

AN ORDINANCE ADOPTING, WITH AMENDMENTS, THE 2009 INTERNATIONAL BUILDING CODE, THE 2009 INTERNATIONAL MECHANICAL CODE, THE 2008 NFPA NATIONAL ELECTRICAL CODE, THE 2009 INTERNATIONAL PLUMBING CODE, THE 2009 INTERNATIONAL FIRE CODE, THE 2009 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, THE 2009 PRIVATE SEWAGE DISPOSAL CODE, THE 2009 PROPERTY MAINTENANCE CODE, 2009 WRIGHT CITY BUILDING CODE SUPPLEMENTALS, AND ESTABLISHING REGULATIONS FOR ABATEMENT OF VIOLATIONS OF THE PROPERTY MAINTENANCE CODE, ESTABLISHING PROCEDURES FOR NOTICES OF UNSAFE STRUCTURES. ANY PROVISION OF ANY ORDINANCE IN CONFLICT HEREWITH IS HEREBY AMENDED TO CONFORM AND COMPLY WITH THIS ORDINANCE.

WHEREAS, pursuant to Revised Missouri Statutes Section 79.450, the CITY OF WRIGHT CITY, Missouri (“City”) may adopt or repeal an ordinance which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full; and

WHEREAS, the City Board of Aldermen (“Board”) desires to support and encourage uniformity in building regulations within the County; and

WHEREAS, the Board deems it to be in the best interest of the City and its residents, and in order to promote the health, safety, and general welfare of its residents, that it adopt the 2009 International Building Code, the 2009 International Mechanical Code, the 2008 NFPA National Electrical Code, the 2009 International Plumbing Code, the 2009 International Fire Code, the 2009 International Residential Code for One- and Two-Family Dwellings, the 2009 Private Sewage Disposal Code, and the 2009 Property Maintenance Code all as amended by the 2009 Wright City Building Code Supplementals, and establish regulations for the abatement of violations of the Property Maintenance Code, establish procedures for notices of unsafe structures, and provide for punishment of violations.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WRIGHT CITY, MISSOURI, AS FOLLOWS:

SECTION 1. That **CHAPTER 502: BUILDING CODES** of the Municipal Code of the City of Wright City, Missouri is hereby amended by replacing Chapter 502 in its entirety with a new Chapter 502 in lieu thereof, which shall be in words and figures and read as follows:

CHAPTER 502: BUILDING CODES

SECTION 502.010: ADOPTION

The following codes are adopted by reference with one (1) copy having been placed on file, beginning Feb. 9, 2012 in the Office of the City Clerk for a period of ninety (90) days prior to the adoption of this Ordinance, pursuant to Section 79.450, RSMo., said copies being marked and designated as the:

2009 International Building Code;
2009 International Mechanical Code;
2008 NFPA National Electrical Code;
2009 International Plumbing Code;
2009 International Fire Code;
2009 International Residential Code for One- and Two-Family Dwellings, with Appendices A, B, C, D, E, G, J, K, M, N, P and Q;
2009 International Private Sewage Disposal Code; and
2009 International Property Maintenance Code.

Said codes are hereby referred to, adopted and made part hereof, as if fully set out in this Ordinance, with the additional, insertions, deletions, and changes, prescribed in this Ordinance, all as amended by the 2009 Wright City Building Code Supplementals, which are attached hereto and incorporated herein, and are hereby adopted by reference.

SECTION 502.020: JURISDICTIONAL TITLES THROUGH THE INTERNATIONAL CODES 2009

Whenever the term “*Name of Jurisdiction*” appears, it shall be deemed to mean “CITY OF WRIGHT CITY, Missouri,” likewise whenever the term “*Building Official*” appears, it shall mean the “Code Official, “Building Official,” Building Commissioner,” “Zoning Official” or “City Engineer” of the CITY OF WRIGHT CITY, Missouri.

SECTION 502.030: ABATEMENT OF VIOLATIONS

The CITY OF WRIGHT CITY, Missouri, hereby establishes the following procedures for abatement of violations of the Property Maintenance Code and for recovering costs thereof by imposition of liens.

Where the Code Official is authorized by the Property Maintenance Code of the CITY OF WRIGHT CITY to abate a violation of that code, the Code Official, and the police when requested to assist, may do so as provided herein.

A. *Non-emergency abatement responsibilities of Code Official.* In the absence of an emergency, the Code Official shall employ the following procedure:

1. *Notice of order to abate and of hearing.* The Code Official shall serve a notice of the violation to be abated on the owners of the property and on any other person responsible for it. That notice may be served personally, or by mail, or if service cannot be had by either of these modes of service, then by posting on the property. That notice shall order a hearing by the Code Official with at least seven (7) calendar days and the abatement of the violation by the time of the hearing.

2. *Failure to abate, hearing, declaration of nuisance and further order to abate.* If the violation is not abated by the time of the hearing, the Code Official may find and declare the violation a nuisance at that hearing and order the violation abated within a reasonable time as determined by the Code Official.

3. *Failure to abate and abatement by Code Official.* If the violation is not abated within the previously listed calendar days, the Code Official may after said hearing have that violation abated at public expense and certify the costs thereof and of all necessary inspections and administrative proceedings and record keeping to the City Clerk of the CITY OF WRIGHT CITY.

B. *Emergency abatement responsibilities of Code Official.* In an emergency, where the Code Official abates a violation as authorized in such cases by the Property Maintenance Code, the Code Official shall employ the following procedure:

1. *Notice of emergency abatement and of hearing.* The Code Official shall serve a notice of the violation abated by the Code Official pursuant to the Property Maintenance Code, including a declaration that the violation is an emergency, the grounds for that declaration, and a statement of the costs of abating that violation, upon the owners of the property and on any other person responsible for it. That notice may be served personally, or by first class mail, postage prepaid, or if service cannot be had by either of these modes of service, then by posting on the property. That notice shall order a hearing by the Code Official in at least four (4) calendar days.

2. *Hearing and final order.* At the hearing, the Code Official may confirm, modify or withdraw any element of the foregoing notice, shall enter a final order reflecting those

determinations, and shall certify any confirmed costs of abatement and, if there are any such costs, the costs of any and of all necessary inspections and administrative proceedings and record keeping to the to the City Clerk of the CITY OF WRIGHT CITY.

C. Imposition of lien after abatement by Code Official responsibilities of the City Clerk of the CITY OF WRIGHT CITY. The City Clerk shall prepare and issue to the owners of the property in violation a special tax bill against the property for those costs, payable within thirty (30) days of issuance. Each such special tax bill shall include a notice of lien stating that if the bill is not paid when due, it shall become, from the date of its issuance, a first (1st) lien on the property until paid, to be collected by the appropriate County Collector of Revenue in the same way as property taxes are collected. Each such special tax bill shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the tax bill or the proceedings leading up to its issuance shall be a defense thereto. The City Clerk shall deliver each such special tax bill that remains unpaid after payment is due to the County Collector of Revenue on or before the first (1st) day of June of each year, to be collected with property taxes as provided above.

SECTION 502.040: NOTICES OF UNSAFE STRUCTURE, DECLARATION OF NUISANCE, ORDERS TO REPAIR OR DEMOLISH, ABATEMENT, NOTICE, HEARING AND APPEAL

The CITY OF WRIGHT CITY, Missouri, hereby establishes the following procedures for notices of unsafe structures, for demolition or repair orders, and for recovering costs of demolition by imposition of liens.

A. Notice of Unsafe Structure. If an unsafe condition is found in a building or structure, the Code Official shall prepare and issue a Notice of Unsafe Structure. If that unsafe condition is due to inadequate maintenance, the Code Official may also prepare and issue such a notice. For purposes of this Section, inadequate maintenance shall mean:

1. Failure to repair and restore to use any structure that is damaged by fire or by flood or by any other natural disaster within one (1) year of such damage, or
2. Failure to repair and restore to use any structure under a notice of violation and condemnation issued pursuant to the Property Maintenance Code or Chapter 225 of the CITY OF WRIGHT CITY within one (1) year of the date of such notice.

B. Identification of Defects. The notice shall list defects in the structure or building that constitute unsafe conditions and declare that structure or building a public nuisance.

1. The notice shall also order the structure or building vacated by the fifteenth (15th) day following service of the notice. However, if the Code Official determines that an imminent dangerous condition exists, the notice shall also order that the structure or building be vacated forthwith pursuant to Section 109.1 of the Property Maintenance Code and that the building or structure be boarded up within twelve (12) hours of service of the notice.

2. In addition, the notice shall order that substantial work on repairs must begin or (if repairs would be unreasonable) that demolition must be completed by no later than the thirtieth (30th) day following service of the notice.

C. *Form of Notice.* The notice shall be in substantially the following form: CITY OF WRIGHT CITY, MISSOURI: NOTICE OF UNSAFE STRUCTURE, DECLARATION OF PUBLIC NUISANCE AND ORDER

Unsafe Structure: (insert address or other adequate description of building or structure)

Serve: (insert names of owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the structure or building according to the land records of the appropriate County Recorder of Deeds)

Notice of Unsafe Structure, Declaration of Public Nuisance, and Order: (complete paragraphs 1, 2 and either 3 A or 3 B)

1. THE STRUCTURE OR BUILDING IDENTIFIED ABOVE IS UNSAFE AND IS HEREBY DECLARED A PUBLIC NUISANCE BECAUSE OF THE FOLLOWING DEFECTS:

2. NO PERSON MAY OCCUPY THIS STRUCTURE OR BUILDING, OR ANY PART THEREOF, AFTER THE FIFTEENTH (15TH) DAY FOLLOWING SERVICE OF THIS NOTICE.

After such date, no person shall occupy, enter, refuse to leave, or remain in this structure or building or any part thereof, except persons directly employed in securing, repairing or removing such building.

3A. THIS STRUCTURE OR BUILDING MUST BE REPAIRED TO CURE THE DEFECTS LISTED IN PARAGRAPH 1 ABOVE. WORK MUST BEGIN BY THE THIRTIETH (30TH) DAY FOLLOWING SERVICE OF THIS NOTICE AND PROCEED CONTINUOUSLY WITHOUT UNNECESSARY DELAY TO COMPLETION. This order may be obeyed by demolition and removal of this structure.

Upon failure to repair as herein required, the Code Official may, after hearing, order repairs to be made, and the cost thereof charged to the owner of this property as a special tax lien.

3B. THIS STRUCTURE MUST BE DEMOLISHED AND REMOVED FROM THE PREMISES BY THE SIXTIETH (60TH) DAY FOLLOWING SERVICE OF THIS NOTICE. If this structure is not demolished and removed by that date, the Code Official may, after hearing, order the same done and the cost assessed against the property as a special tax lien and personal debt against the property owner. This demolition order is mandatory. However, it may be converted into a repair order, provided that plans and bids satisfying the requirements of Subsection (G) and, if applicable, Subsection 3(H) below be presented the Code Official as the case may be within twenty (20) days of the service of this notice.

D. *Posting of Notice.* A copy of the Notice of Unsafe Structure and Declaration of Public Nuisance shall be posted in a prominent place on the premises.

E. *Method of Service of Notice.* The Notice of Unsafe Structure shall be recorded at the office of the appropriate County Recorder and shall be served on all affected parties, namely owners, occupants, lessees, mortgagees, agents and all other persons having an interest in the unsafe building or structure as shown by the land records of the County Recorder of Deeds. The notice may be served personally or by first class mail, postage prepaid, or if service cannot be had by either of these modes of service, then by at least one (1) publication in a newspaper of general circulation in the County.

F. *Emergency Abatement.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of any persons, the Code Official may take emergency measures to vacate and repair or demolish said building or structure and cause, in accordance with the procedures of this Section, notice to be served of such actions and of a hearing to be held except that the hearing shall be held within seven (7) days of said demolition, repair or vacation.

F. *Restoration.* An unsafe structure may be restored to safe condition solely as authorized by the International Building or Residential Code of the CITY OF WRIGHT CITY.

G. *Unreasonable Repairs General Provision.* As provided in the International Building or Residential Code of the CITY OF WRIGHT CITY and subject to Subsection (H), below, Code Official as the case may be shall presume that a structure or building may not be repaired if the Code Official determines that the cost of repairs would exceed seventy-five percent (75%) of the current assessed value of the unsafe structure or building as determined

by the County Assessor's most recent assessment. To rebut this determination, a property owner or any interested parties, within thirty (30) days of the service of A Notice of Unsafe Structure, must present to the Director who issued the notice three (3) signed bids from outside contractors.

H. *Unreasonable Repairs Special Provision for Unsafe Buildings or Structures in Floodway, Floodway Fringe or Density Floodway Zoning Districts as Defined the CITY OF WRIGHT CITY zoning regulations.* With respect to unsafe structures or buildings in Floodway, Floodway Fringe or Density Floodway zoning shall apply the non-conforming use provision specifically applicable in such zoning districts.

I. *Failure to Comply With Repair or Demolition Order in Notice of Unsafe Structure Notice of Hearing Service.* If the affected parties fail to commence work on repairs or complete demolition within the time stated in the notice of unsafe structure, or if the affected parties fail to proceed continuously with the work without unnecessary delay, the Code Official shall call a hearing upon the matter, giving the affected parties at least ten (10) days' written notice of the hearing. Said notice of hearing may be served personally or first class mail, postage prepaid, or if service cannot be had by either of these modes of service, then by at least one (1) publication in a newspaper of general circulation.

J. *Conduct of Hearing.* The CITY OF WRIGHT CITY Board of Adjustment shall conduct a full and adequate hearing. Any affected party may be represented by counsel and all affected parties shall have an opportunity to be heard. Upon hearing the parties, the Board of Adjustment may find and conclude whether or not the Code Official's abatement order was reasonable and supported by competent evidence and whether the decision would constitute undue hardship, in which case the Board of Adjustment may order demolition or repair or may institute legal action in a court of competent jurisdiction to compel demolition or repair subject to subparagraph L below.

K. *Written Order.* Within thirty (30) days from the hearing, the Board of Adjustment shall issue a written order making specific findings of fact, based on competent and substantial evidence presented at the hearing, which shows the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the City and order the building or structure to be demolished and removed or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, then no order must be issued.

L. *Appeal.* Affected parties may appeal from the determination of the Board of Adjustment to the Circuit Court of appropriate County as provided by Chapter 536, Revised Statutes of Missouri.

SECTION 2. This Ordinance shall take effect and be in full force from and after the passage and approval thereof.

SECTION 3. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

SECTION 4. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

READ TWO TIMES AND PASSED by the Board of Aldermen of the City of Wright City, Missouri, this 24th day of May, 2012.

ATTEST:

President of the Board of Aldermen

Christine Martin, City Clerk

APPROVED BY THE MAYOR of the City of Wright City, Missouri, this 24th day of May, 2012.

ATTEST:

David Heiliger, Mayor

Christine Martin, City Clerk