

ORDINANCE NO. 22-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF FOREST PARK WITH RESPECT TO THE REGULATION OF THE BOARDING OF DOORS AND WINDOWS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WITNESSETH:

Be it ordained by the Governing Body of the City of Forest Park as follows:

SECTION 1. That Article R of Title 8, Chapter 2 of the Code of Ordinances, City of Forest Park is hereby amended by deleting such Article and replacing it with a new Article R as set forth on Exhibit A.

SECTION 2. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Forest Park, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 3. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 4. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 5. Codification and Severability.

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause, or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause, or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent

allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 6. Repeal of Conflicting Provisions. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Forest Park as provided in the City Charter.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED this _____ day of _____, 2022

Mayor Angelyne Butler

ATTEST:

_____ (SEAL)
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

ARTICLE R

Sec. 8-2-200. - Boarding-up structures.

- (a) *Boarding-up permit.* No person, firm, association, or corporation shall erect, install, place, or maintain boards over the doors, windows or other opening of any building or structure or otherwise secure such opening by a means other than the conventional method used in the original construction and design of the building or structure without first obtaining a valid boarding-up permit in accordance with this subsection. Any unpermitted properties with boards existing at the time of the adoption of this subsection will have 30 days from the date of the adoption of this subsection to submit an application to the department of planning and zoning for a permit to continue to board. Any properties with existing permits under this Article shall be allowed to obtain a renewal under subsection (c) hereunder.
- (b) The department may issue a boarding-up permit only upon satisfaction of the following conditions:
- (1) Submission of a written application by the owner of the property or authorized representative, including the following information:
 - i. Name, address, and telephone number of the owner;
 - ii. Name, address, and telephone number of any local agent of the owner;
 - iii. Tax parcel identification number of the premises on which the structure is situated;
 - iv. Common address of the structure;
 - v. Other information as may be required by the department.
 - (2) Payment of the required fee by the owner of the property or his/her authorized representative. The initial fee shall be \$150.00. The fee for any renewal shall be \$500.00.
 - (3) Submission of a written statement or plan by the owner of the property or authorized representative specifying:
 - i. Proposed plan to repair the structure, including a detailed description regarding the manner and materials.
 - ii. Proposed maintenance plan detailing the monitoring and maintenance of the structure and premises in conformance with this article.
 - iii. An acknowledgment that if such repairs are not made prior to the expiration of any permit hereunder, the owner shall face a penalty of not less than \$1,000 per violation.
 - (4) The city may conduct an inspection of the subject property to ensure that the structure is boarded up in accordance with the plan approved by the department.
- (c) A boarding-up permit issued pursuant to this subsection shall authorize the boarding-up or other securing of a building or structure for a period of sixty (60) days. An owner of a property desiring to continue to board his property beyond the sixty-day term must submit one renewal application to renew the boarding-up permit and continue to meet the requirements for the issuance of a new boarding-up permit. The permit may be renewed once for a period not more than thirty (30) additional days within 5 days of the expiration of the original upon payment of necessary fees. The fee for such renewal shall be \$500.00.

- (d) No boarding-up permit shall be required to board-up a building for up to 10 days in the event of a temporary emergency situation, including but not limited to damage caused by vandalism, theft, or weather. In the event an emergency situation requires a building or structure to be boarded-up for more than 10 days, the owner of the building or structure or his authorized representative must obtain a valid building permit for repair or a valid boarding-up permit in accordance with this section.
- (e) The boarding of doors, windows, or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall be according to the specifications approved under the permit. All boarded openings shall be painted with a minimum of two coats of exterior paint, which is of a color compatible with the exterior color of the building or structure.
- (f) Any structure which is boarded shall be in compliance with all applicable codes and ordinances of City of Forest Park.
- (g) Any structure which is boarded up shall be posted with the name, permit information, and 24-hour contact phone number of the local agent.
- (h) The penalty for any violation of this Article shall be \$1000 per violation. Each day that a violation continues to exist shall constitute a separate offense.