

EXTERIOR PROPERTY MAINTENANCE*

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***Cross reference(s)**--Health and community services department, § 2-321 et seq.; buildings and building regulations, ch. 7; health and sanitation, ch. 17; solid waste, ch. 24; sewers and sewage disposal, § 29-81 et seq.

State law reference(s)--Powers of home rule charter cities, Mo. Const. art. VI, § 19(a); environmental control, RSMo ch. 260.

ST. JOSEPH CODE

ARTICLE I. GENERAL PROVISIONS**Sec. 15-1. Definitions.**

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

- (1) *Composting*. A controlled biological reduction of organic waste to humus.
- (2) *Director of planning & community development*. That person designated as the director of planning & community development, his or her designee, or another person designated by the city manager to perform the duties described in this chapter to be performed by the director of planning & community development.
- (3) *Director of administrative services*. That person designated as the director of administrative services, his or her designee, or another person designated by the city manager to perform the duties described in this chapter to be performed by the director of administrative services.
- (4) *Dwelling*. A building or portion thereof, designed exclusively for residential occupancy, but not motels, hotels or travel trailers.
- (5) *Enclosed structure*. An enclosed structure built according to city code, i.e., garage with three permanent walls and a roof.
- (6) *Establishment*. A building, structure, or land used primarily for institutional, commercial, industrial, agricultural or business activity, and any other building, structure, or land that is not a dwelling under this chapter.
- (7) *Garbage*. Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food. Typically a form of "solid waste" as defined in this chapter.
- (8) *Habitability*. Capable of being lived-in; suitable for habitation.
- (9) *Occupant*. Any person who has a legal or equitable interest in a parcel of real property, other than a fee interest, including a life tenant, lessee, tenant at will, tenant at sufferance or adverse possessor, as well as a person in possession or a person who has charge, care or control of the parcel of real property as the agent or personal representative of the person holding legal title of a fee interest. Possession, charge, care or control may include living, sleeping, cooking or eating at the parcel of real property.
- (10) *Owner*. Any person who, alone or jointly or severally with others, has any of the following:
 - a. legal title to any parcel of real property, building or structure, or part thereof, with or without accompanying actual possession thereof; or
 - b. charge, care or control of real property, building or structure, or part thereof, as agent or personal representative of the person having legal title to the building or structure, or part thereof; or
 - c. possession or right to possession of real property, a building or structure or a part thereof under a contract for deed; or
 - d. legal title of a vehicle.
- (11) *Person*. Any agent, private corporation, firm, partnership, association, administrator, and any executor, receiver, representative or trustee appointed according to law.
- (12) *Rank growth of vegetation*. Vegetation in the condition(s) which constitute "rank growth of vegetation" as such conditions are provided elsewhere in this chapter.
- (13) *Solid waste*. Solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic and residential activities, including, but not limited to, animal wastes, appliances, ashes, construction and demolition wastes, garbage, major appliances, refuse, rubbish, street refuse,

household waste, trash and yard wastes, but not hazardous waste or waste material resulting from mining, milling or smelting.

- (14) *Solid waste collection service.* A service business licensed or permitted by the city to collect, transport and dispose solid waste.
- (15) *Tarpaulin.* A piece of opaque material (usually durable plastic) used for protecting exposed objects or areas.
- (16) *Unsafe.* A state or condition of danger, harm or risk; unsecured from threat of danger, harm or loss.
- (17) *Unsanitary.* A state or condition that endangers personal or public health.
- (18) *Weeds.* Grasses and unattended growths of other plants, bushes and shrubbery.
- (19) *Woodland.* A large, dense growth of trees, plants and underbrush.
- (20) *Yard waste.* Leaves, grass clippings, yard and garden vegetation, tree trimmings and Christmas trees.

(G.O. 1697, 5-3-99; G.O. 2679, 4-1-13)

Sec. 15-2. Purpose of property maintenance requirements.

The city finds that unkempt, unsafe, unsanitary and otherwise improperly maintained properties, structures, sidewalks and easements within the city materially and adversely affect the use and habitability of nearby property and of property within the city as a whole, in addition to the hazards which these conditions could pose to the public health, safety and welfare. Numerous properties that are unkempt, unsafe, unsanitary and/or dangerous may materially and adversely affect the economic wellbeing of the city. This chapter conveys to the city staff, in accordance with the procedures set out herein, all necessary and proper power to abate nuisances, and other improperly maintained structures and properties as they are described or found to exist, and to charge the costs of the abatement to the owners and/or occupants of the property upon which the nuisance and/or improper maintenance exists, as well as the property itself. This chapter is an

exercise of the city's police power and shall be liberally construed.

(G.O. 1697, 5-3-99; G.O. 2679, 4-1-13)

Sec. 15-3. Creating, maintaining nuisance on property; penalty.

(a) No owner, occupant or person in possession, charge or control within the city limits, shall cause, maintain or permit a nuisance, as defined by the laws of the state or this code, on public property or on any premises owned or controlled by such person.

(b) It shall be a misdemeanor for any person to violate any section of this chapter or to allow any condition to exist on his or her property in violation of any section of this chapter.

(c) Any person who has been found guilty of violating this section shall be required to pay a minimum fine of \$25.00 for the first offense. Any person who has been found guilty of violating this section a second time, during the same 12 month period, shall pay a minimum fine of \$50.00. Any person who is found guilty of violating this section a third time, during the same 12 month period, shall be fined a minimum of \$150.00. Any person who is found guilty of violating this section four or more times during the same 12 month period shall be fined a minimum of \$300.00 for the fourth offense and each subsequent offense. If a person is charged and found guilty of more than one violation of the same provision of this chapter that occurs on the same day and on the same property, then all such offenses on that day, for purposes of this section, shall be counted as one violation. Any person who has been found guilty of violating this section may also be subject to any other penalty allowed by this code, but he or she may not be subject a fine or incarceration in excess of the limits established in this code.

(d) Any violation of any section of this chapter may be enforced by the issuance of an administrative citation in accordance with the provisions set forth in Chapter 2.

(Code 1969, § 11-10, 11-16, 11-255, 11-315; G.O. 1344, 11-6-95; G.O. 1697, 5-3-99; G.O. 2679, 4-1-13)

Sec. 15-4. Procedure to abate.

Whenever the director of planning & community development finds that a nuisance exists as defined in this chapter, the procedure for abatement shall be as follows:

- (1) *Notice.* The director of planning & community development shall provide written notice to the owner of the property and, if the property is not owner-occupied, any occupant of the property that he/she must abate or remove a nuisance. The written notice shall specifically describe each condition of the lot or land declared to be a public nuisance, and identify what action will remedy the public nuisance. Unless a condition presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten days, in which to abate or commence removal of each condition identified in the notice. Written notice may be given by personal service or by first-class mail to both the occupant of the property at the property address and the owner at the last known address of the owner, if not the same. Such notice shall be required in order to abate the nuisance pursuant to the provisions of this section, but shall not be a prerequisite for a violation of this chapter.

In instances where a nuisance consists of weeds and rank growth of vegetation that are allowed to grow on the same property in violation of this chapter more than once during the same or successive growing seasons, the director of planning & community development may provide notice addressed to the owner and/or the person occupying or having possession or the right to possession of the property by mail that the violation exists and that further violations regarding weeds and rank growths of vegetation during that growing season will be abated without notification. Following such notice, and continuing for one year thereafter, abatement may occur without further notification and collection of costs for such abatement may occur in the same

manner as if notification was sent for each abatement.

- (2) *Prima facie evidence of nuisance.* If the nuisance is on private property, proof that a person occupies the property or that a person has possession or the right to possession of the property shall constitute prima facie evidence for purposes of this chapter that such person has caused, maintained or permitted the nuisance; and such person shall be responsible for its abatement. The director of planning & community development may enter upon private property for inspection or abatement purposes in accordance with this section. If any person refuses to allow entry onto his/her private property, a warrant may be obtained for such inspection and purposes from the proper official.
- (3) *Alternatives.* Any person notified, pursuant to this section, that he or she has caused, maintained or permitted a nuisance and that he or she must abate or remove such nuisance shall exercise one of the following alternatives within seven days from the time notice was received:
 - a. Abate the nuisance at the expense of the person so notified;
 - b. Furnish the director of planning & community development with written consent for the city to abate the nuisance with the costs of such abatement to be assessed to the person consenting; or
 - c. Request a reconsideration hearing before the city manager, or his or her designee, to protest the allegation that a nuisance exists by filing a written request with the director of planning & community development.
- (4) *Appeal.* When the city manager, or his or her designee, conducts a reconsideration hearing pursuant to this section and finds that a nuisance exists, an appeal may be taken from that decision by filing for the appropriate relief in the Circuit Court of Buchanan County, Missouri.
- (5) *Confirmation of nuisance.* If the person notified fails to exercise one of the

alternatives provided above, or has not secured a reversal of the finding of a nuisance and exhausted his/her appeals, then the director of planning & community development shall confirm the finding that a nuisance exists and proceed with the abatement of the nuisance in any reasonable manner and assess the costs of the abatement and the administrative processing of the nuisance against the property.

- (6) *Storage, redemption, sale.* After the determination that a nuisance exists and abatement is performed in accordance with the requirements of this section, items removed during the nuisance abatement having any apparent monetary value, beyond salvage value, shall be transported to a storage area or lot at the expense of the owner or person from whose property they were removed. It shall then be stored for a period of at least 30 days, and the person entitled to possession thereof may redeem the property by payment to the city of the actual cost of its removal and a reasonable storage and administrative processing fee. If any item is unredeemed after the expiration of the 30-day period, the director of planning & community development may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from the disposal of any item shall be applied to the costs charged to the owner or person in charge thereof.

- (7) *Notice of sale.* Prior to the sale of any such property obtained in a nuisance abatement pursuant to this section, the director of planning & community development, shall cause to be posted in city hall, at the place of storage and in at least one other public place in the city, a notice of sale stating:

- a. that the city is selling abandoned property;
- b. the color, make, year, motor number and serial number, if available, and any other information necessary for an accurate identification of the property;
- c. the terms of the sale; and

- d. the date, time and place of the sale.

This notice shall be published at least once and at least seven days prior to the sale in a newspaper published in the city.

- (8) *Assessment of abatement costs.*

- a. If the abatement is performed by city employees, the cost of the abatement will be calculated according to the schedule of costs promulgated by the director of administrative services and kept on file in the office of the city clerk. This schedule is to be determined after an analysis by the director of administrative services to determine an accurate estimation of the costs incurred by the city to abate nuisances subject to this section.
- b. If the abatement is performed by contractors hired by the city, the costs charged for the abatement will be the actual amount paid to the contractor for the abatement performed.
- c. Any and all direct fees and costs, including, but not limited to, landfill fees shall be included in the abatement cost.
- d. All abatements will be subject to an administrative fee as defined in this chapter.

(Code 1969, § 11-8, 11-9, 11-12, 11-259; Gen. Ord. No. 1170, § 1(11-316), 5-9-94; G.O. 1344, 11-6-95; G.O. 1427, 7-1-96; G.O. 1697, 5-3-99; G.O. 1883, 7-8-02; G.O. 1903, 10-28-02; G.O. 2679, 4-1-13; G.O. 2818, 10-10-16)

Sec. 15-5. Reconsideration hearing before the city manager.

Whenever any person requests a reconsideration hearing to which he or she is entitled pursuant to this chapter to protest the allegation that a nuisance exists, the city manager, or his or her designee, shall give notice to all interested parties, including the owner and occupant of the property, of the date, time and place of a public hearing to be held to determine whether a nuisance does exist. All persons notified shall be given an opportunity to present evidence and make arguments to the city manager, or his or her designee, and be represented by an attorney. If the city manager, or his or her designee, determines that a nuisance

does exist, the city manager shall issue to the director of planning & community development an order to abate the nuisance in any reasonable manner and assess the costs as permitted or directed by this chapter. The order shall contain written findings of fact and a copy of the order shall be given to all interested parties. However, the director of planning & community development shall have the power to summarily abate, in any reasonable manner, any nuisance, which constitutes an immediate danger to the health, safety and welfare of the inhabitants of the city.

(Code 1969, § 11-317; G.O. 1344, 11-6-95; G.O. 1697, 5-3-99; G.O. 2679, 4-1-13)

Sec. 15-6. Collection of abatement costs.

(a) When the city expends any funds in the abatement of any nuisance, the costs may be included in the annual real estate tax bill in accordance with the following process:

- (1) The director of planning & community development shall certify the costs incurred in abating the nuisance and administratively processing the abatement to the director of administrative services, together with the description of the property and the proof of notice to the owner of the property. The cost of administratively processing the abatement to the director of administrative services shall be \$75.00 per regular abatement action, \$200.00 for large special bids and \$600.00 for railroad bids.

(2) The director of administrative services shall include the uncovered costs or fines relating to the real property in the annual real estate bill for the property where the ordinance violation existed. Notwithstanding the last sentence of subsection 5 of Section 479.011 of RSMo, the director of administrative services, or his/her designee, shall cause the amount of unrecovered costs or unpaid fines which are delinquent for more than a year to be added to the annual real estate tax bill for the property if such property is still owned by the person incurring the costs or fines and the cost and fines shall be collected by the director of administrative services, or his/her designee, or other official collecting taxes in the same manner and procedure for collecting real estate taxes.

(3) If the costs and fines are not paid by December 31 of the year in which the costs and fines are included in the tax bill, the tax bill shall be considered delinquent, and the collection of delinquent tax bill shall be governed by the laws governing delinquent and back taxes. The tax bill shall be deemed a personal debt against the owner from the date of issuance, and shall also be a lien on the property from the date the tax bill becomes delinquent until paid.

(b) The city may discharge all or any portion of the unrecovered costs or fines added pursuant to this section to the tax bill upon a determination by the city that a public benefit shall be gained by such discharge, and such discharge shall include any costs of tax collection, accrued interest, or attorney fees related to the tax bill.

(Code 1969, § 11-318; G.O. 1344, 11-6-95; G.O. 1443, 7-29-96; G.O. 1697, 5-3-99; G.O. 1788, 9-5-00; G.O. 2010, 3-15-04; G.O. 2679, 4-1-13; G.O. 2818, 10-10-16)

Sec. 15-7. Disposition of abatement costs.

If the city receives any revenue as a result of the abatement of any nuisance, that revenue shall be deposited in, and credited to, the fund account of the department that initially advanced the costs for the abatement or enforcement. If any revenue received by the city in the abatement of a nuisance cannot first be credited to such

department's fund account, then the revenue received shall be deposited in, and credited to, the general fund.
(Code 1969, § 11-319; G.O. 1344, 11-6-95; G.O. 1697, 5-3-99; G.O. 2679, 4-1-13)

Secs. 15-8--15-24. Reserved.

ARTICLE II. MAINTENANCE REQUIREMENTS

Sec. 15-25. Maintenance of property – nuisance defined or declared.

It shall be the duty of each owner, occupant or person in possession, charge or control of property, together with one-half of the city right-of-way abutting thereon, or street or alley abutting thereon, to maintain the premises within the city limits in such a manner as not to allow the accumulation of debris, refuse, rubbish, trash or nuisances as defined in, or described by, this code. Any condition or item on the premises which prohibits the routine maintenance of that premises, or which causes a threat to the health, safety and welfare of the public, shall be declared a nuisance; such nuisances shall include, but not be limited to:

- (1) *Debris, refuse, rubbish, trash.* Accumulations of unused boards, bricks, concrete or rocks, animal or vegetable products or matter, appliances, ashes, barrels, bones, bottles, boxes, broken glass, brush, cans, cartons, cinders, coal,

crates, decayed fruits or vegetables, dirt, dust, excrement, fence wire, filth, flammable materials, foliage and shrub clippings or cuttings, garbage, gasoline, grass, household furniture, iron or other metals, junk, kegs, leaves, logs, lumber not piled or stacked neatly and systematically in the rear yard, lumber scraps, manure, nails, offal, oil, old wearing apparel, paint, paper, piled brush and fallen tree limbs or debris, plaster, plastic of any size, plumbing fixtures, putrid fish or meat entrails, rags, rank growths of vegetation, roof shingles, rubber, sawdust, slag, slop, soot, straw, sweepings, tacks, tarpaulin that is not fully secured or which has holes or rips or is of inadequate size to fully cover the object on which it is placed, tire(s) (mounted or unmounted) that are not properly attached to vehicles, toilets, tubs, vehicle parts, weeds, wire, wood or metal shavings, any type of solid or yard waste (bagged or unbagged) that is not otherwise explicitly permitted by this chapter, or any condition or item that would prohibit the routine maintenance of the property.

- (2) *Disease or breeding of insects or vermin.* Any existing condition or item, which harbors or fosters the spread of disease or the breeding of insects or vermin.
- (3) *Excessive exterior lighting.* Exterior lighting that is directed or arranged from any property or areas so that the light shines or glares on another property, thereby adversely affecting the use and enjoyment of those persons who own or use the property.
- (4) *Noxious or offensive odors.* Any condition or item causing a noxious or offensive odor that is discomforting and interferes with the free use of residential property.
- (5) *Pools of water.* Unmaintained water pools and ponds that become stagnate and may cause a location for breeding of insects or other condition that is harmful to the health, safety, or welfare of the public.

(6) *Miscellaneous.* Violations of this chapter or of sections of this code addressing non-food animal carcasses.

(7) *Other conditions.* Other conditions or uses which violate a section of this chapter or which are described as nuisances in this chapter.

(Code 1969, §§ 11-8(8), 11-11, 11-30, 11-255, 11-257, 11-258; Gen. Ord. No. 1188, § 1(11-314), 7-5-94; G.O. 1344, 11-6-95; G.O. 1437, 7-15-96; G.O. 1578, 11-17-97; G.O. 1697, 5-3-99; G.O. 2679, 4-1-13)

Sec. 15-26. Maintenance of property – weeds and rank growth of vegetation.

(a) It shall be the duty of each owner, occupant or person in possession, charge or control of real property, to prevent rank growth of vegetation on such property and on the abutting one-half of the right-of-way or other streets, alleys, sidewalks and other public property.

(b) As used in this section, “rank growth of vegetation” shall be deemed to include the following:

- (1) Weeds, grasses, and similar non-ornamental and nonagricultural groundcover-type plants which are seven inches or more;
- (2) Weeds, grasses, plants, trees, hedges, shrubs, debris and all other vegetation which:
 - a. Cause offensive odors;
 - b. Are dangerous to the public health, safety or welfare as a result of the release of particulate matter into the atmosphere or by any other means;
 - c. Are decayed, diseased, or may be infested with insects or vermin;
 - d. Interfere with or impede the flow of vehicular or pedestrian traffic on a public street, alley, or other public right-of-way or access way;
 - e. Obstruct visibility on public or private streets, intersections, sidewalks, or other public rights-of-way or access ways;
 - f. Create a ready source of fuel for combustion or that create a fire hazard or condition that is otherwise

- dangerous to the public health, safety or welfare; or
- g. Are considered noxious by the state;

(3) Hedges, saplings, shrubs, trees, vines and all other uncultivated vegetation which are growing in, or adjacent to, fences, sidewalks, retaining walls, porches, foundations, or other non-natural objects or structures.

(c) Notwithstanding the requirements stated above, weeds and rank growths of vegetation on property of three acres or more that is either agricultural in character or a woodland, must be maintained in accordance with the requirements set forth above only within 50 feet of all private or public property lines, including public rights-of-way; however, noxious weeds, as defined by the state, shall be entirely removed from such property.

(Code 1969, § 11-314; G.O. 1344, 11-6-95; G.O. 1697, 5-3-99; G.O. 2679, 4-1-13)

State law reference(s)--Weed abatement, RSMo 71.285.

Sec. 15-27. Maintenance of property – composting; permissible conditions.

Composting for private use, and not for resale, shall not be considered a nuisance under this chapter provided the contents and processes comply with the following requirements of this section:

- (1) *Maintenance.* All compost shall be maintained in compliance with the following requirements:
 - a. All compost shall be enclosed in a freestanding compost bin. Each compost bin shall be no larger in volume than 75 cubic feet for properties 10,000 square feet and less in size, with an additional 75 cubic feet permitted for each additional 10,000 square feet of property. Compost bins shall be no higher than five feet.
 - b. All compost piles shall be maintained so as to prevent the attraction or harborage of rodents and pests.
 - c. All compost piles shall be maintained so as to prevent unpleasant, rotten,

- egg-like, putrefactive, sweet, sour or pungent odors.
- d. All compost piles must be placed on the property of the person placing the pile and at least
 - (i) Three feet from the rear or side property line; and
 - (ii) 20 feet from any home, patio, pool, or similar structure, unless written permission has been granted by the owner of the property within three feet of the compost pile and the structures within 20 feet of the compost pile. All compost piles shall be at least three feet behind the front building setback line.
- e. No compost pile shall be located where it will impede the natural free flow of stormwater drainage.

(2) *Prohibited contents.* No compost pile shall contain any of the following:

- a. Animal carcasses;
- b. Fish, fowl, meat or other animal products;
- c. Food scraps;
- d. Fruits, vegetables or nuts;
- e. Items not normally composted;
- f. Lake weeds; or
- g. Manure.

(3) *Permitted contents.* Permitted ingredients in a compost pile may include:

- a. Commercial compost additives;
- b. Wood chips; and
- c. Yard waste.

Any composting that does not comply with the requirements of this section may be deemed a nuisance.

(G.O. 2679, 4-1-13)

Sec. 15-28. Maintenance of property - usable building materials; permissible conditions.

The open, outdoor storage of usable building materials in small amounts will not be considered a nuisance if the open storage is temporary (and in no event more than 30 days after the expiration

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of the building/construction permit for the project for which such materials were anticipated to be used) and the building materials are to be used for the benefit of the property on which they are located.

(G.O. 2679, 4-1-13)

Sec. 15-29. Maintenance of property - prohibited vehicles; private parking.

(a) *Definitions.* For the purposes of this section, the following definitions shall apply:

- (1) *Elevated vehicle.* Any vehicle that is
 - a. Raised, but not supported under the axles, or
 - b. Is raised to a height where the tires are more than two inches off of the ground.
- (2) *Junk vehicle.* Any vehicle that is damaged, stripped or wrecked or which has missing wheels or tires, or flat tires, or broken or missing window glass.
- (3) *Licensed vehicle.* Any vehicle which (i) is properly registered and licensed pursuant to all applicable state and local laws and regulations and (ii) if required by such laws and regulations, has showing a current state license plate
- (4) *Unlicensed vehicle.* Any vehicle, including a recreational vehicle, which is not a licensed vehicle.
- (5) *Vehicle.* Any mechanical device on wheels designed primarily for use, or used, on streets or highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs.

(b) *Prohibited vehicles.* The following shall not be maintained within the city outside a fully enclosed garage or similar structure:

- (1) Unattended elevated vehicles;
- (2) Junk vehicles;

- (3) Unlicensed vehicles in a residential neighborhood which have remained unlicensed for more than ten (10) days;
- (4) Vehicles which are parked or otherwise placed on a surface other than a hard-surfaced (dustless) with concrete, asphalt or similar material or in any other manner as specifically provided by the zoning code;
- (5) Licensed or unlicensed vehicles parked or otherwise placed in a residential neighborhood on any lot without a structure that is typically occupied by residents.

(c) *Exceptions.* Notwithstanding the prohibitions stated in this section, the following shall not be deemed to be prohibited:

- (1) Licensed vehicles parked on any surface to accommodate the transportation of personal property or the completion of a construction or similar project, provided that such vehicles are so parked only for a reasonable amount of time to complete such transportation, construction or similar activity.
- (2) Vehicle(s) or parts thereof, that are in disrepair and are located on the premises of a duly licensed automobile repair or sales business for a period not to exceed three months.
- (3) Vehicle(s) located on the premises of a duly licensed motor vehicle junk business or junkyard.

(d) *Violations.* Parking or otherwise placing a vehicle in a manner that would cause it to become a prohibited vehicle for which no exception under this section applies shall constitute a nuisance and a violation of this section. A rebuttable presumption exists that the owner of a vehicle parked or otherwise placed in violation of this section was the operator of the vehicle at the time and place at which the violation occurred.

(e) Prior to the removal (by towing) of a prohibited vehicle by action of the city, if the owner of the property on which the vehicle is located is present on the property, such owner

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must be notified of the prohibited vehicle and its potential removal.

(Gen. Ord. No. 1188, § 1(11-314(c)), 7-5-94; G.O. 1344, 11-6-95; G.O. 1697, 5-3-99; G.O. 1987, 11-10-03; G.O. 2679, 4-1-13)

Sec. 15-30. Firewood storage.

(a) When stored outdoors, firewood must be stacked neatly and systematically.

(b) Storage of firewood on any single lot or similar parcel of property must be limited to the following:

- (1) No more than one-fourth of one cord of firewood may be stored on an exterior porch, deck or similar structure on or attached to any dwelling or other building on any part of the property.
- (2) In addition to the amounts of firewood allowed above, no more than the greater of either (i) two cords or (ii) a total of two cords for each one-third acre, based upon the aggregate size of the lot or similar parcel or property, all of which must be stored behind the front building line of the primary structure on the lot or parcel on which such structure is located.

(G.O. 2679, 4-1-13)

Sec. 15-31. Maintaining tents on property.

No person may maintain or occupy any tent or similar structure as a habitation or place of living or lodging, either temporarily or otherwise, upon any residential property, or property designed or planned to be used as residential property, for more than 72 hours during any seven day period.

Nothing in this section shall be interpreted as limiting prohibitions against the placement of tents or similar structures on property owned by another person.

(G.O. 2679, 4-1-13)

Sec. 15-32. Rodent harborage.

All exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper

precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

(G.O. 2679, 4-1-13)

Sec. 15-33. Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(G.O. 2679, 4-1-13)

Sec. 15-34. Grading and drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

(G.O. 2679, 4-1-13)

Sec. 15-35. Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(G.O. 2679, 4-1-13)

Sec. 15-36. Maintenance of property – storm-water treatment facilities.

(a) *Definitions.* For the purposes of this section, the following definitions shall apply:

- (1) *Developer.* Any person who owns a development or redevelopment site, or who authorizes, plans, undertakes, executes, or is otherwise directly responsible for development or redevelopment to occur on a given parcel.
- (2) *Development or redevelopment.* Any human activity that alters the elevation, cover or other hydrologic feature of the land. Such activities include but are not limited to the subdivision of land and the addition or alteration of improvements such as cuts and fills, drainage alterations, utilities, buildings, pavements, landscape, and any combination of these elements. Also the project, lot, parcel or tract of land where development or redevelopment occurs.

- (3) *Premises.* A tract of land including its buildings.
- (4) *Person.* Any natural or corporate person, business association or business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, an owners association, a successor or assign of any of the foregoing, or any combination thereof.
- (5) *Stormwater.* Surface flow resulting from any form of natural precipitation, also any discharge to the public storm sewer allowed under the City of St. Joseph's NPDES stormwater discharge permit.
- (6) *Stormwater treatment facility.* Any constructed facility, or designated natural or restored open space, designed either to reduce the pollution load of stormwater, or to reduce the peak flow or volume of stormwater, or both.
- (7) *Stormwater treatment facility owner.* The person who controls, possesses, or takes stewardship of a stormwater treatment facility which is planned and constructed in order to meet the requirements of this section.

(b) *Stormwater treatment facility registry.* The director of public works and transportation sustains a registry of all stormwater treatment facilities within the City. The registry includes the location, description, ownership, and inspection and maintenance history of each facility and other necessary information. The owner of each stormwater treatment facility shall register that facility with the director of public works and transportation and shall update the registry of changes in contact information and transfers of any facility to another owner.

(c) *Owner maintenance.* The owner of each facility shall maintain their facility so as to keep it operational, and shall undertake the actions as set out in the approved maintenance schedule. The stormwater treatment facility owner shall promptly remove all sediment and other sequestered pollutants and make all modifications, repairs, restoration, replanting, and

media replacement identified in the inspection report.

(d) *Owner inspection.* At intervals identified in the approved maintenance schedule (but in no case less frequently than every two years) each stormwater treatment facility owner shall inspect all stormwater treatment facilities under his control. Findings of the inspection shall be documented, and deficiencies corrected. Every two years, upon City request, the owner shall provide a copy of the inspection reports and certification of maintenance performed.

(e) *City of St. Joseph operational inspections.* The director may inspect any stormwater treatment facility required under this section as necessary to ensure that it is correctly installed and effectively maintained and is performing its intended function.

(f) *Protection of stormwater treatment facilities.* No person shall remove, destroy, or otherwise impair the effectiveness of any stormwater treatment facility either installed in compliance with this section or installed voluntarily not as part of a development or redevelopment activity, such activity shall be a nuisance under this chapter.

(g) *Non-interference with City of St. Joseph's corrective actions.* No person shall obstruct the access to a site by an authorized representative of the City of St. Joseph for inspection of stormwater treatment facilities or obstruct any representative of the City of St. Joseph engaged in completing the work required under the stormwater treatment plan.
(G.O. 2833, 5-22-17)

Secs. 15-37--15-49. Reserved.

ARTICLE III. RESIDENTIAL STORAGE AND COLLECTION OF SOLID WASTE

Sec. 15-50. Solid waste storage containers required.

(a) *Containers required.* The owner of every dwelling and establishment producing solid waste within the city shall provide sufficient and adequate containers for the storage of all solid waste that is stored outdoors, to serve each such dwelling or establishment and shall maintain such

solid waste containers at all times in good repair. For the purposes of this paragraph, a container may not be deemed adequate if it does not hold all solid waste generated at the dwelling or other establishment over a period of one week, except bulky rubbish and demolition and construction waste.

(b) *Dwelling containers.* Solid waste containers maintained for dwellings pursuant to this section must be provided by the owner, of each dwelling and must be sufficient to

- (1) Prohibit the contents from being disturbed by animals, insects or wind;
- (2) Prevent the leakage of water or other liquids into or out of the container; and
- (3) Ensure compliance with other external property maintenance requirements of this chapter.

Such containers shall have handles, bails or other suitable lifting devices or features. Containers such as galvanized metal containers, rubber or fiberglass containers and rigid plastic containers which do not become brittle in cold weather, and which meet the requirements of this subsection, may be used.

(c) *Multiple-unit dwellings.* Notwithstanding the forgoing provisions of this section, any dwelling comprised of more than four separate and distinct residential occupancy units shall not be deemed a dwelling if a single solid waste storage container is used to collect solid waste for the structure and such container is:

- (1) Designed for storage of solid waste for commercial or industrial purposes;
- (2) Sufficient in size and design to contain all solid waste produced at the structure at which the solid waste storage container is located until the subsequent removal of such solid waste; and
- (3) In good repair.

Any structure that is not deemed a dwelling pursuant to this section shall be deemed an establishment as defined by this chapter and must comply with the requirements of an establishment.

(G.O. 2679, 4-1-13)

Sec. 15-51. Use of solid waste storage containers required.

(a) *Non-dwellings.* Except as otherwise provided in Chapter 24, the owner and occupant of every establishment shall place all solid waste that is stored outdoors in proper solid waste containers as required by this chapter and shall maintain such solid waste containers and the outdoor area surrounding them in a clean, neat and sanitary condition at all times.

(b) *Dwellings.* Except as otherwise provided in this chapter or in Chapter 24, the owner and occupants of every dwelling shall place all solid waste that is stored outdoors on the property on which the dwelling is located, in solid waste containers that

- (1) Prohibit the contents from being disturbed by animals, outdoor insects or wind,
- (2) Prevent the leakage of water or other liquids into or out of the container, and
- (3) Ensure compliance with other external property maintenance requirements of this chapter.

The owner and occupant or occupants of every dwelling shall further maintain solid waste containers that are stored outdoors and the area surrounding them in a clean, neat and sanitary condition at all times.

(c) *Plastic bag storage.* Notwithstanding any provision of this chapter, solid waste may be stored outdoors in plastic bags sufficient in size and strength to securely contain the contents thereof during the time period beginning at 6:00 p.m. on the day preceding the day on which a solid waste collection service has scheduled a pickup of solid waste and continuing for 24 hours thereafter. In lieu of all other penalties or fines permitted by this chapter, the minimum fine or penalty for a violation of this subsection shall not be less than \$100.00.

(G.O. 2679, 4-1-13)

Sec. 15-52. Placement of solid waste storage containers at dwellings.

§15-52

All containers holding, or designed to hold, solid waste for a dwelling shall be kept behind the front building line of the primary dwelling structure on the property on which such dwelling is located at all times except:

- (1) After 6:00 p.m. of the day preceding the day on which a solid waste collection service has scheduled a pickup of solid waste at that dwelling and continuing for 24 hours thereafter.
 - (2) When the occupant, or one acting on his or her behalf, has
 - a. Applied to the city manager, or his or her designee, to obtain a permit to store such containers in an alternate, designated location,
 - b. Paid a required application fee of \$25.00 and
 - c. Obtained such permit; or
 - (3) Any provision stated in this chapter, or in Chapter 24, explicitly permits such placement.
- (G.O. 2679, 4-1-13)

Sec. 15-53. Limitation on non-dwelling use.

Except as otherwise explicitly stated, for the purposes of this article, a dwelling may not be interpreted to be an establishment.

(G.O. 2679, 4-1-13)

Sec. 15-54. Mandatory collection.

(a) The owner of every dwelling and establishment must provide for disposal of all solid waste that such dwelling or establishment generates by either:

- (1) Employing the services of a solid waste collection service to collect and transport such waste on a weekly or more frequent basis; or
- (2) Providing such disposal services themselves, provided that said disposal may be less frequent than weekly only when the volume of solid waste generated is sufficiently low to allow less frequent disposal in compliance with all other provisions of this chapter and Chapter 24.

(b) The owner of every dwelling and establishment must produce evidence of compliance with subsection (a) above in the form of proof of payment from the solid waste collection service employed by the owner, or in the form of receipts from the city landfill, recycling center or other properly permitted solid waste disposal facility, if said owner is providing the disposal services themselves.

If two or more owners intend to share the services of a solid waste collection service, written confirmation of such intent must be provided to the city manager or his designee, if requested. Such confirmation must be signed by each owner, as well as an authorized representative of the solid waste collection service employed, if any, and must state the name of the individual who has been designated to be responsible for producing the evidence required above.

(c) Notwithstanding the foregoing, an owner may not be deemed to have violated this section if an occupant of the owner's property fulfills the requirements and obligations placed on the owner pursuant to this section.

(G.O. 2679, 4-1-13)