

Introduced by: City Manager Debra M. Irvin

AN ORDINANCE AMENDING TITLE V BUILDING AND CONSTRUCTION; AND THE REPEAL OF CERTAIN SECTIONS IN PART OF OR IN ITS ENTIRETY

WHEREAS, the City Council finds it necessary to analyze and revise the codes periodically. Several sections of the code have been revised or repealed for clarity and for the safety and welfare for the citizens for the City of Berkeley. Portions ending with (...) indicates information in the code will not be changed by this ordinance. This Ordinance will be codified and amended to incorporate current legislation.

Now, Therefore, be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1. Section 500.015 Travel Distances in Aircraft Manufacturing

This section will be repealed in its entirety.

Section 2. Section 500.080 Weights and Measures Code

This section will be repealed in its entirety.

Section 3. Section 500.095 Real Property Owners Jointly and Severally Responsible for Obtaining Occupancy Permit

All real property owners within the City of Berkeley shall be responsible jointly and severally with any tenant for obtaining an occupancy permit prior to entering upon or allowing a tenant to enter upon for the purpose of occupancy, any real property within the City. **Property Managers, landlords, agents, representatives, nor owners are allowed on the occupancy permit of rental property. The occupancy permit shall list tenant head of household and dependents only. Owners or agents shall approve all amendments to rental property occupancy.**

Section 4. Section 500.130 Termination of Building Permits

Whenever any building permit expires, terminates, or is revoked for any reason or is no longer valid, then the said property on which the said building permit was issued shall be restored to the condition that existed prior to the issuance of the said building permit within ten (10) days after termination, cancellation, or revocation of the said permit. Restoration of the said property shall be done by the owner or applicant of the building permit. **Before a building permit expires, the Building Commissioner can extend for cost; which can be found in the Fee Schedule, Appendix A, Chapter 500.**

Section 5. Section 500.160 Barbed Wire

It shall be unlawful to erect, construct, string, or build on any property any barbed wire, razor wire, or barbed wire fence, with the exception of "M-1" and "M-2" Zoning Districts. In "M-1" and "M-2" Zoning Districts barbed wire over six (6) feet in height from the ground surface is lawful as long as this installation is not adjacent to an arterial or collector street. Variances to this rule may be permitted by ~~a vote of more than three-fifths (3/5) of the Council present at any scheduled Council meeting~~ **the Board of Adjustment.**

Section 6. Section 500.170 Rent/Lease Permits of Residential Rental Units

A. It shall be unlawful for any person or family to occupy or for any owner, manager or agent

thereof to permit the occupation of any residential rental unit to include multiple-family dwellings, apartments units, duplexes or single-family rental units, or addition thereto or part thereof for any purpose until a rent/lease permit has been issued by the Building Commissioner. The rent/lease permit shall not be issued until all violations of this Chapter or Codes adopted by this Chapter have been brought into compliance. The rent/lease permit so issued shall state that the premises and the occupancy thereof complies with all the provisions of this Section. **Property Managers, landlords, agents, representatives, nor owners are allowed on the occupancy permit of rental property. The occupancy permit shall list tenant head of household and dependents only. Owners or agents shall approve all amendments to rental property occupancy.**

~~1. Applicability. This Section shall not apply to any occupancy in existence at the time of this Section (October 3, 1977), until a change of occupancy occurs.~~

1. ~~2. Fee. No fee shall be charged for the issuance of the rent/lease permit nor for the initial unit inspection required prior to its issuance.~~ A fee of ~~twenty-five dollars (\$25.00)~~ **one hundred dollar (\$100.00)** will be charged for the ~~second (2nd) initial inspection~~ and **twenty-five (\$25.00) for the 2nd re-inspection** and each additional **re-inspection** thereafter. In addition, thereto, the owner or manager shall be charged the inspection fee required if plumbing, electrical or other ~~inspectors inspections~~ are required and called for as a result of the initial dwelling unit inspection. [Ord. No. 4374 § 2, 4-17-2017]
2. ~~3. Content of rent/lease permit.~~ The rent/lease permit shall state the names, ages, relationships and number of people to occupy the residential rental unit. It shall be unlawful for any person to knowingly make any false statement in his/her application for a rent/lease permit as to the names, ages, relationships or number of occupants living in any dwelling unit. No more than one (1) family as defined in the zoning ordinance shall occupy each individual dwelling unit. All persons who occupy the premises of a residential rental unit must be listed on the rent/lease permit or be subject to the penalties provided in this Section. **Property Managers, landlords, agents, representatives, nor owners are allowed on the occupancy permit of rental property. The occupancy permit shall list tenant head of household and dependents only. Owners or agents shall approve all amendments to rental property occupancy.**
3. ~~4. Responsibilities of owner, agent or manager....~~
4. ~~5. Responsibility of tenants.~~ Each tenant or lessee prior to occupying a residential rental unit shall appear in person to the inspections office and shall complete the application for **occupancy permit for a rent/lease permit occupancy** for the unit to be so occupied to be valid until said tenant vacates the unit or building. The tenant shall provide to the Building Commissioner **or designee** all of the information required herein. Falsification of any of the information provided on the ~~rent/lease occupancy~~ application shall constitute a violation of this Section and any person responsible for the falsification of information shall be subject to the penalties of this Section. Further, no tenant shall damage or cause to be damaged any unit or building leased nor shall any damage be caused to the general premises of any

building used by the tenants. Each tenant and the families of each tenant shall maintain his/her rental unit free of any litter and tenants shall not litter any of the premises or buildings provided for use by tenants.

5. ~~6.~~ *Appeal on a permit denied or revoked.* Any person whose application for a permit to rent or to lease a residential rental unit has been denied, **revoked**, or any person who is unable to comply with any provision of this Chapter shall be granted an appeal to the ~~Building Board of Appeals~~ **Board of Adjustment**. Such notice of appeal shall be filed within ten (10) days from the date of requirement to comply. The Building Board of Appeals may grant a variance from the requirements of this Chapter only when the owner or manager of a residential rental unit can prove that compliance with the requirements of this Chapter will place an extreme hardship on the owner or manager's ability to continue in business or where physical conditions make compliance impossible.
6. ~~7.~~ *Surrounding grounds.* The grounds surrounding rental or lease dwellings shall be free of litter and rubbish and shall not be used for external storage of any kind, except with approved storage buildings. Hard surfaced parking space shall be constructed and provided the tenants in compliance with the Municipal Code and all such parking spaces and access thereto shall be maintained free of any erosion or holes and shall be kept reasonably free and clear of snow and ice to insure access thereto. All parking spaces shall be constructed and located so that free access to the building can be had by emergency vehicles. All access drives to and from the dwellings, including sidewalks, shall be hard surfaced in compliance with the City of Berkeley Municipal Code. All grounds shall be constantly kept free of erosion and washes. No vehicle may be parked in any location on the grounds other than in prescribed and designated parking areas. Dead trees and undergrowth shall be removed by the owner. **Each single-family dwelling and multi-family dwellings shall have a trash enclosure.**
7. ~~8.~~ *Safety.* No rent or lease **occupancy** permit shall be issued by the Building Commissioner when the dwelling and grounds to be rented or leased are unsafe or unfit for human habitation. No metal bars, mesh or other material shall be used to rigidly cover any window or opening making it impossible for a person of normal strength to break through the opening except as permitted by the Building Code....
8. ~~9.~~ *Revocation of permit.* A rent/lease **occupancy** permit may be revoked at any time during the occupancy of the rental unit for which an **occupancy** ~~rent/lease~~ permit has been issued should the Building Commissioner upon reinspection determine that the unit no longer complies with the provisions of this Chapter. Prior to revoking an **occupancy** ~~rent/lease~~ permit, the Building Commissioner shall provide the owner, agent or manager and the tenant with a written report stating the defects noted during the inspection and providing a reasonable time for the correction of said defects except when the condition of the unit poses an immediate threat to the health and welfare of the occupants, in which case the Building Commissioner shall issue a notice of revocation to the owner, agent or manager and the tenant immediately and shall cause the unit to be vacated without delay.

9. ~~10.~~ *Change of electric user.* For any month when there is a change of user of residential (rate 001) or non-residential (rate 043) electric service within the City, Ameren UE Company shall notify the Director of Public Works **or designee** of the City in writing within seven (7) working days after the end of the month of said changes, indicating the address and apartment or unit number, and the name(s) of electric user(s) per service and address and apartment or unit number in whose name service is connected or billed.

B. *Landlord License*

1. No person shall permit occupancy of or officer for rent, lease or occupancy any residential property to any person(s) who are not the owners of record within the City without a landlord license issued by the City and pursuant to this Section.
2. Application for a license under this Section shall be made to the Director of Finance **or designee** and shall set forth the name, street address and telephone number of the owner of record and shall list by street address each and every parcel of residential property owned by that owner that is located in the City of Berkeley...
3. The annual fee for the license required by this Section shall be as set out in Appendix A.
4. Unless and until all fees due hereunder, including any delinquency penalties, **property taxes, trash bills, and municipal liens** are paid in full, no occupancy **inspection or** permit shall be issued for the occupancy of any residential property.
5. Delinquency.
 - a. In the event any subscriber, owner or occupant is more than ninety (90) days delinquent in the payment of any charges pursuant to this Section or if there is a delinquency in any taxes, license fees or other amounts due the City which shall include, but not be limited to, assessments for nuisance abatement, weed cutting and boarding up of properties which are incurred after the effective date of this Section, then any residential properties which are incurred after the effective date of this Section, then any residential rental license issued pursuant to this Section shall be revoked...
 - b. The recipient of a revocation notice under this Section shall have the right to appeal such notice, within ten (10) days from the postmark date of such notice, to the Public Works Director. Such notice of appeal shall be filed with the **City Clerk Building Commissioner** on the form provided. The Public Works Director shall have the authority to hear and decide any such appeal. The Public Works Director has the authority to sustain or modify the determination of revocation. All such appeals shall be heard and decided within thirty (30) days of the date of filing of the appeal.
 - c. Revocation of the residential rental real estate license shall become effective upon an adverse determination by the Public Works Director or upon the expiration of the time for appeal. The Public Works Director shall

notify the City Manager ~~and Finance Director~~ when a residential rental estate license has been revoked.

- d. It shall be unlawful for the owner or subscriber to continue to lease or accept rental payments for premises when a residential rental real estate license has been revoked.
- e. It shall be unlawful for any occupant to continue to inhabit or pay rent for premises for which a residential rental real estate license has been revoked.

6. License Application/Amendment. [Ord. No. 4374 § 3, 4-17-2017]

- a. Application for a license required by this Section shall be filed annually ~~in the office of the Finance Department~~ with the License Clerk by the earlier of:

Section 7. Section 500.175 Inspection of Rental Property

- A. All rental real property within the City limits of the City of Berkeley shall be inspected for housing code violation annually ~~when the owner of said property is not listed on the occupancy permit.~~
- B. The annual inspections shall be conducted by the City of Berkeley and should begin no later than September first (1st) of each year.
- C. The ~~City Manager~~ Building Commissioner or designee shall maintain a ~~file/book~~ record of the inspections conducted. The ~~file/book~~ record shall include the address of the property inspected, when and by whom it was inspected, and list the violations cited (if any). This ~~file/book~~ inspection results shall be available for public review through a records request from the City Clerk.

Section 8. Section 500.180 Architectural Review

- A. Within a reasonable amount of time but not later than ~~sixty (60)~~ thirty (30) days after an application for a building permit has been filed, the Director of Public Works shall examine the same and shall determine whether the proposed structure will conform to proper architectural standards in appearance and design will be in general conformity with the style and design of surrounding structures, and will be conducive to the proper architectural development of the City.
- B. If in the opinion of the Director of Public Works, the structure as developed will not conform, ~~he/she shall consult the City Manager in regards to the same. If the City Manager and the Director of Public Works together still believe that the structure will not conform, the application shall be submitted to the City Plan Commission~~ shall have the applicant submit to the Board of Adjustment for their consideration. Notice of the time and place of the meeting shall be given to the applicant whose building is in question. At the meeting the ~~Commission~~ Board shall examine the plans, elevations, detail drawing and specifications, hear the applicant in reference thereto, and examine any other evidence that may be pertinent.

- C. The ~~Commission Board~~ shall have ~~two (2) weeks~~ **one (1) month** to act on such application. If, in its option, the proposed structure will conform to proper architectural standards of appearance and design, will be in general conformity with the style and design of surrounding structures, and will be conducive to proper architectural development of the City, the ~~Commission Board~~ shall approve the application. The ~~Commission Board~~ shall disapprove the application if it determines that the proposed structure will constitute an unsightly, grotesque, or unsuitable structure in appearance, detrimental to the welfare of surrounding property or residents. The ~~Commission—may~~ **Board will** make recommendations **to the Public Works Director or designee** in regard to such application.
- D. If the ~~City Plan Commission Board of Adjustment~~ shall return the application to the Director of Public Works with disapproval and recommendations, the Director of Public Works, ~~with the approval of the City Manager,~~ may issue the permit, provided that the applicant shall make appropriate changes in the drawings and specifications and agree to comply with the recommendations of the ~~Commission Board~~. If the ~~Commission Board~~ shall return the application to the Director of Public Works with its disapproval and without recommendations, or with its disapproval with recommendations and the applicant shall refuse to comply with such recommendations, the Director of Public Works shall refuse to issue the permit.
- E. ~~Appeal to Council to Circuit Court.~~ In the event any application is refused by the ~~Director of Public Works Board of Adjustment,~~ the applicant may appeal to the ~~Council Circuit Court~~ to review the decision of the ~~Board of Adjustment City Plan Commission.~~ ~~An appeal may be taken by an applicant by filing with the City Clerk a letter asking for a public hearing before the Council and a copy of the report of the Board. A fee of fifty dollars (\$50.00) shall be paid to the City Clerk at the time the notice of appeal is filed, which the City Clerk shall immediately pay over to the Director of Finance to the credit of the General Revenue Fund of the City.~~ **Board of Adjustment decisions are binding by law and may be appealed only to the Circuit Court.**

~~F. Hearing by Council. Upon an appeal being taken, the City Clerk shall publish once a week for two (2) consecutive weeks, in a newspaper of general circulation in the City, notice of the hearing, together with a copy of the report of the City Plan Commission, and shall cause all property owners within a two hundred fifty (250) foot radius of the proposed building to be aware of the hearing. The hearing shall be before a regular or special meeting of the Council held not more than sixty (60) nor less than thirty (30) days after the date of the taking of the appeal. The Council, at such hearing, shall hear such interested parties as may desire to be heard and after such hearing shall approve or disapprove the application or shall approve the same subject to recommendations or conditions. If the Council approves the application, or approves the same subject to conditions, and the applicant complies with the conditions, the permit shall be issued forthwith; otherwise, no permit shall be issued. The action of the Council in regard to the application, together with the report of the City Plan Commission, shall be spread on the minutes of the Council.~~

F. ~~G.~~ **Architectural Review for Fences.**

1. Within ten (10) working days after a request or application for the erection of a fence in commercial and industrial zoning Districts "C-1", "C-3", or "M-1", or for a

fence greater in height than six (6) feet in Residential Districts "R-1", "R-2", "R-3", or "R-4", the Director of Public Works shall ~~confer with the City Manager and the Councilperson designated by the Council to~~ determine whether the proposed fence will conform to proper standards and practices in appearance, design, height, and that the material will be in general conformity with the prevailing and existing conditions of the surrounding area and will be conducive to the good development of the City. The fence material will be open chain link. "Privacy-type" fence around two (2) sides of a swimming pool and "privacy-type" fence on two (2) sides of a patio will be permitted. ~~In a district where there is a subdivision covenant, it must be approved by the subdivision committee.~~

2. If, in the opinion of ~~either~~ the Director of Public Works, ~~the City Manager, or the Councilmanic representative,~~ the fences as proposed will not conform to the appropriate standards as outlined in Section 500.180(G)(1), the application shall be submitted to the City Plan Commission for their consideration...

G. ~~H.~~ Any person violating the provisions of this Section shall be fined as set forth in Section 100.070 of the Municipal Code of the City of Berkeley, Missouri.

Section 9. Section 500.185 Site and Construction Plan Approval

A. All site and construction plans for any hotel, motel or rooming house within the City of Berkeley shall be approved ~~through the zoning process by the Council~~ prior to construction or issuance of permits by the City.

B. All other requirements set out by City and County ordinances and State law shall be adhered to in addition to the provisions of this.

Section 10. Section 500.190 Demolition, Moving, Permits, Bonds, and Requirements

A. In addition to the requirements in the ~~BOCA Building Code as~~ adopted by the City, the following requirements relative to voluntary demolition or moving of buildings shall be followed and a permit is required for individual units for such demolition and removal and no such permit shall be issued until all requirements herein and the Berkeley ordinances complied with:

1. All buildings for which a demolition or removal permit is secured shall have basement excavations leveled and filled within forty-eight (48) hours of demolition or removal of the building from the premises....

2. Prior to the issuance of any demolition or removal permit a fee of five hundred dollars (\$500.00) for permits and inspections shall be paid to the City of Berkeley. As an addition the applicants shall provide liability insurance in the amount of one million dollars (\$1,000,000.00). Demolition permits for accessory buildings shall be ~~ten dollars (\$10.00)~~ ~~sixty-five dollars (\$65.00)~~. A performance bond by an acceptable insurer or other adequate securities to guarantee that the premises upon which the building is located shall be leveled and debris removed shall be posted and said bond shall be in the amount of two thousand dollars (\$2,000.00) which shall be returned to the applicant upon full compliance with the ordinances of the City of Berkeley....

3. On completion of each removal or demolition there shall be placed on file in the Public Works Department **Inspections Division** a copy of each removal or demolition permit, a record of the performance bond disposition, copies of all utility releases, together with completed inspection forms, signed and dated by the Building Inspector....
 4. The releases required from the utility companies shall be kept on file in the Department of Public Works **Inspections Division**.
- B. Any person violating any provisions of this Section shall be fined **as set forth in Section 100.070** ~~no more than five hundred dollars (\$500.00) for each day of violation and or ninety (90) days in Jail or both fine and imprisonment.~~

Section 11. Section 500.200 Television Microwave Antennas

- A. Installation of all television microwave antennas shall require a building permit, except as otherwise excluded herein....
- B. A special permit shall be secured as herein provided:
1. No television microwave or other antenna in excess of three (3) feet in diameter or free-standing antenna in excess of ten (10) feet shall be installed unless the property owner has secured a special permit issued by the Council after a hearing wherein the Council shall determine whether such installation will...
 2. If the Council's findings should be negative to all of the subparagraphs referred in (a), (b), (c), and (d), above, then the application shall be granted. If the Council's findings are affirmative as to either Subsections (a), (b), (c) or (d), then the permit shall be denied. Any person desiring a special permit shall pay the City the sum of ~~thirty-five dollars (\$35.00)~~ **three hundred and fifty dollars (\$350.00)**. The Council shall grant a public hearing giving fifteen (15) days' notice and a letter to be sent to adjoining property owners informing them of said public hearing.
- C. Installation of all antenna shall comply with the following:
1. National Electrical Code, **as adopted**;
 2. Microwave or similar antennas over six (6) feet in diameter require structural calculations on framing submitted by manufacturer of antenna;
 3. Microwave or similar antennas over six (6) feet in diameter require engineering calculations on footing. Calculations shall bear the seal of engineer submitting data;
 4. Roof mounted antennas over three (3) feet in diameter require complete structural analysis of roof structure by professional engineer. Calculations to bear seal of engineer submitting data;
 5. Windloading to be calculated per **BOCA Building Code, as adopted**. Report to be submitted and sealed by professional engineer;

6. No advertisement permitted on antenna....

Section 12. Section 500.210 Safety and Aesthetics in Commercial Buildings

- A. No metal bars, mesh, or other durable material shall be installed over any portion of the frontage window or frontage opening in commercial buildings. This in no way applies to the board-up of buildings as regulated in Chapter 505. **All exterior of commercial buildings shall conform to the Property Maintenance Code, as adopted.**
- B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings...

Section 13. Section 500.220 Minimum Standards for Exterior Maintenance of Property

- A. *Asphalt and Concrete Surfaces.* All asphalt surfaces shall be so sealed and all cracks on poured concrete surfaces so caulked so as to prevent moisture from penetrating the surface.
- B. *Asphalt and Concrete Surfaces, Replacement.* If the existing asphalt or concrete surface has deteriorated to a point of seventy-five percent (75%), it will be necessary it be removed and replaced.
- C. **All exterior maintenance of commercial buildings shall conform to the Property Maintenance Code, as adopted.**

Section 14. Section 500.230 Earthquake and Seismic Design Requirements

All construction in the City shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto, relating to earthquakes and seismic construction requirements **and the Building Code, as adopted.**

Section 15. Section 500.235 Regulations Concerning the Use of Large Trucks and Trailer Signage

- A. It shall be unlawful for any person or business to allow commercial trucks and signage to remain on a construction site in excess of twenty-one (21) days after the construction project is completed.
- B. Anyone or business violating this section shall be subject to a fine **as set forth in Section 100.070** ~~of up to five hundred dollars (\$500.00) and/or imprisonment not in excess of ninety (90) days.~~

Section 16. Section 500.237 Regulations Concerning Portable Storage Units – Permits Required

A. *Definitions.* For the purpose of this Section, the following definitions shall apply:

Fire Marshal

The Fire Chief, ~~the Assistance Fire Chief~~ or designee.

Planning Department

Planning Director, **Economic Development Coordinator**, Community Development Director or designee of the City Manager of the remaining portions of this Ordinance the City Commission declares that would have adopted this Ordinance and each Section

Section 17. Section 500.260 Penalties

- A. *Standard Penalty.* Any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any Code adopted herein by

~~reference as set forth in Section 100.070 is guilty of a misdemeanor, and upon conviction, unless another penalty is specifically provided, shall be subject to a fine of not less than one dollar (\$1.00) or more than one thousand dollars (\$1,000.00), or to imprisonment not more than three (3) months, or both, and may be adjudged to pay the costs of prosecution. Whenever the fine and costs imposed for a violation are not paid, the person convicted may be committed to Jail until the fine and costs are paid, not exceeding ninety (90) days.~~

B. *Each Day a Violation....*

C. *Applicability....*

D. *Reference to Sections....*

E. *Failure of Officers to Perform Duties....*

F. All persons convicted and sentenced by the Municipal Judge for violation of any ordinance or part thereof, whether the punishment be by fine or imprisonment or both, may be put to work and perform labor on the said public streets, highways and alleys or other public works or buildings of the City. The Chief of Police, ~~Director of Public Works or other official of the City~~ shall have the power and be authorized and required to have or cause all such prisoners to work out the full number of days for which such prisoner may have been sentenced. If the punishment be by fine, ~~as set forth in Section 100.070 and the fine be not paid, then for every fifteen dollars (\$15.00) of such fine the prisoner shall work one (1) day.~~

Section 18. Section 505.045 Neighborhood Preservation Inspector / Code Enforcement Officer

A. The Neighborhood Preservation Inspector / Code Enforcement officer shall have the duty under this Chapter to:

1. Perform a variety of field and office work in support of the City's local code enforcement program; enforce compliance with City regulations and ordinances including those pertaining to zoning, land use, nuisance housing, building codes, health and safety, blight, graffiti, water waste, and other matters of public concern.
2. Receive and respond to citizen complaints and reports from other agencies and departments on alleged violations of City zoning and related municipal codes and ordinances; interview complainant and witnesses; conduct investigations and provide recommendations for resolution.
3. Conduct field investigations; inspect properties for violations; attempt to make contact at the residence or business in order to resolve violation; issue and post warning notices, notices of violation, corrective notices, orders to comply, and related documentation for code violations; schedule and perform all follow-up functions to gain compliance including letters, inspections, calls, meetings, discussions, and negotiations to ensure compliance with appropriate codes and ordinances; issue administrative and parking citations and notices of violation as necessary.
4. Prepare evidence in support of legal actions taken by the City; appear in court as necessary; testify at hearings and in court proceedings as required.

5. Maintain accurate documentation and case files on all investigations, inspections, enforcement actions, and other job-related activities including accurate and detailed information regarding code enforcement activity to substantiate violations; draw diagrams and illustrations and take photographs.
6. Prepare a variety of written reports, memos, and correspondence related to enforcement activities.
7. Patrol assigned area in a City vehicle to identify and evaluate problem areas and/or ordinance violations; determine proper method to resolve violations.
8. Participate in the implementation of the City's graffiti abatement program; receive requests for abatement of graffiti; patrol the City, record location of graffiti, and inform the City's Graffiti Abatement Office of the need for vandalism clean-up; obtain and collect right of entry forms for graffiti abatement on private property; enter calls into computer system and track case progress.
9. Attend meetings and serve as a resource to other City departments, divisions, the general public, and outside agencies in the enforcement of zoning regulations; provide research and documentation for meetings; interpret and explain municipal codes and ordinances to members of the general public, contractors, business owners, and other interested groups in the field, over the counter, and on the telephone.
10. Operate computer to enter, process, and acquire data relative to complaints, inspection sites, and effective code enforcement; research complaints.
11. Participate in supervising the work of community service workers, county inmates, or volunteers engaged in community clean-up and preservation activities; determine locations and type of work to be performed.
12. Locate vacant residences and businesses; secure buildings with proper materials as necessary; post the property as necessary; check vacant buildings regularly for transient activity, graffiti, and other forms of vandalism.
13. Assist in researching, drafting, and rewriting municipal codes; participate in the development of forms and processes utilized to address various issues.
14. Shall possess the qualifications as set forth by the City.

Section 19. Section 505.050 Building Inspector

All City Police Officers ~~and all other City of Berkeley employees~~ so designated by the City Manager/Administrator shall be Building Inspectors within the meaning of this Chapter.

Section 20. Section 505.060 Duties of Building Inspector – Procedure and Notice.

A. The Building Inspection shall have the duty under this Chapter to:

1. Inspect or cause to be inspected, as often as may be necessary...
2. Inspect any building, wall or structure about which complaints are filed....
3. Inspect any building, wall or structure reported by the Fire...
4. Notification...

5. The notice provided for in this Section shall state a description....
6. Report in writing to the City Building Commissioner....
7. Appear at all hearings conducted by the Building Commissioner....
8. Immediately report to the Building Commissioner concerning any building....
9. **Shall possess the qualifications as set forth by the City.**

Section 21. Section 505.070 Building Commissioner

The ~~City Manager/Administrator~~ **Public Works Director** or other designated ~~officer or officers~~ **employee meeting the qualifications** shall act as Building Commissioner under this Chapter.

Section 22. Section 505.080 Duties of the Building Commissioner

The Building Commissioner shall have the powers and duties pursuant to this Chapter, **and shall possess the qualifications as set forth by the city** to:

1. Supervise all inspections required by this Chapter....

Section 23. Chapter 510 ~~Home Improvement Program~~ **Neighborhood Stabilization Grant Program
Section 510.010 Purpose**

A. Rehabilitation of existing dwelling units is now seen as a major component of maintaining the housing stock of the nation. In short, housing is a resource. It must be protected. The Berkeley ~~Home Improvement Program~~ **Neighborhood Stabilization Grant Program** is designed to meet that goal.

B. Each portion of the ~~Home Improvement Program~~ **Neighborhood Stabilization Grant Program** is designed to remedy either an existing housing problem or prevent further problems. ~~Using Federal money appropriated for the Community Development Act to rehabilitate housing can ensure every Berkeley resident of suitable dwellings.~~ It also protects and bolsters the value of all existing housing in Berkeley by preventing any one (1) house from prompting decline in an otherwise sound neighborhood.

C. This program is for ~~all the~~ residents of Berkeley, **who owns and resides in the property whether or not they qualify for a loan or grant.** Each homeowner has the responsibility to his/her neighborhood and his/her community to keep his/her dwelling in suitable repair. ~~This program will help those residents who are under income restrictions to meet their neighborhood and community responsibilities.~~ **There are no income restrictions in this program.**

Section 24. Section 510.020 Definitions

As used in this Chapter, the following terms shall have these prescribed meanings:

Committee

Home Improvement Committee.

Director

~~Home Improvement Program~~ **Neighborhood Stabilization Grant Program** Director, who shall also carry the title ~~Community Development Director~~ **Building Commissioner** for the City of Berkeley

Section 25. Section 510.030 Director

The ~~Home Improvement Program~~ **Neighborhood Stabilization Grant Program** Director will

administer the ~~Home Improvement Program~~ **Neighborhood Stabilization Grant Program** and coordinate other programs to encourage neighborhood preservation and/or rehabilitation. The Director will have the following duties among others....

Section 26. Section 510.040 Home Improvement Committee

This section will be repealed in its entirety.

Section 27. Section 510.050 Acceptable Repairs

The ~~Committee may stipulate~~ the scope of the work to be done for each individual grant, as well as the priority in which the repairs are made. Generally, under all segments of this program, Code violations will be priority repair items. ~~The following repairs or replacements will be considered acceptable under the program:~~

1. ~~Water systems~~ **Landscaping**,
2. ~~Sewer systems~~ **Tree removal and tree topping**,
3. ~~Heating and ventilating systems~~ **Tuckpointing**,
4. ~~4. Electrical systems~~ **Driveways and walkways**,
5. ~~5. Plumbing, including exterior~~ fixtures,
6. ~~6. Pest extermination~~,
6. ~~7. Exterior~~ Walls, ceilings, ~~floors~~, and porches **overhangs**,
7. ~~8. Roofs, chimneys, gutters, and down spouts~~,
8. ~~9. Foundations and structural defects~~,
9. ~~10. Exterior walls, painting, and siding~~,
10. ~~11. Windows and doors~~,
11. ~~12. Insulation, caulking, and other winterizing techniques~~,
12. ~~13. Built-in kitchen cabinets and food storage~~,
12. **Exterior Cameras**
13. ~~14. Other items~~ which, in the opinion of the ~~Committee~~ **City Council**, would correct defects which violate the minimum standards for dwellings, and/or would seriously affect the livability of the units.

Section 28. Section 510.070 Pre-Inspection and Work Write-Up

Work write-up will be handled by the City ~~Inspectors or its agent~~ as part of the assistance provided. Cost estimates and specifications will be made ~~at this time, and total cost of construction determined by a contractor. Family contractors are not allowed to bid on work.~~ Counseling on acceptable repairs and loan total will be made with each applicant ~~by the Inspector. Total package will be presented to the Home Improvement Committee for approval.~~

Section 29. Section 510.080 Inspection of Work

The City ~~Inspector or its designee~~ shall have the right to inspect all rehabilitation work ~~financed~~ in whole or in part with the proceeds of the ~~loan grant~~, and will inform the ~~borrower~~ **homeowner** of any non-compliance with respect to the contract for rehabilitation work, but will not issue any orders or instructions to the contractor or subcontractor performing the work. The ~~borrower~~ **owner** will take all steps necessary to assure that the City or its designee is permitted to examine and inspect the ~~rehabilitation~~ work and all contracts, materials, equipment, payrolls, and conditions of employment pertaining to the work, including all relevant data and records.

Section 30. Section 510.090 Completion of Work

The **Committee Public Works Department** shall maintain a list of approved contractors who shall be of good reputation, financially sound, bonded or insured, and which have exhibited the necessary skills and resources to perform the work required. ~~The Committee shall periodically check its list of contractors to ensure that they continue to meet the standards listed in this Section.~~ Applicants for participation in the program may select contractors not contained on the **Committee's** list; however, all such contractors must be checked and certified by the **Committee Inspectors** prior to the authorization for work to begin. Contractors must obtain all necessary permits **at no charge**.

Section 31. Section 510.100 Work to Be Completed by Owner

This section will be repealed in its entirety.

Section 32. Section 510.110 Use of City Forces

This section will be repealed in its entirety.

Section 33. Section 510.120 Interest of City Officials and Employees

~~No member of the Governing Body of the City who exercises any functions or responsibilities in connection with the administration of the community development rehabilitation loan/grant program, and no other officer or employee of the City who exercises such functions or responsibilities, shall have any interest, direct or indirect, in the proceeds of this loan/grant, or in any contract entered into by the borrower for the performance of work financed in whole or in part with the proceeds of this loan. The borrower agrees that no~~ **No** member of the City Council/**Administration** shall be admitted to any share or part of the proceeds of the **loan/grant**, or to any benefit to arise from the same. **City employees qualify to participate in the Neighborhood Stabilization Grant Program.**

Section 34. Section 510.130 Home Improvement Rebates

This section will be repealed in its entirety.

Section 35. Section 510.140 ~~Home Improvement Program~~ **Neighborhood Stabilization Grant Program**

A. In order to participate in the rebate program, a homeowner must meet the following eligibility requirements:

1. A homeowner must be the owner and occupant of the property, provide proof of recorded deed, ~~paid homeowner insurance policy, paid~~ real estate tax bill, ~~provide Social Security numbers and date of birth for all household members, proof mortgage payments are current, proof trash bill payments are current,~~ current occupancy permit with all household members listed and picture identification.
2. The unit must be a single-family ~~or a two-family~~ dwelling. ~~Single-family dwellings will receive priority.~~
3. ~~Income requirements. Gross household income from all occupants must meet established low-moderate income guidelines, not including income of dependent minor children. Documents required are most recent Internal Revenue Service Forms (1040, 1040A or 1040EZ) and W-2s, Social Security 1099 forms, child support payments, public aid and pension plan.~~

3. The property must be located in the City of Berkeley.
4. The **Committee City Council** may formulate additional reasonable and necessary eligibility requirements and may develop priorities when the number of applicants for participation exceeds resources.

Section 36. Section 510.150 Guaranteed Loan Fund

This section will be repealed in its entirety.

Section 37. Section 510.160 Eligibility for Guaranteed Loan

This section will be repealed in its entirety.

Section 38. Section 510.170 Home Improvement Program Grants – Direct Grants

This section will be repealed in its entirety.

Section 39. Section 510.180 Home Improvement Grant for Emergency Assistance

This section will be repealed in its entirety.

Section 40. Section 510.190 Eligibility for Grants

This section will be repealed in its entirety.

Section 41. Section 510.200 Residential Resource Program

This section will be repealed in its entirety.

Section 42. Section 510.210 Clean Up/Paint Up Program

This section will be repealed in its entirety.

Section 43. Section 510.220 Eligibility of Purchaser

This section will be repealed in its entirety.

Section 44. Section 510.230 Lease-Purchase Option for Purchaser

This section will be repealed in its entirety.

Section 45. Section 510.240 Penalty

This section will be repealed in its entirety.

Section 46. Section 510.250 Local Development Corporation

This section will be repealed in its entirety.

Section 47. Section 510.260 Duties of the Berkeley Local Development Corporation

This section will be repealed in its entirety.

Section 48. Section 510.270 Powers of the Berkeley Local Development Corporation

This section will be repealed in its entirety.

Section 49. Section 515.010 Grade

No street construction shall commence until the grade of such street or alley has been ~~established by ordinance whenever this becomes necessary~~ **approved by the Director of Public Works**. The cost of establishing the grade of such street or alley shall be borne by the person or persons proposing to construct or reconstruct the street or alley, and shall be

charged against the amount deposited. In the event such deposit shall be depleted, additional funds shall be deposited as the Director of Public Works may direct.

Section 50. Section 515.020 Permit

No such street construction work shall be done without first obtaining authority from the ~~Council~~ **Director of Public Works** and a permit authorizing the same from the Director of Public Works.

Section 51. Section 515.030 Plans and Specifications

Applications for permits for street construction work shall be made in writing, addressed to the ~~Council~~ **Department of Public Works**. All applications shall state clearly and fully the work to be done, and shall be signed by the owner or his/her agent. The plans and specifications for the proposed work shall accompany the application, and be first approved by the Director of Public Works/**Street Superintendent**.

Section 52. Section 515.040 Revocation and Expiration of Permits

If the work upon any street is conducted in violation of the provisions of this Chapter, it shall be the duty of the Director of Public Works/**Street Superintendent** to revoke the permit for such work and at once report same to the Council. Before a permit is reinstated or reissued by the ~~Council~~, **Department of Public Works**, all work for which the permit was issued must be placed in a condition corresponding with the requirements of this Chapter. No permit shall be of any force or effect after the expiration of one (1) year from the date of its issuance.

Section 53. Section 515.060 Completion of Work – Inspection Fees – Refund of Deposit

Upon completion of any street construction work undertaken under permit, the Director of Public Works/**Street Superintendent** shall check all such work, and if found to comply with the plans and specifications under permit for the work and all the ordinances of the City, he/she shall make a full and complete report to the Council, together with a statement of all inspection fees and any contingent expenses in connection with the work. If the City has no claim against the work, he/she shall notify the Director of Finance in writing of such fact, claiming such inspection fees as he/she may be entitled to, and the Director of Finance shall, after paying such inspection fees, pay and release to such owner any balance in his/her deposit.

Section 54. Section 515.070 Repair of Sidewalks, Curbs and Gutters

~~It shall be the duty of every owner of real estate to keep the sidewalks, curbs, and gutters and driveway entrances adjacent to his/her property and in the City in good repair at all times, and free from irregularities and offsets in the surface thereof which may render the same unsafe for use.~~

Residential sidewalks shall be constructed to St. Louis County specifications. The minimum requirements for sidewalks shall be as follows:

- 2. Residential sidewalks shall be of concrete, four (4) feet wide and four (4) inches thick, except in driveways where a six (6) inch thickness shall be required.**
- 3. Non- residential sidewalks shall be of concrete, four (4) feet wide and four (4) inches thick, except a greater width may be recommended by the Department of highways and traffic. Sidewalks through driveways shall be required to be seven (7) inches in thickness.**

4. Where sidewalks are located adjacent to a vertical curb within a street intersection, wheelchair ramps will be required.
5. Where sidewalks are to be located adjacent to a roadway under the jurisdiction of the Missouri highway and transportation department, they may be required to be placed in a public easement outside of the state right-a-way. Maintenance of walks along state right-a-way shall be the responsibility of the property owners or the trustees of the subdivision.

Section 55. Section 515.090 Director of Public Works to Supervise Sidewalk Work

All work of constructing, reconstructing, or repair of sidewalks, curbs, and gutters, and driveway entrances shall be done under the supervision of the Director of Public Works/~~Street Superintendent~~.

Section 56. Section 515.100 License and Bond of Contractor

No person shall do the work of constructing, reconstructing, or repairing of any sidewalk, curb, gutter, or driveway entrance in the City without first having obtained ~~a contractor's license to do so~~ a site work permit. The ~~license permit~~ shall be issued by the Department of Public Works on payment ~~of a fee of two dollars fifty cents (\$2.50), is based on the cost of construction. For utility companies the cost shall be \$65.00 only~~ and shall be good during the calendar year for which issued, subject to revocation by the Director of Public Works/~~Street Superintendent~~ for failure to observe any provisions of this Chapter relating to the construction, reconstruction, or repair of sidewalks, curbs, gutters, and driveway entrances. At the time of obtaining such license, the contractor shall give bond to the City of Berkeley in the sum determined by the Director of Public Works. The bond shall be approved by the ~~City Attorney~~ Director of Public Works and be conditioned that the contractor will comply with the ordinances of the City relating to sidewalks, will maintain warning signs and protection while work is in progress, will hold the City and property owners harmless from all claims, demands, and actions against it or them arising out of the work, will replace any faulty work, and will ~~carefully backfill, seed, straw, and~~ remove all debris and clean up after the work is completed. The Director of Public Works shall keep a record of ~~licenses permit~~ issued hereunder ~~in a permanent book, and shall pay over license fees to the Director of Finance when received.~~

Section 57. Section 515.110 Condemning of Defective Sidewalks

This section will be repealed in its entirety.

Section 58. Section 515.120 Repair of Sidewalks by City

- A. Sidewalk Evaluation...
- B. Additional defects such as, severe scaling, wide horizontal cracks, missing concrete or brick, utility valves, etc., can cause a condition which may be unsafe. These conditions are not necessarily quantifiable and, as such, will be handled in the best judgment of the Director of Public Works/~~Street Superintendent~~ or designee.

Section 59. Section 515.130 Special Assessment

When the Director of Public Works/~~Street Superintendent~~ or other proper officer has reported to the Council of the cost of the repair of any sidewalk or sidewalks in the City of Berkeley under the provisions of this Chapter, the Council in its discretion may levy said cost as a special assessment against each lot and piece of ground abutting said sidewalk, and each

such lot and piece of ground shall be liable for its part of the cost of the work done or made along or in front of such lot or piece of ground as reported to the Council, and the Council shall issue separate tax bills therefor against each such lot or piece of ground as reported to the Council for its share of the cost.

Section 60. Section 515.140 Sidewalk Specifications

- A. Sidewalks shall be constructed with a minimum of four (4) inch monolithic air-entrained three thousand (3,000) pound concrete slab, and a minimum of six (6) inches thick at alley crossings and driveways. At the discretion of the ~~City Engineer~~ **Director of Public Works/Street Superintendent**, a granular base may be required. Where the earth adjoining the sidewalks on the street side, when finished, is higher than the sidewalks, it shall be sloped to curb line. If at any place a fill is necessary it shall be properly compacted before the sidewalk is laid. The base shall be carefully spread, and if dry wetted by sprinkling. It must be made compact by ramming hard. The surface of the walk shall be finished ~~with a wooden float~~ bringing about a uniform surface. There shall be a pitch of one-fourth ($\frac{1}{4}$) inch to the foot toward the curb from the inside line of the walk. The concrete must be laid between strong, straight forms and must be divided into sections not more than six (6) feet long, and expansion joints shall be of approved material. The finished work must be carefully protected and barricaded so as to prevent damage to the newly constructed work, and so to prevent damage or injury from frost, heat, rain and children.
- B. Any new sidewalks, curbs or gutters which are hereinafter constructed and all existing sidewalks, curbs and gutters which are reconstructed shall be so constructed or reconstructed by providing a wheelchair ramp at each crosswalk and the said ramp shall be blended into the sidewalks, curbs and gutters so that the sidewalk and street blend to a common level. Such ramp shall not be less than thirty-six (36) inches wide and shall not have a slope greater than one (1) inch rise per twelve (12) inches length (8 3/10%). Where because of surrounding buildings or other restrictions it is impossible to conform the slope with this requirement, the ramp shall contain a slope with as shallow a rise as possible under the circumstances, not to exceed ten percent (10%). In all ramps there shall be a gradual rounding at the bottom of the slope. Whenever conformance to these standards is impractical or physically impossible and where the method, materials and dimensions used in lieu thereof does not create a hazard, deviation from these standards may be permitted by the **Council authorities having jurisdiction**.

Section 61. Section 515.150 Curb and Gutter Specifications

For the purpose of building combination curbs and gutters, the earth shall be excavated to **at least eighteen inches wide (18) the proper width and depth**. The gutter shall consist of a bed of concrete of a minimum of ~~six (6)~~ **seven (7)** inches thick and air-entrained three thousand **five hundred (3,000 3,500)** pound concrete, all properly mixed and troweled to an even surface and brush finished. All blocks shall be eight (8) feet long and be parted by using one-quarter ($\frac{1}{4}$) inch thick metal parting strips or templates of the shape and size of plan furnished by the Director of Public Works/**Street Superintendent**. After completion of curb and gutter, earth shall be filled in behind curb to height of same, leveling off earth between sidewalk and curb, so that there will be a gradual slope from the sidewalk to the top of the curb.

Section 62. Section 515.170 Liquid or Substances on Street

It shall be unlawful for any person to cause or permit to be placed, thrown, or to leak or spill

from a vehicle or otherwise upon the pavement or surface of any street, sidewalk, alley, or public place any liquid asphalt or substance, liquid, or material which might thereby be calculated to endanger, impede, or inconvenience the movement of vehicles or pedestrians, or render the surface of such street, sidewalk, alley, or public place rough or uneven. **Hazardous materials spills including biological, chemical and radiological materials that pose a serious risk if not promptly and properly responded to by the individuals who initially identify the spill and the appropriate emergency response staff, including Berkeley Fire Department.**

Section 63. Section 515.180 Goods for Sale on Sidewalks

It shall be unlawful to place and display for sale upon any public sidewalk within the City any groceries, provisions, commodities, vegetables, fruit, produce, goods, wares, or merchandise, **without a special use permit approved by Council.**

Section 64. Section 515.190 Damaging Streets

No person shall willfully drive, haul, or cause to be driven or hauled, any wagon, truck, cart, or other heavy vehicle over, on, or across any curb, gutter, tree line or sidewalk, in any street, park, public place, plaza, or square in the City without having first protected such curb, gutter, tree line or sidewalk by bridging of planks or boards or in other suitable and sufficient manner. **Permission shall first be obtained from the Department of Public Works/Street Superintendent. The sidewalk or curbing shall be adequately protected from damage.**

Section 65. Section 515.200 Excavations in Streets

A. Permit

1. It shall be unlawful for any person to make or cause to be made, or help, aid, or assist in making any excavation whatsoever in any public street, alley, or other public place, or in any public easement or right-of-way in the City without a permit therefor from the **City Department of Public Works**, which cost shall be ~~ten dollars~~ **(\$10.00) as established in the Fee Schedule, Appendix A – Chapter 500.**
2. Application shall be made to and the permit issued by the Director of Public Works. Before such permit is issued, the applicant shall deposit with the City such sum of money as, in the judgment of the Director of Public Works will be sufficient to restore the street, alley, or other public thoroughfare, easement, or right-of-way to as good condition as it was before the excavation was made, and to pay all inspection fees incurred therein. The City shall retain out of the amount so deposited a sufficient sum to cover the cost of superintendence and inspection of the work authorized by such permit at the rate of ~~four dollars (\$4.00)~~ **as established in the Fee Schedule, Appendix A – Chapter 500** per hour of actual time consumed in such superintendence and inspection, and the balance of such deposit, if any, shall be returned to the depositor. All backfills shall be made with a granular material, according to the specifications which may be prescribed by the ~~City Engineer or other head of the Street Department~~ **Director of Public Works/Street Superintendent.**
- ~~3. Charitable, benevolent, religious, fraternal, and non-profit associations are exempt from payment of any excavation permit fee.~~

Section 66. Section 515.210 Barriers on Excavations

All excavations in or adjoining any public street, alley, or other public place shall be adequately protected so as to adequately protect the public, ~~and red warning lights or torches~~ orange pylons with reflective tape, or barricades with reflective tape and amber warning light shall be maintained about such excavation and kept lighted from sunset to sunrise. Whenever any person excavates the sidewalk or sidewalk space on any street or public thoroughfare, he/she shall place a strong and suitable foot bridge over such excavation in the line of such sidewalk at least five (5) feet wide and securely anchored on each end.

Section 67. Section 515.220 Obstructing Streets

- A. No person shall obstruct or endanger, or place, or permit anything to obstruct or endanger the free passage on or project use of any street, sidewalk, alley, or public building, or public place by the public, except as may be necessary while loading or unloading merchandise, materials or persons, or in the process of any construction work. ~~Trash dumpsters are prohibited from being placed in the street.~~
- B. No owner or resident of any property shall permit any vegetation, structure, material, or object to be so close to the street line as to constitute a traffic hazard in obstructing the vision of an operator of a motor vehicle on a street or exiting from a driveway or in any operation of a motor vehicle.

Section 68. Section 515.230 Publicly Dedicated Streets

Whenever any new subdivision of homes or any new development of multiple dwellings are constructed, all ingress to and egress from said subdivision or multiple dwellings shall be by publicly dedicated streets, all constructed as required by the ordinances of the City of Berkeley. No private streets for ~~ingress entrance~~ to and ~~egress exit~~ from a subdivision or multiple dwellings shall be utilized and no subdivisions or multiple dwellings shall be constructed or occupied until ~~ingress entrance~~ to and ~~egress exit~~ from said subdivisions or multiple dwellings are publicly dedicated and accepted.

Section 69. Section 545.040 Minimum Standards for Dwellings and Dwelling Units

- A. The International Property Maintenance Code, ~~2009 Edition,~~ which was amended and adopted by the City of Berkeley ~~on March 15, 2010, by Ordinance No. 3890~~ as the Property Maintenance Code of the City of Berkeley, is hereby adopted as so amended as the Property Maintenance Code of the City of Berkeley as if it were fully set out herein. Such document and ordinance are on file with the City Clerk, and will be referred to as needed to housing compliance.
- B. It shall be unlawful for any person to occupy, as owner-occupant, or to let or hold out to another for occupancy any dwelling unit for the purpose of living, sleeping, cooking or eating which is not safe, clean and fit for human occupancy and which does not comply with the particular requirements of the following: ...
 - 9. Yards
 - a. All areas which are not covered by lawn or vegetation shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhang or screen a public thoroughfare shall be properly trimmed to avoid obstruction of the view and movements

of vehicles and pedestrians. Hazardous dead trees and shrubs shall be promptly removed.

- b. The allowing or maintaining, on any lot or parcel of ground, of the growth of weeds to a height of nine (9) inches in any residentially zoned district of the City, or to a height of one (1) foot in any other zoning district of the City. These limits shall also apply to the growth of weeds upon improved streets or upon the right-of-way adjoining such premises or upon any adjoining sidewalks. The word "weeds" as used herein shall include all rank vegetable growth which exhales unpleasant and noxious odors, and also high and rank vegetable growth that may conceal filthy deposits or rodents, or which constitutes a general nuisance.
- c. *Drainage.* Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain outlets, stormwater sewers, approved combined storm and sanitary drainage shall create a structural, safety, or health hazard by reason of construction, maintenance or manner of discharge.
- d. *Fences and other minor construction.* Shall be maintained in a safe and substantial condition; damaged, dilapidated, fallen, missing pieces shall be repaired. If replacing, a fence permit is required.
- e. *Paved areas.* Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled or necessary repairs or replacement carried out.

Section 70. Section 545.045 Utilities Required

Electric, Gas, Water must be on at all time when the property is occupied. When utilities are turned off, disconnected the property is deemed unfit for habitation and will be posted by the Inspector as "Dangerous Building" Occupants will need to vacate the structure until the utilities are reconnected.

Section 71. Section 545.130 Mechanical

The International Mechanical Code, ~~which was~~ as amended and adopted by the City of Berkeley ~~on March 15, 2010, by Ordinance No. 3890~~ as the Mechanical Code of the City of Berkeley, is hereby adopted as so amended as the Mechanical Code of the City of Berkeley as if it were fully set out herein. Such document and ordinance are on file with the City Clerk.

Section 72. Section 545.140 Plumbing

The International Plumbing Code, 2009 Edition, ~~which was~~ as amended and adopted by the City of Berkeley ~~on March 15, 2010, by Ordinance No. 3890~~ as the Plumbing Code of the City of Berkeley, is hereby adopted as so amended as the Plumbing Code of the City of Berkeley as if it were fully set out herein. Such document and ordinance are on file with the City Clerk.

Section 73. Section 545.160 Toilet Rooms and Bathrooms; Minimum Housing Standards

A. Number and Location...

- B. Arrangements...
- C. Floors...
- D. Employee Facilities...
- E. Light and Ventilation...
- F. One ground fault circuit interrupter (GFCI) shall be installed and in good working condition in all residential bathrooms.

Section 74. Section 545.180 Electrical Service

- A. The National Electrical Code, ~~2008 Edition, which was~~ as amended and adopted by the City of Berkeley ~~on March 15, 2010, by Ordinance No. 3891~~ as the Electrical Code of the City of Berkeley, is hereby adopted as so amended as the Mechanical Code of the City of Berkeley as if it were fully set out herein. Such document and ordinance are on file with the City Clerk.
- B. It shall be unlawful to occupy or permit another to occupy any dwelling unit for the purpose of living therein which is not adequately and safely provided with an electrical system in compliance with the requirements of this Section.
 - 1. Minimum Requirements....
 - 2. Federal Pacific Panel – Prohibited...
 - 3. Deficiencies....
 - 4. Number of Electrical Outlets....
 - 5. Hazards Defined....
 - g. Knob and Tube wiring – Prohibited. Knob and tube system have no ground wire, and there’s no protection when a fault occurs; cannot service three-pronged appliances. As a result, the risk increases shocks and fires. Knob and Tube wiring shall be replaced by a licensed electrician – electrical permit required.

Section 75. Section 545.230 Occupancy Permit Required

- A. Real Property Owners Jointly and Severally Responsible for Obtaining Occupancy Permit....
- B. Applicability....
- C. Scope...
- D. Contents of Occupancy Permit. The occupancy permit shall state the names, dates of birth, relationships and number of occupants of the dwelling unit. It shall be unlawful for any person to knowingly make any false statements in his/her application for an occupancy permit as to the names, dates of birth, relationships or number of occupants of the dwelling unit. No more than one (1) "family," as defined in this Chapter, shall occupy each dwelling unit. All persons who occupy the premises of a dwelling unit must be listed on the occupancy permit or be subject to the penalties provided in this Chapter. Occupancy is based on occupant load of the structure. **Property Managers, landlords, agents, representatives, nor owners are allowed on the occupancy permit of rental property. The occupancy permit shall list tenant head of household and dependents only. Owners or agents shall approve all amendments to rental property occupancy.**

Section 76. That all Ordinances and parts of Ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 77. This Ordinance shall be in full force and effect from and after its passage.

1st Reading, this _____ day of _____ 2020

2nd Reading this _____ day of _____ 2020

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2020**

Babatunde Deinbo, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved as to Form:
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Mitchell	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Williams	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Anthony	Aye	___	Nay	___	Absent	___	Abstain	___
Councilman Hindeleh	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman-at-Large Greene	Aye	___	Nay	___	Absent	___	Abstain	___
Mayor Deinbo	Aye	___	Nay	___	Absent	___	Abstain	___