

COUNCIL BILL NO. 2003-001

ORDINANCE NO. 2003-023

AN ORDINANCE amending Chapter 26, Article X, of the Joplin City Code, by amending Section 26-623 and enacting a new Section 26-627, Legal Vacant Dangerous Buildings; and by amending Chapter 26, Article XIII, of the Joplin City Code by amending Section 26-714 and Section 26-756.

WHEREAS, Section 67.399, RSMo., allows municipalities to establish a process whereby vacant dangerous buildings may be allowed to remain on the property provided that they are made secure; and,

WHEREAS, the Council of the City of Joplin wishes to enact such a system to help reduce the number of dangerous structures in the City; and,

WHEREAS, in order to enact such a system, certain technical amendments of the Code are required; and,

WHEREAS, such a system of permitting is also helpful in assisting the preservation of historic structures in the City of Joplin.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 26-623. Closing of building., be amended as follows:

"All buildings which are closed pursuant to this article **and that do not meet the criteria as a legal vacant dangerous building as provided by Sec. 26-627** herein shall be closed and kept closed in accordance with the following requirements:

...."

Section 2. That Section 26-627, Legal vacant dangerous buildings., is hereby enacted to read as follows:

" Sec. 26-627, Legal vacant dangerous buildings.

(a) The owner of any building that has been certified as dangerous by the chief building official may apply to said chief building official for a permit to allow the building to remain vacant without pending action to repair or demolish. If the chief building official, after inspection, determines that allowing the dangerous building to remain vacant, subject to the conditions of this section, and such permit will not jeopardize public health, safety, and welfare, he/she may issue said permit to the applicant for a period not to exceed six (6) months subject to renewal.

(b) A permit for a legal vacant dangerous building may be issued only after the building is fully secured and, as such, in the sole opinion of the chief building official, represents no threat to the public health, safety, and welfare.

(c) **The structure shall be closed and kept closed as provided by Section 26-756 of the Joplin City Code** except that any materials used to secure the structure as stated in sub-section (b) above, shall be consistent with the materials of the structure itself and shall be painted or otherwise treated so as to reflect the appearance of the remainder of the structure. In the event plywood materials are used to secure the structure, such material shall be no less than 5/8-inch thick, exterior grade. Particle board, wafer board, masonite or other similar materials shall not be used for the purpose of securing a structure.

(d) Should the condition of any permitted legal vacant building change such that, in the sole opinion of the chief building official, the building jeopardizes public health, safety, and welfare, the chief building official shall revoke the permit and shall either order the dangerous building demolished immediately pursuant to Section 26-625 of the Joplin City Code, or shall report the existence of such dangerous building to the Building Board of Appeals as provided in Section 26-615. If the permit holder violates any condition of the permit, the chief building official may revoke the permit and proceed as stated above.

(e) Permits for legal vacant dangerous buildings issued by the chief building official shall have a Two Hundred Dollar (\$200.00) semi-annual permit fee. The semi-annual permit fee shall be pro-rated for applications of less than six (6) months with the minimum fee being One Hundred Dollars (\$100.00). No permit shall be renewed for more than three (3) additional six (6) month periods, and no structure, regardless of ownership, shall be granted more than four (4) permits in any five (5) year period. Except that the Building Board of Appeals may authorize the chief building official to authorize additional permits when, in the opinion of the Board, the structure is of significant historic value or when other extraordinary circumstances exist."

Section 3. That Section 26-714. Violations., be amended as follows:

"(a) It shall be unlawful for any person to:

...

(2) Permit a building which has been temporarily closed to remain vacant and unrepaired for more than 180 days after the date of issuance of the closing or for more than 90 days after the expiration of any permit issued pursuant to section 26-627 of the Joplin City Code.

..."

Section 4. That Section 26-756. Standards for closing building., be amended as follows:

“(a) *Temporary Closing.*

...

(a)(3) If a building, temporarily closed as the result of an order of vacation by the director, remains closed in excess of one hundred fifty (150) days, a dangerous building case shall be initiated against the structure to determine whether the structure should be **demolished** **or the owner of the structure may make application for a permit as provided by Section 26-627 of the Joplin City Code subject to the conditions therein.**

...

(b) *Voluntary indefinite closing.* All buildings and structures **that do not meet the criteria for a permit as provided by Section 26-627 of the Joplin City Code and that** are voluntarily closed for an indefinite period shall be closed and kept in accordance with the following standards:

...”

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 17th day of February, 2003.

Phil Stinnett, Mayor Pro Tem

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney