

Proposed By City Council

BILL NO. 3965

Introduced by Councilman Quibell

ORDINANCE NO. 4176

**AN ORDINANCE AMENDING THE BLUE SPRINGS CODE OF ORDINANCES BY
ADDING CHAPTER 515 RELATING TO PROPERTY MAINTENANCE
REQUIREMENTS**

WHEREAS, the Citizen's Survey for 2007 has shown that the residents of Blue Springs desire to have a Property Maintenance Code which better defines obligations and responsibilities for the maintenance of private property; and

WHEREAS, the City Council finds that the maintenance of property makes the City a better place to live and maintains and increases surrounding property values; and

WHEREAS, the City Council has determined it is in the best interest of the City and its citizens to establish a property maintenance code that requires certain levels of property maintenance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, AS FOLLOWS:

Section 1. That the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to add Chapter 515, a new Chapter, to said Code of Ordinances, said Chapter 515 to read as follows:

“CHAPTER 515: BLUE SPRINGS PROPERTY MAINTENANCE CODE

ARTICLE I. ADMINISTRATION AND ENFORCEMENT

Section 515.010. Title.

Chapter 515 shall be known as the "Blue Springs Property Maintenance Code", hereinafter referred to as "this Code" or "Property Maintenance Code.”

Section. 515.020. Scope.

The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for lights, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Section. 515.030. Intent.

This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

Section. 515.040. Severability.

If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

ARTICLE II. APPLICABILITY

Section. 515.050. General.

The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Article I. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

Section. 515.060. Maintenance.

Exterior equipment, systems, devices and safeguards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order.

Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

Section. 515.070. Existing remedies.

The provisions in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

Section. 515.080. Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions and adopted standards and codes.

Section. 515.090. Historic buildings.

The provisions of this Code shall not be mandatory for existing buildings or structures designated by federal or state jurisdictions as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

Section. 515.100. Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 500 of the Blue Springs Code of ordinances.

ARTICLE III. CODE ENFORCEMENT PERSONNEL

Section. 515.110. Liability.

The code official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

Section. 515.120. Fees.

The fees for activities and services performed by the department in carrying out its responsibilities shall include both actual and administrative costs.

ARTICLE IV. DUTIES AND POWERS OF THE CODE OFFICIAL

Section. 515.130. General.

The code official shall enforce the provisions of this Code.

Section. 515.140. Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

Section. 515.150. Right of entry.

Whenever necessary to make an inspection or to enforce any of the provisions of this Code or whenever the code official has reasonable cause to believe that there exists in any building or structure any condition which makes such building or structure unsafe, the code official may enter the building or structure at any reasonable time to inspect the same or to perform any duty imposed upon the code official by this Code; provided, if such property be occupied, the code official shall first present proper credentials and request and obtain permission to enter before entering the building or structure. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

If no consent has been given to enter or inspect any building or structure, no entry or inspection shall be made without the procurement of an administrative search warrant from a Judge presiding in the Municipal Court of Blue Springs, Missouri pursuant to Section 205.100: Administrative Search Warrants of the Blue Springs Code of Ordinances. The Court, in addition to those set forth in Section 205.100, may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

- (1) Eye witness account of violation.
- (2) Citizen complaint(s).
- (3) Tenant complaint(s).
- (4) Plain view violations.
- (5) Violations apparent from City records.
- (6) Nature of alleged violation, the threat to life or safety, and imminent risk of significant property damage.
- (7) Previous unabated violations in the building or structure or on the premises.

Probable cause supporting issuance of a warrant shall be deemed to exist if there is reason to believe that a condition of non-conformity exists with respect to a building in violation of the provisions of the Property Maintenance Code or the provisions of Section 205.100 are satisfied.

The code official may enter the premises without consent or a search warrant to

make an inspection or enforce any of the provisions of this Code only when an emergency exists as prescribed in Section 515.310, or when the premises are abandoned.

Section. 515.160. Search Warrant.

Search warrants shall be executed and returned pursuant to Section 205.100: Administrative Search Warrants of the Blue Springs Code of Ordinances. Refusal to allow entry upon presentation of a search warrant shall be an ordinance violation. Execution of a search warrant issued under this section shall not be by forcible entry.

Section. 515.170. Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

Section. 515.180. Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this Code.

Section. 515.190. Coordination of inspections.

Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.

ARTICLE V. VIOLATIONS

Section. 515.200. Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of Chapter 515 and any violation of said Chapter is declared and shall also constitute a nuisance pursuant to Section 245.060.

Section. 515.210. Notice of violation.

The code official shall serve a notice of violation or order in accordance with Article VI of this Chapter.

Section. 515.220. Prosecution of violation.

If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to punish, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. All other violations of this Code may be forwarded to the city prosecuting attorney for consideration of filing charges.

Section. 515.230. Violation penalties.

Any person who shall violate a provision of Chapter 515 or fail to comply therewith, or with any of the requirements thereof shall be punished upon conviction pursuant to Section 100.080 of the Blue Springs Code of Ordinances. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section. 515.240. Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, abate a violation pursuant to Sections 245.060 thru 245.150 and 245.270 herein, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Section. 515.250. Extension of time to perform work.

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the codes official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the codes official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The codes official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises.

ARTICLE VI. NOTICES AND ORDERS

Section. 515.260. Notice to owner or to person or persons responsible.

Whenever the code official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 515.270 and 515.280.

Section. 515.270. Form.

Such notice prescribed in Section 515.260 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the violation or violations and why the notice is being issued; and,
4. Include a correction order allowing a reasonable amount of time, not to exceed thirty (30) days, to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

Section. 515.280. Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or,
3. Posted in a conspicuous place in or about the structure affected by such notice.

Section. 515.290. Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 100.080.

Section. 515.300. Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

ARTICLE VII. EMERGENCY MEASURES

Section. 515.310. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the

presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Section. 515.320. Temporary safeguards.

Notwithstanding other provisions of this Code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

Section. 515.330. Closing streets.

When necessary for the public safety, the code official shall temporarily close structures and close, or request the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Section. 515.340. Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Section. 515.350. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the City. The City shall, at the direction of the City Council, institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Section. 515.360. Compliance

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall comply with such order forthwith.

Sections. 515.370 –515.390. Reserved.

ARTICLE VIII. DEFINITIONS: INTERPRETATION AND MEANING

Section. 515.400. Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

Section. 515.410. Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Section. 515.420. Terms defined in other codes.

Where terms are not defined in this Code and are defined in the building, fire prevention, Unified Development Code, plumbing or mechanical codes or elsewhere in the Blue Springs Code of Ordinances, such terms shall have the meanings ascribed to them as in those codes.

Section. 515.430. Terms not defined.

Where terms are not defined, through the methods authorized by this Code, such terms shall have ordinarily accepted meanings such as the context implies.

Section. 515.440. Parts.

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming unit" or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

Section. 515.450. Definitions

Approved. Approved by the code official.

Code Official. The official who is charged with the administration and enforcement of this Code, and/or any duly authorized representatives thereof. Generally this is the Codes Administrator or his/her designee.

Condemn. To adjudge unfit for occupancy.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exterior Property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other

approved pest elimination methods.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Imminent Hazard. A condition which could cause serious or life-threatening injury or death at any time.

Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Junk. Any metal, glass, paper, rags, wood, discarded automobile or vehicle parts, machinery parts, cloth or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

Labeled. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Let for Occupancy or Let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Noxious Plants. Rank weeds and noxious plants as defined in Section 245.300.

Nuisance. The following are hereby declared, defined and deemed to be nuisances for purposes of this Code, along with those things denominated as nuisances in Chapter 245 and elsewhere in the Blue Springs Code of Ordinances; provided, however, that the following enumeration shall not be deemed to be exclusive:

1. Any condition or use of private property or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such property is located, or offensive annoyances which are discomforting or detrimental to the health or public welfare of individuals or the public. This includes, but is not limited to, the dumping or the depositing on, or the scattering over the premises of any of the following:
 - a. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
 - b. Building material, excluding building materials normally used for

landscaping, abandoned or stored on property where construction is not in progress and on property not properly zoned for such storage; however, building material shall be allowed to be stored on property for which a valid building permit is currently in effect, and may be stored on property on which a project not requiring a permit is in progress. If building materials are stored on property in excess of either the permit period or ninety days from the time of the initial delivery of building materials in the case of projects not requiring a permit, it shall be deemed a nuisance.

2. The accumulation upon any private property, lot or parcel of ground, or the discharge thereof upon any public street, alley, sidewalk or other public place, or upon any private property of urine, liquid waste from stables, swill, water from privy vaults, wastewater, filthy wash water, or any foul or nauseous waste of any kind whatever.
3. The accumulation or existence upon any private property, lot or parcel of ground of any putrid or unsound meat, pork, fish, hides, decayed vegetables or food, manure, filthy ash heaps, garbage offal, rubbish, dirt or filth of any kind which, by its decay or putrefaction, could or would become offensive to human beings.
4. The existence of structures and exterior property harboring rodents, not promptly exterminated by approved processes which is not injurious to human health; failure to take proper precautions to eliminate rodent harborage and to prevent reinfestation.
5. The standing of vehicles which are laden with any foul or nauseous thing, liquid or substance, or any refuse, filth, offal or other trash or rubbish, anywhere in the City for a period of time longer than reasonably necessary for loading and unloading.
6. Any unclean, stinking, foul, odorous or filthy drain, ditch, tank or gutter, or any leaking or broken slop, garbage or manure boxes or receptacles of like character.
7. Any dirt gathered in cleaning yards, waste of mills or factories, or any rags, damaged merchandise, wet, broken or leaking barrels, casks or boxes, or any materials which are offensive or tend by decay to become putrid or to render the atmosphere impure or unwholesome, found upon any lot or piece of ground.
8. Carcasses of animals not buried, destroyed or removed within twelve (12) hours after death.
9. Any water accumulating and remaining, continuing or stagnating upon, in or about any lot, tract or piece of ground, or any barrels, buckets, kegs, tubs, cans or vessels of any kind whatsoever caused or permitted to be thrown, to be placed or

to remain upon any lot, property or grounds in the City that might, could or would catch, hold, contain or retain water in which mosquitoes or insects, bugs, worms or living creatures might be bred, hatched, raised or allowed to remain or accumulate.

10. The erection, continuance or use of any building, room or other place in the City for the exercise of any trade, employment or manufacture, which by occasioning noxious exhalations, causes offensive odors discomforting, offensive or detrimental to the health of individuals or of the public.

11. Private sidewalks, walkways, stairs, driveways, parking spaces and similar areas not maintained free from hazardous conditions.

12. Accessory structures, including detached garages, fences and walls, not maintained in structurally sound condition and good repair.

13. Dead, dying or diseased trees, or portions thereof, that pose a threat to adjoining public or private property.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. Any individual living or sleeping in a building; or having possession of a space within a building.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person. An individual, corporation, partnership or any other group acting as a unit.

Premises. A lot, plot or parcel of land including any structures thereon.

Property. Any land owned by the City or any other person and located within the city limits, including parks, but not including streets and highways.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Structure. That which is built or constructed or a portion thereof. (Examples: houses, buildings, detached buildings, wells, fences, etc.)

Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard. An open space on the same lot with a structure.

Sections. 515.460--515.490. Reserved.

ARTICLE IX. GENERAL

Section. 515.500. Scope.

The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Section. 515.510. Responsibility.

The owner or occupant of the premises, or his/her agent, shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this Chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the exterior of a dwelling unit or premises which they occupy and control.

Section. 515.520. Vacant structures and land.

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

ARTICLE X. EXTERIOR PROPERTY AREAS

Section. 515.530. Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner and/or occupant shall keep that part of the exterior property which such owner and/or occupant occupies or controls in a clean and sanitary condition.

Section. 515.540. Sidewalks and driveways.

All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be maintained free from hazardous conditions.

Exception: Hazardous conditions created by inclement weather are not applicable to this section.

Section. 515.550. Rodent harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Section. 515.560. Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Section. 515.570. Accessory structures.

The exterior of all accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repairs.

Section. 515.580. Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, or carving. Exception: Graffiti shall be covered under Section 220.445.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Section. 515.590. Composting.

1. Maintenance. All private compost piles, other than those that are integral of a Compost Facility as defined in Section 411.020 and regulated pursuant to Section 405.020.F, shall be maintained using approved composting procedures to comply with the following requirements:

(a) All compost piles shall be enclosed in a free-standing compost bin. Each compost bin shall be no larger in volume than 150 cubic feet for properties 10,000 square feet and less in lot size, with an additional 150 cubic feet permitted for each additional

10,000 square feet of lot size. Compost bins shall be no taller than five feet.

(b) All compost piles shall be maintained so as to prevent the harborage of rodents and pests. The presence of rodents in or near a compost pile shall be cause for the city to issue a complaint.

(c) All compost piles shall be maintained so as to prevent unpleasant, rotten-egg like, putrefactive, sweet, sour or pungent odors.

(d) Unless written permission has been granted by the adjoining property owner, no compost pile shall be located less than three feet from the rear or side property line, or within 20 feet of any home, patio, pool, or similar structure on the adjacent property. All compost piles shall be at least three feet behind the front building setback line.

(e) No compost pile shall be located where it will impede the natural free flow of stormwater drainage.

2. Ingredients.

(a) No compost pile shall contain any of the following:

- (1) Lakeweeds;
- (2) Food scraps;
- (3) Fish, fowl, meat or other animal products;
- (4) Manure;
- (5) Animal carcasses;
- (6) Items not normally composted.

(b) Permitted ingredients shall include:

- (1) Yard waste;
- (2) Commercial compost additives;
- (3) Wood chips.

3. Private use only. Compost piles established in accordance with this Code are for private use only. There shall be no commercial use of the product of such composting.

Section. 515.600. Tree maintenance.

Dead, dying or diseased trees, or portions thereof, shall be treated, pruned or removed so as not to pose a threat to adjoining private or public property.

Section. 515.610. Nuisances - Prohibited - Defined

A. Every act or thing done, made, permitted, allowed, or continued on any property, public or private, by any person, firm, or corporation, their agents and servants, to the damage or injury of any of the inhabitants of this City, specified herein, or referred to herein by reference, as a nuisance shall be deemed unlawful.

B. No person shall permit, cause, keep, maintain, or do any nuisance as defined by this Article, any other ordinance of the City, or the laws of the State of Missouri, or cause to be committed, caused, kept, maintained, or done any such nuisance within the City or within one-half (½) mile of the corporate limits thereof.

C. No owner, occupant, or person in charge of any house, building, lot, or premises shall cause or allow any nuisance to be or remain in or upon any such building, house, lot, or premises.

Section. 515.620. Nuisances Abated after Notice -- Mode -- Payment -- Special Tax Bills

In case the abatement of any nuisance is not immediately necessary for the protection of the health or safety of the inhabitants of the City, the Codes Administrator or his/her designee shall hold a public hearing before declaring the same to be a nuisance and ordering its abatement. Five (5) days notice of said hearing shall be given to the owner or occupant of the premises upon which said alleged nuisance exists, or to his/her agent, or to the person causing or maintaining such alleged nuisance. Such notice shall state the time and place of said hearing. In the event that the whereabouts of the owner or occupant of the premises where such alleged nuisance exists, or of his/her agent, or of the person causing or maintaining such alleged nuisance is unknown and notice cannot be served upon him/her, then such notice shall be posted on the premises where said alleged nuisance exists for at least five (5) days before said hearing. All interested parties may appear at such hearing, either in person or by attorney and present evidence concerning the matters at issue. If upon such hearing the Codes Administrator or his/her designee finds that a nuisance exists, he/she shall order the owner or occupant of said property, or his/her agent, or the person causing or maintaining said nuisance to abate the same; and if the same be not abated within the time prescribed by the Codes Administrator or his/her designee in said order or any extension thereof, the Codes Administrator or his/her designee shall abate the same or cause the same to be abated, and shall certify the cost of abating said nuisance to the City Council. Thereupon, the City Council may, by ordinance, levy the cost of abatement as a special tax against the property on which said nuisance was located, and may authorize the issuance of special tax bills thereon. Said tax shall be collected like other taxes, and shall be a lien on the property until paid.

Section. 515.630. Abatement of Nuisance Without Notice -- Mode -- Payment -- Special Tax Bills

Whenever the Codes Administrator or his/her designee in his/her discretion deems it necessary to immediately abate a nuisance as defined by ordinance, by common law, or by the Statutes of the State of Missouri, in order to secure the general health or safety of the City or of any of its inhabitants, the Codes Administrator or his/her designee is authorized to abate such nuisance without notice; and he/she may use any suitable means or assistance for the purpose, whether regular personnel of the City or laborers especially employed for that purpose, or any other help or assistance necessary therefor. The Codes Administrator or his/her designee shall certify the cost of abating said nuisance to the City Council, and the City Council may by ordinance levy the cost thereof as a special tax against the property on which said nuisance was located, and may authorize the issuance of special tax bills therefore. Said tax shall be collected like other taxes, and shall be a lien on the property until paid.

Section. 515.640. Apportionment of Costs of Abating Nuisance Located on Property of More than One Owner

If any nuisance abated by the Codes Administrator or his/her designee as hereinbefore provided extended before the abatement over the property of more than one (1) owner, the cost of abating the same shall be assessed in proportion to the amount of work and expense for each proportionate part of the entire work in the area, and the special tax bills hereinbefore provided for shall be levied and collected accordingly; but, in determining who is the owner of any particular lot, plot, or parcel of land as for instance in joint tenancy or in common, shall be deemed a single owner in order to preserve to the City its lien against the particular lot, plot, or parcel of land under the special tax bill levied against the same as, aforesaid.

Section. 515.650. Abatement issues.

Any other issues concerning the abatement of nuisances not addressed herein shall be governed by Article IV of Chapter 245 of the Code of Ordinances of the City of Blue Springs.

(Weeds are covered under Chapter 245 Art. IV Sections 245.290 thru .320 and Section 220.760.)

ARTICLE XI. EXTERIOR STRUCTURE

Section. 515.660. General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Section. 515.670. Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames,

cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.

Section. 515.680. Street numbers.

Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way. All numbers shall contrast with the background and be Arabic numerals at least 4 inches high and 1/2 inch stroke.

Section. 515.690. Exterior walls.

All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Section. 515.700. Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section. 515.710. Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Section. 515.720. Overhang extensions.

All canopies, marquees, signs, metal awnings, fire escapes, exterior standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Section. 515.730. Stair and walking surfaces.

Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Chapter 500 of the Blue Springs Code of Ordinances.

Section. 515.740. Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Section. 515.750. Chimneys and towers.

The exterior of all chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Section. 515.760. Handrails and guards.

Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Section. 515.770. Window, skylight and door frames.

The exterior of every window, skylight, door and frame shall be kept in good repair.

Section. 515.780. Glazing.

All exterior glazing materials shall be maintained free from cracks and holes.”

Section 2. This ordinance shall, after its passage and approval by the Mayor and City Council, go into full force and effect on November 3, 2008.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of Blue Springs, this 4th day of August, 2008.

Carson Ross, Mayor

ATTEST:

Kathy Richardson, City Clerk

1st reading March 17, 2008; vote August 4, 2008

2nd reading August 4, 2008