



CITY OF CHESTERFIELD

PUBLIC HEALTH & SAFETY
COMMITTEE MEETING

DECEMBER 12, 2019
5:30 pm

CONFERENCE ROOM 202

AGENDA

I. Call To Order

II. Roll Call

III. Approval of Minutes

September 25, 2019

IV. CAPY – Chief Johnson

Chief Johnson will provide the Committee information regarding the current status of CAPY and lead a discussion on future plans

V. NIMS/ICS Training for Elected Officials – Chief Johnson

Chief Johnson will brief the Committee on recommended training for elected officials on National Incident Management System and Incident Command System Training.

VI. Proposed amendment to Ordinance 1932, Chapter 7, Building & Building Regulations, Article II, Section 7-11, and Ordinance 1932, Chapter 25, Solid Waste, Article II, Section 25-28 of the Municipal Code to provide for the investigation of the anonymous allegation of violations.

VII. Other.

VIII. Next meeting

IX. Adjourn

NOTE: Public Health & Safety Committee will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Notice is hereby given that the Public Health & Safety Committee may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: Legal actions, causes of action, litigation or privileged communications between the City representatives and its attorneys (RSMo 610.021 (1) 1994; lease, purchase or sale of real estate (RSMo 610.021 (2) 1994; hiring, firing, disciplining or promoting employees within employee groups (RSMo 610.021 (3) 1994; bidding specification (RSMo 610.021 (11) 1994; and/or proprietary technological materials (RSMo 610.021 (15) 1994.

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE PUBLIC HEALTH & SAFETY COMMITTEE MEETING SHOULD CONTACT CITY CLERK VICKI MCGOWND AT 636-53-6715, AT LEAST TWO (2) WORKING DAYS PRIOR TO THE MEETING.

MEMORANDUM

3

DATE: September 25, 2019
TO: Mike Geisel, City Administrator
FROM: Chief Ray Johnson
SUBJECT: PUBLIC HEALTH & SAFETY COMMITTEE

The Public Health and Safety (PH&S) Committee met on Tuesday, September 24, 2019. Those in attendance included Chairperson Mary Monachella Councilmember Ward I, Councilmember Ben Keathley, Ward II, Councilmember Michael Moore, Ward III, Councilmember Michelle Ohley, Ward IV, Mayor Bob Nation, Councilmember Mary Ann Mastorakos, Ward II, Chief Ray Johnson, Captain Michael Thompson, and Captain Dan Dunn.

I. Called to order

The meeting was called to order at 5:30 PM by Chairperson, Councilmember Mary Monachella.

II. Roll Call was completed

III. Approval of Minutes – August 1, 2019

Councilmember Moore motioned and Councilmember Monachella seconded to approve the minutes of the August 1, 2019 meeting as amended (the addition to Item VI, paragraph four: (The Committee discussed the possibility of a victims advocate system as it would be related to the Drug Court Program and Domestic Violence). The motion carried 3-1 with Michelle Ohley voting "no".

Councilmember Monachella motioned and Councilmember Keathley motion to suspend the order of the agenda to allow Prosecuting Attorney Engelmeyer to address the Committee as Item VIII. Other. The motion carried 4-0.

XIII. Other – Victims Advocate for Municipal Court

Prosecuting Attorney Tim Engelmeyer informed the Committee members of an upcoming Town Hall meeting on Domestic Violence scheduled for October 24, 2019 at 3:00 PM at the St. Louis County Courthouse. Concerning this issue, Mr. Engelmeyer asked for consideration from the City to have a Victims' Advocate working with staff in the Police Department and the Municipal Court. This position would enhance the Court's efficiency and proper assistance for victims of domestic violence. Many times the victim of domestic violence do not proceed with a case because of fear of the further abuse and little personal support. The Victim Advocated would work with the victim from the time of the reported abuse through the Court process, and then follow-up aside from the Court. Often times, a single case will be on the Court docket several times because of a victim's hesitancy to prosecute. The Committee members questioned the cost for the

additional personnel. Mr. Engelmeyer suggested a part-time position to be shared with possibly with another municipality. Chief Johnson noted his plans to attend the Town Hall meeting. He noted his opinion that a full time person is not needed but will also check with other municipalities in close proximity to Chesterfield regarding the possibility of shared services.

This item will be an agenda item at the next meeting of Public Health & Safety.

The meeting then resumed the original agenda.

IV. Personnel Request

Chief Johnson addressed the Committee to consider approval of a request to add an additional Code Enforcement Inspector to the Police Department. The City handles more than 500 calls for service yearly. Residents generate almost all of these requests. Although some of the complaints are small items that can be quickly resolved, others require a great deal of time to bring about a solution. At this time, the one Code Enforcement Inspector is heavily committed and an addition would allow complaints to be handled more effectively and efficiently.

Councilmember Keathley motioned and Councilmember Moore seconded to approve this request and send a recommendation to the Finance Committee recommending their approval to fund this new position in the 2020 budget. The motion carried 4-0.

V. River Valley Drive – Gate Closure

Councilmember Keathley informed the Committee that he had received complaints regarding the proper opening and closing of the gate at the north end of River Valley Drive. Chief Johnson reported that he has investigated this with the Police Department, the Fire District and found that all have access keys and have utilized the policies regarding the gate correctly.

Councilmember Ohley asked if follow-up had been done on a concern expressed by a resident regarding an ambulance accessing her property in an emergency. Chief Johnson reviewed this with the Fire District and the concern was dismissed; the policy for emergency access is all working properly.

VI. St. Louis Regional Hazard Mitigation Plan

Chief Johnson requested that the Committee endorse a resolution to adopt in the St. Louis Regional Hazard Mitigation Plan. This participation in this plan will make the City eligible to apply for State and Federal grant funds for pre-disaster hazard mitigation. Noting there is no cost to the City, Councilmember Moore Motioned and Councilmember Monachella seconded to approve the request and send the proposed resolution to City Council. The motion carried 4-0.

VII. Fireworks Display

Chief Johnson gave the Committee a brief history of a recent Fireworks Display that took place at Logan College. Logan College had rented their facility to an outside entity who planned the display. That entity believed they had correctly followed policy for a fireworks display by securing a licensed fireworks display company and getting a permit from the Monarch Fire District. Unfortunately, the entity did not seek a permit from the City of Chesterfield. It was noted that complaints were made to the Police Department, to City Councilmembers, and on social media stating that this display was extremely loud and disturbing to residents especially since it took place mid-week on a school night. At this time, Chief Johnson has been in contact with the Fire District and they agreed to crosscheck the permit process so that the City of Chesterfield will be contacted for permit approval.

Chief Johnson informed the Committee members that in the past 30 years, the City has only had Fireworks Display requests for two events yearly: The Chamber of Commerce Concert in the Park, and the City of Chesterfield Fourth of July display. Discussion ensued of other restrictions that may be included in the City policy including, proximity to residential areas, restricted days of the week, actual time of an event, length of the event, and notification to residents.

After discussion, the Committee agreed that there should be no change to the process at this time but efforts shall be made to notify residents of upcoming displays by trustees' alerts and social media outlets. Chief Johnson will work closely with the Monarch Fire District to assure each permit is cross-referenced between the City and the Fire District.

IX. Next Meeting

There was no specific date set for the next meeting, but it is anticipated the next meeting will be in December 2019.


X. Adjournment

Having no further business, Chairperson Monachella adjourned the meeting at 6:35 PM.



Chesterfield Police Memorandum



DATE: October 29, 2019
 TO: Mike Geisel, City Administrator
 FROM: Chief Ray Johnson 
 SUBJECT: NIMS/ICS Training

*Please forward
to PH&S for review
& action
mor
2019-10-29*

One of the Police Department goals for calendar year 2020 will be to insure all department personnel, and those other employees identified in the City's EOP, are in compliance with NIMS (National Incident Management System) and ICS (Incident Command System) related training. Toward that end, we have been in contact with the State Emergency Management Agency (SEMA) training division to determine our current status and as to what additional training will be necessary for specific officers, to bring them into compliance.

However, during our discussions with SEMA representatives we were reminded of the on-line NIMS/ICS training modules recommended for municipal elected officials, and suggested we incorporate that elected officials training into our training update for police officers. As you know, failure of our elected officials to complete the training could be cause for SEMA to deny funding/reimbursement of funds to our City in the event of a disaster.

The appropriate training courses for elected officials are as follows:

- ICS 100.c - Introduction to ICS
- ICS 700.b - NIMS, an Introduction
- IS2200 - Basic Emergency Operations

Each course is approximately 1-1/2 hours in length and can be taken on line at the leisure of the elected official/Council Member. I recommend this matter be taken before the PH&S Committee for their review and consideration. If forwarded by PH&S to full council and approved, my department will then work to coordinate scheduling and details of the training, and will assist with Council access, completion, and, tracking of each training module. Please advise if you concur with my recommended course of action, or if you desire additional information at this time.

Ray Johnson

From: Mike Thompson
Sent: Wednesday, October 16, 2019 4:21 PM
To: Ray Johnson
Subject: RE: ICS For Elected Officials

Sir,

As noted below, the courses listed are recommended for elected officials by the Federal Emergency Management Agency. FEMA does not mandate, nor is there any statutory authority for an elected official to take these courses; however, "elected and appointed officials should have a clear understanding of their roles and responsibilities for successful emergency management and incident response. To that end, it is vital that elected and appointed officials understand and receive NIMS training." (www.fema.gov/nims COMPFAQ01).

Furthermore, per Homeland Security Presidential Directive – 5, and later Presidential Policy Directive 8, the federal government requires local governments to adopt the National Incident Management System as a condition for receiving federal disaster funding:

"Beginning in Fiscal Year 2005, Federal departments and agencies shall make adoption of the NIMS a requirement, to the extent permitted by law, for providing Federal preparedness assistance through grants, contracts, or other activities. The Secretary shall develop standards and guidelines for determining whether a State or local entity has adopted the NIMS."

The City of Chesterfield complies with NIMS through our development and maintenance of our Emergency Operations Plan and All Hazard Plan, as well as requiring ICS training for emergency response personnel. Requiring ICS training for elected officials will bolster our NIMS compliance and enhance our ability to obtain federal assistance in the event of a disaster in our community.

From: Mike Thompson
Sent: Tuesday, October 15, 2019 1:54 PM
To: rjohnson@chesterfield.mo.us
Subject: ICS For Elected Officials

Sir,

I have been in contact with Dan Stumpf, the training coordinator with the St. Louis County Office of Emergency Management, regarding Incident Command System (ICS) training for elected officials. Dan recommends the following on-line training:

ICS 100.c (Intro to ICS) : <https://training.fema.gov/is/courseoverview.aspx?code=IS-100.c>

ICS 700.b (NIMS, an Introduction): <https://training.fema.gov/is/courseoverview.aspx?code=IS-700.b>

IS2200 (Basic Emergency Operations Functions): <https://training.fema.gov/is/courseoverview.aspx?code=IS-2200>

He mentioned that there is a course specifically geared towards Elected Officials (ICS 402 - ICS for Elected Officials). This course is an in-classroom course and when offered, it runs about 3 hours. This course is not currently being offered at this time, and hasn't for some time. The East-West Gateway Coordinating Council was pushing the training several years ago and hosted many classes, but more recently the course has not been offered. If this is something council or Mr. Geisel would like to pursue, I could reach out to EW Gateway.


It is important to note that everyone will need to create a FEMA Student ID to take these courses: <https://cdp.dhs.gov/femasid/register>

Let me know if you need anything further.



Chesterfield Police Memorandum



DATE: November 26, 2019
TO: Mike Geisel, City Administrator
FROM: Chief Ray Johnson 
SUBJECT: INVESTIGATION OF ANNONYMOUS COMPLAINTS

The purpose of this memorandum is to propose amendments to the Chesterfield Municipal Code to provide for the investigation by the City Code Enforcement Inspector of anonymous allegations of violations received by the City.

Ordinance 2802, Chapter 20 Nuisances, Sect. 20-4, paragraph a, reads "whenever it comes to the attention of the City, or the City receives an allegation of the existence of a public nuisance, the City shall investigate and shall make a determination."

However, both Ordinance 1932, Chapter 7, Building & Building Regulations, Article II, Section 7-11, and Ordinance 1932, Chapter 25, Solid Waste, Article II, Section 25-28 specifically require that "any person desiring to register an allegation regarding any structure or land which may be in violation of the ordinance shall be required to state his or her name and address which shall be placed on record with the City as a condition precedent to the filing of an allegation. No anonymous allegations shall be accepted or recorded by the City."

Since full disclosure of name and address by one reporting an alleged violation is not always deemed favorable to the reporting party, nor practical, or, in the City's stated best interest of "protecting, providing for, and promoting the public safety, health, comfort, morals, and general welfare of the residents of the City of Chesterfield." Therefore, I propose that both Chapter 7, Article II, Section 7-11, and Chapter 25, Article II, Section 25-28 be amended by deleting that wording requiring full name disclosure and replacing that wording so as to standardized both ordinances with the current wording of Chapter 20 Nuisances, Sect. 20-4, of the Nuisance Code, paragraph a, which reads "whenever it comes to the attention of the City, or the City receives an allegation of the existence of a public nuisance, the City shall investigate and shall make a determination."

With your concurrence, I will place this matter before the PH&S Committee of Council at their next regular meeting which is scheduled for Thursday, December 12th at 5:30 PM. Thank you for your consideration.

Please add to PH&S
for review & recommendation
me
11/27/2019

2956

City of Chesterfield, MO
Tuesday, November 19, 2019

Chapter 25. Solid Waste

Article II. Generation and Storage

Sec. 25-28. Placement of waste containers, tree waste and firewood.

[Ord. No. 541, § 2(H), 1-21-1991; Ord. No. 599, § 1, 8-19-1991; Ord. No. 1781, §§ 1, 2, 9-5-2001; Ord. No. 2956 § 1, 6-19-2017]

- (a) Residential solid waste containers, recycling containers, and yard waste shall be stored upon the premises where the waste was generated, unless written permission for storage on other premises is obtained from a person having authority to grant such permission. Containers shall be stored inside the garage or within any side or rear yard such that they are screened so the containers are not visible from a street which abuts the property. The maximum number of containers stored and screened within any side or rear yard shall not exceed seven (7) at any given time. Waste containers used for the storage of residential waste, other than waste from multifamily premises having four (4) or more units, shall be placed at the end of the driveway, near the curb or mailbox, prior to the scheduled pickup. Waste containers, including bundles of yard waste permitted by this Chapter, shall be placed at the required collection point, no earlier than 5:00 P.M. on the day prior to the regularly scheduled collection day. Waste containers shall be returned to their lawful storage area no later than 11:59 P.M. on the day of collection.
- (b) Nonresidential solid waste containers and tree waste generated on nonresidential premises shall be stored upon the nonresidential premises where the waste was generated, unless written permission for storage on other premises is obtained from a person having authority to grant such permission.
- (c) Fireplace wood shall be stored on a pallet with a six-inch clearance at the bottom. Such pallet shall be of wood or metal. No more than one-half (1/2) cord [four (4) feet by four (4) feet by eight (8) feet] may be stored on the premises in front of the building, and no more than four (4) cords may be stored on the premises behind the front building line.
- (d) Any person desiring to register an allegation regarding any structure or land which may be in violation of this Section shall be required to state his or her name and address which shall be placed on record with the City as a condition precedent to the filing of an allegation. No anonymous allegations shall be accepted or recorded by the City. All allegations must state specifically the violation or violations being reported.

2802

NOT

City of Chesterfield, MO
Tuesday, November 19, 2019

Chapter 20. Nuisances

Article I. Nuisances and Enforcement

Sec. 20-1. Definitions.

[Ord. No. 2498, § 1, 11-17-2008; Ord. No. 2679, 11-7-2011; Ord. No. 2704 § 1, 6-4-2012; Ord. No. 2802, § 1, 7-21-2014]

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

INVASIVE PLANT

A vegetation species that grows aggressively in the State of Missouri, as listed by the Missouri Department of Conservation.^[1]

LESSEE

Any person, agent, operator, firm, or corporation having possession, occupancy or control of all or a portion of a premises pursuant to a written or unwritten lease, contract, agreement, or license with the owner.

NATIVE PLANT

A vegetation species that existed prior to the arrival of settlers within the State of Missouri, as listed by the Missouri Department of Conservation.^[2]

NOXIOUS WEED

A vegetation species that is listed as a Missouri State noxious weed by the United States Department of Agriculture.^[3]

NUISANCE PLANT

Toxic species known to cause death or severe allergic reactions among a segment of the human population, such as poison hemlock, poison ivy, and ragweed.

OWNER

Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON HAVING CONTROL

Any occupant, representative or employee of an owner or lessee, or any person eighteen (18) years of age or older who has charge, care or control of any portion of a premises.

PREMISES

A lot, plot, or parcel of land including any structures thereon.

ROLL-OFF TRASH CONTAINER

Any rented bulk solid waste receptacle placed temporarily on property and used to handle solid waste disposal related to temporary activities, such as moving, cleaning, remodeling or other construction at a site. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. This term shall not be interpreted to refer to a trash container or dumpster that is stored in a more permanent manner on the property and is referenced and regulated by ordinance or this Code and is further required to be screened from public view.

SIGHT DISTANCE

The clear line of sight necessary for pedestrian safety or safe operation of a motorized vehicle.

STORMWATER

Rainfall runoff, snowmelt runoff and surface runoff and drainage.

STORMWATER MANAGEMENT FACILITY

Structure and constructed feature designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the stormwater system. Stormwater management facilities include vegetative or structural measures, or both, to control the increased volume, rate, and quality of stormwater runoff caused by man-made changes to land.

TURF GRASS

A type of vegetation ground cover, managed by weed removal and mowing to maintain a uniform height.

TURF WEED

Broadleaf weeds, annual and perennial grasses that invade or disrupt the uniformity of turf grass lawns.

- [1] *Editor's Note: See Appendix A for a list of invasive plants. Appendix A is included as an attachment to this chapter.*
- [2] *Editor's Note: See Appendix A for a list of native plants. Appendix A is included as an attachment to this chapter.*
- [3] *Editor's Note: See Appendix A for a list of noxious weeds. Appendix A is included as an attachment to this chapter.*

Sec. 20-2. Administration.

[Ord. No. 2498, § 1, 11-17-2008; Ord. No. 2704 § 1, 6-4-2012; Ord. No. 2802, § 1, 7-21-2014]

- (a) Every owner, lessee or person in control of a property upon which a subdivision plat has been recorded in accordance with law and all property within one hundred (100) feet from the out-boundary of an occupied or improved subdivision or upon the right-of-

way adjoining such premises in the City of Chesterfield shall keep said property free of public nuisances as described in Section 20-3 of this Article.

- (b) This Section shall apply to any violations cited after the date of this Article. All violations of the original Ordinance 192, Ordinance 385, or Ordinance 578 cited prior to the date this ordinance was adopted shall be prosecuted in accordance with the provisions set out in the original applicable on the date of violation.

Sec. 20-3. Public nuisance declared.

[Ord. No. 2498, § 1, 11-17-2008; Ord. No. 2679, 11-7-2011; Ord. No. 2704 § 1, 6-4-2012; Ord. No. 2802, § 1, 7-21-2014]

- (a) Public nuisances of the City are hereby declared to be as follows: Any act committed or suffered to be committed by any person, or any substance kept, maintained, placed, or thrown upon any public or private premises which constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity as determined by the Planning and Development Services Director.
- (b) The above public nuisance declaration shall include, but not be limited to, the following:
- (1) Discharge of piped potable or nonpotable water, including groundwater, stormwater, and pool water, release of liquids, chemicals, oils, or substances upon any right-of-way, including streets, alleys, tree lawns, sidewalks, bike trails, or in close proximity to natural streams or neighboring premises that constitutes a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents of the immediate vicinity. At a minimum, piped residential downspouts or basement sump pumps shall be day-lighted to surface discharge at least ten (10) feet away from a neighboring property line.
 - (2) Maintaining or permitting conditions that promote or allow mosquito, cockroach, flea, or other insect infestations to develop upon a premises or in stagnant pools or impoundments of water, that constitute a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents of the immediate vicinity.
 - (3) Emission of any offensive, noxious or toxic gas, effluvia or odor that constitutes a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents and occupants of the immediate vicinity.
 - (4) Dead animal carcasses permitted to remain upon a premises for more than twelve (12) hours.
 - (5) Keeping, maintaining, or permitting animals of any kind, domestic or wild, upon a premises in such a manner or condition that same constitutes a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents or occupants of the immediate vicinity.
 - (6) Keeping, maintaining or permitting of trash, debris, garbage, rubbish, junk, decaying vegetation or animal matter or other substance upon a premises constituting a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity.

- (7) Failure to mow or cut turf grass or turf weeds, to maintain a maximum height of not more than ten (10) inches, or failure to control or remove listed (Appendix A^[1]) nuisance plants, invasive plants and noxious weeds in such a manner that constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity. Managed stands of native plants, ornamental grasses, or shrubs, and cultivated agricultural crops, vegetable gardens or flower gardens exceeding ten (10) inches in height are permitted, provided that they are maintained free of turf weeds and grasses, nuisance plants, invasive plants and noxious weeds, are kept at least four (4) feet from a property line, and do not impair sight distance, or constitute a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity.

[1] *Editor's Note: Appendix A is included as an attachment to this chapter.*

- (8) Placement or dumping of dead plant material, such as lawn clippings, weeds, leaves, tree trunks, and tree branches, in or near storm sewers, creeks, drainage swales, stream banks, or steep slopes in such a manner that constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity. Erosion control devices, such as silt fence, riprap, erosion control blankets, check dams, or seed and mulch placed near creeks, in drainage swales, on stream banks, or upon steep slopes, shall comply with the City of Chesterfield Erosion Control Manual.
- (9) Any standing or fallen dead tree, dead tree limbs, dead shrubs, and trees that are more than fifty percent (50%) dying, damaged, or diseased to constitute a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents and occupants of the vicinity. Removal of any dead or dying tree shall comply with the City of Chesterfield Tree Manual.
- (10) Any unfenced in-ground swimming pool, any unsecured building or structure, or any dilapidated or unsafe building, fence, retaining wall, or structure located upon any public or private place or premises in such condition that same constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or the residents and occupants of the immediate vicinity.
- (11) The use of light sources shall comply with the City of Chesterfield Lighting Code. Official or approved emergency, construction, safety and warning lighting are generally permitted.
- (12) Placement of a roll-off trash container on property for an uninterrupted period exceeding ninety (90) consecutive days or positioned so as to create an obstruction for a roadway, alley or sidewalk constituting an inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity.
- (13) Any stormwater management facility located on any lot or land shall be declared a public nuisance for failure to maintain the private stormwater management facility if it has conditions impairing its proper operation, including, but not limited to, excessive sediment, extensive ponding of water, rubbish and trash, noxious weeds or invasive plants or nuisance plants exceeding ten (10) inches in height, or any material which is unhealthy or impacts the proper operation of the private stormwater management facility.

- (c) Native plants, turf grass, ornamental grasses, or shrubs, including plants that are part of an approved, designed private stormwater facility or MSD approved guidance document do not constitute a public nuisance.

Sec. 20-4. Notice to abate; posting and delivery; first offenses.

[Ord. No. 2498, § 1, 11-17-2008; Ord. No. 2704 § 1, 6-4-2012; Ord. No. 2802, § 1, 7-21-2014]

- (a) Whenever it comes to the attention of the City, or the City receives an allegation of the existence of a public nuisance, the City shall investigate and shall make a determination. If a public nuisance is found to exist, a notice to abate shall be mailed or hand delivered to the owner, lessee, or person having control of the premises. If mail or hand delivery is not readily achievable, the property may be posted to provide notification by placing the notice to abate upon a building, tree, or other object upon such property, as may be available.
- (b) The notice to abate described in Subsection (a) shall contain:
- (1) Address or description of the property;
 - (2) Ordinance number of the ordinance being violated;
 - (3) Nature of the violation, and the number of days by which the violation shall be removed or abated; and
 - (4) Notice of the penalty for a failure to remove or abate the nuisance, stating that if the nuisance reoccurs by the same owner, lessee, or person in charge, a summons will be issued without further notice.
- (c) Notice to abate, first offense. In all cases where the public nuisance is the first offense of the specified ordinance violation for the person charged therewith, the notice to abate provisions shall be observed. The number of days granted to abate a violation shall not be less than four (4) days, except in emergency cases.

Sec. 20-5. Summons and abatement by City.

[Ord. No. 2498, § 1, 11-17-2008; Ord. No. 2704 § 1, 6-4-2012; Ord. No. 2802, § 1, 7-21-2014]

Upon neglect or failure to act upon the notice to abate, the City shall issue a summons as follows:

- (a) *Summons, service of.* If a notice to abate is issued, and the public nuisance has not been removed or abated in the allotted time, the City shall issue a Municipal Court summons, directed by name to the owner, lessee, or person in charge of the property, showing:
- (1) Address or description of property on which the public nuisance is located, and such other information as may be available to the inspector;
 - (2)

The ordinance which is being violated and setting forth in general the nature of the public nuisance; and

- (3) Date on which the case will be on the Municipal Court docket for hearing.
- (b) *Summons, delivery by mail.* The City shall cause the summons to be delivered by ordinary mail, postage prepaid, to the person named therein at the address shown on the summons, or at such other address as the person charged therewith shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.
- (c) *Abatement by City.* If the owner, lessee, or person in charge of property for which a notice to abate has been issued fails to remove or abate the public nuisance in the time specified, the City may elect to abate the public nuisance in which case the City shall notify the owner, lessee, or person in charge of the property, in writing, a minimum of four (4) days in advance, of the date, time, and location of an abatement hearing. The abatement hearing officer shall be the City Administrator or his designated representative. The abatement hearing officer shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. The abatement hearing officer shall review all evidence and may issue an order to abate the nuisance allowing at least five (5) business days after the hearing for abatement to be complete. The order shall include authorization for the City to immediately enter the property and to remove the public nuisance and assess costs pursuant to this section if such public nuisance is not removed within the time allotted after the abatement hearing.
- (d) *Assessment of costs for abatement by City.* All costs and expense incurred by the City in removing or abating a public nuisance may be assessed against the property owner in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the public nuisance may be made a part of a judgment by the Municipal Court, in addition to any other penalties and costs imposed.
- (e) *Notice to abate, subsequent offenses.* In all cases where the public nuisance is a repeat or continued offense occurring within a twelve-month period, the notice to abate provisions need not be observed. Thereafter such owner, lessee, or person having control may be summoned into Municipal Court to answer the charges, and/or the City shall have the option of performing abatement by the City and assessment of costs without another notice to abate being issued. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the public nuisance. Each day a violation continues after the expiration of the notice to abate shall constitute a separate offense.

Sec. 20-6. Violations and penalties.

[Ord. No. 2498, § 1, 11-17-2008; Ord. No. 2704 § 1, 6-4-2012; Ord. No. 2802, § 1, 7-21-2014]

- (a) Any person, persons, firm, association or corporation violating any provision of this Public Nuisance Article or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of this Public Nuisance Article may be prosecuted as provided by law for the violation of an

ordinance of the City of Chesterfield and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) for any one offense or imprisonment in the City jail for not more than three (3) months, or both such fine and imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense.

- (b) In addition to the penalties hereinabove authorized and established, the City Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this ordinance.

Sec. 20-7. through Sec. 20-10. (Reserved)

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City of Chesterfield, MO
Tuesday, November 19, 2019

Chapter 7. Building and Building Regulations

Article II. Minimum Standards of Maintenance

Sec. 7-6. Purpose of article.

To protect, provide for and promote the public safety, health, comfort, morals, and general welfare of the residents of the City of Chesterfield, Missouri, by establishing minimum requirements for safe and sanitary exterior maintenance of the structure/buildings, and accessory structures. These general objectives include, among others, the following specific purposes:

- (1) To protect the character and stability of all residential and non-residential properties within the City.
- (2) To provide minimum standards for the exterior maintenance of the residential and non-residential property within the City.
- (3) To prevent the creation of any blighting conditions by preventing the deterioration of any residential and non-residential property and thereby preserving the value of land and buildings throughout the City.
- (4) To provide the means for the administration and enforcement of this article to ensure that the above purposes are accomplished.

Sec. 7-7. Acceptability of article.

Every residential and non-residential building/structure within the City, whatever the nature of its use, whether vacant or occupied, whether existing or hereafter constructed, shall be maintained in accordance with the applicable requirements of this ordinance. In any case where a provision of any zoning, building, fire, safety, or health code of the municipality existing on the effective date of this article or hereafter established is found to be in conflict with the provisions contained herein, the provision that establishes the more restrictive standard shall prevail.

Sec. 7-8. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

ACCESSORY STRUCTURE

A detached subordinate structure located on the same lot as the main structure. Where a part of the wall of an accessory structure is part of a main structure or where an accessory is attached by a roof, such accessory structure shall be considered as part of the main structure. The use of said structure is customarily incidental to the main structure.

APPROVED

Approved as applied to a material, device or method of construction shall mean approved by the building code adopted by the City, or approved by other authority designed by law to give approval in the matter in question.

BASEMENT

A floored and wall substructure of a building at least fifty (50) percent below the average finished grade of the building.

CELLAR

A portion of a separate structure not part of a dwelling building located partly or wholly underground and having one-half ($\frac{1}{2}$) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CONDOMINIUM

Property as described in Chapter 448 of the Missouri Revised Statutes, 1969, and all amendments thereto. (See definition of owner.)

DETERIORATION

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

DWELLING

Any building, or portion thereof, which is designed or used or intended to be used as a living or sleeping facility for human occupants.

DWELLING UNIT

A self-sufficient living area for one family having its own permanently installed cooking and sanitary facilities.

FIXTURES

An element or feature present on the exterior of a building including such objects as flagpoles, light fixtures, and other semi-permanently fixed structures.

MULTIFAMILY

A building or portion thereof designed for or occupied exclusively by three (3) or more families living independently of each other in individual dwelling units.

OCCUPANT

The person, firm, partnership, corporation or other entity that has possession of any part of the space within the building.

OPERATOR

Any person, firm, partnership, corporation, or other entity who alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of any dwelling unit within the City. When the owner is represented by an employee, agent, trustee, guardian of the estate or person of the title holder, such person shall be bound to comply with the provisions of this article to the same extent as the owner. In all

cases of condominiums, the board of managers shall be responsible for complying with all provisions of this article, if within the common elements, as defined by the specific declaration and by-laws.

OWNER

Any person, firm, partnership, corporation, or other entity who alone, jointly or severally with others shall be the titled owner or, shall be in actual possession of, or have charge, care or control of any building, or part of a building within the City or the right to take charge, care or control of any building or part of a building within the City. When the owner is represented by an employee, agent, trustee, guardian of the estate or person of the title holder, such person shall be bound to comply with the provisions of this article, including the common elements, as defined by the specific declaration and by-laws of the particular property or building.

PERSON

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

PREMISES

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

REPAIR

To restore to a good and sound condition, state of operation, appearance or serviceability and free from defect or decay. All repairs to be made with materials similar to the undamaged area and designed to last approximately as long as would replacement by new materials.

REPLACEMENT

To remove an existing item or portion of an item that cannot be restored, or in lieu of the repair of an item, to a good and sound state of operation, appearance or serviceability so as to be free from decay or defect and to construct or install any item with an item of improved quality or of similar quality as the existing item when new. Replacement will ordinarily take place when the item is not repairable.

STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting, the generality of the foregoing; pergolas, radio towers, memorials and ornamental structures. The word "structure" includes the word "building" in addition to the foregoing.

YARD

An open space on the same lot with a structure.

Sec. 7-9. Enforcement officer.

The Director of Planning is hereby designated to exercise the powers prescribed by this ordinance. In addition to the authority which may be specifically provided in this ordinance, the Director may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance. The Director of Planning may appoint and fix the duties of such officers, agents and employees as the Director deems necessary to carry out the purposes of this ordinance and may delegate any of the aforementioned functions or powers to another officer, agent and/or employees.

Sec. 7-10. Minimum exterior standards.

- (a) *General.* The exterior of a building, including any exterior lighting mounted on the building, shall be maintained in a structurally sound and sanitary condition.
- (b) *Foundations.* Every foundation shall be reasonably weather-tight and in good repair. The foundation elements shall adequately support the building at all points. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads.
- (c) *Roofs.* The roof shall be sufficiently weathertight, without loose shingles, missing or unsecured roofing materials.
- (d) *Stairs, porches, railings and decks.* No porch, stairway, railing or deck shall have rotting, loose or deteriorating supports. All stairs, porches, handrails and decks shall be maintained in such a manner as to be capable of supporting the load for which it was intended.
- (e) *Windows, doors, screens and garage doors.* Every window, screen, and door shall fit reasonably tight within its frame and shall be in good repair, operable, capable of being easily opened and held in position by hardware. They shall be substantially tight without cracks, breaks or holes.
- (f) *Hardware and fixtures.* All exterior hardware and fixtures, including decorative fixtures, shall be well anchored and without loose or unsecured elements that pose a safety hazard.
- (g) *Driveways and sidewalks.* Driveways and sidewalks shall be maintained in such a manner as to remain reasonably free of holes, cracks and other signs of deterioration, wide or uneven ridges that may impede the safety of pedestrians.
- (h) *Fences and retaining walls.* Fences and retaining walls shall be anchored firmly and be intact without loose or missing pieces, holes, or breaks in materials that would cause a failure of the fence or retaining wall to support the uses for which it is intended.
- (i) *Accessory buildings, structures or appurtenances.* All accessory buildings or structures, including, but not limited to, tie walls, retaining walls, antennae, towers, etc, shall be subject to all requirements of this article.
- (j) *Structural members.* All supporting structural members of a structure shall be kept in a structurally sound condition, free of deterioration and maintained in such manner as to be capable of safely bearing the dead and live loads imposed upon them.
- (k) *Exterior walls.* Every exterior structural or architectural wall shall be free of holes, breaks, loose or rotting boards or timber, or any other condition which might admit rain

or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained in a weatherproofed condition and shall be properly surface coated to prevent deterioration. Where an existing painted wall surface has areas of chipping, peeling, scaling or missing paint equal to or greater than twenty-five (25) percent of the painted area, then such surface shall be repainted, or stripped of all paint and given a water-resistant coating if necessary.

- (l) *Decorative features.* All cornices, moldings, belt courses, corbels, trim, wall facings and similar decorative features, shall be maintained in good repair with proper anchorage and in safe condition.
- (m) *Canopies, marquees, awnings and overhangs.* All canopies, marquees, awnings and any overhead extension shall be maintained in good repair and be properly anchored, shall be protected from the elements and against decay and rust by the periodic application of weathercoating materials such as paint or other protective treatment.
- (n) *Chimneys.* All chimneys, smokestacks, cooling towers and similar appurtenances shall be maintained in a structurally safe and sound condition and in good repair.
- (o) *Basement hatchways.* Every basement or cellar hatchway shall be constructed and maintained in a safe and effective condition to prevent the entrance into the building of rodents, rain or surface drainage.
- (p) *Gutters and downspouts.* Rain gutters and downspouts, or other means of water diversion that are provided to collect/conduct and discharge all water from the roof and shall be anchored securely so as to discharge the water from the roof in the direction and manner intended.

Sec. 7-11. Registering allegations.

Any person desiring to register an allegation regarding any structure or land which may be in violation of this ordinance shall be required to state his or her name and address which shall be placed on record with the City as a condition precedent to the filing of an allegation. No anonymous allegations shall be accepted or recorded by the City. All allegations must state specifically the violation or violations being reported.

Sec. 7-12. Right of entry.

- (a) Any authorized officer or agent of the City, pursuant to this article, shall be allowed onto any land within the City limits to investigate violations of this article, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession and said officer shall obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
- (b) Any authorized officer or agent of the City pursuant to this article shall be allowed to enter onto any land within the City limits to abate violations of this article.
- (c) It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this article whether investigating or abating violations.

- (d) Any person who interferes with an officer or agent of the City pursuant to this article shall be punished as provided in Section 7-16 of this article.

Sec. 7-13. Notice to abate.

- (a) Whenever it comes to the attention of the City, or the City becomes aware of the existence of a violation, the City shall investigate the violation. If the City's representative discovers a basis for determining that one or more sections of this article have been violated, they shall issue a notice of violation. Said Notice shall be left with any adult person occupying or in possession of such property, whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person, or if no one is present in the property or refuses to accept the notice, by posting the warning notice on the front, or side or rear entrance to the residence or building.
- (b) The notice provided in subsection (a) shall contain:
- (1) The address or legal description of the property;
 - (2) The ordinance number of the ordinance being violated;
 - (3) The nature of the violation, and the date by which such violation shall be removed or abated;
 - (4) A notice of the penalty for failure to remove or abate the violation, stating that if the violation reoccurs by the same occupier, owner or person in charge, a summons will be issued without further notice.
 - (5) The date that a hearing will be held before the Director of Planning or a designated agent at a place and time fixed not less than ten (10) days or more than thirty (30) days after the service or mailing of said notice.
 - (6) Such notice shall also state that the owner, mortgagee, and the parties in interest shall be given the right to file an answer to the allegations and to appear in person, or otherwise with or without legal counsel, and give testimony at the place and time fixed in the notice. Said notice shall also state that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the hearing officer.
- (c) During said hearing, the hearing officer shall have the power and authority to administer oaths and affirmations, examine witnesses, and receive evidence. The rules of evidence utilized by courts in Missouri shall not be controlling in hearings before the public officer.
- (d) If the violation occurs on property where a residence or building is unoccupied, the warning notice may be posted as provided for in subsection (a). If the violation occurs on unimproved property, the warning notice may be posted upon a tree or other object upon the property.
- (e) In addition, a notice in writing containing the same information as provided on the warning notice provided in subsection (b) shall be sent to the last known address of owner of record as identified by the St. Louis County tax records or any other person having control of the property and any mortgage of record, by ordinary mail, postage prepaid.

Sec. 7-14. Orders of hearing officer.

Within thirty (30) days of any hearing held pursuant to Section 7-13 the hearing officer shall issue a written order containing findings of fact and stating the officer's determination. Such order shall be directed to the owner and served in a manner prescribed in Section 7-13 upon the owner and all other persons entitled to notice according to the provisions of Section 7-13(a). If the hearing officer determines that a violation has occurred, the order shall require the repair, alteration or improvement to be made and shall specify a time for the repair, alteration or improvement to be completed so as to correct the violation.

Sec. 7-15. Failure to comply with order.

Once a notice has been given as required by Section 7-13 on a lot or tract of land in or on which a violation has been created or maintained, and after abatement thereof, the same violation recurs in or on the same lot or tract of land by the same person or persons responsible therefore, within one year of the abatement no further Notice as set forth in Section 7-13 need be given. Thereafter, such responsible person or persons may be summoned into municipal court to answer to the charges against him/her. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the violation, as set out in Sections 7-13 and 7-14.

Sec. 7-16. Summons.

Upon neglect or failure to act upon the order of the hearing officer, the City shall issue a summons as follows:

- (1) *Summons, service of.* If a notice is given as provided in Section 7-13, and if after the time for removal or abatement has lapsed, the property is reinspected and the inspecting officer finds and determines that the violation has not been removed or abated, the inspecting officer shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed to the same individuals as set forth in Section 7-13 and delivered in the same manner as set forth in Section 7-13 and specifying the section of the article which is being violated and setting forth in general the nature of the violation. The summons shall contain a date on which the case will be on the municipal court docket for hearing. The City Prosecuting Attorney or Assistant City Prosecuting Attorney will review and approve the Summons and then shall sign the original copy of all such summons, and the original thereof shall be forwarded to the Clerk of the Municipal Court for inclusion on the court's docket for the date shown on the summons.
- (2) *Abatement by City: costs assessed to person responsible.* If the condition violating this article is not corrected, after the occupant, owner or person in charge of property for which a warning notice has been given to remove or abate a violation, fails to remove or abate the violation in the time specified in the notice, whether residential or non-residential, then the City may remove the same and thereby abate the violation, and, if necessary, may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the costs of the person or persons responsible for creating or maintaining the violation, or by any persons as defined in Section 7-8.

- (3) *Payment of costs: special tax bill or judgment.* All costs and expenses incurred by the City in removing or abating any violation on any residential or non-residential property may be assessed against the property in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the violation, may be made a part of the judgment by the municipal judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a violation on residential or non-residential property.
- (4) *Warning notice, first offense.* In all cases where the violation on residential or non-residential property is the first offense of the specified article violation for the persons charged therewith, the notice provisions of Section 7-13 shall be observed.
- (5) *Warning notice, subsequent offenses.* In all cases where the violation on residential or nonresidential property is a repeat or continued offense on such property, the notice provisions of Section 7-13 need not be observed.

Sec. 7-17. through Sec. 7-20. (Reserved)