

One rdg. \_\_\_\_\_  
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Filed: 10-29-19

Sponsored by: Ollis, Lear and McGull

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL 2019- 252

GENERAL ORDINANCE \_\_\_\_\_

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, known as the 'Land Development  
2 Code,' by repealing Article VII, 'International Property Maintenance Code,'  
3 in its entirety, and enacting a new Article VII, 'International Property  
4 Maintenance Code.' (Recommended by Plans and Policies Committee.)  
5  
6

7 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,  
8 MISSOURI, as follows, that:  
9

10 Section 1 – Springfield City Code, Chapter 36, Article VII, 'International Property  
11 Maintenance Code,' is repealed in its entirety and a new Article VII is enacted in lieu  
12 thereof, to read as follows:  
13

14 (Note: Language to be added is underlined and language being removed is ~~stricken~~.)  
15

16 ARTICLE VII. – INTERNATIONAL PROPERTY MAINTENANCE CODE  
17

18 Sec. 36-615. – Adoption of 2018 International Property Maintenance Code.  
19

20 City Council hereby adopts the 2018 International Property Maintenance Code as  
21 published by the International Code Council and all referenced standards therein as if  
22 spelled out verbatim in this Ordinance, except such portions thereof as are hereinafter  
23 deleted, modified, or amended. This code shall be designated as Article VII,  
24 'International Property Maintenance Code,' of Chapter 36 the Springfield City Code,  
25 known as the 'Land Development Code.' A copy of the International Property  
26 Maintenance Code is on file in the office of the City Clerk, Busch Municipal Building,  
27 840 Boonville Avenue, Springfield, Missouri.  
28

29 Sec. 36-616. – Deletions, modifications, amendments, and additions.  
30

31 The 2018 International Property Maintenance Code, as adopted is hereby  
32 amended as follows:  
33

- 34 (a) Chapter 1 is repealed in its entirety because code enforcement is covered in  
35 Springfield City Code Chapter 36, Land Development Code, Article I, Administration  
36 and Enforcement of Codes and Article X, Uniform Enforcement Procedures.  
37
- 38 (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1  
39 in subsequent chapters are replaced by the provisions in Article I that  
40 correspond, in content, to such cross references.  
41
- 42 (c) All adopted chapters and appendices include all errata hereafter published by the  
43 International Code Council after the date of the first printing of the 2018  
44 International Property Maintenance.  
45

46 Section 202 General Definitions  
47

48 ~~BASEMENT. That portion of a building which is partly or completely below grade.~~  
49

50 ~~INFESTATION. The presence, within or contiguous to, a structure or premises of~~  
51 ~~insects, rats, vermin or other pests.~~  
52

53 ~~INOPERABLE MOTOR VEHICLE. A vehicle which that cannot be driven on the public~~  
54 ~~streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned,~~  
55 ~~in a state of disrepair, or incapable of being moved under its own power, or being~~  
56 ~~improperly parked and unlicensed.~~  
57

58 ~~OCCUPANT. Any individual living or sleeping in a building, or having possession of a~~  
59 ~~space within a building.~~  
60

61 ~~PERSON. An individual, corporation, partnership or any other group acting as a unit.~~  
62

63 ~~VACANT STRUCTURE. A structure that is substantially void of personal belongings~~  
64 ~~and furnishings. A dwelling not occupied or used by a person.~~  
65

66 301.3 Vacant structures and land. All vacant structures and premises thereof or  
67 vacant land shall be maintained in a clean, safe, secure, and sanitary condition as  
68 provided herein so as not to cause a blighting problem, or contribute to, area blight or  
69 adversely affect the public health or safety.  
70

71 Section 301.3.1 A boarded-building-permit fee is established in Article XII section  
72 36-1212 (5). Each time a boarded-building permit expires, the department of building  
73 development services may renew the permit and charge an additional \$200 permit fee  
74 for the renewal.  
75

76 Section 301.4 Disconnection or removal of required facilities. No owner, operator, or  
77 occupant may cause any service, facility, equipment, or utility, required under this  
78 article, to be removed from, shut off, or discontinued for any occupied dwelling.  
79 However, the director of the Department of Building Development Services may allow a

80 temporary disconnection or removal of required facilities, if necessary, under the utility-  
81 transfer clause of a lease agreement, while actual repairs or alterations are in process,  
82 or during temporary emergencies.

83  
84 Section 301.5 Discharge of solids, liquids, or gases. No solid, liquid, or gas may be  
85 discharged onto or from property in a manner that creates a nuisance to the public or  
86 other property owners.

87  
88 Subsections 302.4 Weeds and 302.8 Motor Vehicles are deleted in their entirety.

89  
90 Subsections 304.2 Protective treatment and 304.3 Premises identification are deleted in  
91 their entirety.

92  
93 Section 304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and  
94 loose or rotting materials and maintained weatherproof. ~~and properly surface coated~~  
95 ~~where required to prevent deterioration.~~

96  
97 Section 304.9 Overhang extensions. All overhang extensions including, but not limited  
98 to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust  
99 ducts, shall be maintained in good repair and properly anchored so as to be kept in  
100 sound condition. When required, all exposed surfaces of metal or wood shall be  
101 protected from the elements and against decay ~~or rust by periodic application of~~  
102 ~~weather coating materials, such as paint or similar surface treatments.~~

103  
104 Section 304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and  
105 similar appurtenances shall be maintained structurally safe and sound, and in good  
106 repair. ~~All exposed surfaces of metal or wood shall be protected from the elements and~~  
107 ~~against decay or rust by periodic application of weather coating materials, such as paint~~  
108 ~~or similar surface treatment.~~

109  
110 Section 304.13.2 Openable windows. Every window, other than a fixed window, shall  
111 be easily openable, ~~and capable of being held in an open position by window hardware.~~

112  
113 Section 304.14 Insect screens. During the period from April 1 to November 1, each  
114 year, every door, window, and other outside opening required for ventilation of habitable  
115 rooms, food preparation, food service areas, or any areas where products to be  
116 included or utilized in food for human consumption are processed, manufactured,  
117 packaged, or stored shall be supplied with approved, tightly-fitting screens of minimum  
118 16 mesh per inch (16 mesh per 25mm), and every screen door for insect control shall  
119 have a self-closing device in good working condition.

120  
121 Section 304.17 Guards for basement windows. Every basement window that is  
122 openable shall be supplied with ~~rodent shields,~~ storm windows or other approved  
123 protection against the entry of rodents.

125 ~~Section 304.19 Gates. All exterior gates, gate assemblies, operator systems if~~  
126 ~~provided, and hardware shall be maintained in good condition. Latches at all entrance~~  
127 ~~shall tightly secure the gates.~~

128  
129 Section 305 Interior Structure

130  
131 Subsection 305.3 Interior surfaces is deleted in its entirety.

132  
133 Section 306 Component Serviceability is deleted in its entirety and replaced with:

134  
135 Section 306 Use of Cellar or Basement as Habitable Room or Dwelling Unit.

- 136  
137 1. No cellar space may be used as a dwelling unit.  
138  
139 2. No cellar or basement space may be used as a habitable room and no  
140 basement space may be used as a dwelling unit unless:  
141  
142 a The floor and walls are impervious to leakage of underground and  
143 surface runoff water and are fully insulated against moisture intrusion  
144 and dampness;  
145  
146 b The total window area in each room is equal to at least the minimum  
147 window area size as required in Section 402;  
148  
149 c Such required minimum window area is located entirely above the grade  
150 of the ground adjoining such window area; and,  
151  
152 d The total, operable-window area in each room is equal to at least the  
153 minimum as required under Section 402, except where there is supplied  
154 some other device affording adequate ventilation, which is approved by  
155 the director of the Department of Building Development Services in  
156 writing.  
157  
158 3. Notwithstanding the provisions of this section, any basement or cellar  
159 space may be used for living, eating, cooking, or sleeping if, for each such  
160 use, there are other facilities complying with this article available within the  
161 same dwelling for the occupants thereof. The intent of this subsection is to  
162 allow any basement or cellar space to be used as a habitable room if it is  
163 supplemental to, or in addition to, a dwelling unit or habitable room  
164 complying with this article.

165  
166 Section 308.2.1 Rubbish storage facilities. The owner of every occupied premises  
167 containing five or more dwelling units shall supply an approved covered container for  
168 rubbish and the owner of the premises shall be responsible for the removal of rubbish.  
169

170 Section 308.3.1 Garbage facilities. The owner of every dwelling shall supply one of  
171 the following: an approved mechanical food waste grinder in each dwelling unit; an  
172 approved incinerator unit in the structure available to the occupants in each dwelling  
173 unit; or an approved leakproof, covered, outside garbage container.

174  
175 Exception: The owner-supplied garbage container shall only apply to occupied  
176 premises containing five or more dwelling units.

177  
178 Section 602 Heating Facilities

179  
180 Section 602.3 Heat supply. Every owner and operator of any building who rents,  
181 leases, or lets one or more dwelling units or sleeping units on terms, either expressed or  
182 implied, ~~to~~ shall furnish a heat source permitted by City Code to the occupants thereof  
183 ~~shall supply heat~~ during the period from October 1 to April 30 each year ~~to maintain a~~  
184 capable of maintaining a minimum temperature of 68 degrees F (20°C) in all habitable  
185 rooms, bathrooms, and toilet rooms.

186  
187 Section 606 Elevators, Escalators and Dumbwaiters is deleted in its entirety.

188  
189 Sec. 36-617. – Penalty clause.

190  
191 Any person convicted of: violating this article; failing to comply with any order  
192 issued under it; or, erecting, constructing, altering, or repairing a building, structure, or  
193 system in violation of an approved plan or directive of the code official or of a permit or  
194 certificate issued under these codes shall be punished as provided in section 1-7 of the  
195 City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second  
196 offense, and \$500.00 for every offense thereafter. Notice under section 36-166 is not  
197 necessary to prosecute a violation of any provision of this article or these codes, unless  
198 the violation involves failure to comply with an order. Each day a violation continues is a  
199 separate offense.

200  
201 Section 2 – Saving Clause. Nothing in this Ordinance shall be construed to affect  
202 any suit or proceeding now pending in any court, any rights acquired or liability incurred,  
203 any cause or causes of action accrued or existing under any act or ordinance repealed  
204 hereby, nor shall any right or remedy of any character be lost, impaired, or affected by  
205 this Ordinance.

206  
207 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or  
208 phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not  
209 affect the validity of the remaining portions of this Ordinance. Council hereby declares  
210 that it would have adopted this Ordinance and each section, subsection, sentence,  
211 clause or phrase thereof, even if any one or more sections, subsections, sentences,  
212 clauses, or phrases were to be declared invalid.

213  
214 Section 4 - This Ordinance shall be in full force and effect 90 days from and after  
215 passage by City Council.

216  
217 Passed at Meeting: \_\_\_\_\_

218  
219  
220 \_\_\_\_\_  
221 Mayor

222  
223 Attest: \_\_\_\_\_, City Clerk

224  
225 Filed as Ordinance: \_\_\_\_\_

226  
227  
228 Approved as to Form: *Duke M. Donald*, Assistant City Attorney

229  
230  
231 Approved for Council Action: *Juan R. Hays*, City Manager

**EXPLANATION TO COUNCIL BILL 2019-252**

FILED: 10-29-19

ORIGINATING DEPARTMENT: Building Development Services


PURPOSE: Amending Chapter 36 of the Springfield City Code, known as the 'Land Development Code,' by repealing Article VII, 'International Property Maintenance Code,' in its entirety, and enacting a new Article VII, 'International Property Maintenance Code.' (Recommended by Plans and Policies Committee.)

BACKGROUND AND REMARKS: The current Property Maintenance code enforced by the City is the 2012 International Property Maintenance Code. By adopting the 2018 International Property Maintenance Code, the City will be adopting the most up-to-date, nationally-recognized, Property Maintenance code. The provisions contained within this Ordinance do not excessively and unnecessarily increase construction costs; do not restrict the use of new materials, productions, or methods of construction; and, do not give preferential treatment to particular types or classes of materials, products, or methods of construction.


The proposed Ordinance was presented to the Plans and Policies Committee on October 17, 2019, and approved by Councilman Ollis, Councilman Lear and Councilman McGull.

The Building Development Services Department ("BDS") has met with representatives of the local design and construction industry over the course of the past several months to discuss the ramifications of adopting this new code. Comments were requested from designers, electricians, plumbers, building contractors, gas fitters, general contractors, developers, and others that may be affected by the adoption of this code. The language of this Ordinance was placed on the City website for review by the members of the Home Builders Association, Springfield Contractors Association, Missouri Society of Professional Engineers, and the local chapter of the American Institute of Architects.

Submitted by:

  
\_\_\_\_\_  
Harlan Hill, Director  
Building Development Services

Approved by:

  
\_\_\_\_\_  
Jason Gage,  
City Manager