

BILL NO. 2288

ORDINANCE NO. 2288

AN ORDINANCE OF THE CITY OF LADUE REPEALING CHAPTER 136 OF THE LADUE CODE AND ENACTING A NEW CHAPTER 136 ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE®, FIRST PRINTING SEPTEMBER 2020, COPYRIGHT © 2020, BY THE INTERNATIONAL CODE COUNCIL, INC. REGULATING AND GOVERNING PROPERTY MAINTENANCE IN THE CITY OF LADUE; REPEALING ALL ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, pursuant to Chapter 79 of the Revised Statutes of Missouri, inter alia, the City of Ladue is authorized to adopt ordinances to secure the general health of the inhabitants of the City, to pass ordinances for the prevention of nuisances and their abatement, and to maintain the peace, good government, and welfare of the City; and,

WHEREAS, pursuant to Section 67.280 of the Revised Statutes of Missouri, the City is authorized to adopt or repeal an ordinance which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full; and,

WHEREAS, the City of Ladue previously adopted the 2015 International Property Maintenance Code, first edition, as the Property Maintenance Code of the City of Ladue; and,

WHEREAS, the aforementioned 2015 International Property Maintenance Code, first edition has been revised to address certain changes in building requirements, technologies, materials and techniques; and,

WHEREAS, the City's Building Commissioner has recommended the City of Ladue adopt the 2021 International Property Maintenance Code®, as the Property Maintenance Code of the City of Ladue; and,

WHEREAS, the City Council has duly considered the matter and the recommendations of the Building Commissioner and has concluded to adopt the 2021 International Property Maintenance Code®; and,

WHEREAS, in accordance with Section 67.280 RSMo., the 2021 International Building Code' first printing has been on file with the City Clerk for public use, inspection, and examination for a total period of ninety (90) days; and

WHEREAS, this bill having been made available for public inspection prior to its consideration by the City Council and having been read by title two times in open meeting prior to its passage.

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

Section 1. Repeal Chapter 136 Property Maintenance Code of the Code of Ordinances of the City of Ladue, and adopt new Chapter 136 Property Maintenance Code adopted; penalty, to the Code of Ordinances of the City of Ladue, Missouri.

Chapter 136 – PROPERTY MAINTENANCE CODE

Sec. 136 – 1. – Property maintenance code adopted; penalty.

- (a) The 2021 International Property Maintenance Code[®], first printing September 2020, Copyright[©] 2020, as published by the International Code Council, Inc., is hereby adopted by reference for regulating and governing property maintenance in the City of Ladue; repealing all ordinances and parts of the ordinances in conflict therewith; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, including appendix A as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.
- (b) Anyone violating the provisions of said code in the city shall be guilty of a misdemeanor.

Section 2. The 2021 International Property Maintenance Code[®], first printing, September 2020, Copyright[©], as published by the International Code Council, Inc. adopted in Section 1 of this ordinance, is hereby amended by additions, deletions and changes, including the changing of Chapters, Sections, Subsections and the addition of new subsections and so that such amendments read as follows in exhibit A: (See exhibit A)

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Ladue hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 5. This ordinance shall take effect and be in force from and after its adoption and approval of the Mayor on October 18, 2021.

PASSED THIS 18th DAY OF OCTOBER



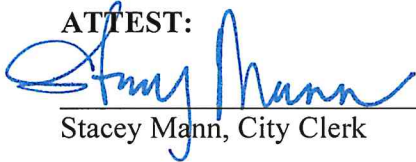
President, City Council

APPROVED AND ADOPTED THIS 18TH DAY OF OCTOBER



Nancy Spewak, Mayor

ATTEST:



Stacey Mann, City Clerk

EXHIBIT “A”

Sec. 136 – 2. – Property maintenance code amendments.

Section [A] 101.1 shall be removed and replaced as follows.

[A] 101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Ladue, Missouri, and shall be cited as such and will be referred to herein as “this code.”

Section [A] 103.1 shall be removed and replaced as follows.

[A] 103.1 Agency. For the purpose of this code the Building Department shall be known as the Code Compliance Agency, and the Building Commissioner shall be known as the Code Official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

Section [A] 107.5 shall be added as follows.

[A] 107.5 Application for appeal and limitation of authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code. Any appeal under this section shall be in writing, shall contain a statement of the grounds for the appeal and shall be filed in the office of the code official within twenty (20) days after the rendering of the decision or from the date of service of the notice from which the appeal is taken.

Section 107.3 shall be deleted.

107.3 Delete.

Section 107.6 shall be added as follows.

107.6 Hearing on appeal: The board shall meet to hear an appeal upon notice from the chair within sixty (60) days of the filing of the appeal.

Section [A] 108.1 shall be removed and replaced as follows.

[A] 108.1 Membership of board: The Board of Appeals is hereby established and shall consist of the membership of the Ladue Zoning Board of Adjustment.

Section 302.4 shall be removed and replaced as follows.

302.4 Weeds: *Per Section 46-32 of the Code of Ordinances.*

Section 304.14 shall be removed and replaced as follows.

304.14 Insect Screens: During the period from March 1 of each and every calendar year to November 1 of each and every calendar year, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Section 602.3 shall be removed and replaced as follows.

602.3 Heat Supply. Every *owner* and *operator* of any building who rents, leases, or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to April 30 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms*, and *toilet rooms*.

Section 602.4 shall be removed and replaced as follows.

602.4 Occupiable workspace. Indoor occupiable workspaces shall be supplied with heat during the period from September 1 to April 30 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.