

# City of Monett Missouri

## Building and Zoning and Property Maintenance Information Guide

The following is provided as a simple layman's guide to navigating Building and Zoning and Property Maintenance/Code Enforcement within the City of Monett. For detailed information please refer to the City of Monett Adopted Codes and Ordinances. And as always, feel free to contact either Building and Zoning or Code Enforcement with your questions. We are here to help!

The City of Monett is an inviting place to live and work because the residents take pride in their homes, neighborhoods and community. To keep Monett looking good, the City has adopted ordinances regulating building and zoning and property maintenance in both residential and commercial areas.

## Building and Zoning Department

The Building and Zoning/Code Enforcement office is located north of City Hall, at 508 Bond Street.

The Department Head, Chief Building Inspector and Flood Plain Manager is Wade Ennes.

The Code Enforcement Officer and Assistant Building Inspector is Trent Thompson.

The Department Administrative Assistant is Rayetta Tate.

You can reach us by calling (417)-235-5306

### ***Current Adopted Building Codes (& all applicable Appendix):***

- 2012 International Building Code & Appendix C, H, I and J
- 2012 International Residential Code & all applicable Appendix
- 2012 International Property Maintenance Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fire Code
- 2012 International Fuel Gas Code
- 2011 National Electric Code

### ***Field Duties:***

- Building and electrical code inspection and enforcement for new and existing building projects.
- Business License inspections
- Property maintenance inspections
- Dangerous building inspections
- Enforcement of zoning regulations with the City limits of Monett

### ***Administrative Duties:***

- Review blueprints and permit applications for code compliance
- Issue building permits
- Educate the contracting and general public on building code issues
- Keep inspection logs and records for all ongoing projects
- Issue Certificates of Occupancy
- Update City ordinances as needed and required
- Review all Planning & Zoning issues including new subdivisions, variances, rezoning and conditional use permits
- Floodplain Management

## **Why do I need a building permit?**

There are many reasons for obtaining building permits for construction. Taking out a permit provides you the City services of a code compliant review that will make sure the plans are complete, the plans comply with accepted engineering principles, as well as codes and ordinances adopted by the City. In addition, a building inspector will continuously perform inspections on most phases of construction to assure the construction is consistent with the approved plans and construction techniques. Also, the inspector makes sure all details and standards are being met.

- Before you build, contact the Building and Zoning office to ensure that you have the appropriate permits on file. The permitting process allows city staff to verify that the plans for building conform to safety and property standards before a project begins- such as code requirements and set-back requirements, and provides protections for you- like making sure you are not building over an easement. Including Building and Zoning in the planning or beginning of your project saves headaches for everyone in the long run. If you have questions about a project you are considering, contact Building and Zoning for more information.
- (Please note- Our office does not locate property lines. Property descriptions are the responsibility of the County. Typically- you will need to find your own property pins or have a survey done.)
- Other inspections may be performed by the **Fire Inspector- Jeff Owens- 417-737-0263**

## **Certificate of Occupancy**

Certificates of Occupancy are issued by the Department after the inspection process has been completed and all necessary work has been done. It is typically the final step before legal occupancy may begin and is required in order to get utilities and other services by the City. Issuance of a Certificate of Occupancy often denotes the end of permitted work, or for the satisfactory completion of work required due to nuisance violation- and therefore allowing habitation of the property.

It is also unlawful for any person to enter, occupy, use or remain in, or permit or cause any other person to enter, occupy, use, or remain in any building or structure which has been declared a dangerous building or structure, unless such entry and use is for the purpose of repair or demolition, until such building or structure has been inspected by the building inspector and a certificate of occupancy has been issued. Such certificate shall be issued only when it has been determined that the building is no longer a dangerous building and is safe and fit for human occupancy.

## **Code Enforcement**

Code Enforcement is responsible for responding to complaints and regularly patrols the City to identify violations. To report a possible violation, you can call (417)-235-5306 or email the Code Enforcement Officer, Trent Thompson at [tthompson@cityofmonett.com](mailto:tthompson@cityofmonett.com).

Property maintenance requirements are designed to protect the public health, safety and welfare in all existing residential and non-residential structures, and on all existing premises. Property maintenance requirements apply to all premises, structures, buildings, equipment, and facilities- for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance.

Fixing property maintenance violations is the responsibility of owners, operators and occupants. The standards also regulate the occupancy and use of existing structures and provide for administration, enforcement and penalties.

## **Code Compliance**

Our goal is not to be the gotcha police- but to help you protect your neighborhood, your investment and for everyone to be safe. We want to work with you towards compliance, not against you.

With the adoption of the Property Maintenance codes by the City, the council directs the department to work towards eliminating blights, to help improve the appearance of business and residential areas, and create a community where all those who live, work, or visit can experience a sense of pride and well-being in our town. While our goals may sound simple, your partnership and participation is vital in making our town a great place to live, work and raise a family in.

Enforcement in Monett is proactive and occurs in response to requests by citizens as well as

active patrol to identify possible violations. These services provided by Code Enforcement help to improve and stabilize neighborhoods, protect property values, and promote a healthier and safer place for our citizens and an attractive place for business.

It is to our community's benefit to keep all properties properly maintained and to encourage and assist our neighbors who may be struggling to do the same. A property that is not well-maintained impacts property values and has a negative effect on quality of life for surrounding neighbors.

We work with residents, neighborhood associations, public service agencies and other City of Monett Departments to:

- Empower community self-help programs
- Develop public outreach programs
- Establish community priorities for the enforcement program

## **The Code Enforcement Process**

In the City Limits of Monett, duly appointed Code Enforcement Officers/Building Inspectors have right of entry to make inspection to enforce the provisions of this code, or whenever the Code Enforcement Officer/Building Inspector has reasonable cause to believe that there exists in a structure or upon a premise a condition in violation of the Property Maintenance Code. The Code Enforcement Officer/Building Inspector is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied, the Code Enforcement Officer shall first identify themselves to the occupant and request entry. Search warrants may also be obtained and used if necessary. Permission is not required for inspections that can be performed from the public right of way.

Whenever a violation is identified, the owner/resident/tenant will be notified of the violation and given an opportunity to correct it. This is typically done by mailing a copy of the notice, explaining the violation, and the code section violated, to the owner. The owner/resident may also be presented with a notice in person.

The allowable amount of time to make corrections varies. High grass, weeds, brush, or trash and rubbish piled on the right-of-way or at the curb are typically given between 3 to 10 days to correct the problem(s). Other violations can be given 10 to 30 days or more to make the necessary corrections. Property maintenance violations that create immediate health, safety or danger to the general welfare of the residents/tenants or public will result in the property being declared uninhabitable and occupancy of the structure will not be allowed until the required corrections have been made. Utilities may be shut off, if they are not already, and a building permit can be required. Once the Code and Building Inspectors have inspected and find the violations have been corrected bringing them back into compliance; a Certificate of Occupancy may be given and occupancy may resume.

If the violations are not corrected within the timeframe given, the City may abate the violation and place a tax lien on the property. In other instances, violators may be summoned to an administrative hearing, overseen by the City Administrator, and/or a summons to appear in Municipal Court will be issued, where a Judge will order compliance. Additionally, violators may be subjected to a fine, or by imprisonment; or both such fine and imprisonment. These offenses are a Misdemeanor, *and each day* that a violation continues after time due notice has been served- shall be deemed a separate fineable offense.

## Enforcement Steps

Whenever violations are found, pictures are taken and a 'Notice of Violation' is issued in an attempt to obtain voluntary compliance. If you are a recipient of an 'infraction notice', communications with the Code Enforcement Officer is highly recommended. In some cases, time extensions can be obtained if necessary and requested. Building Code and Nuisance Violations are considered Misdemeanors and may be prosecuted as such in either Municipal Court or Circuit Court. Some violations are safety concerns and are ordered abated (fixed or corrected) within 48 hours. Failure to abate a violation can result in the City abating the violation and charging you for it, or requiring the vacation of the premises until the violations are corrected. Violators may be Summoned to an Administrative Hearing conducted by the City Administrator who will hear grievances and give violators an opportunity to correct violations without going to court for certain violations. A summons to appear in Court may also be issued. Violators may be subjected to a fine, or by imprisonment; or both such fine and imprisonment, as sentenced by the Judge. Offenses are **per day** that a violation continues after time due notice has been served, and each day after shall be deemed a separate fineable offense.

When the work has been completed an inspection is conducted to determine that the violations have been abated. If required by this office, a certificate of occupancy will be issued prior to the dwelling being reoccupied or before allowing utilities to be restored.

If there is no communication with the City and the violation continues past the notified re-inspection date, violations can result in Code Enforcement issuing an Administrative Summons, or a Court Summons and a Court date. Once a case has been filed with the court- it is out of Code Enforcements hands- and in the hands of the Prosecuting Attorney and the Judge. You will then go to court as a defendant. All further actions, such as follow up inspections to verify compliance, are directed by the Courts.

It should be noted that many of the most common residential code violations in the City are easily fixable with a little effort- common abatements are cutting and trimming of grass and weeds, removing trash and rubbish or making arrangements to have large items like old mattresses or appliances picked up- the goal of code enforcement is not to harass people and take them to court, but to obtain compliance and improve the quality of our neighborhoods. If you see any of these problems around your house or properties you own, do yourself a favor and take care of them. Like in many cities, property maintenance codes were enacted to preserve the quality and value of public and private property by adopting standards that maintain an agreeable standard of living by eliminating conditions that threaten the life, health, safety, and general welfare of the public. The department recognizes that this goal is most effectively achieved

through the education of and cooperation with the citizens of Monett- and thus the reasoning for the Administrative Hearings. If residents keep their properties maintained, the whole neighborhood remains clean and attractive. If one resident has dilapidated vehicles, mattresses, couches, old tires, buckets, barrels, and trash lying around their property, the quality of the neighborhood suffers, and home values for everyone in that neighborhood suffer along with it. In short, places that are constantly 'junky' tend to upset the neighborhood. Most residents who live next door to a property with a nuisance, just want you to clean up your property and keep it clean and presentable.

Property maintenance exists to protect everyone. This applies to landlords and renters as well- landlords constantly worry if their investment is being 'trashed', costing them money and possibly lowering their future income potential, while renters might feel 'stuck' in a place that is not being maintained correctly by a landlord.

The following are lists that can be used as guidelines to assess current or potential problems in your area, and depending upon zoning and permits, may or may not constitute a violation. As this is only a *simple guideline* and not comprehensive, please contact Code Enforcement for details if you suspect a violation.

### **Exterior Property Area**

- The presence or accumulation of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, rubbish, garbage and trash, manure, rocks or bricks, tin, steel and other like materials, parts of derelict cars, trucks or other vehicles, broken furniture, fixtures or equipment of any kind.
- Any storage or accumulation on any premises or any open lot of any lumber, bricks, stones, gravel, concrete, building supplies or construction materials, dirt, sand or similar materials.
- Any accumulation, deposit or outside storage of any vehicular or equipment parts, inoperable appliances and other equipment, junk or material of any nature where it may constitute an attractive nuisance, or danger to children, provide a breeding or nesting area for pests, vermin, rodents and/or other animals, collect stagnant water, or decay due to its type of construction.
- Dead or dying trees. Any vegetation that is not maintained for aesthetic purposes, and is in contact with any structure where natural growth or wind movement may damage the structure, must be removed.
- The storage or use of any *interior* rated furniture or appliance outside a fully enclosed structure. Appliances, including abandoned appliances, are not allowed to be placed outdoors or in yards of residences. Indoor rated furniture, like couches or mattresses, and broken furniture pieces are not allowed to become an attractive nuisance by being placed on porches, patios, or outdoors where they can be exposed to the weather and elements.
  - a. Simply put- do not put anything too big to fit in your garbage can out by the curb and expect it to be picked up. Typically- you have to call ahead of time and make arraignments, usually at an additional cost, to have stuff like this picked up.
- Storage of firewood in the front yard of any lot, other than in a commercially manufactured decorative firewood rack on the front porch, or in the rear yard of any lot

unless evenly piled or stacked either on open racks elevated not less than six (6) inches above the ground or on a durably paved surface.

- Garbage and recycle cans which are not securely covered, and garbage and recycle cans which have been left or stored along public roads, sidewalks and rights-of-way
- All fences and accessory buildings should be maintained in good repair. Holes in siding, brick or rock, missing slats, rusted and deteriorated metal, deteriorated shingles or decaying wood components, deformities in the roof or moderate listing in the structure is not permitted.

## **Exterior Structure**

- All exterior painted surfaces such as fascia, siding, and trim must be maintained, no chipped or peeling paint.
- Exterior siding, metal wrap, and similar materials must be maintained without holes, damaged, or missing components.
- Address numbers must be installed on the home, be 4 inch in height and be a contrasting color from the background.
- Roofs must be maintained weather tight, no missing or fatigued shingles or deformities in the roof structure. Roof, soffit, and fascia should not contain openings that allow the entry of animals, humans, or weather. All flashing, roofing material, and roof penetrations should be weather-tight and free of defects. Gutter systems should be in good condition allowing for the removal of water from the structure so it does not become a public nuisance.
- All windows and screens must be without breaks, cracks, or holes. All windows and doors shall be weather-tight, and in good condition. All windows and doors shall be supplied with glass without cracks or holes and shall be repaired using a means specifically for glass repair. No openings shall be boarded or covered without the approval of the Building Inspector due to means of egress requirements.
- The presence of any graffiti displayed on exterior surfaces.
- Decks, porches, railings, stairs and similar structures must be maintained structurally sound.

## **Public Nuisances**

- Conditions that allow the collection of stagnant water or ponds or pools of unclean water on a property, or swimming pools, spas or hot tubs that are not maintained.
- Any infestation, or any other significant population, of insects, rodents, or other non-domesticated animals on the premises. All infestations should be exterminated by approved processes. The owner of any premises shall be responsible for the elimination prior to leasing or renting.
- The shining of artificial light onto public or private property as to be an annoyance, hurt, injury or inconvenience to other persons.
- Any collected or directed run off or other liquid diverted from guttering or a sump pump that discharges onto neighboring property.
- Any land disturbance activity or area where vegetation has been cleared or has not been maintained or other condition which results in the runoff of mud, dirt, rocks or any other

material onto sidewalks, streets or other rights-of-way or into creeks, streams, drainage ditch or any storm water system or facility.

### **Tall Grass and Weeds**

- Grass, brush, vegetation and weeds more than eight (8) inches in height. Properties designated as Agriculture must maintain this height for 20 feet back from the edge of the street or alley and adjacent non-agriculture zoned property lines for sight lines. These rules shall not apply to land designated as being within a floodplain.
- Vegetation, trees or shrubs, shall not interfere with the passage of motor vehicles, bicycles and/or pedestrians upon any public right-of-way by blocking, screening or obscuring the sight distance of the drivers of such vehicles, the driver's ability to observe vehicular traffic at or near any side street, intersection, driveway entrance or other point from which vehicular or pedestrian traffic may enter upon or cross any street or other public right-of-way or the sight distance and/or ability of any pedestrian to observe vehicular traffic before entering or crossing any street or other public right-of-way.
- **Notification of a Grass Violation is done via a courtesy mailing for a first offense in a season, and violators are given 10 days to comply before the City will have the property mowed at the owner's expense. Subsequent notifications in a season are done by door hanger and will typically give the property owner 3 days to comply before the City has the property mowed, again, at the owner's expense. Multiple grass violations in a season can result in an increased mowing fee.**

### **Vehicles Declared a Nuisance**

- The parking or storage of any derelict, expired or unlicensed, abandoned, or non-functional vehicle, trailer, boat, camper or other recreational vehicle unless such storage is within an enclosed garage, or behind a privacy fence that blocks view of such vehicles from the street, alley and neighboring residences.
- Any vehicle, trailer, boat, camper or other recreational vehicle shall be parked on a durably-paved surface; "durably-paved surface" shall mean asphalt, concrete or gravel where permitted. **Parking in the Yard:** Parking a vehicle in the yard on the grass, between the street and the house is not allowed. Parking is allowed only on approved driveways or parking lots. \*
- Trailers, boats, campers or other recreational vehicles are not allowed for storage in the front of the house and must be kept or stored along the side or back of the house.
- R.V.'s and campers may not be set up in the driveway of properties or parkway of streets or alleys and may not be used as residences inside the City of Monett. +

\*Any derelict vehicle violation addressed by Code Enforcement must be on private property; all vehicle violations located on the parkway, street, or parking in the front yard is handled by the Police Department.

### **Miscellaneous**

- Non-permitted signs
- Any addition or structure built without a permit
- Tents or other temporary structure occupied as habitable space. +



## Property Maintenance Code Violations

- Failure to maintain a vacant property or building
- Building not secured against unauthorized entry, such as broken or missing windows or doors (*must be secured immediately*)
- Broken, cracked, or missing glass panes on any window or door
- Gutters, eaves, soffits, fascia boards or any other external feature in disrepair
- Decaying or deteriorating wood members or structures
- Brick, stone or concrete that is damaged
- Roofing or roofing components that have defects, deformities, fatigue or have reached their limit state
- Any decaying or deteriorating condition that constitute an unsafe condition
- Fences or retaining walls in disrepair
- Accessory buildings in disrepair
- **Graffiti**- The Police Department investigates occurrences of graffiti as a crime. Once the investigation is completed, the homeowner or occupant is required to clean up the graffiti if the perpetrator is not caught.
- Habitation of un-sanitary premises or of structures considered Not Fit for Human Occupation.

## Vacant & Abandoned Properties

A residential or commercial property where an entire building on a parcel has been vacant and abandoned for more than 90 days along with additional conditions may require the building to be closed.

Additional conditions of the building include but are not limited to:

1. Is not secured
2. Is fire damaged to an extent which prohibits safe human occupancy
3. Is the site of loitering, vagrancy, squatting, drug use or the site for other illegal activities.
4. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the City Code
5. Has been boarded up for at least ninety (90) days
6. Has liens or taxes in arrears to the City or County for a period of time exceeding 365 days
7. Has disconnected water and/or electricity
8. Is structurally unsound and is a potential hazard or danger to person or other structures.
9. The condition of the structure interferes with public areas or easements, such as sidewalks, utility lines or city streets.

Abandoned and vacant properties can become blights and nuisances to the neighborhood if properties are not maintained. Property owners are required to secure a vacant house or structure to prevent unlawful entry. It may be necessary to board up glass windows and doors to prevent damage or vandalism, or provide ongoing maintenance or the removal of graffiti. Sometimes these properties are abandoned, under foreclosure, or in probate court for years and may become unsightly, yet may not be considered dangerous. The nuisance ordinance does have minimum requirements for exterior property maintenance, and it is the property owner, or the one in control of the property and its use, that is responsible for its upkeep and maintenance.

A vacant property can be inspected if reported as a concern for a neighborhood.

- Structures must be safe, sanitary and maintained in a clean condition- not being allowed to become unsightly, a blight or nuisance to the neighborhood- at all times.
- Burned structures must be secured immediately to prevent trespass and any debris in or around the yard removed to prevent any safety hazards.
- The roof and exterior must be in good shape and watertight.
- All loose and hanging exterior parts shall be removed.
- All debris shall be removed from the interior and exterior of the premises.
- The property shall be maintained and not allowed to fall into disrepair. Any and all graffiti must be abated.
- The structure shall be closed and kept closed until inspected by the building inspector and a new Certificate of Occupancy is given. All buildings which are closed shall be secured in accordance with the following requirements (per 2012 IPMC Appendix A):
  - a. A permit shall be obtained from the building department before commencement of work.
  - b. All exterior openings are to be closed. Materials missing or broken shall be replaced by similar construction or may be replaced by solid wood construction of weather resistant exterior grade plywood (such as Zip System) at least one-half inch thick, and framed with treated 2"x4" solid sawn lumber as required and adequately fastened, or by equivalent materials approved by the building board.
  - c. Particle board, wafer board, masonite or other similar materials shall not be used for the purpose of securing a structure.
  - d. Any material used to close openings in exterior walls of open buildings shall be installed in a workmanlike manner in accordance with recognized standards of the construction industry.

Should the condition of any secured vacant building change for any reason- (including but not limited to: improperly securing the structure, use of unapproved materials, decay or damage to the closure materials, building deterioration, becoming an attractive nuisance, collapse, or weather or fire event)- such that, in the opinion of the building inspector, the building jeopardizes public health, safety, and welfare, the inspector shall declare the building a dangerous building and either order the building demolished or abated.

**Code Enforcement does not:**

Respond to complaints about abandoned roadside vehicles, mold, lead paint, animals, noisy neighbors, noisy animals, snow covered sidewalks, failure of Waste Collection to pick up your garbage or yard waste, parking situations or potholes. Nor can we tell you with certainty where your property lines are for building purposes. That is a *County* function as it relates to your deed- and often requires a survey. We can however give you a pretty good guess with the tools we have in order to help you start looking in the right spot for any survey monuments that may be on your property.

### **Code Enforcement also cannot help you with:**

**Landlord-tenant disputes.** If your rent is not paid and you are being evicted, the code enforcement officer may not be your advocate! And if the property is condemned you will be required to vacate immediately. The Courts adjudicates landlord-tenant disputes not the Code Enforcement Officer.

or

**Referee neighbor disputes.** This office and its officers are neutral in any such disputes and will not be used as a method of 'Getting back' at your neighbor. However, valid property maintenance violations are always inspected.

## **Landlords and Tenants**

Landlord-tenant disputes are a common occurrence in the renting process. Some of these disputes may be avoided if landlords and tenants were aware of their rights and responsibilities.

The following is *included for informational purposes* and is not intended to replace consultation with an attorney. The Building Department and Code Enforcement **do not have** authority in Landlord/Tenant disputes as these are Civil Disputes and must be decided by a Judge.

### **Tenant & Landlord Responsibilities**

The responsibilities that go along with being a landlord and a tenant are governed not only by the State, but also by local ordinances. The Missouri Attorney General's Office publishes a handbook titled "Missouri's Landlord-Tenant Law".

### **Tenants should:**

1. Pay rent on time. Jumping to conclusions about the law and deciding to withhold rent due to a grievance or because the landlord refuses to fix something usually ends badly- for all parties. It's best to know what you can and can not do and to make an effort to work things out. Otherwise you could be evicted. Besides- it is always your right to move if conditions do not improve.
2. Use reasonable care and not damage property.
3. Properly dispose of garbage, and maintain the grounds.

- Refrain from taking on additional occupants or subleasing without the
4. landlord's written permission. You may not have the legal right to grant resident status.

Pay for all utilities and services that are in your name. Failure to pay your utilities can result in unsanitary and unsafe conditions and lead to having the residence declared Unfit for Human Occupancy. You can be vacated from the premises, and not allowed to return, for this reason.

### **Landlords should:**

1. Make property habitable before tenants move in. There are standards that must be met before a place can be considered safe and habitable. Failure to make or keep a residence habitable can be grounds for declaring a place Unfit for Human Occupancy- so get a Certificate of Occupancy.
2. Make and pay for repairs due to ordinary wear and tear.  
Refrain from turning off a tenant's water, electricity or gas. Failure to follow the law can get you into trouble. But you can, as part of your written lease, require tenants to maintain
3. utilities (as part of the tenant's responsibilities to maintain and keep the property clean and sanitary). Failure to do so on their part can be grounds for eviction.
4. Provide written notice to tenants when ownership of the property is transferred to a new landlord.
5. Not unlawfully discriminate.

It is wise to have all lease agreements in writing, detailing the rights and responsibilities of both parties, as well as what can change the agreement and when. A short list of 'examples', with possible consequences for both parties, is often helpful to clarify duties and responsibilities as well.

Without a written agreement- it falls to the courts to decide. Not only does this take time, but can be expensive for both landlords and tenants. Judges tend to look unfavorably at **both** parties for not having the forethought to have a written agreement.

End.

**Again, if you need specifics, please refer to the City of Monett Adopted Codes and Ordinances, or reference the appropriate Code. Or you can always call us and we will do what we can to help you find your answer!**

**Building and Zoning/Code Enforcement Team**