

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed 01-21-20

Sponsored by Hosmer

First Reading _____

Second Reading _____

COUNCIL BILL 2020- 007

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 26, 'Buildings and Building
2 Regulations,' Article III, 'Dangerous, Blighted and Nuisance Building
3 Code,' Subsection 26-62(5), to better define "open;" and Subsection 26-
4 62(12), to add the property maintenance code to other listed codes.
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7 WHEREAS, the definition of "open" in 26-62(5) is unnecessarily narrow in that it
8 ties the definition to causation; and
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10 WHEREAS, to enhance enforceability of the "International Property Maintenance
11 Code," it is necessary to list such code with other codes in 26-62(12).
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13 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
14 SPRINGFIELD, MISSOURI, as follows, that:
15

16 Section 1 – Springfield City Code, Chapter 26, 'Buildings and Building
17 Regulations,' Article III, 'Dangerous, Blighted and Nuisance Building Code,' is hereby
18 amended as follows:
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20 NOTE: Language to be added is underlined and language to be deleted is ~~stricken~~.
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22 ARTICLE III. – DANGEROUS, BLIGHTED AND NUISANCE BUILDING CODE
23

24 Sec. 26-62. – Conditions of buildings or structures constituting public nuisance.
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26 (5) Those ~~which are~~ unoccupied and ~~are~~ open at door, window, wall, or roof. As
27 used herein, an "unoccupied" building is one which is not being continuously
28 and lawfully inhabited for residential or any non-residential purpose. As used
29 herein, an unoccupied building is "open" at door, window, wall or roof when,
30 ~~because of removal, breakage, deterioration, destruction, or disrepair of~~
31 ~~original or replacement materials,~~ the interior ~~has become~~ is exposed to the
32 elements or ~~has become~~ is accessible for entry by animals, trespassers, or

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others acting without the building owner's consent

(12) Those built in violation of the building, plumbing, electrical, fuel gas, property maintenance or zoning codes of the city or used in violation thereof.

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

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

Section 4 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: *Duke M. Donald*, Assistant City Attorney

Approved for Council action: *Jason A. Hays*, City Manager

EXPLANATION TO COUNCIL BILL 2020-007

FILED: 01/21/20

ORIGINATING DEPARTMENT: BUILDING DEVELOPMENT SERVICES

PURPOSE: To amend the Springfield City Code, Chapter 26, 'Buildings and Building Regulations,' Article III, 'Dangerous, Blighted and Nuisance Building Code,' Subsection 26-62(5), to better define "open;" and Subsection 26-62(12), to add the property maintenance code to other listed codes.

BACKGROUND AND REMARKS: As we continue to enforce Article III otherwise known as the Dangerous, Blighted, and Nuisance Building Code, certain sections need revision for effective enforcement. These sections are as follows:

Section 26-62 (5) currently defines "open" in a cumbersome way. It limits "open" to door, window, wall or roof because of removal, breakage, deterioration, destruction, or disrepair of original or replacement materials. Enforcement of "open" and vacant violations should not be restricted to cause.

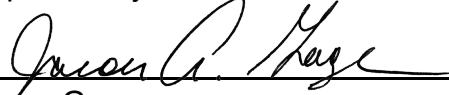
Section 26-62 (12) Currently states: "Those built in violation of the building, plumbing, electrical, fuel gas or zoning codes of the city or used in violation thereof constitute a nuisance dangerous building." Adding the "International Property Maintenance Code" ("IPMC") will enhance enforceability. It will give Building Development Services the option of issuing a special-tax bill to recover any maintenance expenditures involved in enforcing the IPMC.

Submitted by:



Harlan Hill,
Director, Building Development Services

Approved by:



Jason Gage,
City Manager