

outline is defined and used in this document

## **TITLE V. BUILDING AND CONSTRUCTION**

### **CHAPTER 500: GENERAL PROVISIONS**

#### **ARTICLE I. CODE ADOPTIONS**

##### **SECTION 500.010: COUNTY CODE ADOPTIONS**

The St. Louis County Building, Existing Building, Residential, Mechanical, Property Maintenance, Plumbing and National Electrical Codes as amended by the County of Saint Louis through date of last amendatory ordinances, one (1) copy of which are on file in the office of the City Clerk:

1. 2009 Edition of the International Code Council (ICC) Building Code as adopted by Ordinance Number 24,444, approved July 21, 2010;
2. 2009 Edition of the ICC Existing Building Code as adopted by Ordinance Number 24,444, approved July 21, 2010;
3. 2009 Edition of the ICC Residential Code as adopted by Ordinance Number 24,427, approved July 13, 2010;
4. 2009 Edition of the ICC Mechanical Code as adopted by Ordinance Number 24,438, approved July 14, 2010;
5. 2009 Edition of the ICC Property Maintenance Code as adopted by Ordinance Number 24,440, approved July 14, 2010;
6. 2009 Edition of the Uniform Plumbing Code as adopted by Ordinance Number 24,441, approved July 14, 2010;
7. 2008 Edition of the National Electrical Code as adopted by Ordinance Number 24,439, approved July 14, 2010;

Are hereby adopted as the:

1. Building,
2. Existing Building,
3. Residential,
4. Mechanical,
5. Property Maintenance,
6. Plumbing,
7. Electrical

Codes of the City of Pasadena Hills, Saint Louis County, Missouri, as if fully set out herein. All of these codes will become effective on November 1, 2010.

##### **SECTION 500.020: CITY'S AUTHORITY TO CONTRACT FOR CODE ENFORCEMENT SERVICES**

The City is hereby authorized to contract for technical code enforcement services with other  
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governmental entities under terms and conditions to be approved by the Board of Aldermen.

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**SECTION 500.030: PENALTY**

- A. Whenever in any code adopted in this Article, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her by said codes, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, upon conviction of a violation of any such provision of any code adopted in this Article, the violator shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, except that imprisonments may be in the City prison or workhouse instead of the County Jail.
- B. Every day any violation of any code adopted in this Article shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by any code adopted in this Article, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by any code adopted in this Article, an attempt to do the act is likewise prohibited.

**SECTION 500.040: RESTRICTIVE PROVISIONS**

If the City has adopted provisions applicable to the services as set forth in Section 500.010 herein said provisions being more restrictive than those contained in County's code(s), the more restrictive provisions shall prevail.

**SECTION 500.050: ENFORCEMENT**

County shall not take any action, either at law or in equity, to enforce the provisions of the City's ordinance(s) as the same shall apply hereto. County shall notify the City of any known violations of the City's ordinance(s). (R.O. 2009 §500.060; Ord. No. 339 Art. VI §6.1, 7-14-86)

**INSPECTOR**

**ARTICLE II. BUILDING COMMISSIONER AND**

**SECTION 500.060: ESTABLISHMENT OF OFFICE**

There is hereby created and established in and for the City of Pasadena Hills the office of Building Commissioner. Said Building Commissioner shall be appointed by the Mayor with the consent of a majority of the members of the Board of Aldermen to serve at the pleasure of the Mayor and Board of Aldermen. (R.O. 2009 §500.100; Ord. No. 23 §1, 12-19-38)

**SECTION 500.070: COMPENSATION**

The compensation of the Building Commissioner shall be established by ordinance from time to time  
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time. If, at the direction of the Board of Aldermen, the Building Commissioner performs the duties of the Building Inspector as provided in Section 500.090, the Commissioner shall also receive the

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compensation established for such inspection duties in addition to the compensation for performing the duties of the Building Commissioner. (R.O. 2009 §500.110; Ord. No. 23 §2, 12-19-38; Ord. No. 498 §1, 1-14-97)

**SECTION 500.080:**

**DUTIES AND POWERS**

The Building Commissioner shall:

1. Have supervision of the alteration, erection, construction and inspection of all buildings and structures within the City and the issuance of permits therefor.
2. Collect all fees and charges levied by the Board of Aldermen for the building permits and inspections and pay all monies so collected into the Treasury of the City.
3. Require the submission to him/her of plans and specifications of any structure proposed to be erected within the City and signify his/her approval thereof by his/her endorsement thereon before the issuance of a building permit for said proposed structure.
4. If it appears to him/her that the proposed alteration or structure, as proposed, will not comply with all ordinances pertaining thereto, or that statements or representations in the application for a permit are untruthful or evasive, in whole or part, refuse said permit and dismiss said application.
5. Notify the Building Inspector of all approved construction activity within the City and coordinate any necessary inspection of ongoing work. (R.O. 2009 §500.120; Ord. No. 24 §§1–4, 12-19-38; Ord. No. 498 §1, 1-14-97)

**SECTION 500.090:**

**BUILDING  
INSPECTOR—APPOINTMENT—DUTIES—COMPENSATION**

- A. The Mayor and Board of Aldermen may appoint some qualified individual to perform the duties of a Building Inspector to assist the Building Commissioner in ascertaining whether approved construction activities are carried out in accord with the approved plans and in compliance with all applicable Building code requirements. Alternatively, the Mayor and Board of Aldermen may assign the duties of the Building Inspector to the Building Commissioner.
- B. The Building Inspector shall inspect all construction activities in the City to assure that all approved plans are complied with, that construction activities are carried out in accord with all applicable City codes and ordinances and in a workmanlike manner.
- C. The Building Inspector shall receive a fee for each inspection in accord with a schedule of fees established by the Board of Aldermen from time to time. (R.O. 2009 §500.125; Ord. No. 498 §1, 1-14-97)

**ARTICLE III. BUILDING PERMITS**

**SECTION 500.100: BUILDING PERMITS—REGULATIONS AND  
ISSUANCE**

A. *Permit Required.* No person, firm or corporation shall alter, erect or construct any retaining wall,

sidewalk, walkway or driveway or building or structure intended for the shelter, support or enclosure of persons, animals or chattels, including, but not limited to, fences and exterior walls, without first obtaining a permit authorizing same from the Building Commissioner and tendering payment therefor.

- B. *Application—Contents.* Application for permit shall be accompanied by a copy of the plans and specifications of the structure or alteration for which a permit is sought and shall state clearly and fully the work to be done, the cost thereof, the location of the proposed structure or alteration by lot and block number and shall be signed by the owner or his/her agent seeking said permit and filed with the Building Commissioner.
- C. *Additional Requirement.* The Building Commissioner may require that said application shall contain or be accompanied by a statement in writing, sworn to before a notary public, giving the full name and residence of the owner or owners of the ground and structure or alteration, or if the work is proposed to be done or executed by any person other than the owner or owners of the ground, then the Building Commissioner may require a statement in writing, sworn to as aforesaid, giving the full name and residence of such person or persons so acting as agent, lessee or in any representative capacity, and that he/she or they are duly authorized by the owner or owners to perform said work.
- D. *Revocation Of Permit.* Building permits may be revoked if the construction of the structure or alteration for which it is granted is not begun within six (6) months from the date of its issuance, or if it appears to the Building Commissioner that the erection of said structure is being undertaken in violation of any ordinance pertaining thereto, or there is a material deviation from the plans and specifications filed with the application for the building permit. (R.O. 2009 §500.130; Ord. No. 25 §§1–3, 5–6, 12-19-38; Ord. No. 511 §1, 8-12-97)

**SECTION 500.110:**

**PENALTY**

Any person violating any of the provisions of this Article shall be deemed guilty of an offense and upon conviction thereof shall be subject to a fine in an amount not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00), imprisonment in the County Jail for a time not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 868 §1, 8-26-09)

**SECTION 500.120:**

**ESTABLISHMENT OF USER FEES—BUILDING PERMITS— PERMITTING SERVICES**

The following user fees are hereby established for the following construction and occupancy inspection and permitting services of the City of Pasadena Hills, Missouri:

- Roofing permit and inspections \$ 35.00
- Deck permit and inspections 70.00
- Driveway permit and inspections 35.00
- Garage (new) permit and inspections 70.00
- Siding permit 17.50

Room addition permit and inspections 87.50  
Fence permit and inspections 35.00  
Interior renovation permit and inspections 52.50  
Air condition (window) inspection 17.50

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§ 500.130

- Satellite antenna permit and inspections \$ 35.00
- New residential construction permit and inspections 210.00
- Sidewalk or walkway permit and inspections 35.00
- Exterior wall permit and inspections 35.00
- Retaining wall permit and inspections 35.00

Provided however, that such permit and inspection fees may be increased by an amount not to exceed one hundred dollars (\$100.00) in the event that work was started prior to issuance of the appropriate building permit and the Building Commissioner or inspectors are required to conduct extra inspections or spend additional time in processing the requested permit. The Building Commissioner shall establish such additional fee based upon the extra inspections or time involved with regard to the particular work. (R.O. 2009 §500.140; Ord. No. 458 §2, 11-1-94; Ord. No. 511 §2, 8-12-97; Ord. No. 868 §2, 8-26-09)

**SECTION 500.130:**

**COMPLETION DEPOSITS**

A. *Deposit Required.* Each applicant for a building permit listed herein shall be required, before such permit is issued, to make an escrow deposit with the City with respect to the proposed work to ensure completion of the work and compliance with all codes, approved site plans and other building requirements as provided herein. The sufficiency of the escrow deposited shall be in the sole discretion of the City. The construction, alteration or repair work which shall require such deposit shall include the following and the amount of said deposit shall be:

New Residence	10% of the estimated cost of completion or \$5,000.00, whichever is greater
Room Addition/ Attached Garage	10% of the estimated cost of completion or \$2,500.00, whichever is greater
The following work if such work is estimated to cost more than \$5,000.00:	
Roofing	10% of the estimated cost of completion or \$500.00, whichever is greater
Siding/Exterior Walls	10% of the estimated cost of completion or \$500.00, whichever is greater
Garages (detached)	10% of the estimated cost of completion or \$500.00, whichever is greater
Exterior HVAC (excluding window units)	10% of the estimated cost of completion or \$500.00, whichever is greater
Driveways	10% of the estimated cost of completion or \$500.00, whichever is greater
Sidewalks	10% of the estimated cost of completion or \$500.00, whichever is greater
Curbs	10% of the estimated cost of completion or \$500.00, whichever is greater
Retaining Wall	\$500.00
Interior Renovations (plumbing, electrical, demolition)	10% of the estimated cost of completion or \$500.00, whichever is greater

B. *Agreement Required.* As a condition of the issuance of a building permit allowing such construction

and/or improvements, an executed agreement shall be filed with the City at the same time that the escrow deposit is made; such agreement shall be in the form approved by the City and shall be signed by both the property owner(s) and the contractor who shall be completing the work specified.

C. *Use And Release Of Deposit.*

1. Cash shall be deposited by the City in a separate account, and the City shall document the use, replacement or release of such funds, as deposited by each applicant, according to generally accepted accounting principles. Applicant shall not receive any interest on the funds deposited.
2. The City may use an applicant's deposited funds for expenses incurred to ensure compliance with all applicable codes, approved site plans, permit conditions, inspections and other building requirements. If the City so utilizes such funds, the applicant shall be obligated to deposit a sum equal to the amount so used so as to maintain full funding of the required deposit.
3. Upon final inspection by the City and satisfactory completion of all required work by the applicant, the deposit shall be released in favor of the applicant.

D. *Appeals.*

1. Any applicant aggrieved by the administration of this program shall file a written appeal to the Mayor within ten (10) days of the decision appealed from. The Mayor shall issue a written determination of the appeal within five (5) business days of the applicant's appeal, unless circumstances prevent a timely determination, in which case the determination shall be made as soon as reasonably possible.
2. In the event the applicant believes that the Mayor improperly denied such an appeal, the applicant must make a written notice of appeal to the Board of Aldermen. The Board shall hold a hearing affording the applicant notice and an opportunity to be heard and to offer evidence. The Board shall determine the merits of the appeal, in writing, within thirty (30) days of the hearing.

E. *Additional Remedies.* If an applicant fails to comply with any obligation of this Section, the City may withhold or withdraw any grading, building, occupancy or other permit until such non-compliance is cured. In addition, in the event that the deposit is insufficient to cover the costs of completing the construction and/or improvements in compliance with City Ordinance, the City may pursue any other legal remedy in order to enforce its ordinances.

F. If the applicant is completing certain work to remedy housing or building code violations in order to obtain a temporary occupancy permit conditioned upon the completion of such work, then the deposit requirements of this Section shall not apply. Instead, the applicant shall comply with the more stringent requirements set forth in this Code applicable to temporary occupancy permits. (Ord. No. 730 §1, 10-12-04; Ord. No. 831 §1, 7-17-07; Ord. No. 881 §1, 3-8-10)

**ARTICLE IV. MISCELLANEOUS FEES**

**SECTION 500.140:**

**SEWER LATERAL**

A. There is hereby levied and imposed on all residential property having six (6) or less dwelling units

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an annual fee of twenty-eight dollars (\$28.00) to provide funds to pay the cost of certain repairs of defective lateral sewer service lines of those dwelling units.

- B. The funds collected pursuant to this Section shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines.
- C. The Collector of Revenue of the City may add such fee to the general tax levy bills of property owners within the City. All revenues received on such combined bill which are for the purpose of providing for, ensuring or guaranteeing the repair of lateral sewer lines shall be separated from all other revenues so collected and credited to the appropriate fund or account of the City as specified above. (Ord. No. 563 §1, 1-12-99; Ord. No. 576 §§1–3, 8-25-99)

**SECTION 500.150:**

**SEWER LATERAL LINE REPAIR PROGRAM**

The City of Pasadena Hills has levied and imposed on all residential property having six (6) or less dwelling units an annual fee of twenty-eight dollars (\$28.00) to provide for funds to pay the cost of certain repairs of defective lateral sewer service lines of those dwelling units. The funds collected are deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. These guidelines are for the purpose of specifying the circumstances (including specific costs and repairs) under which the City will disburse funds from the account to pay for lateral line repairs within the City.

- 1. *Definition.* As used in this Section, the following term shall have these prescribed meanings:

Sewer Lateral Line: The sewage system line which extends from the building foundation or exterior wall to the private or Metropolitan St. Louis Sewer District (MSD) main sewer line. A sewer lateral line may be located in the front, side or rear yard. A sewer lateral line does not include any line located under any part of a building or within the exterior walls of a building.

- 2. *Eligible and non-eligible properties.*

- a. *Eligible.* The following properties are eligible for participation in this program:

- (1) Residential single-family properties;
- (2) Residential multi-family properties containing six (6) or less dwelling units per property;

- b. *Non-eligible.* The following properties are not eligible for participation in this program:

- (1) Commercial and industrial properties;
- (2) Residential multi-family properties containing more than six (6) dwelling units per property,

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(3) Persons, households and/or properties delinquent in payment of the mandatory;

3. *Included and excluded work.*

a. *Included.* The following work is eligible for reimbursement under the program:

- (1) Excavation and replacement of the failed section of the lateral.
- (2) Backfill and restoration of the backfill consisting of grading into a mound to allow for settlement and seeding and straw.
- (3) Removal and hauling away of construction and pavement materials that were in the way of excavation.
- (4) Patching, including saw cutting and patching only, and not including whole slab replacement, of private driveways or sidewalks that had to be cut and removed in order to repair the lateral.
- (5) Repair or replacement of any public sidewalks or street pavement damaged or removed as a result of the sewer lateral failure or replacement.

b. *Excluded.* The following work is excluded from reimbursement under the program:

- (1) Dye and camera tests.
- (2) Cabling to clear a blockage or to document lateral failure.
- (3) Replacement or loss of trees or shrubs.
- (4) Repair due to future settlement of the backfilled lateral trench.
- (5) Damage to adjoining private property or utilities.
- (6) Repair of damage to lateral lines from acts of God and such as, but not limited to, earthquakes, tornadoes, floods or other natural disasters.

4. *Procedure for reimbursement.*

- a. The property owner must arrange for MSD to perform a dye or camera test to determine that it is the lateral, not the main, which is in need of repair.
- b. The property owner must also arrange for a plumbing company or a drain and sewer cleaning company, licensed by St. Louis County, to cable the lateral to clear any blockage.
- c. The property owner must arrange for a contractor to perform the necessary work to the lateral line.
- d. Pursuant to the City's Building Code, the property owner and/or the contractor shall be responsible for obtaining all necessary permits prior to the commencement of any work.

- e. The property owner must provide the City with proof of ownership of the property, proof of payment for the lateral line repair work, including an itemized receipt and/or bid, the results of the camera and/or dye test(s), the results of the cabling and a compliance certification from St. Louis County, or other inspecting governmental agency, showing that the work was completed properly.
  
- f. The City will reimburse the property owner a maximum of one thousand dollars (\$1,000.00) at the time of the request after the City has determined that the defect is in the lateral and that cabling will not correct the blockage. The City will reimburse up to a maximum of an additional one thousand five hundred dollars (\$1,500.00) at the end of the City's fiscal year in which the property owner submitted the request if the City has seventy-five percent (75%) of the principal of its total funds for that fiscal year remaining in the account. (Ord. No. 668 §1, 4-3-03)

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**CHAPTER 505: MISCELLANEOUS BUILDING**

**REGULATIONS**

**SECTION 505.010: CONSTRUCTION OF WALKS AND DRIVES**

*A. Purpose—Scope—Permit Requirements And Limitations.*

1. This Section shall be construed and enforced in conjunction with all ordinances and regulations enacted or promulgated for purposes of historic preservation given the City's status as a Certified Local Government and a historic community on the National Register of Historic Places.
2. In the event of a discrepancy or conflict between the requirements set forth in this Section and any ordinance or regulation enacted or promulgated for purposes of historic preservation, then the most restrictive provision shall govern.
3. No person, firm or corporation may build, lay, repair, construct, reconstruct, replace, cover or seal any sidewalk or driveway or curbing of any street within the City without first obtaining approval of the City Historic Preservation Commission and a building permit from the City Building Commissioner.
4. Widening of driveway apron entrances from the street will not be allowed unless specifically approved by both
  - a. The Pasadena Hills Historic Preservation Commission under the standards of the Department of Interior and policies and regulations promulgated by the Commission, and
  - b. The Building Commissioner in accordance with the City's housing and building codes.
5. Driveway expansion will not be allowed unless specifically approved by both
  - a. The Pasadena Hills Historic Preservation Commission under the standards of the Department of Interior and policies and regulations promulgated by the Commission, and
  - b. The Building Commissioner in accordance with the City's housing and building codes.

*B. Total Replacement Of Driveway Aprons, Intersecting Sidewalks Or Driveways—Permit And 18x18 Samples Required.*

1. *Samples.* As part of the permitting process, all applicants shall submit an 18x18 sample of the material for the proposed work. All work shall be completed in strict compliance with the material sample approved by the City.
2. *Aprons and curbs.* All driveway apron replacement adjacent to existing exposed aggregate streets are to be exposed aggregate concrete. No white or gray concrete is acceptable.
3. *Intersecting sidewalks (between apron and driveway).* Any person replacing or reconstructing the driveway apron or the portion of the driveway adjacent to an intersecting sidewalk shall also

be required to replace or reconstruct the intersecting sidewalk. Intersecting sidewalks shall be provided as part of the driveway on all properties within the City; all such intersecting

sidewalks shall be the width as required by the City and shall be between the driveway and the apron. Intersecting sidewalks shall be composed of concrete exposed aggregate. All intersecting sidewalks shall be isolated between apron and driveway with one-half (½) inch construction joints. No white or gray concrete is acceptable.

4. *Driveways.* Concrete exposed aggregate shall be required for replacement of all driveways. No white or gray concrete is acceptable.
5. *Asphalt driveways.* Asphalt driveways that are a minimum thirty (30) feet in linear length or greater may be replaced with an asphalt surface with the approval of the Pasadena Hills Historic Preservation Commission in accordance with the standards of the Department of Interior and policies and regulations promulgated by the Commission.

However, notwithstanding the provisions of this Section, the intersecting sidewalk and driveway apron of any asphalt driveways shall be concrete exposed aggregate.

C. *Repair Of Driveway Aprons, Intersecting Sidewalks Or Driveways—Permit And 18x18 Samples Required.*

1. *Samples.* As part of the permitting process, all applicants shall submit an 18x18 sample of the material for the proposed work. All work shall be completed in strict compliance with the material sample approved by the City.
2. *Defective defined.* For purposes of this Section, an area of a driveway, apron, sidewalk or curb shall be considered "defective" if it is subject to loose or broken pieces, cracks with a width of three-eighths ( $\frac{3}{8}$ ) inch or more and length of twelve (12) inches or more, concrete sections with excessive cracks of any size, uneven surface, "trip hazards" with a difference in surface level of at least one (1) inch, or a combination of such deficiencies.
3. *Aprons and curbs.* Driveway aprons and curbs may be repaired instead of replaced or reconstructed if the driveway apron or curb is less than twenty-five percent (25%) defective. All driveway apron repairs or partial replacement shall be exposed aggregate concrete. No white or gray concrete is acceptable.
4. *Intersecting sidewalks.* All defects in intersecting sidewalks shall be repaired. If an intersecting sidewalk is subject to defects in at least twenty-five percent (25%) of the area of the intersecting sidewalk, the intersecting sidewalk shall be totally replaced. All repairs and/or partial replacement shall be exposed aggregate concrete. All patchwork to be isolated between apron and driveway with one-half (½) inch construction joints. No white or gray concrete is acceptable.
5. *Driveways.* Driveways may be repaired instead of replaced or reconstructed if the driveway is less than fifty percent (50%) defective. All driveway repairs and partial replacement sections shall match the existing concrete in color and texture as much as possible. Pigmented concrete to match the previous concrete color and texture or use of Merrimac stone color pigment may be allowed and will be reviewed and approved by the Pasadena Hills Historic Preservation Commission in accordance with the standards of the Department of Interior and policies and regulations promulgated by the Commission. No white or gray concrete is acceptable.

6. *Asphalt driveways.* Driveways may be repaired instead of replaced or reconstructed if the driveway is less than fifty percent (50%) defective.
- D. *House Sidewalks, Steps, Platforms And Patios.* House sidewalks, steps, platforms and patios may be repaired instead of replaced or reconstructed if such area is less than twenty-five percent (25%) defective. Concrete exposed aggregate, tinted concrete, as outlined in Subparagraph (B)(3) above, clay tile, brick and flagstone are all acceptable materials, all subject to Pasadena Hills Historic Preservation Committee approval. Installation details and samples are required as part of the permit approval process. Permits will be required.
- E. *Specifications For Repairs, Replacement, Construction And Reconstruction.*
1. *Driveway apron.* Shall comply with the following requirements:
    - a. 6" thick #3500 concrete
    - b. Minimum 3" drainable sub-grade
    - c. Crown or cross slope shall be minimum  $\frac{1}{8}$ " per ft. for proper drainage
    - d. Minimum 2'-0" radius curbs
    - e.  $\frac{1}{2}$ " construction joints separating apron from street
  2. *Intersecting sidewalk.* Shall comply with the following requirements:
    - a. 5" thick #3500 concrete
    - b.  $\frac{1}{2}$ " construction joints at driveway and apron
    - c. Minimum 3" drainable sub-grade
  3. *Driveway portion.* Shall comply with the following requirements:
    - a. 5" thick #3500 concrete
    - b. Control joints maximum 15'-0" apart, joints to be at practical termination points
    - c. Minimum 3" drainable sub-grade, uniformly graded
    - d. Crown or cross slope shall be minimum  $\frac{1}{8}$ " per ft. for proper drainage
    - e. 6x6 #10 mesh reinforcing
    - f. Coarse broom finish (if tinted concrete is used)
  4. Concrete mix for apron and curbs, intersecting sidewalk and driveway shall comply with the following requirements:
    - a. Type 1 cement, air entrained
    - b. Merrimac stone
    - c. Merrimac sand
    - d. 6 sack cement per yard, (3500psi)
    - e. 6 gallons water per sack
    - f. Maximum size aggregate 1"
    - g. Consistency slump of 2" to 4"
    - h. Retarder for exposed aggregate
  5. *Repair of existing concrete.*
    - a. Fill cracks with driveway-appropriate mortar which matches the color of the adjacent

existing driveway as much as possible.

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- b. Replace broken pieces of the driveway with 3000# PSI concrete which matches the color and texture of the adjacent existing driveway as much as possible. A minimum 3" drainable compacted base is required.
  - 6. *Repair of existing bituminous paving.*
    - a. Fill cracks with driveway-appropriate asphalt which matches the color of the adjacent driveway as much as possible.
    - b. Replace broken pieces of the driveway with driveway-appropriate bituminous paving mix which matches the color and texture of the adjacent existing driveway as much as possible. A 5" minimum thickness and properly compacted drainable base are required. Joints shall be filled against the adjacent existing paving.
  - 7. *Recoating of existing bituminous paving.* Recoating of existing bituminous paving with an appropriate driveway sealer is allowed and does not require a permit provided the work complies with the other requirements of this Section.
  - 8. *New bituminous for entire driveway.*
    - a. New bituminous driveways will not be allowed where such driveway is adjacent to existing streets and sidewalks which are exposed aggregate concrete or similar material.
    - b. If a new bituminous driveway is permitted, the existing bituminous paving shall be removed and replaced with new driveway-appropriate bituminous mix, 5" minimum thickness with properly compacted drainable base. The driveway area shall not be enlarged or expanded.
- F. *Violations—Enforcement—Completion Deposit.*
  - 1. If, upon inspection, the driveway, entrance apron, sidewalk or curb improvements do not conform to the specifications set forth herein or do not conform to the concrete sample submitted, the Building Commissioner shall place a "Stop Work" order on the work immediately. The work already completed shall be replaced with work that conforms to the specifications and the concrete sample provided with the application for permit.
  - 2. The property owner seeking a permit for improvements or repairs to the driveway, entrance apron, sidewalk or curb shall be required to pay funds to the City, to be held in escrow by the City, to ensure the completion of the work in conformance with the specifications and permit conditions.
- G. Any decision or order of the Building Commissioner in the enforcement of this Section may be appealed to the Board of Adjustment in accordance with the procedures for appeal of administrative decisions. (R.O. 2009 §505.010; Ord. No. 36, 10-3-39; Ord. No. 512 §1, 8-12-97; Ord. No. 678 §1, 7-10-03; Ord. No. 731 §1, 10-12-04; Ord. No. 879 §1, 2-8-10; Ord. No. 883 §1, 4-12-10; Ord. No. 885 §5, 6-14-10)



**SECTION 505.040:**

**CONSTRUCTION AND USE OF BUILDINGS**

A. *Exterior Walls.* No building shall be constructed or altered on any lot in the City of Pasadena Hills, Missouri, unless the exterior walls thereof shall be constructed of either:

- 1. Brick,
- 2. Stone, or
- 3. Stucco on brick, concrete, cinder block, hollow tile or metal lathe.

Provided however, with the exception of garages, all such walls must be of a minimum thickness of thirteen (13) inches. Alternatively, exterior walls may be constructed of 2 x 4 wood studs at sixteen (16) inch on center, with BOCA approved exterior sheathing, minimum R-13 insulation with a vapor barrier and a minimum four (4) inch nominal brick veneer.

B. *Roofing Materials.* The roof of any building or structure within the City that is constructed, replaced or altered shall comply with this Section. Roofs of all buildings and structures shall be either of tile, of slate or of 30-year architectural-grade shingles of a fiberglass and mineral composition. No person, firm or corporation shall reconstruct or replace any roof without first obtaining a permit for said reconstruction or replacement from the City's Building Commissioner. The Building Commissioner may order any roofing materials which are placed or installed in violation of this Section removed and replaced by materials satisfying the requirements hereof.

C. *Pitched Or Hipped Roof.* Every building shall have a pitched or hipped roof, the pitch to be at an angle of not less than thirty degrees (30°).

D. *Bungalows.* No bungalows shall be erected on any residential lot. For the purpose of this Section, "bungalow" shall be deemed to be any residence which does not contain a second (2nd) story capable of being utilized for at least two (2) bedrooms of not less than ten (10) feet by twelve (12) feet each and space for a stairway leading thereto. (R.O. 2009 §505.040; Ord. No. 444 §§1–11, 8-10-93; Ord. No. 752 §1, 6-13-05)

**SECTION 505.045:**

**INSTALLATION OF WINDOWS AND DOORS**

A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

*COMMISSION:* The Historical Preservation Commission of the City of Pasadena Hills, Missouri.

*REPLACEMENT WINDOW/REPLACEMENT DOOR/WINDOW REPLACEMENT/DOOR REPLACEMENT:* The removal of the existing unit and its frame leaving the rough opening in the wall to remeasure for new replacement.

B. No person, firm or corporation may install or construct new windows and doors or alter existing windows and doors in any structure within the City without first obtaining a permit from the City Building Commissioner.

- C. All applications for a window or door permit shall be accompanied by material samples, renderings and construction plans and specifications drawn by a qualified and reputable contractor.

D. No permit for installation or alteration of windows or doors shall be issued unless the samples, renderings, plans and specifications for such installation or alteration conform to the specifications set forth in this Section; provided however, that such specifications are consistent with standards promulgated by the Secretary of the Interior as such standards have been incorporated by Ordinance No. 619.

1. *General specifications.*

a. Existing windows and doors should be repaired, not replaced. Wood that can be repaired shall not be removed; wood components shall be repaired by patching, piecing-in, consolidation or otherwise reinforcing the wood.

b. If an applicant believes that an existing window or door cannot be repaired, the following characteristics of such window or door shall be preserved and not altered:

- (1) The position, function, number, size and arrangement of historic windows and doors in a building wall, and
- (2) The material and design of the existing window or door, including the casing, size, number of panes and type of window or door.

However, if such window or door is not a character-defining feature of the facade as determined by the Historic Preservation Commission, minor changes in the proposed replacement window or door may be approved by the Commission.

c. Any window replacement with insulating glass shall have permanently applied muntins no wider than seven-eighths ( $\frac{7}{8}$ ) inch and dark colored internal spacer bars. Flat muntin grids applied to the inside or outside panes and removable muntins are prohibited.

d. Replacement windows shall be wood, either in its natural state or aluminum clad on the exterior. Window components shall be an earth-tone color which is consistent with the style of the structure and from the list of approved colors promulgated by the Commission.

e. Replacement windows incorporating external storm panels that are integrated into the sash are prohibited.

f. Vinyl windows or doors are prohibited.

g. Interior trim and sills on replacement windows and doors should be reused and refinished with minor modifications to allow a good fit. In the event the existing trim and sills cannot be reused, a reasonable facsimile to size, proportion and detail of the original detail shall be used.

h. Where original doors contribute to the historic character of the structure, they should be preserved. Front door refurbishment may include new weather stripping, a new threshold if required and bottom door sweep. Door hardware shall be refurbished; however, if the existing hardware cannot be reused, a reasonable facsimile to size and style to the existing shall be used.

i. On facades not visible from any public street, road, alley, sidewalk or other  
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right-of-way,

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replacement windows are to match the existing location and size. Alternate window muntin options may be allowed in those areas upon approval of the Commission. If remodeling in those areas includes an addition or exterior wall renovation, compatible window and door size, function and style is to be considered and executed in matching the existing exterior architectural style and detail of the house.

j. The repair/reconstruction of steel case windows is approved and encouraged.

k. If the original window style has been subject to renovation prior to the passage of the ordinance, the current window style and layout pattern on the facade may remain and be upgraded with new replacement windows of similar type or style even if such particular type or style is prohibited by this Section. However, the replacement of the current window style and layout with the original window layout and window type is encouraged. Nothing in this Subsection shall be construed as an exemption from the permit requirements of this Section or compliance with other provisions of this Section.

l. Existing interior and exterior trim shall be preserved in place unless such is damaged by a window or door renovation.

m. If front door replacement is required, the same door and frame style, same door fenestration if it applies, and same door and frame material and detail shall be maintained.

2. *Additional specifications for storm windows and doors.* Storm windows and doors can be an important part of the renovation of an older structure to modern living and energy standards. The principle behind the specifications listed below is to accommodate the use of storm window and doors in a manner that has minimal impact on the appearance of the primary window and door, which are often some of the most distinctive features of a building.

- a. Storm windows and doors must be painted or aluminum clad to match or complement the trim of the structure. Any material is acceptable as long as it is clad or painted.
- b. Storm doors should avoid obscuring the design of the front door.
- c. Storm windows must be of a configuration that will not obscure the window behind.
- d. Stained glass and decorative windows shall be preserved in place and shall be repaired as necessary. A storm window is allowed to protect the window and provide additional weather and interior climate protection.
- e. Storm windows and doors must match the size of the existing windows and doors.
- f. Alternate window pattern and door detail can be used on side, rear and basement door locations.
- g. The installation of storm windows cannot alter the existing window size, detail and fenestration.
- h. Security storm doors are prohibited.

E. If, upon inspection, the windows or doors do not conform to the specifications set forth herein or  
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do not conform to the samples, renderings and plans submitted, the Building Commissioner shall place a "stop work" order on the work immediately. The work already completed shall be replaced with work that conforms to the specifications and the samples, renderings and plans provided with the application for permit.

- F. The property owner seeking a permit for installation or alteration to the window(s) and door(s) shall be required to pay funds or present a surety bond to the City, to be held in escrow by the City, to ensure the completion of the work in conformance with the specifications and permit conditions. Such funds may be used by the City, in accordance with the terms of the escrow agreement, for the purpose of bringing the window and door installation or alteration into compliance with the specifications set forth herein.
- G. Any decision or order of the Building Commissioner in the enforcement of this Section may be appealed to the Board of Adjustment in accordance with the procedures for appeal of administrative decisions. (Ord. No. 812 §1, 10-9-06; Ord. No. 885 §6, 6-14-10)

**SECTION 505.050: SEISMIC DESIGN**

All construction in the City shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto, relating to earthquakes and seismic construction requirements. (R.O. 2009 §505.050)

**SECTION 505.060: ABOVE GROUND OR UNDERGROUND EMERGENCY OR FALLOUT SHELTERS**

- A. The word "*building*" shall be constructed as including the word "*structure*" and the word "*structure*" as including the word "*building*", and all arrangements or placement of materials of whatsoever nature which shall be accomplished for purpose of protection against any fallout of radioactive particles, or against any other condition or requirement, including the protection from the natural elements, whether the same shall be intended for construction above or under ground shall be considered as being included within the meaning of the word "*building*" for the purposes of this Section.
- B. No building, structure, shelter or arrangement of materials shall be constructed or accomplished within the City of Pasadena Hills, whether the same shall be above or below ground, without a permit therefor.
- C. All buildings, structures or arrangements of materials for the purpose of protection against fallout of radioactive particles, whether above or below ground, shall henceforward be constructed only in accordance with the standards prescribed by the United States Civil Defense Agency. (R.O. 2009 §505.060; Ord. No. 103 §§1-3, 4-3-62)

**SECTION 505.070: CORNER LOTS**

On a corner in any district, nothing shall be erected, placed, planted or allowed to grow in such a

manner as to impede vision between a height of two and one-half (2½) and ten (10) feet above the

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centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection. (R.O. 2009 §505.070; Ord. No. 527 §1, 12-9-97)

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**CHAPTER 510: MINIMUM HOUSING**

**STANDARDS**

**SECTION 510.010: PURPOSE**

The general purpose of this Chapter is to protect the public health, safety and the general welfare of the people of the City of Pasadena Hills. These general objectives include, among others, the following specific purposes:

1. To protect the character and stability of residential property within the City.
2. To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of buildings.
3. To provide facilities for light and ventilation necessary to health and safety.
4. To prevent additions or alterations to existing dwellings that would be injurious to the life, health, safety or general welfare of the occupants of such dwellings or neighboring properties.
5. To prevent the overcrowding of dwellings by providing minimum space standards per occupant of each dwelling unit.
6. To provide minimum standards for the maintenance of existing residential buildings and to thus prohibit the spread of slums and blight.
7. To thus preserve the property value of land and buildings throughout the City.
8. To provide mechanisms for the enforcement and administration of the code to ensure that the above purposes are accomplished. (R.O. 2009 §510.010; Ord. No. 182 §§100.0–101.0, 4-14-75)

**SECTION 510.020: DEFINITIONS**

For the purpose of this Chapter, the following words and phrases shall have the meanings assigned to them:

*ACCESSORY STRUCTURE:* A structure subordinate to the main or principal structure.

*BASEMENT:* That portion of a building which is partly underground, but having at least fifty percent (50%) of its ceiling height above the average grade of the adjoining ground.

*BATHROOM:* A room affording privacy containing bathing and sanitary facilities provided within each living unit consisting of a water closet, a tub or shower, and a lavatory basin.

*BUILDING CODE:* The Building Code of the City of Pasadena Hills with all amendments, revisions and supplements thereto.

*CELLAR:* That portion of a building which is partly underground, but having less than fifty percent (50%) of its ceiling height above the average grade of the adjoining ground.

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*CHANGE OF OCCUPANCY:* Any circumstances wherein the composition of the residents of a dwelling unit changes either through the sale, lease, rental or other provisions for the occupancy of any dwelling unit or by the addition of one (1) or more persons to the number of residents of a dwelling unit, except by birth or legal custody of minors.

*CONDITIONAL OCCUPANCY PERMIT:* A document which states the names, ages, relationships and number of occupants of a dwelling unit which does not comply with all of the provisions of this Chapter. It is issued only under specified circumstances listed in Section 405.160 (Occupancy Permit Required) for a limited, specified length of time and may be renewed one (1) time (the renewal not to exceed ninety (90) days) at the discretion of the Enforcement Official.

*DETERIORATION:* The condition or appearance of a building or part thereof characterized by evidence of physical decay or neglect, excessive use or lack of maintenance.

*DWELLING:* A structure or portion of a structure designed for or used for human habitation.

*DWELLING UNIT:* One (1) or more rooms or any part thereof in a building usable for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

*ENFORCEMENT OFFICIAL:* The official designated herein or otherwise charged with the responsibilities of administering this Chapter or his/her authorized representatives.

*EXTERIOR APPURTENANCES:* Objects which are added to a structure for aesthetic or functional purposes. These include, but are not limited to, screens, awnings, trellises, television antennae, storm windows, storm doors, gutters, downspouts, shutters and decorative trim.

*EXTERMINATION:* The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Health Commissioner of the City.

*FAMILY:* One (1) or more persons occupying a dwelling and living as a single non-profit housekeeping unit, all but one (1) of whom shall be related to each other by birth, adoption or marriage.

*FENCE:* An independent structure forming a barrier at grade between lots, between a lot and a street or an alley, or between portions of a lot or lots. A barrier includes a wall or latticework screen but excludes a hedge or natural growth or a barrier less than eighteen (18) inches in height which is used to protect plant growth.

*FLOOR SPACE:* The floor area of a room which has a ceiling height of not less than seven (7) feet four (4) inches.

*FRONT YARD:* A yard extending across the front lot between the inner side yard lines and measured between:

1. The front line of the lot and the front lines of the buildings; and
  2. The front line of the lot and the nearest line of any porch or paved terrace.
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*GARBAGE:* Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*GARDEN LEVEL:* That portion of a building which is partly underground, but having at least sixty percent (60%) of its ceiling height above the average grade of the adjoining ground.

*HABITABLE BUILDING:* Any structure or part thereof used as a home or place of abode by one (1) or more persons, or which is built for or intended to be used for human occupancy, whether occupied or vacant.

*HABITABLE ROOM:* Every room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations. It shall not include private laundries, bathrooms, toilet rooms, pantries, storerooms, closets, halls, corridors, rooms for mechanical equipment for service in the building or other similar spaces not used by persons frequently or during extended periods. No room shall be considered a habitable room which contains less than seventy (70) square feet of floor space, nor shall the least horizontal dimension of such room be less than seven (7) feet.

*HARBORAGE PLACES—INSECTS, PESTS OR RODENTS:* Any place where insects, pests or rodents can live, nest or seek shelter.

*INFESTATION:* The presence of, within or contiguous to a structure or premises, insects, rodents, vermin or other pests.

*KITCHEN:* A space which contains a sink and adequate space for installing cooking and refrigeration equipment and for the storage of cooking utensils.

*LEASE:* Any transfer of the right of control of any premises including the right to collect rents, whether single-family or multiple dwellings.

*LOT:* Land occupied or to be occupied by any building and accessory structure, if any, together with such open spaces as are required under this Chapter.

*MULTIPLE-FAMILY DWELLING:* A building or portion thereof designed for occupancy by two (2) or more families living independently of each other in separate dwelling units.

*OCCUPANCY PERMIT:* A document which states the names, ages, relationships, and number of occupants of a dwelling unit, and that the occupancy complies with all of the provisions of this Chapter. It is issued under the circumstances listed in Section 405.160 (Occupancy Permit Required).

*OCCUPANT:* Any person living and sleeping in a dwelling unit or having actual possession of said dwelling unit.

*OPEN STORAGE:* The keeping of any goods, materials, equipment or rubbish in any yard or in any open lot for any purpose whatsoever; provided, this shall not include the parking of any operable motor vehicle on paved portions of a yard or the keeping of any electrical, heating or cooling equipment which is operable and in use for the purpose of supplying said utilities to the dwelling situated on the premises, all-weather lawn furniture or outdoor cooking equipment.

*OPENABLE AREA:* That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*OPERATOR:* Any person who has charge, care or control of a building or part thereof which is let or offered for occupancy.

*OWNER:* Any person who alone, jointly or severally with others shall be in actual possession, have charge, care or control of any premises within the City of Pasadena Hills as an owner of record as evidenced at the St. Louis County Recorder of Deeds, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder, and such person shall be bound to comply with the provisions of this Chapter to the same extent as the owner.

*PERSON:* A corporation, firm, partnership, association, organization and any other group acting as a unit as well as any individual. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law. Wherever the word "*person*" is used in any Section of this Chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the officer, agents or members thereof who are responsible for any violation of such Section.

*PLUMBING:* Facilities and equipment including, but not limited to, the following: Gas pipes, gas-burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures, together with all connections to the water, sewer, vent or gas lines.

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

*PROVIDED:* Any material or services furnished, supplied, paid for or under the control of the owner.

*PUBLIC HALL:* A hall, corridor or passageway for egress from a dwelling not within the exclusive control of one (1) family or dwelling unit.

*REAR YARD:* A yard extending across the full width of the lot and measured between the rear line of the lot and the rear of the building.

*REPAIR:* To restore to a sound and acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

*REPLACE:* To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is beyond repair.

*RUBBISH:* Non-putrescible solid wastes consisting of both combustible and non-combustible wastes.

*SALE:* Any transfer of ownership of any premises including multiple dwellings.

*SANITARY FACILITIES:* Includes kitchen sink with suitable top and drain and hot and cold water taps, bathroom fixtures and other facilities used for sanitation.

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**SATELLITE DISH:** Any structure, equipment, including the dish, supporting members and base, which is wholly or partly designed for or used for the purpose of receiving microwave communication signals.

**SIDE YARD:** A yard between the building and the side line of the lot and extending from the street line to the rear yard.

**SLEEPING AREA:** A bedroom or room intended for sleeping, or a combination of bedrooms or rooms intended for sleeping within a dwelling unit, which are located on the same floor and are not separated by another habitable room, such as a living room, dining room or kitchen, but excluding bathroom, hallway or closet. A dwelling unit may have more than one (1) sleeping area.

**SMOKE DETECTOR:** A device which detects visible or invisible particles of combustion and shall be either the ionization chamber or the photoelectric type.

**STRUCTURE:** Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding or retaining wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed as a "structure".

**SUBSTANDARD:** All structures which do not conform to the minimum standards established by this Chapter or any other ordinances.

**SUPPLIED:** Paid for, installed, furnished or provided by or under the control of the owner or operator.

**UNSAFE:** As applied to a building, is a condition or combination of conditions liable to be a danger or hazard to the life, safety or health of persons occupying it or frequenting it or to the public and in danger of settlement, movement, disintegration or collapse, whether such danger arises from the method or materials of its construction or from equipment installed therein for the purposes of lighting, heating, the transmission or utilization of electric current, or from the obsolescence or deterioration or from its location or otherwise.

**UNSANITARY:** As applied to a building means liable to be a danger or hazard to the health of persons occupying or frequenting it, or to the public, if such danger arises from the method or materials of its construction, or from equipment installed therein, for the purposes of lighting, heating, ventilation or plumbing or from existing conditions liable to cause rat infestation, vermin infestation, accumulations of trash or debris in the building, yards or accessory structures on the premises.

**UNUSABLE:** Any dwelling or part thereof or any fixture or facility required therein not in such physical condition as to safely perform the service or services for which it is designed or intended.

**VENTILATION:** The process of supplying and removing air by natural or mechanical means to or from any space. Ventilation by power-driven devices shall be deemed "*mechanical ventilation*". Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driving devices shall be deemed "*natural ventilation*".

**YARD:** An open space at grade on the same lot as a building or structure located between the main building and the adjoining lot line and/or street line. The measurement of a yard shall be the

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condition and good repair. Every floor shall be free of loose, warped, protruding or rotting floor

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boards. Every interior wall and ceiling shall be free of large cracks and holes and shall be free of loose plaster or other structural or surface materials. Every toilet room and bathroom floor surface shall be substantially impervious to water and be capable of being maintained easily in a clean and sanitary condition. Toxic paint and materials shall not be used where readily accessible to children.

- D. *Windows, Doors And Hatchways.* Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair. Every window shall be fully supplied with window panes which are without cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame. Every exterior door, door hinge and door latch shall be in good condition. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware. Every exterior door, when closed, shall fit reasonably well within its frame. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain and substantially to exclude wind from entering the dwelling. Every basement hatchway and window shall be so constructed, screened or maintained as to prevent the entrance of rodents, rain and surface drainage water into the building.
- E. *Exterior Appurtenances.* Exterior appurtenances including, but limited to, screens, awnings, trellises, television antennae, satellite dishes, storm windows, storm doors, gutters, downspouts and shutters shall be installed in a safe and secure manner and shall be maintained in sound condition.
- F. *Stairways And Porches.* Every stairway, inside or outside of the dwelling, and every porch shall be kept in safe condition and sound repair. Every flight of stairs and every porch floor shall be free of deterioration. Every stairwell and every flight of stairs which is more than four (4) risers high shall have a rail not less than two and one-half (2½) feet high, measured vertically from the nose of the tread to the top of the rail; and every porch which is more than four (4) risers high shall have a rail not less than two and one-half (2½) feet above the floor of the porch. Every rail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled more than one (1) inch out of its intended position or have pulled away from supporting or adjacent structures. No flight of stairs shall have rotting, loose or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every stair tread shall be strong enough to bear a concentrated load of at least four hundred (400) pounds. Every porch shall have a sound floor. No porch shall have rotting, loose or deteriorating supports.
- G. *Basements, Garden Levels And Cellars.* Every basement, garden level or cellar shall be maintained in a safe and sanitary condition. Water shall not be permitted to accumulate or stand on the floor. All sewer connections shall be properly trapped. All floor and slab drains shall be covered with grating. Junk, rubbish and waste shall not be permitted to accumulate to such an extent as to create fire hazard or to endanger health or safety.
- H. *Facilities, Equipment And Chimneys.* Every supplied facility, fixture, system, piece of equipment or utility and every chimney or chimney flue shall be maintained in a safe, sound and sanitary working condition consistent with the requirements of this Chapter.
- I. *Driveways.* Driveways shall be maintained in good repair and free of safety hazards.
- J. *Yards.* All areas which are not covered by lawn or vegetation shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang a public thoroughfare shall be properly trimmed to avoid obstruction of the view and movements of

vehicles and pedestrians. Hazardous dead trees and shrubs shall be promptly removed to the ground surface.

- K. *Infestation.* Each dwelling and all exterior appurtenances on the premises shall be adequately protected against insects, rats, mice, termites and other vermin infestation. Building defects which permit the entrances of insects, rats, mice, termites and other vermin shall be corrected by the owner. Tenants shall be responsible for the elimination of rodents and vermin from that part of the premises under their exclusive control except when more than one (1) unit is infested at the same time and in this instance the owner shall be responsible for elimination of the infestation. (R.O. 2009 §510.050; Ord. No. 182 §§200.0–220.0, 4-14-75; Ord. No. 307A §1, 10-10-83; Ord. No. 607 §1, 11-14-00)

**SECTION 510.060:****SMOKE DETECTORS**

- A. The owner of each dwelling unit which is constructed, changes ownership, changes tenants or is rehabilitated after the passage of this Section shall install smoke detectors prior to the occupancy or change in occupancy of said dwelling unit. If smoke detectors already exist in said dwelling units, the smoke detectors must comply with the provisions of this Section.
- B. The owner, upon the occurrence of one (1) or more of the events set forth in Subsection (A), shall install at least one (1) smoke detector to protect each sleeping area. In an efficiency apartment dwelling, the owner shall install the smoke detector in the room used for sleeping. In a multiple family dwelling, the owner shall install at least one (1) smoke detector in each individual apartment or unit. In all other dwellings, the owner shall install the smoke detectors outside the sleeping areas and on the ceilings in the immediate vicinity of the sleeping area. An owner subject to this Section shall install each smoke detector on the ceiling at a minimum of four (4) inches from the side wall to the near edge of the detector and within fifteen (15) feet of all rooms used for sleeping purposes. A smoke detector shall be installed on every floor level, including the basement. Therefore, a two-story residence with a basement shall have a minimum of three (3) smoke detectors. The smoke detector in the basement shall be as close as possible to the stairwell. If a dwelling undergoes alterations, repairs or additions which require a permit, or if one (1) or more sleeping rooms are added or created in an existing dwelling, the entire dwelling or building shall be provided with smoke detectors as required for a new dwelling under this Section. Where more than one (1) sleeping area is located on a floor level, a smoke detector for each sleeping area shall be installed pursuant to this paragraph. For good cause shown, the Building Commissioner has the authority to modify the location requirements of this Section. In dwellings where location of smoke detectors cannot be readily determined, the Normandy Fire Protection District may be contacted for assistance in placement of detectors.
- C. The owner shall install a smoke detector which is capable of sensing visible or invisible particles of combustion and emitting an audible signal and may be wired directly to the building power supply or may be powered by self-monitored battery. The smoke detector shall comply with all the specifications of the Underwriters Laboratories, Inc. Standard UL217 (Standard for Safety-Single and Multiple Station Smoke Detectors) 2nd Edition, October 4, 1978 as revised May 19, 1983 or any recognized standard testing laboratory that certifies the detector meets the requirement of National Fire Protection Association (NFPA) Standards 72E and 74. Smoke detectors shall bear the label of a nationally recognized standards testing laboratory that indicates that the smoke detectors have been tested and listed under the requirement of UL217 2nd Edition or NFPA 72E and 74.

- D. It shall be the responsibility of the owner to supply and install all required detectors. The owner shall be responsible for testing and maintaining detectors in common stairwells. It shall be the responsibility of the occupant to provide and maintain function batteries for each detector, to test and maintain detectors within dwelling units, and to notify the owner or authorized agent in writing of any deficiencies. The owner shall be responsible for providing each occupant with written information regarding detector testing and maintenance.
- E. It shall be unlawful for any person to remove batteries or in any way make smoke detectors inoperable. (R.O. 2009 §510.060; Ord. No. 333 §2, 1986)

**SECTION 510.070: SPACE REQUIREMENTS AT CHANGE OF OCCUPANCY**

- A. *Space Requirements.* Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first (1st) occupant and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms. The total certified number of persons shall be the lesser number of persons as determined by this Section or the sleeping space available as determined by Subsection (B).
- B. *Required Space In Sleeping Rooms.* In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof. However, no bedroom occupancy may exceed three (3) persons. In any dwelling occupied by four (4) or more occupants no part of the living room, kitchen or eating space may be counted as part of the required space for sleeping purposes. Every room used as a bedroom shall have access to at least one (1) water closet without passing through another room used as a bedroom.
- C. *Ceiling Height.* Habitable rooms shall have a clear ceiling height over the minimum area required of at least seven (7) feet four (4) inches. Attics or top half stories calculated as habitable rooms shall have a clear ceiling height of at least seven (7) feet four (4) inches over at least one-third ( $\frac{1}{3}$ ) of the floor area. Only those portions of the floor area of such rooms having a clear ceiling height of five (5) feet or more may be included.
- D. *Basement Rooms.* Basement rooms and below ground level areas that do not comply with Section 510.080 (Basement and Garden Level Rooms) shall not be considered in computing the minimum habitable floor area required. (R.O. 2009 §510.070; Ord. No. 182 §§230.0–234.0, 4-14-75)

**SECTION 510.080: BASEMENT AND GARDEN LEVEL ROOMS**

It shall be unlawful for any person to use or permit any room in any basement or garden level to be used to satisfy the habitable room requirements of Section 510.070 (Space Requirements at Change of Occupancy) unless such room meets all the applicable requirements of this Chapter particularly with regard to ceiling height, ventilation, window area and meets the following additional requirements:

1. The lowest point of the ceiling shall be at least three (3) feet six (6) inches above the

surface of the ground immediately adjoining the room.

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2. The required minimum window area is entirely above ground level.
3. No floor area three (3) feet below grade shall be used in determining habitable living space.
4. Two (2) means of exit are provided, at least one (1) of which leads directly to the outside of the building.
5. The floors and walls shall be constructed in a manner to prevent the entry of moisture and insulated to prevent the condensation of moisture within the room. (R.O. 2009 §510.080; Ord. No. 182 §240.0, 4-14-75)

**SECTION 510.090:****ILLUMINATION**

- A. *Public Halls.* All habitable rooms, passageways and stairways shall be provided with electrical fixtures so that they can be adequately lighted at night. A minimum of five (5) foot-candles of daylight or artificial illumination shall be required at all times in all public halls.
- B. *Natural Lighting.* All habitable rooms, except as otherwise provided in this Chapter, shall be provided with a means of transmitting natural light from outside complying with the following requirements:
  1. *Window area.* Every habitable room shall have at least one (1) window or skylight of approved size facing directly to the outdoors except in kitchens where artificial light may be provided in accordance with the provisions of the Building code. The minimum total window area, measured between stops, for every habitable room shall be at least five percent (5%) of the floor area of such room and not less than five (5) square feet. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area for the room.
  2. *Windows leading to porches.* Whenever the natural light area opening from a habitable room is to an enclosed porch, such area shall not be counted as a required light area unless the enclosed porch has a natural light area of at least thirty percent (30%) of the floor area of the room in question. (R.O. 2009 §510.090; Ord. No. 182 §§250.0–252.2, 4-14-75)

**SECTION 510.100:****ELECTRICAL SERVICE**

- A. *Generally.* It shall be unlawful to occupy or permit another to occupy any dwelling unit for the purpose of living therein, which is not adequately and safely provided with an electrical system in compliance with the requirements of this Section.
- B. *Minimum Requirements.* The following shall be considered as absolute minimum requirements: Conditions such as size of the dwelling unit and usage of appliances and equipment within the unit shall be used as the basis for requiring additional electrical works.
- C. *Deficiencies.* Wherever it is found, in the judgment of the Enforcement Official, that the electrical

system in the building constitutes a hazard to the occupant or the building by reason of inadequate

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service, improper fusing, improper or inadequate grounding of the system, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the defects shall be corrected to eliminate the hazard. The Enforcement Official shall base his/her findings of hazard on accepted engineering practice standards as listed in the latest edition of the National Electrical code.

- D. *Number Of Electrical Outlets.* Every habitable room shall contain not less than two (2) separate and remote wall or approved floor convenience outlets, one (1) of which may be a ceiling or wall-type electrical light fixture. Every kitchen shall be provided with at least three (3) separate and remote wall-type electric convenience outlets, one (1) of which may be a ceiling or wall-type electric light fixture.
- E. *Laundry Area.* Every laundry area shall contain at least one (1) grounded-type convenience outlet.
- F. *Non-Habitable Space.* Every bathroom, laundry room, furnace room and public hall shall contain not less than one (1) ceiling or wall lighting fixture.
- G. *Good Working Order.* Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- H. *Hazards Defined.* In addition to the hazards established by the Enforcement Official, the following installations are prohibited and their presence shall be deemed a hazard:
1. Flush or semi-flush mounted floor convenience outlets, unless provided with an approved water-proof cover.
  2. Extension cords for other than short-term, temporary use.
  3. Conductor-supported pendant switches or conductor-supported light fixtures.
  4. Loose or hanging wires.
  5. Frayed or bare wires.
  6. Inadequately grounded, grounded-type convenience outlets. (R.O. 2009 §510.100; Ord. No. 182 §§260.0–263.0, 4-14-75)

**SECTION 510.110:****WATER FACILITIES**

- A. *Scope.* No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements regarding water facilities.
- B. *Bathrooms.* Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet, lavatory basin and bathtub or shower, all of which are in good working condition and are properly connected to hot and cold water lines and to an approved water and sewer system.
- C. *Kitchen Sink.* Every dwelling unit shall contain a kitchen sink apart from the lavatory basin

required

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which is in good repair and in working condition, properly connected to hot and cold water lines and to an approved water and sewer system.

- D. *Water Heating Facilities.* Every dwelling unit shall have supplied water heating facilities which are properly installed and are maintained in safe and good working condition, capable of heating water to a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F). It shall be equipped with a BOCA approved pressure-temperature relief valve with manual release for testing.
- E. *Plumbing Fixtures.* Every dwelling unit and structure covered by this Chapter shall have water lines, plumbing fixtures, vents and drains which are properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the Building code or Plumbing code of the City. (R.O. 2009 §510.110; Ord. No. 182 §§270.0–271.4, 4-14-75)

**SECTION 510.120:****HEATING**

- A. *Applicability.* Every dwelling unit shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments within its walls to a temperature of at least seventy degrees Fahrenheit (70°F) when the outside temperature is minus ten degrees Fahrenheit (-10°F) and a temperature of at least sixty degrees Fahrenheit (60°F) when the outside temperature is less than minus ten degrees Fahrenheit (-10°F).
- B. *Prohibited Equipment.* Gas appliances designed primarily for cooking or water-heating purposes shall not be considered as heating facilities within the meaning of this Section. Portable heating equipment employing flame and the use of liquid fuels or coal does not meet the requirements of this Chapter and is prohibited.
- C. *Good Working Condition.* The owner shall see that the heating facilities shall be properly installed, safely maintained and in good working condition. (R.O. 2009 §510.120; Ord. No. 182 §§280.0–283.0, 4-14-75)

**SECTION 510.130:****VENTILATION REQUIREMENTS**

- A. *Generally.* Every habitable room shall have natural ventilation or a mechanical ventilation system adequate for the purpose for which the room is used.
- B. *Toilet Rooms, Bathrooms And Kitchens.* Every toilet room, bathroom and kitchen shall have adequate ventilation which may be either an openable window with an openable area of five percent (5%) of the floor area, mechanical ventilation, or a gravity vent flue constructed with incombustible material leading to the roof of the building or a combination of any of these. The gravity vent shall be computed at an aggregate clear area of not less than five percent (5%) of the floor area of the room with a minimum area of at least one hundred twenty (120) square inches. Gravity vents shall be provided with a weather cap, directional vane or rotary-type ventilation on the roof.

C. *Adequacy.* A ventilating system maintained in a safe and good working condition which provides

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a complete change of air for the bathroom or water closet compartment every fifteen (15) minutes shall meet the requirements of this Chapter. (R.O. 2009 §510.130; Ord. No. 182 §§290.0–293.0, 4-14-75)

**SECTION 510.140:****ACCESSORY STRUCTURES**

A. *Definitions.* For purposes of this Section, the following terms shall mean:

*ACCESSORY BUILDING:* A subordinate building customarily incidental to and located on the same lot occupied by a main building, subordinate in area, extent or purposes to the main building, limited to and contributing to the comfort, convenience or necessity of the occupants of the main building. For purposes of this Section, an accessory building differs from a temporary storage device, portable on demand storage unit and storage shed in that it is constructed pursuant to a building permit and is permanently affixed to realty.

*PODS:* An acronym and common name for portable on demand storage units.

*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:* Includes 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 used as a temporary storage device.

B. *Obstruction Or Disrepair Not Permitted.* Accessory structures shall not obstruct light and air of doors and windows of any dwelling unit, obstruct a safe means of access to any dwelling unit, create fire and safety hazards or provide rat or vermin harborage. Accessory structures shall be functional and shall be maintained in a state of good repair and alignment. All structures must have vermin-proof floors.

C. *Removal Of Non-Functioning Structures.* All exterior appurtenances of accessory structures which serve no useful purpose and are in a deteriorated condition which are not economically repairable shall be removed. Such structures shall include, but not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, miscellaneous sheds and sidewalks.

D. *Temporary Storage.*

1. No person shall park or leave any storage trailer, PODS or similar device so as to be visible from any public right-of-way without obtaining a permit from the City Clerk. The permit shall specify the time period, not exceeding fourteen (14) days, when the unit may be kept on the property and the location on the property where the unit is to be situated.
2. There shall be no permit fee for a fourteen (14) day permit. No more than one (1) fourteen (14) day permit may be issued for any lot or parcel of property in any twelve (12) month period.

However, storage trailers, PODS or similar devices may be kept for up to an additional

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fourteen (14) days upon the issuance of a special use permit by the Board of Aldermen; the fee for such special use permit shall be fifty dollars (\$50.00).

3. Any storage trailer, PODS or similar device shall be placed and kept on the driveway or other paved surface and the point farthest from the street.
4. Failure to remove the storage trailers, PODS or similar devices within the time required or other violations of this Section shall be punishable as provided in Section 100.220 of this code.
5. This Section shall not apply to the use or placement of construction trailers and equipment on property in association with ongoing construction activities carried out pursuant to a valid building permit. (R.O. 2009 §510.140; Ord. No. 182 §§300.0–303.0, 4-14-75; Ord. No. 331 §2(300.0), 4-12-86; Ord. No. 557 §1, 12-8-98; Ord. No. 766 §1, 10-10-05)

**SECTION 510.145: OPEN STORAGE PROHIBITED**

Open storage, as herein defined, is prohibited. (R.O. 2009 §510.145; Ord. No. 557 §2, 12-8-98)

**SECTION 510.150: EGRESS**

- A. *General Egress.* Every dwelling unit shall have a safe and unobstructed means of egress leading to safe and open space outside at the ground level. Passage through such exit shall not lead through any other dwelling unit.
- B. *Structures With Three Or More Stories.* All habitable structures of three (3) or more stories with dwelling units occupying the third (3rd) higher story shall be provided with two (2) separate usable unobstructed means of egress for each dwelling unit located above the second (2nd) story.
- C. *Easy Egress Mandatory.* Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key. (R.O. 2009 §150.150; Ord. No. 182 §§320.0–323.0, 4-14-75)

**SECTION 510.160: FENCES**

A. *Construction And Maintenance.*

1. Line fence posts shall be set at a depth of not less than two (2) feet six (6) inches. Terminal fence posts and gate posts shall be set at a depth of not less than three (3) feet and shall be set in concrete at the level of the ground. All posts and vertical fence boards shall be constructed and maintained at the plumb line. Sufficient line posts shall be used in the construction of fences to keep the fence from bowing or sagging, but in no case shall the posts be set more than eight (8) feet apart.
2. Fences constructed of brick or stone shall be set on concrete footings not less than three (3) feet in depth.

3. All fences shall be kept in safe condition and sound repair. All fences shall be free of chipping,

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cracking or peeling paint. All fences shall be maintained free of rotting, rusting, loose or deteriorating supports, members, materials and hardware.

4. All fences shall be constructed with the good side of the fence facing outward, away from the enclosed property.
- B. *Location Of Fences.* No fence shall be erected which extends beyond the front building line of the dwelling or multi-family dwelling. Additionally, no fence shall be erected which extends beyond the side building line(s) of a dwelling or multi-family dwelling which is located on a corner lot.
- C. *Types Of Fences.* The following types of fences are permitted to be constructed within the City:
1. *Open mesh type.* Chain link galvanized steel fences, six (6) feet or less in height;
  2. *Wood type.* Cedar, redwood, cypress or pressure-treated wood fences not more than six (6) feet in height;
  3. *Ornamental type.* Ornamental metal fences not more than four (4) feet in height;
  4. *Stone and brick type.* Fences constructed of stone or brick not more than four (4) feet in height; and
  5. *Safety and security type.* Specifications for swimming pool enclosures are set forth in Section 515.140. Further, if an open mesh type fence is used for a swimming pool enclosure, it shall be not less than six (6) feet in height, constructed of nine (9) gauge galvanized steel with not less than a two (2) inch mesh.
  6. Fences constructed of polyvinylchloride (PVC) and having the appearance of fences comprised of materials permitted under the foregoing Subsection of this Section shall also be permitted subject to the same height and open surface requirements and limitations as provided in paragraphs (1–5) above.
- D. *Permit Required.*
1. No owner, shall construct or repair, or cause to be constructed or repaired, a fence within the City of Pasadena Hills without applying for and thereafter obtaining a building permit.
  2. The owner, or persons acting in his/her behalf, shall make application for a building permit on forms designated by the City. The building permit application shall set forth:
    - a. The name and address of the applicant,
    - b. The address for the proposed fence,
    - c. The name and address of the person designated to construct or repair the fence,
    - d. The cost of construction, and
    - e. The material to be used and the method of construction or repair.

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A plot plan showing the location of the proposed fence and fence drawing, showing a fence section detail, types of materials to be used and method of construction shall accompany the application. The building permit application and supporting documents shall be submitted to the City Building Commissioner for his/her review, along with a fee as specified in Section 500.140 of this code.

E. *Expiration Or Revocation Of Permit.*

1. In the event permit is issued, construction must be completed within thirty (30) days from date of issuance, unless the Building Commissioner extends the time for completion in writing.
2. If at any time after the permit is issued there should be any deviation from the original plans and specifications as submitted, the Building Commissioner shall order the stoppage of work until approval of any changes is given in writing. Revised plans shall be submitted in ample time to allow certification of approval before commencement of work on that part being revised. In the event that approval of changes is withheld, construction shall promptly proceed in accordance with the original plans and permit.

F. *Appeals And Variances.*

1. In the event that a permit for a proposed fence is denied by the Building Commissioner, the applicant shall have the right to appeal the denial to the Board of Adjustment in accordance with the procedures for appeal of administrative decisions.
2. An applicant may make an original application to the Board of Adjustment for a variance from the requirements of this Section. In the sole discretion of the Board, in light of unique circumstances, a variance may be granted. However, in no event shall a variance be granted to allow the construction of a fence with barbed wire or to vary the fencing requirements for swimming pools. A variance shall not be granted if based merely upon the financial considerations of the applicant.

G. *Abatement Of Lawful Non-Conforming Fences.*

1. Fences erected prior to November 12, 1984, are hereby exempt from this Section until replacement is required, at which time this Section must be complied with. "*Replacement*" is defined as replacing more than sixty percent (60%) of the existing fence and/or expending more than five hundred dollars (\$500.00) in repairing the existing fence.
2. To qualify for this exemption, property owners must notify the City Clerk within six (6) months of November 12, 1984:
  - a. That fence was erected prior to November 12, 1984,
  - b. The date of construction, and
  - c. The type and location of the existing fence. (R.O. 2009 §510.160; Ord. No. 317 §2, 11-12-84; Ord. No. 332 §1, 11-13-86; Ord. No. 437 §1, 6-1-93; Ord. No. 541 §1, 5-12-98; Ord. No. 599 §1, 6-13-00; Ord. No. 885 §4, 6-14-10)

**SECTION 510.170:**

**SATELLITE DISHES**

A. *Compliance With Requirements.* It shall be unlawful for any owner to erect or cause to be erected a satellite dish within the City of Pasadena Hills except as herein provided.

B. *Installation, Maintenance And Use Requirements.*

1. No satellite dish will be erected which exceeds seventy-two (72) inches in height or seventy-two (72) inches in width.
2. Not more than one (1) satellite dish may be erected on a lot.
3. Satellite dishes may only be erected in the rear yard of a lot and within the side building lines of a dwelling or multi-family dwelling and not less than fifteen (15) feet from the side and rear lot lines.
4. Satellite dishes shall be shielded from visibility from the street or adjoining lots by the use of shrubs, plantings, vegetation or fencing. In the event that fencing is used, the erection of said fencing shall comply with Section 510.160.
5. Satellite dishes shall be painted in a fashion so as to blend into the background against which it is mounted.
6. Satellite dishes mounted on roofs shall be mounted on the rear side of the roof behind the roof peak.

C. *Permit Required.*

1. No owner shall erect or cause to be erected a satellite dish within the City of Pasadena Hills without applying for and thereafter obtaining a building permit.
2. The owner or person acting in his/her behalf shall make application for a building permit on forms designated by the City. The building permit shall set forth:
  - a. The name and address of the applicant,
  - b. The address of the lot upon which the satellite dish is intended to be erected,
  - c. The name and address of the person designated to erect the satellite dish,
  - d. The cost of construction,
  - e. The materials to be used, a photograph of the intended satellite dish and the method for erection,
  - f. A plot plan for the lot showing the boundary lines of the property, the location and dimension of existing structures, existing setbacks from property lines, together with the dimensions and locations of the proposed satellite dish,
  - g. An elevation plan showing the height of the proposed satellite dish,

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- h. A construction detail showing the methods for anchoring the satellite dish and the types of materials to be used in construction, and
  - i. A landscape plan showing the types of materials and their proposed location for shielding the visibility of the satellite dish as required by this Chapter.
3. The building permit application and supporting documents shall be submitted to the City Building Commissioner for his/her review, along with a fee as specified in Section 500.140 of this code.

D. *Expiration Or Revocation Of Permit.*

- 1. In the event a permit is issued, construction must be completed within thirty (30) days from the date of issuance, unless the Building Commissioner extends the time for completion in writing.
- 2. If at any time after the permit is issued there should be any deviation from the original plans and specifications, the Building Commissioner shall order the stoppage of the work until the approval of any changes is given in writing. Revised plans shall be submitted in ample time to allow a certificate of approval before commencement of work on that part being revised. In the event that approval or changes is withheld, construction shall promptly proceed in accordance with the original plans and permit or, in the alternative, construction shall be abandoned and the partially erected satellite dish removed, restoring the premises to the condition that it was in prior to the beginning of construction.

E. *Appeals And Variances.*

- 1. In the event that a permit for a proposed satellite dish is denied by the Building Commissioner, the applicant shall have the right to appeal the denial to the Board of Adjustment in accordance with the procedures for appeal of administrative decisions.
- 2. An applicant may make an original application to the Board of Adjustment for a variance from the requirements of this Section. In the sole discretion of the Board, in light of unique circumstances, a variance may be granted. However, a variance shall not be granted if based merely upon the financial considerations of the applicant. (R.O. 2009 §510.170; Ord. No. 324 §3, 8-13-85; Ord. No. 544 §1, 6-9-98; Ord. No. 607 §2, 11-14-00; Ord. No. 885 §7, 6-14-10)

**SECTION 510.180:**

**ENFORCEMENT AUTHORITY**

A. *Enforcement Official.* It shall be the duty and responsibility of the Enforcement Official and his/her delegated representative of the City to enforce the provisions of this Chapter. No order for correction of any violation under this Chapter shall be issued without the approval of the Enforcement Official.

B. *Inspections.*

- 1. The Enforcement Official is authorized and directed to make inspections to determine whether dwellings, dwelling units, accessory structures and premises located within this City conform to the requirements of this Chapter. For the purpose of making such inspections, the Enforcement Official is authorized to enter, examine and survey at reasonable times all

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dwellings, dwelling units, accessory structures and premises. The Enforcement Official is further authorized and directed to make inspections on application of seller, purchaser, lessor or lessee of all dwellings which are proposed for sale or lease to any person, partnership or corporation.

2. If any owner, occupant or other person in charge of a structure subject to the provisions of this Chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Chapter is sought, the Enforcement Official may seek, in a court of competent jurisdiction, when the Enforcement Official has probable cause, a search warrant to inspect and examine said premises for violation of this Chapter.
  3. Inspections shall be initiated under the following circumstances:
    - a. Upon application for any occupancy permit for the dwelling unit or other notification that there will be a change of occupancy of said dwelling unit.
    - b. When, on the basis of a complaint or his/her personal observation, the Enforcement Official reasonably suspects that a dwelling unit has code violations and as such constitutes a health and/or safety hazard.
  4. The Enforcement Official or his/her deputy shall make an inspection within fourteen (14) days after receipt of application for an inspection or receipt of complaint alleging a violation of one (1) or more provisions of this Chapter.
- C. *Access By Owner Or Manager.* Every occupant of a structure or premises shall give the owner or manager thereof, or his/her agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Chapter. (R.O. 2009 §510.180; Ord. No. 182 §§401.0–403.0, 4-14-75; Ord. No. 186 §§201.0–202.0, 9-10-75; Ord. No. 216 §3, 12-12-77; Ord. No. 489 §1, 8-28-96)

#### **SECTION 510.185:**

#### **PROPERTY INSPECTION—OCCUPANCY PERMIT**

- A. *Scope—Requirement.* Except as otherwise provided, it shall be unlawful for any person to occupy any property, or for any owner or agent to permit the occupancy thereof, for any purpose until it has been determined that the property complies in all respects with the requirements of this Code and all required certificates of compliance and occupancy permits have been issued by the Building Commissioner. No certificate of compliance or occupancy permit shall be issued until all violations of this Code shall have been corrected and brought into compliance with this Code.
- B. *Property—Defined.* For the purposes of this Section, the term "*property*" shall be defined as any premises, structure, building or dwelling subject to the provisions of this Chapter.
- C. *Certificates And Permits—Contents.* Any certificate of compliance, occupancy inspection report or occupancy permit issued by the Building Commissioner pertaining to any dwelling shall state the maximum number of persons who may lawfully occupy the property as configured at the time of inspection.

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D. *Pre-Transfer Activity—Application For Certificate Required; Certificate And Inspection Report Provided To Prospective Buyers.*

1. All owners or lessors of any property subject to the provisions of this Chapter shall apply for inspection and a certificate of compliance from the Building Commissioner within three (3) calendar days after advertising or marketing the property, in any way, for the purpose of selling, leasing, renting or otherwise transferring its ownership or possession.
2. All real estate agents and brokers involved in the advertising or marketing any property subject to the provisions of this Chapter shall apply for inspection and a certificate of compliance from the Building Commissioner within three (3) calendar days after entering into an agreement with the owner of the property or otherwise advertising or marketing the property, in any way, for the purpose of selling, leasing, renting or otherwise transferring its ownership or possession.
3. The obligations of the owner, lessor and real estate agent and broker to make application for inspection and a certificate of compliance shall be joint and several.
4. After receiving such application, the Building Commissioner shall cause the property to be inspected to determine its compliance with the provisions of this Code. If the Building Commissioner determines the property is in compliance, a certificate of compliance shall issue.
5. If the Building Commissioner determines the property is in violation of any Code provisions, the Building Commissioner shall issue an occupancy inspection report which shall list all conditions which fail to satisfy the requirements of this Code.
6. All owners, lessors, real estate agents and brokers shall provide a copy of the Building Commissioner's certificate of compliance or the Building Commissioner's inspection report pertaining to the property which is subject to transfer, to all prospective buyers. The obligations of the owner, lessor and real estate agent and broker under this Subsection shall be joint and several.
7. In the event that any owner, lessor, real estate agent or broker violates any provision of this Subsection, such violation shall be punishable in accordance with this Code and subject to a minimum fine, upon conviction, of two hundred fifty dollars (\$250.00) and a maximum fine of one thousand dollars (\$1,000.00) or ninety (90) days in jail, or both such fine and imprisonment.

E. *Transfer Of Ownership—Certificate Of Compliance Required.*

1. It shall be unlawful for the owner or lessor of any property within the City to sell, lease, rent or otherwise transfer ownership or possession of the property unless a certificate of compliance has been issued by the Building Commissioner for such property.

*Exception:* If the property is subject to violations and a certificate of compliance and occupancy permit cannot be issued such sale, lease or transfer may occur only if the buyer or lessee has been provided with a copy of the Building Commissioner's inspection report at least twenty (20) days prior to closing or the date of the lease and such buyer or lessee has obtained a conditional occupancy permit from the City by entering into an agreement to correct the violations within a specific period of time and submitting a cash deposit to guarantee such repairs in accordance with Subsection (H) of this Section.

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2. It shall be unlawful for any real estate agent or broker to participate in or facilitate the sale, lease, rental or transfer of ownership or possession of property within the City unless a certificate of compliance has been issued by the Building Commissioner for such property.
3. The liability of the owner, lessor, real estate agent and broker for violations of this Subsection are joint and several.
4. A certification of compliance shall be valid for one hundred eighty (180) days from the date of issuance unless revoked by the Building Commissioner for good cause. In the event that an occupancy permit is not issued within said one hundred eighty (180) days, said certificate shall be null and void and a new application for inspection and certificate must be made and an inspection occur before any certificate of occupancy permit may be issued.
5. This Section shall not apply to transfers of a structure or building where there is a pending demolition permit and the transferee has executed an agreement with the City guaranteeing timely and proper demolition of the structure and has submitted a cash deposit guaranteeing timely and proper demolition of the structure.

F. *Occupancy Permit Required.*

1. It shall be unlawful for any person, owner or agent thereof to occupy or use or to permit the occupancy or use of any premises for any purpose, including the movement of furniture, equipment or other personal property into said premises, until a certificate of occupancy (occupancy permit) has been issued by the Building Commissioner relative to such property. The permit so issued shall state that the occupancy complies with all of the provisions of this Code as far as can be determined by an inspection of the premises and a review of the records.
2. On proper application for an occupancy permit made by an owner, lessor, transferee or agent thereof, the Building Commissioner shall inspect the property and shall determine if it is in compliance with this Code. If the property is found to be in compliance with this Code, the Building Commissioner shall issue the occupancy permit. In the case of residential rental property, it is the obligation of the owner/landlord to secure an occupancy permit for the property lessee(s)/tenant(s). The permit shall be held in both the names of the owner/landlord and the lessee(s)/tenant(s).
3. If the Building Commissioner determines that the property is in violation of the requirements of this Code, no occupancy permit shall be issued. However, the Building Commissioner shall issue an occupancy inspection report which shall list all conditions which fail to satisfy the requirements of this Code. No person shall occupy or allow occupancy of the property until all conditions listed on the Building Commissioner's report shall be corrected.
4. No occupancy permit may be issued for any property if there are unpaid City taxes or liens in favor of the City outstanding as to such property until such time as such unpaid taxes and/or liens are satisfied.
5. Occupancy permits shall be issued for the following terms:
  - a. *Owner-occupied residential property.* The term of the occupancy permit for owner-occupied residential property shall be indefinite and shall expire upon a change in the ownership or possession of the property. In determining whether a "change in

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possession"

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has occurred, the Code Official shall consider whether there has been a change in the head of household. A "change in possession" may include the transfer of possession between family members except in the case of a transfer caused by divorce or marriage.

- b. *Residential rental property.* The term of the occupancy permit for a residential rental unit shall be one (1) year from its date of issuance.
6. *Renewal of permit for residential rental property.*
- a. Each owner/landlord shall apply for renewal of each occupancy permit issued for residential rental property at least thirty (30) days prior to the expiration date of such permit.
  - b. The procedures and fees for renewal of such permit shall be the same as the procedures and fees for issuance of an original occupancy permit and inspections related thereto.
  - c. If violations are found by the City's inspection, no renewal shall issue and the property shall be vacated upon expiration of the previous occupancy permit unless such violations are corrected by the expiration date.
7. No person not listed on the occupancy permit for a property shall occupy or be permitted to occupy the same. No use or activity not listed on the occupancy permit for a structure or building not used for dwelling purposes shall be permitted therein.
8. Whenever the owner or occupant of any property shall permit or suffer any additional person to occupy the same, the Building Commissioner shall be notified and the occupancy permit shall be amended accordingly, provided that all other requirements of this Chapter are satisfied. Whenever the owner or occupant of any property not used for dwelling purposes shall permit an additional or separate use or activity to be undertaken therein, the Building Commissioner shall be notified and the occupancy permit shall be amended accordingly, provided that all other requirements of this Chapter are satisfied.
9. Any decision or order of the Building Commissioner in issuing or refusing to issue the Certificate of Occupancy (occupancy permit) or the occupancy inspection report as described in this Subsection (F) may be appealed to the Board of Adjustment in accordance with the procedures for appeal of administrative decisions.
- G. *Application For Permit.* Any person hereafter occupying or proposing to occupy any property shall apply for an occupancy permit on an application form provided by the Building Commissioner. Such application shall contain the name of the applicant, the names, dates of birth and relationship of all persons to occupy the property and such other information as shall be required by the Building Commissioner. The application shall be signed and affirmed or sworn to by the applicant.
- H. *Conditional Permit.*
- 1. A conditional occupancy permit may be issued by the Building Commissioner if, in the Commissioner's sole discretion:
    - a. Any deficiency or non-compliance with this Code would not seriously endanger the health or safety of the occupants or the community;
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- b. The occupant has made to the City a sufficient cash deposit to ensure completion of the work and connections and repairs of all conditions in violation of City ordinance;
  - c. The occupant has entered into an agreement setting forth deadlines for the work to be done, the expiration date of the temporary occupancy permit, and the conditions upon which the City may utilize the cash deposit to perform the work to connect and repair defects; and
  - d. The occupant has already submitted all applications and plans to the City and has obtained building permits, approvals of the Historic Preservation Commission, and all other required governmental approvals from the City for the work.
2. No conditional occupancy permit shall be issued for a period exceeding one hundred twenty (120) days. However, a conditional occupancy permit may be extended only once for a period not to exceed sixty (60) days if the Building Commissioner finds that:
    - a. Any deficiency or non-compliance with this Chapter would not seriously endanger the health or safety of the occupants or the community; and
    - b. The occupant has made substantial progress toward bringing the property into compliance with the Municipal Code; and
    - c. All required corrections can be made within the time granted for the extension.
  3. All required work to correct and repair the violations shall be completed prior to the expiration of the conditional occupancy permit. Immediately following the completion of the work, the occupant shall contact the City for an inspection of the work and the property.
  4. Upon the expiration or revocation of the conditional occupancy permit, the property shall be vacated. No person shall be allowed to reside or occupy the property; however, work to correct and repair deficiencies and violations may be completed at the property only during the hours of 8:00 A.M. and 7:00 P.M.
  5. The amount of the cash deposit shall be, at a minimum, twenty-five percent (25%) of the estimated cost of all work required or one thousand five hundred dollars (\$1,500.00) whichever is more; amounts above this minimum may be required if a higher amount is necessary to ensure the occupant's compliance with the Municipal Code and/or be sufficient to ensure that at least a portion of the violations can be corrected or repaired by the City. The agreement between the City and the occupant shall be in the form approved by the City and must also be signed by the owner of the property (if different from the occupant). The City may require submission of contracts and other documents pertaining to the work.
  6. The cash deposit shall be deposited by the City in a manner such that the deposit will be separately accounted for apart from other City funds. The City shall document the use, replacement, or release of such funds, as deposited by each occupant, according to generally accepted accounting principles. Occupant shall not receive any interest on the funds deposited.
  7. *Release of cash deposit—when.*
    - a. The cash deposit shall only be released or utilized by the City in accordance with the terms

with the agreement and this Section.

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- b. Upon final inspection by the City and satisfactory completion of all required work by the occupant, the deposit shall be released to the occupant. Provided, however, if the Building Commissioner determines that the work has been timely and is substantially complete, the Building Commissioner may release up to ninety percent (90%) of the cash deposit to the occupant to pay contractors and third parties for the remainder of the work. The remaining ten percent (10%) shall be held until all work is completed.
- c. In the event that the work is not timely completed or in the event that the work is defective or non-compliant with City ordinance, the City may use an occupant's deposited funds for expenses incurred to perform abatement, complete the work or otherwise ensure compliance with all applicable codes and requirements. If the City so utilizes such funds, the occupant shall be obligated to deposit a sum equal to the amount so used so as to maintain full funding of the required deposit.

8. *Appeal.*

- a. Any occupant aggrieved by a decision of the Building Commissioner in the administration of this Section may file a written appeal to the Mayor within ten (10) days of the decision appealed from. The Mayor shall make a written determination of the appeal within ten (10) business days of the occupant's appeal, unless circumstances prevent a timely determination, in which case the determination shall be made as soon as reasonably possible.
  - b. In the event the occupant believes that the Mayor improperly denied such an appeal, the occupant may file a written appeal to the Board of Aldermen within five (5) days of the date of the Mayor's decision.
9. If the occupant fails to comply with an obligation of this Section, the City shall withhold or withdraw any other permits or approvals pertaining to the occupant or the property until such non-compliance is cured.
10. The City may pursue any other available remedy in order to enforce its Ordinance. Nothing herein shall be construed to limit the authority of the City to pursue equitable or legal remedies, abatement or other remedy available to the City.

I. *Correction Required.*

1. If there are violations of this Chapter which must be abated or corrected before a certificate of compliance or an occupancy permit can be issued, it shall be the responsibility of the seller, lessor or agent thereof to abate such violations. No certificate of compliance or occupancy permit shall be issued until all violations of this Chapter shall have been corrected and the fee for such permit shall have been paid.
2. With the approval of the Building Commissioner, a transferee of a property may assume responsibility for abating violations of this Chapter by executing an affidavit stating such transferee assumes responsibility for abating such violations and establishing the date by which such abatement shall be accomplished, which date shall be subject to approval by the Building Commissioner.

J. *Misrepresentations Prohibited—Notice Of Occupancy Limits.*

1. It shall be unlawful for any person, firm or corporation to advertise, offer or represent in any form or manner that a certificate of compliance has been issued for any premises for which such a certificate has not been issued by the Building Commissioner.
2. It shall be unlawful for any person, firm or corporation to advertise, offer or represent in any form or manner that a property may be occupied by a number of persons in excess of that permitted by the most recent certificate of compliance or occupancy inspection report issued for that property.
3. It shall be unlawful for any person to knowingly make any false statement in an application for an occupancy permit or any amendment thereto.
4. Any residential structure offered or available for sale, lease or transfer shall display a statement provided by the Building Department indicating the date of the most recent inspection of the structure, the results of that inspection, and information as to the maximum number of persons that the structure will lawfully accommodate as determined by the most recent inspection. The required statement is to be affixed to the structure in proximity to the main entrance and in a manner reasonably calculated to come to the attention of persons entering same. It shall be unlawful to offer any residential structure for sale, lease or transfer unless the statement required by this Subsection shall be displayed as set forth herein.

K. *Fees.* Fees for occupancy permits, certificates of inspection or other inspection and permitting services associated with this Section shall be as follows:

1. A fee of sixty dollars (\$60.00) shall be paid for an initial inspection and one (1) reinspection in association with issuance of a certificate of compliance or occupancy inspection report.
2. A fee of sixty dollars (\$60.00) shall be paid for each additional inspection associated with issuance of a certificate of compliance conducted within one hundred eighty (180) days after an original occupancy inspection report.
3. A fee of twenty dollars (\$20.00) shall be paid for issuance of each occupancy permit or conditional occupancy permit.

L. *Suspension And Revocation.*

1. Any permit issued shall become invalid if the occupancy is not commenced within six (6) months after issuance of the permit or if the occupancy is terminated.
2. An occupancy permit may be revoked upon proper notice and an opportunity for the owner to be heard, in the case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the case of housing and/or Building code violations which constitute a danger to the occupants of the property. (R.O. 2009 §510.185; Ord. No. 489 §2, 8-28-96; Ord. No. 533 §1, 12-9-97; Ord. No. 815 §§1–2, 11-13-06; Ord. No. 880 §1, 2-8-10; Ord. No. 885 §8, 6-14-10; Ord. No. 886 §1, 6-14-10)

**SECTION 510.190: NON-COMPLIANCE WITH CHAPTER—NOTICE TO BE GIVEN**

- A. *Contents.* Whenever the Enforcement Official or his/her delegated representative finds evidence of a violation of any provision of this Chapter, he/she shall declare a public nuisance and give notice of same to the person or persons responsible hereunder. Such notice shall be in writing and shall include a statement of each of the provisions of this Chapter being violated, together with a statement of the corrective action required to cure such violation. Such notice shall specify the period of time within which such remedial action shall be taken. Appeal procedures shall be specified.
- B. *Service/Delivery.* Such notice shall be served by delivering a copy to the owner, or his/her agent, or the occupant, as the case may require, or, if such person cannot be found, by sending a copy of the notice by registered or certified mail with return receipt requested, or if same cannot be delivered, by posting a copy of such notice in a conspicuous place in or about the building affected by the notice. The notice shall be deemed served on the date served or received or ten (10) days after posting as herein provided. (R.O. 2009 §510.190; Ord. No. 182 §420.0, 4-14-75; Ord. No. 574 §1, 7-13-99)

**SECTION 510.200: NON-COMPLIANCE WITH CHAPTER—REMEDY OF DEFECTS AND REINSPECTION**

- A. *Remedy Of Defects.* The owner of any building shall have a reasonable time, which shall be determined by the Enforcement Official or his/her delegated representative, and which shall not exceed thirty (30) days from the issuance of the notice provided for in Section 510.190 (Non-Compliance with Chapter – Notice to be Given) in which to remedy the condition therein specified, except when emergency conditions shall require immediate action, provided however, that the Enforcement Official may, as his/her discretion, extend the time for compliance with any such notice.
- B. *Reinspecting.* At the time when the defects have allegedly been brought into compliance, the Enforcement Official shall reinspect the dwelling, dwelling unit, accessory structure and its premises. At this time, he/she shall make a complete inspection, taking particular notice that the violations previously noted have been brought into compliance, and that no new violations have come into existence in the time which has elapsed since the first (1st) inspection. (R.O. 2009 §510.200; Ord. No. 182 §430.1, 4-14-75; Ord. No. 574 §2, 7-13-99)

**SECTION 510.210: APPEALS**

The owner may appeal any decision of the Enforcement Official by requesting a hearing before the Board of Adjustment, sitting as a Board of Appeals, by submitting a written petition to the City Clerk requesting such hearing and containing a statement of the grounds therefore within five (5) days after notice by the Enforcement Official. At that hearing, any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearing, if the 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 of Pasadena Hills, the Board of Adjustment shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building, structure or property to be a nuisance and detrimental to the health, safety or welfare of the residents of the City of Pasadena Hills and ordering the building, structure or property to be demolished and

removed, repaired or otherwise brought into compliance. If the evidence does not

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support a finding that the building, structure or property is a nuisance or detrimental to the health, safety or welfare of the residents of the City of Pasadena Hills, no order shall be issued. Notice of any post-hearing orders shall be given in the same manner as notice of the declaration of a nuisance. (Ord. No. 574 §4, 7-13-99)

**SECTION 510.220: PROSECUTION OF VIOLATION**

- A. *Prosecution.* In case any violation of this Chapter is not remedied within the prescribed time period designated by the Enforcement Official, he/she shall request the legal representative of the City of Pasadena Hills to institute an appropriate action or proceeding at law or in equity against the person(s) responsible for the failure to comply to seek such remedy as may be appropriate including, but not limited to, any one (1) or more of the following:
  - 1. To restrain, correct or remove the violation or refrain from any further execution of work;
  - 2. To restrain or correct the erection, installation or alteration of such building;
  - 3. To require the removal of work in violation;
  - 4. To prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Chapter or in violation of a plan or specification under which an approval permit or certificate was issued; and/or
  - 5. To enforce the penalty provisions of this Chapter.
- B. *Penalty For Violations.* Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than thirty (30) days at the discretion of the court, or by both such fine and imprisonment. Every day the violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. (Ord. No. 574 §5, 7-13-99)

**SECTION 510.230: BROKEN GLASS AND BOARDING-UP**

- A. *Applicability.* Every window, glazed exterior door, exterior transom or exterior side light shall be provided with properly installed glass or other approved glazing material. In the event of breakage, the owner shall cause the immediate removal of broken glass from the premises and shall temporarily board up the affected openings with suitable material to provide protection from the elements and to prevent entry of birds or animals and to provide security to occupants or contents of the building. Within ten (10) days after the boarding-up, the owner shall cause the boarding material to be removed, and all affected openings shall be simultaneously reglazed by the owner.
- B. *Provision Of Adequate Lighting And Ventilation.* Adequate ventilation and natural lighting shall be provided for all occupied dwelling units. Whenever any exterior openings are found boarded-up, it shall be the duty of the Enforcement Official to notify the owner or agent of this requirement giving him/her a period of not more than ten (10) working days in which to replace the broken glass.

§ 510.230

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This notice shall be given in the manner required by Section 510.190 (Non-Compliance with Chapter—Notice to be Given). (R.O. 2009 §510.210; Ord. No. 182 §§460.0—462.0, 4-14-75; Ord. No. 574 §3, 7-13-99)

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## CHAPTER 515: SWIMMING POOLS

### SECTION 515.010: DEFINITION

As used in this Chapter, the following term shall have the prescribed meaning:

*SWIMMING POOL:* Any artificially constructed pool of water, including all appurtenances concerning its use, used or intended for use of swimming or bathing, either family, group, public, either with or without payment of admission fees, which is, or over, eighteen (18) inches in depth or with a water surface area exceeding one hundred fifty (150) square feet. It does not include portable wading pools with less depth than twenty-four (24) inches or less area than one hundred fifty (150) square feet which are refilled with water and used for children. (R.O. 2009 §515.010; Ord. No. 90 §1, 6-3-58)

### SECTION 515.020: SWIMMING POOL PLUMBING—DEFINITIONS

All piping, filters and appurtenances used for the proper functioning of the swimming pool, are defined as follows:

*BACKWASH PIPING:* The piping which extends from the backwash outlets of the filters to its terminus at the point of disposal.

*FACE PIPING:* The piping, with all valves and fittings, which is used to connect the filter system together as a unit.

*FILTER:* Any material or apparatus by which water is clarified.

*MAIN OUTLET OR SUCTION PIPING:* The piping from the deepest part of the pool to the inlet or suction side of the pump.

*RECEPTOR:* An approved plumbing fixture or device of such material, shape and capacity as to adequately receive the discharge from indirect waste piping, so constructed and located as to be readily cleaned.

*RETURN OR RECIRCULATING PIPING:* The piping which extends from the outlet side of the filters to the pool.

*UNDERDRAIN:* An appurtenance at the bottom of the filter to assure equal distribution of water through the filter media.

*VACUUM PIPING:* The piping from the suction side of the circulating pump connected to a fitting located below the water line and inside of the swimming pool. (R.O. 2009 §515.020; Ord. No. 90 §2, 6-3-58)

### SECTION 515.030: PERMIT REQUIRED

A. Before any swimming pool may be constructed, an application for a permit therefor shall be made

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to the office of the Building Commissioner. Written plans, specifications and any pertinent information pertaining thereto shall be submitted in duplicate. No permit shall be issued until approval of plans and specifications by the Building Commissioner. All plans and specifications shall conform to the provisions of this Chapter before approval.

- B. *Revocation Of Permit.* If at any time during construction there should be any deviation from the original plans and specifications as submitted, the Building Commissioner shall order the stoppage of work until approval of any change is given in writing. Revised plans shall be presented in ample time to allow certification of approval before commencement of work on that part being revised. (R.O. 2009 §515.030; Ord. No. 90 §3, 6-3-58)

**SECTION 515.040: INFORMATION TO ACCOMPANY APPLICATION**

The following information must accompany application:

1. Plat and profile plan, elevations with dimensions all drawn to scale, including pool deck.
2. Pool dimensions, depth and volume in gallons, specifications of wall and floor construction.
3. Type and size of filter systems, filtration and backwash capacities.
4. Description of chemical feeders for soda ash and alum and chlorine.
5. Pool piping layout, all pipe sizes shown, types of materials to be used.
6. The rated capacity and head at filtration and backwash flows of the pool pump in G.P.M. with size and type of motor.
7. Location and type of waste disposal.
8. Structural calculations and details prepared and signed by a registered civil engineer. (R.O. 2009 §515.040; Ord. No. 90 §4, 6-3-58)

**SECTION 515.050: INSPECTIONS TO BE MADE**

The Building Commissioner shall inspect each pool before it is opened for operation and shall ascertain that the construction substantially complies with the plans and specifications therefor presented when the permit was issued. He/she may require a testing of water circulation and chemical feeders and conditions of water by City Health Inspector. (R.O. 2009 §515.050; Ord. No. 90 §6, 6-3-58)

**SECTION 515.060: SWIMMING POOL CONSTRUCTION**

- A. Public pools as defined shall conform to the provisions of Ordinance No. 588 of the St. Louis County Health Department or to specifications prepared by Building Commissioner, or both.
- B. Family and private group swimming pools shall be equipped with a pressured sand filter or an  
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approved equal. Filters will be approved if certified tests from an independent testing laboratory are submitted to the Building Commissioner indicating that the filter tested is equal to the pressure and filter in the following:

1. Clarity of effluent.
2. Dirt holding capacity and length of filter cycle.
3. Durability of material.

The filter system shall have sufficient capacity to provide a complete turnover of the pool water in eighteen (18) hours or less, when operated at a rate flow not to exceed five (5) gallons per minute per square foot of filter area.

- C. The recirculating pump shall have sufficient capacity to backwash the filter at a rate of at least ten (10) gallons per minute per square foot of filter area, when operating against the total head of the backwash system.
- D. Pool pumps shall be equipped on the inlet side with an approved type hair and lint strainer of non-corrosive metal.
- E. Filter tanks shall be of such construction as prescribed by the Building Commissioner.
- F. Filter media specifications shall be in conformity with specifications prepared by Building Commissioner.
- G. *Size And Location Of Pool.* The water surface of a family pool or private group pool shall not exceed fifty percent (50%) of rear yard area of lot and rim of pool shall not be less than ten (10) feet from rear and side lot lines and at least ten (10) feet from any dwelling foundation wall. Where the lot slopes, a concrete waterproofed wall will be required at lower side or sides of pool which wall shall extend from lowest depth of pool to level of six (6) inches above water surface of pool and so as to prevent flooding of adjoining property in case of leakage or break in pool. This Subsection shall not apply to pools constructed prior to June 3, 1958.
- H. Overflow gutters shall be provided extending completely around pool having adequate drainage of overflow water away from pool but not onto land of adjoining lot owner without his/her consent. Overflow gutters may be waived by Building Commissioner in his/her discretion where same is not necessary to protect public health.
- I. A concrete runway or walk at least two (2) feet wide should encircle pool rim, sloped away from pool so as to prevent dirt, sand, grass or other particles from being tracked or washed into pool. (R.O. 2009 §515.080; Ord. No. 90 §9, 6-3-58)

**SECTION 515.070:****GASEOUS CHLORINATORS**

Where devices for feeding gaseous chlorine are installed, they shall meet with the requirements of the Building Commissioner. (R.O. 2009 §515.090; Ord. No. 90 §10, 6-3-58)

**SECTION 515.080:****WATER SUPPLY**

Water to be used in a swimming pool shall be of an approved source and no over-the-rim fill spout will be acceptable unless located under a diving board or installed in such a manner as to remove any hazard. Water inlet shall be equipped with a backflow protection so as to prevent pool water from contaminating public water mains. (R.O. 2009 §515.100; Ord. No. 90 §11, 6-3-58)

**SECTION 515.090:****POOL STERILIZATION AND FILTRATION**

Inasmuch as water used in bathing accumulates bacteria from the bathers, strict attention must be given to pool sterilization and filtration. Where potassium alum, soda ash and chlorine are used with proper filter and pool water circulation as provided by this Chapter, water should at all times be sufficiently clear so as to permit entire bottom of pool to be clearly visible from walkway. Failure to keep water clear indicates improper sterilization or filtration and constitutes a violation of provisions of this Chapter and shall be grounds for revocation of permit to operate. The Building Commissioner or Health Inspectors are authorized to enter upon any premises where a swimming pool is maintained, to inspect pool or take samples of water and Building Commissioner is directed to enforce provisions of this Chapter. He/she is further authorized and directed to post signs on any pool which is found to be unsanitary bearing the words "This pool is polluted" and to post a notice giving names and address of owner of pool and fact that same is polluted in the City Hall. He/she shall likewise report any violation to Police. It shall be a violation of this Chapter for any person to remove such sign. (R.O. 2009 §515.110; Ord. No. 90 §12, 6-3-58)

**SECTION 515.100:****APPARATUS AND EQUIPMENT**

- A. Inner surface of pool must be smooth for easy cleaning and must be covered, rounded or bullnosed at all joints, corners, angles of bases, walls, floors and curls. No sharp corners or projections will be permitted. Floor drains shall be flush with finished surface. Steps and stairways for entering or leaving pool should be of such construction as to minimize danger. Ladders or stairways should be located at deep end of pool if there is only one (1). Treads of ladders or steps to be of non-slip material. All lights in pool must conform to specifications of Building Commissioner.
  - B. Diving board shall not be elevated more than one (1) foot above water level where depth of water is five (5) feet; ten (10) feet elevation where depth of water is nine (9) feet or deeper. (See Building Commissioner's specifications.)
  - C. All pools shall be provided with an aluminum or bamboo pole, at least one-half (1/2) as long as width of pool, equipped with wrapped hook so that same can be passed around a body without injury and quickly be guided to surface.
  - D. Public pools shall provide lifeguards, ropes, life buoys and such other life saving and safety appliances and first aid equipment and personnel as may be directed by Building Commissioner. Such pools shall provide adequate dressing rooms and toilet facilities for both sexes.
  - E. All pools shall be equipped with a leaf skimmer to remove floating particles, built in or portable vacuum cleaners and water test sets.
  - F. No person having sore or infected eyes, nose or ear discharges or any communicable disease or skin
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eruption or athlete's foot shall be permitted to use any swimming pool. Spitting, spouting water or blowing nose in pool is prohibited.

- G. No swimming pool shall be so located, designed, operated or maintained so as to interfere unduly with enjoyment of property rights of adjoining owners. Lights shall be shielded or hooded so as to reflect light away from adjoining premises. It shall be unlawful for any person to make or cause to be made any loud or unusual noises or to use radios, phonographs or other musical instruments in such volume which annoys, disturbs or endangers the comfort, repose, health or peace of neighbors or adjoining owners. Radios, phonographs or other musical instruments shall not be turned to volume loud enough to annoy or disturb peace, quiet or comfort of neighbors or adjoining lot owners.
- H. It shall be unlawful for any person to use any swimming pool unless properly dressed either in ordinary clothes or proper swim suit. (R.O. 2009 §515.120; Ord. No. 90 §13, 6-3-58)

**SECTION 515.110:**

**WASTEWATER DISPOSAL**

- A. Wastewater shall not be discharged to a public sewer or storm drain, unless permit for same is given by M.S.D. Written permission from the Building Commissioner is necessary for method of waste disposal, but no water from pool shall be permitted to discharge or run on adjoining lots without permission of owner.
- B. Wastewater from any filters, gravity scum gutter, overflow, pool emptying line or similar apparatus or appurtenance shall discharge into an approved type receptor except for surface irrigation, but not on adjoining lots without permission of owner.
- C. Each receptor shall be in conformity as to the prescribed type, size and material or properly trapped and vented as required by the Building Commissioner and Plumbing Inspector.
- D. Drain and waste piping shall be at least one-fourth (1/4) inch fall per foot.
- E. Drainage and piping to which individual gravity scum gutter outlets are connected shall be sized as follows:

*Number of Outlets Size of Drain*

1–12	3 inches
13–30	4 inches

(R.O. 2009 §515.130; Ord. No. 90 §14, 6-3-58)

**SECTION 515.120:**

**WATER HEATING EQUIPMENT**

Water heating equipment shall conform in design, construction and installation with the Plumbing code governing domestic water heaters. (R.O. 2009 §515.140; Ord. No. 90 §15, 6-3-58)

**SECTION 515.130: WALL AND FLOOR SLOPES**

The walls of the pool shall be vertical, of light color, with conspicuous markings showing location and depth of shallow and deep water. The slope of the floor at the shallow end shall not exceed one (1) foot vertical to seven (7) feet horizontal. (R.O. 2009 §515.150; Ord. No. 90 §16, 6-3-58)

**SECTION 515.140: SAFETY FACTORS, COVERING, FENCE**

All swimming pools, public and private, shall be effectively protected by either a metal or wood fence not less than six (6) feet in height of a design and construction approved by the Building Commissioner equipped with doors or gates with self-latching lock which can only be opened at direction of owner and shall be securely locked when owners are away from premises, so as to minimize danger of accident. Any and all reasonable safety precautions prescribed by the Building Commissioner shall be complied with, both in original construction and maintenance. (R.O. 2009 §515.160; Ord. No. 90 §17, 6-3-58)

**SECTION 515.150: MAINTENANCE**

All swimming pools shall be maintained in a safe and sanitary manner in accordance with the rules and regulations set forth in this Chapter; all swimming pools shall be kept free of debris. (R.O. 2009 §515.170; Ord. No. 508 §3, 6-17-97)

## **CHAPTER 520: DANGEROUS BUILDINGS**

### **SECTION 520.010: PURPOSE AND SCOPE**

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Pasadena Hills, Missouri. (R.O. 2009 §520.010)

### **SECTION 520.020: DANGEROUS BUILDINGS DEFINED**

All buildings or structures that are detrimental to the health, safety or welfare of the residents of the City and that have any or all of the following defects shall be deemed "*dangerous buildings*":

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that 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 that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that 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 adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City. (R.O. 2009 §520.020)

**SECTION 520.030: DANGEROUS BUILDINGS DECLARED NUISANCE**

All dangerous buildings or structures, as defined by Section 520.020 of this Chapter, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein. (R.O. 2009 §520.030)

**SECTION 520.040: STANDARDS FOR REPAIR, VACATION OR DEMOLITION**

The following standards shall be followed in substance by the Building Inspector and the Building Commissioner in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, 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 no longer will exist in violation of the terms of this Chapter, 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 Chapter or any ordinance of this City or Statute of the State of Missouri, it shall be repaired or demolished. (R.O. 2009 §520.040)

**SECTION 520.050: BUILDING INSPECTOR**

The Building Commissioner or his/her designee shall be the Building Inspector(s) within the meaning of this Chapter. (R.O. 2009 §520.050)

**SECTION 520.060: DUTIES OF BUILDING INSPECTOR—PROCEDURE AND NOTICE**

The Building Inspector(s) shall have the duty under this Chapter to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
2. 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 Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this

City as probably existing in violation of this Chapter.

4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest

in the building or structure, as shown by the land records of the Recorder of Deeds of St. Louis County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 520.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

- a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.
- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.
- c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done;

provided, that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building, said building or structure constitutes a nuisance and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County. It is unlawful to remove this notice until such notice is complied with."

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Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein. (R.O. 2009 §520.060)

**SECTION 520.070: BUILDING COMMISSIONER**

The Mayor shall act as Building Commissioner under this Chapter. (R.O. 2009 §520.070)

**SECTION 520.080: DUTIES OF THE BUILDING COMMISSIONER**

The Building Commissioner shall have the power pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, the Building Commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

Written notice of said hearing shall be given, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein.

Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 520.020 of this Chapter.
  4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other
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persons(s) having an interest in said building as shown by the land records of the Recorder of

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Deeds St. Louis County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City or the owner or any person having an interest in said building as shown by the land records of the Recorder of Deeds St. Louis County may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.

5. If the Building Commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured or repaired or the property is cleaned up, the cost of performance shall be certified to the City Clerk or officer in charge of finance who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 520.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall be a lien on the property until paid. (R.O. 2009 §520.080)

**SECTION 520.090:****INSURANCE PROCEEDS—HOW HANDLED**

- 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 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, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in Subdivisions (1) and (2) of this Subsection. This Subsection shall apply only to a covered claim payment that 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 Chapter.
  2. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (1) of this Subsection 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 Subsection (5) of Section 520.080. If the City has proceeded under the provisions of Subsection (5) of Section 520.080, all monies in excess of that necessary to comply with the provisions of Subsection (5) of Section 520.080 for the removal, securing, repair and cleanup of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
- B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the

request of the taxpayer the tax bill may be paid in installments over a period of not more than ten

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(10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

- C. Subsection (A) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- D. Subsection (A) of this Section does not make the City a party to 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.
- E. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (A) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection. (R.O. 2009 §520.090)

**SECTION 520.100:**

**APPEAL**

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of St. Louis County may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of St. Louis County pursuant to the procedure established in Chapter 536, RSMo. (R.O. 2009 §520.100)

**SECTION 520.110:**

**EMERGENCIES**

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 520.080, Subsection (5) et seq. (R.O. 2009 §520.110)

**CHAPTER 523: REGISTRATION OF VACANT  
RESIDENTIAL STRUCTURES**

**SECTION 523.010: PURPOSE AND SCOPE**

It is the purpose of this Chapter to provide for effective monitoring and routine inspection of vacant buildings and structures that, due to Housing Code violations, may endanger the life, limb, health, property, safety or welfare of the general public, and this Chapter shall apply to all residential structures that have been vacant for more than six (6) months and that are subject to Housing code violations. (Ord. No. 660 §1, 12-9-02; Ord. No. 866 §1, 8-26-09)

**SECTION 523.020: DEFINITIONS**

The following words and phrases, when used in this Chapter, shall mean:

*HOUSING CODE:* A local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings.

*RESIDENTIAL STRUCTURE:* A structure devoted primarily to residential use, whether classified as residential or commercial, and regardless of the number of dwelling units contained within such structure. (Ord. No. 660 §1, 12-9-02; Ord. No. 866 §1, 8-26-09)

**SECTION 523.030: REGISTRATION REQUIREMENT**

Every parcel of residential property improved by a residential structure or commercial property improved by a structure containing multiple dwelling units, that is vacant and has been vacant for at least six (6) months and is characterized by violations of the Housing Code shall be registered as a vacant residential structure and shall be subject to the registration fee. (Ord. No. 660 §1, 12-9-02; Ord. No. 866 §1, 8-26-09)

**SECTION 523.040: DESIGNATION OF VACANT RESIDENTIAL  
STRUCTURES**

- A. *Registration.* The Building Commissioner for the City of Pasadena Hills, Missouri, or his/her designee shall investigate any property that may be subject to registration. Based upon his/her findings, the Building Commissioner may register property as a vacant residential structure subject to this Chapter.
- B. *Notice Of Registration.* Within five (5) business days of such registration, the City Clerk shall notify the owners of the registered property by mail at their last known address according to the records of the City of Pasadena Hills and St. Louis County. Such notice shall state:
1. A description of the property registered;
  2. A description of the Housing Code violations found on the property;

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3. The fact that a semi-annual registration fee has been levied on the property; and

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- 4. The amount of the semi-annual registration fee.
- C. *Waiver Of Fee By Building Commissioner.* The Building Commissioner may waive the registration fee in the following events:
  - 1. If, within thirty (30) days of the date of notification, the property owner completes improvements to the property that are necessary to remove the property from registration under this Chapter and makes written request for a reinspection of the property and reconsideration of the levy of the registration fee, the Building Commissioner may waive levy of the registration fee if the improvements have brought the property within code requirements and result in an approved inspection.
  - 2. If registration occurs less than six (6) months from the date of issuance of a building permit relative to the property subject to registration, the Building Commissioner may waive levy of the registration fee.
  - 3. If two (2) required inspections have been approved by either Pasadena Hills or St. Louis County within a six (6) month period, the Building Commissioner may waive levy of the registration fee.
- D. *Appeal Of Registration And/Or Reconsideration To Municipal Court.* Within thirty (30) days of the date of such notification or within thirty (30) days of the date of reconsideration by the Building Commissioner, the property owner may appeal the decision to the office of the Municipal Court for the City of Pasadena Hills. (Ord. No. 660 §1, 12-9-02; Ord. No. 866 §1, 8-26-09)

**SECTION 523.050: REGISTRATION FEE**

- A. *Amount Of Fee.* There is hereby established and assessed a semi-annual fee in the amount of two hundred dollars (\$200.00) imposed on all owners of property registered under this Chapter.
- B. *Owner Responsible.* It shall be the joint and several responsibility of each owner of property registered pursuant to this Chapter to pay the semi-annual registration fee.
- C. *Accrual Of Fee.* The registration fee shall begin to accrue on the beginning of the second (2) calendar quarter after registration by the Building Commissioner or reconsideration by the Building Commissioner; however, in the event that an appeal is filed with the Municipal Court, the registration fee shall begin to accrue on the beginning of the second (2) calendar quarter after the final decision of the Municipal Judge or court of competent jurisdiction.
- D. *Billing Procedures—Late Penalties.* The City Clerk shall cause to be mailed to the owner of property registered under this Chapter, at his/her last known address, a bill for the semi-annual registration fee. The fee shall be due and payable within thirty (30) days of mailing. In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for such property within thirty (30) days of the date of mailing, a late payment fee of twenty-five dollars (\$25.00) per month shall be assessed for each month during which the fee remains unpaid.
- E. *Failure To Pay Fee Unlawful.* It shall be unlawful for any owner of property registered pursuant to this Chapter to fail to pay the registration fee imposed for such property. Any person found

guilty of failing to pay any required fee shall be punished as provided in the general penalty provision set forth in Title I of the Municipal Code.

F. *Collection Of Delinquent Fees—Lien On Property And Other Effects Of Delinquent Fees—Foreclosure Proceedings.*

1. *Action to recover.* In addition to any other penalties provided by law, the City may initiate and pursue an action in a court of competent jurisdiction to recover any unpaid fees, interest and penalties from any person liable therefore and, in addition, may recover the cost of such action, including reasonable attorney fees.
2. *Lien on property.* Any unpaid or delinquent fees, interest and/or penalties, whether or not reduced to judgment, shall constitute a lien against the property for which the fee was originally assessed until the same shall be fully satisfied. The City Clerk is authorized to take all steps necessary to file and perfect such liens as may be required or directed by the Building Commissioner from time to time.
3. *Obtaining permits prohibited.* In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for such property, including any late payment fee subsequently imposed, within sixty (60) days of the date of mailing of the initial bill, said owner shall not be permitted to apply for, obtain or renew any City license or permit of any kind until such delinquency has been satisfied.
4. *Foreclosure.* Any registration fees which are delinquent for a period of one (1) year shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable Housing Code cited by the Building Commissioner have been cured and presenting payment of all registration fees and penalties.
5. *Sale of property.* Upon bona fide sale of the property to an unrelated party, the lien on such property for the registration fees shall be considered released and the delinquent registration fee forgiven. (Ord. No. 660 §1, 12-9-02; Ord. No. 673 §1, 5-13-03; Ord. No. 866 §1, 8-26-09)

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**CHAPTER 525: EXCAVATIONS**

**SECTION 525.010: PERMIT REQUIRED FOR EXCAVATION**

From and after the enactment of this Chapter, it shall be unlawful for any person, firm, individual, co-partnership or corporation to open or excavate in the streets and sidewalks of the City of Pasadena Hills without first having obtained from the City of Pasadena Hills a permit for such work. Applications for said permits may be obtained from the City Clerk and the Street Commissioner for the City shall review all applications. A permit shall be issued to the applicant upon approval of same by the Street Commissioner and upon compliance by the applicant with the terms of this Chapter and all other ordinances of the City of Pasadena Hills. (R.O. 2009 §525.010; Ord. No. 477 §1, 12-12-95)

**SECTION 525.020: INSPECTION FEES—DEPOSIT, BOND AND INSURANCE REQUIREMENTS**

Inspection fees for permits shall be based upon the direct cost to the City of Pasadena Hills for furnishing the required inspectors. Inspection fee deposits shall be determined by the Street Commissioner from the estimated inspection time, but shall be no less than fifty dollars (\$50.00). The difference between the deposit and the actual cost shall be collected or refunded. A cash performance bond from an approved bonding company or deposit in the amount of ten thousand dollars (\$10,000.00) in the form of a cashier's check shall be posted by each applicant for each permit applied for herein. Each applicant shall purchase and maintain such comprehensive general liability insurance equal to that carried by the City of Pasadena Hills. The applicant shall accompany the permit application with the deposit, bond and insurance indicated herein as necessary for the permit. No permit shall be issued until deposit, bond and insurance requirements are met. (R.O. 2009 §525.020; Ord. No. 477 §2, 12-12-95)

**SECTION 525.030: CATEGORIES OF WORK WHICH REQUIRE PERMITS**

Permits shall be required for, but not limited to, the following categories of work: utility operations, municipal operations, service connections, commercial and industrial developments, residential developments, earth hauling, road openings and closures, and sidewalk excavations, openings and closures. (R.O. 2009 §525.030; Ord. No. 477 §3, 12-12-95)

**SECTION 525.040: EXCAVATIONS MUST BE IN COMPLIANCE WITH ALL RULES AND REGULATIONS**

All openings or excavations provided for herein shall be made in compliance with the rules and regulations attached to and made a part of the application for permit to be obtained from the City Clerk of the City of Pasadena Hills. (R.O. 2009 §525.040; Ord. No. 477 §4, 12-12-95)

**SECTION 525.050: RESERVE RIGHTS BY CITY**

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The City of Pasadena Hills reserves the right to repair or have repaired any opening upon failure

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of the applicant to reasonably do so after notice to the applicant. The cost of such repairs done by the City of Pasadena Hills shall be deducted from the cash performance bond or cash deposit deposited by the applicant as aforesaid. (R.O. 2009 §525.050; Ord. No. 477 §5, 12-12-95)

**SECTION 525.060: CASH PERFORMANCE BOND OR DEPOSIT**

The cash performance bond or deposit posted by the applicant or the balance thereof is returnable to said applicant after approval of the same is given by the Board of Aldermen of the City of Pasadena Hills. (R.O. 2009 §525.060; Ord. No. 477 §6, 12-12-95)

**SECTION 525.070: RULES AND REGULATIONS CONTROLLING EXCAVATIONS**

*A. Permit Applications.*

1. *Permit application.* The applicant shall be the owner or individual or legal entity having the legal right to control the facilities being constructed, installed or improved.
2. *Approvals—dedications.* When applications are received for projects or installations which require other agency's approval or which require public easement and/or right-of-way dedications, no permits shall be issued until the Mayor or acting Mayor has received evidence of the required outside approvals and until verification of our guarantee of the recording of all public easements and right-of-way dedications has been made.
3. *Application requirement.* Applications shall be submitted by mail or in person on the form provided by the City of Pasadena Hills and shall describe the location and the nature of the work to be performed. Applications shall not be accepted if they are incomplete or not accompanied by the following:
  - Plans.* Four (4) sets of plans shall accompany the applications and shall be required for permit issuance. Applicants shall receive two (2) copies of the approved plans with the permit.
4. *Types of work requiring permit.* Permits shall be required for, but not limited to, the following categories of work: utility operations, municipal operations, service connections, commercial and industrial developments, residential developments, movement of over-dimensions and/or overweight vehicles, earth hauling, road closures, banners, landscaping, ornamental entrances and signs and street address painting.
5. *Permit extensions.* Work authorized by permit shall be expected to be executed without delay within thirty (30) days from date of issuance. Requests for extensions of time shall be submitted in writing and shall be reviewed by the Street Commissioner on an individual basis. Written requests shall include the permit number, map locations, date of issuance, project name, street location, reason for requesting extension and number of days required to complete the work.
6. *Acceptance of work.* Completed improvements within the public road right-of-way shall not be

opened to traffic without permission from the Street Commissioner or Mayor. Applicants requiring formal or written acceptance by the Street Commissioner or Mayor of completed work

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covered by permit shall submit their request in writing to the Street Commissioner or Mayor. Permit number, map location, date of issuance, project name and street location shall be included in all correspondence sent to the Street Commissioner or Mayor.

7. *Permit suspension—revocation.* Persons or firms performing or completing work in violation of the permit conditions or working without a permit in the public right-of-way shall be subject to permit suspension or revocation. Reinstatement of existing permits and/or issuance of future permits shall be at the discretion of the Street Commissioner dependent upon proper restitution of past irregularities and written guarantee of future compliance.
  8. *Emergency work.* An "emergency" is an unforeseen combination of circumstances or the resulting state that calls for immediate action to protect the health, safety and welfare of the general public. When emergencies result in a physical disturbance of the public right-of-way, immediate notification followed by permit application shall be required. When emergencies result in only an interruption of traffic, immediate notification shall be required.
    - a. *Immediate notification.* All emergency work situations shall be reported immediately by telephone to the City Clerk or Mayor who will notify the Street Commissioner.
    - b. *Permit application.* All parties performing emergency work which result in a physical disturbance of the right-of-way shall follow their phone notification with a permit application within twenty-four (24) hours or on the next workday. Plans, sketches or correspondence relating to the permit application shall indicate the complete locational data (i.e., location in driving lane, distance to curb, shoulder, driveway, street intersection, pavement type, etc.) and the particulars of the emergency. In other respects, the requirements of a regular application shall apply.
- B. *Residential Developments.* Special use permit authorizations shall be required for all construction within the public road right-of-way occurring as part of any single lot/single-family residential development. Such residential development construction shall be subject to the following specific application requirements and conditions:
1. *Application requirements.* Applications shall be submitted in accordance with the requirements of application forms which may be obtained from the City Clerk's office.
  2. *Plan requirements.* The applicant shall provide a plan or sketch showing the new driveway location, the culvert location (if required), the details of the driveway widening, sidewalk, construction, grading, etc. All drawings shall be to scale and shall include a designation of all materials to be used.
  3. *Utility relocations.* When utility relocations are required to accomplish the construction proposed within the public right-of-way, the applicant shall coordinate his/her activities with the utility forces performing the work. Permit issuance shall be withheld until the Street Commissioner receives written notice from the appropriate utility company that the applicant in fact has coordinated his/her activities with that utility.
- C. *Permit Conditions For Roadway Openings.*
1. *Road crossings.* All work authorized by permit shall be inspected for strict compliance with

the following conditions. When installations require placement of the cable, conduit or pipe

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beneath the pavement surfacing, the plans shall indicate the method of installation in accordance with the following:

- a. *Boring.* Crossings of classified roads which have a current year traffic volume of two thousand five hundred (2,500) average daily traffic or more shall be bored. Casing and other boring requirements, unless supported by subsurface investigation data, shall be decided by the Street Commissioner during construction. Exceptions to the boring requirement shall be considered by the Street Commissioner on an individual basis if proper justification such as documented evidence of rock, insufficient cover, etc., is provided.
- b. *Open trench.* Crossings of roads which have a current year traffic volume of less than two thousand five hundred (2,500) average daily traffic shall normally be permitted by open trench. However, road closing caused by open trench construction shall not be permitted without prior approval by the Street Commissioner. When road closings are not authorized, two (2) lanes of traffic shall be maintained on four (4) lane roads and one (1) lane of traffic on two (2) lane roads. The road shall be restored to normal traffic flow after working hours unless other provisions are authorized.
  - (1) *Concrete pavement.* Open trenching of concrete pavement will normally require replacement of the entire slab from joint to joint. The permit applicant shall be responsible for the repair or any settlement or other failure of the slab for a period of twelve (12) months from the completion of construction. Exceptions to the full slab replacement may be considered by the Street Commissioner on an individual basis during permit processing.
  - (2) *Asphalt pavement.* Open trenching of asphaltic pavement shall require a saw cut edge or milled edge, whichever is applicable, and replacement with asphaltic concrete a minimum of six (6) inches in depth. The permit application shall be responsible for the repair of settlement or other failure of the patch for a period of twelve (12) months from the completion of construction.
  - (3) *Driveway and sidewalk crossings.* Open trenching of existing driveway and/or sidewalk surfaces shall require replacement with full depth material to the existing joints for concrete surfaces or to a saw cut edge for asphalt pavement.
  - (4) *Granular backfill.* Open trenching of the existing roadway pavement shall require compacted granular backfill and a temporary asphaltic concrete wearing surface overnight. Open trenching parallel with the edge of the roadway pavement shall require granular backfill. For material, construction and compaction requirements, refer to the Standard Specifications for Highway Construction (Section 725.6.2) as mandated by the St. Louis County Department of Highways and Traffic.
  - (5) *Structures in pavement.* All structures or appurtenances thereof approved for location within or under the roadway pavement shall meet the HS20-44 highway loading requirements of the Standard Specifications for Highway Bridges (Section 1.2.5) as mandated by the St. Louis County Department of Highways and Traffic. Lock-type frames and covers shall be required for manholes, vaults and other structures located within the pavement surfaces.

- (6) *Traffic control and safety devices.* Utilities and contractors shall be required to provide and maintain barricades, flashers, cones, flagmen, etc., on the job site as approved by the Street Commissioner.
  - (7) *Peak hour traffic.* No work, other than emergencies reported to the Street Commissioner as heretofore cited, shall be permitted during peak traffic periods. The Street Commissioner shall determine the extent of the peak traffic period for each particular roadway.
2. *Temporary openings.* All work authorized by permit shall be inspected for compliance with the following conditions. Temporary openings in the road pavement shall be limited in size to a rectangular opening not to exceed three (3) feet by four (4) feet, unless special permission is granted by the department for larger openings. The thickness of the pavement replacement material for temporary openings shall depend upon the street involved and shall comply with the standards set out in Special Use Permit Application Requirements and Conditions (Section 3.2, Exhibit E) as published by the St. Louis County Department of Highways and Traffic, February 1, 1979.
    - a. *Granular backfill.* All pavement excavations, except those for which plate use has been authorized, shall require compacted granular backfill and a temporary asphaltic concrete wearing surface overnight.
    - b. *Plates.* The use of plates within the public road right-of-way shall be strictly governed by the Street Commissioner. Plates shall be used only under the following conditions.
      - (1) *Authorization by the Street Commissioner.* Plate use shall be authorized by the Street Commissioner on an individual basis, depending on the type of roadway, volume of traffic, proposed use and season of the year. Requests for plate use shall be accepted only in conjunction with the application for permit.
      - (2) *Approved plates.* Only plates conforming to the designs previously approved by the St. Louis County Department of Highways and Traffic shall be used.
      - (3) *Emergency.* In emergency situations the applicant shall request permission for plate use by contacting the Street Commissioner.

D. *Sidewalks.*

1. *Generally.* The specifications of this Section apply whether the sidewalk is constructed by the property owner or by the City.
2. *Summary of work to be done.* The work to be done in the construction of sidewalks consists of grading and preparing the ground for the superstructure, furnishing and placing a foundation of crushed stone and one (1) course concrete sidewalk pavement, with all incidental work necessary to render such walk complete and efficient.
3. *Width—distance from property line.* All concrete sidewalks constructed in the City shall not be less than four (4) feet wide and a minimum of four (4) inches thick. If used as a driveway, the said concrete shall be a minimum of six (6) inches.

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4. *Materials.* The following requirements shall be met in the material used in the construction of sidewalks.
  - a. *Inspection.* All materials to be used in sidewalk work shall be from State or County approved sources. All unapproved materials shall be immediately removed.
  - b. *Cement.* All cement used in sidewalk or pavement construction shall be Portland cement of Type I or III. For sidewalks, the concrete will produce twenty eight (28) day three thousand (3,000) pounds per square inch compression strength with a minimum of five and four-tenths (5.4) sacks of cement per cubic yard. For streets, the concrete will produce twenty eight (28) day four thousand (4,000) pound per square inch compression strength with a minimum six and four-tenths (6.4) sacks of cement per cubic yard of concrete. All concrete shall be cured by a fugitive-dye curing compound in lieu of a continuous water cure for a duration of seven (7) days and nights.
5. *Protection of service devices.* The contractor shall attend carefully to all public service devices, such as stopboxes for water or gas supply or any other objects of such a character that may be found within the area of the sidewalk under construction, by setting them at such a height as to bring the top of such device in each case flush with the top of the finished walk, so that they may be accessible and usable after the completion of the walk. (R.O. 2009 §525.080; Ord. No. 477, 12-12-95)