

One rdg. _____
P. Hrngs. _____
Pgs. 7
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11 Maintenance Code,' is repealed in its entirety and a new Article VII is enacted in lieu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- 34 (a) Chapter 1 is repealed in its entirety because code enforcement is covered in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- 38 (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1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

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed 02-11-20

Sponsored by Hosmer

First Reading _____
AMENDED
COUNCIL BILL 2020-007

Second Reading _____
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.
5
6

7 WHEREAS, the definition of "open" in 26-62(5) is unnecessarily narrow in that it
8 ties the definition to causation; and
9

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).
12

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:
19

20 NOTE: Language to be added is underlined and language to be deleted is ~~stricken~~.
21

22 ARTICLE III. – DANGEROUS, BLIGHTED AND NUISANCE BUILDING CODE
23

24 Sec. 26-62. – Conditions of buildings or structures constituting public nuisance.
25

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

33 animals, trespassers, or others acting without the building owner's consent

34
35 (12) Those built in violation of the building, plumbing, electrical, fuel gas, property
36 maintenance or zoning codes of the city or used in violation thereof.

37
38 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
39 affect any suit or proceeding now pending in any court or any rights acquired or liability
40 incurred nor any cause or causes of action occurred or existing, under any act or
41 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
42 impaired, or affected by this Ordinance.

43
44 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
45 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
46 affect the validity of the remaining portions of this Ordinance. City Council hereby
47 declares that it would have adopted the Ordinance and each section, subsection,
48 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
49 sections, subsections, sentences, clauses, or phrases be declared invalid.

50
51 Section 4 – This Ordinance shall be in full force and effect from and after
52 passage.

53
54 Passed at meeting: _____

55
56 _____
57 Mayor

58
59 Attest: _____, City Clerk

60
61 Filed as Ordinance: _____

62
63 Approved as to form: *Duke M. Donald*, Assistant City Attorney

64
65
66 Approved for Council action: *Jason A. Hays*, City Manager
67

SUPPLEMENTAL EXPLANATION TO COUNCIL BILL 2020-007

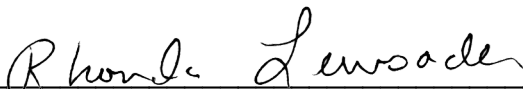
FILED: 02-11-20

ORIGINATING DEPARTMENT: Law

BACKGROUND: At the February 10, 2020, Council meeting, City Council amended Council Bill 2020-007 by inserting the word "foundation" and commas as appropriate into the phrase "door, window, wall, or roof" in lines 26 and 29.

Submitted by:

Approved by:


Rhonda Lewsader, City Attorney


Jason Gage, 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.

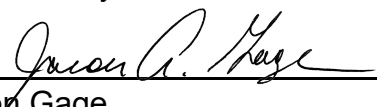
Section 26-62 (12) Currently states: "Those built in violation of the building, plumbing, electrical, fuel gas or zoning codes of the city or used in violation thereof constitute a nuisance dangerous building." Adding the "International Property Maintenance Code" ("IPMC") will enhance enforceability. 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