

AN ORDINANCE ESTABLISHING WATER AND WASTEWATER REQUIREMENTS FOR OWNER/RESIDENCE/DWELLING/RECREATIONAL VEHICLES

WHEREAS, adequate protection of public health and safety and welfare therefore requires the establishment of requirements for owner/residence for water and wastewater dwellings.

Section 1: Definitions. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- 1) "Dwelling" is a building or structure, except temporary housing, that is wholly or partly used or intended to be used for living or sleeping by human occupants
- 2) "Occupant" is any person including an owner or operator living and sleeping in a dwelling
- 3) "Operator" is any person having charge, care, management or control of any dwelling or part of it, in which dwelling units or rooming units are let.
- 4) "Owner" is any person who alone, jointly or severally with others, holds legal or equitable title to any dwelling, rooming house, dwelling unit or rooming unit.
- 5) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- 6) "Plumbing" is water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water or sewer lines.
- 7) "Recreational Equipment" is all types of boats, jet skis and other such watercraft designed to be used in or on water, plus the normal equipment utilized to transport the same on any street.
- 8) "Recreational Vehicle" is a vehicle, whether self-propelled or a trailer, which is constructed with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation or vacation uses.
- 9) "Trailer" is any structure built on a chassis for licensing by the State as a trailer and designed for general non-commercial or recreational purposes.

- 10) " Structure" Recreational vehicles, equipment or trailers that has been modified from its intended use

Section 2: Water and Wastewater Service Required:

- 1) It shall be unlawful for any owner/residence in the City limits of Lancaster, Missouri to be inhabited unless the dwelling has functional running water and has established a connection to the city water and wastewater systems, when these city services are available.
- 2) For safety and sanitation reasons, at least one sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to city public water while occupant(s) is/are inhabiting the dwelling.
- 3) All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- 4) If water and/or wastewater service is disconnected within a dwelling, the occupant or owner must have service restored within five (5) business days. The occupant must vacate the premises if water/wastewater is not restored. If the occupant chooses to stay on the premises without water and/or wastewater service, the occupant may be cited and required to appear in court.

Section 3: Utility Services pertaining to Recreational vehicles, equipment or trailers:

- 1) Recreational vehicles, equipment or trailers parked or stored, within the City limits of Lancaster, Missouri, shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall such recreational equipment, vehicles or trailers be used for living or housekeeping purposes.
- 2) Recreational vehicles, equipment or trailers that have been modified from their intended use shall not be authorized dwellings for inhabitation, within the City limits of Lancaster, Missouri.
- 3) Recreational vehicles, equipment or trailers that have been modified from its intended use cannot be used for residence as wholly or partly used for living or sleeping by human occupants, within the City limits of Lancaster, Missouri.

Section 4: Inspection and Notice and Liens

- 1) The Mayor, Police Officer, or some other duly designated person(s) are hereby authorize to enter into or upon any premises where there is a reason to suspect a violation of this ordinance.

- 2) Whenever a violation(s) is found, a duly designated officer of the city shall give five (5) days written notice to the owner or occupant of the property upon which such violation exists and a statement of actions necessary to become compliant.
- 3) The notice shall be served in person or as any other legal process may be served pursuant to law.
- 4) Any costs incurred by the city shall constitute a lien against the property upon, which lien shall be filed, proven and collected as provided by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest and penalties at the legal rate thereafter until satisfied.

Section 5: Waiver:

Any person in violation of the Section 3 of this ordinance may request a waiver for structures to be considered "Residential Dwellings" from the city council within the restrictions of this ordinance.

- 1) NON Transferable. Waiver only applies to current structure and owner.
- 2) The structure must be removed from the property within 30 days of the sale of the property, gifted and/or any change of ownership.
- 3) The city council can only grant waivers to structures which preexist prior to the passage of ordinance #243

Request for the waiver:

1. Structure must comply with all other sections of this ordinance
2. Structure must preexist prior to the passage of ordinance #243
3. Owner must hand deliver request to the city clerk, city police officer or at a council meeting no later than September 14, 2020.
4. Owner must currently reside in the structure
5. An "agreement of understanding" must be approved by city council and signed by owner and Mayor

Section 6: Violations and Penalties:

Any person violating any of the provisions of this ordinance shall be deemed guilty of an ordinance violation and upon conviction thereof may be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six (6) months or be so

fined and imprisoned. Each incident such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

This ordinance shall be in full force and effect as of the date of its passage.

PASSED AND APPROVED this **13th** day of **July 2020**.



BY: James J. Foster
James J. Foster, Mayor

ATTEST: Margaret Reynolds
Margaret Reynolds, City Clerk