

MARSHFIELD PROPERTY MAINTENANCE CODE REVIEW

July 12, 2017



Southwest Missouri Council of Governments

Enhancing the quality of our communities through regional cooperation.

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INTRODUCTION

The International Code Council (ICC) was established in 1994 as a non-profit organization dedicated to developing a single set of comprehensive and coordinated national construction codes. The ICC is an association dedicated to developing model codes and standards to be used in the design, build and compliance processes. The goal is to construct safe, sustainable, resilient, and affordable structures. The mission of the ICC is to, “provide the highest quality codes, standards, products and services for all concerned with the safety and performance of the built environment.” These codes are an important part a community’s quality of life by protecting its public’s health, safety, and welfare.

The ICC is responsible for writing and updating the International Property Maintenance Codes (IPMC), which are updated every three years. The IPMC is a model code that regulates the minimum maintenance requirements for existing buildings. The IPMC is in use or adopted by 38 states and the District of Columbia. Municipalities chose to follow the IPMC because it provides regulation and safe use of existing structures in the interest of the social and economic welfare of the community. Enforcing the International Property Maintenance Codes allows communities to assist in making neighborhoods a beautiful and pleasant place to live.

The City of Marshfield has adopted the 2012 version of the International Property Maintenance Code (IPMC). The Southwest Missouri Council of Governments (SMCOG) reviewed the 2012 and 2015 (most current) versions of the IPMC and compiled a list of the differences. SMCOG then reviewed neighboring communities’ property maintenance ordinances and the subsequent amendments. Lastly, SMCOG has compiled recommendations for Marshfield’s IPMC practices.

2015 IPMC ADDITIONS

2015 International Property Maintenance Code Update		
Code Section	Section Title	Description of Change
102.3	Application of other codes	Allows use of the International Existing Building Code as an option for repairs, alterations or additions to an existing building.
105.2	Alternative materials, methods and equipment	Language added to require the code official to provide reasons in writing when an alternative is not approved.
202	Definitions	Definition of "Cost of such demolition or emergency repairs" added.
202	Definitions	Definition of "Historic Building" added.
704.1	Fire Department Connection	Requirements for a sign indicating the location of the fire department connection when the connection is not visible to approaching fire apparatus
704.2.1.3 704.2.1.4	Installation near cooking appliances and bathrooms	Limits smoke alarm installations near cooking appliances and bathrooms.
704.2.4	Smoke detection system	Allowance for smoke detectors provided as part of a fire alarm system as an alternative to providing single or multiple-station smoke alarms.

SUMMARY OF 2015 IPMC UPDATE

The 2015 IPMC updated or added the following material:

- A means to determine if a building is eligible to be classified as an historic building under the IPMC.
- Signage requirements to allow fire departments to locate the fire department connection in a timely manner.
- A mechanism for code officials to prohibit installation of smoke alarms near cooking appliances and bathrooms.
- An alternative manner for compliance with smoke alarm requirements if the building is equipped with a fire alarm system.

MARSHFIELD AMENDMENTS

(Marshfield IPMC, 2015)

The City of Marshfield made the following amendments to its International Property Maintenance Code:

The following sections are hereby revised:

Section 101.1. Insert: City of Marshfield, Missouri.

Section 103.5. Insert: See Schedule A "Fee Schedule."

Section 112.4. Insert: fifty dollars (\$50.00) and five hundred dollars (\$500.00).

Section 202. Rubbish Insert: "tires, indoor appliances and furniture stored outdoors, motor vehicle parts."

Section 302.4. Insert: ten (10) inches.

Section 304.14. Insert: April 1 and November 30.

Section 602.3. Insert: September 1 to May 30.

Section 602.4. Insert: September 1 to May 30.

Any instances where the International Property Maintenance Code refers to a Board of Appeals shall be interpreted to mean Board of Adjustments.

Section 500.290 Building Inspector, Building Official — Duties.

- A. The Building Inspector, or employee charged with enforcement of this Code, while acting for the municipality, shall not thereby render himself/herself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties and under the provisions of the Code. He/she shall be defended as a legal representative of the municipality until the final termination of the proceedings. In no case shall the Building Inspector, or any of his/her subordinates, be liable for costs in any action, suit or proceeding that may be instituted pursuant to the provisions of the Code; any officer of the building department, while acting in good faith and without malice, shall be free from liability for acts performed under any of the provisions of the Code, or by reason of any act or omission in the performance of his/her official duties in connection therewith.
- B. The Building Inspector shall enforce compliance with the provisions of the International Property Maintenance Code.
- C. The Building Inspector shall make all of the required inspections, or he/she may accept reports of inspection of authoritative and recognized services or individuals. All reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service, or by the responsible individual, or he/she may engage such expert opinion as he/she may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the Board of Aldermen of the City of Marshfield, Missouri.
- D. The Building Inspector shall have the power, as may be necessary, in the interest of the public safety, health and general welfare, to interpret and implement the provisions of the Code, and to secure the intent and purpose thereof.
- E. Where there are practical difficulties involved in carrying out the exact provisions of the Code, the Building Official may vary or modify such provisions upon application of the owner, or his/her representative, provided that the spirit and intent of the Code shall be observed and public welfare and safety be assured. The application for modification and the final decision of the Building Official shall be in writing and shall be officially recorded in the application for the permit in the permanent records of the Department of Building Inspection.
- F. The Building Inspector shall conduct such inspections from time to time and shall maintain a record of all such inspections of all violations of the Code. Before issuance of a certificate of use and occupancy, an inspection shall be made and all violations of the Code shall be noted and the owner/occupant shall be notified of the discrepancies.
- G. In the discharge of his/her duties, the Building Inspector, or his/her authorized representative, shall have the authority to enter at any reasonable hour, any building, structure or premises to enforce the provisions of the Code. In this regard the Building Inspector may adopt a badge of office for himself/herself and his/her authorized representatives which shall be displayed for the purpose of identification. The assistance and cooperation of the Police and Fire Departments, and all other municipal officials, shall be available to the Building Inspector as required in the performance of his/her duties.

Section 500.300 through Section 500.340. (Reserved)

Section 500.350 Penalty.

The owner or agent of any premises or structure, where a violation of any provision of the Property Maintenance Code, 2012 Edition has been committed or shall exist, or the lessee or tenant of an entire building or premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part in or assists in any such violation shall be guilty of a misdemeanor which shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every day that such violation continues, and if the violation be willful, upon the conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day that such violation shall continue, or by both such fine and imprisonment at the discretion of the court. Any person who, having been served with an order to remove any violation, shall fail to comply with said order from which no appeal has been taken, within thirty (30) days after such service, or shall continue to violate any provision under this Code in the respect named in such order, shall also be subject to civil penalty of two hundred fifty dollars (\$250.00) per day. The authorities of the City of Marshfield, Missouri, may, in addition to other remedies, institute any appropriate action or proceedings to prevent such unlawful maintenance or structure, and to prevent the occupancy of said premises or structure, or to prevent any act, conduct, business or use in or about such premises or structure which violates the provisions of the Property Maintenance Code, 2012 Edition, adopted herein.

ENACTMENTS IN THE REGION

SMCOG examined neighboring municipalities of similar or greater size and scope to Marshfield and their use and enactment of property maintenance codes. Communities in the region made the following additions/deletions/amendments to the IPMC:

BOLIVAR (Bolivar IPMC, 2015)

The City of Bolivar enacted an amendment giving the Code Enforcement Officer the authority to carry out the IPMC:

PM-103.1.

The position of Code Enforcement Officer is hereby created and shall have all duties and powers designated to the "Code Official" in the International Property Maintenance Code 2009.

PM-104.1.

The Code Enforcement Officer shall enforce the provisions of this International Property Maintenance Code 2009. The Code Enforcement Officer shall further have authority to enforce the ordinances of this City addressing nuisances and the abatement thereof and shall further have authority to enforce the zoning ordinances of this City. Nothing in this provision shall limit or terminate any existing authority of other City Officials from enforcing the ordinances of this City addressing nuisances or zoning.

The City of Bolivar enacted an amendment addressing the violation process. This is similar to an amendment the City of Nixa also made. Bolivar's amendment states:

Section 500.375 Notice of Violation To Be Served By Code Enforcement Officer.

- A. Notice To Person(s) Responsible. Except as otherwise provided in this Chapter, whenever the Code Enforcement Officer determines that there has been a violation of the International Property Maintenance Code, a violation of any City ordinance addressing nuisances, a violation of a City zoning ordinance or any other violation of this Code over which the Code Enforcement Officer is given enforcement authority by specific provision of any other City ordinance, or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this Section to the person responsible for the violation.
- B. Form. Such notice shall substantially comply with the following requirements:
 - 1. Be in writing; and
 - 2. Include a description of the real estate sufficient for identification; and
 - 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 time to make the repairs, improvements or corrections required to bring the dwelling unit, structure or grounds into compliance with the provisions of that part of the Code that the Code Enforcement Office determines is being violated; provided that for the purposes of this paragraph, a reasonable period of time for a second (2nd) or greater violation that has previously been corrected either by the same or some of the same responsible party(ies) to whom the recurrent notice is being given or by the City may be the minimum period that is reasonably required to correct the violation from the date the notice is given assuming the commencement of corrective actions immediately upon the giving of such notice; and
 - 5. Inform the responsible party(ies) of the right to appeal; however, if the notice is the second (2nd) notice of the same violation within a twelve (12) month period, then it may also inform the responsible party(ies) that if the same or substantially the same violation shall occur for a third (3rd) or subsequent time within a twelve (12) month period following correction of the second (2nd) violation either by the responsible party(ies) or by the City, no further notices of violation will be given and no right of appeal will exist prior to the City commencing corrective action and charging the responsible party(ies) with the costs thereof and enforcing the collection of the assessed charges as provided in any applicable provision(s) of the City Code, if such costs are allocable for City correction of the violation in question; and

- 6. Include a statement of the right to file a lien in accordance with the International Property Maintenance Code 2015 and/or the ordinances of the City of Bolivar.
- C. Method Of Service. Such notice shall be deemed to be properly served if a copy thereof is:
 - 1. Delivered personally;
 - 2. Sent by certified or first class mail addressed to the last known address; or
 - 3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by the such notice.
- D. When Notice Not Required — Waiver Of Right To Appeal. Notwithstanding the provisions of Subsections (A — C) of this Section, no notice shall be required to be given to the responsible party(ies) who shall have no right of appeal prior to abatement of a public nuisance by the City upon order of the Code Enforcement Officer as provided in Section 235.010(D) if notice of the same or substantially the same violation has previously been given by the Code Enforcement Officer and such notice either was not appealed or not successfully appealed and was corrected by either the responsible party(ies) or by the City on at least two (2) prior occasions within the previous twelve (12) month period.

The City of Bolivar enacted an amendment outlining the steps taken upon an appeal of a Code Enforcement Officer’s decision. The amendment states:

Section 500.378 Appeal of Code Enforcement Officer’s Decision.

- A. Application For Appeal. Except those cases described in Section 500.375(D), any person directly affected by a decision of the Code Enforcement Officer or an order issued under the International Property Maintenance Code shall have the right to appeal to the Board of Appeals provided that a written application for appeal is filed with the City Clerk by the earlier of:
 - 1. The date that the violation is required to be corrected under the notice given by the Code Enforcement Officer; or
 - 2. Fifteen (15) days after the day of the decision, notice or order was served.An application for appeal shall be based on a claim that the true intent of the provisions allegedly violated has been incorrectly interpreted, the provisions do not fully apply or the requirements of said provisions are adequately satisfied by other means.
- B. Membership Of Board. The Board of Appeals shall consist of a minimum of three (3) members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Code Official shall be an ex officio member, but shall have no vote on any matter before the Board. The Board shall be appointed by the Mayor and shall serve staggered and overlapping terms.
 - 1. Alternate members. The Mayor shall appoint two (2) or more alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.
 - 2. Chairman. The Board shall annually select one (1) of its members to serve as Chairman.
 - 3. Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
 - 4. Secretary. The Mayor shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the Mayor.
 - 5. Compensation of members. Compensation of members shall be determined by law.
- C. Notice And Date Of Meeting. The Board of Appeals shall meet upon notice from the Chairman within twenty-one (21) days of the filing of an appeal. Notice of the date, time and location of the meeting shall be given to the appealing party.
- D. Open Hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Enforcement Officer and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds (2/3) of the Board membership.
 - 1. Procedure. The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- E. Postponed Hearing. When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

- F. Board Of Appeals Decision. The Board shall modify or reverse the decisions of the Code Enforcement Officer only by a concurring vote of a majority of the total number of appointed Board members then holding office.
 - 1. The Board of Appeals' decision shall be in writing and shall be provided to all interested parties either in person or by mail within seven (7) days after the date of the hearing.
 - 2. Administration. The Code Enforcement Officer shall take immediate action in accordance with the decision of the Board.
- G. Court Review. A person aggrieved by a decision of the Board of Appeals shall have the right to require review by the Circuit Court of Polk County, Missouri to correct errors of law. A petition for review shall be filed in such manner and within such time as is required by the laws of the State of Missouri, Missouri Rules of Civil Procedures or the rules of the 30th Judicial Circuit of Missouri or any successor to such Circuit in which the Circuit Court of Polk County, Missouri is located. In the absence of a law or rule governing the time for appeal, such appeal shall be filed within fifteen (15) days following the date the Board of Appeals issues its written decision. Appeals by the Code Enforcement Officer shall be in the name of the officer in his official capacity at the relation of the City of Bolivar.
- H. Stays Of Enforcement. Appeals of notices and orders to the Board of Appeals shall stay the enforcement of the notice or order until the appeal is heard by the Appeals Board. Appeals from a decision of the Appeals Board to the court shall not stay the enforcement of a notice or order that has been affirmed by the Board of Appeals unless the appealing party shall post a bond with good and adequate surety as approved by the court in such amount as the court shall determine will be sufficient to:
 - 1. Pay the costs of enforcement of the notice or order if the court appeal is unsuccessful; and
 - 2. Pay the costs of the appeal.
- I. Conflict With Procedures Established In IPMC. To the extent that this Section conflicts with the provisions for appeal established in the International Property Maintenance Code adopted by the City of Bolivar, these provisions shall control.

NIXA (Nixa IPMC, 2017)

The City of Nixa added an amendment outlining dwellings that are considered unfit for human habitation and the process after a property has been designated as such:

Sec. 103-36. - Designation of dwellings unfit for habitation.

The following may be designated as dwellings or dwelling units unfit for human habitation:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public;
- (2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
- (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public; or
- (4) One which does not substantially conform to this article.

Sec. 103-37. - Placarding.

Any dwelling or dwelling unit which shall be found to have any of the defects set out in this article shall be declared unfit for human habitation and shall be so designated and placarded by the city administrator or his designate when the person responsible has failed to correct the condition set forth in a notice issued.

Sec. 103-38. - Removal of placards.

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as may be provided.

Sec. 103-39. - Right of appeal.

Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the board of adjustment under the procedure set forth in article III of chapter 101 of this Code.

Sec. 103-40. - Vacation of building.

(a) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the city administrator or his designate, shall be vacated within a reasonable time as ordered by the city

administrator or his designate.

(b) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the city administrator or his designate. The city administrator or his designate shall remove such placard whenever the defects upon which the condemnation and placarding action were based have been eliminated.

Sec. 103-41. - Vacated structures to be made secure.

If a structure or part thereof is vacant or unfit for human habitation, occupancy, or use and is not in danger of structural collapse, the city administrator or his designate may post a placard of condemnation on the premises and may order the structure closed up with plywood so as to prevent that structure from becoming a public nuisance. Upon failure of the owner to close up the condemned structure within the time specified in the order, the city administrator or his designate shall cause those premises to be closed up with plywood through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the condemned structure is located and shall thereafter become a lien upon that real estate. In addition, any structure, which is ordered to be closed up, shall have at least one No-Trespassing sign posted in a prominent place on each of its outside walls. All closing up with plywood shall be done in accordance with regulations for such work kept on file in the office of the city administrator or his designate.

Sec. 103-42. - Remedy of defects.

(a) The owner of any building shall have 30 days from the issuance of the notice to remedy the condition therein specified; provided, however, that the city administrator or his designate may, at his discretion, extend the time for compliance with any such notice; and provided further, that no owner shall be held responsible for any condition that is not specifically described in such notice.

(b) The failure of any owner to comply with any order of the city administrator or his designate contained in the notice prescribed by section 103-35 within the time specified shall make such owner subject to the penalties provided for such offense.

The City of Nixa enacted an amendment addressing how any violation of the codes will be presented to the person responsible for the violation. Their amendment states:

Sec. 103-35. - Notice of violation.

Whenever the city administrator or his designate determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, he shall give notice of such alleged violation to the person responsible therefor which shall:

- (1) Be in writing.
- (2) Contain a statement of the reason why it is being issued.
- (3) Allow a reasonable time for the performance of any act it requires (30 days' maximum).
- (4) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article.
- (5) Be served upon the owner or his agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or on any such occupant, if a copy thereof is:
 - a. Served upon him personally;
 - b. Sent by certified mail to his last known address; or
 - c. Posted in a conspicuous place in or about the dwelling affected by the notice

SPRINGFIELD (Springfield IPMC, 2017)

The City of Springfield added the following language to their IPMC ordinance:

Section 306 Use of cellar or basement as habitable room or dwelling unit.

(a) No cellar space shall be used as a dwelling unit.

(b) No cellar or basement space shall be used as a habitable room, or basement space used as a dwelling unit unless:

- (1) The floor and walls are impervious to leakage of underground and surface runoff water and are fully insulated against moisture intrusion and dampness;
- (2) The total window area in each room is equal to at least the minimum window area size as required in Section 402;

- (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
- (4) The total operable window area in each room is equal to at least the minimum as required under Section 402, except where there is supplied some other device affording adequate ventilation which is approved by the City Manager in writing.
- (c) Notwithstanding the provisions of this section, any basement or cellar space may be used for living, eating, cooking or sleeping if for each such use so made there are other facilities complying with this article available within the same dwelling for the occupants thereof, it being intended by this subsection that any basement or cellar space may be used as a habitable room if it is supplemental to or in addition to a dwelling unit or habitable room complying with this article.

Sec. 36-617. - Saving clause.

Nothing in this article shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby, or shall any right or remedy of any character be lost, impaired, or affected by this article.

Sec. 36-618. - Severability clause.

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article. Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

The City of Springfield made the following insertions or deletions to the language in their IPMC:

- NOTE: Language to be added is underlined and language or sections to be deleted is stricken.

Section 301.4 Disconnection or removal of required facilities.

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this article to be removed from, shut off, or discontinued for any occupied dwelling, except for such temporary interruption as may be necessary under the utility transfer clause of the lease agreement, or while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the City Manager.

~~Section 302.8 Motor vehicles.~~

~~Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.~~

~~**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~

~~Section 302.9 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, carving or graffiti.~~

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

~~Section 304.2 Protective treatment.~~

~~All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, 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. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.~~

Section 304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a

Section 304.11 Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and 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 304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in an open position by window hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. Deterioration;
 - 2.2. Ultimate deformation;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. Deterioration;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. Ultimate deformation;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1. Deterioration;
 - 4.2. Ultimate deformation;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. Deterioration;

- 5.2. Elastic deformation;
 - 5.3. Ultimate deformation;
 - 5.4. Metal fatigue; or
 - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
- 6.1. Ultimate deformation;
 - 6.2. Deterioration;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. Detached, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions: 1. When substantiated otherwise by an approved method. 2. Demolition of unsafe conditions shall be permitted when approved by the code official.

Section 308.2.1 Rubbish storage facilities. The owner of every occupied premises containing five or more dwelling units shall supply an approved covered container for rubbish and the owner of the premises shall be responsible for the removal of rubbish.

Section 308.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

Exception: The owner supplied garbage container shall only apply to occupied premises containing five or more dwelling units.

Section 602.3 Heat supply. 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~~ shall furnish a heat source permitted by City Code to the occupants thereof ~~shall supply heat~~ during the period from October 1 to April 30 each year ~~to maintain a~~ capable of maintaining a minimum temperature of 68degrees F (20°C) in all habitable rooms, bathrooms and toilet rooms.

SMCOG RECOMMENDATIONS

After analyzing amendments made to International Property Maintenance Code ordinances in neighboring communities, SMCOG staff suggests the following amendments to the City of Marshfield’s IPMC ordinance:

Recommendation	Description
<p><i>From Bolivar,</i> PM-103.1. <i>and</i> PM-104.1.</p>	<p>This amendment by Bolivar creates a specific position, the Code Enforcement Officer, whose purpose is to carry out and monitor the IPMC implementation within the community.</p>
<p><i>From Bolivar,</i> Section 500.375 Notice of Violation To Be Served By Code Enforcement Officer.</p>	<p>This amendment gives a detailed outline of what occurs when a property owner is served by a code enforcement officer. This addresses any controversy that may occur between the City and a property owner that is in violation.</p>
<p><i>From Nixa,</i> Sec. 103-36. - Designation of dwellings unfit for habitation, Sec. 103-37. – Placarding, Sec. 103-38. - Removal of placards, Sec. 103-39. - Right of appeal, Sec. 103-40. - Vacation of building, Sec. 103-41. - Vacated structures to be made secure, <i>and</i> Sec. 103-42. - Remedy of defects.</p>	<p>This set of amendments from Nixa highlights dwellings that the City considers unfit for human habitation and the process taken after designation.</p> <p>This would benefit Marshfield by giving a definition to dwellings that the City views as unfit for habitation as well as a guideline on how the City can address and prohibit dwellings in such a state.</p>
<p><i>From Springfield,</i> Sec. 36-617. - Saving clause <i>and</i> Sec. 36-618. - Severability clause</p>	<p>These amendments would address and mitigate any concerns regarding litigation from the IPMC that might arise against the City.</p>

BEST PRACTICES

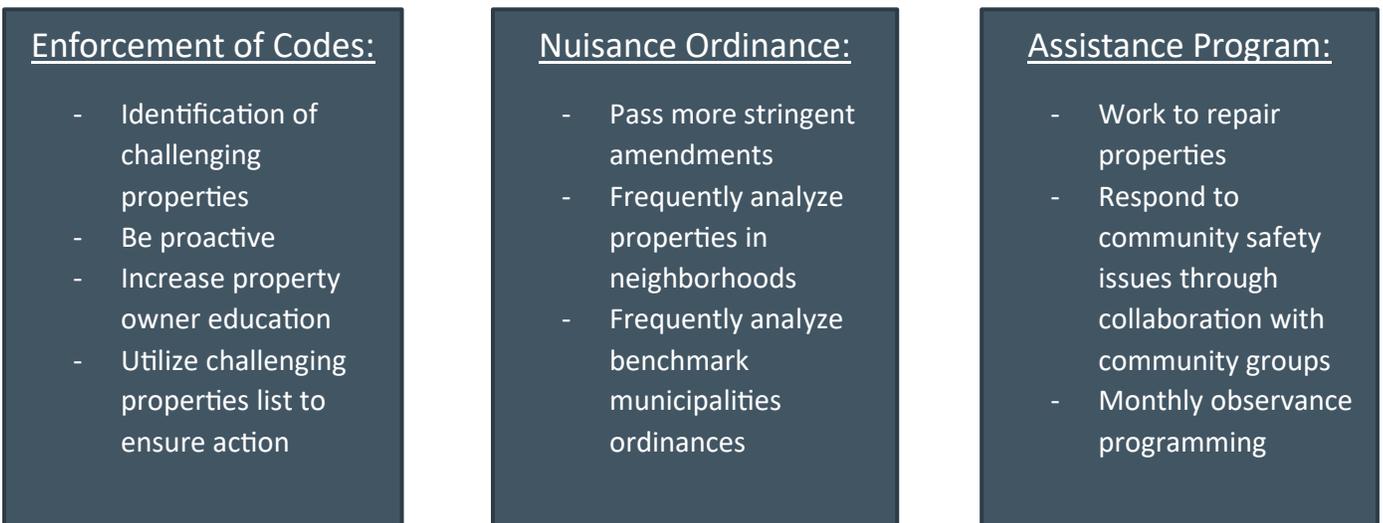
In order to achieve and maintain neighborhoods as places where citizens can meet their social and physical needs, Marshfield can utilize the IPMC to address community improvement issues. Developing new and best practices for the City of Marshfield can address the quality of life in neighborhoods and residential areas within the community. Cities that implement and enforce the IPMC tend to have cleaner, safer, and more beautiful neighborhoods which enhances the quality of life for the residents.

The SMCOG staff has identified the following focus areas for recommendation:

FOCUS AREAS:



FOCUS AREA GOALS:



ENFORCEMENT OF CODES:

SMCOG has completed a housing survey for the City of Marshfield which included a conditions survey for every residential dwelling within the City limits. This survey helps identify individual houses and areas that may require more attention. Utilizing this list of challenging properties will allow for the City to easily identify the issues in their neighborhoods and then work with the property owners to address the issues.

For future improvements of the community as a whole, the City can work to be more proactive in identification of houses that are not compliant with maintenance rules. This may involve more housing inspections and increasing property owner education on city maintenance codes. Making a self-inspection checklist available to property owners is a good way for residents to become educated on what the IPMC entails and whether they are compliant with the codes or not (IPMC Self-Inspection Checklist, 2017). Awareness for residents will cut down on the number of houses that are not in compliance with the IPMC.

SMCOG recommends that City staff facilitate monthly programs regarding property maintenance. This would be another proactive step towards addressing nuisance properties, and helps make the public aware of the City's property maintenance ordinance and its importance. Monthly programming is most successful when it's correlated to already present national observances: the month of May is National Electrical Safety/Water Safety Month, and National Fire Prevention Week is October 8-14, 2017, as examples. The City could use this type of programming to help with public awareness and improving public health and safety.

NUISANCE ORDINANCE:

After completing a housing survey for the City of Marshfield, SMCOG has identified houses that are in compliance with neighborhood standards. This concern may be viewed as the most pressing code enforcement issue. Strengthening the City's nuisance ordinance will help address the issue of houses that are challenging for the community. The City can strengthen its nuisance ordinance by passing more stringent amendments. Ordinances addressing trash on properties and exterior care will help beautify the neighborhoods within the community and protect the public's safety and health.

Before implementing stronger nuisance ordinances, the City could have a community wide trash pick up to assist residents in disposing of unwanted trash and items.

Frequent reviews of neighborhoods within the community and benchmark municipalities will allow Marshfield to see what the problem areas and issues are, what neighboring municipalities' problems are, and how to be proactive in addressing potential issues.

ASSISTANCE PROGRAM:

Communities in the United States have found ways to achieve best practices while implementing the IPMC by forming assistance programs. An assistance program allows the City to pay significant attention to how its neighborhoods are growing, running, and being maintained. An assistance program will

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respond to community safety issues through collaboration of public works, residents, police, building inspections, parks and recreation, and various other community groups. The main focus of the program should be awareness and community improvement. The assistance program should work to identify areas and houses in need of assistance, and then collaborate to address the issue as a community partnership.

CONCLUSION

After analyzing other municipal property maintenance codes within the region, SMCOG staff recommends that as Marshfield continues to grow, the City should strive to be proactive with its implementation and regulation of the International Property Maintenance Codes.

The SMCOG staff recommends that the City of Marshfield make the following amendments and alterations to its implementation of the IPMC:

- Adding amendments to the IPMC currently in place in Marshfield
- Enforcing the existing codes
- Strengthening the nuisance ordinance
- Developing an assistance program

Making the recommended alterations will enhance the quality of life within Marshfield, help beautify neighborhoods, and strengthen Marshfield's public health, safety, and welfare.

The IPMC is updated every three years. The 2018 version will be printed and released in autumn of 2017. There is currently no information available regarding what changes will be included in the new version. SMCOG recommends that the City of Marshfield continue to reference the 2012 version of the IPMC. The changes made in the 2015 IPMC are subtle, and do not seem to directly apply to the needs of Marshfield. Following careful consideration of the suggested amendments that are stated above, the City of Marshfield should evaluate the 2018 IPMC upon its release and consider updating the City's code at that time.

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