

**CITY OF LAKESHIRE**

Bill No.: \_\_\_\_\_

Introduced by Alderman \_\_\_\_\_

County of St. Louis, Missouri

Ordinance No.: \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF LAKESHIRE, MISSOURI AMENDING THE LAKESHIRE CITY CODE BY ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE AND LOCAL AMENDMENTS THERETO.**

WHEREAS, the Board of Aldermen of the City of Lakeshire desire to amend the City Code by adopting the 2015 Property Maintenance Code and Local Amendments thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LAKESHIRE AS FOLLOWS:**

**Section 1.** Chapter 500, "Property Maintenance Code" is hereby revised by repealing the Current Chapter 500 and enacting in lieu thereof the following new Chapter 500 "Property Maintenance Code", which shall read as set forth in Exhibit A, attached hereto and incorporated by this reference as if fully set forth herein.

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3.** This Ordinance shall be printed in the Municipal Code of the City of Lakeshire.

**Section 4. Effective When.** This Ordinance shall be in full force and effect from and after the date of its passage and approval by the Board of Aldermen.

Passed this \_\_\_\_ day of November 2021.

Approved this \_\_\_\_ day of November 2021.

\_\_\_\_\_  
Mayor Tim Seher

Attest:

\_\_\_\_\_  
City Clerk

I hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was enacted on the \_\_\_\_ day of November 2021 by the Board of Aldermen of the City of Lakeshire, Missouri.

\_\_\_\_\_  
City Clerk Jill Feltmann

Section 500.040 **Amendments to the International Property Maintenance Code.**

A. The following additions, insertions and changes shall be incorporated into the International Property Maintenance Code, 2015 Edition, adopted as provided for in Section **500.010**:

101.1. Title. Insert; "City of Lakeshire."

102.3. Application Of Other Codes. Replace: "International Zoning Code" with "Lakeshire Zoning Code."

103.6.1. Occupancy Inspections. Pursuant to Section 104.3, the City Building Commissioner or his/her representative (also referred to herein as the "Code Official") shall conduct inspections of existing structures or premises prior to change of ownership or change in tenants or occupants to ensure compliance with requirements of this code. The following fees shall apply to the stated inspections:

- 103.6.1.1. Residential. There will be a fee for occupancy inspections of all existing residential structures or premises. The inspection fee includes the initial inspection and one required re-inspection for compliance when deficiencies are cited. The inspection fee schedule is as follows:
  - HOUSES - \$96.00
  - DUPLEXES - \$96.00 (each unit)
  - CONDOMINIUMS - \$96.00 (each unit)
  - APARTMENTS - \$75.00 (each unit)
  - THIRD OR PAST DUE inspection charge is \$43.67

103.6.1.2. Commercial. Deleted and reserved.

103.6.1.3. Occupancy without an inspection. Any person who occupies a structure before obtaining the necessary permits and inspections shall be subject to one hundred percent (100%) of the usual inspection fee in addition to the required inspection fees.

103.6.2. Occupancy permits. A certificate of occupancy shall be issued by the Code Official when, after inspection, it is found that the premises comply with all regulations of the Municipal Code of the City of Lakeshire.

103.6.2.1. Residential. The permit fee is part of the inspection fee charged under Section 103.6.1.1. above.

103.6.2.2. Commercial. Deleted and reserved.

Section 105.4 Add the following:

Hours Authorized. Any activity requiring issuance of a building permit for outdoor construction activity as set forth in Subsection (a), except in the case of emergency involving public safety, shall only be valid during the following times:

- a. Between the hours of 7:00 a.m. and 8:00 p.m. on Monday through Saturday, subject to subsection (c);
- b. Between the hours of 9:00 a.m. and 5:00 p.m. on Sunday;
- c. Between the hours of 9:00 a.m. and 5:00 p.m. on New Year's Day, Easter, Memorial

Day, July 4th, Labor Day, Thanksgiving, and Christmas.

106.4.1. Every person who shall be convicted of violation of any of the provision of this chapter shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or punished by both such fine and imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense; however, no notice is required to prosecute and convict a person for any violation or violations of this code.

2. In addition to or as an alternative to the penalties hereinabove authorized and established, the City Attorney shall take such other actions at or in equity as may be necessary for the purpose of ordering that person:

- a. to restrain, correct or remove the violation or refrain from any further execution of work;
- b. to restrain or correct the erection, installation, maintenance, repair or alteration of a structure;
- c. to require the removal of work in violation; or
- d. to prevent the occupancy, re-occupancy, or use of the structure that is not in compliance with the provisions of this code.

3. It shall not be a defense to prosecution under this code that the alleged violation was in existence at the time of the issuance of a re-occupancy permit under this code.

107.1. Notice To Person Responsible. Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for proceedings relating to dangerous buildings, as defined in Section 108 of this code, shall also comply with the provisions of Sections 108.6.4, 108.6.5 and 108.8, when applicable.

## 108. Dangerous and Unsafe Structures

### Section 108.010. Purpose and Scope.

It is the purpose of this Section 108 to provide a just, equitable and practical method for the repairing, vacation or demolition of buildings or structures which are detrimental to the health, safety or welfare of the occupants of such buildings or to the general public. This Section shall apply to all dangerous buildings as herein defined that are now in existence or that may hereafter exist in the City.

### Section 108.020. "Dangerous Buildings" Defined.

A. Any building or structure which has one (1) or more of the following defects shall be deemed a dangerous and unsafe building and shall be declared a public nuisance:

1. Bearing wall, earth retaining wall, column or other vertical structural member which leans or buckles to such an extent that it is likely to partially or completely collapse and injure the occupants or members of the public.
2. Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or the deterioration of the supporting member or members or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or coverings.
3. Those which have unevenly distributed loads upon the floor or roof or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

4. Those which have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.

5. Those which are so dilapidated, decayed, unsafe, unsanitary or would ordinarily fail to provide the amenities essential to sanitary and healthful living that they are unfit for human habitation or likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such buildings.

6. Those having light, air and sanitary facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of access.

8. Those which have parts thereof which are so attached that they may fall or injure members of the public or property.

9. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

10. Those which are vacant or unoccupied and are open at door and/or window.

11. Those which have never been lawfully occupied and for which a certificate of use and occupancy could not be granted by reason of incompleteness, where construction has been substantially abandoned for more than one (1) year.

#### Section 108.030. Declared Nuisance — Action To Be Taken.

All dangerous buildings are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this Section 108.

#### Section 108.040. Emergencies.

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person, the Code Official or his/her designated representative may take emergency measures to vacate and repair or demolish such dangerous building or structure and the cost of such shall be collected in the same manner as provided in Section 108.080.

#### Section 108.050 Enforcement Duties of Code Official

A. The Code Official or his/her designated representative shall have the duty under this Article to:

1. Inspection, generally. Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garages, special or miscellaneous occupancy buildings for the purpose of determining whether any defects exist which render such building a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.

2. Inspection upon complaints. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Article and shall determine if there are reasonable grounds to determine that such building, wall or structure is dangerous.

3. Inspection upon reports by a public agency. Inspect any building, wall or structure reported by the police, fire or other public agency as probably existing in violation of this Article.

4. Declaration of nuisance. Declare that any building or structure found to be dangerous is a nuisance.

5. Notification of declaration. Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, publication two (2) times for two (2) successive weeks in a newspaper qualified to publish legal notices, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building as shown by the records of the St. Louis County Recorder of Deeds of any building found by him/her to be a dangerous building within the standards set forth in this Article.

6. Calling of hearing. Upon failure to commence the required work or demolition within the time specified or upon failure to proceed continuously with the required work without unnecessary delay, the Code Official or his/her designated representative shall call and have a full and adequate hearing upon the matter, giving the affected parties at least twenty-one (21) days' written notice of the hearing. Such hearing shall be conducted by the Mayor or his/her designee. Any party may be represented by counsel and all parties shall have an opportunity to be heard. After the hearing, if evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, the Mayor or his/her designee shall issue a post-hearing order making specific findings of fact based upon competent and substantial evidence which shows the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the City. If the findings of fact do not support a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued to demolish, repair or remove such building. If the findings of fact show that such building is a nuisance and subject to the provisions of this Article, the Mayor or his/her designee shall order the structure to be demolished, removed or repaired, whichever is necessary according to the findings of fact. The post-hearing order shall be served in the same manner as the notice of declaration of nuisance and pre-hearing order. The post-hearing order shall contain a date certain for completion of the required action.

7. Posting of declaration. If the building or structure is declared to be a nuisance, such building shall be marked or posted with a written notice of such finding.

#### Section 108.060. Notice To Repair, Vacate or Demolish, Etc.

A. The required notice to repair, vacate or demolish shall state that:

1. The owner must repair or vacate and repair or vacate and demolish such building in accordance with the terms of the notice in this Section;
2. The occupant must vacate such building or the building must be repaired in accordance with the notice and the occupant may "remain in possession";
3. The mortgagee, agent or other persons having an interest in such building as shown by the records of the St. Louis County Recorder of Deeds may, at their own risk, repair, vacate or demolish or have such work done; provided that, any person notified under this Section to repair, vacate or demolish any building shall be given such reasonable time not exceeding thirty (30) days to commence the required work unless, in the judgment of the Code Official, it is determined to be necessary to extend such time to commence the required work;
4. The required work shall not commence until a proper permit has been issued by the Department of Public Works and the inspections required by such permits shall be made in proper sequence.

B. The notice provided for in this Section shall include a description of the building or structure deemed hazardous, a statement of the particulars which make the building or structure a dangerous building and an order requiring that the designated work to be commenced within a specified period of time or an extension thereof as provided for in Subsection (A) of this Section. The notice shall be substantially in the following form:

#### **Notice of Declaration of Nuisance and Pre-hearing Order**

The structure or structures described below have been declared a nuisance. (Insert address or other adequate description of the building or structure.) (Use one (1) or two (2) of the following three (3) paragraphs.)

1. No person may occupy this building or any part thereof after \_\_\_\_\_, 202\_\_. After such date, no person shall occupy, enter, refuse to leave or remain in this building or any part thereof, except persons directly employed in securing, repairing or removing such building.

2. This structure must be repaired to cure the following defects:

<list in reasonable detail the defects needed to be cured>

Work must begin on or before \_\_\_\_\_, 202\_\_ 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 charged to the owner of this property as a special tax lien.

3. This structure must be demolished and removed from the premises no later than, 20 . If demolition is not begun and carried forth promptly, the Code Official may, after a hearing, order the same demolished and the cost assessed against the property as a special tax lien. Upon presentation of adequate plans, the Code Official may allow repair instead of demolition.

#### Section 108.070. Standards For Order To Repair, Vacate or Demolish, Etc.

A. The following standards shall be followed by the Code Official in ordering repair, vacation or demolition of any dangerous buildings:

1. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Article, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Article, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Section 108 or any other ordinance of this City or Statute of the State, it shall be repaired or demolished.

#### Section 108.080. Upon Failure To Obey Post-Hearing Order.

If any post-hearing order of the Mayor or his/her designee is not obeyed within thirty (30) days after its issuance and if appeal of any post-hearing order is not made to the Circuit Court as provided for in this Section 108.090 within thirty (30) days after issuance of any such order, the Mayor or his/her designee shall cause such structure to be vacated and repaired or demolished as provided in his/her post-hearing order. The Mayor or his/her designee shall certify the cost for such action, including all administrative costs, to the Director of Finance, who shall cause a special tax bill against the property to be prepared, filed and collected. Said tax bill shall be a lien upon said property, said lien shall bear interest at the rate set by the Missouri Division of Finance on the date the lien is filed. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years, plus interest as allowed by law.

#### Section 108.090. Appeal.

Within thirty (30) days from the receipt of a post-hearing order, any affected party may appeal to the Circuit Court from any post-hearing order of the Code Official in the manner provided by law for judicial review of decisions of administrative agencies. In any appeal as provided by this Section, any person who owns or occupies property located within one thousand two hundred (1,200) feet of the perimeter of the building or structure which is the subject of the suit shall be allowed to present evidence to the court on behalf of the City of the condition of the building or structure, whether or not such person presented such evidence at the hearing provided by Section 108.050 of this Section. The appellant before the court shall have the opportunity to cross-examine any such person presenting evidence to the court.

#### Section 108.100. Searches.

Any owner, occupant, lessee, mortgagee, agent or any other person having an interest in an alleged dangerous building shall allow any Building Inspector to inspect such building. Upon failure to allow

inspection, the Code Official may apply to the Municipal Judge for a search warrant if reasonable grounds exist to believe that such a building is a dangerous building.

#### Section 108.110. Withholding Insurance Proceeds.

A. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Code Official or his/her designee as provided in Section 108.080 of this Article and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, this Section establishes a procedure for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in Subsections (1) through (7) of this sub-section. This sub-section shall apply only to a covered claim payment which is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Section.

2. The City shall release the proceeds and any interest which has accrued on such proceeds received under Subsection (1) of this Section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of sub-section 108.080 of this Section. If the City has proceeded under the provisions of sub-section 108.080 of this Section, all monies in excess of that necessary to comply with the provisions of sub-section 108.080 of this Section for the removal of the building or structure, less salvage value, shall be paid to the insured.

3. If there are no proceeds of any insurance policy as set forth in subsection (2) immediately above, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years, plus interest as allowed by law. The tax bill from date of its issuance shall be a lien on the property until paid in full.

4. This sub-section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

5. This sub-section does not make the City or County a party of any insurance contract and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

6. The Finance Director shall notify the Director of Insurance within fourteen (14) days after the adoption of this sub-section in accordance with Section 67.410, RSMo. The Director of Insurance shall, in turn, notify insurance companies that issue policies insuring buildings and other structures against fire, explosion or other casualty loss within fourteen (14) days after such notification. Insurance companies shall have sixty (60) days after the Director of Insurance notifies them of the adoption of this sub-section to establish procedures within this City to carry out the provisions of Section 67.410, RSMo.

7. The City may certify that in lieu of payment of all or part of the covered claim payment under Section 67.410, RSMo., it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the City shall issue a certificate within thirty (30) days after receipt of proof to permit a covered claim payment to the insured without deduction pursuant to Section 67.410, RSMo. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this sub-section.

#### Section 108.120. Liability of The City.

The City shall not be liable to any affected party for any damage or injury to any structure caused by the enforcement of this Section 108 when such enforcement is carried out in accordance with the procedures herein provided.

## Section 108.130. Liability of Employees.

Neither the Code Official nor any inspector, officer, employee or agent of the City shall be liable for any damage that may accrue to the persons or property as a result of any act required or permitted pursuant to this Section 108. Any suit brought against the Code Official, any inspector, officer, employee or agent of the City as a result of any act required or permitted pursuant to this Section 108 shall be defended by the City Attorney, or such other attorney as the City's insurance carrier may require.

## Section 108.140. Unlawful Acts.

A. It shall be unlawful for any person to deface or remove any notice without the prior authorization of the Code Official or of a court having jurisdiction. It shall be unlawful for any person to enter or occupy a structure or portion thereof in violation of posted notice or in violation of a notice service on such person.

B. It shall be unlawful to fail to comply with the notice of declaration of nuisance within a reasonable time or upon failure to proceed continuously without unreasonable delay as specified in the Building Commissioner's order. Such unlawful acts shall be punishable by fine and imprisonment as specified for offenses in the Municipal Court of the City.

201.3. Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the ICC Building Code, Fire Code, Plumbing Code, Mechanical Code, Electrical Code or the Lakeshire Zoning Code, such terms shall have the meanings ascribed to them as stated in those codes.

## 202 Definitions

FAMILY — One (1) or more persons occupying a dwelling unit and living together as a single non-profit housekeeping unit, sharing one (1) common kitchen facility, but not including group quarters such as dormitories, fraternities, sororities, motels, hotels, rooming houses, boarding houses, lodging houses or apodments/micro-apartments.

FLAGPOLE — A structural member designed to provide support for the display of the flag of the United States, the State of Missouri or such other symbol as the pole may be expected to display.

## Chapter 3

302.1.2. In residential districts there shall be no storage of household items, outdoor furniture, appliances, building materials or of any material within a front or side yard, except as specifically allowed by Section. 310.011 below.

302.1.3. Trees and foliage are to be kept a minimum of three (3) feet from buildings or roofs.

302.2.1. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged onto abutting property without the abutting property owner's consent or in a manner that creates a public nuisance.

The City requires sump pump discharge, surface water runoff concentrated into an enclosed pipe system, and any other water collected by artificial means shall not be discharged closer than ten (10) feet to any property line and not within any public right-of-way or on public property without prior permission from the Mayor or his/her designee.

## 302.3. Sidewalks, Driveways, And Parking Areas.

302.3.1. All privately owned sidewalks, walkways, stairs, driveways, parking areas and similar areas



shall be kept in a proper state of repair and maintained free from hazardous conditions.

(a) Grading and surface.

(1) All vehicular use areas shall be graded, drained, and provided with adequate drainage facilities so that adjacent properties and rights-of-way, including public sidewalks, shall not be subject to flooding by runoff water from the proposed parking area.

(2) All off-street vehicular use areas, except for off-street loading spaces, shall be graded and provided with a hard surface of asphaltic, bituminous cement, concrete, or other properly bound pavement, as approved by the Mayor or his/her designee, so as to provide a durable and dustless surface, including private parking areas on residential lots. Areas surfaced with gravel, stone, dirt, lawn, landscaping, or other surface not expressly permitted by this Code shall not be used for off-street vehicular use areas.

(3) Porous pavement may be permitted for use only for off-street parking spaces (not related drive aisles) in nonresidential districts and only if used to meet requirements of the St. Louis Metropolitan Sewer District (MSD) and provided that the MSD has approved a maintenance agreement.

(5) Paver systems may be permitted for residential parking as permitted by the Mayor or his/her designee.

(6) The owner shall, at his/her own expense, maintain the surface of the vehicular use areas in a smooth and dust-free condition and repair any disintegration of the surface by patching or sealing when such disintegration takes place.

302.3.3. No owner or occupant shall lawfully enlarge, extend, or otherwise increase the area of any driveway or parking area except by use of the same materials as those used for the existing surface of the driveway or parking area to be extended, except as authorized by Section 302.3.1(2) above.

302.4. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. The maintenance of a lot includes the contiguous right-of-way of a lot and is the responsibility of the lot owner. All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens. Any owner or agent having charge of a property who fails to cut and destroy weeds after service of a notice of violation shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the City or contractor hired by the City shall be authorized to enter upon the property that is in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property, and may become a lien and special tax bill against the property by an ordinance approved by the Board of Aldermen.

302.8 Parking of Motor Vehicles, Boats, Campers, Recreational Vehicles, And Trailers In Residential Areas. The following regulations shall apply in all residential zoning districts and to any lot or parcel of land with a residential use:

302.8.1. No motor vehicle shall be parked forward of the front building line of any building unless said vehicle is garaged or parked on a driveway or surfaced parking area.

302.8.2. Subject to Section 302.8.1 herein, no inoperative or unlicensed motor vehicle shall be parked on any premises for a period longer than seven (7) consecutive days unless garaged, except that a vehicle undergoing major overhaul or repair work, including body work, may be parked for longer than seven (7) days if the work is performed inside a structure or a similarly enclosed area designed and approved for such purpose.

302.8.3. Subject to Section 302.8.4, one (1) boat, trailer, camper, or recreational vehicle may be parked, if such boat, trailer, camper or recreational vehicle is not parked within the right-of-way. Any additional boats, trailers, campers or recreational vehicles shall be parked or stored behind the front building line. All boats, trailers, campers and recreational vehicles must be garaged or parked on a driveway or surfaced parking area. The square footage of the driveway or surfaced parking area must exceed the square footage of the boat, trailer, camper or recreational vehicle.

302.8.4. Boats, trailers, campers or recreational vehicles thirty (30) feet or longer shall not be parked outside of a fully enclosed building or structure.

a. Exceptions.

i. No more than twice per month, for a period of not more than seventy-two (72) hours per occurrence, boats, trailers, campers or recreational vehicles thirty (30) feet or longer may temporarily park on a driveway for loading/unloading provided that such boat, trailer, camper or recreational vehicle is not parked within the right-of-way.

ii. If, and only if, a boat, trailer, camper or recreational vehicle thirty (30) feet or longer cannot be parked on a driveway without encroaching upon the right-of-way, then no more than twice per month, for a period of not more than twenty-four (24) hours per occurrence, such boat, trailer, camper or recreational vehicle may be parked on the street abutting the property, subject to all other City parking requirements.

iii. Section 302.8.4 shall not apply to properties containing two (2) acres or more in land area.

iv. Residential owners in the City who own or possess a recreational vehicle thirty (30) feet or longer and who owned the recreational vehicle prior to the passage of this legislation shall park the recreational vehicle on a concrete surface behind the front building line.

302.8.5. No boat, trailer, camper, or recreational vehicle may be parked, kept or stored on the street or other public right-of-way between the hour before sunset and the hour after sunrise. Boats, trailers, campers, or recreational vehicles may be parked on the street or other public right-of-way between the hour before sunset and the hour after sunrise to load or unload pursuant to Section 302.8.4 or in association with construction work conducted on the premises.

302.8.6. No person(s) shall remove the shell(s) or other transporting device(s) from any recreational vehicle, mobile home or utility trailer, or affix such recreational vehicle, mobile home or utility trailer to the ground, except when necessary for repairs lasting seven (7) days or less.

302.8.7. Trailers parked, kept or stored outdoors in a lawful manner may not be used to reside in or to store household items, trash, debris, construction supplies, or other materials.

302.8.8. No commercial vehicles, tractor trailers, or cargo/enclosed trailers in excess of twenty-five (25) feet shall be parked on any premises.

302.8.9. Exceptions: Upon petition, the Board of Aldermen may, at its discretion, waive or modify any requirement in this Section and impose such additional conditions and restrictions as it deems necessary to reduce or minimize any injurious effect upon other property in the neighborhood and to carry out the general purpose and intent of this Chapter.

302.8.9(a). Notice. In the event of a petition for exception, the City Clerk shall notify, in writing, all affected property owners located in the area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the

property which is subject to the petition for exception.

302.8.9(b). Resubmission. In the event that the Board of Aldermen denies a petition for exception, no identical or substantially similar petition will be accepted for a period of at least one (1) year from the date of denial by the City Board.

302.11. Flag And Flagpole Standards. United States flags which are no longer fitting emblems for display, which includes, but is not limited to, torn, soiled, damaged, worn, tattered, frayed or faded, shall promptly be repaired or replaced. Any person or business having been notified by the City to repair/replace any such flag shall comply immediately after such service or be subject to a fine not to exceed five hundred dollars (\$500.00) each day of non-compliance.

302.12. (Reserved)

302.13. (Reserved)

302.14. Storage Prohibited. No trucks, truck trailers or vehicles of any type shall be used for any storage purposes nor shall same be placed on skids, jacks or any other device that will make them immobile or inoperable, except for emergency repairs or as may be permitted by the Code Enforcement Officer ancillary to construction.

302.15. Temporary Exterior Storage Units.

302.15 Temporary Exterior Storage Units.

302.15.1. As used in this Section, the following terms shall mean as follows:

CONSTRUCTION SITE DUMPSTERS — Roll-off waste containers transported to and from the place of use by trucks or trailers and positioned at a construction site for the collection and eventual disposal of construction waste.

PORTABLE ON-DEMAND STORAGE UNIT — A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property.

STORAGE SHED — A prefabricated structure designed, intended and installed on property primarily for the long-term storage of yard, pool and garden equipment and similar personal property.

STORAGE TRAILERS — Trucks, trailers, and other vehicles or parts of vehicles designed to be hitched or attached to trucks, tractors or other vehicles for movement from place to place and used as a temporary exterior storage unit.

TEMPORARY EXTERIOR STORAGE UNIT — Any storage trailer, portable on-demand storage unit, or similar unit or device designed to be placed outside of a building or structure and to temporarily store items of personal property, similar waste receptacles and storage sheds.

302.15.2. It shall be unlawful for any person to park, place or suffer placement of a temporary exterior storage unit which:

302.15.2.1. Is not secured and inaccessible to others not using the unit;

302.15.2.2. Lacks vermin-proof floors or otherwise permits rats or vermin harborage; or

302.15.2.3. Is not in a state of good repair and alignment and free from nuisance.

302.15.3. It shall be unlawful for any person to park, place, or suffer placement of a temporary exterior storage unit:

302.15.3.1. In or upon any street, highway, roadway, designated fire lane or sidewalk in the City;

302.15.3.2. On any lot or property in the City other than on a concrete, asphalt or other improved surface;

a. Exception. The provision shall not apply to Construction Site Dumpsters utilized on a lot or parcel of property in conjunction with a construction project for which a valid building permit is in effect.

302.15.3.3. On any lot or property in the City used for commercial purposes or containing three (3) or more dwelling units in such a way as to block or interfere with access to a garage or off-street parking areas;

302.15.3.4. On any lot or property in the City in a manner which:

302.15.3.4.1. Interferes with sight lines for motorists on adjoining streets or the driveways of adjacent properties;

302.15.3.4.2. Obstructs the light or air of any dwelling unit;

302.15.3.4.3. Obstructs safe means of access to or from any dwelling unit;

302.15.3.4.4. Creates fire or safety hazards; or

302.15.3.4.5. Displays advertising, other than the identification of the manufacturer or operator of the unit.

302.15.4. It shall be unlawful for any person to park, place or suffer placement of a temporary exterior storage unit on any lot or property in the City without having obtained a permit, or in violation of permit conditions, as provided in this Section.

#### 302.15.5. Permits.

302.15.5.1. No person shall park, place or suffer placement of a temporary exterior storage unit without obtaining a permit from the City Clerk. The permit shall specify the time period, not exceeding fourteen (14) days, during which the unit may be kept on the property. No more than six (6) permits may be issued for any lot or parcel of property in any twelve-month period.

a. Exception. No permit is required for Construction Site Dumpsters utilized on a lot or parcel of property in conjunction with a construction project for which a valid building permit is in effect.

302.15.5.2. The permit shall specify where the unit is to be situated on the property, which shall be on a driveway or other paved surface at a point farthest from the street, preferably to the rear of the front building line of the principal building on the lot.

302.15.5.6. The violation of any provision of this Section shall be punishable as provided in Section 505.060(D) of the City Code.

303.2.1. In changes of residential occupancies with a pool, if door alarms are not present, they shall be provided. The installation is to comply with Section 305 of the 2015 International Swimming Pool and Spa Code.

304.13. Window, Skylight Doors and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight. Window frames must be solid without evidence of rust, rot or decay and must be capable of tightly securing the window. Every operable window must be supplied with window hardware, including locks. If more than sixty percent (60%) of the windows in a unit or structure are in violation of the code and, in the opinion of the Code Official, must be replaced due to age or condition, then the owner shall replace all windows within that unit/structure.

304.14. Insect Screens. Insert: "April 15 to November 15."

Delete: Section 307.1.

Replace: Section 307.1. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck ramp or other walking surface that is more than thirty (30) inches above the floor or grade below shall have guards. Handrails shall not be less than thirty (30) inches in height or more than forty-two (42) inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than thirty-six (36) inches in height above the floor of the landing, porch, deck, or ramp or other walking surface. Exception: Guards shall not be required where exempted by the adopted building code.

Add: Section 310.010 Lighting and Decorations.

All residents shall remove temporary, decorative, outdoor, string lighting used for holidays from their premises within thirty (30) days, weather permitting, after the holiday for which such lights are used to celebrate. The Building Commissioner shall be permitted to extend the period for removal for up to 30 days for weather-related delays.

Add: Section. 310.011. Sanitary Requirements.

All residents shall maintain the structures and exterior property of their premises in compliance with the following requirements, except as otherwise provided for in the Code of Lakeshire, as amended from time to time:

1. A person shall not occupy, as an owner-occupant, or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this Chapter.
2. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping such dwelling, rooming or housekeeping unit in a clean, sanitary and safe condition to the full extent of that portion of any such unit as he or she occupies or controls.
3. All owners and occupants of a residential dwelling unit shall keep all exterior portions of the premises owned or occupied in a clean, safe and sanitary condition.
4. Construction materials, implements, tools, ladders and debris shall not be allowed to be stored on exterior portions of residential properties unless allowed by a permit properly issued by the Building Commissioner, and only for the duration set forth on such permit.
5. No owner, occupant, guest or resident may store any trash, rubbish, junk, clothing, boxes, paper, wood, metal, plastics, glass, combustibles, leaves covering grass, unsafe materials or furniture manufactured for indoor use on the exterior portions of the premises owned, occupied, visited or resided in.
6. All owners and occupants of a residential dwelling unit shall keep all exterior portions of the premises owned or occupied free from yard waste. For purposes of this section, "yard waste" includes, but is not limited to, grass clippings, leaves, vines, hedges and shrub trimmings, tree trimmings, tree limbs or other tree/shrub materials, excepting only residential yard by-product compost that shall be maintained using accepted composting methods to comply with the following requirements:
  - a. All composting shall be maintained so as to prevent the harborage of rodents and pests.
  - b. All composting shall be maintained so as to inhibit the generation of odors.

- c. All composting shall be at least three (3) feet behind the front of the main residential structure.
- d. Composting shall be located so as to prevent leachate from discharging onto adjacent property and shall not be located in natural or man-made storm water channels.
- e. Compost piles abutting adjacent property shall be made site-proof to adjacent property owners and all enclosed compost structures shall comply with local zoning regulations.
- f. The following materials are prohibited from use in residential yard by-product composting:
  - (i)meat scraps
  - (ii)bones
  - (iii)fatty foods (cheese, cooking oils, etc.)
  - (iv)pet feces
- g. Composting established in accordance with this section is for private use only. There shall be no commercial provision of material to be composted or commercial use of the product from such composting.
- h. Every owner and/or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this section.

7. No owner, occupant, guest or resident may store any of the following items on the exterior portions of residential properties, except under covered porches and back yards, when such items are not in seasonal use: lawn furniture, water hoses, lawn sprinklers, outdoor cooking equipment, or firewood. Under all circumstances, firewood must be stacked in an orderly manner and kept at least 12 inches off the ground and stored behind the front building line of the primary structure on the premises.

Add: Section 310.012. Accessory Structures.

All accessory structures, including detached garages, fences and walls, shall be maintained in a structurally sound condition and in good repair. Such structures shall be kept free of mold and mildew or other substances that are dangerous to the health or safety of residents of the premises or neighbors.

Add: Section 403.5.1. Clothes dryer exhaust systems shall be installed correctly, cleaned and maintained. All dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Add: Section 404.4.1.1.

Amended to insert Section 404.4.6 Bedrooms. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area. Every room occupied for sleeping purposes by more than one person shall contain 70 square feet for one occupant, and shall contain at least 50 square feet of floor area for each additional occupant of the room.

Amended to insert Section 404.4.7 Closets. Every bedroom shall have access to a closet opening into the room, with a minimum area of six square feet of floor to ceiling closet space with a minimum depth of two feet. The area of closets shall not be counted as part of the habitable room area used in determining permissible occupancy.

Amended to insert Section 404.4.10 Illegal sleeping rooms. Living rooms, dining rooms, kitchens,

closets, hallways, bathrooms, storage areas and interior public areas shall not be occupied for sleeping purposes.

Add: Section 507.2. Gutters and downspouts will be provided in residential and commercial buildings unless the installation is not technically feasible.

Section 602.3. Insert: "October 1 to May 1."

Section 602.4. Insert: "October 1 to May 1."

Add: Section 605.2.1. All receptacles located within six (6) feet of standing water, over exposed concrete floors in basements and receptacles in garages shall have ground fault circuit interrupter protection.

Add: Section 703.2.1. Garage dwelling separations shall comply with R302.5 of the 2015 International Residential Code. All garages and carports shall comply with R309.1 and 309.2 of the 2015 International Residential Code.