

Sec. 500.300. - Amendments.

The International Property Maintenance Code, 2006 edition, first printing is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto.

101.1 Title. These regulations shall be known as the property maintenance code of the city.

103.5 Fee schedule. All fees for services under this code shall be in accordance with the adopted fee ordinance established by the city.

107.3 Method of service. Delete item 3 and insert: "The notice of violation may be posted on the front door of the structure or on a placard posted in the front yard. Such postings will be photographed for verification."

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible or found to have present contaminants, which the building official reasonably believes exceed the contamination levels set forth in section 109.7.3, or equipment or chemicals associated with the manufacturing of methamphetamine, as those terms are defined in section 109 in accordance with the assessment procedures contained in section 109.7.4.

108.6 Change in use, tenancy or occupancy. Except as provided for elsewhere in this code, when the occupancy of a building, structure, land or portion thereof changes by lease or rent, a new occupancy permit shall be required.

109.1 Imminent danger. When, in the opinion of the building 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, or when any inhabitable structure or part thereof has present contaminants, which the building official reasonably believes exceed the contamination levels set forth in section 109.7.3 or chemicals and equipment associated with the manufacturing of methamphetamine in accordance with the assessment procedures contained in section 109.7.4, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith and order the structure closed. The building 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 Building Official." It is unlawful for any person to enter such structure except for securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.7.0 Protocol for decontamination of contaminated structures. The following protocols and standards are established for the decontamination of any structure or inhabitable structure, as defined in section 109.7.2, which has been assessed to be an unsafe structure pursuant to section 109.7.4. Nothing herein shall limit the city's ability to pursue other remedial provisions such as prosecuting the property owner or other responsible parties for maintaining a nuisance in violation of chapter 215 or pursuing other remedies provided under Chapter 520 or otherwise applicable law.

109.7.1 Applicability. The requirements of this section apply when a structure or an inhabitable structure, or part thereof, has been assessed to be unsafe pursuant to section 109.7.4.

109.7.2 Definitions. Unless specifically defined in this subsection, all terms shall have the meaning as set forth in section 202. The following terms related to manufacturing or storage of methamphetamine as contained in this section 109 shall have the following meaning:

Contaminants means any chemical or residue that may present an immediate or long-term threat to human health and the environment.

Contamination or contaminated means the presence of chemicals or residues, which may present an immediate or long-term threat to human health or the environment and which exceed the contamination levels set forth in section 109.7.3.

Contractor means one or more qualified individuals or commercial entities hired to perform work in accordance with the requirements of this section.

Decontamination means the process of reducing the level of contamination to the lowest practical level using currently available methods. At a minimum, decontamination must reduce contamination of specified substances below the concentrations set forth in section 109.7.3.

Inhabitable structure means any structure or portion thereof, including a single room, regardless if any person is actually present, in which:

- a. Any person lives or carries on business or other calling;
- b. People assemble for purposes of business, government, religion, social, entertainment, public transportation or the like; or
- c. Persons are accommodated overnight.

Manufacture or manufacturing means the production, preparation, compounding, processing or any other process whatsoever using methamphetamine precursor drugs or similar dangerous chemicals in order to make or produce methamphetamine or related drugs and such definition shall include the storage or presence of such chemicals or related equipment within the structure or inhabitable structure.

Methamphetamine means that chemical and its salts and precursors as defined in RSMo 195.005 to 195.425.

109.7.3 Unsafe Contamination Levels. A structure will be considered unsafe and require decontamination if it is found to contain more than the following levels of any of the below contaminants or exceeds the exposure limits established by the National Institute for Occupational Safety and Health:

- a. Red phosphorus, any amount;
- b. Iodine crystals, C 0.1 ppm (1 mg/m³);
- c. Sulfuric acid, TWA 1 mg/m³;
- d. Hydrogen chloride, C 5 ppm (7 mg/m³);
- e. Hydrochloric Acid (HCl gas);
- f. Methamphetamine in a concentration equal to or greater than 1.5 µgram/100 cm²; or
- g. If it is determined that the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface levels for lead in excess of 20 µg/ft² and vapor samples for mercury in excess of 50 ng/m³.

109.7.4 Assessment. Any structure shall be considered unsafe and subject to closure, testing, and decontamination procedures set forth herein under the following circumstances:

- a. When law enforcement or emergency agency reports to the city that a structure or portion thereof has been used for the manufacturing of methamphetamine or where the equipment and chemicals to produce methamphetamine are present in sufficient quantities to reasonably believe that methamphetamine was manufactured in such structure, the structure shall be considered unsafe for human habitation and the building official may order the inhabitants to vacate the structure and order the structure closed and proceed pursuant to the procedures of this section 109. The building official may rescind the order if the law enforcement or emergency agency later reports that after testing and investigation, no unsafe contamination levels were found; or
- b. When a law enforcement or emergency agency reports to the city that it has found unsafe contamination in a structure that has been used for the manufacturing of methamphetamine or as a storage facility for methamphetamine or chemicals used in

the manufacturing of methamphetamine, the building official shall order any occupant to vacate and order the structure closed.

As part of assessing and securing any crime scene, the police chief or his designee is authorized to procure any and all testing required hereunder for public safety purposes. Testing methods shall be performed in accordance with the appropriate sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup, August 2009, and as amended. All costs for such emergency testing shall be the joint and several responsibility of the property owner or occupant and, if not paid, shall be a lien on the property in accordance with the procedures in chapter 215 concerning general nuisance abatement or may be ordered paid as restitution in any criminal action.

109.7.5 Notice, sampling, and testing. If considered unsafe pursuant to section 109.7.4, the city shall post notice on the structure and send notice, by personal delivery or by certified mail return receipt requested, to the owner of record of the affected structure, or the owner's agent, and the person responsible for such violation, if different (together "responsible parties").

Notice shall instruct the responsible parties that the property has been declared unsafe and to contact the building department within 48 hours of receipt of such notice to discuss the process of testing and establishing a schedule for decontaminating the structure if testing reveals unsafe contamination levels as set forth in section 109.7.3. The notice shall also advise that failure to contact the building department within the time specified may result in the city requesting disconnection of utility services to ensure the affected inhabitable structure is not re-occupied until testing reveals no contamination or the property is decontaminated. If the owner or other responsible parties do not contact the building department within the time specified in the notice, the building official may take any actions necessary to discontinue trash, water or sewer service to ensure the structure is not re-occupied until decontamination is performed or subsequent testing reveals no contamination is present.

The owner or other responsible parties must employ the services of a company listed by the city as qualified to perform testing and to analyze the samples. The owner or other responsible parties shall provide the results of the testing to the building official within two days of receipt of such testing results from the company performing the test.

Testing methods shall be performed in accordance with the appropriate sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup, August 2009, and as amended.

109.7.6 Test results; no contamination. If the testing reveals no unsafe contamination, upon receipt of such testing results, the building official shall remove the placard in accordance with section 108.4.1 and the property owner may proceed to apply for inspection and occupancy in accordance with section 109.7.10. Nothing herein relieves the responsible parties, and specifically the property owner, from complying with all other city Code requirements in order to qualify for an occupancy permit.

109.7.7 Decontamination. If testing reveals the presence of contamination in levels that exceed the standards set forth in section 109.7.3, the owner or other responsible parties will be required to hire a qualified contractor, approved by the building official and displaying the minimum requirements to decontaminate the structure and will advise the building official of the schedule for decontamination. At a minimum, to be qualified to perform decontamination contractors and all personnel must have completed the 40-hour Hazardous Waste Operations and Emergency Response Training (Occupational Safety and Health Administration (OSHA) 29 CFR 1910), and a clandestine drug lab assessment and decontamination course.

The schedule for the work and evidence that the contractor has met the minimum training requirement must be submitted for approval to the building official within 14 days of the receipt of the testing showing unsafe contamination levels as set forth in section 109.7.3. Approval will be based solely on the timeliness of the schedule and the qualifications of the contractor. Approval or rejection of the schedule will be provided within 48 hours of submission. If rejected the owner or other responsible parties will be informed of the specific reasons for the rejection and will be required to amend the schedule or the proposed contractor. Decontamination shall be performed in accordance with the appropriate sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August 2009), and as amended.

Nothing herein shall relieve the property owner or responsible parties from applying for and obtaining a building permit, electrical permit or any other required permit or required approval prior to decontaminating or repairing the structure.

The building official may take any actions necessary to discontinue water, sewer or trash service until the decontamination is complete.

109.7.8 City decontamination. If, for any property assessed pursuant to section 109.7.4 to be unsafe, the owner or other responsible parties fail to contact the building department within 48 hours of receiving notice sent pursuant to section 109.7.5, or after contacting the building department, fail to submit the required testing under section 109.7.5 or fail to voluntarily abate that contamination pursuant to section 109.7.7 above, the building department may serve a notice of violation via personal service or certified mail, return receipt requested, to all owners and occupants, lessees, lienholders, mortgagees, and all other persons having an interest in the location as shown by the

recorder of deeds for the county (together "interested persons"). If any such interested persons' address is unknown and cannot be located, notice may be given by publication. The hearing and order, and testing provisions if applicable, shall all be in accordance with the abatement procedures of section 215.240(C)—(E). If at such hearing, the building official determines that the property owner's property is contaminated, the city shall order that the structure be decontaminated within a reasonable time by the owner or other interested persons, and if they fail to comply with such order, the city shall have authority to conduct or cause to be conducted the decontamination process. The property owner shall be responsible for the costs associated with testing and decontamination and upon failure to pay such costs, that shall be documented by the building official, the city shall place a lien on the structure in accordance with the procedures in chapter 215 concerning general nuisance abatement. Nothing herein shall prevent the city from proceeding, in lieu of these procedures, in accordance with chapter 520 of the Municipal Code.

109.7.9 Post-decontamination sampling. When the owner or other interested persons arranges for decontamination, following the completion of the work, the owner or other interested persons will notify the building official that work is complete and provide to the city written test results as evidence that the property is compliant with this regulation. The post-remediation sampling and testing must be performed by a company, which meets the minimum requirements set forth in section 109.7.7, and done in accordance with the appropriate sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup, August 2009, and as amended.

109.7.10 Final action. After the property has been decontaminated and the building official is in possession of evidence that the contamination levels are below the levels established by this regulation, the structure will be considered safe under sections 109.7.0—109.7.10 and suitable for performance of a full inspection for an occupancy permit. If utility service has been disconnected, the building official will take all actions necessary to restore service or authorize such service to be restored. The property owner or other interested persons shall be responsible for any re-connection fees. If the city was forced to decontaminate the property, an occupancy permit shall not be issued until those costs are reimbursed to the city. Nothing herein shall relieve the property owner or other interested persons from complying with all other applicable city Code requirements in order to be eligible for an occupancy permit.

111.0 Means of appeal. Delete in entirety and insert: Means of appeal procedures shall be in accordance with the International Building Code.

202 Definitions. Bedroom: Amend text to read: Any room or space intended to be used for sleeping purposes in either a dwelling unit or sleeping unit.

302.4 Weeds. Insert in the space provided: "eight inches."

302.14 Insect screens. Insert in the space provided: "January through December."

304.2.1 Painting. Deteriorated surfaces may not remain in a partially painted condition for more than 30 days. Graffiti or language, slurs or paintings of an undesirable nature shall be concealed from view within seven days. Exterior surfaces covering such graffiti shall be of a similar material.

404.5.1 Bedroom occupancy requirements. Every bedroom occupied by one person shall contain at least 70 square feet of floor area. Every bedroom occupied by more than one person shall contain at least 50 square feet of floor area per person. The use of rooms other than bedrooms for sleeping purposes shall not be permitted when calculating an expected occupant load.

602.3 Heat supply. Insert in the space provided: "September to May."

602.4 Occupiable work spaces. Insert in the space provided: "September to May."

(Code 2006, § 500.210; Code 2008, § 500.170; Ord. No. 1811, art. II(500.250), 12-12-2001; Ord. No. 2658, § 1, 12-27-2006; Ord. No. 3247, § 4, 9-26-2012; Ord. No. 2013-3283, §§ 1, 2, 3-13-2013)