BILL NO. 3925
ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LEBANON, LACLEDE COUNTY, MISSOURI, (HEREINAFTER REFERRED TO AS "CITY") AMENDING THE CITY *CODE OF ORDINANCES CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS, ARTICLE V PROPERTY MAINTENANCE CODE SECTION 6-51. ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 6-52. ADDITIONS, INSERTIONS AND CHANGES, AND ARTICLE VI DANGEROUS BUILDINGS, SECTION 6-73, BUILDING COMMISSIONER,* AND ENACTING IN LIEU THEREOF A NEWLY CREATED *SECTION 6-51. ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 6-52. ADDITIONS, INSERTIONS AND CHANGES, AND SECTION 6-73. BUILDING COMMISSIONER*

WHEREAS, that the City of Lebanon wishes to promote healthy and safe neighborhoods throughout the community; *and*

WHEREAS, that on January 27, 2003, by Ordinance No. 4170, the City Council approved the adoption of the International Property Maintenance Code 2000 Edition; *and*

WHEREAS, that on June 30, 2008, by Ordinance No. 4553, the City Council approved the adoption of the International Building, Residential, Electric, Plumbing, Mechanical, and Fire Codes 2006 Edition; *and*

WHEREAS, that adoption of the Property Maintenance Code 2006 Edition will better align the property maintenance code with currently adopted codes; *and*

WHEREAS, that the Council wishes to better clarify the role of the Office of the Hearing Officer in the Dangerous Structure process as established in Ordinance No. 4633, adopted on April 27, 2009; *and*

WHEREAS, that Said Amendment to the *Lebanon Code of Ordinances* was introduced to the City Council, for approval, by Council Bill No. 3925 at the February 10, 2014 Council Meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEBANON, LACLEDE COUNTY, MISSOURI, AS FOLLOWS;

SECTION 1: That the City Council of the City of Lebanon, Laclede County, Missouri, (hereinafter referred to as "City") hereby amends *Lebanon Code of Ordinances* Chapter 6 Buildings And Building Regulations, Article V Property Maintenance Code Section 6-51. Adoption of International Property Maintenance Code, Section 6-52. Additions, Insertions and Changes and Article VI Dangerous Buildings, Section 6-73, Building commissioner, are hereby repealed, and two new sections relating to the same subject matter be enacted in lieu thereof to read as follows:

"Sec. 6-51. - Adoption of International Property Maintenance Code

That certain standard code known as the International Property Maintenance Code, 2006 edition, published by the International Code Council are hereby adopted and incorporated by reference as the housing code of the city.

Sec. 6-52. Additions, insertions and changes.

That the International Property Maintenance Code is amended and revised in the following respects:

Section 101.1. Title. Insert: City of Lebanon, Missouri;

Section 101.2. Scope. Delete: Section 101.2 and insert: Section 101.2 Scope:

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of

owners, operators and occupants: the occupancy of existing structures and premises and for administration, enforcement and penalties**.**

Section 101.3. Application of other codes. Insert: International Plumbing Code in list of applicable codes.

Section 103.1. General. Delete Section 103.1 General and insert: 103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

Section 104.3. Inspections 104.3 Inspections insert second paragraph: The code official also shall have the right to inspect the structure or premises at any time there is a change of occupancy during the period the premises are vacant and the owner or person responsible shall be required to notify the code official or the city utility department each time a vacancy occurs so that an inspection can be made. The code official shall cause the premises to be inspected within three (3) working days of receiving the aforesaid notice.

Section 104.4. Right of Entry Delete: Section 104.4 and insert: Section 104.4. Right of entry: The code official is authorized to enter the structure or premises at reasonable times to inspect. Prior to entering into a space not otherwise open to the general public, the code official shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If requested entry is refused or not obtained, the code official shall pursue recourse as provided by law.

Section 104.6. Notices and orders. Insert second paragraph: All necessary notices and orders shall be made in conformance with procedures established by Ordinance 3786 and any subsequent amendment, codified within the Code of Ordinances of the City of Lebanon, Missouri, Chapter 13 Nuisances, Article V. - Abatement and Penalty Procedures.

Section 106.1 Unlawful Acts. Delete Section 106.1 and insert: Section 106.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

The city will not be required to provide utilities to the subject structure until the said alterations or repairs are completed, except that temporary utility services will be provided by the city for a thirty-day period after inspection to enable the owner or other person or persons having charge or control of the structure or premises to make the alterations, repairs or improvements required by this article so long as the subject structure is unoccupied. The period of temporary service may be extended for a longer period if a good faith effort has been made to complete the necessary alterations, repairs or improvements and more time is required to do so.

It shall be unlawful for any owner or operator to "let" for occupancy or allow, cause or permit the occupancy of any residential or structural unit unless and until:

(1) All utilities, to-wit, water, sewer, and a heat source for heating water and heating the unit, are properly connected and operating;
(2) Any electrical deficiencies referred to in Subsection (c) have been added or corrected as per the requirements of Subsection (c).
(3) The owner/operator has notified the code official that the unit is vacant and has permitted inspection unless waived by the code official;

(4) The unit complies with all other requirements of this code.

It shall also be unlawful for any owner or operator to allow, cause or permit occupancy or for any person to occupy any residential unit after any or all utility service is disconnected, terminated or otherwise unavailable for any reason. The owner or operator shall not be considered in violation of this subsection if eviction procedures under state law have been initiated and are being diligently pursued to cause the occupant or occupants to be removed from the premises.

It shall also be unlawful for an owner or operator of any residential unit or structure to cause or allow the termination of any or all utility service or services to or for said residential or structural unit to cause or compel the occupant or occupants to abandon the premises for any reason.

The occupancy of a residential or structural unit without utilities properly connected and operating is hereby declared to be a nuisance and a safety and health hazard and any person who violates the provisions of subsections (d), (e) or (f) hereof shall upon conviction of any violation thereof, be punished by a fine not exceeding five hundred dollars ($500.00), or by imprisonment in the county jail for a period not exceeding three (3) months or both such fine and imprisonment pursuant to Chapter 1, Section 1-12 of the Code of Ordinance of the City or Lebanon Missouri; provided that in any case wherein the penalty of an offense as fixed by any statute of the state, the statutory penalty and no other, shall be imposed for the punishment of the offense. Each day any violation of this ordinance shall continue shall constitute, except where otherwise provided, a separate offense. Said violator shall also be subject to injunctive relief pursuant to the provisions of Section 106.3.

Section 106.3 Prosecution of violation. Delete Section 106.3 and insert: Section 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 111: Means of Appeals. Delete Section 111. Insert Section 111 Means of Appeal. The provisions of City Code Appendix A. Zoning, Section 9 Administration, A. Board of Adjustment of the Code of Laws of the City shall be followed.

Section 302.4 Weeds: Delete Section 302.4 Weeds

Section 304.14 Insect screens: insert April 1 and November 1.

Section 304.18.1 Doors. Delete 304.18.1 Doors

Section 304.18.2 Windows. Delete 304.18.2 Windows

Section 304.18.3 Basement hatchways. Delete 304.18.3 Basement hatchways

Section 307.2.2 Refrigerators. Delete the words: without first removing the doors.

Section 602.3 Heat Supply. Delete: Section 602.3 and insert: Section 602.3 Heat supply: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from

October1, to April 1, to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4 Occupiable work spaces. Delete: Section 602.4 and insert: Section 602.4 Occupiable work spaces: Indoor occupiable work spaces shall be supplied with heat during the period from October1, to April 1, to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:
1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities

Section 704.3. Power source. Delete Section 704.3 and insert Section 704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure.

Section 704.4. Interconnection. Delete Section 704.4. Interconnection. Exception 2 and insert: Section 704.4. Interconnection. Exception 2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure.

Sec. 6-73 Building Commissioner.

The hearing officer as established Code of Ordinances of the City of Lebanon, Laclede County, Missouri, Chapter 13 Nuisances, Article V, Abatement and Penalty Procedures, Section 13-45 Office of the Hearing Officer shall act as building commissioner under this article."

SECTION 2: Should any part of this Ordinance be rendered or declared invalid by a court of competent jurisdiction in the State of Missouri, such invalidation of such part or portion of this Ordinance shall not invalidate the remaining portions thereof, and shall remain in full force and effect.

SECTION 3: That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed and approved by the City Council of the City of Lebanon, Laclede County, Missouri, on this 10th day of February, 2014.

(Seal)
Attest:

_____
Mayor Lyle Anderson

_____
City Clerk Laina Starnes

1st Reading: _____
2nd Reading: _____