

Bill No. 4271

Ordinance No. 15-097

Requested by: Joe Brazil and Dave Hammond

Sponsored by: Joe Brazil and Dave Hammond

AN ORDINANCE AMENDING SECTION 500.010, ORDINANCES OF ST. CHARLES COUNTY, MISSOURI (“OSCCMO”), ADOPTING THE BUILDING CODE OF ST. CHARLES COUNTY, AMENDING SECTION 500.090, OSCCMO, ADOPTING THE PROPERTY MAINTENANCE CODE OF ST. CHARLES COUNTY, SECTION 500.092, RELATING TO ABATEMENT OF VIOLATIONS OF THE PROPERTY MAINTENANCE CODE, SECTION 500.093, RELATING TO ORDERS TO DEMOLISH OR REPAIR UNSAFE STRUCTURES, SECTION 405.420.D, A ZONING PROVISION OF THE UNIFIED DEVELOPMENT ORDINANCE RELATING TO ADDITIONAL VEHICLE REQUIREMENTS, SECTION 405.480.B, A ZONING PROVISION OF THE UNIFIED DEVELOPMENT ORDINANCE RELATING TO SIGNS NOT REQUIRING PERMITS, AND SECTIONS 405.535.B AND 405.590.E, ZONING PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE RELATING TO APPEALS FROM REZONINGS AND AMENDMENTS AND FROM DECISIONS OF THE BOARD OF ZONING ADJUSTMENT, RESPECTIVELY

WHEREAS, Article II, Section 2.529 of the St. Charles County Charter (2014) provides that the Council may exercise legislative power pertaining to public health and welfare, police and traffic, building construction, and planning and zoning, in the part of the County outside

incorporated cities, towns, and villages, and on such other subjects as may be authorized by the Constitution or by applicable law; and

WHEREAS, Pursuant to that provision of its Charter, St. Charles County has adopted the Building Code of St. Charles County in Section 500.010 OSCCMo, the Property Maintenance Code of St. Charles County and related provisions in Sections 500.090, 500.092 and 500.093, OSCCMo, and has also adopted the Unified Development Ordinance of St. Charles County, Chapters 405, 410 and 412, OSCCMo, which includes zoning regulations in Chapter 405; and

WHEREAS, the County Council finds that it is in the public interest to amend Sections 500.010, 500.090 and 500.092, OSCCMo, as provided herein; and

WHEREAS, the County Council further finds that it is in the public interest to amend Sections 405.420, 405.480.B, 405.535.B and 405.590.E, OSCCMo, as provided herein, to repeal as no longer needed authorization for certain signs related to home occupations, and to amend procedures for appeals from decisions of the Governing Body relating to rezonings or amendments and from decisions of the Board of Zoning Adjustment, as provided herein; and

WHEREAS, the Unified Development Ordinance's Sections 405.420 and 405.535.B.2, OSCCMo, provides that by its own motion and by ordinance the County Council may amend the text of the Unified Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 500.090, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold type**, deleted language in ~~stricken type~~).

Section 500.090. ADOPTION OF PROPERTY MAINTENANCE CODE OF ST. CHARLES COUNTY

A. St. Charles County hereby adopts the 2009 International Property Maintenance Code, a copy of which shall be deposited in the Office of the County Registrar with this ordinance, with the following amendments:

* * *

2. Section 101.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

Scope. The provisions of this code shall apply to all existing residential structures (*including, but not limited to, all manufactured or mobile homes*) and non-residential structures and all existing premises (*except as provided below*) and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards and for safe and sanitary maintenance; the

responsibility of owners, operators and occupants; the occupancy of existing structures and premises and for administration, enforcement and penalties.

Exception: Unless because of methamphetamine contamination a structure is subject to Section 500.094, Ordinances of St. Charles County, Missouri, or unless the code official determines in writing that a structure poses a danger to the health or safety of persons based on findings by members of the St. Charles County Division of Building Code Enforcement, the provisions of this code shall not apply to any structure accessory to an active agricultural use of land where:

- 1. Such active agricultural use of land is as determined by the St. Charles County Assessor under applicable provisions of Chapter 137, Revised Statutes of Missouri, as amended, and regulations of the State Tax Commission promulgated pursuant to them or,***
- 2. Such active agricultural use of land is for active conservation and hunting purposes, and***
- 3. Such structure is not within 500 feet of land subject to residential zoning .***

* * *

9. Section 106.4 is amended to read as follows (added language in italics, deleted language in [brackets]):

Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. *Violations of this code are misdemeanors punishable by fines. Fines shall not exceed ~~exceeding~~ \$200.00 ~~\$1,000.00 or imprisonment not exceeding one year, or both.~~* Each *week* ~~day~~ that a violation continues after due notice has been served shall be deemed a separate offense.

10. Section 108.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

General. When a structure or equipment *or premises* is found by the [~~code official~~] ***Division of Building Code Enforcement*** to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, [~~such structure shall be condemned~~] **such structure, equipment or premises shall be deemed uninhabitable/unusable** pursuant to the provisions of this code.

11. Section 108.1.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

Unsafe structures *or premises*. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. *Unsafe premises are premises ~~determined found~~ by the code official as provided below to present hazards to owners, occupants, visitors or the public because of such conditions as contamination, outdoor storage or use of explosives, hazardous materials or chemical, unstable ground, subsidence or sinkholes, or falling, fallen or failing trees.*

The code official's determination required by this section shall be in writing and based (except in cases of methamphetamine contamination governed by Section 500.094, Ordinances of St. Charles County, Missouri) upon findings by the Division of Building Code Enforcement.

12. Section 108.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

*Closing of ~~econdemned~~ vacant structures **that are uninhabitable/unusable**: If ~~the econdemned~~ **the uninhabitable/unusable** structure is vacant and unfit for human habitation and occupancy or is unsafe, but is not in danger of structural collapse, the **Division of Building Code Enforcement** ~~code official~~ is authorized to post an **“inhabitable/unusable”** placard ~~of econdemnation~~ on the premises and order the structure closed up so as not to be an attractive nuisance. A structure may be closed by securing all ~~openings~~ **unsecured doors, windows or holes large enough to allow entrance to the structure** with locks and/or by screwing them shut and/or by boarding. If boarding is used, it shall be a minimum of one half inch plywood or oriented strand board (OSB) securely fastened to the structure with corrosion-resistant screws and painted white or beige or the same color as the structures siding or trim. OSB shall be installed with its smooth side facing out. Upon failure of the owner or agent having charge of a property to comply with a correction order in a notice of violation of this section, 1 that owner or agent shall be subject to prosecution in accordance with Section 106.3 of the International Property Maintenance Code, and the code official may cause the violation to be abated as provided by Section 500.092.*

[If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.]

12a. Section 108.3 is amended to read as follows (added language in italics, deleted language in [brackets]):

Notice. Whenever the *Division of Building Code Enforcement* [code official] has *restricted for use* [condemned] a structure or equipment *or premises* under the provisions of this section, an “*uninhabitable/unusable*” notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the [condemned]

equipment subject to the notice. If the notice pertains to premises it shall be placed on the principal structure, if any, on the same tract. The notice shall be in the form prescribed in Section 107.2.

13. Section 108.4 is amended to read as follows (added language in italics, deleted language in [brackets]):

Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the [code official] ***Division of Building Code Enforcement*** may [shall] post on the structure or premises or on defective equipment a placard bearing ***the words "uninhabitable/unusable"*** [word "Condemned"] and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. Whether to post a placard shall depend on whether the premises or equipment constitutes an attractive nuisance or is threatened with vandalism.

- 13a. Section 108.4.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

108.4.1 Placard removal. The [code official] ***Division of Building Code Enforcement*** shall remove the condemnation placard whenever the defect or defects upon which

the [condemnation and] placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the [code official] *Division of Building Code Enforcement* shall be subject to the penalties provided by this code.

- 13b. Section 108.5 is amended to read as follows (added language in italics, deleted language in [brackets]):

Any occupied structure [condemned and] placarded by the [code official] *Division of Building Code Enforcement* shall be vacated as ordered by the [code official] *Division of Building Code Enforcement*. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

- 13c. Section 108.6 is amended to read as follows (added language in italics, deleted language in [brackets]):

The owner, operator or occupant of a building, premises or equipment deemed unsafe by the [code official] **Division of Building Code Enforcement** shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation,

demolition or other approved corrective action.

* * *

- 14a. Section 108.7 is amended to read as follows (added language in italics, deleted language in [brackets]):

108.7 Record. The [code official] *Division of Building Code Enforcement* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

- 14b. Section 109.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

When, in the opinion of the [code official] *Division of Building Code Enforcement*, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the [code official] *Division of Building Code Enforcement* is hereby

authorized and empowered to order and require the occupants to vacate the premises forthwith. The [code official] *Division of Building Code Enforcement* shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the [Code Official] *Division of Building Code Enforcement*. It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

The Division of Building Code Enforcement’s findings required by this section shall be in writing and based (except in cases of methamphetamine contamination governed by Section 500.094, Ordinances of St. Charles County, Missouri) upon determinations by the St. Charles Building Commissioner or members of their staff.

- 14c. Section 109.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

Notwithstanding other provisions of this code, whenever, in the opinion of the [code official] *Division of Building Code Enforcement*, there is imminent danger due to an unsafe condition, the [code official] *Division of Building Code Enforcement*

shall cause the necessary work to be done, *in the absence of by a property owner or its insurer*, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the [code official] ***Division of Building Code Enforcement*** deems necessary to meet such emergency.

- 14d. Section 109.3 is amended to read as follows (added language in italics, deleted language in [brackets]):

When necessary for public safety, the [code official] ***Division of Building Code Enforcement*** shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

- 14e. Section 109.4 is amended to read as follows (added language in italics, deleted language in [brackets]):

For the purposes of this section, the [code official] ***Division of Building Code Enforcement*** shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

* * *

19. Section 111.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

Application for appeal: *Except as provided below, any person affected by any notice which has been issued in connection with the enforcement of any provision of this code or of any rule or regulation adopted pursuant thereto may appeal to the Building Commission of St. Charles County, as provided in the International Building Code of St. Charles County, Section 500.010, Ordinances of St. Charles County, Missouri, except that **such an appeal shall be heard and ruled on by three-member panels of the Building Commission appointed by its chairperson, and except that an application for appeal under this provision shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.** Any person affected by a Notice of Unsafe Structure issued pursuant to Section 110.2, above, may appeal that notice pursuant to Chapter 536, Revised Statutes of Missouri, as amended, as provided in the Section 500.093, Ordinances of St. Charles County, Missouri.*

[Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.]

* * *

24. Section 202.0"s definitions of **the terms identified below** ["CONDEMN", "DETERIORATION", "DWELLING UNIT", "GARBAGE" AND "RUBBISH"] are amended to read as follows (added language in italics, deleted language in [brackets]):

[CONDEMN: To adjudge unsafe or unfit for occupancy.]

DETERIORATION: To weaken, disintegrate, corrode, rust or decay [and lose effectiveness].

DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) or more persons, including

permanent provisions for living, sleeping, eating, cooking and sanitation. This term is intended to include, but not be limited to, mobile, manufactured and modular homes.

GARBAGE: Animal or vegetable waste. [The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.]

RUBBISH: Combustible and non-combustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, vehicle and boat parts and dust and other similar materials. This term shall also include indoor furnishings and fixtures such as indoor furniture, appliances, lighting fixtures, mattresses, refrigerators, washers, dryers and water softeners, when left on exterior premises.

UNINHABITABLE/UNUSABLE:

Adjudged by the code official to be unsafe or unfit for occupancy or use under Section 108 herein.

* * *

30. Section 302.10 shall be added and shall read as follows (added language in italics):

Outdoor storage: All outdoor storage on industrially zoned properties either shall be neatly stacked with uniform aisle ways and comply with the requirements of Section 302.4 or shall be screened from view from all public or private streets. See the Unified Development Ordinance of St. Charles County, Missouri, Chapters 405, 410 and 412 of the Ordinances of St. Charles County, Missouri, for additional requirements pertaining to outdoor storage.

Outdoor storage on any lot or tract that is residentially zoned or platted or that is used for residential purposes shall be restricted to (a) firewood stacked and stored for personal use on the same lot or tract, (b) composting of residential yard waste in compliance with Section 240.1401, Ordinances of St. Charles County, Missouri (Solid Waste Management Code), and (c) other items incidental to residential occupancy such as mulch, building materials or landscaping materials, that are used for on-premises improvement projects related to such uses. But storage of such other items may be allowed only for a limited time, not to exceed 270 days, to complete such projects.

Outdoor storage on land in active agricultural use as provided in Section 101.2 of the Property Maintenance Code as amended shall be permitted for farm

*equipment, farm implements, materials
used in agriculture and fencing.*

Section 2. Section 500.092, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in bold type, deleted language in ~~stricken type~~).

Section 500.092. ABATEMENT OF VIOLATIONS.

Where the Code Official is authorized by the Property Maintenance Code of St. Charles County to abate a violation of that code, the Code Official may do so as provided herein.

- A. Non-emergency abatement responsibilities of Code Official. In the absence of an emergency, the Code Official shall employ the following procedure:
1. Notice of order to abate and of hearing. The Code Official shall serve a notice of the violation to be abated on the owners of the property and on any other person responsible for it. That notice may be served personally, or by mail, or by posting on the property. That notice shall order a hearing by the **Director of Community Development Code Official** in at least four (4) calendar days and **shall order** the abatement of the violation by the time of the hearing.
 2. Failure to abate, hearing, declaration of nuisance and further order to abate. If the

violation is not abated by the time of the hearing, the **Director of Community Development Code Official** may find and declare the violation a nuisance at that hearing and order the violation abated within two (2) **working calendar** days.

3. Failure to abate and abatement by Code Official. If the violation is not abated within two (2) **working calendar** days, the Code Official shall have that violation abated at public expense and certify the costs thereof and of all necessary inspections and administrative proceedings and record keeping to the St. Charles County Director of Finance.

B. Emergency abatement responsibilities of Code Official. In an emergency, where the Code Official abates a violation as authorized in such cases by the Property Maintenance Code of St. Charles County, the Code Official shall employ the following procedure:

1. Notice of emergency abatement and of hearing. The Code Official shall serve a notice of the violation abated by the Code Official pursuant to the Property Maintenance Code, including a declaration that the violation is an emergency, the grounds for that declaration, and a statement of the costs of abating that violation, upon the owners of the property and on any other person responsible for it. That notice may be served personally, or by first class mail,

postage prepaid, or by posting on the property. That notice shall order a hearing by the **Director of Community Development Code Official** in at least four (4) calendar days.

2. Hearing and final order. At hearing the **Director of Community Development Code Official** may confirm, modify or withdraw any element of the foregoing notice, shall enter a final order reflecting those determinations, and shall certify any confirmed costs of abatement and, if there are any such costs, the costs of any and of all necessary inspections and administrative proceedings and record keeping to the St. Charles County Director of Finance.

C. The Code Official or his or her designee shall be present during the abatement pursuant to this section. Any and all items removed from the property during an abatement shall be photographically recorded by the Code Official or his or her designee. No person shall enter upon the property of another without having first obtained an Access Warrant as per the procedures set out in Section 160.170, OSCCMo.

D[] Imposition of lien after abatement by Code Official responsibilities of Director of Finance. The St. Charles County Director of Finance shall prepare and issue to the owners of the property in violation a special tax bill against the property for those costs, payable within thirty (30) days of

issuance. Each such special tax bill shall include a notice of lien stating that if the bill is not paid when due, it shall become, from the date of its issuance, a first (1st) lien on the property until paid, to be collected by the St. Charles County Collector of Revenue in the same way as property taxes are collected. Each such special tax bill shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the tax bill or the proceedings leading up to its issuance shall be a defense thereto. The St. Charles County Director of Finance shall deliver each such special tax bill that remains unpaid after payment is due to the St. Charles County Collector of Revenue on or before the first (1st) day of June of each year, to be collected with property taxes as provided above.

E. Appeal. An aggrieved party may appeal from an order of the Director of Community Development as provided by Chapter 536, Revised Statutes of Missouri.

Section 3. Section 500.093, Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in bold type, deleted language in ~~stricken type~~).

Section 500.093 Notices of Unsafe Structure, Declarations of Nuisance, Orders To Repair or Demolish, Abatement, Notice, Hearing and Appeal.

A. Notice Of Unsafe Structure. If an unsafe condition as defined by the Property Maintenance Code of St. Charles County is found in a building or

structure, the **Director of the** St. Charles County Division of Building Code Enforcement or **of the** St. Charles County Division of Neighborhood Preservation (**hereafter “Code Official”**) shall prepare and issue a Notice of Unsafe Structure. For purposes of this Section, an unsafe condition may also include:

1. Failure to repair and restore to use any structure that is damaged by fire or by flood or by any other natural disaster within one (1) year of such damage, or
2. Failure to repair and restore to use any structure under a notice of violation and condemnation issued pursuant to the Property Maintenance Code of St. Charles County within one (1) year of the date of such notice.

B. Identification Of Defects. The notice shall list defects in the structure or building that constitute unsafe conditions and declare that structure or building a public nuisance.

1. The notice shall also order the structure or building vacated by the fifteenth (15th) day following service of the notice. However, if the Code Official determines that an imminent dangerous condition exists, the notice shall also order that the structure or building be vacated forthwith pursuant to Section 109.1 of the Property Maintenance Code of St. Charles County and that the

building or structure be boarded up within twelve (12) hours of service of the notice.

2. In addition, the notice shall order that substantial work on repairs must begin or (if repairs would be unreasonable) that demolition must be completed by no later than the thirtieth (30th) day following service of the notice.

- C. Form Of Notice. The notice shall be in substantially the following form:

ST. CHARLES COUNTY DIVISION OF
BUILDING CODE ENFORCEMENT/ST.
CHARLES COUNTY DIVISION OF
NEIGHBORHOOD PRESERVATION: NOTICE
OF UNSAFE STRUCTURE, DECLARATION
OF PUBLIC NUISANCE AND ORDER

Unsafe Structure:

(insert address or other adequate description of
building or structure)

Serve:

(insert names of owner, occupant, lessee,
mortgagee, agent and all other persons having an
interest in the structure or building according to
the land records of the St. Charles County
Recorder of Deeds)

Notice Of Unsafe Structure, Declaration Of Public
Nuisance, And Order:

(complete paragraphs 1, 2 and either 3A or 3B)

1. THE STRUCTURE OR BUILDING IDENTIFIED ABOVE IS UNSAFE AND IS HEREBY DECLARED A PUBLIC NUISANCE BECAUSE OF THE FOLLOWING DEFECTS:

2. NO PERSON MAY OCCUPY THIS STRUCTURE OR BUILDING, OR ANY PART THEREOF, AFTER THE FIFTEENTH (15TH) DAY FOLLOWING SERVICE OF THIS NOTICE. After such date, no person shall occupy, enter, refuse to leave, or remain in this structure or building or any part thereof, except persons directly employed in securing, repairing or removing such building.

- 3A. THIS STRUCTURE OR BUILDING MUST BE REPAIRED TO CURE THE DEFECTS LISTED IN PARAGRAPH 1 ABOVE. WORK MUST BEGIN BY THE THIRTIETH (30TH) DAY FOLLOWING SERVICE OF THIS NOTICE AND PROCEED CONTINUOUSLY WITHOUT UNNECESSARY DELAY TO COMPLETION. This order may be obeyed by demolition and removal of this structure. Upon failure to repair as herein required, the Code Official may, after hearing, order repairs to be made, and the cost thereof charged to the owner of this property as a special tax lien.

3B. THIS STRUCTURE MUST BE DEMOLISHED AND REMOVED FROM THE PREMISES BY THE THIRTIETH (30TH) DAY FOLLOWING SERVICE OF THIS NOTICE. If this structure is not demolished and removed by that date, the Code Official may, after hearing, order the same done and the cost assessed against the property as a special tax lien. This demolition order is mandatory. However, it may be converted into a repair order, provided that plans and bids satisfying the requirements of Subsection 500.093(G) and, if applicable, Subsection 500.093(H) below be presented to the St. Charles County Division of Building Code Enforcement or the St. Charles County Division of Neighborhood Preservation as the case may be within thirty (30) days of the service of this notice.

D. Posting Of Notice. A copy of the Notice of Unsafe Structure and Declaration of Public Nuisance shall be posted in a prominent place on the premises.

E. Method Of Service Of Notice. The Notice of Unsafe Structure shall be recorded at the office of the St. Charles County Recorder and shall be served on all affected parties, namely owners, occupants, lessees, mortgagees, agents and all other persons having an interest in the unsafe building or structure as shown by the land records of the St. Charles County Recorder of Deeds. The

notice may be served personally or by first class mail, postage prepaid, or if service cannot be had by either of these modes of service, then by at least one (1) publication in a newspaper of general circulation in St. Charles County.

- F. Restoration. An unsafe structure may be restored to safe condition solely as authorized by the International Building or Residential Code of St. Charles County.
- G. Unreasonable Repairs General Provision. As provided in the International Building or Residential Code of St. Charles County and subject to Subsection 500.093(H),[1] below, the ~~Code Official Director of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation as the case may be~~ shall presume that a structure or building may not be repaired if the Code Official determines that the cost of repairs would exceed seventy-five percent (75%) of the current assessed value of the unsafe structure or building as determined by the St. Charles County Assessor's most recent assessment. To rebut this determination, a property owner, within thirty (30) days of the service of a Notice of Unsafe Structure, must present to the Director who issued the notice three (3) signed bids from outside contractors.
- H. Unreasonable Repairs Special Provision For Unsafe Buildings Or Structures In Floodway, Floodway Fringe Or Density Floodway Zoning Districts As Defined By St. Charles County

Zoning Regulations. With respect to unsafe structures or buildings in Floodway, Floodway Fringe or Density Floodway zoning districts as defined in Article XI, Sections 405.245 et seq. of the Unified Development Ordinance of St. Charles County, Missouri, the Director of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation as the case may be shall apply the non-conforming use provision specifically applicable in such zoning districts.

- I. Failure To Comply With Repair Or Demolition Order In Notice Of Unsafe Structure Notice Of Hearing Service. If the affected parties fail to commence work on repairs or complete demolition within the time stated in the notice of unsafe structure, or if the affected parties fail to proceed continuously with the work without unnecessary delay, the Code Official shall call a hearing upon the matter, giving the affected parties twenty-one (21) days' written notice of the hearing. Said notice of hearing may be served personally or first class mail, postage prepaid, or if service cannot be had by either of these modes of service, then by at least one (1) publication in a newspaper of general circulation.

- J. Conduct Of Hearing. The **Director of Community Development** ~~Director of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation~~ (hereinafter "Director") shall conduct a full and

adequate hearing. Any affected party may be represented by counsel and all affected parties shall have an opportunity to be heard. Upon hearing the parties, the Director may find and conclude that the structure to be demolished is not unsafe and need not be demolished or repaired, or that the structure is unsafe and must be demolished **or repaired**, in which case the Director may order demolition or repair by the County as provided in Subsection (K) below or may institute legal action in a court of competent jurisdiction to compel demolition or repair.

K. Cost Of Repair Or Demolition To Be Recovered By Tax Lien. If the Director ~~of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation~~ issues an order whereby the building or structure is demolished, secured or repaired at St. Charles County's expense, the cost of performance shall be certified to St. Charles County's Finance Officer who shall cause a special tax bill or assessment therefore against the property to be prepared and collected by the County Collector. 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.

L. Salvage Materials. If **the Director** ~~St. Charles County~~ orders a building or structure demolished at the County's expense, the County is authorized to sell salvage and valuable materials and apply

sales proceeds as provided by the International Property Maintenance Code, as adopted by St. Charles County.

M. Appeal. Affected parties may appeal from the determination of the Director ~~of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation~~ as the case may be to the Circuit Court of St. Charles County as provided by Chapter 536, Revised Statutes of Missouri.

Section 4. Section 405.420.D, OSCCMo, a provision of the Unified Development Ordinance of St. Charles County, Missouri, relating to Additional Vehicle Requirements, is hereby amended as follows (Added text shown in bold type, deleted text shown in stricken type):

SECTION 405.420: ADDITIONAL VEHICLE REQUIREMENTS

* * *

D. Additional Vehicles.

In the "A" Agricultural Zoning District, any lot or parcel containing a residence may also contain, in addition to the one (1) piece of recreational equipment or the one (1) trailer allowed under Subsection (A) above, a maximum of two (2) additional vehicles which may be trailers, boats, boat trailers, boats on boat trailers or unlicensed vehicles, provided such additional vehicles are kept for personal use and are parked as required by Subsection (A)(2) above. ~~No such~~

~~additional vehicles~~ Additional vehicles or equipment primarily used for an active agricultural use of a lot or parcel in the "A" District", including but not limited to vehicles, trailers, equipment, implements or tractors, may be kept on such lots or parcels in the "A" District ~~that do not contain a residence.~~

Section 5. Section 405.480.B, OSCCMo, a provision of the Unified Development Ordinance of St. Charles County, Missouri, relating to Signs Not Requiring Permits, is hereby amended as follows (deleted text shown in stricken type):

SECTION 405.480: SIGNS NOT REQUIRING PERMITS

* * *

B. Permanent (detached signs).

1. On-premise directional signs not exceeding four (4) square feet for uses other than single-family residential.

~~2. On-premise non-illuminated signs for home occupations indicating only the name of the persons and their occupation or their business name, if:~~

~~a. custom made and constructed of wood,~~

~~b. no more than twelve (12) square feet in area,~~

~~c. no more than six (6) feet in height,~~

d. ~~not within any right of way or sight distance easement,~~

e. ~~not in violation of any sight distance regulation in the Unified Development Ordinance of St. Charles County,~~

f. ~~at least 10 feet from any right of way line, and~~

g. ~~on a tract of land that is at least 5 acres in area and that is located within an A-Agricultural zoning district but outside any subdivision platted for residential purposes.~~

* * *

Section 6. Section 405.535.B, OSCCMo, a provision of the Unified Development Ordinance of St. Charles County, Missouri, relating to procedures for rezoning land and amending the text of the Unified Development Ordinance, is hereby amended as follows (added text in **bold type**):

Section 405.535. PROCEDURES FOR REZONING AND AMENDMENTS

* * *

B. Procedures for Rezoning.

1. Change by petition. Applications for amendment, revision or change of the Zoning District Map of St. Charles County

may be made by any owner, attorney, agent, representative or contract purchaser who wants land to be rezoned. Satisfactory evidence of ownership shall be provided at the time of application. Such application shall be made upon forms prescribed by the Planning and Zoning Commission and duly filed with the Division of Planning and Zoning. For the purpose of developing a staff recommendation to approve, reject or modify the rezoning, an applicant for rezoning authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property. This authority shall cease upon the Governing Body's decision on the rezoning.

- a. Accompanying said application the following shall be provided:
 - (1) A legal description of the property to be rezoned.
 - (2) A current recorded deed to the property showing ownership.
 - (3) An application fee as set by ordinance.
- b. Immediately upon receipt of such applications which include all items listed above, the Division of Planning and Zoning shall note thereon the date

of filing and make a permanent record thereof.

- c. All such applications shall be set down for hearing before the Planning and Zoning Commission not later than the second regular monthly meeting of the Planning and Zoning Commission from the date of filing the same. Notice of such hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County and on the St. Charles County Government website. Notice shall also be given, at least fifteen (15) days before the hearing, by U.S. mail to all owners of any real property (as per the current records of the St. Charles County Assessor) within one thousand (1,000) feet of the parcel of land for which the change is proposed.

- d. The hearing may be continued and/or the deliberation on a case delayed until the next regularly scheduled meeting by the concurrence of three (3) Commissioners on a one-time basis. Additional hearing and/or deliberation continuances shall require the majority vote of the Commission. Upon the final hearing of such application the Planning and Zoning Commission shall approve or deny that application by majority vote. A report of the

Commission's action, together with a recommendation for final approval or denial, shall be made by the Commission to the Governing Body within forty-five (45) days of the conclusion of the public hearing.

- e. Upon receipt of the Planning and Zoning Commission's report and recommendation, the Governing Body may approve, deny or amend the application or the applicant may amend the application. The proposed amendment must either reduce the area to be rezoned or reduce the intensity of the original zoning district applied for.
2. Change by the County Council or the Planning and Zoning Commission. Recommendations for revision, amendment or change of this Chapter or Chapter 410, including the Zoning District Map, may also be made by the Planning and Zoning Commission upon its own motion, for final determination by the County Council; likewise, the County Council may revise, amend or change this Chapter or Chapter 410 upon its own motion. In the case of a recommendation for revision by the Planning and Zoning Commission, final action thereon shall be taken only after notice and hearing as provided in Section 405.535(B)(1)(d) above. In the case of a recommendation for revision by the County

Council, final action thereon shall be taken by ordinance.

3. Written protest. In case of written protest (legal remonstrance) against any proposed change, revision, or amendment signed and acknowledged by thirty percent (30%) of the owners of real property within one thousand (1,000) feet of the parcel of land for which the change, revision, or amendment is proposed, or in cases where the land affected lies within one and one-half (1½) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of such municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with the County Registrar, such change, revision, or amendment may not be passed except by five (5) of the seven (7) members of the County Council.
4. Time limit on repeat applications previously denied. Any application for amendment, revision, or change of the Zoning District Map that does not receive final approval of the County Governing Body may not be resubmitted to the Planning and Zoning Commission as a new application for a period of at least twelve (12) months from the date of the Governing Body's final decision, except in cases where the requested zoning district(s) differs from the original application.

5. **Any amendment, revision or change authorized by this section constitutes legislative action by the Governing Body of St. Charles County and is not subject to review as an administrative decision notwithstanding any provision to the contrary in Section 64.120, Revised Statutes of Missouri, as amended.**

Section 7.

Section 405.590.E, OSCCMo, a provision of the Unified Development Ordinance of St. Charles County, Missouri, relating to appeals from decisions of the Board of Zoning Adjustment, is hereby amended as follows (added text in **bold type**, deleted text in ~~stricken type~~):

Section 405.590. General Powers, Duties and Procedures.

* * *

- E. **Any person or persons** ~~Any owners, lessees or tenants of buildings, structures or land~~ jointly or severally aggrieved by any decision of the Board of Zoning Adjustment may, at the option of **such person or persons** ~~the owners, lessees or tenants~~, appeal the decision of the Board, as provided by Statute, to the Circuit Court by filing a petition, duly verified, specifying the grounds of the illegality and asking for relief therefrom and thereafter proceedings shall be had thereon as provided by the appropriate State Statutes or, where the decision of the Board of Zoning Adjustment was not unanimous, may appeal the decision of the Board of Zoning Adjustment to the

County Council within fourteen (14) working days of mailing of the decision of the Board of Zoning Adjustment as provided in Section 405.639.

Section 8. Section 500.010.A., Ordinances of St. Charles County, Missouri (“OSCCMo”) is hereby amended to read as follows (added language in **bold** type, deleted language in ~~stricken~~ type).

3a. 105.2 Work exempt from permit: Insert “14. Temporary structures that are located in agricultural districts and which use is primarily agricultural in nature, that are not accessible to the general public.” inserted after paragraph # 13 in “Building:”


Section 9. Except as provided in Section 10, below, this ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 10. This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after its posting in six public places, its publication in full on the web site of St. Charles County, and the publication of its title and the location in St. Charles County where it may be viewed in its entirety in a legal publication or a newspaper of general circulation in St. Charles County.

September 28, 2015
DATE PASSED

October 2, 2015
DATE APPROVED BY COUNTY EXECUTIVE



CHAIR OF THE COUNCIL


COUNTY EXECUTIVE

ATTEST:



COUNTY REGISTRAR