

1st Reading 10/24/2023
2nd Reading 10/24/2023
ORDINANCE NO. 5396

BILL NO. 23-42

AN ORDINANCE AMENDING SECTION 26-4 OF ARTICLE I OF CHAPTER 26 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, REGARDING THE ENFORCEMENT OF ZONING ORDINANCES.

WHEREAS, Chapter 89, RSMo authorizes the City of Crestwood (the “City”) to divide the City into districts, and to enact ordinances relating to the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and

WHEREAS, City staff recommends that Article I of Chapter 26 of the Municipal Code of the City of Crestwood, Missouri (the “Code”) be amended to reflect recent changes to the Missouri statutes; and

WHEREAS, City staff submitted the proposed amendment to Chapter 26 of the Code to the Planning, Zoning, and Architectural Review Commission (the “Commission”), and the Commission held a hearing on October 4, 2023, with notice to the public as required by Sections 26-8(E) and 26-9(E) of the Code; and

WHEREAS, a majority of the Commission recommended that the Board of Aldermen approve the proposed amendment; and

WHEREAS, the Board of Aldermen held a public hearing on October 24, 2023, with notice to the public as required by Section 26-9(G) of the Code; and

WHEREAS, the Board of Aldermen finds that the proposed amendment of Section 26-4 of the Code, relating to the enforcement of Chapter 26 and the violations and penalties in relation thereto, would be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: Section 26-4 of Article I of Chapter 26 of the Municipal Code of the City of Crestwood, Missouri, is hereby amended to read as follows (with new language in red and repealed language struck through):

Sec. 26-4. Enforcement; violations and penalties.

- A. Violations. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of this chapter or other regulation made under authority conferred hereby, the proper local authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.
- B. Enforcement. Such regulations shall be enforced by the Director of Public Services, who is empowered to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of this chapter. The City may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including revoke or withhold any permits, prevent the sale or lease of property, correct or abate the nuisance, withhold any public improvements, or penalize and initiate legal proceedings to prevent the continuance of unlawful actions or conditions. Upon presentation of proper credentials, the Director of Public Services may enter at reasonable times any building, structure, or premises in the City or perform any duty imposed upon him by these regulations. If the owner or occupant shall refuse to allow entry to the Director of Public Services, the Director of Public Services may apply to a court of competent jurisdiction for a search warrant or take any legal action necessary for the purpose of securing entry.
- C. Penalties. Except where another more specific penalty provision is provided in this chapter, violation of the regulations of this chapter may be subject to penalties as follows:

1. The owner or general agent of a building or premises where a violation of any provision of the regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part, or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of **an offense punishable as provided in Section 15-6 of this Code** ~~a misdemeanor punishable by a fine of not less than \$10 and not more than \$100 for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than \$100 nor more than \$250 for each and every day that such violation shall continue or by imprisonment for 10 days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.~~
2. Any such person who, having been served with an order to remove any such violation, shall fail to comply with the order within 10 days after such service or shall continue to violate any provision of the regulations made under authority of this chapter in the respect named in such order shall also be subject to a civil penalty of \$250.
3. In addition to the penalties hereinabove authorized and established, the City Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this chapter.

SECTION 2: The remaining provisions of Article I of Chapter 26 of the Municipal Code of the City of Crestwood, Missouri shall remain in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this 24th day of October, 2023.

Mayor 

ATTEST:

City Clerk 

APPROVED this 24th day of October,, 2023.

Mayor 