

Chapter 40--BuildingsSubchapter A--Construction Permits40.010 Building Code

Ordinance 528 of the City of Sarcoxie shall, as heretofore, be the Building Code for the City. No building or construction shall be permitted except in accordance with the provisions of that ordinance. (A copy of Ordinance 528 follows this page).

40.020 Cost of Building Permits

Permits required by Ordinance No. 528, as heretofore, shall be \$1.00 per thousand dollars of building cost, with a minimum fee of \$5.00. Building permits shall not be required for projects under \$500.00.

1. That this ordinance, which codifies an existing charge of the City of Sarcoxie, Missouri, shall not be deemed to be a new license, tax or fee within the meaning of the Hancock Amendment.
2. In the event this ordinance is found to be unlawful, such findings shall in no way act as a revocation, repeal or modification of Ordinance 528 of the City of Sarcoxie, Missouri.

40.030 Building, Electrical and Plumbing Codes (Ordinance 959, passed and effective 3/1/11)

1. *Building Code.* The latest edition of the International Building Code, including Appendix's thereto, are hereby designated and adopted and made a part of this Code, by reference, as the basic Building Code of the City. A copy of such Code, as supplemented or amended, duly certified, shall be on file in the office of the City Clerk.
2. *Electrical Code.* The most recent version of the International Electrical Code, including Appendix's thereto, as supplemented or amended, is hereby adopted and made a part hereof by reference, as the basic Electrical Code of the City. A copy of such Code, as supplemented or amended, duly certified, shall be on file in the office of the City Clerk.
3. *Plumbing Code.* The most recent version of the International Plumbing Code, including Appendix's thereto, as supplemented or amended, is hereby adopted and made a part hereof by reference, as the basic Plumbing Code of the City. A copy of such Code, as supplemented or amended, duly certified, shall be on file in the office of the City Clerk.

40.040 Liability

This Section shall not be construed to relief or lessen any responsibility of any person, firm, or corporation, owning, controlling, installing, constructing or improving structures within the City; and the City shall not assume any liability of any nature by reason of the inspection or lack of inspection of any building or structure in the City, or the failure of any such person, firm, or corporation to comply with such Code.

Subchapter B--Moving of Buildings

40.100 Permit Required

No building, dwelling, house, barn, shed or any outbuilding of any nature or description shall be moved over any street of the City on rollers, pegs, wheels, sledges or other apparatus without first obtaining a permit from the City Clerk.

40.110 Hours of Moving Limited

No building, dwelling house, barn, shed or any outbuilding shall be allowed to stand in the streets of the City for a longer period than six (6) hours, and in no event during the period between sunset and sunrise.

40.120 Injury to Pavement

No pavement nor any part thereof shall be taken up or removed to assist in any way the moving of any building, dwelling, house, bar, shed or other outbuilding, nor shall pegs, stakes or poles be driven into paved streets for such purposes.

40.130 Bond Required

Before any permit shall be issued under this article the applicant shall furnish a good and sufficient bond with a corporate surety company as surety, or individual surety approved by the Mayor, in a sum to be fixed by the Board of Aldermen, conditioned that the applicant will promptly and fully pay the owner of any public or private property for any injury of such property in the process of moving such building.

40.140 Permit Denied

No permit for the moving of a building shall be granted if the building, in the proposed new location, would seriously increase the fire hazards of the surrounding buildings.

Subchapter C - Registration of Vacant Residential Structures

40.200 Purpose and Scope

It is the purpose of this Subchapter to provide for effective monitoring and routine inspection of vacant buildings and structures that, due to housing code violations, and endanger the life, limb, health, property, safety, or welfare of the general public; and this Subchapter shall apply to all residential structures that have been vacant for more than six (6) months and that are subject to housing code violations.

40.210 Definitions

The following words and phrases, when used in this Subchapter, shall mean:

HOUSING CODE: The Sarcoxie building, fire, health, property maintenance, nuisance, or other ordinance which contains standards regulating the condition or maintenance of residential buildings.

RESIDENTIAL STRUCTURE: A structure devoted primarily to residential use, whether classified as residential or commercial, and regardless of the number of dwelling units contained within such structure.

40.220 Registration Requirement

Every parcel of residential property improved by a residential structure or commercial property improved by a structure containing multiple dwelling units that is vacant and has been vacant for at least six (6) months and is characterized by violations of the Housing Code, shall be registered as a vacant residential structure and shall be subject to the registration fee.

40.230 Designation of Vacant Residential Structures

1. *Registration.* The Director of Public Works for the City of Sarcoxie, Missouri, or his designee, shall investigate any property that may be subject to registration. Based upon his findings, the Director may register property as a vacant residential structure subject to this Subchapter.

2. *Notice of Registration.* Within five (5) business days of such registration, the City Clerk shall notify the owners of the registered property by mail at their last known address according to the records of the City of Sarcoxie and Jasper County. Such notice shall state:
 - (1) A description of the property registered;
 - (2) A description of the Housing Code violations found on the property;
 - (3) The fact that a semiannual registration fee has been levied on the property; and
 - (4) The amount of the semiannual registration fee.
3. *Time to Cure; Reconsideration.* Within thirty (30) days of the date of notification, the property owner may complete any improvements to the property that may be necessary to remove the property from registration under this Subchapter and may request a re-inspection of the property and reconsideration of the levy of the registration fee. Upon receipt of a written request for reconsideration of the levy of the registration fee, which sets out the reasons claimed by the property owners as to why the registration fee should be waived, the Director may waive levy of the registration fee, following timely compliance.
4. *Appeal of Registration and/or Reconsideration to Municipal Court.* Within thirty (30) days of the date of such notification or within thirty (30) days of the date of reconsideration by the Director, the property owner may appeal the decision to the Municipal Court for the City of Sarcoxie.

40.240 Registration Fee

1. *Amount of Fee.* There is hereby established and assessed a semiannual fee in the amount of Two Hundred and No/100 (\$200.00) Dollars, imposed on all owners of property registered under this Subchapter.
2. *Owner Responsible.* It shall be the joint and several responsibility of each owner of property registered pursuant to this Subchapter, to pay the semiannual registration fee.

1. *Accrual of Fee.* The registration fee shall begin to accrue on the beginning of the second calendar quarter after registration by the Director or reconsideration by the Director; however, in the event that an appeal is filed with the Municipal Court, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the final decision of the Municipal Judge or court of competent jurisdiction.
2. *Billing Procedures: Late Penalties.* The Collector shall cause to be mailed to the owner of property registered under this Subchapter, at his or her last known address, a bill for the semiannual registration fee. The fee shall be due and payable within thirty (30) days of mailing. In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for such property within thirty (30) days of the date of mailing, a late payment fee of Twenty-Five and No/100 (\$25.00) Dollars per month shall be assessed for each month during which the fee remains unpaid.
3. *Failure to Pay Fee Unlawful.* It shall be unlawful for any owner of property registered pursuant to this Subchapter to fail to pay the registration fee imposed for such property. Any person found guilty of failing to pay any required fee shall be punished as provided in Article 13 of the Municipal Code.
4. *Collection of Delinquent Fees; Lien on Property and other Affects of Delinquent Fees: Foreclosure Proceedings.*
5. *Action to Recover.* In addition to any other penalties provided by law, the City may initiate and pursue an action in a court of competent jurisdiction to recover any unpaid fees, interest, and penalties from any person liable therefore, and in addition, may recover the costs of such action, including reasonable attorney fees.
6. *Lien on Property.* Any unpaid or delinquent fees, interest, and/or penalties, whether or not reduced to judgment, shall constitute a lien against the property for which the fee was originally assessed until the same shall be fully satisfied. The Collector is authorized to take all steps necessary to file and perfect such liens as may be required or directed by the Director from time-to-time.
7. *Obtaining Permits Prohibited.* In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for such property, including any late payment fee subsequently imposed within sixty (60) days of the date of mailing of the initial bill, said owner shall not be permitted to apply for, obtain, or renew any city license or permit of any kind until such delinquency has been satisfied.

8. *Foreclosure.* Any registration fees which are delinquent for a period of one (1) year shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable Housing Code cited by the Director have been cured and by presenting payment of all registration fees and penalties.
9. *Sale of Property.* Upon bona fide sale of the property to an unrelated party, the lien on such property for the registration fees shall be considered released and the delinquent registration fee forgiven.

40.250 Proof of Financial Responsibility (Ordinance# 1016 passed 11/22/16)

1. The owner of any residential structure designated as vacant by the Director of Public Works, and thus subject to registration with the City of Sarcoxie, Missouri, shall maintain proof of financial responsibility which shall include causality and liability insurance in an amount determined to be the value of any improvements located thereon, or at least the value thereof as determined by the Assessor's Office of Jasper County, Missouri.
2. That proof of financial responsibility as required by this Section shall be provided at least annually to the City of Sarcoxie, Missouri.

40.260, Residential Building Lot Requirements (Ordinance# 1094 passed 03/28/23)

1. *Residential Structures*
 - (1) Structures for residential use shall include the following:
 - (a) Single Family dwellings, but not including mobile homes or manufactured homes.
 - (b) Multi-Family dwellings to include duplexes and townhouses.
 - (2) Any residential home in which more than three (3) but less than eight (8) unrelated mentally or physically handicapped persons reside; further, and pursuant to Section 89.020.2, RSMo., such home may include two (2) additional persons acting as house-parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home; provided that the exterior appearance of the home and property shall reasonably conform to the exterior appearance of the other dwellings and other property in the neighborhood; such homes shall not be located closer than one

thousand five hundred (1,500) feet to any other group home and the owner or operator thereof shall obtain an occupancy permit from the Board of Aldermen, which shall verify the group homes compliance with this Code.

2. *Percentage of Lot Coverage.* All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot; detached accessory buildings, not used as dwellings, can be located in a rear yard and shall have clearance of at least eight (8) feet from side to rear lot lines and may not be located within a public easement. An accessory building attached in any structural manner to the principal structure must conform to the side and rear requirements for principal structures. Open sided accessory structures, such as gazebos can be placed within front setback, but no closer than eight (8) feet from the street if approved by the Board of Aldermen and if said structure will not be located in or impede any right-of-way, utility easement, or other necessary use and/or access required by the City for the benefit of the public.
3. *Yard and Setback Required.* Each lot shall have front, side and rear yards not less than the depth or width of the following:
 - (1) Front yard depth twenty (20) feet.
 - (2) Side yard setbacks of at least eight (8) feet, unless said side yard faces the street on a corner lot, to which a minimum twenty (20) foot side yard width on a corner lot facing the street is required.
 - (3) Rear yard including corner lots to be a depth of twenty-five (25) feet.
4. *Appeals and Variances.* Anyone may appeal to the Board of Aldermen for a variance of the requirements under this Section.
5. Applications for variances to this Title shall be processed in the following manner:
 - (1) An application for a variance from the terms of this Title signed by the applicant shall be addressed to the Board of Aldermen and presented to the City Clerk.
 - (2) A fee established by the Board of Aldermen shall be paid. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.

- (3) The City Clerk shall review the application and determine that sufficient data is contained to adequately describe the situation to the Board of Aldermen. If the data is not adequate, the City Clerk shall return the application to the applicant for additional information. Completed applications shall be forwarded to the Board of Aldermen.
- (4) The Board of Aldermen shall approve or deny appeals and variances in the following manner and before any variance is granted under this Section, the Board of Aldermen must find that all of the following criteria are met:
 - (a) Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.
 - (b) Strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures, or buildings in the same district or vicinity.
 - (c) The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this Section.
 - (d) Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Section.
- (5) The following rules will be considered by the Board of Aldermen when approving or denying a variance:
 - (a) Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.
 - (b) In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this Chapter.
 - (c) A variance shall continue for an indefinite period of time unless the structure to be built has not been constructed and completed within one year of the date granted or in the condition that the structure has been removed and/or destroyed or becomes uninhabitable.

- (6) An appeal from any action, decision, ruling, judgment, or order of the Board of Aldermen may be taken by any person or persons, jointly or severally aggrieved by any decision of the Board of Aldermen, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons, or any taxpayer, or any officer, department, Board, or bureau of the City to the Circuit Court of the County in which the property affected is located. Such petition shall be presented to the court within thirty (30) days after the filing of the decision by the Board. The Board decision is deemed to be filed for purposes of this Section on the date the written findings are signed by the Mayor or upon the date minutes from said hearing or meeting are approved by the Board of Aldermen.”