

**ORDINANCE NO. 522**  
**[a.k.a. 508(j)]**

**CITY OF ST. JOHNS EXTERIOR MAINTENANCE CODE**

Short title, intent, purpose.

(a) This code shall be known and may be cited as the “City of St. Johns Property Maintenance Ordinance.”

(b) In the interest of improving the quality of life for the residents of the City of St. Johns; to promote and protect the public health, safety and welfare of the community.

In light of these stated purposes, the City Commission directs that the property maintenance code be applied and enforced in a manner which emphasizes code compliance through remediation and rehabilitation of properties to the extent practicable. City officers charged with the responsibility of code enforcement shall make all reasonable efforts to work with property owner(s) to cure and remediate perceived violations of this code.

The regulations apply to existing residential and non-residential structures and include:

- (1) Minimum maintenance standards; recognizing if structures exist in a condition of disrepair and/or with an accumulation of refuse/rubbish for extended periods of time, such conditions would cause a public nuisance.
- (2) Responsibilities of owners, operators, and occupants of all structures.
- (3) Administration, enforcement and fines.

**Requirements of non-residential and residential structures:**

(a) All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from accumulation of rubbish, animal waste, leaves, brush, other dead vegetation, and refuse, except when assembled regularly for removal for transport to a proper receptacle.

(b) Every exterior wall, window, trim, decorative feature, and the like; shall be free of holes, breaks, loose or rotting boards or timbers.

(c) All premises shall be graded and maintained to prevent erosion of soil and the accumulation of stagnant water thereon.

(d) Pipes, ducts, conductors, fans or blowers shall be properly vented and not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(e) All structural members shall be capable of safely supporting the imposed dead and live loads.

(f) The roof and flashing shall be sound, tight and not have defects that admits precipitation. Roof drains; gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(g) All canopies, marquees, signs, awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored

(h) Every stairway, deck, porch, balcony, ramp or other walking surface, handrail or guard, shall be maintained, with proper anchorage and capable of supporting the imposed loads.

(i) Every window and door shall be kept in good repair and weather tight.

(j) All chimneys, cooling towers, smoke stacks, and other appurtenances shall be maintained in good repair and be properly anchored.

(k) All accessory structures; including, but not limited to - detached garages and sheds, fences and walls, shall be maintained in good repair.

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

(m) For street side collection, trash cans/bags cannot be placed out sooner than the night before pickup. Openly stored refuse must be placed in a proper receptacle with a tight fitting lid. Blowing trash and scattered debris must be picked up.

(n) Indoor furniture and plumbing fixtures may not be openly stored. Not limited to, but including couches, chairs, appliances, toilets and bathtubs. Inoperable equipment shall not be openly stored.

(o) Exterior surfaces shall not be used regularly for laundry drying/storage.

(p) Exterior exposed surfaces shall be maintained and protected from the elements, decay, and rust with proper surface treatment. The exterior surface treatment shall not be over approximately 50% deteriorated.

(q) The interior/exterior boarding up of windows/doors shall be on a temporary basis only. For doors/windows that have been permanently removed (permissible by code), the opening shall be covered flush with the exterior wall with compatible exterior surface treatment.

## **Administration and Enforcement**

**1. Complaints**—Complaints of violation of any provision of this ordinance conveyed to the City of St. Johns shall be recorded in written form in a central log book as to date and time of the complaint, the name of the property owner/responsible party (if known) and the address where the alleged violation is sited. Unless the complainant requests anonymity, complainant's name will also be recorded. A complainant's name will not be divulged, even when known, unless expressly requested by the property owner/responsible party.

Once a complaint has been lodged with the City, the Enforcement Officer, or his/her designee, will take whatever action is necessary to determine if there has been a violation of this ordinance. If the Enforcement Officer reasonably believes a violation of this ordinance has occurred, the following procedure is initiated:

**A. Notification Letter:** Initial notification of the violation shall be in letter form from the City Enforcement Officer, describing the nature of the violation. The property owner/responsible party will be instructed to make contact with the City Enforcement Officer within 10 business days of receipt of the letter. Once contact is made between the property owner/responsible party and the City, discussion will follow regarding the remedial steps the City expects to be taken to cure the violation, the timeline for correction of the violation, and any assistance that may be available for remediation.<sup>1</sup>

**B. Administrative Review Option:** If the property owner/responsible party wishes to contest the violation, or wishes to present information in mitigation of the violation, said individual can request the matter be heard by the Citizens Review Panel. See Section 2, below.

A property owner/responsible party will also have the right to a hearing in the District Court. This right is separate from and cumulative to the right to appear before the Citizens Review Panel. This judicial forum is available only after a Civil Infraction Citation has issued. See Section D, below.

**C. Failure to Comply:** Failure to 1) respond to the initial Notification Letter (paragraph A, above) and comply with the directive of the Enforcement Officer or 2) comply with the recommendations of the Citizens Review Panel (paragraph B, above) will cause a Municipal Civil Infraction Notice to be issued per Ordinance #499. This notice will direct the property owner/responsible party to appear at the Municipal Violations Bureau and pay the fine per the schedule established in the Municipal Civil Infraction Ordinance.

**D. Civil Infraction Citation:** Failure to 1) request a Citizens Review Panel hearing or (2) pay the Municipal civil infraction fine specified in the Civil Infraction Notice within ten (10) business days will result in the issuance of a Municipal Civil Infraction Citation. This Citation will provide the property owner/responsible party a time period within which to appear in court.

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<sup>1</sup> [The City of St. Johns has compiled a list of service organizations that have volunteered to provide an individual property owner assistance with respect to compliance with this ordinance. Each organization establishes its own criteria for qualifying for such assistance.](#)

**2. Citizens Review Panel and Procedure**— The Citizens Review Panel will be comprised of 4 residents, separately drawn from the four geographic quadrants of the City as delineated by State Street and Clinton Ave. The panel will also have one City Commissioner as a member. The members will be appointed by the Mayor, and will serve staggered terms of two years.

**A. Procedure:** A hearing will be scheduled before the panel upon request as soon as is practicable. At the hearing the City will have the burden of proving that a violation has occurred. The alleged violator will be given full opportunity to present information to the panel for purposes of contesting the violation. Alternatively, the alleged violator can admit the violation and present information or evidence in mitigation of the offense. This information can be presented directly, through witnesses or by documentary or other tangible evidence. The panel reserves the right to limit testimony or the presentation of information if it is cumulative, irrelevant, or of marginal probative value.

**B. Determination:** After hearing the matter, the members sitting in review of the alleged violation shall make a finding as to whether a violation of the code has in fact occurred. If a finding of “no violation” is made, the notice of violation will be dismissed. If a finding of “violation” is made, the members sitting in review shall provide the property owner/responsible party with an opportunity to correct the violation as a means of avoiding the penalty provisions of City Ordinance No. 500. Failure by the property owner/responsible party to correct the violation within the timeframe indicated by the Citizens Review Panel will result in the issuance of a Civil Infraction Notice.

Requesting administrative review, as outlined above, does not preclude a property owner from seeking subsequent judicial review.

Section 2. This Ordinance shall take effect twenty (20) days after passage.

PASSED, ORDAINED, AND ORDERED PUBLISHED BY THE CITY  
COMMISSION OF THE CITY OF ST. JOHNS AT A REGULAR MEETING HELD  
THE \_\_\_\_ DAY OF JUNE, A.D., 2003.

The above Ordinance was moved by Commissioner \_\_\_\_\_ and supported  
by Commissioner \_\_\_\_\_.

YEAS:  
NAYS:  
Absent:

THE ORDINANCE WAS DECLARED ADOPTED.

\_\_\_\_\_  
RICHARD STARCK, Mayor

\_\_\_\_\_  
MINDY J. SEAVEY, City Clerk

I hereby certify the above Ordinance was published in the Clinton County News on the \_\_\_\_ day of June, A.D., 2003.

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MINDY J. SEAVEY, City Clerk