City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: October 16, 2023

Item: COUNCIL BILL NO. 2023-286
Originating Department: BUILDING REGULATIONS

Attachments: 1) Council Bill No. 2023-286

Building Regulations: Bryan Wicklund	Date:
Planning and Community Development Manager: Troy Bolander	Date:
Finance Department: Leslie Haase	Date:
City Attorney: Peter C. Edwards	Date:
Assistant City Manager: Tony Robyn	Date:
City Manager: Nick Edwards	Date:
Fire Chief: Gerald Ezell	Date:

Recommended Action: Approval of the adoption of the 2018 International Property Maintenance Code along with amendments with an effective date of January 1st, 2024.

Summary: Currently Neighborhood Services Division handles the enforcement of codes and ordinances pertaining to individual property sites while the Building Division oversees the enforcement pertaining to the structures themselves once they qualify and meet the definitions for a dangerous structure as defined in Chapter 26 sec. 612. The adoption of the 2018 International Property Maintenance Code will help fill in the gap between these two processes. The intent of the International Property Maintenance Code is to ensure public health, safety, and welfare pertaining to the occupancy and maintenance of all existing structures and premises by establishing minimum standards and requirements that align with all other currently adopted codes and ordinances. One benefit from the adoption of this code is that it will offer both citizens and staff a single easy to understand location to reference most of the standards when dealing with maintaining all aspects of existing properties.

Recommendation: It is with the adoption of the latest Codes that the Building Department and Fire Department, & Neighborhood Services Division can continue to serve the public's interest in regard to life, health, and safety issues pertaining to properties within the City of Joplin, and staff requests the Council to approve the adoption of the 2018 International Property including amendments with an effective date of January 1st, 2024.

Attached is a draft of the Ordinance to adopt the codes and chapter 26 changes. The amended or changed portions have been marked through but included in an effort to help identify the changes.

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

Chapter 54 ENVIRONMENT[1]

ARTICLE I. IN GENERAL

Secs. 54-1—54-30. Reserved.

ARTICLE II. NUISANCES[2]

DIVISION 1. GENERALLY

Sec. 54-31. Authority of director of public health and welfare.

Nothing in this article shall be so construed as to interfere with the duties and powers of the director of public health and welfare in the condemnation and abatement of all matters defined by law as nuisances.

(Code 1977, § 25-1)

Sec. 54-32. Nuisances prohibited.

No person shall permit, cause, keep, maintain or do any nuisance or contribute to any nuisance as defined by the laws of this state, the provisions of this Code or the ordinances of the city, or cause or permit to be committed, caused, kept, maintained or done or contribute to the committing, causing, keeping or maintaining of any such nuisance within the corporate limits of the city or within one mile of the corporate limits of the city.

(Code 1977, § 25-2)

Sec. 54-33. Common law and statutory nuisances.

In all cases where no provisions are made in this article defining what are nuisances and how the nuisances may be removed, abated or prevented, in addition to what may be declared such in this article, those offenses which are known to the common law of the land and the statutes of the state as nuisances may, in case such

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[1]Cross reference(s)—Advertising noise, § 6-7; animals, ch. 18; buildings and building regulations, ch. 26; dangerous buildings, § 26-611 et seq.; floodplain management, § 26-651 et seq.; businesses, ch. 30; health and sanitation, ch. 62; manufactured homes and trailers, ch. 78; parks and recreation, ch. 86; planning, ch. 94; solid waste, ch. 102; streets, sidewalks and other public places, ch. 106; utilities, ch. 118; vegetation, ch. 122.

[2]Charter reference(s)—Authority to define and abate nuisances, § 2.15(23); authority to declare improper signboards, etc., to be nuisances, § 2.15(31); authority to enforce health measures in the city and within four miles thereof, § 2.15(32); authority to compel owners, etc., to correct conditions on property, § 2.15(53).

State law reference(s)—Expense of suppression of nuisances paid, RSMo 71.780.

offenses exist within the city limits, be treated as such, and proceeded against as provided in this Code, or in accordance with any other provision of law.

(Code 1977, § 25-3)

Sec. 54-34. Definition.

For the purposes of this article, the word "nuisance" is defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

(1) Injures or endangers the comfort, repose, health or safety of others;

(2) Offends decency;

(3) Is offensive to the senses;

(4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;

(5) In any way renders other persons insecure in life or the use of property; or

(6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(Code 1977, § 25-4)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 54-35. Enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

(1) *Substances emitting foul odors.* All substances which emit or cause any foul, noxious, unhealthful or disagreeable odor or effluvia.

(2) *Carcasses.* All carcasses of animals remaining exposed after death, except such animals as are killed for use as food.

(3) *Establishments emitting noxious odors.* Every soap factory, grocery, cellar shop, tannery, brewery, distillery, meat shop, sausage factory, beef or pork packing house, stable or barn which emits or causes any offensive, disagreeable or noxious smell or odor.

(4) *Foul liquids generally.* All slop, foul or dirty water, liquor, beer or saloon washings, and all filth, refuse or offal discharged through drains or spouts or otherwise thrown, swept or deposited in or upon any street, avenue, sidewalk, alley, lot, park, or public or private enclosure.

(5) *Hides.* All green or salted hides left or exposed in any open place for a longer period than six hours.

(6) *Odiferous matter.* All vegetables or other articles that emit or cause any offensive or disagreeable smell or odor.

(7) *Injurious or annoying articles.* All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience or annoyance of the public or of any neighborhood.

(8) *Signs or other devices hanging over street or sidewalk.* All hanging signs, ropes, networks or other devices stretched over or across any street, avenue, alley or sidewalk, unless such devices are permitted by ordinance.

(9) *Refuse, garbage and ashes generally.* All ashes, cinders, slops, filth, excrement, sawdust, stones, rocks, dirt, straw, soot, sticks, shavings, oyster shells, cans, dust, paper, trash, rubbish, manure, refuse and offal, wastewater, chamber lye, fish, putrid meat, entrails, decayed fruit and vegetables, broken ware, rags, old iron or other metal, or old wearing apparel, all animal or vegetable matter, all dead animals, or any other offensive or disagreeable substance or thing thrown, left or deposited or caused to be thrown, left or deposited by anyone in or upon any street, avenue, alley, sidewalk, park, public or private enclosure, or lot, vacant or occupied, or pond or pool of water.

(10) *Accumulations of refuse.* The accumulation on any lot or piece of ground in the city of any refuse matter in such a manner as to be offensive or be injurious to the health of any person or of the neighborhood.

(11) *Burning materials creating noxious odor.* The burning within the city limits of any animal, vegetable or other substance, the burning of which creates or generates any disagreeable, noxious or unwholesome smell or odor.

(12) *Obstructing watercourse.* The placing or maintaining of any obstruction of any kind in any natural or living watercourse of the city so as to impede the natural flow of water therein.

(13) *Polluting water supply.* The doing of any act which shall tend to pollute or contaminate the water supply of the city.

(14) *Unwholesome or offensive standing water.* Any lot or piece of ground within the limits of the city on which there is a pond or pool of unwholesome, stagnant, impure or offensive water.

(15) *Wells containing impure water.* Any well or cistern on any property within the limits of the city, whenever a chemical analysis shows that the water therein is of an impure or unwholesome nature.

(16) *Airborne matter.* Sieving, agitating, handling or exposing lime, ashes, coal, dry sand, hair, feathers, dust or other substances liable to be blown by the wind to the injury, annoyance or inconvenience of the public or of any neighborhood.

(17) *Premises not connected with sewer.* Any improved real estate abutting upon or adjoining any sanitary sewer system but which is not connected to such sewer system.

(18) *Open storage of furniture or appliances.* All furniture, bedding, refrigerators, freezers, heating stoves, kitchen ranges, laundry and dishwashing equipment, air conditioning units, or any other such appliances, articles or equipment designed for use inside a dwelling unit if stored, placed or set upon the ground, on any open porch, in any attached carport, in any freestanding carport, or in any garage or shed that is without doors to conceal such articles.

(19) *Unsanitary buildings.* Any building or part thereof which, by reason of its unsanitary condition or of its being infected with disease, is unfit for human habitation, or which from any other cause is a source of sickness among the inhabitants of the city, or which otherwise endangers the public health.

(20) *Abandoned objects or equipment.* Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

(21) *Abandoned shafts or excavations.* Any open abandoned shaft or excavation.

(22) *Nonoperating vehicles.* Any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle remaining upon any public or private premises within the city not in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property.

(23) *Offensive garbage, rubbish or trash.* The accumulation on any lot or piece of ground in the city of any garbage, rubbish or trash in such a manner as to be offensive or be injurious to the health of any person or of the neighborhood.

(24) *Dumping of rubbish, garbage or trash.* Placing, leaving, dumping or permitting to accumulate any rubbish, garbage or trash in any building or on any premises, improved or vacant, or on any open lot, alley or public right-of-way in the city.

(Code 1977, § 25-5)

Sec. 54-36. Notice to abate.

Whenever the director of health shall ascertain or have knowledge that a nuisance exists in or upon any house, building, lot or premises within the city or within one mile of the corporate limits of the city, he shall, in writing, notify the owner or person occupying or having possession and control of such house, building, lot or premises to abate or remove such nuisance within a time to be specified in such notice; provided, however, that when the owner of the property is a nonresident of the city and no person occupies, possesses or controls such building, lot or premises, no notice need be served on such owner if the council shall first find and declare that the abatement of such nuisance is required for the protection and preservation of the public health, safety and welfare and that an emergency exists for the abatement of such nuisance.

(Code 1977, § 25-6)

Sec. 54-37. Failure to comply with notice.

Any person who shall be notified to abate a nuisance, and who shall fail, neglect or refuse to obey and comply with the provisions of such notice within the time therein specified, shall be deemed guilty of a misdemeanor.

(Code 1977, § 25-7)

Sec. 54-38. Right of entry for abatement purposes.

Members of the police force and the officers of the department of public health and welfare of the city are hereby authorized and required to go in the daytime in and upon any house, building, lot or premises, public or private, for the purpose of removing or abating any nuisance thereon.

(Code 1977, § 25-8)

Sec. 54-39. Abatement by city.

If the owner or person occupying or having possession and control of any premises upon which a nuisance exists in violation of this division does not abate the nuisance within the time stated in the notice to abate such nuisance, the city may enter upon such premises and abate such nuisance. The costs and expenses of such abatement by the city shall, like taxes, be a first lien on the property affected thereby until paid.

(Code 1977, § 25-9)

Sec. 54-40. Legal action by private persons.

Any person who, by reason of another's violation of any provision of this article, suffers special damage to himself different from that suffered by other property owners throughout the city generally, may bring an action to enjoin or otherwise abate an existing violation.

(Code 1977, § 25-10)

Sec. 54-41. Summary abatement.

Whenever a nuisance clearly exists in the city, the continuance of which, in the judgment of the director of public health and welfare, will be dangerous to public health, the director may declare such condition to be such a nuisance and dangerous in its continuance, and enter such declaration in the records of his office, and shall then immediately abate such nuisance, without notice.

(Code 1977, § 25-11)

Secs. 54-42—54-60. Reserved.

DIVISION 2. WEEDS[3]

Sec. 54-61. Declaration of nuisance.

The presence of weeds, brush and other rank vegetation of a height of more than 12 inches allowed to grow and stand upon any lot or tract of ground, including any right-of-way that might be adjacent thereto, within the city limits is hereby deemed and declared to be a nuisance and in violation of this division, and shall be a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

(Code 1977, § 25-21)

Sec. 54-62. Duty to cut weeds.

The owners or occupants of lots or tracts of land, including any right-of-way that might be adjacent thereto, are hereby required to keep high weeds, brush and other rank vegetation cut to a height of 12 inches or less, and any owner or occupant of the lot or tract of land failing to do so shall be deemed guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

(Code 1977, § 25-22)

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[3]Charter reference(s)—Authority to compel owners, etc., to remove weeds, abatement by city after notice, § 2.15(53).

Cross reference(s)—Vegetation generally, ch. 122.

Sec. 54-63. Abatement by city.

(a) *Notice not required.* If the owner or occupant of property fails to comply with section 54-62, the city shall not be required to give any notice to the owner of such violation of section 54-62, and the city may enter upon the lots and cut and remove the weeds, brush and other rank vegetation, and the cost of the cutting or removal of the weeds, brush and other rank vegetation shall be charged as a special lien against the lots and tracts of land and a special tax bill will be issued.

(b) *Work may be done by city or private contractor.* If weeds, brush and rank vegetation have not been cut or removed from the premises, the director of public works may cause the weeds, brush and rank vegetation to be cut and removed by employees of his department on a cost basis, or, in the alternative, may request bids from private individuals either on the basis of individual lots or on a square-foot basis for a period of time not to exceed one year covering present and future weeds, brush and high rank vegetation removal during the period of the contract. The cost of cutting or removal of the weeds, brush and rank vegetation shall be charged as a special lien against the lots and tracts of land and a special tax bill will be issued therefor.

(c) *Determination of costs; payment to contractors.* Following the cutting and removal of vegetation referred to in this section, the city shall ascertain the cost against each lot or tract of ground, and if the services have been performed by an individual or independent contractor, payment shall be made to him from General Fund Account No. 32-317.

(d) *Payment of costs; costs declared lien; special tax bill.*

(1) The cost of cutting and removing weeds, brush and other rank vegetation, and the abatement of the nuisances caused thereby, may be assessed and collected as a lien on the property affected thereby. As soon as the costs of the cutting and removal of weeds and rank vegetation and the abatement of the nuisance caused thereby shall be determined, the city shall notify, by letter deposited in the United States mail, the owners, lessees or agents in control of the property of the cost. If after 30 days after the mailing of the notices the costs of cutting and removing the weeds, brush and rank vegetation and the abatement of the nuisance caused thereby is not paid, the city shall assess and charge against the tracts of land from which the weeds, brush and rank vegetation have been cut or removed the cost of the cutting or removal, which assessment shall be a lien on the property charged from the date of the issuance of a special tax bill, which shall bear interest at the rate of seven percent per annum until paid. Within 30 days after the issuance of the tax bill, the director of finance shall record the tax bill in the special tax record, showing the property assessed, the date of issuance and the rate of interest thereon.

(2) Immediately upon receipt of such special tax bill, the director of finance shall give notice, by mail or otherwise, as may be provided by ordinance, to the parties named in such tax bill, of the issuance of the tax bill against the tracts of land in which they appear to be respectively interested as appears by such assessment, describing such tracts of land and stating in general terms for what purpose such tax bills were issued, and the amount, rate of interest and when and where payable. Such assessment, when collected by the director of finance, shall be credited to the general fund.

(Code 1977, §§ 25-23—25-26; Ord. No. 2013-260, §§ 1, 2, 11-18-13)

Secs. 54-64—54-80. Reserved.

DIVISION 3. FENCES

Sec. 54-81. Permitted fences; construction standards.

It shall be unlawful for any person to erect or maintain any fence or other like structure except as follows:

(1) Privacy fences may be erected on any lot, except as provided in section 54-83, and shall be no more than eight feet high and shall not be located closer to the front property line than the nearest portion of the rear of the building.

(2) Decorative fences may be erected on any lot, except as provided in section 54-83, and shall be no more than four feet high and be of open construction.

(3) Security fences may be erected on any business or industrial lot to a height of not more than 12 feet. The top four feet must be of open wire, woven wire or barbed wire construction.

(4) Open wire fences for the enclosure of private tennis courts may be constructed to a height of no more than 12 feet, but must be set back from all property lines at least six feet. Such fences may be of any material, except as provided in section 54-83. The top four feet must be of open wire or woven wire construction.

(5) Materials for construction of a privacy fence must be wood, except that posts may be made of metal. Maximum board width is 12 inches for solid, staggered or basket weave fences. Solid panels such as plywood, wafer board, etc., will not be allowed, except around construction sites for public safety, and such fences must be removed when the construction project is completed.

(6) Materials for construction of a decorative fence may be wood, woven wire, chain link, wrought iron, square tubing or metal pipe. A decorative fence must be of open construction, and no panels such as plywood, wafer board, etc., will be allowed, except as provided in section 54-83.

(7) All framework of a wood fence, whether a privacy fence or a decorative fence, must be on the inside portion of the fence, and all posts of a wire fence must be inside of the fabric. All posts (except metal "T" line posts) must be set in concrete to a minimum depth of 18 inches and shall be a minimum of four inches by four inches. Metal "T" posts may be driven.

(Code 1977, § 25-27)

Sec. 54-82. Maintenance.

No person shall permit, cause, keep, maintain or allow a fence within the corporate limits of the city in a dilapidated or dangerous condition.

(Code 1977, § 25-28)

Sec. 54-83. Barbed wire fences, electrified fences and other dangerous fences.

Any person who shall place or permit to be placed or remain on or along any railroad or building front or any part of a building, fence or premises adjacent or contiguous to any right-of-way or public way or residence any spikes or sharp-pointed cresting, or any barbed wire or other things, except as permitted in section 54-81(3), or electrified fence, dangerous or liable to tear, snag, cut or injure anyone coming in contact therewith, shall be deemed guilty of a misdemeanor.

(Code 1977, § 25-29)

Sec. 54-84. Violations declared nuisance.

All fences or other like structures erected or maintained in violation of this division are hereby deemed and declared to be a nuisance, and any owner or occupant of a lot or tract of land upon which such nuisance exists shall be deemed guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

(Code 1977, § 25-30)

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 XII Nonresidential Property Maintenance Code be repealed, and a new Chapter 26, Buildings and Building Regulations, Article XII, Property Maintenance Code, be enacted to read as follows:

"ARTICLE XII PROPERTY MAINTENANCE CODE*

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

The **2018** Edition of the International Property Maintenance Code as supplemented or amended, is hereby adopted and made a part hereof 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."

Sec. 26-693—26-710.-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