

MEMORANDUM



DATE: March 14, 2008
 TO: Mike Geisel, Director of Public Works
 FROM: Susan Mueller, Principal Engineer *SMueller*
 RE: Adopting the 2000 International Property Maintenance Code

We have recently become aware of a significant gap in our property maintenance code coverage. Our existing ordinances lack important features such as compatible administrative language, emergency measures for unsafe structures, insect/rodent extermination responsibility, sale of property under a violation notice, and most importantly interior maintenance provisions. Recent examples of interior issues have included; a tenant concerned about repeated floor drain back-ups, another tenant was dealing with a recurring rodent problem, and a third involved a "problem property" with severe hoarding activity.

As part of a property inspection agreement with St. Louis County, the City of Chesterfield adopted the International 2003 editions of the Residential Code, Building Code, Existing Building Code, and Mechanical Code. The 2000 edition of the International Property Maintenance Code is also in use at St. Louis County however, Chesterfield uses its own property maintenance ordinances. Ordinance #1932 Exterior Maintenance, #313 Vehicles, #385 Nuisances, #541 and #1781 Waste Collection and #2228 Exterior Lighting are used for most property maintenance issues in Chesterfield.

With this recommendation, Chesterfield adopts the 2000 International Property Maintenance code and continues exterior code enforcement with our own staff, but also gains access to St. Louis County Property Maintenance services at our request for complaint based interior concerns and "Problem Property" issues.

We hereby request that the Planning and Public Works Committee review and recommend approval to the full City Council the following;

- 1) **An Ordinance adopting the St. Louis County Property Maintenance Code for inspections performed by St. Louis County at the specific direction of the City of Chesterfield. This ordinance includes authority to amend the Scope of Services for inspections performed by St. Louis County.**
- 2) **An Ordinance adopting the St. Louis County Property Maintenance Code for inspections performed by the City of Chesterfield, repealing Chesterfield Ordinance #1932, and retaining use of the remaining Chesterfield Ordinances. (Requires a decision on 102.9 Registering Allegations – anonymous complaints)**

attachments

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING THE PROPERTY MAINTENANCE CODE OF THE COUNTY OF SAINT LOUIS, MISSOURI, AS AMENDED, AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF CHESTERFIELD FOR INSPECTIONS IN THE CITY OF CHESTERFIELD PERFORMED BY THE COUNTY OF SAINT LOUIS

WHEREAS, the City of Chesterfield, Missouri on November 21, 1988 entered into an Agreement by and between the County of Saint Louis, Missouri and the City of Chesterfield, Missouri under the provisions of Chapter 70, Section 70.210 to 70.320 inclusive, of the Revised Statutes of the State of Missouri as amended, which empowers municipalities and other political subdivisions to contract and cooperate with each other for common services; and

WHEREAS, the City of Chesterfield, Missouri is desirous of amending minimum standards for Property Maintenance to protect the health, safety and welfare of the citizens of the City of Chesterfield, Missouri.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

Section 1: The Property Maintenance Code of the County of Saint Louis, Missouri as amended through date of last amendatory ordinances (County Ordinance 22,316 – Adopted May 18, 2005) is hereby adopted as fully set out herein as the Property Maintenance Code of the City of Chesterfield for inspections in the City of Chesterfield performed by the County of Saint Louis, Missouri.

Section 2: The City Administrator of the City of Chesterfield, Missouri is hereby authorized to approve the Amendment to Scope of Services of the existing contractual Agreement with the County of Saint Louis, Missouri first entered into on November 21, 1988, to include property maintenance code enforcement services pursuant to the Amendment and existing contractual Agreement attached hereto and incorporated herein as if fully set forth herein.

Section 3: This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2008

MAYOR

ATTEST:

CITY CLERK

First Reading held on: _____

**AMENDMENT TO SCOPE OF SERVICES WITH THE COUNTY OF
SAINT LOUIS, MISSOURI FOR CODE ENFORCEMENT SERVICES**

This amendment to SCOPE OF SERVICES of an existing contractual Agreement for code enforcement services between the COUNTY OF SAINT LOUIS, MISSOURI hereinafter referred to as "COUNTY" and the CITY OF CHESTERFIELD, MISSOURI, hereinafter referred to as "MUNICIPALITY", is effective when approved, accepted, signed and dated by both parties.

WHEREAS, COUNTY and MUNICIPALITY entered into a contractual Agreement, attached and incorporated herein by reference, dated November 21, 1988 for COUNTY to provide code enforcement services to MUNICIPALITY; and

WHEREAS, the parties desire to amend the SCOPE OF SERVICES of said contractual Agreement; and

WHEREAS, MUNICIPALITY has enacted Ordinance number _____, a copy of which is attached hereto and made a part hereof, said ordinance being identical in substance to COUNTY Property Maintenance Code, County Ordinance 22,316 Approved May 18, 2005, and authorizing the City Administrator to approve this Amendment to Scope of Services of the contractual Agreement first entered into on November 21, 1988;

NOW THEREFORE, the parties agree as follows:

1. Article 1, Section 1.1 SCOPE OF SERVICES in the code enforcement contractual Agreement dated November 21, 1988, is hereby amended to read as follows:

COUNTY shall provide MUNICIPALITY code enforcement services in the manner prescribed in the applicable code provisions for the following areas

- 1) Building Code – 2003 IBC amended by County Ord. 22,314 – Approved May 18, 2005
- 2) Residential Code – 2003 IRC amended by County Ord. 22,314 – Approved May 18, 2005
- 3) Existing Building Code – 2003 IEBC amended by County Ord. 22,314 – Approved May 18, 2005
- 4) Mechanical Code – 2003 IMC amended by County Ord. 22,313 – Approved May 18, 2005
- 5) Plumbing Code – 2003 UPC amended by County Ord. 22,338 – Approved June 1, 2005
- 6) Electrical Code – 2005 NEC amended by County Ord. – 22,556 – Approved November 29, 2005
- 7) Explosives Ordinance - (County Ord. – 18,693 – Approved November 6, 1997)
- 8) Property Maintenance Code 2000 IPMC – amended by County Ord. 22,316 – Approved May 18, 2005, excluding Residential Re-Occupancy Inspections

2. In all other respects, said contract dated November 21, 1988 shall continue in effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seal the day and year as written below:

MUNICIPAL APPROVAL

CITY OF CHESTERFIELD, MISSOURI

APPROVED: _____
City Administrator

Date

ATTEST: _____
City Clerk

Date

COUNTY OF ST. LOUIS MISSOURI ACCEPTANCE

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals this

_____ day of _____, 2008.

ST. LOUIS COUNTY, MISSOURI

BY: _____
County Executive

ATTEST:

Administrative Director of the St. Louis County Council

APPROVED:

APPROVED AS TO LEGAL FORM:

St. Louis County Dept of Public Works

County Counselor

ACCOUNTING OFFICER'S CERTIFICATION

I hereby certify that an unencumbered balance, sufficient to pay the contract sum, remains in the appropriation account against which this obligation is to be charged.

Accounting Officer

AGREEMENT

THIS AGREEMENT, made and entered into this 21 day of November, 1988, by and between ST. LOUIS COUNTY, MISSOURI, hereinafter referred to as "County", and the CITY OF CHESTERFIELD, hereinafter referred to as "Municipality".

WITNESSETH;

WHEREAS, Article II, Section 2.180(20) of the 1968 Charter of St. Louis County, Missouri, authorized the County to contract with Municipality for a common service; and

WHEREAS, the provision of Section 70.210 to 70.320 inclusive, Revised Statutes of Missouri, as amended, 1978, as amended, empower municipalities and other political subdivisions to contract and cooperate with each other for a common service; and

WHEREAS, Section (s)

- | | | |
|---------------|---------------|-----------------------|
| 1. Amusements | 4. Elevators | 7. Plumbing |
| 2. Building | 5. Explosives | 8. Weights & Measures |
| 3. Electrical | 6. Mechanical | |

SLCRO 1974, as amended, authorize(s) County to contract with Municipality for administration of Municipality's

- | | | |
|---------------|---------------|-----------------------|
| 1. Amusements | 4. Elevators | 7. Plumbing |
| 2. Building | 5. Explosives | 8. Weights & Measures |
| 3. Electrical | 6. Mechanical | |

WHEREAS, Municipality has duly enacted Ordinance(s) No. 208, said Ordinance(s) being identical in substance with County's

- | | | |
|---------------|---------------|-----------------------|
| 1. Amusements | 4. Elevators | 7. Plumbing |
| 2. Building | 5. Explosives | 8. Weights & Measures |
| 3. Electrical | 6. Mechanical | |

codes as amended; and

WHEREAS, Municipality has duly enacted Ordinance No. 208, a certified copy of which is attached hereto and made a part hereof, authorizing the execution of this Agreement on behalf of Municipality.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and obligations hereinafter stated, the County and Municipality mutually agree as follows, to wit:

ARTICLE I

SCOPE OF SERVICES

1.1 SCOPE OF SERVICES. County shall provide Municipality code enforcement services in the following areas:

- | | | |
|---------------|---------------|--------------|
| 1. Amusements | 4. Elevators | 7. Plumbing |
| 2. Building | 5. Explosives | 8. Weights & |
| 3. Electrical | 6. Mechanical | Measures |

ARTICLE II

TERM OF AGREEMENT

2.1 TERM OF AGREEMENT. This Agreement shall commence on the 21 day of November 1988, and shall continue in effect from year to year unless terminated as provided in ARTICLE IX herein.

ARTICLE III

PERMITS, INSPECTIONS, LICENSING AND APPROVAL OF PLANS

3.1 PERMITS. County, through its Department of Public Works, shall issue all permits required by the code(s) as set forth in paragraph 1.1 herein.

3.2 INSPECTIONS. County, through its Department of Public Works, shall execute all inspections required by the code(s) as set forth in paragraph 1.1 herein.

3.3 LICENSING. County, through its Department of Public Works, shall license all persons as required by the code(s) as set forth in paragraph 1.1 herein.

3.4 APPROVAL OF PLANS. County, through its Department of Public Works, shall examine all plans to determine their compliance with the code(s) as set forth in paragraph 1.1 herein.

ARTICLE IV

RESTRICTIVE PROVISIONS

4.1 RESTRICTIVE PROVISIONS. If Municipality has adopted provisions applicable to the services as set forth in paragraph 1.1 herein said provisions being more restrictive than those contained in County's code(s), Municipality shall approve all plans prior to submission to County's Department of Public Works for issuance of permits.

ARTICLE V
REGULATORY ORDINANCES

5.1 REGULATORY ORDINANCES. Municipality shall approve all plans for compliance with zoning or other regulatory ordinances prior to submission to County's Department of Public Works.

ARTICLE VI
ENFORCEMENT OF MUNICIPAL ORDINANCE

6.1 ENFORCEMENT. County shall not take any action, either at law or in equity, to enforce the provisions of Municipality's Ordinance(s) as the same shall apply hereto. County shall notify Municipality of any known violations of Municipality's Ordinance(s).

ARTICLE VII
FEE COLLECTION

7.1 FEE COLLECTION. All fees shall be collected and retained by County's Department of Public Works.

ARTICLE VIII
AMENDMENTS TO COUNTY CODE

8.1 AMENDMENTS. In the event County shall add to, delete or amend sections of the code(s) as set forth in paragraph 1.1 herein, Municipality shall amend its Ordinance to make it identical in substance to County's amended code. County shall supply Municipality with a copy of its proposed amendment prior to its effective date and Municipality shall amend its Ordinance within ninety (90) days of the effective date of said County amendment. In the event county shall fail to provide a copy of its proposed amendment as provided above, Municipality shall have ninety (90) days to amend its Ordinance after receipt of a copy of County's amendments.

8.2 CERTIFIED COPY. Municipality shall supply County with a certified copy of all amendments to its Ordinance within five (5) days of said amendment's effective dates.

ARTICLE IX
TERMINATION

9.1 FAILURE TO AMEND. In the event Municipality shall fail to amend its Ordinance as provided in paragraph 1.1 herein this Agreement shall be terminated.

9.2 TERMINATION FOR CONVENIENCE. Either County or Municipality may terminate this Agreement at any time by giving ninety (90) days prior written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

ST. LOUIS COUNTY, MISSOURI

ATTEST

By

Gene M. Gray
County Executive

Marian Sebben
Administrative Director *Deputy*

_____ of _____
MISSOURI

ATTEST

James M. Schneider
Municipal Clerk

By

Frank W. Burtch
Title: MAYOR

APPROVED

James H. Ferguson
County Director of Public Works

Approved as to Legal Form:

James M. White
St. Louis County Counselor