALS, EMERGENCY MEASURES**SECTION 515.590: PROSECUTION OF VIOLATION**

In case any violation of this Chapter is not remedied within the prescribed time period designated by the Building Commissioner, he/she shall request the legal representative of the Village to institute an appropriate action or proceeding at law against the person or firm responsible for the failure to comply, ordering him/her:

1. To restrain, correct or remove the violation or refrain from any further execution of work.
2. To restrain or correct the erection, installation, or alteration of such building.
3. To require the removal of work in violation.
4. To prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Chapter or in violation of a plan or specification under which an approval, permit or certificate was issued under this Chapter. (Ord. No. 80 §471.0, 7-12-74)

SECTION 515.600: PENALTY FOR VIOLATIONS

Any person, firm or corporation, who shall violate any provision of this Chapter shall, upon conviction thereof, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisonment for a term not to exceed ten (10) days, or both, at the discretion of the court. Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

(Ord. No. 80 §472.0, 7-12-74)

SECTION 515.610: APPEALS HEARING

Upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the Building Commissioner shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten (10) days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the Village, the Building Commissioner shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the Village, and ordering the building or structure to be demolished and removed, or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the Village, no order shall be issued.

SECTION 515.620: SPECIAL TAX BILL

If any post-hearing order of the Building Commissioner is not obeyed within thirty (30) days after its issuance, and if appeal of any post-hearing order is not made to the Circuit Court as provided for

in this Chapter within thirty (30) days after issuance of any such order, the Building Commissioner may cause such building or structure to be repaired, vacated, or demolished as provided in his/her post-hearing order. If the Building Commissioner issues an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the Village Clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the Village Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the Village and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. At the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. (Ord. No. 80 §502.0, 7-12-74)

SECTION 515.630: APPEAL

- A. Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of St. Louis County, may appeal the determination of the Building Commissioner to the Circuit Court of St. Louis County, as established in Sections 536.100 to 536.140, RSMo., if a proper record, as defined in Section 536.130, RSMo., is maintained of the hearing provided for in of Section 515.610 of this Chapter; otherwise, the appeal shall be made pursuant to the procedures provided by Section 536.150, RSMo.
- B. In any appeal provided for herein, any person who owns or occupies property within one thousand two hundred (1,200) feet of the perimeter of the building or structure which is the subject of the suit shall be allowed to present evidence to the Court, on behalf of the Village of the condition of the building or structure, whether or not such person presented such evidence at the hearing provided for in Section 515.610 of this Chapter. The appellant before the Court shall have the opportunity to cross-examine any such person presenting evidence to the Court.

SECTION 515.640: EMERGENCY MEASURES

When any dwelling unit has become so damaged by fire, wind or other causes, or has become so unsafe, unhealthful or unsanitary, that in the opinion of the Building Commissioner, life or health is immediately endangered by the occupation of the dwelling unit, the Building Commissioner is hereby authorized and empowered to revoke without notice any occupancy permit for such dwelling unit and to order and require the occupants to vacate the same forthwith and to order the owner to proceed immediately with the corrective work and repairs required to make the dwelling unit temporarily safe and fit for human habitation, whether or not a notice of violation has been given as described in this Chapter, and whether or not legal procedures described by Village ordinances have been instituted. (Ord. No. 80 §601.0, 7-12-74)

SECTION 515.650: PROCEDURES

In the event the Building Commissioner determines that there is an immediate danger to

the health, safety, or welfare of any person he/she may take emergency measures to vacate and repair the structure or otherwise remove the immediate danger. (Ord. No. 80 §601.0, 7-12-74)

ARTICLE XV. ENFORCEMENT AUTHORITY**SECTION 515.660: BUILDING COMMISSIONER**

It shall be the duty and responsibility of the Building Commissioner and his/her delegated representatives of the Village to enforce the provisions of this Chapter. No order for correction of any violation under this Chapter shall be issued without the approval of the Building Commissioner. (Ord. No. 80 §401.0, 7-12-74)

SECTION 515.670: INSPECTIONS

- A. The Building Commissioner is authorized and directed to make inspections to determine whether dwellings, dwelling units, rooming units, accessory structures and premises located within this Village conform to the requirements of this Chapter. For the purpose of making such inspections, the Building Commissioner is authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, accessory structures, and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, accessory structure, and its premises, shall give the Building Commissioner access thereto at reasonable times for the purpose of such inspection, examination and survey.
- B. Inspections shall be initiated under the following circumstances:
1. Upon application for any occupancy permit for the dwelling unit or other notification that there will be a change of occupancy of said dwelling unit.
 2. On a selective code enforcement basis, when, in the opinion of the Building Commissioner, a designated area shows evidence of blight or its forerunners.
 3. When, on the basis of a complaint or his/her personal observation, the Building Commissioner reasonably suspects that a dwelling unit has code violations, and as such, constitutes a health and/or safety hazard. (Ord. No. 80 §402.0, 7-12-74)

SECTION 515.680: ACCESS TO STRUCTURE

Every occupant of a structure or premises shall give the owner or operator thereof, or his/her agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Chapter. (Ord. No. 80 §403.0, 7-12-74)