

*City of Manchester,*

*Missouri*

*Carman - Dougherty Ferry*

*Annexation Proposal*

*June 1, 1998*





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**Carman-Dougherty Ferry Proposal**  
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**EXECUTIVE SUMMARY**

The City of Manchester was first incorporated in 1951 as a village, and in 1959 its citizens elected to become a fourth class city. However, the community known as Manchester is over 200 years old. It was originally settled in 1795 around a spring which is still located behind City Hall.

The Manchester community has a rich heritage and a proud past which the City has taken great effort to maintain. The City has identified 34 buildings within the city limits which have historic significance. These buildings were built as early as the 1840's and most are still in use as either residences or commercial sites. In order to preserve its history, Manchester created the "Historic District" zoning classification which controls development that might impact on these older structures.

In keeping with the City's desire to preserve community history, City Hall moved into the "Lyceum" building in 1980. The "Lyceum" was built in 1894 and is one of the oldest buildings in the area that is used as a City Hall. Because of Manchester's strong connection with its history, the Lyceum was incorporated into the City logo along with the slogan "A Proud Past, A Bright Future."

For many years, the City of Manchester has provided high quality services to its residents. A survey of City residents conducted in 1997 showed that they were highly satisfied with the level of services provided by the City; especially, police protection, street maintenance, and the pool and park programs.

The programs in the pool and parks have historically been offered to both residents and nonresidents. Nonresidents have regularly requested that the City consider annexations which would allow them to become a part of the City of Manchester.

The City has a history of considering annexations of adjoining unincorporated areas when they complement and support the Manchester community. The most recent annexation was effective October 1, 1997 and included approximately 3309 residents. The transition of this area to City services has been exceptionally smooth. New residents express happiness with the level of our services, especially street repairs and our "police presence."

This proposal includes an area bounded generally by: Hanna Road on the west, Carman Road on the north, Dougherty Ferry Road on the east, and the City limits of Valley Park and Twin Oaks, as well as, Big Bend Road on the south. The proposal consists of 2.0 square miles and a 1990 population of 8813 residents. The City currently has approximately 2.84 square miles of land area and an estimated 1990 population of 9890 residents.

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The full range of municipal services currently provided by Manchester will be offered to the residents of the proposed area. The City can provide services to this area with the addition of the following 28 full time personnel:

- 18 police officers
- 5 Public Works maintenance workers
- 1 Park maintenance worker
- 3 clerical staff
- 1 accounting clerk

It should be noted that in October 1997, the Manchester Board of Alderman approved a long range plan for annexation that included the area identified in this proposal. At that time, the City gave notice to the trash providers serving this area that the City intended to extend trash collection services to the residents of the area. The City believes this notification satisfies the provisions of Missouri State Statute 260.247 requiring at least 2 years notice to trash providers.

Assuming that this Carman-Dougherty Ferry proposal is approved by the Boundary Commission and receives voter approval on the April 1999 ballot, the effective date will be October 1999. The City is prepared to provide trash services to the single-family residences upon this effective date. This service will be provided free of charge to the residents.

**A. GEOGRAPHICAL INFORMATION**

Please find in Appendix I a copy of the legal description that was prepared by the City Engineer. Also, a map has been provided with the legal description showing the location of the boundaries for the existing City, and the area being considered for annexation. In addition, included is a list of the platted subdivisions located in the proposed area along with any subdivisions being split by this proposal.

The City certifies that the unincorporated area is less than 50% of the combined land subject to the proposal. Also, to the city's knowledge none of the area overlaps with other proposals before the Boundary Commission.

**B. PUBLIC HEARING NOTICE**

Attached as Appendix II is a copy of the public hearing notice format for this proposal.

**C. CHANGE IN FIRE PROTECTION**

The City does not seek any change in fire protection or emergency medical services. Services will continue to be provided by the West County EMS and Fire Protection District.

*City of Manchester,*

*Missouri*

*Carman - Dougherty Ferry*

*Annexation Proposal*

*Plan of Intent*



**D. PLAN OF INTENT**

**1. Impact of the Proposal**

**a. Impact on the area to be annexed** - The impact of this proposal on the area subject to the proposed boundary change will be positive. The residents will receive services from a local rather than a regional government and will have more direct input through local representatives on issues; e.g., zoning and development, level of services, etc.

In addition, the residents will receive trash, yard waste, and curbside recycling services at no charge. Also, the City will pay for street lights on public roadways, and will offer its Park and Recreation and Pool Department programs to residents of the proposed area at reduced fees.

The City will be a closer service provider for the residents. Also, the City will be more accountable to the residents for actions affecting the community.

The residents will be required to pay a slightly higher property tax. However, this will be completely offset by a slightly lower electric utilities gross receipts tax than the residents currently pay, and by the savings from free trash, yard waste, recycling service, and street lights.

**b. Impact on the proposing city** - Manchester will benefit by obtaining a more diverse population base that already uses City Park and Pool Department programs and attends City functions such as the Fourth of July fireworks, Homecoming celebration, senior citizen luncheon, etc.

In addition, the sales tax received for this area will be based upon the population and not the total sales within the area. This will allow the sales tax revenue for the City to become more secure since a part of the City's sales tax revenue will no longer be based upon the sales made directly in the City, but instead will be based on population.

Currently, the City receives most all of its sales tax revenue from sales within the city limits and is vulnerable if a large retailer were to close. After the proposal is effective, the City will be less severely affected by a drop in sales tax revenue from the closing of one of its large sales tax providers. Revenue will continue to be received from the "sharing" of sales tax from other areas of St. Louis County that was approved under the proposal known as the "Westfall Sales Tax Redistribution Plan."



The additional personnel needed to service the area will require the City to expand its facilities. Funds have been budgeted to lease space as a temporary solution. The Board and staff have started the process to achieve a more permanent solution to the City's additional space needs.

**c. Impact on the entire geographic area of the County -** St. Louis County government will lose some revenue from this proposal; however, they will not have to service the area and will realize a cost savings. We currently do not have a estimate of St. Louis County's lost revenue. We also do not have an estimate of the savings they will realize by not servicing the area.

In addition, since the distribution of sales tax revenue in St. Louis County was changed in 1993 to require "A" cities, such as Manchester, to share some of their revenue, this proposal will impact much less on this revenue source for the adjoining areas not involved in the proposal, and on the entire geographic area of the County.

## **2. Legal Description**

Please find in Appendix I a copy of the legal description in metes and bounds for the area proposed to be annexed.

## **3. Ability to Accommodate Orderly Incorporation**

Nothing in this proposal would prevent or adversely affect the orderly incorporation of St. Louis County. This proposal will serve as a small step toward the orderly incorporation of the county. The City is prepared to make whatever additions, deletions or modifications that the Commission feels would improve this proposal.

## **4. Present Level of Major Services**

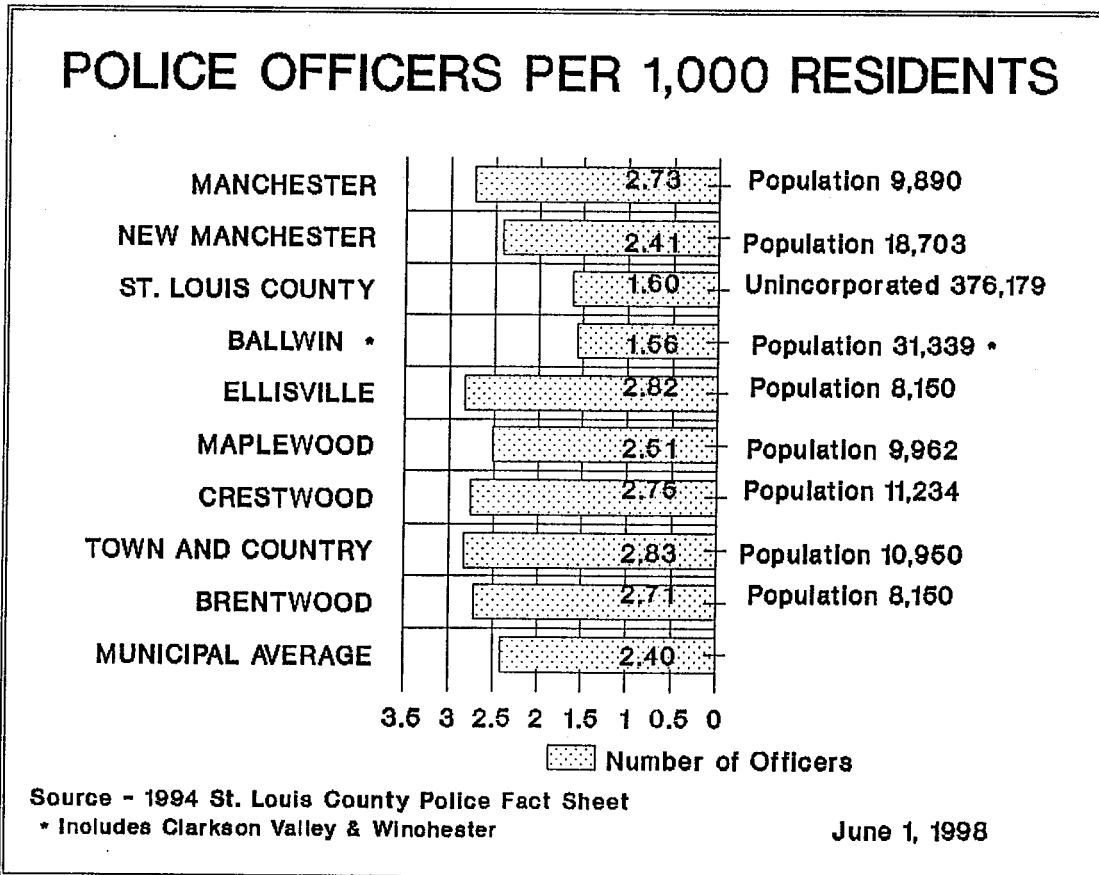
**a. Municipal services provided by the City -** A list of the typical municipal services provided by the City and a description of these services is indicated below:

### **(1) Police Protection**

The City of Manchester is currently served by a total of twenty seven (27) officers. One officer is detached with the St. Louis County Police drug enforcement task force. All officers have graduated from an accredited academy. The officers vary in tenure with the Department from newly hired to over 25 years service with the City. Many officers have college educations; including, several with master degrees.

The residents and businesses of Manchester have benefited from excellent emergency response times to their calls for service. According to computerized records provided by the Ballwin Police Department (Ballwin provides dispatching services to the City), a Manchester police officer was able to respond to a citizen's emergency request in an average of less than two (2) minutes. The overall average response time for all calls for service was approximately three (3) minutes.

One reason for the good response time is the City's ratio of "Police Officers per 1000 Residents." Please refer to the chart below for a comparison of this ratio for Manchester, St. Louis County, and other local municipalities.



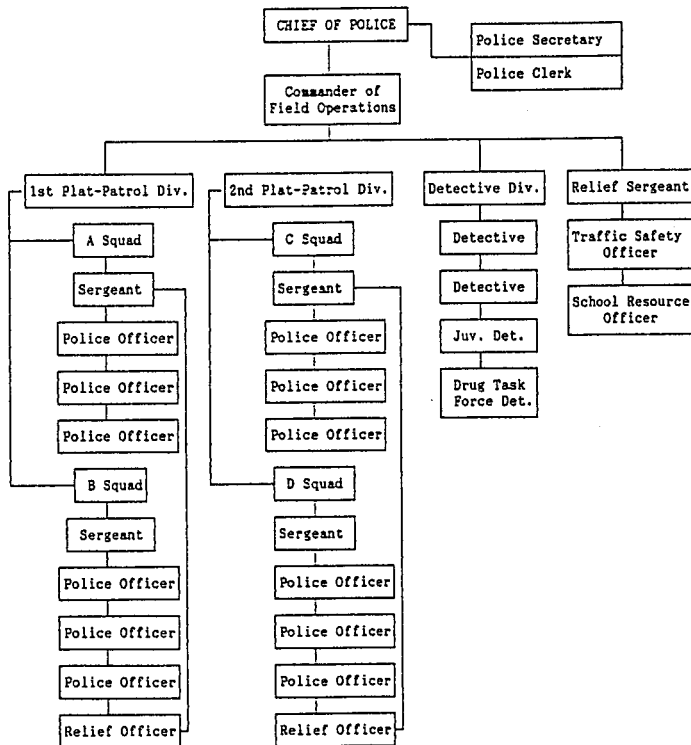
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The Manchester Police Department has also been successful in clearing a very high percentage of "Part I" and "Part II" crimes. During 1997, the Department cleared 36% of "Part I" crimes. These include more serious crimes, such as burglary, assault, auto theft, etc. The national average clearance for "Part I" crime is approximately 22%. In addition, the Department cleared 64% of "Part II" crimes. These include less serious crimes such as, frauds, vandalism, bogus checks, etc. There is no national statistic for "Part II" crimes.

The Department has a fleet of seven (7) marked cars and three (3) unmarked cars. During 1997, the Department's marked cars patrolled a total of 135,811 miles. The Police Department maintains 24-hour patrol coverage throughout the city with a minimum of three (3) marked road cars on duty at any time. During 1997, the Police Department responded to 6851 calls for police service.

Three (3) detectives provide follow-up investigative duties, and one (1) detective is assigned to St. Louis County working on drug investigations. Please refer to the Organizational Chart which reflects the current personnel strength and chain of command.

**Manchester Police Department**  
**Organizational Chart**



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The Police Department provides the following specialized services to the community:

(a) **D.A.R.E. Program** - Two officers are trained to provide classroom instruction on the avoidance of drugs and alcohol. The training is offered to students at John F. Kennedy Catholic High School, and a 17 week course is offered to elementary students at St. Joseph's Catholic School.

(b) **Child Identification** - Officers provide child fingerprinting, photographing and/or video taping. This service is designed to help parents, relatives, educators, and law enforcement personnel identify youth and hopefully to serve as a significant deterrent to child abduction.

(c) **Operation Ident** - Engravers and video camera equipment are used to mark and record valuable property belonging to citizens. This will help in the identification and recovery of stolen articles.

(d) **Home and Business Security Audits** - Police review home & businesses offering safety and security suggestions.

(e) **Law Enforcement Explorers Program** - Officers work with area youth and provide leadership and training in law enforcement issues and techniques.

(f) **Speakers Bureau** - Officers provide lectures on law enforcement topics; e.g., self defense, security issues, etc. to local groups or organizations upon request.

(g) **Vial of Life** - A vial for medication and a medical information sheet is provided to residents with specialized medical needs for storage in their refrigerator. This may then be used by emergency medical or police personnel.

(h) **Neighborhood Watch** - Residents receive specialized training on how to identify and reduce crime in their area. Training is held in the neighborhoods by police officers.

(i) **Vacation Checks** - Officers check the homes of residents who advise that they will be away from their home on vacation.

(j) **School Resource Officer (SRO)** - A uniformed police officer is assigned full time to the Parkway South High School. The officer also works with students and teachers in the Southwest Middle and Wren Hollow Elementary schools.

**(2) Administration**

In conjunction with the Mayor and six (6) Aldermen, City administrative services are provided by a professional staff. A City Administrator is responsible for overseeing all of the daily functions of the City. The City Administrator has four (4) Department Heads who ensure that the full spectrum of city services are provided to the citizens.

**(3) Residential Household Trash**

The City of Manchester currently offers curbside service for household trash to all single family residences twice each week. This service is provided by contract and is free of charge to the resident.

The City entered into a three (3) year contract with Superior Industries (formerly Wilson Refuse) beginning February 1, 1993, and then extended this contract, at no increase in cost, for three (3) additional years through January 31, 1999. The current cost under the contract is:

Feb. 1, 1996 - Jan. 31, 1999:      \$7.00/month

**(4) Residential Recycling**

The City of Manchester currently offers curbside recycling on a voluntary basis to all single-family households once each week. Approximately 70% of all households participate in this program with a container provided upon request. Collection includes glass, newspaper, plastics, tin, and aluminum. The recycling service is free of charge.

The City entered into a three (3) year contract with Superior Industries (formerly Wilson Refuse) beginning February 1, 1993, and then extended this contract, at no increase in cost, for three (3) additional years through January 31, 1999. The current cost under the contract is:

Feb. 1, 1996 - Jan. 31, 1999:      \$2.32/month

**(5) Residential Yard Waste**

The City of Manchester currently offers curbside yard waste collection service once each week. Grass clippings, leaves, bundled tree limbs and brush are collected at the curb for single-family households. The collection of these materials is made through a reusable container, provided by the resident, or biodegradable bags purchased by the resident.

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The City entered into a three (3) year contract with Superior Industries (formerly Wilson Refuse) beginning February 1, 1993, and then extended this contract, at no increase in cost, for three (3) additional years through January 31, 1999. The current cost under the contract is:

Feb. 1, 1996 - Jan. 31, 1999:           \$2.65/month

The City of Manchester also offers a spring and fall tree limb and brush curbside chipping program. The City's Public Works staff will collect from the street curb tree limbs and shrubs that may be too difficult to bundle for the weekly yard waste system. Collection is limited to tree branches that do not exceed six (6) inches in diameter. Also, Public Works staff collect Christmas trees during the first week of January. All materials are chipped and taken to the primary city park (Paul Schroeder) where the mulch can be picked up by residents at no charge.

**(6) Residential Bulky Item Pickup**

Large bulky items, such as couches, chairs, etc. are collected on a weekly basis by Superior Industries, Inc. This service is also a curbside collection and is done on the second pickup of the resident's household trash service. This service is incorporated with the household trash contract at no expense to the single-family resident.

White goods such as appliances (refrigerators, washers, dryers, etc.) may contain hazardous materials and are picked up weekly by special arrangements with Superior Industries. The resident is responsible for the collection and disposal of any pollutants from the appliance. The appliance must be tagged and there is a small charge to the resident from Superior Industries, Inc. for this service.

**(7) Public Street Maintenance**

The City of Manchester takes great pride in the high maintenance level it has maintained on its primary and secondary public streets and sidewalks. The City spends approximately \$200,000 per year in concrete street and sidewalk slab replacement. This maintenance system corrects the problem of damaged slabs and increases the long-term life of the streets and sidewalks.

The City has the equipment and personnel to completely address any normal or heavy snow storm. A total of four (4) large trucks (2 1/2 ton) and three (3) smaller trucks (1 ton) are equipped with snow plows. With this equipment, the

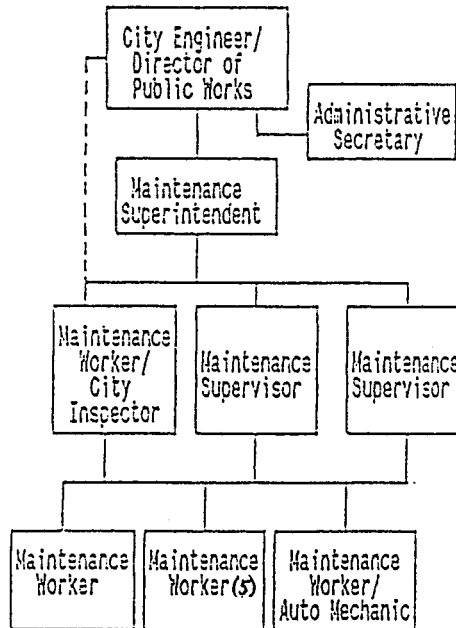
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experienced Public Works staff can rapidly respond to any snowfall ensuring that the 40 miles of City maintained streets are cleared quickly.

City residents have continually made positive comments concerning the speed and thoroughness of Manchester in clearing the roads after a winter storm. Manchester streets have been plowed several times and are passable by the end of the snow storm. The streets in adjoining areas are frequently impassable and remain unplowed for several days after the end of the snow storm.

The Public Works Department staff is highly skilled and experienced and has an average of 11 1/2 years of service with the City. Included below is an organizational chart for the Public Works Department.

**Manchester Public Works Department**  
**Organizational Chart**



**(8) Public Street Lighting**

The City of Manchester maintains 590 street lights throughout the city's streets. New street lights require that a majority of those involved show their support for the light. To date, no resident has been denied a light because of a lack of funds. The City receives very few requests for additional lights. This would suggest that residents are satisfied with the level of street lighting.

**(9) Parks and Recreation**

The City owns and maintains over 55 acres of park land. There are five (5) parks throughout the City. Each offers different amenities to Manchester residents and families.

The main park, Paul A. Schroeder Park, is at the intersection of Hanna and Old Meramec Station Road. Within its 44 acres is the park office and maintenance building, municipal pool, tennis courts, ball diamonds, nature path, playground, soccer field, disc golf course, and picnic pavilions. The other four parks are strategically located throughout the City and offer pavilions, playgrounds, picnic sites, nature paths or wooden overlooks.

The City of Manchester has a very active Parks and Recreation program. The City offers over 55 programs and special events that are designed for various interests and age groups. These programs are offered to both residents and nonresidents with the residents paying a slightly lower fee. The pool programs include swimming lessons for all levels from children to adults, water exercise, and organized swimming and diving. Special events at the pool include a pool carnival and a "school's out" swim bash.

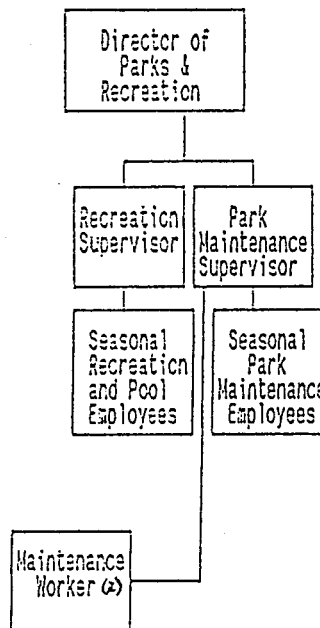
The organized Park programs include softball and sand volleyball tournaments, tennis lessons, disc golf, T-ball for different age groups, soccer, and day camps. In addition, special events include Fourth of July fireworks celebration, Easter egg hunt, band concert and the City's annual Homecoming celebration.

It is important to note that the City has been very successful at developing a large contingent of local volunteers to help with many of the organized Park programs. A list of almost 300 volunteers help with programs, such as the Easter Egg Hunt, Halloween Spooktacular, and the annual Homecoming celebration. Several Park Department volunteers live in the proposed annexation area.



A copy of the 1997 Parks and Recreation Brochure listing all available programs has been submitted for the review of the Boundary Commission. An organizational chart for the Parks and Recreation Department is reflected below.

Organizational Chart  
Manchester Parks and Recreation



**(10) Minimum Housing Code Enforcement**

The City of Manchester has adopted minimum housing codes for the exterior of single family residences, and for the interior and exterior of multifamily residences and for single family rental homes. Currently, the City contracts with the St. Louis County Public Works Department for inspection services on rental housing, both multifamily and single family. The single-family code is enforced on a complaint basis. A copy of the minimum housing code has been provided in Appendix V.

**(11) Zoning Code Enforcement**

The city carries out the zoning code enforcement under the direction of the City Engineer and the Planning and Zoning Commission. Almost all of the City has been developed, which has reduced the activity level of this service. Primary issues in the future will deal with redevelopment requests and proposals in the Commercial and Historical zoning districts.

**(12) Storm Water System Maintenance**

Manchester is part of the Metropolitan Sewer District (MSD). However, MSD's funding and storm water maintenance has been limited. The City has completed improvements as revenues have allowed and continue to address major concerns.

The Public Works staff also conduct a routine maintenance and inspection program for the storm water system. On a periodic basis, workers clean out inlets and make repairs to creek bank areas that show heavy erosion and deterioration.

**(13) Municipal Court**

A division of the St. Louis County Circuit Court, the municipal court is responsible for the processing of all municipal traffic violations and the prosecution of all municipal ordinance violations. A part time judge and prosecuting attorney is supported by a full time court clerk who processes all summons, court dockets and receives and deposits the payment of all fines.

**b. Municipal Services provided by another source -**

Municipal services provided by a source other than the City include the following:

**(1) Police Dispatching**

The City of Manchester participates with Ballwin, Clarkson Valley, and Winchester in a regional dispatching program. The cities have a dispatching contract with Ballwin that routes all 9-1-1 emergency calls to the regional dispatching center at the Ballwin City Hall/Police Department. Dispatch operating expenses; e.g., salaries, supplies, equipment, etc. are distributed to the cities using an activity based system. Factors such as population, number of calls, and total arrests are used to distribute expenses.

**(2) Fire and Emergency Medical**

The City of Manchester is in the West County EMS and Fire Protection District. All fire and emergency medical calls are responded to by their personnel. This service is funded by a property tax paid to the Fire Protection District.

**(3) Water Service**

St. Louis County Water Company provides the potable water source for all of the residents and businesses in Manchester. This is funded through individual utility rate charges to all residents and businesses.

**(4) Sanitary and Storm Water Sewer Systems**

Metropolitan Sewer District (MSD) provides sanitary sewer and storm water control services. This service is paid through property and utility charges.

**(5) Structure Codes**

Under contract, the St. Louis County Public Works Department provides inspection services for construction and structure codes. This service is paid by the property owner or developer through permit and inspection fees.

**(6) Electricity**

Union Electric Company provides the electric energy for users throughout St. Louis County. This service is paid through utility rates charged to the consumer.

**(7) Street Maintenance**

Major arterial roads such as Baxter, Sulphur Spring, Big Bend and Henry are presently maintained by the St. Louis County Highway Department. State Highways 100 and 141 are maintained by the Missouri State Highway Department. Remaining streets are maintained by the City.

**(8) Human Services**

These services are provided by the St. Louis County Human Services Department through various county-wide taxes.

**(9) Library**

Manchester is a part of the St. Louis County Library system. Service is funded by property taxes to the library.

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**c. Services to be extended to the new area -** The following services will be extended to the new area:

(1) **Police Protection** - Provided by the City. However, the citizens will continue to have available the services of the St. Louis County Police for Helicopter, Special Weapons and Tactics (SWAT), Drug Enforcement, Police Academy and the Crime Lab at no direct charge to the residents. These will be available upon request of the City Police Department.

(2) **Fire/EMS** - West County EMS/Fire District.

(3) **Public Works** - Provided by the City.

(4) **Water Systems** - St. Louis County Water Co.

(5) **Planning/Zoning** - Provided by the City.

(6) **Sewer Systems** - Metropolitan Sewer District (MSD).

(7) **Street Maintenance** - Provided by the City, except Henry Avenue, Big Bend, Sulphur Spring and Baxter Road, which will remain with the County Highway Dept. and Highway 100 and 141, which are under the control of the Missouri Department of Transportation (MODOT). The City agrees to continue the Big Bend-Oak-Kiefer Creek Traffic Generation Assessment Corridor Trust Fund established by St. Louis County.

(8) **Structure Codes** - Provided by the City under contract with the St. Louis County Public Works Department.

(9) **Human Services** - St. Louis County Department of Human Services.

(10) **Parks and Recreation** - Provided by the City.

(11) **Code Enforcement** - Provided by the City for all single family residences and by the St. Louis County Department of Public Works, under contract with the City, for multifamily residences.

(12) **Refuse/Recycling/Yard Waste Collection** - Provided free of charge to all single-family residences. It should be noted that the City has complied with provisions of Missouri Statute 260.247 regarding notice to solid waste collection service providers by giving notice to trash providers serving the area that the City intends to extend trash collection services to the residents of the area.

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This notice was given in October 1997. The City believes this notification satisfies the provisions of the statute requiring at least 2 years notice, and the City is prepared to provide trash services to the single-family residences immediately upon the effective date of the annexation.

**d. Municipal Services provided by St. Louis County -** Unincorporated areas are included in the proposed boundary change. They receive the following municipal services from St. Louis County:

(1) **Administration** - County Administration is provided by the 7 member County Council and County Executive. The area is in 7th County Council District.

(2) **Police** - Provided by the St. Louis County Police Department. The County is divided into precincts and the precinct station is located in Chesterfield. It should be noted that several services of the St. Louis County Police Department will continue to be available to the residents after annexation. Services such as the Helicopter, SWAT, Crime Lab and Drug Enforcement will continue for the area upon the request of the Manchester Police Department.

(3) **Parks & Recreation** - St. Louis County provides a system of parks and park facility programming that serves all St. Louis County residents. There are no park facilities in the proposed annexation area.

(4) **Public Works** - The St. Louis County Department of Highways and Traffic provides roadway maintenance and snow plowing to all public roadways within the County.

(5) **Storm Water** - The responsibility for storm water maintenance belongs to the Metropolitan Sewer District. However, most storm water maintenance for failed or clogged systems is done either by the subdivisions or by private property owners. St. Louis County will maintain only those areas that are directly related to the maintenance and repair of roadways.

(6) **Creeks** - St. Louis County provides no maintenance of creeks except work necessary to protect roadways.

(7) **Street Lights** - St. Louis County does not provide for the costs of street lights. However, it will require installation of street lights in new subdivisions.

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(8) **Planning and Zoning** - Services are provided by the St. Louis County Department of Planning and the St. Louis County Planning Commission following County regulations and the County plan. Meetings and offices are in Clayton located over 15 miles from the area.

(9) **Codes and Plan Review** - Services are provided by the County Planning and Public Works Departments. Building Codes are essentially the same throughout the metropolitan area. Department offices are in Clayton located over 15 miles from the area.

(10) **Refuse/Recycling/Yard Waste Collection** - St. Louis County offers no services related to the collection of trash, yard waste, leaves, bulky/white goods or recycled goods. These services and their cost are left to the individual resident.

(11) **Court** - St. Louis County provides all court services through the Circuit Court which is located in Clayton over 15 miles from the area.

(12) **Library** - St. Louis County Library District. The closest branch is located on the east side of State Highway 141 north of Big Bend Road and is included in this area.

**5. Proposed Time Schedule**

Depending upon the date of approval by the voters, all city services will be provided upon the effective date as allowed by law. The City will be able to extend total services to the proposed area six (6) months after voter approval. This period will provide sufficient time to hire additional staff and purchase all needed equipment.

It will be necessary to notify all utilities, various agencies of St. Louis County and the State of the effective date and extent of the annexed area. This will be done before the effective date of the annexation. Of particular importance is the transfer of 911 emergency calls from the area to the dispatching center at Ballwin's City Hall. This transfer will be coordinated through the St. Louis County Police Department.

Also, it will be important to transfer records concerning subdivision escrow and development from St. Louis County. The process can begin after the effective date.

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Finally, arrangements will need to be made for a transfer of services regarding refuse collection. Superior Industries, Inc. is the City's current provider and they have indicated that they can begin service to residents immediately upon approval.

**6. Current Tax Rates**

The residents in the proposed area pay annual taxes to many different organizations; including St. Louis County Government, Metropolitan Sewer District, St. Louis County Library, West County EMS/Fire District, Parkway School District, and others. The majority of these taxes will not change if the annexation is approved. However, there may be a change in certain personal and real property taxes, as well as the resident's utility taxes.

These taxes and an estimate of their impact on the average resident are reflected below:

<u>Type of Tax</u>	<u>Current Rate</u>	<u>New Rate</u>
City Real/Personal Property	none	\$0.10/\$100 AV *
Electric Gross Receipt	5.0%	4.5%

\* \$0.10 is the 1997 City real and personal property tax rate  
The City has budgeted a property tax rate of "0" for 1998

The annual impact of these incremental taxes will vary with the assessed valuation (AV) of the resident's real and personal property. Also, the net savings to each resident resulting from the lower gross receipts tax on electric service will vary with the annual usage.

Assuming a resident's home and automobile are valued at approximately \$200,000 and \$15,000 respectively, the additional expense for Manchester's real and personal property tax would be approximately \$43 per year. This would be more than offset by the annual savings in free trash, yard waste and curbside recycling services, and street lights.

Regarding utility gross receipt taxes for electric usage, a resident that spends an estimated \$1000 annually for electric service will save approximately \$5 per year due to Manchester's lower tax rate.

**7. Revenue/Expense Analysis and Projections**

Demographic information was gathered through the assistance of the St. Louis County Planning Department. All projections were made using the totals that follow:

**DEMOGRAPHICS FOR PROPOSED  
 CARMAN-DOUGHERTY FERRY AREA**

- 1990 Data -	Population	Households	Single Family	Multi- Family	Land Area
Manchester *	9,890	3,442	2,798	644	2.84Sq.Mi
Carman - Dougherty Ferry area	8,813	3,208	2,548	660	2.00Sq.Mi
<b>TOTAL</b>	<b>18,703</b>	<b>6,650</b>	<b>5,346</b>	<b>1,304</b>	<b>4.84Sq.Mi</b>

\* Adjusted for annexations effective 1/1/96 and 10/1/97

Estimated Assessed Valuation - Appendix VI reflects the estimated assessed valuation for real and personal taxable property for the proposed area. This data was prepared by the St. Louis County Department of Planning in May 1998, and was used to develop most revenue and expense estimates.

Calculation methodologies and sources of projections are reflected throughout the proposal. In May 1998, Debi Salberg in the St. Louis County Department of Planning provided assistance in the development and review of these methodologies and projections.

A copy of the 1998 Budget, 1996 Audited Financial Report, and a 1996 Comprehensive Annual Financial Report (CAFR) with historical information for the City is included.

**a. Revenue Projections** - Manchester will receive revenue from sales tax, gross utility receipts tax, cable franchise fees and intergovernmental taxes. Please refer to Appendix VI for a detailed estimate for three years of revenues for the Carman-Dougherty Ferry area.

The City used the St. Louis County average per capita sales tax collection of \$110.63 for 1997 and projected this figure to the likely effective date of the annexation in 1999. A sales tax growth rate of 3.0% per year was used.



**Carman-Dougherty Ferry Proposal**  
**June 1, 1998 - Page 21**

Please note that it is anticipated that no new taxes, tax rates or fees will be imposed on the residents of the proposed area other than those already assessed against the current residents of Manchester.

**b. Expense Projections** - Appendix VI reflects a detailed estimate of expenditures for the proposed area. Certain initial expenses have been spread over several years; e.g., capital items such as new vehicles/start up equipment cost have been spread over the equipment's estimated useful life.

**c. Cost of extending services to the proposed area** - The cost to extend services to the area will include free refuse collection to all residents and projected repairs to streets. Also, the salaries and fringe benefits for the additional 28 employees are included. In addition, the "start up" expense for capital equipment and to equip the new staff with uniforms and other equipment is included.

Capital equipment includes: 5 marked vehicles and police equipment; 3-2 1/2 ton dump trucks, 1-1 1/2 ton stake bed truck, 1-3/4 ton pickup and snow plow equipment; 1-wide cut mower, 1-3/4 ton pickup, front loader for tractor, and recreation equipment.

**8. Extraordinary Effect on Distribution of Tax Resources**

St. Louis County will lose some revenue from sales taxes, utility tax, road and bridge tax, etc.; however, these totals will be offset by savings in expenditures and will not be extraordinary as defined in the St. Louis County Boundary Commission Rules.

**9. Zoning of Unincorporated Area**

Appendix VII includes a map of the City reflecting the current zoning classifications and how they are applied to the City. Also included in Appendix VII is a map of the Carman-Dougherty Ferry area reflecting the current St. Louis County zoning classifications and how they are applied to the area.

The proposed area contains 9 zoning classifications: NU, R-1, R-2, R-3, R-4, R-5, R-6, R-6A and C-8 classifications. Some of these match with the City's current zoning classifications, while others do not. The City will adopt or revise several of its current classifications in order to integrate the proposed area zoning. The proposed integration is reflected below:

**Carman-Dougherty Ferry Proposal  
June 1, 1998 - Page 22**

St. Louis County

City of Manchester

NU (Non Urban - 3 acres)

R-1 Existing classification  
for single family dwelling  
minimum lot size 18,000 SF

R-1 Residential (1 acre)

R-1 Existing classification  
for single family dwelling  
minimum lot size 18,000 SF

R-2 Residential (15,000 SF)

R-2A Existing classification  
for single family dwelling  
minimum lot size 15,000 SF

R-3 Residential (10,000 SF)

R-3 Existing classification for  
single family dwelling with  
minimum lot size 10,000 SF

R-4 Residential (7,500 SF)

R-4 Existing classification for  
single family dwelling with  
minimum lot size 7,500 SF

R-5 Residential (6,000 SF)

R-5 New classification for  
single family dwelling with  
minimum lot size 6,000 SF

R-6 Residential (4,500 SF)

R-6 New classification for  
single family dwelling with  
minimum lot size 4,500 SF

R-6A Multi-Family (4,500 SF)

R-6A Existing classification  
for Multi-Family dwelling with  
minimum lot size 4,500 SF

C-8 Planned Commercial

PCD Existing Classification  
allowing retail, service  
facility, professional offices

The setback requirements vary but any annexed parcels will be treated as nonconforming. The City currently has parcels that were completed before the implementation of the City's zoning ordinances and they are treated in the same manner.

**10. Compactness of the Area**

**a. Service Delivery/Access** - The proposed area is a logical southeaster extension of the present City of Manchester. The proposed area is bounded by well traveled roadways that do not limit access to the area or its properties.

**b. Community of Interest** - The City of Manchester was settled as a community in 1795 by pioneer families. The City's Historic District proudly displays 20 structures along or near Manchester Road built before the turn-of-the-century. The Lyceum, which is currently used as Manchester City Hall, was built in 1894. Several residents of the area are members of the Old Trails Historical Society and are concerned about the preservation of the history of the "Manchester community."

Residents of the proposed area consider themselves a part of the Manchester community and many have requested that they be annexed into the City. The residents in the proposed area share the same school district, fire district, post office and churches with the current residents of Manchester. In addition, they shop at many of the stores in the City; e.g., Dierbergs and Home Quarters.

Many residents in the proposed area are enrolled in the City's Parks and Recreation and Pool programs although they must pay higher fees as nonresidents. The residents and their children attend City programs and events such as the annual July 4th fireworks display and the well attended Homecoming Celebration. They already feel they are a part of Manchester and have a traditional bond with the "Manchester Community."

**c. Natural or Man-Made Barriers** - There are no significant natural or manmade barriers regarding service delivery.

**d. Shared or Common Boundaries** - The entire southeastern boundary of Manchester is shared with the proposed area. Also, the proposed area is compact in size and a natural extension of the current City limits.

#### **11. Effective Date of Boundary Change**

The official implementation date will be established upon voter approval. Depending upon the date of approval by the voters, all city services will be provided upon the effective date as allowed by law.

As required by state law, the City will be able to extend total services to the proposed area six (6) months after voter approval. This period will provide sufficient time to hire additional staff and purchase all needed equipment.

In addition, during the period between a successful vote and the effective date of the annexation, the City will work

**Carman-Dougherty Ferry Proposal**  
**June 1, 1998 - Page 24**

closely with the residents and businesses to ensure that they become familiar with the City and its services. The City will also adjust the ward boundaries in order to ensure that the residents of the new area are fully represented on the Board of Aldermen.

**E. LEGAL OPINION-SATISFACTION OF LEGAL REQUIREMENTS**

Appendix III reflects a legal opinion from the City Attorney that all legal requirements have been satisfied on the proposal.

**F. COPIES OF THE PROPOSAL**

The City has forwarded identical copies of the proposal to the St. Louis County Clerk and to the Cities of Twin Oaks and Valley Park since they are contiguous with the area.

**G. SITES WHICH WILL ACCOMMODATE A PUBLIC HEARING**

The City has identified the following sites that will accommodate a public hearing regarding this proposal:

- a. Parkway South Senior High School  
801 Hanna Road, Manchester, MO 63021  
Contact-Dr. Wayne Mosher, Principal #415-7700
- b. Parkway - Wren Hollow Elementary School  
655 Wren, Manchester, MO 63021  
Contact-Michael Cerutti, Principal #415-6850
- c. Parkway - Southwest Middle School  
701 Wren, Manchester, MO 63021  
Contact-Jim Cockrell, Principal #415-7300
- d. Manchester City Hall  
14318 Manchester Road, Manchester, MO 63011  
Contact-Michael Leavitt, City Administrator #227-1385
- e. Hanna Woods Elementary School  
720 Hanna Road, Manchester, MO 63021  
Contact-Ann Jakes, Assistant Principal #394-8440
- f. St. Louis County Library  
1010 Meramec Station Road, Manchester, MO 63021  
Contact-Pat Woodward, Supervisor #225-6454

**H. COSTS OF THE BOUNDARY COMMISSION**

The City agrees to cover Boundary Commission costs relating to publications, notifications, copies, etc.

**I. CERTIFICATION OF 15% ADJACENT BOUNDARY**

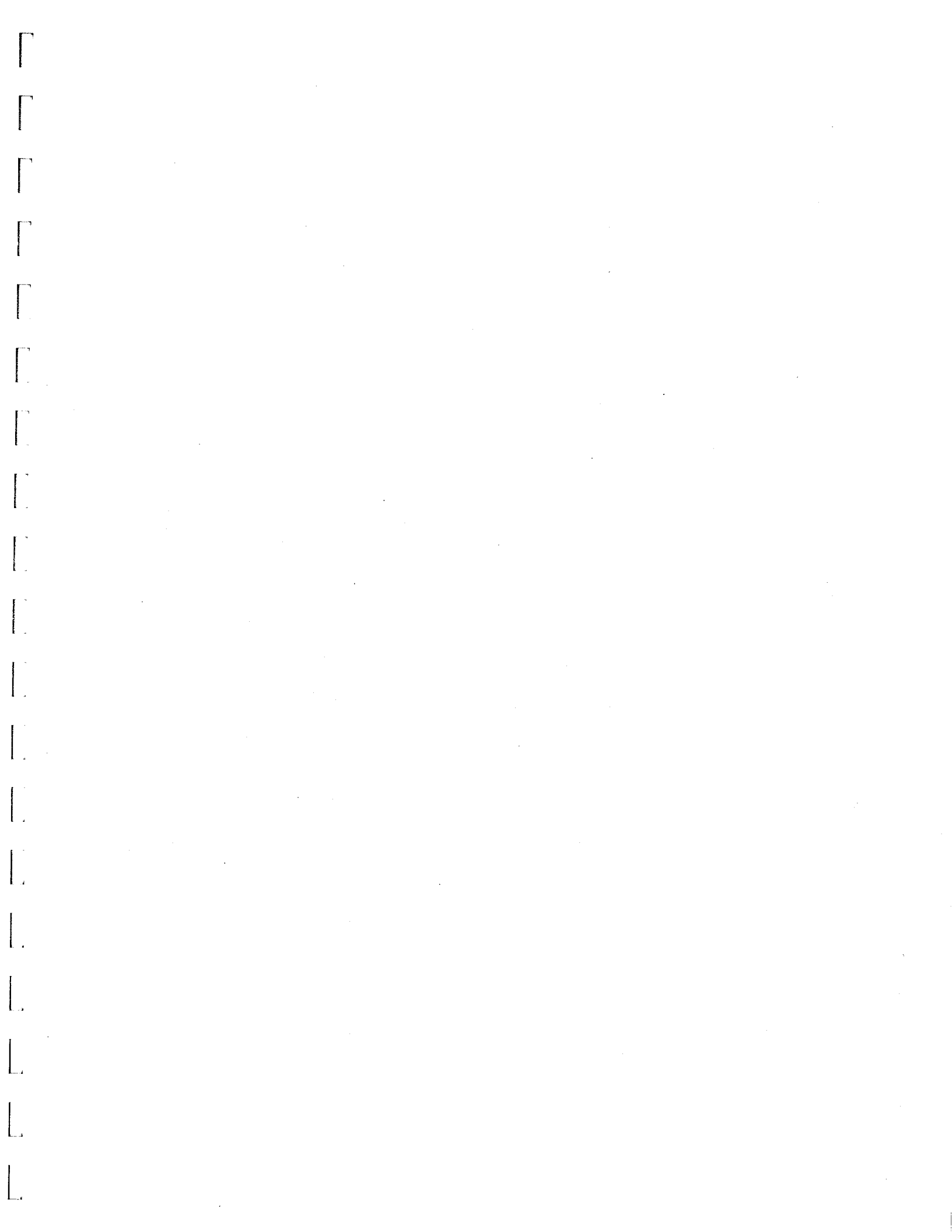
The City hereby certifies that at least 15% of the boundary for this proposal is adjacent to the existing City.

**J. CERTIFIED COPY OF ADOPTING ORDINANCE**

Appendix IV is a certified copy of City Ordinance #98-1046 adopting this proposal.

**DIRECTORY OF APPENDIXES**

- I     **GEOGRAPHICAL INFORMATION:**
  - LEGAL DESCRIPTION
  - MAP OF AREA
  - LIST OF SUBDIVISIONS
  
- II    **PUBLIC HEARING NOTICE**
  
- III   **LEGAL OPINION-SATISFACTION OF LEGAL REQUIREMENTS**
  
- IV    **MANCHESTER ORDINANCE 98-1046**
  
- V     **CITY OF MANCHESTER MINIMUM HOUSING CODE**
  
- VI    **REVENUE/EXPENSE ANALYSIS AND PROJECTIONS:**
  - ESTIMATED ASSESSED VALUATION, REAL AND PERSONAL TAXABLE PROPERTY ONLY
  - ESTIMATED REVENUE PROJECTION FOR THREE (3) YEARS
  - REVENUE PROJECTIONS - METHODOLOGY
  - ESTIMATED EXPENSE PROJECTION FOR THREE (3) YEARS
  - EXPENSE PROJECTIONS - METHODOLOGY
  
- VII   **ZONING MAPS:**
  - MANCHESTER WITH CURRENT ZONING CLASSIFICATIONS
  - PROPOSED AREA WITH CURRENT ZONING CLASSIFICATIONS



## LEGAL BOUNDARY DESCRIPTION

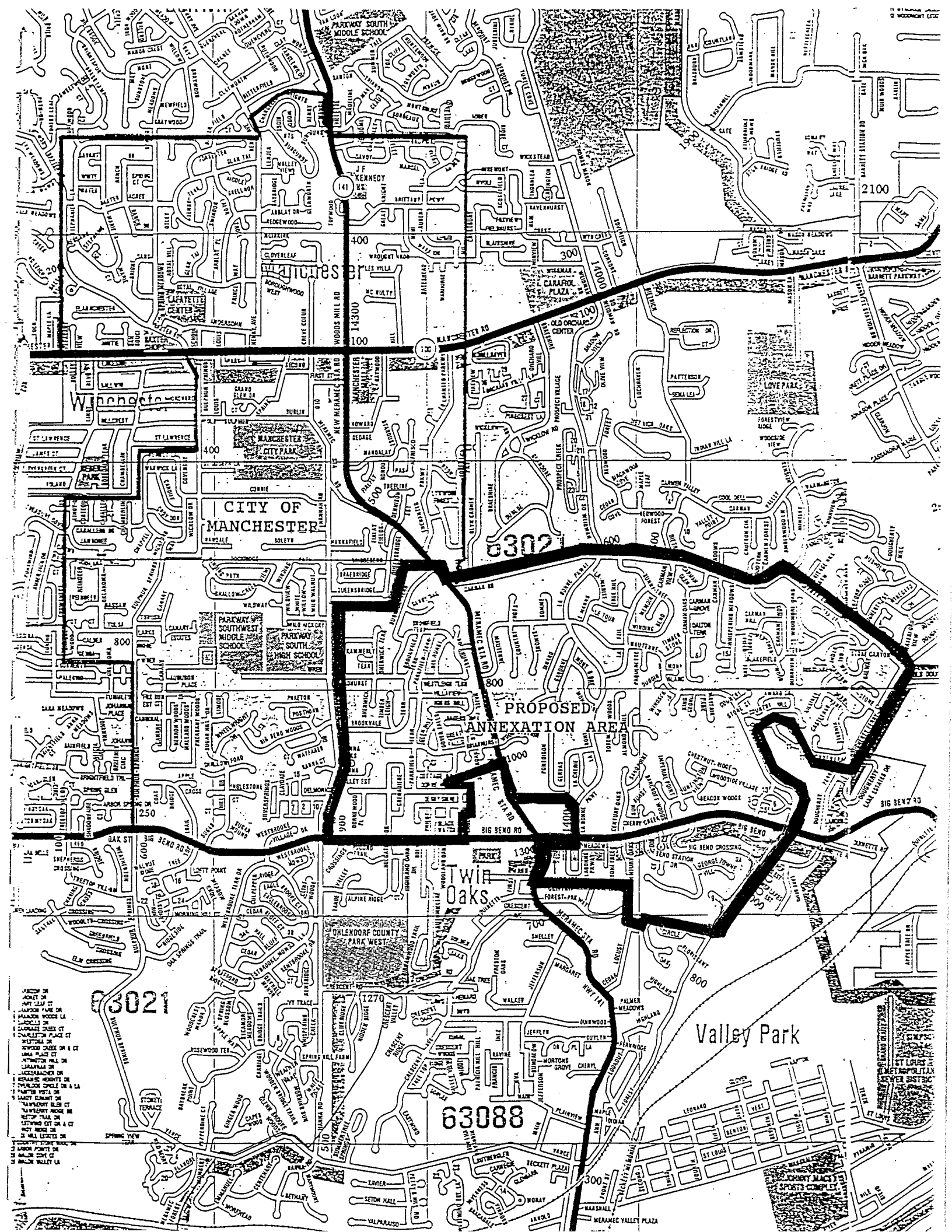
## CARMAN-DOUGHERTY FERRY ANNEXATION AREA

The point of beginning is located by starting at the most eastwardly southeast corner of the city limits of the City of Manchester, Missouri; hence westwardly on the said city limit line a distance of around 183 feet to a point; hence southernly along the city limits a distance of around 391 feet to the point of beginning; said line also being the western boundary line of Section 1 Glyn Cagney Subdivision, Block A; hence continuing on said Glyn Cagney Subdivision boundary line to the northern right-of-way line of Carman Road, hence eastwardly on said right-of-way line a distance of around 8,800 to a point of intersection with the eastern right-of-way line of Dougherty Ferry Road; hence proceeding southwestwardly along said right-of-way to a point of intersection with the northern line of the City of Valley Park, Missouri; hence proceeding westwardly along said city limits to a point of intersection with the western right-of-way line of Dougherty Ferry Road, said point also being the southeast corner of lot 106 of Seven Oaks Plat 5; hence proceeding northwestwardly along the line being the boundary of Seven Oaks Plat 5, said line also being the city limits of Valley Park, to a point of intersection with the southeast corner of the common ground of Country Lane Woods II Plat 6; hence proceeding northwardly along the west line of said common ground and continuing to a point of intersection with the southeast corner of Lot 244 of Country Lane Woods II Plat 6, said line also being the northern limits of the City of Valley Park; hence proceeding westwardly along the southern line of Country Lane Woods II Plat 6, said line being the Valley Park city limits, to a point of intersection with the east right-of-way line of Country Stone Drive, said line also being the Valley Park city limits; hence proceeding southwardly on said right-of-way line to a point of intersection with the north right-of-way line of Big Bend Road; hence proceeding southwesterly to the point of intersection with the south right-of-way line of Big Bend Road and the east right-of-way line of Country Stone Drive; hence proceeding southwesterly to a point of intersection with the east right-of-way line of Dougherty Ferry Road, said line being the Valley Park city limits; hence continuing southwesterly along said right-of-way and Valley Park city limit line to a point of intersection with the prolonged extension of the southern line of Big Bend Station, Plat 2 and crossing the west right-of-way line of Dougherty Ferry Road; hence proceeding westwardly on said southern line which also is the Valley Park city limits to a point



of intersection with the west line of the Pebble Point Association property and the northwest corner of Lot 115 of Dougherty Ferry Woods, Plat 1, hence proceeding southwardly along the west line of Lot 115, said line being the Valley Park City limits, to a middle point of with the west line of Lot 114 of Dougherty Ferry Woods, Plat 1 Subdivision and the intersection of the prolonged southern line of Lot F of the Hartje's Subdivision, said line being the Valley Park city limits, hence proceeding westwardly on said Lot F prolonged line to a point of intersection with the east line of Lots F, E, D, C & B of the Hartje's Subdivision, said line being the Valley Park city limits, hence proceeding northerly on said east line to the point of intersection with the north line of said Lot B, said line being the Valley Park city limits hence proceeding westwardly along said lot line also being the Valley Park City limits to a point of intersection with the east right-of-way line of Meramec Station Road; hence proceeding westward to a point being on the west right-of-way line of Meramec Station Road; hence proceeding northwardly along said right-of-way line to a point of intersection with the south right-of-way line of Big Bend Road, said line also being the city limits of Twin Oaks, Missouri; hence proceeding eastwardly on the south right-of-way line of Big Bend Road, said line being the Twin Oaks city limits, to a point on said right-of-way being the point of intersection with west prolonged line of LaBonne Parkway Estates Resubdivision, hence proceeding northwardly on said prolonged line across Big Bend Road to the northeast corner intersection with the Dierberg, Four LPA Dela Ltd. Partnership property, said line also being the Twin Oaks city limits, hence proceeding westwardly along the said Dierberg northern property line and continuing to the point of intersection with the west right-of-way line of Meramec Station Road, said line being the Twin Oaks city limits; hence proceeding northward on the west right-of-way line to a point of intersection with the southeast corner of Lot 506 of Chadwick Estates, Plat 17, said line also being the Twin Oaks city limits, hence proceeding southwestwardly along the south lines of Lots 506 through 512, 514, 516 of Chadwick Estates, Plat 17; said line also being the most northern line of the City of Twin Oaks; hence proceeding southward along said Twin Oaks city limits to a point being the northwest corner of Lot 16 of Eagle Glen Plat 2; hence eastwardly along said Twin Oaks city limits, said line also being the northern line of said Lot 16 and Lots 17 through 22 of Eagle Glen, to the northeastern corner of said Lot 22; hence turning southward along the city limits of Twin Oaks a distance of around 613 feet to a point, said point being the southeast corner of Lot 32 of Eagle Glen; hence westwardly on said City Limits a distance of around 213 feet to a point; hence southwardly along

the Twin Oaks city limits a distance of around 404 feet to a point, said line also being the rear line of Lots 36 through 40 of Eagle Glen, said point being on the northern right-of-way line of Big Bend Road; hence continuing southward 65 feet to a point on the southern right-of-way line of Big Bend Road, said point being the northeast corner of Lot Pt. 6 of Big Bend Square Subdivision; hence proceeding westwardly along the said right-of-way line, said line also being the city limits of Twin Oaks a distance of around 660 feet to a point being the northeast corner of the common land of the Woodlands Plat 2; hence turning southward on the said common land eastern boundary, being also the Twin Oaks city limits, a distance of around 45 feet to a point of intersection with the prolongation of the northern line of Lots 7 and 8 of the Woodlands Plat 2; hence turning westward on said line also being the northwestwardly city limits of Twin Oaks a distance of around 700 feet to a point of intersection with the eastern property line of Holgate Kinder Care Subdivision; said point being the most northwest corner of the City of Twin Oaks; hence proceeding northward from said point a distance of around 45 feet to a point on the southern right-of-way line of Big Bend Road; hence proceeding westwardly along the said Big Bend right-of-way to a point of intersection with the eastern right-of-way line of Hanna Road, said point being the most southeast corner of the City of Manchester, Missouri; hence proceeding northward on the eastern right-of-way line of Hanna Road, being the Manchester city limits, a distance of around 4,400 feet to a point of intersection with the prolonged southern line of Lots 64 through 77 of Bainbridge Plat No. 1, said line being the Manchester city limits; hence proceeding easterly on said line to the southeast corner of said Lot 77, hence proceeding northeasterly along the east line of Lots 77 through 87 of Bainbridge Plat 1,, said line being the Manchester city limits; hence proceeding eastwardly on the irregular Manchester city limit line a distance of around 1650 feet to the point of beginning.



CITY OF MANCHESTER

PROPOSED ANNEXATION AREA

Twin Oaks

Valley Park

0302

63088

2100

6302

BIG BEND RD

0302

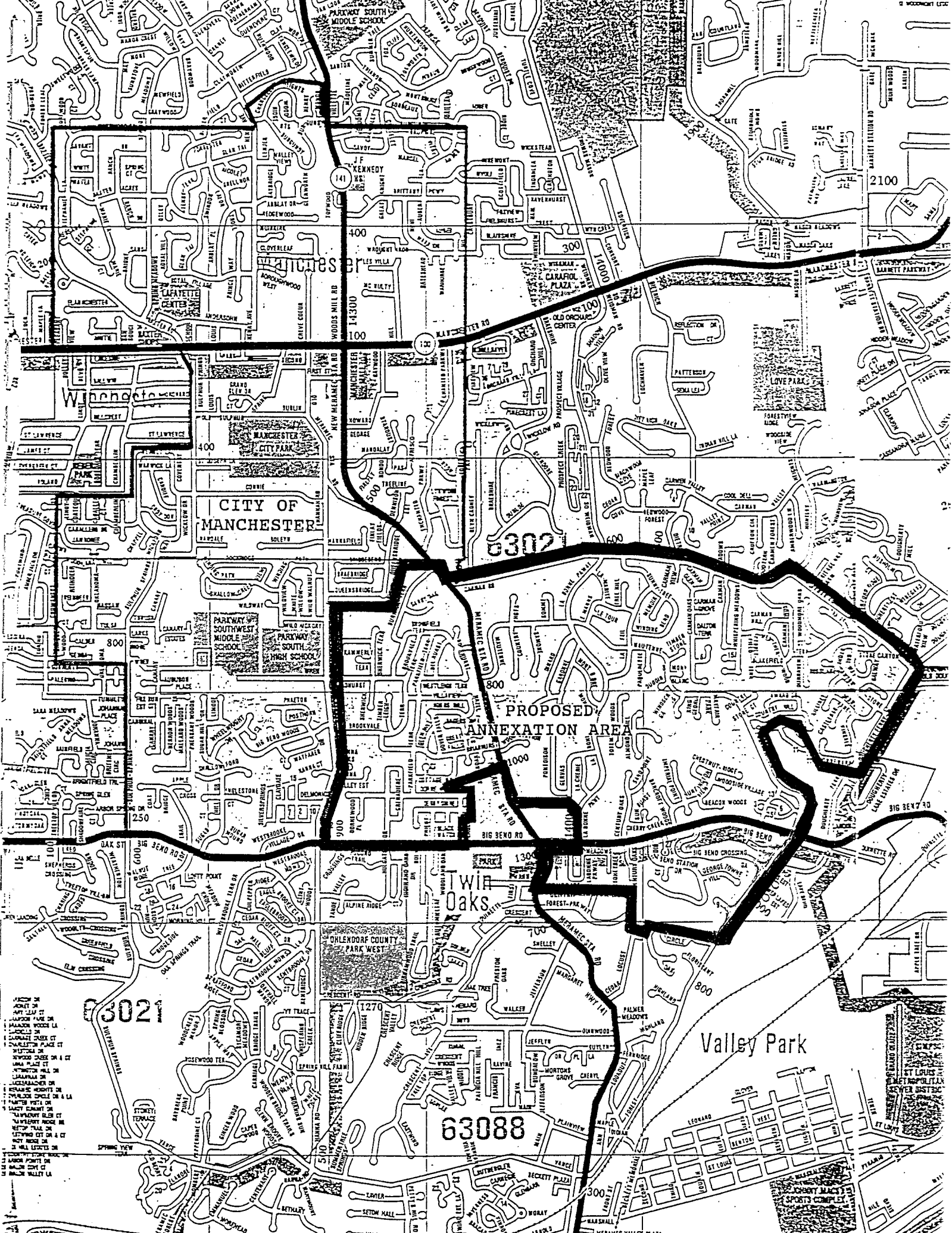
0302

1270

300

300

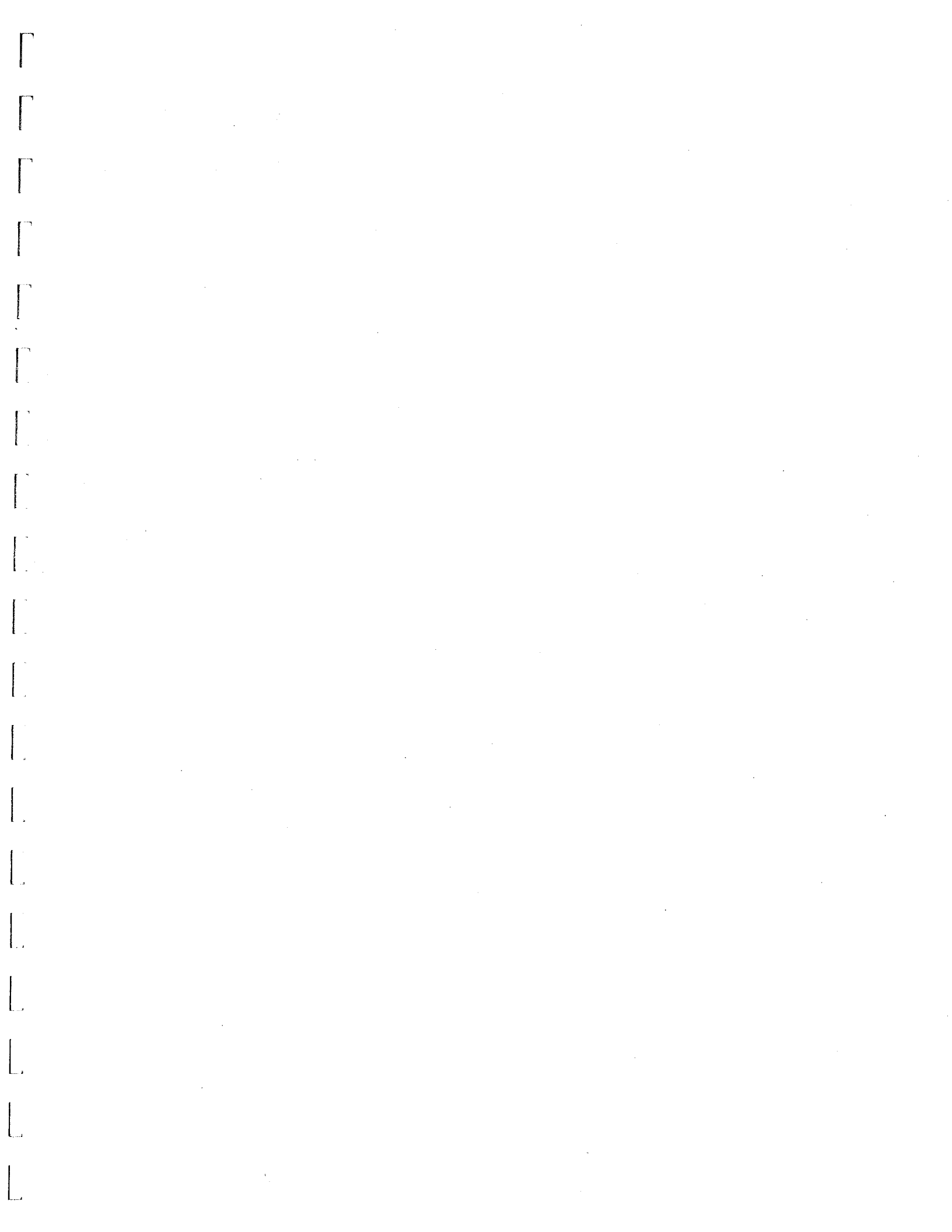
300



## PLATTED SUBDIVISIONS

## CARMAN-DOUGHERTY FERRY ANNEXATION AREA

1. Arbor Pointe
2. Autumn Leaves
3. Big Bend Station, Plats 1, 2, 3 & 4
4. Carman Acres, Plats 1, 2 & 3
5. Carman Meadows, Plat 1
6. Carman View
7. Carman Woods, Plats 1, 2, 3 & 4
8. Chadwick Estates, Plat 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21
9. Country Lane Woods (first addition)
10. Country Lane Woods (II Apartments)
11. Country Lane Woods II, Plats 1, 2A, 2B, 3, 4, 5, 6, 7
12. Country Lane Woods (second addition)
13. Country Stone Manor Condominiums
14. The Crossings at Big Bend
15. D'Amato
16. Donald Hughes
17. Dornewood Place
18. Dornewood Place II
19. Eagle Glen, Plat 2 and 2A
20. Eastwood Manor, Plats 1 and 2
21. Gascony, Plats 1, 2 and 3
22. Gates Farm Partition
23. Hanna Oaks
24. Hanna Place Condominiums, Plats 1, 2, 3 and 4
25. Hanna Valley Estates
26. Hickory Hills Estates, Plats 1 and 2
27. Kipp
28. La Bonne Parkway Estates Resub
29. Marquette Meadows
30. Ogroski Estates
31. Pebble Point
32. Peter Breen Est
33. Quinette
34. Schmersahl Lots 1 & 2 BDY ADJ
35. Schmersahl Subdivision
36. Seven Oaks, Plats 1, 2, 3, 4 and 5
37. Stonegate Apartments
38. Stratford Acres
39. TJ Barnum Estate
40. Woods Station



**BOUNDARY COMMISSION, ST. LOUIS COUNTY**  
**NOTICE OF (type of boundary change) PROPOSAL AND PUBLIC HEARING**

In accordance with Chapter 72 of the Revised Statutes of the State of Missouri, notice is hereby given that the Boundary Commission, St. Louis County will conduct a

Public Hearing on \_\_\_ (date) \_\_\_ at \_\_\_ (time) \_\_\_ at the  
 \_\_\_ (location) \_\_\_.

for the purpose of giving parties in interest and citizens an opportunity to be heard on the following proposed boundary changes:

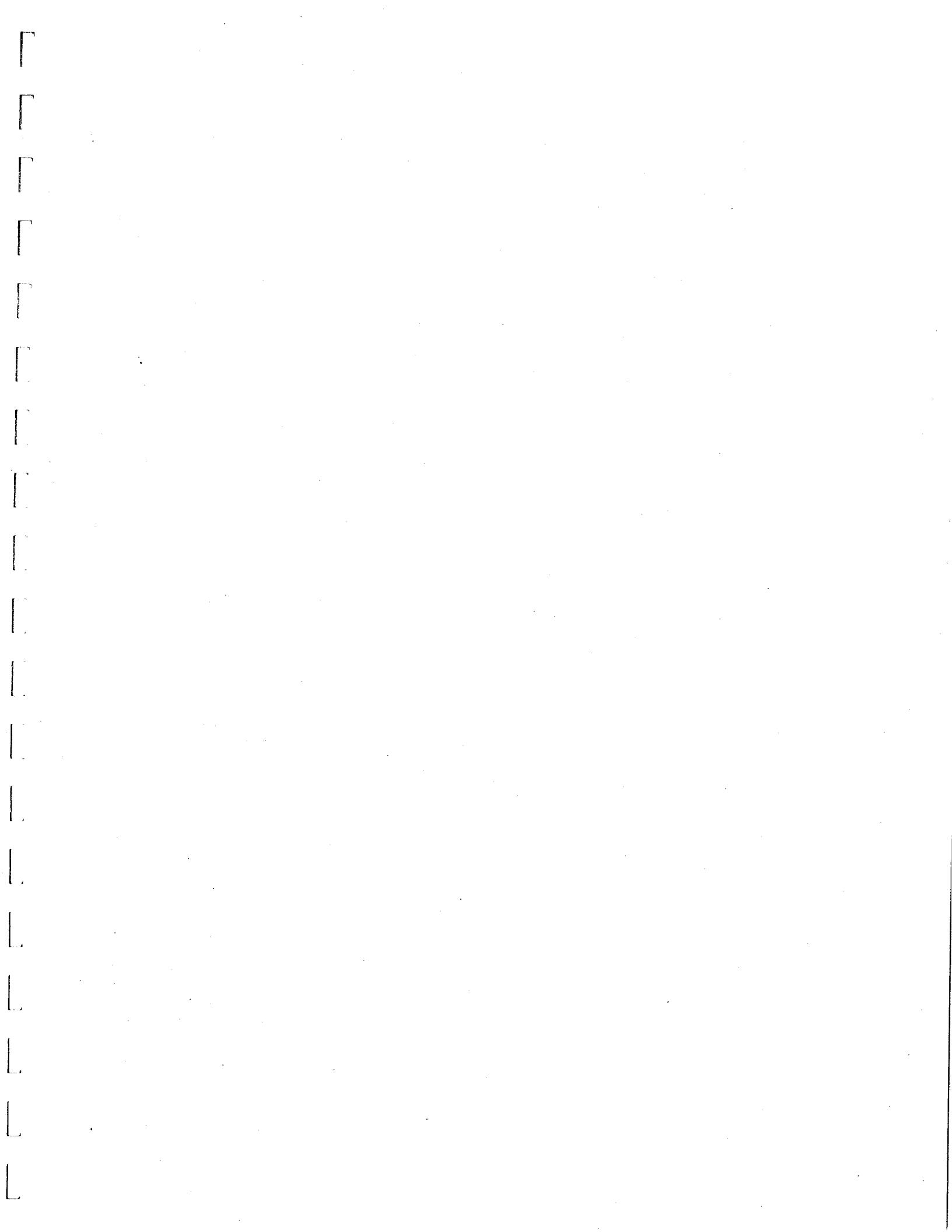
Proposal No. \_\_\_\_\_. A proposal for a boundary change submitted on \_\_\_\_\_  
 by the City of \_\_\_\_\_ to \_\_\_\_\_ (type of boundary change) an area, known as  
 “ (description of boundary change) ”,

The Boundary Commission, St. Louis County, invites public comments on the proposals submitted for public hearing. Written and oral comments may be presented to the Commission in conjunction with the Public Hearing, or, in addition, written comments may be received for a period of twenty-one days after the close of the Public Hearing and will be filed for the reference of the Commission.

A copy of each proposal, which includes the proposing agent, a copy of the map depicting the proposed annexation area, legal description, the plan of intent and required certifications, as received from the applicant, is available in the office of the Boundary Commission, St. Louis County, 1516 S. Brentwood Blvd., Suite 101, Brentwood, Missouri 63144, weekdays, during regular business hours, 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m. If you have any questions regarding the proposal scheduled for public hearing, please contact the Boundary Commission, St. Louis County, at 961-7877.

Persons requiring an accommodation to attend and participate in the Public Hearing should contact the Boundary Commission, St. Louis County in writing at 1516 S. Brentwood Blvd., Suite 101, Brentwood, MO 63144 or by telephone at 961-7877 or TDD 1-800-735-2966, at least two working days prior to the Public Hearing.

Carl E. Ramey  
 Administrator  
 Boundary Commission, St. Louis County



LAW OFFICES  
**GUNN AND GUNN**  
A PROFESSIONAL CORPORATION

APPENDIX III

DONALD J. GUNN, JR.  
PATRICK R. GUNN  
SHARON R. WICE  
PATRICK J. BOYLE

FIRST BANK BUILDING  
GREVE COEUR  
11901 OLIVE BOULEVARD, SUITE 312  
P. O. BOX 419002  
ST. LOUIS, MISSOURI 63141  
(314) 432-4550  
FAX (314) 432-4489

May 21, 1998

Mr. Michael B. Leavitt  
City Administrator  
City of Manchester  
14318 Manchester Road  
Manchester, Missouri 63011

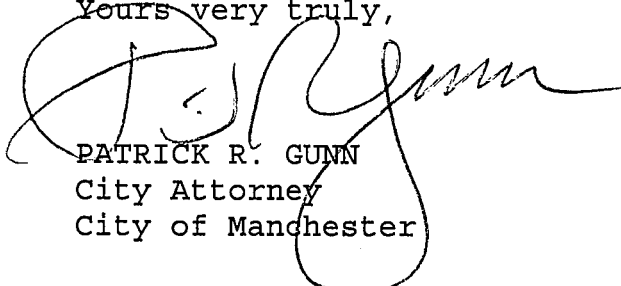
Re: MANCHESTER ANNEXATION

Dear Michael:

Pursuant to the Boundary Commission's Rules and Regulatory Procedures, this letter should serve as my legal opinion that all statutory requirements, other than Chapter 72 R.S.Mo., applicable to proposing agents, have been satisfied.

Thank you.

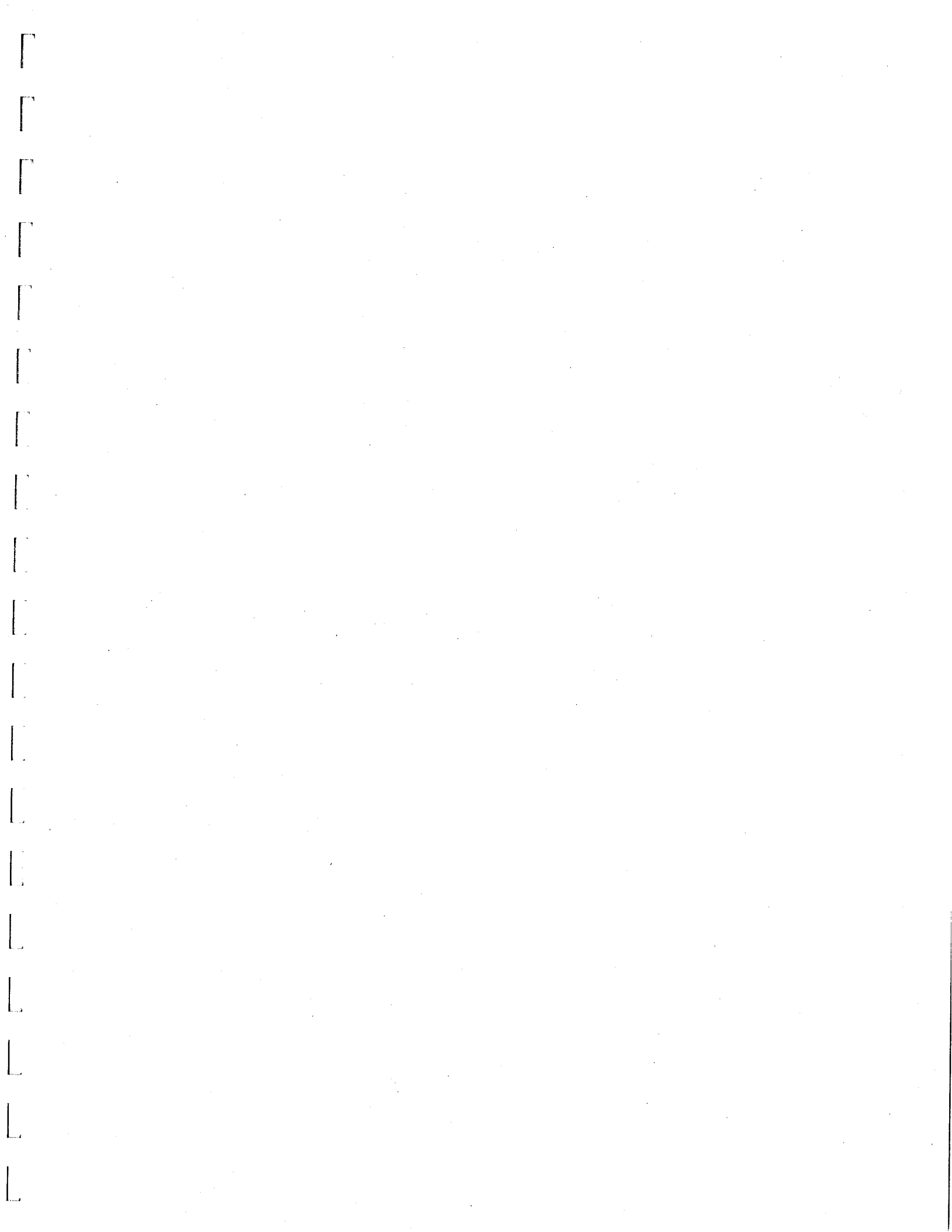
Yours very truly,



PATRICK R. GUNN  
City Attorney  
City of Manchester

PRG:SAS





I, Michael B. Leavitt, duly appointed City Administrator/Clerk for the City of Manchester, County of St. Louis, State of Missouri, hereby certify that the attached is a true and correct copy of an original document taken from the permanent records of the City of Manchester which are under my exclusive control, care and dominion.

CERTIFIED THIS 1st DAY OF JUNE, 1998.

CITY OF MANCHESTER

BY Michael B. Leavitt  
 Michael B. Leavitt  
 City Administrator

STATE OF MISSOURI            )  
   ) SS.  
 COUNTY OF ST. LOUIS        )

On this 1st day of JUNE, 1998, Michael B. Leavitt personally appeared before me.

Linda A. Tate  
 Notary Public

My term expires:

**LINDA A. TATE**  
**Notary Public-Notary Seal**  
**State of Missouri**  
**St. Louis County**  
**My Commission Expires September 10, 2001**

INTRODUCED BY ALDERMAN HILLBILL NO. 98-1102ORDINANCE NO. 98-1046

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF AN UNINCORPORATED AREA CONTIGUOUS TO THE CITY OF MANCHESTER, MISSOURI, AND, FURTHER, AUTHORIZING THE SUBMITTAL TO THE ST. LOUIS COUNTY BOUNDARY COMMISSION OF A BOUNDARY CHANGE PROPOSAL THEREFOR.

WHEREAS, the City of Manchester has undertaken a study of the possible annexation of a contiguous area and, pursuant thereto, has determined that the annexation of the unincorporated area described in Exhibit "A" attached hereto and hereby made a part hereof is feasible and important, and,

WHEREAS, the City has developed an annexation proposal for submittal to the St. Louis County Boundary Commission relating to such contiguous area.

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

Section One: The City of Manchester shall undertake the annexation of the unincorporated contiguous area described in Exhibit "A" attached hereto and hereby made a part hereof.

Section Two: A proposal for the annexation of such area, together with all necessary documentation thereof, shall be filed by the City Administrator of the City of Manchester with the St. Louis County Boundary Commission as expeditiously as possible.

Section Three: Subject to the approval of the boundary change proposal by the St. Louis County Boundary Commission, and

the subsequent approval of a majority of those voting thereon within the City and a separate majority of those voting thereon within said unincorporated area, the annexation of such area shall become effective upon such date as approved by the St. Louis County Boundary Commission.

Section Four: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

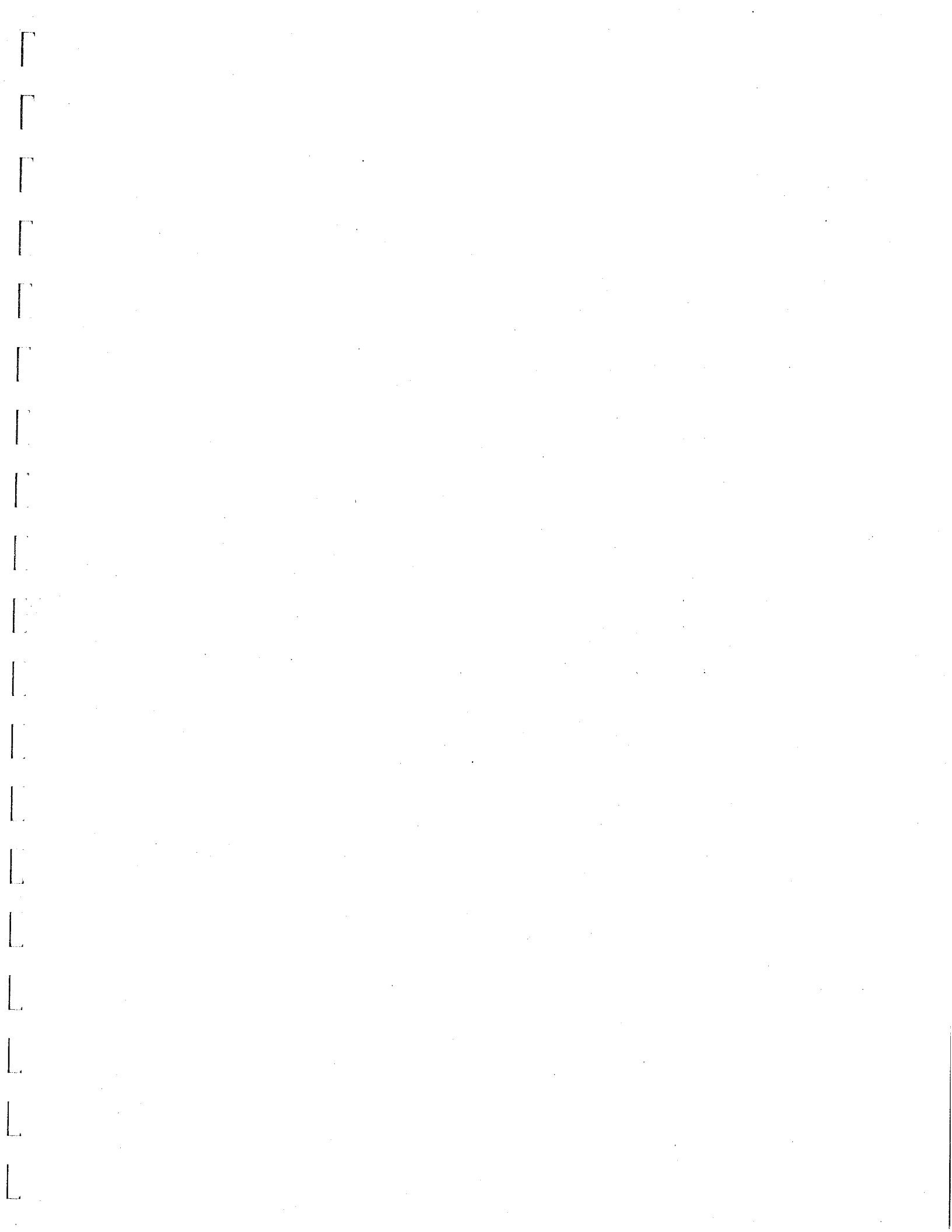
PASSED AND APPROVED THIS 1st DAY OF JUNE,  
1998.

CITY OF MANCHESTER

By Larry L Miles  
Mayor

ATTEST:

Michael J. Hewitt  
City Administrator



## Chapter 28

## MINIMUM HOUSING CODE\*

- Art. I. In General, §§ 28-1-28-5
- Art. II. Responsibilities of Owners and Occupants, §§ 28-6-28-11
- Art. III. Minimum Standards for Dwellings and Dwelling Units, §§ 28-12-28-24
- Art. IV. Space Requirements at Change of Occupancy, §§ 28-25-28-29
- Art. V. Basement and Garden Level Rooms, § 28-30
- Art. VI. Illumination, §§ 28-31-28-32
- Art. VII. Electrical Service, §§ 28-33-28-43
- Art. VIII. Water Facilities, §§ 28-44-28-48
- Art. IX. Heating, §§ 28-49-28-51
- Art. X. Ventilation Requirements, §§ 28-52, 28-53
- Art. XI. Accessory Structures and Fences, §§ 28-54, 28-55
- Art. XII. Egress, §§ 28-56-28-58
- Art. XIII. Inspections; Enforcement Authority, §§ 28-59-28-68
- Art. XIV. Occupancy Permit, §§ 28-69-28-77
- Art. XV. Notice of Noncompliance, § 28-78
- Art. XVI. Remedies for Noncompliance, §§ 28-79, 28-80
- Art. XVII. Buildings Unfit for Human Habitation, §§ 28-81-28-84
- Art. XVIII. Vacated Buildings, §§ 28-85, 28-86
- Art. XIX. Broken Glass and Boarding-Up, §§ 28-87-28-89
- Art. XX. Violations, §§ 28-90, 28-91
- Art. XXI. Appeals, § 28-92
- Art. XXII. Emergency Measures, §§ 28-93, 28-94

## ARTICLE I. IN GENERAL

## Sec. 28-1. General purpose.

The general purpose of this chapter is to protect the public health, safety and general welfare of the people of the City of Manchester. These general objectives include, among others, the following specific purposes:

\*Editor's note—For provisions pertaining to the applicability and scope of this chapter, the reader's attention is directed to §§ 28-3 and 28-4.  
 Cross references—Buildings and building regulations, Ch. 7; electricity, Ch. 10; fire prevention and protection, Ch. 11; garbage, trash and refuse, Ch. 12; health and sanitation, Ch. 13; plumbing, Ch. 21; water, sewers and sewage disposal, Ch. 27; zoning generally, App. B.

- (1) To protect the character and stability of residential property within the City of Manchester.
- (2) To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of buildings.
- (3) To provide facilities for light and ventilation necessary to health and safety.
- (4) To prevent additions or alterations to existing dwellings that would be injurious to the life, health, safety or general welfare of the occupants of such dwellings or neighboring properties.
- (5) To prevent the overcrowding of dwellings by providing minimum space standards per occupant of each dwelling unit.
- (6) To provide minimum standards for the maintenance of existing residential buildings, and to thus prohibit the spread of slums and blight.
- (7) To thus preserve the property value of land and buildings throughout the City of Manchester.
- (8) To provide mechanisms for the enforcement and administration of the code to ensure that the above purposes are accomplished. (Ord. No. 86-178, § 1, 2-3-86)

#### Sec. 28-2. Definitions.

For the purpose of this ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Abandoned vehicle.* Any motor vehicle, or parts thereof, situated on property or upon any street or highway, and (1) which does not have displayed thereon a permanent license plate or set of plates issued for that vehicle indicating current registration by one of the states; or (2) for which no arrangements have been made for its storage with the owner or occupant of the premises on which it is located; or (3) the owner of which has indicated by his words or actions his intent to leave the same and no longer

claims ownership thereof; or (4) which is found lacking essential component parts which prevent it from being immediately operative and mobile under its own source of power.

*Accessory building.* A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises.

*Basement.* That portion of a structure having one-half (½) or more of its height below grade. A basement is not counted as a story for the purpose of height regulations if used for dwelling purposes in conformance with city ordinances or state statutes.

*Bathroom.* A room affording privacy, containing bathing and sanitary facilities, provided within each living unit consisting of a water closet, a tub or shower, and a lavatory basin; provided, that in the case of another room containing only a water closet, a lavatory basin shall be provided, notwithstanding that a lavatory basin is provided elsewhere within the dwelling unit.

*Building.* Any structure designed or intended for the support, enclosure, shelter or protection of persons or property. When a structure is divided into separate parts by unpierced buildings extending from the ground up, each part is deemed a separate building.

*Cellar.* That portion of a building which is partly underground, but having less than fifty (50) per cent of its ceiling height above the average grade of the adjoining ground.

*Change of occupancy.* Any circumstances wherein the composition of the residents of a dwelling unit changes either through the sale, lease, rental or other provision for the occupancy of any dwelling unit or by the addition of one or more persons to the number of residents of a dwelling unit, except by birth or legal custody of minors.

*Chimney.* A vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat-resisting material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

*Conditional occupancy permit.* A document which states the names, ages, relationships, and number of occupants of a dwell-

ing unit which does not comply with all of the provisions of this chapter. It is issued only under specified circumstances listed herein for a limited, specified length of time.

*Deterioration.* The condition or appearance of a building or part thereof, characterized by evidence of physical decay or neglect, excessive use, or lack of maintenance or any combination of such characteristics.

*Dilapidated.* No longer adequate for the purpose or use for which it was originally intended.

*Dormitory.* A building or a group of rooms in a building used for institutional living and sleeping purposes by four (4) or more persons.

*Dwelling.* Any building, or portion thereof, which is designated or used in whole or in part for residential purposes.

*Dwelling unit.* One or more rooms or any part thereof, in a building usable for occupancy by one family for living purposes and having its own permanently installed kitchen and sanitary facilities.

*Enforcement official.* The city engineer/director of public works for the City of Manchester or such other delegated representative charged with the responsibilities of administering this chapter including a delegate or representative of St. Louis County.

*Egress.* An arrangement of exit facilities to assure a safe means of exit from buildings.

*Exterior appurtenances.* Objects which are added to a structure for aesthetic or functional purposes. These include, but are not limited to, screen, awnings, trellises, television antennae, storm windows and storm doors.

*Extermination.* The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any

other recognized and legal pest elimination methods approved by the health commissioner of this county.

*Family.* One or more persons occupying a dwelling and living as a single housekeeping unit, all of whom or all but two (2) of whom are related to each other by birth, adoption, marriage, or as a foster child of an occupant, but if not related to each other by birth, adoption, marriage, or as a foster child, then no more than three (3) persons, as distinguished from a group occupying a boarding house, lodging house or hotel.

*Fence.* An independent structure forming a barrier at grade between lots, between a lot and street or an alley, or between portions of a lot or lots. A barrier includes a wall or lattice-work screen but excludes a hedge or natural growth, or a barrier less than eighteen (18) inches in height which is used to protect plant growth.

*Flush water closet.* A toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above floor level.

*Garbage.* Food waste from homes, kitchens, apartments, hotels, stores, restaurants, fraternity houses, sorority houses, stores, markets and similar establishments.

*Garden level.* That portion of a building which is partly underground, but having at least sixty (60) per cent of its ceiling height above the average grade of the adjoining ground.

*Grade.* The finished ground level adjacent to a required window.

*Gross floor area.* The total area of all habitable space in a building or structure.

*Gutter.* A trough under an eave to carry off water.

*Habitable room.* Every room in any building in which persons sleep, eat, or carry on their usual domestic or social vocations or avocations. It shall not include private laundries, bathrooms, toilet rooms, water closet compartments, pantries, storerooms, foyers, closets, corridors, rooms for mechanical equipment for service in the building, or other similar spaces not used by persons frequently or during extended periods.



*Harborage places: insects, pests, or rodents.* Any place where insects, pests or rodents can live, nest or seek shelter.

*Infestation.* The presence within or contiguous to a structure or premises of insects, rodents, vermin or other pests.

*Kitchen.* A space which contains a sink, and adequate space for installing cooking and refrigeration equipment and for the storage of cooking utensils.

*Lead-based paint.* Any paint, lacquer, glaze or other applied liquid surface coating, putty or plaster which contains, a quantity of lead in excess of seven-tenths (0.7) milligrams per square centimeter (0.7 mg/cm<sup>2</sup>) of surface when tested by a radioisotope x-ray florescent analyzer (XRF), or more than six-hundredths (0.06) of one per cent by weight (calculated as lead metal) is the total nonvolatile content of the coating or the equivalent measure of lead in the dried film of coating already applied or both.

*Meaning of certain words.* Whenever the words "dwelling", "dwelling unit", "rooming units", "premises", or "structure" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof". Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

*Multiple dwelling.* A building or portion thereof designed for or occupied by two (2) or more families.

*Occupancy permit.* A document which states the names, ages, relationships, and number of occupants of a dwelling unit, and that the occupancy complies with all of the provisions of this chapter. It is issued under the circumstances listed herein.

*Occupant.* When applied to a building or land, "occupant" shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or land, either alone or with others.

*Operable area.* That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator.* Any person who has charge, care or control of a building, or part thereof, which is let or offered for occupancy.

*Owner.* Any person who, alone or jointly with others, or firm or corporation who:

- (1) Shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof, or
- (2) Shall have charge, care, or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

*Permissible occupancy.* The maximum number of individuals permitted to reside in a dwelling unit, rooming unit or dormitory.

*Person.* "Person" shall include any natural individual, firm, trust, partnership, association or corporation in his or its own capacity, or as administrator, conservator, executor, trustee, receiver, or other personal representative appointed by the court. Whenever the word "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

*Plumbing.* Facilities and equipment including, but not limited to, the following: gas pipes, gas-burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures, together with all connections to water, sewer, vent or gas lines and as defined by the St. Louis County Plumbing Code.

*Premises.* A platted lot or part thereof, or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, including any such building, accessory structure or other structure thereon.

*Privacy.* The existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

*Provided.* Any material furnished, supplied, paid for or under the control of the owner.

*Public hall.* A hall, corridor or passageway for egress from a dwelling not within the exclusive control of one family or dwelling unit.

*Rat harborage.* Any conditions or place where rats can live, nest, or seek shelter.

*Ratproofing.* A form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing or other methods approved by the health commissioner.

*Refuse.* All solid wastes, including garbage and rubbish, ashes and dead animals.

*Refuse container.* A watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers as have been approved by the appropriate authority. Openings into the container such as covers and doors shall be tight fitting.

*Repair.* To restore to a sound and acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

*Replace.* To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is beyond repair.

*Rooming house.* Any dwelling other than a hotel or motel or that part of any dwelling, containing one or more rooming units, and/or one or more dormitory rooms and in which persons either individually or as families are housed with or without meals being provided.

*Rooming unit.* Any room or group of rooms or any part thereof forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Rubbish.* Tin cans, glasses, papers, tree limbs (not exceeding three (3) feet in length or fifty (50) pounds in weight), grass and weed cuttings, broken crockery, rags, boxes, small light wood or crafting materials and sweepings of dust or dirt.

*Safe.* The condition of being reasonably free from danger and hazards which may cause accidents or disease.

*Splash basin.* A trough or similar projection beneath the downspout or conduit to divert water away from the foundation.

*Structure.* Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to the following: signs, swimming pools, backstops or enclosures for tennis courts, gazebos, sheds and accessory buildings.

*Standard.* All structures which do not conform to the minimum standards established by this chapter or any other ordinance.

*Supplied.* Paid for, installed, furnished or provided by or under the control of the owner or operator.

*Toxic substance.* Any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

*Undefined words.* Words not specifically defined in this chapter shall have the common definition set forth in a standard dictionary.

*Ventilation.* The process of supplying and removing air by natural or mechanical means to or from any space. Ventilation by power driven devices shall be deemed mechanical ventilation.

Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices shall be deemed natural ventilation.

*Workmanlike.* Whenever the words "workmanlike manner and good repair" are used in this code, they shall mean that such maintenance and repair shall be made in a skillful manner.

*Yard.* An open space, other than a court, on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in the ordinances of the City of Manchester. In measuring a yard, for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between a lot line and the main building shall be used. (Ord. No. 86-178, § 1, 2-3-86; Ord. No. 91-524, § 1, 1-21-91)

#### Sec. 28-3. Applicability.

Every building and its premises located in the City of Manchester used in whole or part as a dwelling or as an accessory thereof, shall conform to the requirements of this chapter. (Ord. No. 86-178, § 1, 2-3-86; Ord. No. 91-524, § 1, 1-21-91)

#### Sec. 28-4. Scope.

This chapter establishes minimum standards for dwellings, dwelling units and accessory buildings located in the City of Manchester, and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings except such as are in conflict with the provisions of this chapter. In any case, where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City of Manchester existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. (Ord. No. 86-178, § 1, 2-3-86; Ord. No. 91-524, § 1, 1-21-91)

#### Sec. 28-5. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect. (Ord. No. 86-178, § 1, 2-3-86)

### ARTICLE II. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

#### Sec. 28-6. Premises fit for human occupancy.

No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Missouri, St. Louis County and the City of Manchester. (Ord. No. 86-178, § 1, 2-3-86)

#### Sec. 28-7. Shared or public area.

Every owner of a dwelling located in the City of Manchester shall maintain in a clean and sanitary condition the shared or public area of the dwelling and premises thereof. (Ord. No. 86-178, § 1, 2-3-86; Ord. No. 91-524, § 1, 1-21-91)

#### Sec. 28-8. Clean and sanitary premises.

Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises that he occupies and controls. (Ord. No. 86-178, § 1, 2-3-86)

#### Sec. 28-9. Disposal of rubbish.

Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner in conformance with Chapter 12 of the Code of Ordinances for the City of Manchester. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-10. Screens, double or storm doors, windows.**

The owner of a dwelling shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this chapter or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and the occupant. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows once installed in any one season become the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-11. Extermination.**

Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE III. MINIMUM STANDARDS FOR DWELLINGS AND DWELLING UNITS****Sec. 28-12. Applicability.**

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 sections of this article. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-13. Foundations, exterior walls and roofs.**

The foundation, exterior walls and roof shall be watertight, weatherlight, and protected against rodents and shall be kept in sound condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be maintained in a sound condition of repair and shall be free of any other condition which admits rain or dampness to the interior portions of the building. All exterior surface material must be treated, painted in a workmanlike manner or otherwise maintained in a sound condition. All surface material previously painted, or otherwise treated, shall continue to be maintained in a workmanlike manner. Roofing material shall be considered in disrepair and shall be repaired or replaced when the physical condition of the material becomes cracked, buckled, chipped, curled, torn or deteriorated. Replacement roof shingles shall be similar in appearance to the original material. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls. Where erosion exists, splash basins shall be provided for water dispersion from downspouts or other conduits. All cornices, rustications, quoins, moldings, gutters and similar projections shall be kept in good repair and free from defects, which make them hazardous and dangerous. All gutters shall be covered with a protective coating to prevent deterioration. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-14. Floors, interior walls and ceilings.**

Every floor, interior wall, and ceiling shall be protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotting floor boards. Every interior wall and ceiling shall be free of large cracks and holes, and shall be free of loose plaster or other structural or surface materials. Every toilet room and bathroom floor surface shall be impervious to water and be capable of being maintained easily in a clean and sanitary condition. Toxic paint and material shall not be used where accessible to children. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-15. Windows, doors and hatchways.**

Every window, exterior door, and basement hatchway shall be tight, and shall be kept in sound condition and repair and free from rust. Every window shall be fully supplied with window panes which are without cracks or holes. Every window sash shall be in good condition and fit tightly within its frame. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware. Every exterior door, door hinge, and door latch shall be in good condition. Every exterior door, when closed, shall fit within its frame. Every window, door or frame shall be constructed and maintained in such relation to the adjacent wall construction as to exclude rain and wind from entering the dwelling. Every basement hatchway and window shall be so constructed, screened or maintained as to prevent the entrance of rodents, rain and surface drainage water into the building. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-16. Exterior appurtenances.**

Exterior appurtenances including, but not limited to, screens, awnings, trellises, television antennae, storm windows, and storm doors shall be installed in a safe and secure manner, and shall be maintained in sound condition, free from rust, and protected from the elements against deterioration by paint, or other protective coating, applied in a workmanlike manner. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-17. Stairways and porches.**

Every stairway, inside or outside of the dwelling, and every porch, shall be kept in safe condition and sound repair. Every flight of stairs and every porch floor shall be free of deterioration. Every stairwell and every flight of stairs which is more than four (4) risers high shall have a rail not less than two and one-half (2½) feet high, measured vertically from the nose of the tread to the top of the rail; and every porch which is more than four (4) risers high shall have a rail not less than two and one-half (2½) feet above the floor of the porch. Every rail and balustrade shall be firmly fastened and maintained in good condition, free from

rust, and protected from the elements against deterioration by paint or other protective coating, applied in a workmanlike manner. No flight of stairs shall have settled more than one inch out of its intended position or have pulled away from supporting or adjacent structures. No flight of stairs shall have rotting, loose, or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every stair tread shall be strong enough to bear a concentrated load of at least four hundred (400) pounds. Every porch shall have a sound floor. No porch shall have rotting, loose, or deteriorating supports. No wood surfaces may be in direct contact with the surface of the ground. Erosion of dirt from under the porch, porch steps, sloop or similar appurtenances shall be replaced with dirt or similar fill. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-18. Basements, garden levels and cellars.**

Every basement, garden level and cellar shall be maintained in a safe and sanitary condition. Water shall not be permitted to accumulate or stand on the floor. All sewer connections shall be properly trapped. All cellar and slab drains shall be covered with grating. Junk, rubbish and waste shall not be permitted to accumulate to such an extent as to create a fire hazard or to endanger health or safety. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-19. Facilities, equipment and chimneys.**

Every supplied facility, fixture, system, piece of equipment or utility, and every chimney and chimney flue shall be maintained in a safe, sound and sanitary working condition, consistent with the requirements of this chapter. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-20. Driveways and walkways.**

Driveways and walkways shall be maintained in good repair and free of safety hazards or erosion. In addition, all driveways constructed after September 1, 1991, shall be paved surfaces. "Paved" for the purposes of this section shall mean surfaces constructed of concrete or concrete pavers, asphalt, brick, cobblestones, flagstones, or compacted rock, and meeting the following minimum standards:

- (1) Concrete drives shall have a minimum of four (4) inch concrete depth on prepared compacted subgrade; concrete mix shall be a minimum five (5) sack mix;
- (2) Asphalt drives shall have a minimum of three (3) inches of compacted asphalt over six (6) inches of crushed rock base on prepared subgrade;
- (3) Paver drives shall have a minimum of two and three-eighths (2<sup>3</sup>/<sub>8</sub>) inch brick or concrete paver on one (1) inch sand bedding over four (4) inches of crushed rock on prepared subgrade;
- (4) All other approved driveways shall consist of materials or combinations thereof having a depth of not less than six (6) inches (compact). (Ord. No. 86-178, § 1, 2-3-86; Ord. No. 91-578, § 1, 9-3-91)

#### Sec. 28-21. Yards.

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 a public thoroughfare shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians. All hazardous dead trees and shrubs be promptly removed. (Ord. No. 86-178, § 1, 2-3-86)

#### Sec. 28-22. Premises.

Every premises shall be drained, free of standing water, and maintained in a clean, sanitary and safe condition. (Ord. No. 86-178, § 1, 2-3-86)

#### Sec. 28-23. Abandoned vehicle.

All abandoned vehicles on the premises shall be removed in the manner set forth in Sections 16-66 through 16-78 of the Code of Ordinances for the City of Manchester. (Ord. No. 86-178, § 1, 2-3-86)

#### Sec. 28-24. Infestation.

Each dwelling and all exterior appurtenances on the premises shall be protected against insects, rats, mice, termites and other

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vermin infestation. Building defects which permit the entrance of insects, rats, mice, termites, and other vermin shall be corrected by the owner. (Ord. No. 86-178, § 1, 2-3-86)

### ARTICLE IV. SPACE REQUIREMENTS AT CHANGE OF OCCUPANCY

#### Sec. 28-25. Space requirements.

Every dwelling unit located in the R-3 Multi-Family Residential District, C-1 Commercial District, PRD Planned Residential District, PCD Planned Commercial District and H Historic District shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms. The minimum space requirements in the R-1 Single-Family Residential District and R-2 Single-Family Residential District shall be as established by other provisions of the City of Manchester's Zoning Ordinance. (Ord. No. 86-178, § 1, 2-3-86; Ord. No. 91-524, § 1, 1-21-91)

#### Sec. 28-26. Required space in sleeping rooms.

In every dwelling unit, every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of

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at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-27. Access through sleeping rooms.**

No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, or cellar or to the exterior of the dwelling unit. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-28. Ceiling height.**

Habitable rooms shall have a clear ceiling height over the minimum area required of at least seven (7) feet. Attics or top half stories calculated as habitable rooms shall have a clear ceiling height of at least seven (7) feet over at least one-third ( $\frac{1}{3}$ ) of the floor area. Only those portions of the floor area of such rooms having a clear ceiling of five (5) feet or more may be included. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-29. Basement rooms.**

Basement rooms and belowground level areas that do not comply with Article V hereof shall not be considered in computing the minimum habitable floor area required. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE V. BASEMENT AND GARDEN LEVEL ROOMS**

**Sec. 28-30. Generally.**

It shall be unlawful for any person to use or permit any room in any basement or garden level to be used to satisfy the habitable

room requirements of Article IV hereof unless such room meets all the applicable requirements of this ordinance, particularly with regard to ceiling height, ventilation, window area, and meets the following additional requirements:

- (1) The lowest point of the ceiling shall be at least three (3) feet six (6) inches above the surface of the ground immediately adjoining the room.
- (2) The required minimum window area is entirely above ground level.
- (3) No floor area three (3) feet below grade shall be used in determining habitable living space.
- (4) Two (2) means of exit are provided, at least one of which leads directly to the outside of the building.
- (5) The floors and walls shall be constructed in a manner to prevent the entry of moisture and insulated to prevent the condensation of moisture within the room. Basements, cellars and garden rooms may be used to satisfy the habitable room requirements of Article IV hereof in those cases where such room or dwelling unit has been properly designed for that purpose and has been specifically approved by the enforcement official. Such room or dwelling unit shall meet all building codes and be approved by the enforcement official. (Ord. No. 86-178, § 1, 2-3-86)

#### ARTICLE VI. ILLUMINATION

##### Sec. 28-31. Public halls.

All habitable rooms, passageways and stairways shall be provided with electrical fixtures so that they can be adequately lighted at night. A minimum of five (5) foot-candles of daylight or artificial illumination shall be required at all times in all halls. (Ord. No. 86-178, § 1, 2-3-86)

##### Sec. 28-32. Natural lighting.

All habitable rooms except as otherwise provided in this chapter shall be provided with a means of transmitting natural light from outside complying with the following requirements:

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- (1) Every habitable room shall have at least one window or skylight or approved size facing directly to the outdoors except in kitchens where artificial light may be provided in accordance with the provisions of the building code. The minimum total window area, measured between stops, for every habitable room shall be at least ten (10) per cent of the floor area of such room, and not less than ten (10) square feet. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area for the room.
- (2) Whenever the natural light area opening from a habitable room is to an enclosed porch, such area shall not be counted as a required light area unless the enclosed porch has a natural light area of at least thirty (30) per cent of the floor area of the room in question. (Ord. No. 86-178, § 1, 2-3-86)

#### ARTICLE VII. ELECTRICAL SERVICE

##### Sec. 28-33. Generally.

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 article, and the provisions of the City of Manchester's electrical code. (Ord. No. 86-178, § 1, 2-3-86)

##### Sec. 28-34. Minimum requirements.

The following shall be considered as absolute minimum requirements: Conditions such as size of the dwelling unit and usage of appliances and equipment within the unit shall be used as the basis for requiring additional electrical works. (Ord. No. 86-178, § 1, 2-3-86)

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**Sec. 28-35. Deficiencies.**

Whenever it is found, in the judgment of the enforcement official, that the electrical system in the building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, wiring or installation, deterioration or damage, or for similar reasons, the defects shall be corrected to eliminate the hazard. The enforcement official shall base his findings of hazard on accepted engineering practice standards as specified by the City of Manchester's electrical code. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-36. Size of service.**

Every dwelling shall have at least a sixty-ampere three-wire 120/240 volt electrical service. If a dwelling contains more than five (5) two-wire branch circuits or a total computed load of ten (10) kw or more, a one hundred-ampere service is required. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-37. Number of electrical outlets.**

Every habitable room shall contain not less than two (2) separate and remote wall convenience outlets, one of which may be a ceiling or wall-type electrical light fixture. Such outlets may be installed on lighting circuits. Every kitchen shall be provided with at least two (2) separate grounded wall-type electric convenience outlets on a separate twenty-ampere circuit. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-38. Laundry area.**

Every laundry area shall contain at least one grounded type convenience outlet on a separate twenty-ampere circuit. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-39. Nonhabitable space.**

Every bathroom, laundry room, furnace room, and public hall shall contain not less than one ceiling or wall lighting fixture. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-40. Good working order.**

Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-41. Branch circuits.**

All branch circuit wiring shall meet the requirements of the City of Manchester's electrical code. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-42. Over-current protection.**

All circuits shall have proper over-current protection and provide grounding as per the City of Manchester's electrical code. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-43. Hazards defined.**

In addition to the hazards established by the enforcement official, the following installations are prohibited and their presence shall be deemed a hazard:

- (1) Flush or semiflush mounted floor convenience outlets, unless provided with an approved waterproof cover.
- (2) Extension cords for other than short term, temporary use.
- (3) Conductor supported pendant switches or conductor supported light fixtures.
- (4) Loose or hanging wires.
- (5) Frayed or bare wires.
- (6) Inadequately grounded, grounded type convenience outlets. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE VIII. WATER FACILITIES****Sec. 28-44. Scope.**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit within City of Manchester

which does not comply with the following requirements regarding water facilities. (Ord. No. 86-178, § 1, 2-3-86; Ord. No. 91-524, § 1, 1-21-91)

**Sec. 28-45. Bathrooms.**

Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet, lavatory basin and bathtub or shower, all of which are in good working condition and are properly connected to hot and cold water lines and to an approved water and sewer system. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-46. Kitchen sink.**

Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required which is in good repair, and in working condition, properly connected to hot and cold water lines and to an approved water and sewer system. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-47. Water heating facilities.**

Every dwelling unit shall have supplied water heating facilities which are properly installed and are maintained in safe and good working condition, capable of heating water to a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-48. Plumbing fixtures.**

Every dwelling unit and structure covered by this chapter shall have water lines, plumbing fixtures, vents, and drains which are properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the City of Manchester. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE IX. HEATING**

**Sec. 28-49. Heating facilities.**

Every dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of sixty-eight (68) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero (0). The owner shall maintain a minimum average room temperature of sixty-eight (68) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero (0) outside. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-50. Prohibited equipment.**

Gas appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section. Portable heating equipment employing flame and the use of liquid fuels or coal does not meet the requirements of this chapter and is prohibited. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-51. Good working condition.**

The owner shall see that the heating facilities shall be properly installed, safely maintained and in good working condition. No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this chapter to be removed from or shut-off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the enforcement official. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE X. VENTILATION REQUIREMENTS****Sec. 28-52. Generally.**

Every habitable room shall have natural ventilation or a mechanical ventilation system adequate for the purpose for which the room is used. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-53. Toilet rooms, bathrooms and kitchens.**

Every toilet room, bathroom and kitchen shall have adequate ventilation which may be either an openable window with an openable area of five (5) per cent of the floor area or mechanical ventilation. Any other ventilation system must be approved by the enforcement official. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XI. ACCESSORY STRUCTURES AND FENCES****Sec. 28-54. Obstruction or disrepair not permitted.**

Accessory structures and/or fences shall not obstruct light and air or doors and windows of any dwelling unit, or obstruct a safe means of access to any dwelling unit or create fire and safety hazards or provide rat or vermin harborage. Accessory structures and/or fences, wither metal or wood, shall be functional, shall be maintained in a state of good repair and alignment, and exterior surfaces shall be treated or painted in a workmanlike manner. All structures must have vermin-proof floors. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-55. Removal of accessory structures.**

All exterior appurtenances or accessory structures which are in a deteriorated condition, which are not repairable, shall be removed. Such structures shall include, but not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, miscellaneous sheds and sidewalks. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XII. EGRESS****Sec. 28-56. General egress.**

Every dwelling unit shall have a safe and unobstructed means of egress leading to safe and open space outside at the ground level. Passage through such exit shall not lead through any other dwelling unit. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-57. Structures with three or more stories.**

All habitable structures of three (3) or more stories with dwelling units occupying the third or higher story shall be provided with two (2) separate usable unobstructed means of egress for each dwelling unit located above the second story. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-58. Easy egress mandatory.**

Every door available as an exit shall be capable of being opened from the inside. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XIII. INSPECTIONS;  
ENFORCEMENT AUTHORITY****Sec. 28-59. Enforcement official generally.**

It shall be the duty and responsibility of the enforcement official to enforce the provisions of this chapter. No order for correction of any violation under this chapter shall be issued without the approval of the enforcement official. Any officer or employee charged with enforcement of this chapter, in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage which may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of this chapter shall be defended by the city attorney until the final termination of the proceedings. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-60. Authorized to enter and inspect.**

The enforcement official is hereby authorized to enter and inspect, between the hours of 8:00 a.m. and 5:00 p.m., all dwellings, dwelling units, and rooming houses, rooming units, dormitories and dormitory rooms subject to the provisions of this chapter for the purpose of determining whether there is compliance with its provisions. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-61. Authorized to inspect premises.**

The enforcement official is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, dormitories and dormitory rooms subject to this chapter, for the purpose of determining whether there is compliance with its provisions. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-62. Inspection by appointment.**

The enforcement official and the owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house or dormitory room subject to this chapter may agree to an inspection by appointment at a time other than the hours provided in section 28-60 of this chapter. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-63. Schedule specific areas.**

The owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house or dormitory room upon presentation of proper identification by the enforcement official, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected shall give the enforcement official entry and free access to every part of the dwelling, dwelling unit, rooming unit or dormitory room or to the premises surrounding any of these. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-64. Confidential evidence.**

The enforcement official shall keep confidential all evidence, exclusive of the inspection record, which it may discover or ob-

tain in the course of an inspection made pursuant to this chapter and such evidence shall be considered privileged, unless such evidence shall be a part of any proceedings involving an alleged violation of this chapter, in which event the enforcement official shall be authorized to disclose such evidence in the course of such proceedings. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-65. Refusal of free access.**

In any owner, occupant, or other person in charge of a dwelling, dwelling unit or rooming unit, or of a multiple dwelling or a rooming house fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, the enforcement official may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this chapter with respect to such dwelling, dwelling unit, rooming unit, multiple dwelling, or rooming house, petition and obtain such order from a court of competent jurisdiction. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-66. Court order.**

When required, the enforcement official shall obtain the necessary order from the court to conduct the inspection. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-67. Circumstances requiring initiation of inspection.**

Inspections shall be initiated under the following circumstances:

- (1) Upon application for any occupancy permit for the dwelling unit or other notification that there will be change of occupancy of said dwelling unit.
- (2) On a selective code enforcement basis, when, in the opinion of the enforcement official, a designated area shows evidence of blight or its forerunners.
- (3) When, on the basis of a complaint or his personal observation, the enforcement official reasonably suspects that a

dwelling unit has code violations, and, as such, constitutes a health and/or safety hazard. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-68. Access by owner or operator.**

Every occupant of a structure or premises shall give the owner or operator thereof, or his agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this chapter. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XIV. OCCUPANCY PERMIT**

**Sec. 28-69. Applicability.**

This article shall not apply to any occupancy in existence at the time of the adoption of this chapter nor shall a family be considered in violation of this chapter by reason of births, legal adoptions, deaths within a family, nor by reason of the return of a family member, and until a change of occupancy occurs. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-70. Required; scope.**

Except as otherwise provided, it shall be unlawful for any person or family to occupy, or for any owner or agent thereof to permit the occupation or change of occupancy of any dwelling, dwelling unit or addition thereto, or part thereof, for any purpose until an occupancy permit has been issued by the enforcement official. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-71. Fees.**

The fees for occupancy permit initial inspection shall be fifty dollars (\$50.00) and twenty-five dollars (\$25.00) for each needed call back for each dwelling unit occupied. (Ord. No. 86-178, § 1, 2-3-86; Ord. No. 91-524, § 1, 1-21-91)

**Sec. 28-72. Content.**

The occupancy permit shall state such information as the city shall deem appropriate but, at a minimum shall state the names,

ages, relationships, and number of occupants of the dwelling unit. It shall be unlawful for any person to knowingly make any false statement in his application for an occupancy permit as to the names, ages, relationships, or number of occupants of the dwelling unit. No more than one family as defined in this chapter shall occupy each dwelling unit. All persons who occupy the premises of a dwelling unit at the time of issuance of the occupancy permit must be listed on the occupancy permit. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-73. Report of change of occupancy.**

Every dwelling unit in which a change of occupancy is to occur must be reported by the owner, or his agent, to the enforcement official so that he may inspect the structure according to the provisions of this chapter. Upon inspection, he shall determine the number of occupants which can be housed in the dwelling unit without creating a health or safety hazard. Failure of the owner to make such a report shall constitute a violation of this chapter, and the person responsible for the failure shall be subject to the penalties of this chapter. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-74. Responsibilities of real estate brokers.**

All real estate brokers and agents and similar businesses and owners of multiple-family dwelling units shall report each dwelling unit which is to change occupancy as in this chapter defined so that the enforcement official may inspect the unit according to the provisions of this chapter. Failure to register or make such a report shall constitute a violation of this chapter, and the person or firm responsible for the failure shall be subject to the penalties of this chapter. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-75. Initial inspection requirement.**

An initial inspection of the premises will be required prior to a change of occupancy of any dwelling or dwelling unit. If, after inspections by an enforcement official, should no violations of the minimum housing standards set forth in this chapter be noted, a letter of compliance which will be valid for six (6) months from the date indicated on the correspondence will be issued to the

owner or agent. This letter of compliance will not be construed as an occupancy permit. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-76. Access to records and notification of need for permit.**

The owner of any dwelling, or his agent, shall make all records of occupancy relating to any dwelling unit accessible to the enforcement official at all times upon reasonable notice. Such owner, or his agent, shall, further, post a sign in a conspicuous place stating that an occupancy permit is required from the City of Manchester prior to occupancy of any dwelling unit, such sign to be provided by the City of Manchester. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-77. Issuance of permit.**

Occupancy permits shall be issued by the enforcement official. A permit shall be issued when the completed and signed application for occupancy permit is found to be in compliance with provisions of this chapter, and a physical inspection has shown that the premises to be occupied are in compliance with the provisions of this chapter. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XV. NOTICE OF NONCOMPLIANCE**

**Sec. 28-78. Generally.**

Whenever the enforcement official or his delegated representative finds evidence of a violation of any provision of this chapter, he shall declare a public nuisance, and give notice of same to the person or persons responsible hereunder. Such notice shall be in writing and shall include a statement of each of the provisions of this chapter being violated together with a statement of the corrective action required to abate such violation. Such notice shall specify the period of time within which such remedial action shall be taken, which time shall be a reasonable period of time under all of the circumstances. Appeal procedures available shall be specified. Such notice shall be served by delivering a copy to the owner, or his agent, or the occupant, as the case may

require, or, if such person cannot be found, by sending a copy of the notice by registered mail with return receipt requested or prepaid mail, or if same cannot be delivered, by posting a copy of such notice in a conspicuous place in or about the building affected by the notice. The notice shall be deemed served from the date of the correspondence or ten (10) days after posting as herein provided. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XVI. REMEDIES FOR NONCOMPLIANCE**

**Sec. 28-79. Remedy of defects.**

The owner of any building shall have thirty (30) days from the issuance of the notice provided for in Article XV above in which to remedy the condition therein specified, except when emergency conditions shall require immediate action as provided in Article XXII herein provided, however, that the enforcement official may, at his discretion, extend the time for compliance with any such notice. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-80. Reinspection.**

At the time when the defects have allegedly been brought into compliance, the enforcement official shall reinspect the dwelling, dwelling unit, rooming unit, accessory structure and its premises. At this time, he shall make a complete inspection, taking particular notice that the violations previously noted have been brought into compliance, and that no new violations have come into existence in the time which has elapsed since the first inspection. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XVII. BUILDINGS UNFIT FOR HUMAN HABITATION**

**Sec. 28-81. Placard on building.**

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for such declaration and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- (1) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be declared unfit for human habitation and shall be so designated and placarded by the enforcement official when the person responsible has failed to correct the condition set forth in a notice issued in accordance with Article XV of this chapter.
- (2) One which is so damaged, decayed, deteriorated, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (3) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (4) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-82. Building to be vacated.**

Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the enforcement official, shall be vacated within a time as ordered by the enforcement official. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-83. Reoccupation of building.**

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard removed by, the enforcement official. The enforcement official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-84. Unlawful to remove placard.**

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for

human habitation and placarded as such, except as provided in the preceding section. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XVIII. VACATED BUILDINGS**

**Sec. 28-85. Notification of chapter requiring occupancy permit.**

The enforcement official may placard a dwelling or dwelling unit indicating that an occupancy permit is required before occupancy can be permitted. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-86. Vacant buildings to be made secure.**

The owner of every building or dwelling unit or rooming unit which is declared "unfit for human habitation" for continued occupancy shall make the dwelling, building or rooming unit safe and secure under the terms so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant dwelling open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and public nuisance. Any such vacant dwelling open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and public nuisance within the meaning of this provision. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XIX. BROKEN GLASS AND BOARDING-UP**

**Sec. 28-87. Applicability.**

Every window, glazed exterior door, exterior transoms, or exterior sidelight shall be provided with properly installed glass or other approved material. In the event of breakage, the owner shall cause the immediate removal of broken glass from the premises and shall temporarily board up the affected openings with suitable material to provide security to occupants or contents of the building. Within ten (10) days after the boarding-up, the owner shall cause the boarding material to be removed and all affected openings shall be simultaneously reglazed by the owner. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-88. Provision of adequate lighting and ventilation.**

Adequate ventilation and natural lighting shall be provided for all occupied dwelling units. Whenever any exterior openings are found boarded-up, it shall be the duty of the enforcement official to notify the owner or agent of this requirement giving him a period of not more than ten (10) days in which to properly replace the broken glass or cause the dwelling unit to be vacated. This notice shall be given in the manner required by Article XV. (Ord. No. 86-178, § 1, 2-3-86)

**Sec. 28-89. Specifications.**

Since the presence of boarded-up buildings, particularly those where the boarding is unpainted or applied in an insecure, careless, or unpresentable fashion, incites vandalism, and creates a blighting influence which adversely affects the general welfare of the people of the City of Manchester, it is hereby required that all boarding-up of exterior openings be accomplished in a neat, workmanlike manner with not less than one-half (½) inch thick, weather-resistant plywood or other suitable material cut to fit within the openings and fastened in place as securely as possible and suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the buildings as inconspicuously as possible. It shall be the duty of the enforcement official to notify the owner or agent of any boarded-up dwelling unit not complying with the above requirements, of the necessity of immediate compliance and ordering him to replace the broken glass, or repair or replace or paint the boarding. This notice shall be given in the manner required in Article XV. (Ord. No. 86-178, § 1, 2-3-86)

**ARTICLE XX. VIOLATIONS****Sec. 28-90. Prosecution.**

In case any violation of this chapter is not remedied within the prescribed time designated by the enforcement official, he shall request the city attorney of the City of Manchester to institute an appropriate action or proceeding at law against the person or firm responsible for the failure to comply, ordering him:

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- (1) To restrain, correct or remove the violation or refrain from any further execution or work;
- (2) To restrain or correct the erection, installation, or alteration of such building;
- (3) To require the removal of work in violation;
- (4) To prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this chapter or in violation of a plan or specification under which an approval, permit or certification was issued; or
- (5) If the person or firm responsible for a violation of this chapter shall fail to remedy such violation as directed by the city, the city may undertake to remedy such violation and, upon the completion of such action by the city, it shall charge the responsible party with the expense incurred; if such responsible party fails to pay the amount of the expenses so incurred, the city administrator shall cause a special tax bill to be prepared against the property, such tax bill to be collected by the collector with the other taxes assessed against the property; such special tax bill shall, from its date of issuance, be a first lien on the property until paid, and prima facie evidence of the recitals therein, and of its validity, and no mere clerical error or informality in the same or in the proceedings leading up to the issuance thereof shall be a defense thereto; as a part of the expenses incurred by the city in this regard, all inspection fees shall be included as well as the city attorney's fees relating thereto.

- (6) To enforce the penalty provisions of this chapter. (Ord. No. 86-178, § 1, 2-3-86; Ord. No. 91-524, § 1, 1-21-91)

**Sec. 28-91. Penalty for violations.**

Any person, firm or corporation, who shall violate any provision of this chapter shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) not more than five hundred dollars (\$500.00), or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the municipal court.

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pal court. Every day that a violation continues after expiration of the time set for abating such violation shall be deemed a separate offense. (Ord. No. 86-178, § 1, 2-3-86)

### ARTICLE XXI. APPEALS

#### Sec. 28-92. Hearing.

Upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the enforcement official shall call and have a full and adequate hearing upon the matter, giving the affected parties at least five (5) days written notice of the time, place and purpose of the hearing. Said notice shall be given in the same manner as notice of noncompliance with chapter (Article XV) is given. At that hearing, all parties shall have an opportunity to be heard. After the hearing, if the evidence supports health, safety, or welfare of the residents of the City of Manchester, the enforcement official shall issue an order making specific findings of fact which show the building or structure to be deteriorated or detrimental to the health, safety or welfare of the residents of the City of Manchester, and ordering the building or structure to be demolished and removed, or repaired. Demolition of any building required hereunder shall be governed by the applicable provision of the Code of Ordinances of the City of Manchester. If the evidence does not support a finding that the building or structure is deteriorated or detrimental to the health, safety or welfare of the residents of the City of Manchester, no order shall be issued. Notice of any post-hearing orders shall be given in the same manner as notice of the noncompliance of chapter (Article XV). (Ord. No. 86-178, § 1, 2-3-86)

### ARTICLE XXII. EMERGENCY MEASURES

#### Sec. 28-93. Applicability.

When any dwelling unit has become so damaged by fire, wind or other causes, or has become so unsafe, unhealthful or sanitary, that in the opinion of the enforcement official, life or health is immediately endangered by the occupation of the dwelling unit,

the enforcement official is hereby authorized to revoke, without notice, any occupancy permit for such dwelling unit and to order and require the occupants to vacate the same forthwith and to order the owner or agent to proceed immediately with the corrective work and repairs required to make the dwelling unit temporarily safe and fit for human habitation, whether or not a notice of violation has been given as described in this chapter, and whether or not legal procedures described herein have been instituted.

(Ord. No. 86-178, § 1, 2-3-86)

#### Sec. 28-94. Procedures.

In the event the enforcement official determines that there is an immediate danger to the health, safety or welfare of any person, he may take emergency measures to vacate or repair the structure or otherwise remove the immediate danger.

(Ord. No. 86-178, § 1, 2-3-86)

#### Sec. 28-95. Applicability to Non-Owner Occupied Single-Family Dwellings.

The provisions of this Chapter shall apply to and be enforced upon all non-owner occupied single-family dwellings within the City, regardless of in which zoning district of the City such a dwelling may be situated.

(Ord. No. 98-996)



**ESTIMATED ASSESSED VALUATION, REAL AND PERSONAL TAXABLE PROPERTY ONLY, MANCHESTER ANNEXATION AREA**

School Subcode	Real Property Land	Real Prop Comm. Improve.	Real Prop All Improve.	Real Property Subtotal	Real Local RR & Util in Annex. Area	Real Prop State RR & Util in Annex. Area	Real Prop Total	Regular Pers Prop in Annex. Area	Loc RR & U Pers Prop in Annex. Area	State RR & U Pers Prop in Annex. Area	Personal Property Total	Grand Total All Property
108W	19,400,800	243,270	48,862,210	68,263,070	0	1,908,670	70,171,680	14,484,913	0	570,600	15,055,414	85,227,093
132C	2,348,530	190,750	5,518,310	7,866,940	0	219,961	8,086,801	1,721,656	4,180	67,986	1,793,822	9,880,623
Total	21,749,330	434,020	54,380,520	76,129,850	0	2,128,631	78,258,481	16,206,469	4,180	638,586	16,849,236	95,107,717

The personal property estimates are derived by calculating the percentage of real property in each school subcode that is included in the annexation area. That percentage is multiplied by the total personal property amount. Railroad and utilities amounts for the annexation area are estimated in the same manner.

Source: St. Louis County Departments of Revenue and Planning, May 1998

# ESTIMATED ANNUAL REVENUES CARMAN - DOUGHERTY FERRY ANNEXATION PROPOSAL

	1999	2000	2001
<b>Taxes:</b>			
<b>Sales Tax -</b>			
Sales Tax (1%)	\$1,034,360	\$1,065,390	\$1,097,350
Sales Tax - Local Option (1/4%)	\$7,470	\$7,690	\$7,920
Sales Tax - Capital Improvement (1/2%)	\$29,990	\$30,890	\$31,820
<b>Total Sales Tax</b>	<b>\$1,071,820</b>	<b>\$1,103,970</b>	<b>\$1,137,090</b>
<b>Gross Receipts Tax -</b>			
Electric	\$162,210	\$167,890	\$173,770
Natural Gas	\$92,640	\$95,880	\$99,240
Telephone	\$72,030	\$74,550	\$77,160
Water	\$35,300	\$36,540	\$37,820
<b>Total Gross Receipts Tax</b>	<b>\$362,180</b>	<b>\$374,860</b>	<b>\$387,990</b>
<b>Property Tax -</b>			
Real Estate	\$0	\$0	\$0
Personal Property	\$0	\$0	\$0
<b>Total Property Tax</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Taxes:</b>	<b>\$1,434,000</b>	<b>\$1,478,830</b>	<b>\$1,525,080</b>
<b>Intergovernmental:</b>			
Gasoline Tax	\$232,840	\$240,990	\$249,420
Motor Vehicle Sales Tax/License Fees	\$100,650	\$104,170	\$107,820
Local Use Tax **	\$0	\$0	\$0
Cigarette Tax	\$44,960	\$46,530	\$48,160
Road & Bridge Tax	\$103,360	\$106,980	\$110,720
<b>Total Intergovernmental:</b>	<b>\$481,810</b>	<b>\$498,670</b>	<b>\$516,120</b>
<b>Fees / Fines:</b>			
Park Fees	(\$10,000)	(\$10,350)	(\$10,710)
Business License Fees	\$5,900	\$6,110	\$6,320
Court Fines	\$145,920	\$151,030	\$156,320
Cable Franchise Fee	\$47,850	\$49,520	\$51,250
<b>Total Fees / Fines:</b>	<b>\$189,670</b>	<b>\$196,310</b>	<b>\$203,180</b>
<b>TOTAL ESTIMATED REVENUES</b>	<b>\$2,106,480</b>	<b>\$2,173,810</b>	<b>\$2,244,380</b>
	=====	=====	=====

\*\* Local Use Tax has not been passed

# ESTIMATED ANNUAL REVENUES CARMAN - DOUGHERTY FERRY ANNEXATION PROPOSAL

## Taxes:

### Sales Tax -

- Sales Tax (1%)
- Sales Tax - Local Option (1/4%)
- Sales Tax - Capital Improvement (1/2%)

### Gross Receipts Tax -

- Electric
- Natural Gas
- Telephone
- Water

### Property Tax -

- Real Estate
- Personal Property

### Intergovernmental:

- Gasoline Tax
- Motor Vehicle Sales Tax/License Fees
- Local Use Tax \*\*
- Cigarette Tax
- Road & Bridge Tax

### Fees / Fines:

- Park Fees
- Business License Fees
- Court Fines
- Cable Franchise Fee

## METHODOLOGY

(1990 Population X 1997 average resident rate from St. Louis Co. Planning X Annual  
(Ass'd. Value Commercial Improvement / City total X actual 1996 Gross Receipts X Annual  
(Ass'd. Value Commercial Improvement / City total X actual 1996 Gross Receipts X Annual

('96 \$ per City home X Homes in area + Commercial Improvement AV area X '96 Commercial Improvement  
'96 \$ per City home X Homes in area + Commercial Improvement AV area X '96 Commercial Improvement  
'96 \$ per City home X Homes in area + Commercial Improvement AV area X '96 Commercial Improvement  
'96 \$ per City home X Homes in area + Commercial Improvement AV area X '96 Commercial Improvement

(Assessed Valuation [AV] X Tax Rate per \$100 AV)  
(Assessed Valuation [AV] X Tax Rate per \$100 AV)

(1996 \$ per capita [1990 total for city] X 1990 population in area X Annual growth rate)  
(1996 \$ per capita [1990 total for city] X 1990 population in area X Annual growth rate)  
\*0\* since never passed in St. Louis County  
(1996 \$ per capita [1990 total for city] X 1990 population in area X Annual growth rate)  
(Total Assessed Valuation [AV] X \$.105 rate per \$100 AV X Annual growth rate)

(Loss from non residents in annexation area currently enrolled in programs changed  
(average fee for similar business X # of business X Annual growth rate)  
'96 average \$ fines per street mile X # street miles in area X Annual growth rate)  
(Charter Commission estimate of franchise \$ in the annexation area based on historical data)

**ESTIMATED ANNUAL EXPENSES  
CARMAN - DOUGHERTY FERRY  
ANNEXATION PROPOSAL**

	1999	2000	2001
<b>Operating Expenses:</b>			
<b>Personnel Expense</b>			
Administration	\$0	\$0	\$0
Finance	\$29,550	\$30,580	\$31,650
Municipal Court	\$13,860	\$14,350	\$14,850
Police	\$758,570	\$785,120	\$812,600
Public Works	\$178,560	\$184,810	\$191,280
Parks and Recreation	\$41,630	\$43,090	\$44,600
<b>Total Personnel Expense</b>	<b>\$1,022,170</b>	<b>\$1,057,950</b>	<b>\$1,094,980</b>
<b>Contractual and Commodities</b>			
Administration	\$0	\$0	\$0
Police	\$211,800	\$202,620	\$175,500
Public Works	\$566,910	\$586,750	\$607,290
Parks and Recreation	\$0	\$0	\$0
<b>Total Contractual/Commodities</b>	<b>\$778,710</b>	<b>\$789,370</b>	<b>\$782,790</b>
<b>Total Operating Expenses:</b>	<b>\$1,800,880</b>	<b>\$1,847,320</b>	<b>\$1,877,770</b>
<b>Capital Expenses:</b>			
<b>Equipment and Vehicles *</b>			
Administration	\$0	\$0	\$0
Police	\$70,300	\$70,300	\$70,300
Public Works	\$26,660	\$26,660	\$26,660
Parks and Recreation	\$4,780	\$4,780	\$4,780
<b>Total Equipment/Vehicles</b>	<b>\$101,740</b>	<b>\$101,740</b>	<b>\$101,740</b>
<b>Capital Improvements</b>			
Park Land and Equipment Purchase	\$20,000	\$35,000	\$68,000
Street, Sidewalk, Storm Water and Miscellaneous	\$183,000	\$189,400	\$196,000
<b>Total Capital Improvements</b>	<b>\$203,000</b>	<b>\$224,400</b>	<b>\$264,000</b>
<b>Total Capital Expenses:</b>	<b>\$304,740</b>	<b>\$326,140</b>	<b>\$365,740</b>
<b>TOTAL ESTIMATED EXPENSES</b>	<b>\$2,105,620</b>	<b>\$2,173,460</b>	<b>\$2,243,510</b>
	=====	=====	=====

Projected Annual Inflation Rate = 3.50%

\* Acquisition costs spread over useful life

# ESTIMATED ANNUAL EXPENSES CARMAN - DOUGHERTY FERRY ANNEXATION PROPOSAL

## METHODOLOGY

### Operating Expenses:

Personnel Expense

Salary and Fringe Benefits for 18 Police Officers, 5 Public Works Ma  
1 Park Maintenance Worker, 3 Clerk Typists, and 1 Accounting Cler  
Projected expenses as a ratio of the current \$ for all officers and ma  
Added \$ for professional fees (new hire physical/psychological, dru

Contractual and Commodities

### Capital Expenses:

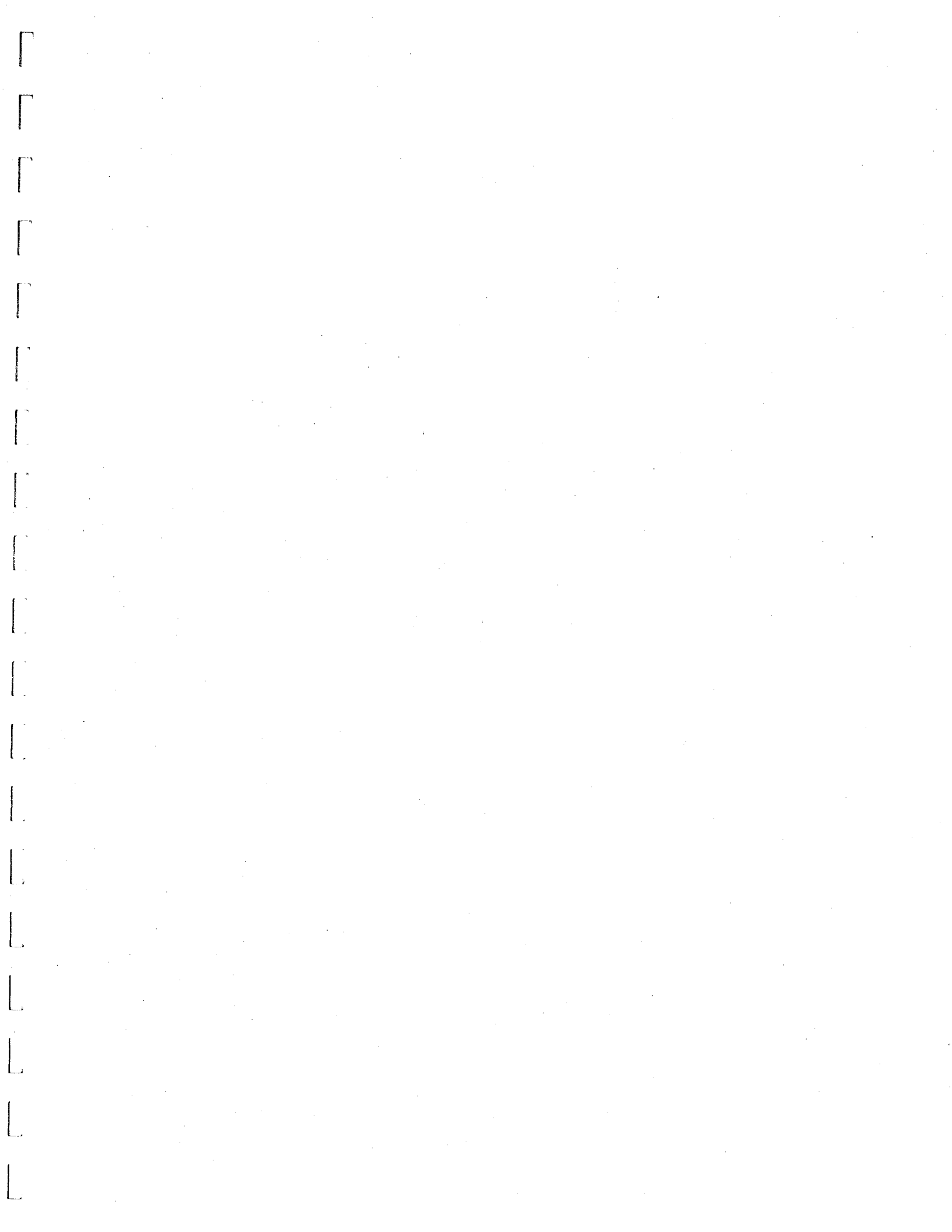
Equipment and Vehicles

Police=5 vehicles; Public Works=3 - 2 1/2 ton trucks, 1 - 1 1/2 ton s  
pickup and snow plow equip.; Parks 1 - 3/4 ton pickup 1 wide mowe  
Funds to purchase Park land or playground equipment for a future  
street and sidewalk replacements of problem areas

Capital Improvements

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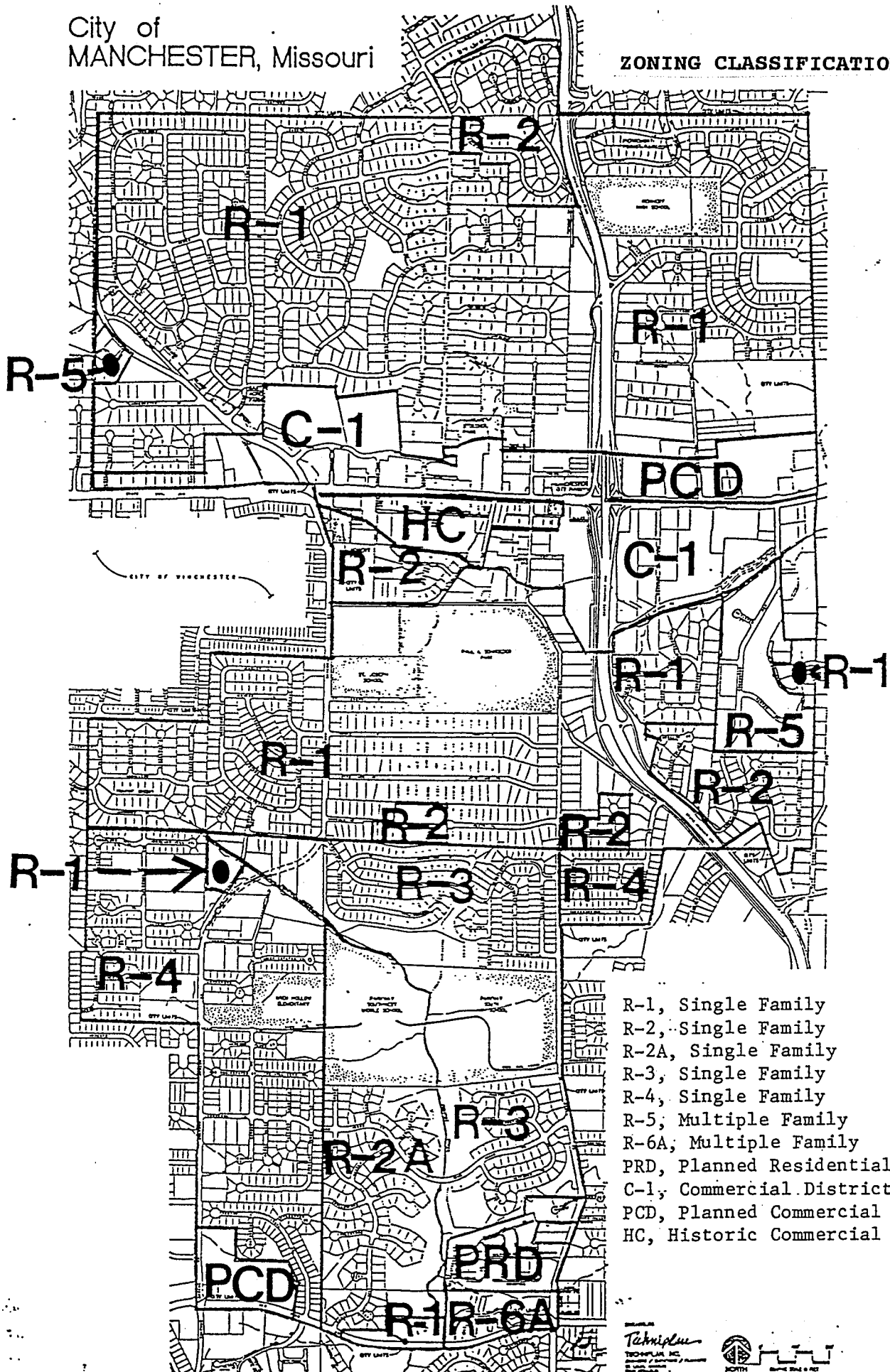
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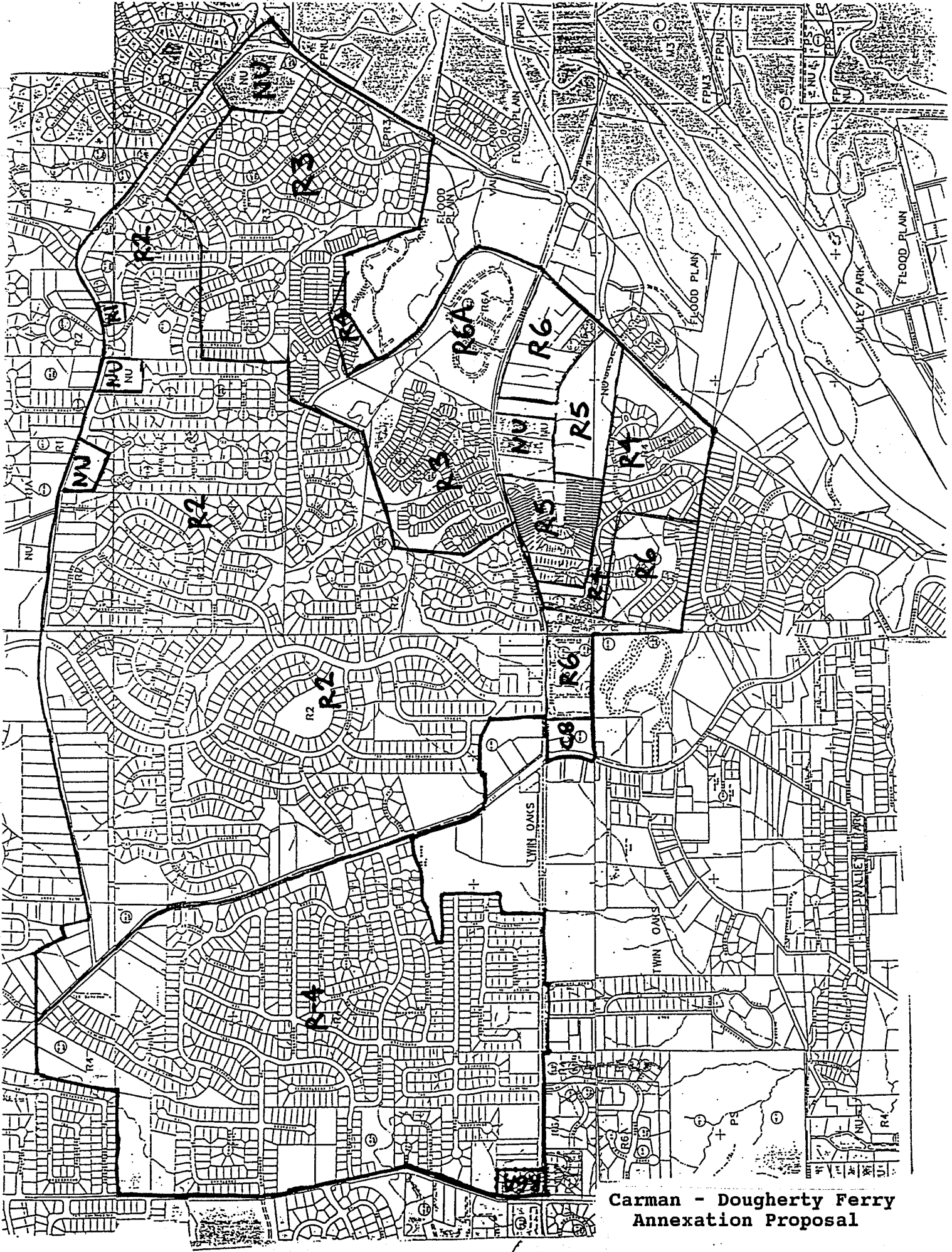


City of  
MANCHESTER, Missouri

ZONING CLASSIFICATIONS



- R-1, Single Family
- R-2, Single Family
- R-2A, Single Family
- R-3, Single Family
- R-4, Single Family
- R-5, Multiple Family
- R-6A, Multiple Family
- PRD, Planned Residential Development
- C-1, Commercial District
- PCD, Planned Commercial Development
- HC, Historic Commercial



**Carman - Dougherty Ferry  
Annexation Proposal**

**ZONING CLASSIFICATIONS**

