COUNCIL BILL NO. 2023-286 ORDINANCE NO.

AN ORDINANCE amending Chapter 26 Buildings and Building Regulations by repealing Articles XII & XIII and enacting a new Article XII, Property Maintenance Code, and setting a date when this ordinance shall become effective.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 26, Buildings and Building Regulations, Article XII Housing Code & Article XIII Nonresidential Property Maintenance be repealed, and a new Chapter 26, Buildings and Building Regulations, Article XII, Property Maintenance Code, be enacted to read as follows:

~~"ARTICLE XII HOUSING CODE*~~ *PROPERTY MAINTENANCE CODE*

Sec. 26-691. - ~~Adopted~~ Property Maintenance Code Adopted

~~The city council, by the provisions of Ordinance No. 26434, enacted September 7, 1971, adopted a basic housing code for the city, which is on file in the office of the city clerk.~~
~~(Code 1977,18-1)~~ The **2018 Edition of the International Property Maintenance Code as supplemented or amended, is hereby adopted, and made a part herof by reference as the basic building code of the city. A copy** of said code as supplemented or amended, duly certified, **has** been and now **is** filed in the office of the city clerk.

Sec. 26-692. Amendments to the International Property Maintenance Code.

The property maintenance code adopted by **section 26-691** of this article is hereby amended, changed, and altered, as follows:

Section 101.1 is amended by inserting **[City of Joplin, Missouri]**

Section 302.3 is amended by adding "in accordance with chapter 114 and the city zoning ordinance."

Section 302.4 is amended by inserting **[12"]**

Section 305.7 is added – All display windows or storefronts constructed of glass or other transparent materials shall be kept clean and free of cracks, and no storage other than organized displays shall be permitted therein unless shielded from public view.

Section 308.2.1 is amended by adding "The storage, collection and disposal of refuse shall be in accordance with chapter 102, pertaining to solid waste."

~~Secs.26-692—26-710.-Reserved.~~ Secs.26-693---26-710.-Reserved

~~ARTICLE XIII. - NONRESIDENTIAL PROPERTY MAINTENANCE~~

~~DIVISION 1. – GENERALLY~~

~~Sec. 26-711. - Purpose of article.~~

~~The purpose of this article is to promote the health, safety, convenience, comfort, morals, prosperity and general interest, and welfare of the citizens of the city by establishing minimum standards and requirements for the maintenance of the exterior of nonresidential buildings and the premises they occupy.~~

~~**Sec. 26-712. - Scope of article.**~~

~~**(a)** The provisions of this article shall apply to every building and its premises used in whole or in part for nonresidential occupancy.~~

(b) This article establishes minimum standards for the maintenance of the exterior of buildings and grounds surrounding such buildings. This article does not replace or modify standards otherwise established by law for construction, replacement or repair of buildings and their grounds, but is cumulative of such standards and shall apply in addition to them.

Sec. 26-713. - Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a detached building or structure used in a secondary or subordinate capacity to the main or principal building or structure on the same premises.

Approved means approved by the director, or his predecessor, as defined in rules and regulations.

Automobile establishment means any business dealing exclusively with the servicing, maintenance, repair, storage, wrecking or salvaging of motor vehicles.

Board means the building board of appeals.

Department means the department of public works of the city.

Deterioration means the condition of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive wear.

Director means the director of public works or an authorized subordinate representative.

Extermination means the control and extermination of insects, rodents or other pests by any legal pest elimination method.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.

Nonresidential property means any land or structure, whether public or private, that is adapted, used or occupied for purposes other than residential use.

Operator means any person who owns or has charge, care, control or management of a nonresidential property, or part thereof, and shall include a lessee.

Owner means any person who, alone or jointly or severally with others:

(1) Shall have legal title to nonresidential property, with or without accompanying actual possession thereof;

(2) Shall have charge, care or control of any nonresidential property as owner or as agent or personal representative of the owner; or

(3) Shall have possession or right to possession under a contract for deed.

Premises means a lot, plot or parcel of land, including all buildings or structures thereon.

Refuse means unwanted or discarded waste materials, in a solid or semisolid state, consisting of garbage, rubbish or a combination thereof.

Rubbish means solid wastes consisting of combustible and noncombustible waste materials from apartments and commercial, industrial and institutional establishments, including wastes and items commonly referred to as trash.

Weathering means deterioration, decay or damage caused by exposure to the elements.

(b) The definitions contained in sections 26-91 and 26-92 shall apply equally to this article, insofar as the context of this article may require.

Cross reference— Definitions generally, § 1-2.

Sec. 26-714. – Violations.

(a) It shall be unlawful for any person to:

(1) Use, occupy, operate, maintain, rent or let to another for occupancy any premises which fail to comply with the requirements of sections 26-791 through 26-793, 26-801 and 26-802, or cause or permit such acts to be done.

(2) Permit a building which has been temporarily closed to remain vacant and unrepaired for more than 180 days after the date of issuance of the closing or for more than 90 days after the expiration of any permit issued pursuant to section 26-627 of the Joplin City Code.

(3) Fail, neglect or refuse to obey any subpoena or final order of the building board of appeals.

(b) Every day that a violation continues shall be considered a separate offense, for which the violator may be arrested, tried and convicted without necessity for further notice.

Sec. 26-715. - Penalty.

(a) Any person convicted of a violation of this article shall be punished for that violation by a fine of not less than $25.00, but not more than $500.00, or by imprisonment for not more than 100 days, or by both such fine and imprisonment. All fines imposed shall be in accordance with the minimum fine schedule set out in subsection (c) of this section.

(b) Every day that a violation continues shall be considered a separate offense, for which the violator may be arrested, tried and convicted without necessity of further notice.

(c) Whenever the penalty is to be a fine or a fine and imprisonment, the fine shall be no less than the minimum amount set out in the following schedule:

First offense .....$ 25.00

Second offense 50.00

Third offense 250.00

Fourth offense 400.00

Fifth offense 500.00

In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded or been found guilty of violating the same minimum standard at the same location.

Sec. 26-716. - Authority to prescribe additional regulations.

The director is authorized to make and promulgate reasonable and necessary rules and regulations to carry out provisions of this article. All such rules and regulations shall be filed in the office of the city clerk.

Secs. 26-717—26-730. - Reserved.

DIVISION 2. - ENFORCEMENT

Sec. 26-731. - Generally.

The director is hereby authorized and directed to administer and enforce all the provisions of this article. He shall cause periodic inspections to be made of premises to secure compliance with the requirements of this article.

Sec. 26-732. - Consent required for entry by enforcement officer; exceptions.

Whenever necessary to make an inspection or enforce any of the provisions of this article, the director may enter the premises at any reasonable time after consent for such entry has been requested and obtained from an owner, tenant or lessee of adult age. The director is authorized to enter the premises without consent to make an inspection or enforce any of the provisions of this article only when an emergency exists as prescribed by section 26-733 or when the premises are abandoned.

Sec. 26-733. - Emergency orders.

Whenever an emergency exists which requires immediate action to protect the public health, safety or welfare, the director may issue an immediate order directing the owner, occupant or other person in charge of the building to take such action as is necessary to correct or abate the emergency; or, if circumstances warrant, the director may act to abate or correct it. An emergency order shall be in lieu of the notice and order.

Sec. 26-734. - Inspection report.

In areas designated by the city for systematic code enforcement, the owner or occupant may first be given an inspection report listing the deficiencies found on the premises and requesting that the deficiencies be eliminated within a stated period of time, not to exceed 180 days. Such an inspection report shall also state that, if the deficiencies are not eliminated, a notice and order will be issued.

Sec. 26-735. - Service of notice and order.

Except in emergency cases, the director shall issue a notice and order stating the deficiencies found on the premises, identifying them as violations of this article and ordering the owner or occupant to correct such violations. This notice and order shall:

(1) Be in writing;

(2) Set forth the alleged violations of this article;

(3) Describe the premises where the violations are alleged to exist or to have been committed;

(4) Specify a period of 30 days for the correction of any violation alleged and advise the owner or occupant of his right to appeal;

(5) Be served upon the owner or occupant of the premises by delivery of a copy of the notice and order to him personally or by leaving such a copy at his usual place of abode with a member of the family over the age of 15 years, or by mail addressed to the owner or occupant or agent thereof. If one or more persons to whom such notice and order is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice and order in or about the premises

described in the notice and order and by causing such notice and order to be published in a newspaper of general circulation.

Sec. 26-736. - Extension of time for compliance.

If evidence of repair or improvements which will eliminate the deficiencies listed in the notice and order provided for in this division is found by the director at the time of the re-inspection, he may allow an extension of time not to exceed 120 days, provided he determines the extension of time will not create or perpetuate a situation imminently dangerous or deteriorating to life or property.

Sec. 26-737. - Failure to comply with order.

At the end of the period of time allowed for the correction of any violation alleged, the director shall re-inspect the premises. If, upon re-inspection, the violations are determined by the director not to have been corrected, the director shall initiate legal proceedings in municipal court or shall order the premises vacated within 30 days, or both, unless a valid extension of time has been granted.

Secs. 26-738—26-750. - Reserved.

DIVISION 3. - TEMPORARY CLOSING OF BUILDINGS

Sec. 26-751. - Issuance of order to vacate.

Whenever the director finds that any occupied building or structure contains a condition which may endanger or materially impair the health, safety or well-being of an occupant and which violates this article, he may declare such structure unfit for human occupancy and order it to be vacated immediately and remain so until its certificate of reoccupancy is issued. Such order shall list the conditions which render the premises unfit for human occupancy and establish a time within which the building shall be repaired.

Sec. 26-752. - Violations rendering structure unfit for human occupancy.

Any one or more violations of division 5 of this article may be considered as conditions which may endanger or materially impair the health, safety or well-being of an occupant.

Sec. 26-753. - Service of order to vacate.

An order to vacate shall be served upon the owner and the occupants of the premises. Service of an order to vacate shall be in the same manner as provided in division 2 of this article for service of the notice and order.

Sec. 26-754. - Posting of order to vacate.

(a) Every order to vacate issued in accordance with this article shall be posted at or upon each exit of the building or structure and shall include the list of conditions which render the premises unfit for human occupancy. The order shall be substantially in the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

The following conditions render these premises unfit for human occupancy:

It is a misdemeanor to occupy or permit any person to occupy this building or to remove or deface this notice.

Director of Public Works of City of Joplin, Missouri

(b) Such order shall not be removed or defaced after it is posted except with the knowledge and consent of the director.

Sec. 26-755. - Compliance with order to vacate; occupancy of posted structure.

(a) The building or structure shall be repaired within the time specified by the director, or it shall be temporarily closed in accordance with this article. No person shall occupy, remain in or enter any building which has been so posted, or allow or permit such entry or occupancy by any other person, until conditions necessitating the posting have been remedied; except that entry may be made to repair, demolish or remove such building under permit.

(b) Upon repair of any building or structure which has been posted by the director under section 26-754, an inspection shall be requested of and made by the director. If such building is determined to be fit for human occupancy, a certificate of reoccupancy so stating shall be issued.

Sec. 26-756. - Standards for closing building.

(a) *Temporary closing.*

(1) All buildings and structures which are temporarily closed as a result of an order of vacation by the director shall be closed and kept closed until the building or structure complies with the building code and this article or is demolished, in accordance with the following standards:

a. All exterior openings are to be closed.

b. Materials missing or broken shall be replaced by similar construction or may be replaced by solid wood construction of exterior grade plywood at least one-half inch thick.

c. Materials approved by the director may be used which provide equivalent protection to the building from those attempting to gain entrance.

d. Any materials used to close openings in exterior walls or open buildings shall be neatly installed in a manner substantially in accordance with recognized levels of workmanship for the building construction industry.

e. The roof shall be made watertight.

f. All loose and hanging exterior parts shall be removed.

g. All debris from the interior and exterior of the premises shall be removed.

(2) No building temporarily closed shall remain vacant and unrepaired for more than 150 days.

(3) If a building, temporarily closed as the result of an order of vacation by the director, remains closed in excess of one hundred fifty (150) days, a dangerous building case shall be initiated against the structure to determine whether the structure should be demolished or the owner of the structure may make application for a permit as provided by section 26-627 of the Joplin City Code subject to the conditions therein.

(4) If a building, temporarily closed as a result of an order of vacation by the director, is not closed and kept closed in accordance with the standards set forth in this subsection, a dangerous building case may be initiated against the structure to determine whether the structure should be demolished.

(b) *Voluntary indefinite closing.* All buildings and structures that do not meet the criteria for a permit as provided by section 26-627 of the Joplin City Code and that are voluntarily closed for an indefinite period shall be closed and kept in accordance with the following standards:

(1) A permit shall be obtained before commencement of work.

(2) All exterior openings are to be closed.

(3) Materials missing or broken shall be replaced by similar construction or may be replaced by solid wood construction of exterior grade plywood at least one-half inch thick.

(4) Materials approved by the director may be used which provide equivalent protection to the building from those attempting to gain entrance.

(5) Any materials used to close openings in exterior walls or open buildings shall be neatly installed in a manner substantially in accordance with recognized levels of workmanship for the building construction industry.

(6) All plywood shall be painted with two coats of exterior paint.

(7) The building or structure shall be baited for roaches and rodents.

(8) The roof shall be made watertight.

(9) All loose and hanging exterior parts shall be removed.

(10) All debris from the interior and exterior of the premises shall be removed.

Secs. 26-757—26-770. - Reserved.

DIVISION 4. - APPEALS

Sec. 26-771. - Generally.

Any person entitled to be served with a notice and order under section 26-735 shall have the right to appeal in writing to the building board of appeals from any order or action of the director taken in the enforcement of this article. An appeal shall be in such form and shall contain such information as the board may by regulation require.

Sec. 26-772. - Scope of appeal.

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of an appeal under this division.

Sec. 26-773. - Filing of appeal.

Every appeal under this division shall be in writing and shall be filed by delivery to the office of the director within ten days from the date of the service of the order or the action appealed from.

Sec. 26-774. - Failure to appeal.

Failure of a person entitled to appeal under this article either to make appeal or to timely file his appeal shall constitute a waiver of his right to an administrative hearing and adjudication of his complaint, and such person shall be estopped to deny the validity of any order or action of the director which could have been timely appealed.

Sec. 26-775. - Stay of order pending appeal.

Except for orders to vacate and emergency orders, the timely filing of an appeal to the board under this division shall stay enforcement of the order appealed from until the appeal is finally determined by the board.

Secs. 26-776—26-790. - Reserved.

DIVISION 5. - MINIMUM ENVIRONMENTAL REQUIREMENTS

Subdivision I. - In General

Sec. 26-791. - Sanitation.

(a) All exterior property areas shall be maintained in a clean and sanitary condition and free from any accumulation of rubbish, trash, garbage or other noxious or offensive materials. The storage, collection and disposal of refuse shall be in accordance with chapter 102, pertaining to solid waste.

(b) Every operator shall furnish and maintain approved devices, equipment or facilities necessary to keep his premises safe and sanitary.

Sec. 26-792. - Insect and rodent control.

(a) Building and exterior property areas shall be kept free from insect and rodent infestation. Where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(b) All nonresidential property shall be in compliance with chapter 62, article VI, pertaining to vector control.

Sec. 26-793. - Dock areas, stairs, porches and handrails.

(a) Every dock area, stair and porch shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected. They shall be maintained in sound condition and good repair. Treads and risers that evidence excessive wear or are broken, warped or loose shall be replaced. Where required for safety, an approved handrail shall be installed.

(b) All dock areas, stairs, porches and handrails shall be in compliance with all requirements, including prescribed loads, of article IV of this chapter.

Secs. 26-794—26-800. - Reserved.

Subdivision II. - Exterior Property Areas

Sec. 26-801. - Grading and drainage.

All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

Sec. 26-802. - Sidewalks, driveways and parking spaces.

Sidewalks and driveways shall be maintained in a safe and approved condition, and parking spaces shall be maintained in accordance with chapter 114 and the city zoning ordinance.

Sec. 26-803. - Noxious weeds.

All exterior property areas shall be subject to the requirements of chapter 54, article II, division 2, pertaining to weeds.

Sec. 26-804. - Hazardous or unsanitary conditions.

The exterior of the premises and all structures thereon shall be kept free of all hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of unsanitary conditions.

Sec. 26-805. - Storage of wrecked or unlicensed motor vehicles.

Except where permitted by the terms of another law or ordinance, no wrecked or unlicensed motor vehicles shall be stored in the open on any nonresidential property, nor shall any such vehicle at any time be in any state of major disassembly or disrepair, nor shall it be in the process of being repaired, stripped or dismantled except in an automobile establishment. Emergency repairs to any currently licensed vehicle shall be permitted in order to permit such vehicle to be removed from the premises.

Sec. 26-806. - Accessory structures.

Accessory structures on the premises shall be structurally sound, and be maintained in good repair, or such structure shall be removed from the premises. The exterior of such structure shall be made weather resistant.

Sec. 26-807. - Fences and retaining walls.

All fences and retaining walls on the premises shall be structurally sound and constructed of approved materials. They shall be maintained so that they do not constitute a blighted influence or an element leading to the progressive deterioration and downgrading of neighborhood property value.

Secs. 26-808—26-820. - Reserved.

Subdivision III. - Building Exteriors

Sec. 26-821. - Foundations, walls and roofs.

Every foundation, exterior wall and roof and all other exterior surfaces shall be maintained in an approved state of maintenance, and all exterior surface materials must be protected against weathering and must be kept in repair. The foundation element shall adequately support the building at all points.

Sec. 26-822. - Exterior walls.

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.

Sec. 26-823. - Roof.

The roof shall be structurally sound and tight, and shall not admit rain, and drainage shall be sufficient to carry water away from the roof. All downspouts and gutters shall be kept in good repair.

Sec. 26-824. - Windows, doors and hatchways.

(a) *Generally.* Every window, exterior door and basement hatchway shall be tight and maintained in sound condition and good repair and prevent the entrance of rodents, rain and surface drainage water into the structure.

(b)*Windows.* Every window shall be maintained in good condition, and fit tightly within its frame so as to exclude wind and rain as completely as possible from entering the structure. All windows shall be fully supplied with glass windowpanes, or an approved substitute, without open cracks or holes. Every other opening located within four feet of ground level shall be protected against the possible entry of insects and rodents.

(c) *Doors.* Every exterior door shall be maintained in good condition, and when closed shall fit well within its frame so as to exclude wind and rain as completely as possible from entering the dwelling or structure. Every door hinge and door latch shall be maintained in good condition.

Sec. 26-825. - Obstruction of exits.

~~There shall be no obstructions to or of fire escapes, stairs or ladders which may be used as escapes likely in the event of fire to interfere with the operation of the fire department or of the safety and ready egress of the occupants.~~

~~Sec. 26-826. - Permanent signs.~~

~~(a) All permanent signs and billboards exposed to public view, together with their supporting members, shall be maintained in good repair. Any signs which have excessively weathered or faded, or those upon which the paint has excessively peeled or cracked, shall, with their supporting members, be removed forthwith or put into a good state of repair.~~

~~(b) The provisions of this section shall apply in addition to the requirements of any other ordinance or law relating to permanent signs and billboards, and shall be cumulative thereof.~~

Sec. 26-827. - Display windows.

~~All display windows or storefronts constructed of plate glass or other transparent material shall be kept clean and free of cracks, and no storage other than organized displays shall be permitted therein unless shielded from public view.~~

~~Sec. 26-828. - Storefronts.~~

~~All storefronts shall be kept in good repair, shall be protected from weathering and shall not constitute a safety hazard or nuisance. If repairs to a storefront become necessary, such repairs shall be made with the same or similar materials used in the construction of the storefront in such a manner as to permanently repair the damaged areas. Any cornice visible above a storefront shall be protected from weathering and kept in good repair.~~

Sec. 26-829. - Awnings and marquees.

~~Awnings and marquees, including all fascias and soffits and structural overhangs or canopies, and their accompanying structural members shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. If such awnings or marquees are made of cloth, plastic or similar materials, they shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing in this section shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.~~

~~Sec. 26-830. - Temporary signs.~~

~~Except for "For Rent" and "For Sale" signs, and except as otherwise provided in chapter 6, pertaining to advertising and signs, any temporary sign or advertising material glued or otherwise attached to a window or otherwise exposed to public view shall be removed:~~

~~(1) At the expiration of the event or sale for which it is erected; or~~

~~(2) Within 60 days after erection, whichever shall occur first.~~

~~Secs. 26-831—26-850. - Reserved.~~

Section 2. This ordinance shall become effective January 1st, 2024.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2023.

_____
Douglas W. Lawson – Mayor

ATTEST:

_____
Holly Nagy – City Clerk

APPROVED AS TO FORM

_____
Peter C. Edwards, City Attorney