CITY OF SEDALIA
SPECIAL COUNCIL MEETING

Monday, October 28, 2013
Mayor's Conference Room
Municipal Building
200 S. Osage Avenue

Special Council Meeting – 6:00 p.m.

ROLL CALL

NEW BUSINESS

A. ORDINANCES AND RESOLUTIONS

- **O** Adding Sections 10-100 to 10-106 to the Code of Ordinances relating to Certificates of Inspection relating to the City's Downtown Commercial District

ADJOURN

Posted October 24, 2013

IF YOU HAVE SPECIAL NEEDS, WHICH REQUIRE ACCOMMODATION, PLEASE NOTIFY THE CITY CLERK'S OFFICE. ACCOMMODATIONS WILL BE MADE FOR YOUR NEEDS.

OFFICE OF THE CITY ADMINISTRATOR

To: Honorable Mayor Elaine Horn & City Council Members
From: Gary Edwards, City Administrator
Re: Agenda items for City Council Work Session on Monday, October 28, 2013

During a September City Council meeting three issues became major topics of discussion. It was decided that all three issues would be decided at subsequent council meetings. Those three issues were: (1) Smoking in bars; (2) 10th and Winchester stop signs; and (3) Inspections of downtown Sedalia buildings. Two of the issues have been addressed by the City Council. The third topic will be discussed and possibly acted on during the October 28th work session meeting.

This ordinance is being brought to you because of some dangerous buildings in the downtown area. There is the potential for them to be a health and safety hazard to the public. You'll recall that during the September council meeting discussion of the downtown building inspection ordinance, John Simmons gave an overview presentation. At that meeting it was pointed out two downtown groups, SDDI and CBCD, and the Citizens for a Clean Sedalia endorsed the ordinance. On the other hand, the ordinance also had opposition within the downtown area. There was a spirited discussion during that council meeting on both sides. One said that the inspections were an invasion of privacy. A different point was that something must be done to keep the downtown buildings from collapsing and creating health and safety and even life and death problems. Strong and sometimes passionate arguments were provided by both sides.

A copy of the ordinance is included with your packet. Major highlights include an initial comprehensive inspection to be conducted by an independent historic structural engineer. This will be performed at no cost to the property owner. This inspection will be required every 10 years. The inspection will let the City know which buildings, if any, are in danger of collapse. These also will be conducted at no cost to the property owner. The ordinance also requires a much less comprehensive annual inspection by city staff. This is performed between the years of the decennary (every 10 years) comprehensive inspection.

It will be unlawful for a downtown commercial, industrial or mixed use building to be occupied without a certificate of inspection.

As of this writing, this is the only topic on the October 28th agenda.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADDING SECTIONS 10-100 TO 10-106 TO THE CODE OF ORDINANCES RELATING TO CERTIFICATES OF INSPECTION RELATING TO THE CITY'S DOWNTOWN COMMERCIAL DISTRICT.

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

Section 1. Sections 10-100 to 10-106 are added to read as follows:

"SECTION 10-100: CERTIFICATES OF INSPECTION

It shall be unlawful for any person, owner, corporation or agent to occupy or permit the occupancy of any commercial, industrial or mixed-use (combination of commercial, industrial, and/or residential) premise or structure in the City of Sedalia's Downtown Commercial District without first obtaining a certificate of inspection for the structure. The terms *"occupy"* or *"occupancy"* shall include the movement of furniture, equipment or other property into said premise or structure. Those commercial buildings in the designated area which also serve as residences will be subject to the same overall inspections standards except intrusion into the living area will only be in the amount necessary for the inspector to complete the structural inspection.

The District is defined as the Midtown TIF and CBCD Districts and including a section starting at Missouri Avenue and West Benton going west on Benton to North Grand Avenue, south on Grand to the alley south of West Main Street, east along alleyway to Missouri Avenue, then South on Missouri Avenue to West Second Street and east on West Second Street to Moniteau.

1. For commercial, industrial or mixed-use structures a comprehensive inspection and certificate of comprehensive inspection to determine the structural integrity of these structures shall be required prior to December 31, 2014. This initial inspection will be conducted by an independent historic structure engineer and will be at the city's expense. This comprehensive inspection by an independent contractor shall be required every ten years according to the current International Building Code that is adopted by City Council (currently IBC 2006).

2. For a commercial, industrial or mixed-use structure, a certificate of inspection will be issued annually. This inspection will be conducted by the City of Sedalia's Community Development Department at no expense to the owner. The annual inspection will review the following building elements related to structural maintenance conditions:

a. Roof;
b. Masonry;
c. Foundation;
d. building openings (windows, doors, skylights);
e. Guttering; and
f. general exterior weatherproofing features of the building.

SECTION 10-101: MAKING FALSE STATEMENTS PROHIBITED

It shall be unlawful for any person to knowingly make any false statement on an application for a certificate of occupancy.

SECTION 10-102: NOTICES -- ISSUANCE OF CERTIFICATE

A. The Chief Building Official of the City of Sedalia, Missouri, shall issue all certificates of inspection.

B. If the Chief Building Official of the City of Sedalia, Missouri, finds that the commercial or industrial structure does not meet the requirements of the code, he shall notify the applicant for the certificate of inspection of such deficiencies in writing, informing them that the structure may not be occupied until the deficiencies are corrected.

C. When the Chief Building Official of the City of Sedalia, Missouri, finds that the commercial or industrial structure does comply with the code, he shall issue a certificate of inspection.

SECTION 10-103: OCCUPANCY

The Chief Building Official of the City of Sedalia, Missouri, is authorized to permit continued occupancy on a conditional basis, for a term not to exceed ninety (90) days, when serious hardships interfere with completing all repairs required to bring the commercial or industrial structure into full compliance with the code. The Chief Building Official of the City of Sedalia, Missouri, may extend the expiration date of a conditional certificate of occupancy if, in his opinion, the progress of repairs to date so warrant. However, no conditional certificate of occupancy may be extended for more than ninety (90) days, for a maximum of one-hundred eighty (180) days from date of notification of failure. No conditional permit shall be issued for a structure where a condition exists which could threaten the health or safety of the occupant(s) or the general public.

SECTION 10-104: FEES

There shall be no fees for occupancy inspections.

SECTION 10-105: APPEALS

Any person who feels that an error has been made in an inspection performed by the City may request an appeal before the Board of Appeals of the City of Sedalia, Missouri as outlined in Chapter 10, Article 13, Sections 516 through 522.

SECTION 10-106: CERTIFICATES NOT A WARRANTY

In issuing a certificate of inspection, the City does not intend to, nor does it warrant, insure or guarantee to the holder thereof, to his or her assignee or to any other interested person, that there

are no violations of any provision of this Section or any other ordinance. The City makes no warranty or representation, whatsoever, as to the condition of any building."

Section 2. This ordinance shall be in full force and effect from and after its passage and approval as of January 1, 2014

Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 28th day of October, 2013.

_____
Presiding Officer of the Council

Approved by the Mayor of said City this 28th day of October, 2013.

_____
Mary Elaine Horn, Mayor

ATTEST:

_____
Arlene Silvey, MRCC
City Clerk