

ORDINANCE NO. 4238

AN ORDINANCE AMENDING SECTION 210.380A AND SECTION 210.380B OF THE ST. PETERS CITY CODE AND REQUIRING SELLERS OF RESIDENTIAL PROPERTY TO MAKE DISCLOSURE OF CERTAIN INFORMATION TO PURCHASERS OF REAL PROPERTY WITHIN THE CITY OF ST. PETERS, MISSOURI

WHEREAS, the City of St. Peters is committed to the preservation of private property rights and attempts to help the owners become aware of the effects of local regulations in order to maintain a quality building environment; and

WHEREAS, in order to protect the character and stability of all real property within the City and preserve the property values of land and buildings the Board of Aldermen of the City of St. Peters has determined that sellers of residential property be required to disclose certain information materially affecting the value or desirability of the property which are known or accessible to the seller.

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

SECTION 1. That Section 210.380, Subsection A of the St. Peters City Code shall be and hereby is amended to read as follows:

A. It shall be unlawful for the owner of any real property, within the corporate limits of the City of St. Peters, to sell, transfer, convey or otherwise dispose of any real property zoned R-1 or R-1(A), Single Family Residential, within the City without providing the purchaser, prior to or at the time of execution of the purchase agreement, a copy of a disclosure statement, signed by the owner/seller and the purchaser of the real property, containing the information described in Subsection B below regarding such real property within the City. Such disclosure statement shall be recorded by such owner/seller in the office of the St. Charles County Recorder of Deeds within 30 days after the closing on the sale of such real property.

SECTION 2. That Section 210.380, Subsection B of the St. Peters City Code shall be and is hereby amended by adding Subsection 5 thereto which Subsection shall read as follows:

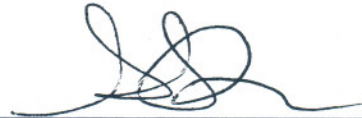
5. *Easements.* The existence and location of all recorded easements and rights-of-way burdening the property, and all known unrecorded easements and rights-of-way, the existence of which are discoverable upon a routine inspection of the real property, and by attaching to such disclosure statement an existing survey or recorded plat depicting the real property.

SECTION 3. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 4. Effective Date. This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION 5. Savings. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Read two times and passed this 10th day of March, 2005.



As Presiding Officer and as Mayor

Attest: Rhonda Fleming Jones
City Clerk

Approved this _____ day of _____, 2005.

Mayor

Attest: _____
City Clerk