

## **Section 500.025 International Property Maintenance Code (2012)**

**A. INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.** The 2012 edition of the International Property Maintenance Code, and its most current errata as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended.

### **B. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 101.1; TITLE**

Section 101.1 is hereby amended to read as follows: These regulations shall be known as the *International Property Maintenance Code* of the City of Peculiar, Missouri, hereinafter referred to as "this code."

### **C. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 102.3 APPLICATION OF OTHER CODES.**

Section 102.3 is hereby amended to read as follows: Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any section of the zoning ordinances of the City of Peculiar set forth in Chapter 400 of the City Municipal Code.

### **D. INTERNATIONAL PROPERTY MAINTENANCE CODE DELETED; SECTION 103.5; FEES**

Section 103.5 Fees is hereby deleted.

### **E. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 109.6 HEARING**

Section 109.6 Hearing is hereby amended to read as follows: Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Board of Adjustment, be afforded a hearing as described in this code.

### **F. INTERNATIONAL PROPERTY MAINTENANCE CODE DELETED; SECTION 110 DEMOLITION**

Section 110 Demolition is hereby deleted.

### **G. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 111 MEANS OF APPEAL.**

Section 111 Means of Appeal is hereby amended to read as follows:

111.1 Application for appeal. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any Officer, Department, Commission or Board of the City of Peculiar affected by any decision of an administrative official.

111.2 Such appeal shall be taken within twenty (20) days by filing with the City Planner, the administrative official from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. Said notice of appeal shall be accompanied by the required application fee. The administrative official from whom the appeal is taken shall

forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

111.3 An appropriately filed appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after receipt of the notice of appeal that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record, on application or notice to the administrative official from whom the appeal is taken on due cause shown.

111.4 The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time.

111.5 Any party may appear in person or by agent or attorney.

#### **H. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 112.4 FAILURE TO COMPLY.**

Section 112.4 Failure to comply is hereby amended to read as follows: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues.

#### **I. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 302.4 WEEDS.**

Section 302.4 Weeds is hereby amended to read as follows: All *premises* and *exterior property* shall be maintained free from weeds or **plant growth in excess of 10 inches** (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds within five (5) days after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.4.1 The cost of any abatement shall be assessed and recouped by the City pursuant to Section 106.3 above, except that any unpaid services related to the abatement of weeds, grasses or unhealthful vegetative growth shall accrue interest at a rate of eight percent (8%) per annum from the date of the completion of the work if not paid by the property owner prior to the issuance of the next regular tax bill.

**J. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 302.10 PARKING ON PROPERTY ZONED RESIDENTIAL (NEW).**

Section 302.10 Parking on Property Zoned Residential is hereby added to read as follows: It shall be unlawful for any person to park or allow to be parked any vehicle, trailer, camper or machinery for any period of time closer than the front residential façade, and the street unless the area used for parking the vehicle, trailer, camper or machinery is an improved surface approved by the City.

**K. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 302.11 MAINTENANCE OF TREES, LAWNS, OR GRASSY AREAS ABUTTING PUBLIC RIGHTS-OF-WAY OR EASEMENTS (NEW).**

Section 302.11 Maintenance of Trees, Lawns, or Grassy Areas Abutting Public Rights-of-Way or Easements is hereby added to read as follows: Whenever private property abuts a public right-of-way or easement belonging to the City (or any other public entity) and there exists in such right-of-way or easement a tree, lawn or grassy area between the private property line and the midline of said right-of-way or easement, then such tree, lawn or grassy area shall be considered to be a part of the private lot which abuts the right-of-way-or easement. It shall be the duty of the owner of tenant to be responsible for the trimming of tree limbs to at least ten (10) feet above the Public Street, alley, street right-of-way, alley right-of-way, sidewalk, or public place. In addition, it shall be the duty of the owner or tenant to mow the private lot to equally maintain the tree, lawn or grassy area within the abutting right-of-way or easement.

**Exception:** Where terrain, creeks, drainage or other physical attributes of the property prevent the property from being mowed or trimmed with typical home equipment, the Codes Official may waive the requirements of this subparagraph on a case by case basis.

**L. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 304.14 INSECT SCREENS.**

Section 304.14 Insect Screens is hereby amended to read as follows: During the period from **April 16** to **September 14**, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where produce to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

**M. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 310 ABANDONED RESIDENTIAL PROPERTY REGISTRATION (NEW).**

SECTION 310 ABANDONED RESIDENTIAL PROPERTY REGISTRATION is hereby added to read as follows:

**310.1 Purpose.** It is the purpose and intent of the City of Peculiar’s Board of Aldermen, through the adoption of this ordinance, to establish an abandoned residential property registration program for properties which are in the process of foreclosure as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and adequate security of abandoned properties.

**310.2 Definitions** For the purpose of this chapter, certain words and phrases used in this ordinance are defined as follows:

“Abandoned” means a property that is vacant and under a current Notice of Default or Notice of Sale, or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

“Accessible structure” means a structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

“Beneficiary” a lender under a note secured by a deed of trust.

“Days” means consecutive calendar days.

“Deed of Trust” means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. This definition includes any subsequent deeds of trust.

“Deed in lieu of foreclosure or sale” means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

“Default” means the failure to fulfill a contractual obligation, monetary or conditional.

“Evidence of vacancy” means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers, or mail, past due utility notices or disconnected utilities, accumulation of junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

“Foreclosure” means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) under a deed of trust defaults.

“Local” means within forty (40) road/driving miles distance of the subject property

“Notice of Default” means a notice that a default has occurred under a deed of trust as provided for in section 408.554, RSMo.

“Out of Area” means in excess of forty (40) road/driving miles distance of the subject property.

“Owner” means any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

“Owner of Record” means the person having recorded title to the property at the point in time of record is provided by Cass County Recorder’s office.

“Property” means any unimproved or improved real property, or portion thereof, situated in the city and includes the buildings or structures located on the property regardless of condition.

“Registered Representative” means the person designated by a Beneficiary as the Beneficiary’s representative for purposes of accepting notice, service and summons on behalf of the Beneficiary and for otherwise compliance with the requirements of this ordinance.

“Residential Building” means any improved real property, or portion thereof, situated in the city, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as “residential” whether or not it is legally permitted or zoned for such use.

“Securing” means such measures as may be directed by the Codes Officer or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining / pad locking of gates, the repair or boarding of door, window or other openings.

“Trustee” means the person, firm or corporation holding a Deed of Trust on a property.

“Trustor” means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

“Vacant” means a building/structure that is not legally occupied.

### **310.3 Registration**

- A. Any beneficiary under a deed of trust covering a property located within the City of Peculiar shall cause an inspection to be performed of the property that is the security for the deed of trust within fifteen (15) days of issuing a notice of default to the trustor. If the property is found to be vacant or shows evidence of vacancy, it is, by this ordinance, deemed abandoned and the beneficiary shall, within ten (10) days of the inspection, register the property with the Codes Officer or his or her designee on forms provided by the City.

- B. The registration shall contain the full legal name of the beneficiary and the registered representative, the direct street/office mailing address of the beneficiary and the registered representative (no P.O. Boxes), a direct contact name and phone number for the beneficiary and registered representative, and if applicable, the local property management company responsible for the security, maintenance and marketing of the property.
- C. The registration shall be valid as long as the subject property remains vacant and shall be amended as needed.
- D. This section shall also apply to properties that have been the subject of a foreclosure sale where title to the property was transferred to the beneficiary of a deed in lieu of foreclosure or sale.
- E. Properties subject to this ordinance shall remain under the security and maintenance standards of this section as long as they remain vacant.
- F. Any person, firm or corporation that has registered a property under this ordinance must report any change of information contained in the registration within ten (10) days of the change.

**310.4 Maintenance Requirements** Properties subject to this ordinance shall be in compliance with the City of Peculiar's Property Maintenance Code. Adherence to this section does not relieve the beneficiary or property owner of any obligations set forth in any Covenants Conditions and Restrictions or Home Owners Association rules and regulations which may apply to the property.

### **310.5 Security Requirements**

- A. Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitations, the closure and locking of windows, doors (walk-through, sliding, and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s).
- B. If the beneficiary is an Out of Area beneficiary, a local property management company shall be contracted to perform bi-weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.
- C. The property shall be posted with the name and 24-hour contact phone number of the registered representative or local property management company. The posting shall be visible and legible from the exterior of the structure and shall contain along with the name and 24-hour contact number, the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL". Exterior postings must be made weather resistant and be posted or secured in a manner so as not to be easily removed.

- D. The beneficiary shall cause the property to be inspected on a bi-weekly basis to determine if the property is in compliance with the requirements of this ordinance.

**310.6 Compliance With Other Authority** The requirements of this ordinance are in addition to any other maintenance and security measures required by the Property Maintenance Code. The requirements of this ordinance shall not serve to lessen or abrogate any other applicable provisions of the Property Maintenance Code.

**310.7 Violations** Any beneficiary, registered representative, or local property management company that violates any provision of this ordinance shall be in violation of this ordinance, and summons may be issued against the beneficiary's Representative for such violation. In addition to any other penalties which may be assessed for a violation of this ordinance, any person or entity who violates a provision of this ordinance shall be assessed a fine of \$500.00 per violation.

**N. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 602.3 HEAT SUPPLY.**

Section 602.3 Heat supply is hereby amended to read as follows: Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from **September 15** to **April 15** to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

*Remaining section to remain as written*

**O. INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED; SECTION 602.4 OCCUPIABLE WORK SPACES.**

Section 602.4 Occupiable work spaces is hereby amended to read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from **September 15** to **April 15** to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

*Remaining section to remain as written*