

CHAPTER 525: MAINTENANCE OF PUBLIC AND PRIVATE PROPERTY

SECTION 525.010: PROHIBITED DISPOSITION OF REFUSE

It shall be unlawful for any person to throw away or place any garbage, refuse or trash of any sort in or upon the streets, sidewalks or public places, or upon vacant lots or premises not his/her own within the Village. (Vil. Ord. No. 543-02; 4-16-02)

SECTION 525.020: DRAINAGE OF UNCLEAN LIQUIDS FROM PREMISES

It shall be unlawful for any person to conduct into any street or other public place, or upon any vacant lot, from any kitchen, house or other structure or premises, any filth or unclean water or other liquid, or suffer such filth or unclean water or other liquid to escape into any public place or upon any vacant lot. (Vil. Ord. No. 543-02; 4-16-02)

SECTION 525.030: DUTY OF OWNERS, MANAGERS AND OCCUPANTS GENERALLY- NUISANCE

No person who owns, manages or occupies any premises situated within the Village shall suffer to exist in or upon such premises any stagnant water, animal or vegetable matter, or other substance or liquid liable to become putrid, offensive or injurious to the health of any citizen or inhabitant of this Village ; and it shall be the duty of each such person to keep such premises free of any such stagnant water, animal and vegetable matter and other such substances and liquids and to keep such premises reasonably free of other refuse as in this Chapter provided, and to keep all underbrush cut and to suffer none to bloom or go to seed. Any condition found on any premises in violation of this or any other Section of this Chapter shall be deemed to be a nuisance.

SECTION 525.040: Deleted (Vil. Ord. No. 709-16; 5-17-16)

SECTION 525.050: Deleted (Vil. Ord. No. 709-16; 5-17-16)

SECTION 525.060: Deleted (Vil. Ord. No. 709-16; 5-17-16)

SECTION 525.070: PURPOSE, INTENT AND DEFINITIONS

For the purpose of this Ordinance the following terms, phrases, words and any derivations shall have the meaning given here in.

Comprehensive Tree Plan: shall mean a written document that guides the work of the Tree Board.

Diameter (DBH): the diameter of a tree at breast height, which shall be measured at 4 feet above ground.

Large Trees: are herein defined as those trees attaining a height of forty-five (45) feet or more with a mature spread of forty (40) feet or more.

Maintenance: any measure considered vital or beneficial to the proper care and cultivation of any tree, shrub, or other plant material, or considered necessary to abate nuisances. This includes pruning, irrigating, fertilizing, spraying or otherwise applying pesticides, staking, bracing, guying, cabling, wrapping, mulching, and insect and disease control, and any other horticultural practices performed as seen necessary to promote the general health of plant material.

Medium Trees: are herein defined as those trees attaining a height of thirty (30) to forty-five (45) feet with a mature spread of thirty (30) feet or more.

Mulch: nonliving organic materials customarily used in landscaping designed to retain moisture, stabilize soil temperatures, control weed growth, and retard erosion. Rubber mulch and rock are not an acceptable mulching material.

Park Trees: are herein defined as trees, shrubs, bushes, and all other woody vegetation in all areas owned by the Village and to which the public has free access as a park.

Shrubs: are herein defined as a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten (10) feet in height at its maturity.

Small Trees: are herein defined as those trees attaining a height of twenty (20) to thirty (30) feet with a mature spread of twenty (20) feet or more.

Species: A unit or group of individual plants which bear a close resemblance to one another, - so much that this particular group will not be mistaken for another group combined with it in the same genus.

Street Trees: are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Village.

Urban Forest: shall mean the collection of shrubs, trees, vegetation and associated natural features that make up the Village tree canopy and its growing zone. (Vil. Ord. No. 706-16; 4-19-16)

SECTION 525.080: ESTABLISHMENT OF A VILLAGE TREE BOARD

- A. There is hereby created and established a Village Tree Board for the Town of Grantwood Village, Missouri which shall consist of five members, citizens and residents of this Village, who shall be appointed by the Chairman of the Board of Trustees with the approval of the Board.
- B. The term of the five persons to be appointed by the Chairman shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed in the same manner as described in Subsection A. for the unexpired portion of the term.
- C. Members of the Village Tree Board shall serve without compensation.

- D. The Public Works Commissioner shall serve as the liaison to the Tree Board. (Vil. Ord. No. 706-16; 4-19-16)

SECTION 525.090: DUTIES, RESPONSIBILITIES AND AUTHORITY OF THE TREE BOARD

- A. It shall be the responsibility of the Tree Board to study, investigate, council and develop and/or update annually a written plan for the care, preservation , pruning , planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The plan shall also include , but not be limited to, the goals and mission of the Tree Board; an inventory of reso urces, needed work, associated cost and time scheduled for work. A map or maps shall be included as needed . Such plan will be presented annually to the Board of Trustees and upon their acceptance and approval shall constitute the official Comprehensive Tree Plan for the Town of Grantwood Villa ge, Missouri. The Tree Board, when requested by the Board of Trustees , shall consider, inv estigate, make finding, report and recommend upon any special matter of question coming with the scope of its work.
- B. It shall be the responsibility of the Tree Board to establish educational and informational programs whereby the public may be notified of any matters pertaining to the Grantwood Village Tree Ordinance.
- C. It shall be the responsibility of the Tree Board to plan and conduct an annual Arbor Day Observance .
- D. It shall be the responsibility of the Tree Board to develop an Approved Tree List. This list is to be part of the Comprehensive Tree Plan. No other species outside those included in said list may be planted as street tree or ornamental trees on public property without the written consent of the Tree Board. In all cases, native tree species are to be preferred. In no case shall invasive trees or shrubs be allowed. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.095: OPERATIONS OF THE TREE BOARD

- A. Within a reasonable amount of time after the appointment of the Tree Board, the Board shall meet and organize by the election of a chairman, vice-chairman , and standing committee chairs as needed.
- B. A majority of members shall constitute a quorum for the transaction of business.
- C. The Tree Board shall provide for the adoption of rules and procedures and for the holding of regular and special meetings as said Board shall deem advisable and necessary in order to perform the duties set forth. A journal of proceedings and activities is to be kept. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.100: SPACING AND DISTANCE FROM CURBS AND UTILITIES

- A. The spacing of Street Trees shall be in accordance with the three species size classes listed in the Definitions of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet on center; Medium Trees, 40 feet on center; and Large Trees, 50 feet on center; except by written permission of the Tree Board. (Vil. Ord. No. 706-16: 4-19-16)
- B. The distance trees may be planted from curbs or curb lines will be in accordance with the three species size classes listed in the Definitions of this ordinance, and no trees may be planted closer to any curb or curb line than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.
- C. No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Street Tree shall be planted closer than 10 feet of any fireplug.
- D. No Street Trees other than those species listed as Small Trees in the Definitions of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.110: PUBLIC TREE CARE

- A. The Town of Grantwood Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- B. The Tree Board may remove or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with the regulations of this ordinance. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.120: TREE TOPPING

It shall be unlawful as a normal practice for any person, or firm to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Other names for topping include "heading", "tipping", "hat-racking", and "rounding-over". Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Tree Board. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.130: PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right-of-way with the Village shall prune the branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with visibility of any traffic control device or sign. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.140: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village , when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the Village. The Tree Board shall notify the Board of Trustees who will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have authority to remove such trees and charge the cost of removal to the owner. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.150: TREES AND SHRUBS ON PRIVATE PROPERTY

- A. Every owner and tenant of property located within the Village abutting on a street, highway, public way or easement for a street shall:
1. Keep all grass and lawns in such easements neatly cut and trimmed.
 2. Keep all vegetation, shrubs, trees and bushes on such property or on any such easement trimmed and cut so that no part or branch thereof shall extend above any part of the paved portion of any street to a height of less than nine (9) feet, and part of which shall be a source of danger to persons or vehicles using such streets, highways, public ways and easements.
- B. Every owner and tenant of property which abuts intersecting streets in the Village shall keep all bushes, trees, shrubs and other vegetation trimmed to such a height that vehicles approaching such intersections shall have a clear sight vision of vehicles approaching at a right angle and for a reasonable safe distance, taking into account speed limits, the street conditions, the topography of the streets, the traffic controls and the contour of the adjacent lots.
- C. The St. Louis County Police Department is hereby charged with the enforcement of this Section. If, in the opinion of a Police Officer, any property owner or tenant shall be in violation of the terms of this Section , such property owner or tenant shall first be given written notice to correct such violation within (10) days and in the event such violation is not corrected within ten (10) days such property owner or tenant shall be issued a summons for violations of this Section. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.160: Deleted (Vil. Ord. No. 716-17: 1-20-17)

SECTION 525.170: REMOVAL OF STUMPS

All stumps of Street and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.180: ABUSE AND PROTECTION OF PUBLIC TREES AND SHRUBS

- A. No person shall intentionally damage, cut, transplant, carve or remove any tree or shrub; attach any wire, rope, advertisements, nails, posters or other apparatus to any tree or shrub; allow any gaseous, liquid or solid substance which is deemed harmful to trees or shrubs to come into contact with them; or set fire or to permit any fire to bum when such fire or the heat thereof will injure any portion of the tree or shrub.
- B. All trees on any street or other publicly owned property near any excavation or construction of any building, structure or street work, shall be guarded with an appropriately substantial fence, frame or box. The Tree Protection Zone shall not be less than for (4) feet high and eight(8) feet square, or at a distance in feet from the tree trunk equal to the diameter of the trunk at breast height (DBH) in inches, whichever being the greater. All building materials, dirt or other debris shall be kept outside the Tree Protection Zone.
- C. No person shall change natural drainage or attempt to excavate any ditches, tunnels , tranches or lay any drive within a radius of ten (10) feet from any public tree without first obtaining written permission from the Tree Board.
- D. No public utility company using any public street or other public property shall cut, remove, trim or burn or in any way interfere with any trees or shrubs on any public property without first obtaining written permission from the Village Tree Board for such work.
- E. No person shall use tree spurs or climbing spikes on trees located on Village owned property except with the specific written permission of the Tree Board. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.190: INTERFERENCE WITH THE TREE BOARD

It shall be unlawful for any person to prevent, delay, or interfere with the Village Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any Street Trees, Park Trees or trees on private grounds, as authorized in this ordinance. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.200: ARBORISTS LICENSE AND BOND

It shall be unlawful for any person or firm to engage in the business or occupation of pruning , treating, or removing Street or Park Trees within the Village without first applying for and procuring a Business License. In addition to the Business License requirements of Chapter 605 Business Licenses, of this Code, before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as herein described. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.210: REVIEW BY THE VILLAGE BOARD OF TRUSTEES

The Board of Trustees shall have the right to review the conduct , acts and decisions of the Village Tree Board. Any person may appeal from any ruling or order of the Village Tree Board to the Board of Trustees who may hear the matter and make a final decision. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.220: Deleted (Vil. Ord. No. 716-17: 1-20-17)

SECTION 525.230: CONFLICTS

In the event any section clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid. Also , the terms of Ordinance shall supersede any provisions in the Municipal Code to the contrary. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.240: SEVERABILITY

Should any section, subsection, sentence , clause , provision or part of this Chapter be held invalid for any reason, the remainder of this Chapter shall not be affected thereby, but shall remain in force and effect. (Vil. Ord. No. 706-16: 4-19-16)

SECTION 525.241: THE MANAGEMENT OF VALUED TREES ON PRIVATE PROPERTY

Sections:

- 525.241(a) Intent and Purpose .
- 525.241(b) Definitions .
- 525.241(c) Tree Protection and Preservation.
- 525.241(d) Violations.
- 525.241(e) Valued Tree Prune /Removal-Permit.
- 525.241(f) Reforestation.
- 525.241(g) Remedies.
- 525.241(h) Applicability.

- 525.241(i) Notification.
- 525.241(j) Appeal.
- 525.214(k) Sections Repealed.

525.241(a) INTENT AND PURPOSE.

This ordinance is adopted because, when the Town of Grantwood Village was incorporated it was located in a wooded and historic forest of native Missouri trees including oaks, hickories, cedars, walnuts, American elms, maples, and other species of trees. Early drawings of the land in 1858, when it was occupied by Ulysses S. Grant, the 18th President of the United States, show numerous mature trees, the size of which indicates that they were already 90-100 years old.

The development of an extensive forestry management plan indicates that invasive diseases, unprofessional management and a lack of understanding of the value of these trees have caused the bounty of mature native trees in the Town to be greatly diminished during the last decade. Clear cutting in neighboring developments has made the Town acutely aware of the possible future devastation of these healthy and valuable trees.

State and federal agencies believe that it is imperative that the remaining trees within the boundaries of the Town be protected and preserved; and, it is clearly evident that reforestation is necessary to preserve this national history and to provide for the health and welfare of the citizens of this Town by maintaining the scenic beauty, health and property values by preventing erosion of topsoil; minimizing airborne pollutants; maintaining the climatic balance and lowering the future public costs of installing and maintaining storm water drainage systems.

To this end it is reasonable to expect all property owners to maintain their trees in a satisfactory condition to maintain the Town of Grantwood Village as an exceptionally desirable place to live.

It is further found and declared that it is the intent of this ordinance to respect and recognize individual rights to develop, maintain, and enjoy private property to the fullest possible extent, consistent with the public interest, convenience, and necessity; and that it is necessary for the benefit of the entire village to enact this ordinance and regulate the unnecessary removal of valued trees in the village on private property.

Designation of a valued tree does not give or intend to give the public access to, or use or enjoyment of, privately owned property.

It is the intent of this chapter to establish regulations for the protection, removal and preservation of valued trees within the Town in order to retain as many trees as possible consistent with the purpose hereof and the reasonable economic enjoyment of private property.

525.241(b) DEFINITIONS.

Terms used in this chapter shall be defined as follows:

(1) Diameter at Breast Height (DBH). The diameter of the tree measured at forty-eight (48) inches above the natural grade.

(2) Caliper measurement. Diameter of the tree measured at six (6) inches above the ground or soil surface in the container.

(3) Valued tree is any of the following:

- (a) Any species of oak, hickory, walnut, hard maple, American Elm or cottonwood tree that has a DBH often (10) inches or more;
- (b) Any tree or stand of trees designated by resolution of the Board of Trustees to be of special historical value or of significant community benefit;
- (c) A stand of trees, the nature of which makes each dependent on the others for survival;
- (d) Any other tree with a DBH of sixteen (16) inches or more. Excludes species defined as undesirable by the Tree Board or Village Arborist.

(4) Remove. Cutting to the ground, complete extraction, or killing by spraying, girdling, burning, or any other means of a valued tree.

(5) Prune. Removal of more than one-fifth of the crown or existing foliage of the valued tree, or more than one quarter of the root system.

(6) Valued Tree Pruning & Removal Permit. States conditions for pruning to ensure that removal of existing foliage of the valued or protected tree complies with the Village Arboricultural Standards so that pruning enhances rather than impedes the future growth and sustainability of the tree. If pruning actually done is not in conformance with said conditions or without permit, it shall be deemed in violation of this ordinance. All regulated pruning and removal of protected or valued trees shall be supervised by a Licensed Professional or Certified Arborist. Homeowners can perform the pruning or removal when they agree to review and follow the Village Arboricultural Standards as part of the permit application process pursuant to Section 524.241(d).

(7) Tree Board. A board of citizens duly appointed by the Grantwood Village Board of Trustees in accordance with Section 525.080 of this Code.

(8) Damage. Damage to a valued tree shall mean: the removal of bark greater than 3" across, the breaking or splitting of the main trunk; obstructing the roots or trunk by covering with a heavy layer of mulch, debris or dirt in a manner that no longer allows the tree to gather oxygen or water properly; obstruction or redirection of an appropriate source of moisture; or the dislocation of the main trunk; or, any act compromising its health or structural integrity according to Village Arboricultural Standards, or to otherwise cause damage that is severely detrimental to its overall health and aesthetics.

(9) Replacement Value. Replacement Value for the purposes of this chapter shall be determined utilizing the most recent edition of the International Society of Arboriculture's Guide for Plant Appraisal.

(10) Development Project. Any exterior construction work associated with or requiring a building permit for any repair, remodeling, new building, building addition, building demolition, installation, site grading, excavation or site paving.

(11) Tree Protection Plan. A Tree Protection Plan is a written plan that is in compliance with Sections 525.241(c)(1) through 525.241(c)(5) and is designed to protect trees during construction or landscaping.

(12) Mitigation Plan. A written plan delineating what tree(s) is being proposed to replace the valued tree(s) that is to be removed; showing the exact location of the new planting and posting a deposit equal to half of the cost of the reforestation tree(s). Such a plan must be approved by the Village Arborist.

(13) Village Arboricultural Standards: A manual available to all property owners within the Village approved by the Board of Trustees containing standards for the planting, maintenance and removal of

trees, shrubs and other plant material on public and private lands within Grantwood Village.

(14) Certified Arborist. An arborist certified by the International Society of Arboriculture.

(15) Village Arborist. The Village Arborist is any certified arborist designated by the Tree Board.

(16) Licensed Professional: an individual trained in the art and science of planting, caring for, and maintaining individual trees, which stays current on the latest techniques and information through membership in local arborist associations and other professional organizations such as the International Society of Arboriculture (ISA), the Tree Care Industry Association (TCIA), or the American Society of Consulting Arborists (ASCA). A Licensed Professional is either a certified arborist or performs under the direction of a certified arborist, and represents a company that has obtained a business license from the Town of Grantwood Village.

(17) Topping: It shall be unlawful as a normal practice for any person, or firm to top any Street Tree, Park Tree, or other tree on public and private property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Other names for topping include "heading", "tipping", "hat-racking", and "rounding-over". Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Building Commissioner.

(18) De-Rooting: Removing more than one quarter of the root system.

525:241(c) TREE PROTECTION AND PRESERVATION.

(1) Construction, Landscaping and Utility Improvement Projects:

Any person who owns, controls, has custody or possession of any real property within the village shall use reasonable efforts to maintain and preserve all valued and protected trees located thereon in a state of good health, pursuant to the provisions of this Chapter.

(a) Any application for discretionary development approval for real property or for any other Development Project shall be accompanied by a signed statement by the property owner or authorized agent which discloses whether any valued trees exist on the property and describes on the plans associated with the application the location of each such tree, its species, trunk size and drip line area. In addition, the location of any tree within thirty (30) feet of the area proposed for construction that is within the public right-of-way shall be shown on the plans and identified by species.

(b) With regard to any tree required to be identified under section (a) above, (hereafter "valued tree"), any exterior construction work associated with any Development Project performed within a radius measured from the trunk center equal to ten times the diameter of the tree trunk measured at 4' above grade shall require the preparation and submittal of a Tree Protection Plan for review and approval by the Village Arborist prior to the issuance of any permit for a Development Project. The Tree Protection Plan shall be prepared by a certified arborist.

(2) A Tree Protection Plan shall at a minimum include the following requirements:

(a) Prior to the commencement of any Development Project, a suitable protective barrier shall be installed at the drip line of any protected tree which will be affected by the construction and shall prohibit the storage of any construction materials, equipment or other materials inside the fence. The drip line shall not be altered in any way so as to increase the encroachment of the construction.

(b) Prohibit excavation, grading, soil deposit, drainage and leveling within the drip line unless

approved by the Village Arborist.

(c) Prohibit disposal or depositing of oil, gasoline, chemicals, paints, solvents or other materials within the drip line or in drainage channels, swales or areas that may lead to the drip line.

(d) Prohibit the attachment of wires, signs, nails, screws or ropes to any protected tree.

(e) Utility service and irrigation lines shall be located outside the drip line when feasible.

(f) Include provision for the retention of the services of a certified arborist for periodic monitoring of the project site and the health of protected trees. The arborist shall be present a timeline of construction activities which will pose a potential threat to the health of the protected trees, whenever any work needs to be done within the drip line of such tree, and monitoring, consultation, and treatment during the post-construction recovery period.

(g) Includes other provisions as deemed necessary by the Village Arborist to preserve the protected tree and insure compliance with those provisions.

(h) Require the Village Tree Board be notified whenever any damage or injury occurs to a protected tree during construction so that proper treatment may be administered.

(i) Contain the signature of the property owner and building permit applicant.

(3) Tree Protection Plan Review: The Tree Protection Plan described in Section 525:241(c) shall be reviewed by the Village Arborist. If the plan is sufficient to prevent harm to protected trees from reasonably foreseeable construction activities, it shall be approved and related building permits otherwise complete shall issue. If the Village Arborist is unavailable to approve the request, the Chairman of the Board of Trustees may do so in absence of the Village Arborist.

(4) Pruning and Removal of Protected Trees Requires a Permit: The pruning of any protected tree in excess of one fifth of the tree's crown, or the total removal of a protected tree, shall require a permit as defined in Section 525.241(e).

(5) Topping/De-rooting not allowed: It shall be unlawful as a normal practice for any person, or firm to top or de-root any Street Tree, Park Tree, or other tree on public or private property. The practice includes the drastic removal of foliage or roots, or cutting back of large branches or roots in mature trees leaving large, open wounds which subjects the tree to disease and decay. Topping and de-rooting causes immediate injury to the tree and ultimately results in early failure or death of the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Building Commissioner.

(6) Application. This applies to: any owner, possessor or manager of property who removes or allows or instructs another top tree and to any other person, tree removal company or other entity that actually tops or participates in the topping of a valued tree. Any Licensed Professional found in violation of any provision of this ordinance, shall be issued a summons to appear in Municipal Court for a license revocation hearing.

525:241(d) VIOLATIONS AND EXCEPTIONS.

(1) Permit Necessary. It is unlawful for any person or entity to prune or remove, or cause to be removed

any valued or protected tree from any property in the village without obtaining a permit to do so. This applies to any owner, possessor or manager of property who prunes or removes, or allows or instructs another to prune or remove a valued or protected tree and to any other person, tree removal company or other entity that actually prunes or removes, or participates in the pruning or removal of the valued or protected tree.

(2) Certified Arborist Required if Homeowner not Approved. It is unlawful for any person or entity to prune or remove, or cause to be removed any valued or protected tree from any property in the village that is not a Licensed Professional or Certified Arborist, or supervised by a License Professional or Certified Arborist, or any homeowner that has been not approved to perform the pruning or removal through the permitting process by the Building Inspector.

(3) Penalty to Business for not Having Permit. Any firm without a valid business license issued by Grantwood Village that engages in pruning or removal of valued trees without an approved permit shall be issued a citation by the Village Police or Building Commissioner and shall be subject to license revocation by the Village Clerk.

(4) Emergency Exception. In case of emergency when a tree is hazardous or dangerous to life or property it may be pruned or removed by order of any member of the police or fire departments.

(a) Provided further, that any franchised public utility or representative of the village may remove or prune trees which interfere with the safe and efficient operation of the public service for which they are responsible, but only to the extent made necessary by such interference.

(b) Subject to the provisions of Section 525.24 l(b)(3), trees not covered by this Chapter may be removed without permit.

(5) Penalty. It is unlawful for any person or entity to cause damage to a protected tree compromising its health or structural integrity according to the Village Arboricultural Standards or to cause damage that is severely detrimental to its overall aesthetics or to remove fencing or other protective barrier surrounding a protected tree that was required as a condition of development on the property or to violate the terms of any Tree Protection Plan.

(6) False Disclosure Unlawful. Any violation of the terms of this Chapter or any permit issued under this Chapter is unlawful. Knowingly or negligently providing false or misleading information in response to any disclosure requirements of this Chapter or in application for any permit issued under this Chapter, shall constitute a violation of this Chapter and is unlawful

525:241(e) VALUED TREE PRUNE/REMOVAL -- PERMIT.

(1) Permit required for each Tree. Any person or entity desiring to remove or prune one or more valued trees shall apply to the Building Inspector for a permit for each tree. The application for a permit shall be made on forms provided for this purpose and shall state, among other things, the location of the tree to be removed or pruned by type and the reason for removal or pruning.

(a) The request for such a permit may only be made by the owner or owners of the property on which the trees are located or for pruning by an adjacent property owner of valued tree limbs extending onto that adjacent property, after notice of the application to the property owner where the valued tree is located.

(b) Valued tree permits shall carry a \$50 fee, payable upon application, and are valid for six months from date of issue. Extensions may be authorized by the Board of Trustees. No fee

shall be assessed if it is determined by the Building Commissioner that such tree is dead, dying or in such a state that the health of the tree cannot be improved by normal methods. The Building Commissioner may consult with the Village Arborist in deciding upon the condition of the tree.

(c) The applicant may submit an arborist's report with the permit application to show cause for removal or pruning. Pruning permit applications shall include pruning specifications prepared by a certified arborist. All regulated pruning and removal of protected or valued trees shall be supervised by a Licensed Professional or Certified Arborist. Homeowners can perform the pruning or removal when they agree to review and follow the Village Arboricultural Standards as part of the permit application process. A list of licensed tree firms is available from the Village.

(2) Village Arborist-Duties. The Village Arborist, at the request of the Building Commissioner if needed, shall review each application and shall consider and determine the following in rendering a decision:

(a) The condition of the tree with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;

(b) The necessity to remove the tree in order to construct any proposed improvements to allow reasonable economic enjoyment of the property.

(c) The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters.

(d) The number of trees existing in the neighborhood on improved property and the effect the removal would have on the established standard of the area and property value.

(e) The number of trees the particular parcel can adequately support according to good arboricultural practices.

(3) Access. In reviewing applications, the Village Arborist, Building Commissioner or Tree Board shall be provided access to visually inspect the trees and shall give priority to those based on hazard or danger of disease. The applicant will be contacted within two weeks regarding the review and approval of the permit application.

525:241(1) REFORESTATION.

(1) Permits Required. Permits for valued tree removal, removals without permits and causing major damage to valued trees shall require replanting conditions in accordance with the following guidelines:

(2) Conforming with Replacement Conditions. Trees removed under jurisdiction of a planning approval pursuant to 525:241(e) shall conform with the replacement conditions specified in the planning approval.

(3) Valued Tree Replacement Standards. Valued trees shall be replaced in accordance with the direction of the Board of Trustees or Village Arborist. Replacement direction shall include direction on the location and species of the replacement tree.

(a) All replacement plantings shall be performed according to the Village Arboricultural Standards.

(b) Replacement trees shall be of the desired species selected by the Board of Trustees or

Village Arborist. Tree replacement shall be of the same species when possible, but shall, in all cases be of comparable strength and structure, i.e. hardwoods shall be replaced with hardwoods. The use and maintenance of native tree species shall be prioritized. In order to protect the city's existing trees from disease, to ensure that the species and varieties of trees which are planted will grow and be healthy, will be resistant to storms, and do not present other undesirable effects, the Board of Trustees or Village Arborist will designate undesirable species that shall not be planted. The Board of Trustees or Village Arborist may, from time to time, modify, delete or add to these lists.

- (4) **Penalty.** Level of Replacement shall be within the discretion of the Building Commissioner, but shall not exceed the actual tree loss as determined by the Replacement Value and, in no case, shall exceed a civil penalty \$20,000 per tree.
- (5) Trees removed with a valid tree removal permit. For any tree that is removed by an owner or occupier of any residential property within the Town possessing a valid tree removal permit. such owner or occupier shall replace the removed tree with no less than two sapling trees of the same species of the removed tree. Such replacement trees shall in all cases be of the comparable strength and structure of the removed tree (i.e. A hardwood tree shall be replaced by a hardwood tree). Such replacement trees shall be no less than four inches in diameter. The approval of such replacement trees shall be made by either the Building Commissioner or the Village Arborist. either of whom shall the authority to allow for a different species of replacement tree if an exact replacement tree is not feasible.
- (6) Trees removed without a valid tree removal permit. In addition to any other penalties described in this Chapter. For any tree that is removed by an owner or occupier of any residential property within the Town without possessing a valid tree removal permit. such owner or occupier shall replace the removed tree with no less than four sapling trees of the same species of the removed tree. Such replacement trees shall in all cases be of the comparable strength and structure of the removed tree (i.e. A hardwood tree shall be replaced by a hardwood tree). Such replacement trees shall be no less than four inches in diameter. The approval of such replacement trees shall be made by either the Building Commissioner or the Village Arborist. either of whom shall the authority to allow for a different species of replacement tree if an exact replacement tree is not feasible.
 - (7) **Trees removed with a valid tree removal permit.** Tree replacement shall occur in such amounts so that the total caliper measurement of all replacement trees must equal one-half the total DBH measurement of removed Valued Trees.
 - (8) **Trees removed without a valid tree removal permit.** Tree replacement shall occur in such amounts so that the total caliper measurement of all replacement trees must equal the total DBH measurement of removed Valued Trees.
 - (9) **Permit Required.** In addition to the mitigation requirements of this subsection, penalties under Section 525.241(g) or other sanctions allowed by law may be imposed for removal of valued trees without a permit.
 - (10) **Exceptions Permitted.** Where the Building Commissioner determines that replanting is not feasible and/or appropriate, e.g., sufficient trees exist on site, the Board of Trustees may:
 - (a) require that replacement tree(s) be provided for planting on Village property, or
 - (b) require that a payment of equal value to the cost of the purchase and installation of the replacement tree(s) be made to the village tree planting fund, or
 - (c) place other conditions on the permit which are of equal value to the cost of the purchase and installation of the replacement tree(s).

(11) **Preservation of Damaged Trees.** Any person causing damage to a valued tree shall be required to take such steps as may be required by the Board of Trustees to assure the future vitality of the tree, including costs of treatment and/or construction of protective barriers, or if the Board of Trustees determines that the damage is so great that the tree is no longer reasonably sustainable, replacement of the damaged tree per subsection (3b), above.

(12) **Restored Trees Must be Healthy.** A tree planted as part of a reforestation settlement must remain healthy and viable for a period of three years following its planting; or, it must be replaced by a comparable tree upon notice from the Building Commissioner

525.241(g) REMEDIES.

(1) **Penalties for Willful Violation.** In addition to the Reforestation requirements described in Section 525:241(f), if the Board of Trustees finds that any person has violated this Chapter by participating in any willful act constituting a violation under any Section of 525.241, the Municipal Court may impose a fine of up to \$5,000 per participant, per tree for such illegal act.

(2) Remedies. In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the village for violation of this chapter:

(a) Any person or entity violating the provisions of this Chapter may be directed by the Building Commissioner to stop work and to prepare a mitigation plan to correct the violation and mitigate the damage in flicte d.

(b) Once the violation is corrected and mitigation implemented, the Building Commissioner shall allow construction to resume.

(c) The mitigation plan shall be filed and approved by the Village Arborist, agreed to in writing by the property owner(s) , and either implemented or guaranteed by the posting of adequate bond or other security.

(d) A mitigation plan shall include measures for protection of any remaining valued trees on the property and shall provide for replacement of each tree removed or damaged on the property or at locations approved by the Building Commissioner. The replacement ratio shall be determined by the Building Commissioner according to the provisions of this Chapter.

(e) If a violation occurs prior to development , or while an application for a building permit or discretionary development approval for the lot upon which the tree is located is pending , the Building Commissioner may condition the issuance of any building permit or approval upon the completion of a study, to be conducted by the village or consultant designated by the village, but in either case at the expense of the property owner, for the purpose of providing the village an opportunity to consider and determine appropriate mitigation measures for the tree removal and to insure measures are incorporated into any future development approvals for the property for the protection of any remaining valued trees in the area.

(3) Administrative Citations may be issued under Chapter 400.200.

525.241(h) APPLICABILITY.

(1) Persons Affected. The provisions of this chapter shall apply to all persons or entities, including The Town of Grantwood Village, or as specifically regulated under other provisions of the Grantwood Village Municipal Code.

(2) Site Development Permit Required-When. A person or entity who has received approval of a planning application which is also subject to the landscape regulations contained in Chapter 525 need only obtain a site development permit pursuant to Section 525.241(e) from the Building Commissioner for the remova land/or pruning of valued trees on the property proposed for development.

525:241(i) NOTIFICATION.

(1) Building Commissioner Issues Permit. A decision by the Building Commissioner shall be rendered for each permit application described in this Code.

(2) Written Notice of Building Commissioner. If a permit is approved, it will include conditions for the tree removal in accordance with Section 525:241(e). The Building Commissioner shall give written notification of the decision to the applicant and include therein a copy of Section 525:241(e).

(3) Notice to Occupant. If such real property is occupied by other than the owner, a like copy shall also be

left with the occupant. The failure of any property owner to receive the notice shall not affect the validity of any proceedings taken pursuant to the notice .

525:241(j) APPEAL.

(1) Permit Application Appeals. Any person may request the Board of Trustees to reconsider the decision of the Building Commissioner on a permit application made under this Chapter. Such a request shall be in writing, signed by the person making the request, state the reasons the request is made and be filed with the Board of Trustees not later than 5 p.m. of the tenth calendar day after the decision. The Board of Trustees shall review the request and render a decision.

(2) Appeal Process. Any person may appeal the reconsidered decision of the Board of Trustees by filing a de novo action with the Circuit Court of St. Louis County, Missouri.

(3) Limitations of Penalties. Notwithstanding the limitations set forth in that section regarding Civil Penalties, Civil Penalties under this Chapter shall be limited to the amounts allowed under law.

525:241(k) SECTIONS REPEALED.

Sections 525.160 and 525.220 of the Town Code are hereby repealed by the enactment and approval of this ordinance.

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CHAPTER 530: BUILDING MAINTENANCE AND ANTI-BLIGHT

SECTION 530.010: DEFINITIONS

The following definitions shall apply to the interpretation and enforcement of this Chapter:

ACCESSORY BUILDING: A portion of the main building or detached subordinate building located on the same lot, the use of which is customarily incidental to that of the main building or to the use of the land. Where a substantial part of the wall of an accessory building is a part of the main building or where an accessory building is attached to the main building in a substantial manner by a roof, such an accessory building shall be counted as part of the main building.

BLIGHT: A state of physical exterior deterioration of premises which is conducive to ill health, transmission of disease and/or degradation of neighborhood property values.

DETERIORATION: The condition or appearance of a building and surrounding yard or part thereof characterized by evidence of external physical decay, neglect or lack of maintenance, such as excessive paint peeling, loose bricks, masonry or siding, missing shingles, broken windows or screens, large cracks or breaks in exterior walls or foundation.

DWELLING UNIT: Any building, or portion thereof, which is designed to be used exclusively for residential purposes.

ENFORCEMENT OFFICIAL: The Building and Street Commissioner of the Village or his /her authorized designated agent.

NON-DWELLING STRUCTURE: Any structure except a dwelling, used or intended to be used for the shelter of any animal.

OCCUPANT: Any person living, sleeping, cooking or eating in, or having possession of, a dwelling unit.

OWNER: Any person, firm or corporation that, alone, jointly or separately with others, shall be in actual possession of, or have charge, care or control of any dwelling or dwelling unit within the Village. When the owner is represented by an employee, agent, trustee or guardian of the estate or person of the title holder, such person shall be bound to comply with the provisions of this Chapter to the same extent as the owner.

PARTS: When the terms "*dwelling*," "*dwelling units*," "*non-dwelling structure*" and "*premises*" are used in this Chapter, they should be construed as though they were followed by the words "*or any part thereof*"

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

REPAIR: To restore to a sound and acceptable state of appearance as required by this Chapter. Repair shall be expected to last approximately as long as would the replacement by new items.

RESIDENTIAL: A unit which provides living accommodations for a single family.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, backstops for tennis courts, radio towers, memorials and ornamental structures. "*Structure*" includes the word "*building*" in addition to the foregoing.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward. (Vil. Ord. No. 546-02; 4-16-02)

SECTION 530.020: PROSECUTION OF VIOLATIONS

- A. 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 Village to institute an appropriate action or proceeding at law against the person responsible for the failure to comply with this Chapter.
- B. Every day that a violation of this Chapter continues, after due notice has been served in accordance with the provisions hereof, shall be deemed a separate offense.

SECTION 530.030: PURPOSES

- A. *General*. The general purposes of this Chapter are:
 1. To protect the public health, safety and the general welfare of the people of the Village.
 2. To protect the character and the stability of the Village.
 3. To establish consistent and uniform guidelines governing the condition and maintenance of the exterior of residential dwelling structures and non-dwelling structures within the Village.
 4. To retard the spread of exterior residential blight and deterioration.
- B. *Responsibility*. This Chapter is also established for the purpose of fixing the mutual responsibility of owners, occupants and Village Officials regarding administration and enforcement.

SECTION 530.040: APPLICABILITY OF REGULATIONS

Every dwelling and its premises (including accessory structures) shall conform to the requirements of this Chapter, and irrespective of the zoning classification of such building and irrespective of when such building may have been constructed, altered or repaired, except as herein provided.

SECTION 530.050: SCOPE

This Chapter establishes minimum exterior standards for dwellings, dwelling units and necessary buildings, and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings except such as are in conflict with the provisions hereof. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Village the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

SECTION 530.060: INSPECTION OF STRUCTURES AND PREMISES

- A. *Authority.* The Enforcement Official is authorized and directed to make inspections for the purpose of administering the provisions of this Chapter. Such inspections are restricted exclusively to the exterior of the dwelling unit or accessory structure. The owner or occupant of every dwelling , dwelling unit, accessory structure and premises shall allow the Enforcement Official access to those portions of the property required to enforce adequately the provisions of this Chapter. Such access shall be only after reasonable notice has been given as to the intent of the inspection.
1. For the purpose of making such inspections, the Enforcement Official is authorized to examine and survey at reasonable times all dwellings, dwelling units, accessory structures and premises. The owner or occupant of every dwelling, dwelling unit, accessory structure and premises shall give the Enforcement Official access at reasonable times for the purpose of such inspection, examination and survey.
 2. If any owner, occupant or other person in charge of a structure subject to any provision of this Chapter refuses, impedes, inhibits, interferes with, restricts or obstructs free access to the premises for inspection as authorized by this Chapter, then the Enforcement Official may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist from such interference. Such access shall be only to the property, grounds and yard, and not to the interior of the dwelling, non-dwelling or accessory structures .
- B. *Inspections.* Inspection shall be initiated under the following conditions: 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 or safety hazard or against the general welfare.
- C. *Access By Owner Or Operator.* Every occupant of a structure or premises shall give the owner or his/her agent or employee access to any part of such premises at reasonable times for the purpose of making such inspection, maintenance , repairs or alterations as are necessary to comply with provisions of this Chapter.
- D. *Notification Of Violations.* An owner shall be notified in writing of the nature of the alleged violations, with the warning that said violations shall be corrected at such time as specified in the notice of violation. Said time limit shall not exceed ninety (90) days from the date of notification unless such a specific written extension is granted by the Enforcement Official. 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 actions required to cure such violations. Such notice will specify the period of time within which such corrective action shall be taken, which time shall be a reasonable period of time under all of the circumstances. Appeal procedures available shall be specified. 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 day served or received or ten (10) days after posting as herein provided, at the discretion of the enforcement agent. If, in the event the property is in the process of being sold or to be sold in the near future, then it shall be the duty of the owner or occupant to notify the purchaser of said violations of this Chapter.

SECTION 530.070: STANDARDS

All dwellings, dwelling units or non-dwelling structures **in** the Village must comply with the following requirements:

1. *Walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards, timbers or other deteriorated conditions. All exterior surface material shall be kept in sound repair in accordance with acceptable standards of public health and safety.
2. *Foundations.* Every foundation shall be reasonably watertight and rodent proof and shall be kept in good repair. The foundation elements shall adequately support the building at all points.
3. *Roofs.* The roof and gutters and downspouts shall be generally sound so as to meet reasonable standards of public health and safety. All exterior surface materials shall be kept **in** sound repair **in** accordance with acceptable standards of public health and safety.
4. *Stairs, porches, railings.* Every stairway, porch and handrail shall be kept in safe condition and sound repair. Every rail and balustrade shall be permanently fastened and maintained in good condition. No porch shall have rotting, loose or deteriorating supports. All stairs, porches and handrails shall be constructed **in** accordance with applicable Building Code standards of construction and shall be maintained **in** such a manner as to be capable of supporting the load for which it is intended.
5. *Windows, doors.* Every window and exterior door shall be substantially tight and shall be kept in sound condition and repair. Every window shall be fully supplied with panes or a rigid translucent substitute which is free of cracks or holes. Such panes shall fit reasonably tight within the frames and shall be kept in sound repair.
6. *Grading, drainage.* Grading and drainage shall be so maintained as to provide that water shall not cause drainage towards any dwelling unit.
7. *Hardware, fixtures.* All exterior hardware fixtures shall be maintained in sound condition and repair.
8. *Driveways, yards.* Driveways shall be maintained in such manner as to remain reasonably free of safety hazards. All hard-surfaced areas, including but not limited to concrete, asphalt, brick or stone driveways and sidewalks, shall be free of large cracks, potholes and depressions. Dead trees and shrubs shall be promptly removed. All sidewalks shall be properly maintained.
9. *Accessory buildings.* All accessory buildings shall be subject to all requirements of this Chapter, except accessory buildings located on farmland, which land is **in** excess of two (2) acres.

SECTION 530.080: RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- A. Every occupant and/or owner of a dwelling unit or of a non-dwelling unit shall keep its exterior clean and in a sanitary condition including the surrounding yard.
- B. Every occupant of a dwelling or non-dwelling structure shall be responsible for the extermination of any insects, rodents or other pest infestations therein or on the premises. Whenever infestation is caused by failure of the owner to maintain said structure in rat-proof or substantially insect-proof condition,

extermination shall be the responsibility of the owner.

- C. Every occupant of a dwelling or non-dwelling unit shall dispose of all rubbish and all organic waste, which might provide food for rodents , in a clean and sanitary manner.

SECTION 530.090: VACATED BUILDINGS TO BE MADE SECURE

- A. The owner of every building or dwelling unit which has become vacant shall make the building safe and secure so that it shall not be dangerous to human life and shall not constitute a fire hazard or a public nuisance. Any such vacant dwelling open at doors or windows, if unguarded, shall be dangerous to human life as a fire hazard and shall be a public nuisance within the meaning of this provision.
- B. The presence of boarded-up buildings, particularly those where the boarding is unpainted or applied in an insecure, careless or unpresentable fashion, invites vandalism and creates a blighting influence which adversely affects the general welfare of the people of the Village. It is hereby required that all boarding up of exterior openings be accomplished in a neat, workmanlike manner with not less than one-half($\frac{1}{2}$) inch thick, weather resistant plywood cut to fit within the openings, fastened in place as securely as possible and suitably coated with an appropriate neutral color , blending with or harmonizing with the exterior colors of the building as inconspicuously as possible. It shall be the duty of the Enforcement Official to notify the owner or agents of any boarded-up dwellings not complying with the above requirements, of the necessity of immediate compliance and ordering the owner or agent to replace the broken glass or repair or replace or paint the boarding. The notice shall be given in the manner required by this Chapter.

SECTION 530.100: RE-INSPECTIONS

At the time the defects have allegedly been brought into compliance the Enforcement Official shall make a re-inspection of the 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 no new violations have come into existence.

SECTION 530.110: APPEALS

- A. *Board Of Adjustment* . The Board of Trustees has , heretofore , provided by ordinance for the establishment of a Board of Adjustment in conformance with the Statutes of this State, and such Board being now in existence is hereby authorized to interpret the regulations and restrictions herein provided for in harmony with their general purpose and intent , in accordance with the general or specific rules contained in the Zoning and Subdivision Regulations of the Village (Chapter 400 of this Code).
- B. *Procedure.*
1. Any person advised of a violation which must be abated or any person affected by any other notice which has been issued in connection with enforcement of any provision of this Chapter, or of any rule or regulation adopted pursuant hereto, may demand and shall, upon such demand, be granted a hearing on the matter before the Board of Adjustment; provided however , that such persons shall file, within ten (10) days after the date the notice was served, along with a filing fee of twenty-five dollars (\$25.00), a written petition seeking such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such request , the Enforcement Official shall set a time and place of such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and show cause why such notice should be modified or

withdrawn and may be represented by counsel if the party so desires. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided further, that upon application by the petitioner, the Enforcement Official may continue the date of the hearing for a reasonable time beyond such ten (10) days, if, in his/her judgment, the petitioner submitted a good and sufficient reason for postponement. If, after the hearing, the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or general welfare of the residents of the Village, the Board of Adjustment shall issue an order making specific findings of fact, based on competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety or general welfare of the residents of the Village and ordering the building or structure to be demolished and removed or repaired. If the evidence does not support a finding that the building or structure is a nuisance or is detrimental to the health, safety or general welfare of the residents of the Village, no order shall be issued, and the filing fee of twenty-five dollars (\$25.00) shall be returned.

2. Any person aggrieved by the decision of the Board of Adjustment shall have the right to appeal its decision to a court of competent jurisdiction as may be provided by law, providing that such appeal is filed within thirty (30) days of said decision.

C. *Special Tax Bill.*

1. If the order or post-hearing order of the Enforcement Official is not obeyed within thirty (30) days after its issuance, and if an appeal of any post-order hearing is not made to the Circuit Court as provided for in this Chapter within thirty (30) days after issuance of any such order, the Enforcement Official may cause such building or structure to be repaired, vacated or demolished and shall certify the cost for such repair, vacation or demolition to the Village Clerk who shall cause a special tax bill therefor against the property to be prepared, filed and collected by the Village Clerk.
2. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. Said assessment shall bear interest at the maximum rate that the law will allow until paid. The tax bill shall be a lien on the property until paid.

- D. *Indigent Persons.* In the event an owner or occupant is unable to make the necessary repairs to a dwelling unit or non-dwelling unit to be in compliance with this Chapter due to lack of financial ability, then such person or occupant or owner may appeal to the Enforcement Official with proof of his/her inability to make said repairs. The Enforcement Official may certify the costs for such repair, vacation or demolition to the Village Clerk who shall cause a special tax bill therefor to be prepared against the property and arrangement made of the costs to be made in installments and collected by the Village Clerk/Collector over a period not to exceed ten (10) years. Said tax bill shall be a lien on the property until paid plus the maximum interest rate that the law will allow until paid. (Vil. Ord. No. 546-02; 4-16-02)

SECTION 530.120 INSPECTION REQUIRED FOR LONG-TERM RESIDENTIAL RENTAL PROPERTIES

A. **DEFINITION.** For the purposes of this section, a long-term residential rental property shall be defined as any residential property that is occupied by someone other than the owner of such of property for a period of time exceeding thirty days when the owner is not present on the property.

B. Before any new occupant takes residence in a long-term residential rental property, such property shall be inspected by the St. Louis County Department of Public Works and shall be found to be suitable for habitation by said Department. The results of the inspection shall be delivered to the Building Commissioner of the Town of Grantwood Village prior to the new occupant being permitted to occupy the

property.

C. The costs for any such inspection as mandated in this section shall be borne by the owner of the property, the new occupant or as those parties may agree.

D. PENALTY. Any violation of this section shall cause the owner of said property to be fined the sum of thirty dollars (\$30.00) for each day the long-term residential rental property is occupied without the inspection approval of the St. Louis County Department of Public Works.

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