



**AGENDA
CITY OF HARRISONVILLE
BOARD OF BUILDING AND ENGINEERING APPEALS
REGULAR MEETING
CITY HALL
AUGUST 26, 2020
5:30 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Board of Building and Engineering Appeals - Regular Meeting - Jun 17, 2013
12:00 AM**
- 3. Agenda Items**
 - A. 301 E Washington STAFF REPORT**
 - B. PUBLIC HEARING FOR 301 E Washington**
 - C. 104 W Pearl Street STAFF REPORT**
 - D. PUBLIC HEARING FOR 104 W Pearl St.**
 - E. 1601 Newcastle STAFF REPORT**
 - F. PUBLIC HEARING FOR 1601 Newcastle Circle**
 - G. 5 Newcastle STAFF REPORT**
 - H. PUBLIC HEARING FOR 5 Newcastle Circle**
- 4. Discussion Items**
- 5. Adjourn**

Posted this 12th day of August, 2020

Daniel Barnett, Deputy City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF BUILDING AND ENGINEERING APPEALS
REGULAR MEETING
CITY HALL
JUNE 17, 2013
12:00 AM

1. Call to Order

The meeting was called to order at 3:05 PM by Chair Mike Cox

Attendee Name	Title	Status	Arrived
Dan Endicott		Present	
Theron Deshazer		Absent	
Mike Cox	Chair	Present	
Tony Meister		Absent	
Jeff Cryderman		Present	
Vince Farr		Absent	
Kevin Stucker		Present	

2. Approval of Minutes

1. Minutes of April 29, 2013 Adopted

Staff members present were Rick DeLuca, Randy Finkle, Eric Patterson, Kip Thomas, & April Clark.

3. Agenda Items

1. Adoption of the 2012 Edition of the ICC Codes Recommended

Rick DeLuca informed the Board that 145 letters were sent out to licensed contractors and no written comments were received. He stated that Tornado Shelters or "Safe Rooms" and Residential Fire Sprinkler Systems are the two items left for discussion. If those are agreed on, then the Board could recommend adoption of the 2012 ICC Codes.

Randy Finkle said he had received a few verbal comments regarding swimming pools, which were favorable, and regarding the copper for water lines, which were also favorable.

Minutes Acceptance: Minutes of Jun 17, 2013 12:00 AM (Approval of Minutes)

Mr. Finkle said he had talked to several jurisdictions and non have adopted the sprinkler part of the 2012 Code. They have gone back to the 2006 Code requirements. SB108 says that the City can't force anyone to sprinkle a house or deny them having one. We currently have a form that the builder, and/or buyer, can sign saying they want to accept or decline the sprinkler system.

Mr. Finkle said that in regards to the Tornado Shelters or "Safe Rooms", other jurisdictions have not required them, but may strongly suggest that people put them in their homes.

Dan Endicott clarified that if a house had a basement, then a tornado shelter or safe room would not be required. He said that most people know they live in tornado alley and would want something, but it should be a personal decision as to whether they have one or not.

Mr. Finkle said maybe the best thing to do is to provide educational material regarding basements and tornado shelters or safe rooms.

Jeff Cryderman said he feels the same way about the sprinkler systems, that it should be a personal choice.

The consensus of the Board regarding Tornado Shelters or "Safe Rooms" and Residential Sprinkler Systems was to allow those to be personal decisions for the residents, not a requirement.

Kip Thomas explained that there are other restrictions that do tie into sprinklered buildings. As long as we're aware that there are other requirements that go along with that, it's good. We can either amend those out too, or just deal with them. There was discussion about the other restrictions and it was determined that most of those would not affect residential houses anyway.

Kevin Stucker made a motion to not require residential fire sprinklers, but to have a form for option to install, and to not require tornado shelters or "safe rooms", but to provide pertinent information for the public, and also to recommend the adoption of the 2012 Edition of the ICC Codes as amended. Jeff Cryderman seconded the motion. The motion passed unanimously.

4. Discussion Items

There were no items.

5. Adjourn

With no further business to come before the Board, Kevin Stucker made a motion to adjourn and Dan Endicott seconded. The motion passed unanimously, and the meeting was adjourned at 3:30PM.

Respectfully submitted,

April L. Clark, Recording Secretary

Minutes Acceptance: Minutes of Jun 17, 2013 12:00 AM (Approval of Minutes)



TO: Board of Building and Engineering Appeals
FROM: Chris Arthur,
DATE: August 12, 2020
SUBJECT: 301 E Washington

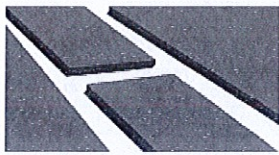
Type of Item: *Approval*

A. Action Item (ID # 3578)

301 E Washington

Attachments:

301 E Washington (PDF)



City of

Harrisonville ^{est. 1836}

3.A.1

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

To: Board of Building and Engineering Appeals (BBEA)
From: Chris Arthur, Building Official
Date: August 17, 2020
Re: 301 East Washington St., Dangerous Building Hearing

GENERAL INFORMATION

Applicant: N/A
Requested Actions: Determination of Finding and Order.
Date of Application: N/A

PROPOSAL

Request for Determination of Finding of Dangerous building at 301 East Washington St.

PREVIOUS ACTIONS

January 15, 2020 - Notice to Abate Nuisance of Dangerous building. Certified Mail and posted. Certified Mail returned as Not deliverable and unable to forward, by USPS. No response.
February 15, 2020 – Legal notice to Abate published and posted. No response.
March 3, 2020 – Notice of BBEA hearing. Certified Mail and posted. No response.
March 6, 2020 – Legal notice of BBEA hearing published. Hearing cancelled – Covid19 restrictions.
August 7, 2020 – Legal notice of hearing Certified Mail, Posted
August 14, 2020 – Legal notice to abate and of hearing published.

KEY ISSUES

BACKGROUND: The structure at 301 East Washington is, in the Codes Department's opinion, in serious disrepair and constitutes a public nuisance and a dangerous building. The structure has previously been issued a board up order and has been boarded up under abatement by the City. Specific violations are: Dangerous Building, Nuisance, including Attractive Nuisance, Property Maintenance, and Fire Code. The structure is uninhabitable and all correspondence with the listed deed holders comes back undeliverable. The structure has been posted and legal notices have been published as required. Please see the attached.

STAFF COMMENTS AND SUGGESTIONS

SUBJECT: Hearing provided for by Article Section 510.080 of the City of Harrisonville Municipal Code., if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, the Board of Building and Engineering shall issue an order making specific findings of fact based upon competent and

Attachment: 301 E Washington (301 E Washington)

substantial evidence which shows the building or structure to be a nuisance and detrimental to the health, safety and welfare of the residents of the City and ordering the building or structure to be demolished and removed or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety and welfare of the residents of the City, no order shall be issued.

Staff has done everything possible to try to work with deed holders to abate the structure and has previously had to abate the grounds and board the structure under attractive nuisance abatement. Staff views the property as abandoned and needing demolition. The structure is still an attractive nuisance; a dangerous building due to structural components center of gravity falling outside the middle third of its base, water damage and weakening to structural elements of the roof and floors, improperly distributed loads, elements damaged and decayed to the point of possible collapse, unfit for human habitation, no sanitation facilities; a fire code issue due to combustible interior loading, Municipal code 510.010 #1 through #10. Municipal code 220.020, 500.320, 500.330 and adopted IFC 311.1.1.

STAFF RECOMMENDATION

Staff recommends the Board of Building and Engineering Appeals, if the evidence supports such finding, to issue a finding that the building and structure is a nuisance and detrimental to the health, safety and welfare of the residents of the City of Harrisonville.

ATTACHMENTS

Please see full attached report of all code case documents.

STAFF CONTACT: Chris Arthur, Building Official.



Attachment: 301 E Washington (301 E Washington)

LEGAL NOTICE

AUGUST 7, 2020

CITY OF HARRISONVILLE, MISSOURI

PROPERTY MAINTENANCE CODE CASE NUMBER PM20-0001

THE PROPERTY AT:

301 E WASHINGTON

HARRISONVILLE, MO. 64701

PARCEL # 13-21-41-301-000-091.000

TO:

ALVIN C. & SARAH E HACKER
301 E WASHINGTON
HARRISONVILLE, MO. 64701

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - CHAPTER 510 - DANGEROUS STRUCTURES. Ord. No. 2903 §§1 - 3, 3-7-2005; CC 1977 §8-33; Ord. No. 1005 §110.1, 4-4-1973; CC 1977 §8-34; Ord. No. 1008 §110.2, 4-4-1973; CC 1977 §8-35; Ord. No. 1008 §110.3, 4-4-1973; CC 1977 §8-36; Ord. No. 1008 §110.4, 4-4-1973; CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - ENUMERATION - CHAPTER 220 ARTICLE 1 NUISANCES, SPECIFICALLY SECTION 220.020 [CC 1977 §16-18; Rev. Ords. 1939 Ch. 17 Art. 1 §§21, 45 Art. 3 §§1 - 3; Ord. No. 2284 §1, 8-26-1996; Ord. No. 2512 §1, 6-22-1998; Ord. No. 2907 §§1 - 2, 3-7-2005; Ord. No. 2914 §1, 4-18-2005; Ord. No. 3072 §1, 2-2-2009]

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.320 Ord. No. 3236 §1, 8-5-2013

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.330 Ord. No. 3236 §1, 8-5-2013

06.08.2020 08:17:49

Attachment: 301 E Washington (301 E Washington)

5/6/20 9:22 AM

Order Confirmation

<u>Customer</u> CITY OF HARRISONVILLE - COMMUNITY / ECONOMIC DEVELOPMENT	<u>Payor Customer</u> CITY OF HARRISONVILLE - COMMUNITY / ECONOMIC DEVELOPMENT
<u>Customer Account</u> 620778	<u>Payor Account</u> 620778
<u>Customer Address</u> PO BOX 367 HARRISONVILLE MO 64701 USA	<u>Payor Address</u> PO BOX 367 HARRISONVILLE MO 64701 USA
<u>Customer Phone</u> 816-380-8902	<u>Payor Phone</u> 816-380-8902
<u>Customer Fax</u>	<u>Customer Email</u>
<u>Sales Rep</u> hmartin@mcclatchy.com	<u>Order Taker</u> hmartin@mcclatchy.com

<u>PQ Number</u> 301 E Washington DB	<u>Payment Method</u> Invoice	<u>Blind Box</u>	<u>Tear Sheets</u> 0	<u>Proofs</u> 0	<u>Affidavits</u> 1
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<u>Net Amount</u> \$108.94	<u>Tax Amount</u> \$0.00	<u>Total Amount</u> \$108.94	<u>Payment Amount</u> \$0.00	<u>Amount Due</u> \$108.94
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<u>Ad Order Number</u> 0004721928	<u>Order Source</u>	<u>Ordered By</u> Chris Arthur	<u>Special Pricing</u>
<u>Invoice Text</u> 301 E Washington DB			<u>Promo Type</u>
<u>Package Buy</u>			<u>Materials</u>

Attachment: 301 E Washington (301 E Washington)

<u>Ad Number</u>	<u>Ad Type</u>	<u>Production Method</u>	<u>Production Notes</u>
0004721928-01	KCM-Legal Liner	AdBooker	

<u>External Ad Number</u>	<u>Ad Attributes</u>	<u>Ad Released</u>	<u>Pick Up</u>
		No	

<u>Ad Size</u>	<u>Color</u>
2 X 67 li	

<u>Product</u>	<u>Placement</u>	<u>Times Run</u>	<u>Schedule Cost</u>
KCM-Cass County Democrat	0300 - Legals Classified	1	\$108.94

<u>Run Schedule Invoice Text</u>	<u>Position</u>
LEGAL NOTICE August 14, 2020 CITY OF HAR	0301 - Legals & Public Notices

<u>Run Dates</u>
08/14/2020

Attachment: 301 E Washington (301 E Washington)

LEGAL NOTICE
August 14, 2020
CITY OF HARRISONVILLE, MISSOURI
PROPERTY MAINTENANCE CODE CASE NUMBER PM20-0001
THE PROPERTY AT:
301 E WASHINGTON
HARRISONVILLE, MO. 64701
PARCEL# 13-21-41-301-000-091.000
TO:
ALVIN C & SARAH E HACKER
301 E WASHINGTON
HARRISONVILLE, MO. 64701
A hearing will be held with the Board of Building and Engineering Appeals on August 26 at 5:30pm at 300 East Pearl St., Harrisonville, MO. 64701; to move for finding of dangerous building.
RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - CHAPTER 510 - DANGEROUS STRUCTURES. Ord. No. 2903 §§1 - 3, 3-7-2005 CC 1977 §8-33; Ord. No. 1008 §110.1, 4-4-1973 CC 1977 §8-34; Ord. No. 1008 §110.2, 4-4-1973 CC 1977 §8-35; Ord. No. 1008 §110.3, 4-4-1973 CC 1977 §8-36; Ord. No. 1008 §110.4, 4-4-1973 CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973
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RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.320 Ord. No. 3236 §1, 8-5-2013
RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.330 Ord. No. 3236 §1, 8-5-2013
RE: INTERNATIONAL FIRE CODE - CHAPTER 3 - GENERAL REQUIREMENTS - SECTION 311 - VACANT PREMISES - SECTION 311.1.1 - ABANDONED PREMISES - ADOPTING ORDINANCE NUMBER 3235 §1, 8-5-2013
THE PROPERTY AT:
301 E WASHINGTON
HARRISONVILLE, MO. 64701
PARCEL# 132141301000091000
NOTICE TO ABATE
THIS STRUCTURE IS DECLAIRED A POTENTIAL DANGEROUS BUILDING AND A PUBLIC NUISANCE. AN ORDER IS HEREBY ISSUED TO RECONDITION OR REMOVE THE STRUCTURE. COMMENCEMENT OF SUCH WORK SHALL BEGIN WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE OR THE CITY OF HARRISONVILLE WILL MOVE FORWARD WITH CONDEMNATION AND DEMOLITION. BUILDING PERMITS ARE REQUIRED FOR ALL CONSTRUCTION OR DEMOLITION WORK.
If, in the determination of the City Administrator or his/her designee, it reasonably appears that there is immediate danger to the health, safety or welfare of any person, the City Administrator or his/her designee may take emergency measures to vacate and repair or demolish the dangerous building or structure. CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973.

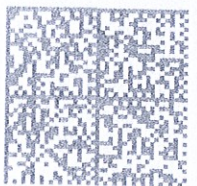


City of
Harrisonville

P.O. Box 367, 300 East Pearl Street - Har



7019 2970 0000 7600 6457



US POSTAGE
\$06.90
First-Class

Mailed From 64701
08/06/2020
032A 0061853940

Alvin C. & Sarah E. Hacker
301 E Washington
Harrisonville, MO 64701

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
\$ 6.90

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$ 6.90

Postmark
Here

7019 2970 0000 7600 6457

Sent To
Alvin C. & Sarah E. Hacker
Street and Apt. No., or PO Box No.
301 E Washington
City, State, ZIP+4®
Harrisonville, MO 64701

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

LEGAL NOTICE**AUGUST 7, 2020****CITY OF HARRISONVILLE, MISSOURI****PROPERTY MAINTENANCE CODE CASE NUMBER PM20-0001****THE PROPERTY AT:****301 E WASHINGTON****HARRISONVILLE, MO. 64701****PARCEL# 13-21-41-301-000-091.000****TO:****ALVIN C & SARAH E HACKER
301 E WASHINGTON
HARRISONVILLE, MO. 64701**

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RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – BUILDING AND PROPERTY MAINTENANCE CODES – CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.330 Ord. No. 3236 §1, 8-5-2013

Attachment: 301 E Washington (301 E Washington)

**RE: INTERNATIONAL FIRE CODE - CHAPTER 3 – GENERAL REQUIREMENTS –
SECTION 311 – VACANT PREMISES - SECTION 311.1.1 – ABANDONED PREMISES -
ADOPTING ORDINANCE NUMBER 3235 §1, 8-5-2013**

**THE PROPERTY AT:
301 E WASHINGTON
HARRISONVILLE, MO. 64701
PARCEL# 132141301000091000**

NOTICE TO ABATE

THIS STRUCTURE IS DECLARED A DANGEROUS BUILDING AND A PUBLIC NUISANCE. AN ORDER IS HEREBY ISSUED TO RECONDITION OR REMOVE THE STRUCTURE. COMMENCEMENT OF SUCH WORK SHALL BEGIN WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE OR THE CITY OF HARRISONVILLE WILL MOVE FORWARD WITH CONDEMNATION AND DEMOLITION.

SPECIFIC CODE VIOLATION:

Dangerous Building- Vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base. Thirty-three percent or more damage or deterioration of the supporting members or fifty percent damage or deterioration of the non-supporting members enclosing or outside walls or covering. Improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended. Dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein. Light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein. Inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation. Parts thereof which are so attached that they may fall and injure members of the public or property. Unsafe, unsanitary, and dangerous to the health, safety or general welfare of the people of this City. Fire code and city ordinance violations do exist.

Nuisance- Condition of structure imposes danger, annoyance of the public health, safety and welfare.

Property Maintenance- Openings in foundation and roof allow water to intrude, ceilings required to be in good condition and good repair, chimneys required to be in a safe and secure manner and maintained in good repair.

Fire Code- Owners whereabouts unknown, Cass County tax records show physical address as the mailing address. Structure presents a danger of structural collapse and fire spread to adjacent properties.

Municipal Code 510.010- *Defined. All buildings or structures, including accessory structures, which are detrimental to the health, safety or welfare of the residents of the City and that, have any or all of the following defects shall be deemed "dangerous buildings".*

1. *Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.*
2. *Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting members or fifty percent (50%) damage or deterioration of the non-supporting members enclosing or outside walls or covering.*
3. *Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended.*
4. *Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or people of the City.*
5. *Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.*
6. *Those having light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.*
7. *Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation.*
8. *Those that have parts thereof which are so attached that they may fall and injure members of the public or property.*
9. *Those that because of their condition is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this City.*
10. *Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the International Fire Code, National Electric Code or any other ordinance of this City.*

Municipal Code 220.020- *All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety or welfare.*

Municipal Code 500.320- *Every foundation, roof, exterior wall, door, sky light and window shall be reasonably weathertight and watertight and shall be kept in sound condition and good repair. Existing screen doors and windows shall be maintained in sound condition and good repair. Floors, interior walls and ceilings shall be in good condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective coverings or treatment. Walls shall be capable of affording privacy for occupants.*

Municipal Code 500.330- *Exterior appurtenances, including but not limited to screens, awnings, trellises, television antennas, chimneys, storm windows, gutters, eaves, storm doors, fences, and retaining walls shall be installed pursuant to the requirements of all other portions of the City's Code in a safe and secure manner and shall be maintained in good repair.*

Fire Code 311.1.1- *Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by*

unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the International Property Maintenance Code and the International Building Code.

If, in the determination of the City Administrator or his/her designee, it reasonably appears that there is immediate danger to the health, safety or welfare of any person, the City Administrator or his/her designee may take emergency measures to vacate and repair or demolish the dangerous building or structure. CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973



TO: Board of Building and Engineering Appeals
FROM: Chris Arthur,
DATE: August 12, 2020
SUBJECT: PUBLIC HEARING

Type of Item: *Public Hearing*

B. Discussion Item (ID # 3582)
PUBLIC HEARING



TO: Board of Building and Engineering Appeals
FROM: Chris Arthur,
DATE: August 12, 2020
SUBJECT: 104 W Pearl Street

Type of Item: *Approval*

C. Action Item (ID # 3580)

104 W Pearl Street

Attachments:

104 W Pearl St (PDF)



City of

Harrisonville^{est. 1836}

3.C.a

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

To: Board of Building and Engineering Appeals (BBEA)
From: Chris Arthur, Building Official
Date: August 17th, 2020
Re: 104 West Pearl St., Dangerous Building Hearing

GENERAL INFORMATION

Applicant: N/A

Requested Actions: Determination of Finding and Order.

Date of Application: N/A

PROPOSAL

Request for Determination of Finding and Order for Nuisance and Dangerous building.

PREVIOUS ACTIONS

June 22, 2020 - Notice to Abate Nuisance of Dangerous building. Certified Mail and posted.

August 7, 2020 – Legal notice to abate and notice of BBEA hearing. Certified Mail and posted.

August 14, 2020 – Legal notice of hearing published.

KEY ISSUES

BACKGROUND: The structure at 104 West Pearl St. is, in the Codes Department's opinion, in serious disrepair and constitutes a public nuisance and a dangerous building. The structure has been vacant and deteriorating for at least 3 years now. The structure has previously been issued a board up order and has been boarded up under abatement by the City. Specific violations are: Dangerous Building, Nuisance, including Attractive Nuisance, Property Maintenance, and Fire Code. The structure is uninhabitable. The structure has been posted and legal notices have been published as required.

STAFF COMMENTS AND SUGGESTIONS

SUBJECT: Hearing provided for by Article Section 510.080 of the City of Harrisonville Municipal Code., if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, the Board of Building and Engineering shall issue an order making specific findings of fact based upon competent and substantial evidence which shows the building or structure to be a nuisance and detrimental to the health, safety and welfare of the residents of the City and ordering the building or structure to be demolished and removed or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety and welfare of the residents of the City, no order shall be issued.

Attachment: 104 W Pearl St (104 W Pearl Street)

Staff has done everything possible to try to work with deed holders to abate the structure and has previously had to abate the grounds and board the structure under attractive nuisance abatement. Staff views the property as abandoned and needing demolition. The structure is still an attractive nuisance; a dangerous building due to structural components center of gravity falling outside the middle third of its base, water damage and weakening to structural elements of the roof and floors, improperly distributed loads, elements damaged and decayed to the point of possible collapse, unfit for human habitation, no sanitation facilities; a fire code issue due to combustible interior loading. Municipal code 510.010 #1 through #10. Municipal code 220.020, 500.320, 500.330 and adopted IFC 311.1.1.

STAFF RECOMMENDATION

Staff recommends the Board of Building and Engineering Appeals, if the evidence supports such finding, to issue a finding that the building and structure is a nuisance and detrimental to the health, safety and welfare of the residents of the City of Harrisonville.

ATTACHMENTS

Please see full attached report of all code case documents.

STAFF CONTACT: Chris Arthur, Building Official.



Attachment: 104 W Pearl St (104 W Pearl Street)





6/19/20 8:06 AM

6/19/20 8:01 AM

Attachment: 104 W Pearl St (104 W Pearl Street)

6/19/20 8:00 AM

Attachment: 104 W Pearl St (104 W Pearl Street)

6/19/20 8:01 AM

Attachment: 104 W Pearl St (104 W Pearl Street)

6/19/20 7:59 AM

Attachment: 104 W Pearl St (104 W Pearl Street)

4/20/18 11:51 AM

4/20/18 11:52 AM

Attachment: 104 W Pearl St (104 W Pearl Street)

3/5/18 7:28 AM

Order Confirmation

Customer CITY OF HARRISONVILLE - COMMUNITY / ECONOMIC DEVELOPMENT	Payor Customer CITY OF HARRISONVILLE - COMMUNITY / ECONOMIC DEVELOPMENT
Customer Account 620778	Payor Account 620778
Customer Address PO BOX 367 HARRISONVILLE MO 64701 USA	Payor Address PO BOX 367 HARRISONVILLE MO 64701 USA
Customer Phone 816-380-8902	Payor Phone 816-380-8902
Customer Fax	Customer Email
Sales Rep hmartin@mcclatchy.com	Order Taker hmartin@mcclatchy.com

PO Number 104 West Pearl St. DB	Payment Method Invoice	Blind Box	Tear Sheets 0	Proofs 0	Affidavits 1
---	----------------------------------	------------------	-------------------------	--------------------	------------------------

Net Amount \$107.33	Tax Amount \$0.00	Total Amount \$107.33	Payment Amount \$0.00	Amount Due \$107.33
-------------------------------	-----------------------------	---------------------------------	---------------------------------	-------------------------------

Ad Order Number 0004721976	Order Source	Ordered By Chris Arthur	Special Pricing
Invoice Text 104 West Pearl St. DB			Promo Type
Package Buy			Materials

Attachment: 104 W Pearl St (104 W Pearl Street)

Ad Order Information

3.C.a

<u>Ad Number</u>	<u>Ad Type</u>	<u>Production Method</u>	<u>Production Notes</u>
0004721976-01	KCM-Legal Liner	AdBooker	

<u>External Ad Number</u>	<u>Ad Attributes</u>	<u>Ad Released</u>	<u>Pick Up</u>
		No	

<u>Ad Size</u>	<u>Color</u>
2 X 66 li	

<u>Product</u>	<u>Placement</u>	<u>Times Run</u>	<u>Schedule Cost</u>
KCM-Cass County Democrat	0300 - Legals Classified	1	\$107.33

<u>Run Schedule Invoice Text</u>	<u>Position</u>
LEGAL NOTICE August 14, 2020 CITY OF HAR	0301 - Legals & Public Notices

Run Dates
08/14/2020

Attachment: 104 W Pearl St (104 W Pearl Street)

LEGAL NOTICE
August 14, 2020
CITY OF HARRISONVILLE, MISSOURI
PROPERTY MAINTENANCE CODE CASE NUMBER DB-20-0006

3.C.a

TO:
HARRISONVILLE APT LLC % MARK JONES
1209 SW 19TH ST.
BLUE SPRINGS, MO. 64015
THE PROPERTY AT:
104 WEST PEARL ST
HARRISONVILLE, MO. 64701
PARCEL# 13-21-41-204-000-072.000

A hearing will be held with the Board of Building and Engineering Appeals on August 26 at 5:30pm at 300 East Pearl St., Harrisonville, MO. 64701; to move for determination and order to renovate or remove dangerous building.

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - CHAPTER 510 - DANGEROUS STRUCTURES, Ord. No. 2903 §§1 - 3, 3-7-2005 CC 1977 §8-33; Ord. No. 1008 §110.1, 4-4-1973 CC 1977 §8-34; Ord. No. 1008 §110.2, 4-4-1973 CC 1977 §8-35; Ord. No. 1008 §110.3, 4-4-1973 CC 1977 §8-36; Ord. No. 1008 §110.4, 4-4-1973 CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - ENUMERATION - CHAPTER 220 ARTICLE 1 NUISANCES, SPECIFICALLY SECTION 220.020 [CC 1977 §16-18; Rev. Ords. 1939 Ch. 17 Art. 1 §§21, 45 Art. 3 §§1 - 3; Ord. No. 2284 §1, 8-26-1996; Ord. No. 2512 §1, 6-22-1998; Ord. No. 2907 §§1 - 2, 3-7-2005; Ord. No. 2914 §1, 4-18-2005; Ord. No. 3072 §1, 2-2-2009]

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.320 Ord. No. 3236 §1, 8-5-2013

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.330 Ord. No. 3236 §1, 8-5-2013

RE: INTERNATIONAL FIRE CODE - CHAPTER 3 - GENERAL REQUIREMENTS - SECTION 311 - VACANT PREMISES - SECTION 311.1.1 - ABANDONED PREMISES - ADOPTING ORDINANCE NUMBER 3235 §1, 8-5-2013

THE PROPERTY AT:
104 WEST PEARL ST
HARRISONVILLE, MO. 64701
PARCEL# 13-21-41-204-000-072.000

NOTICE TO ABATE

THIS STRUCTURE IS DECLARED A POTENTIALLY DANGEROUS BUILDING AND A PUBLIC NUISANCE. AN ORDER IS HEREBY ISSUED TO RECONDITION OR REMOVE THE STRUCTURE. COMMENCEMENT OF SUCH WORK SHALL BEGIN WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE OR THE CITY OF HARRISONVILLE WILL MOVE FORWARD WITH CONDEMNATION AND DEMOLITION. BUILDING PERMITS ARE REQUIRED FOR ALL CONSTRUCTION OR DEMOLITION WORK.

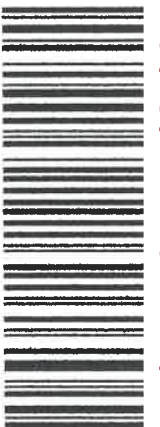
If, in the determination of the City Administrator or his/her designee, it reasonably appears that there is immediate danger to the health, safety or welfare of any person, the City Administrator or his/her designee may take emergency measures to vacate and repair or demolish the dangerous building or structure. CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973.

Attachment: 104 W Pearl St (104 W Pearl Street)

Attachment: 104 W Pearl Street



P.O. Box 367, 300 East Pearl Street - Harrisonville



7019 2970 0000 7600 6464



US POSTAGE
\$06.90²
First-Class
Mailed From 64701
08/06/2020
0324 0961353940

Harrisonville LLC %Mark Jones
1209 SW 19th Street
Blue Springs, MO 64015

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.**OFFICIAL USE**

Certified Mail Fee

\$ 10.90

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

\$

☐ Return Receipt (electronic)

\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$

Total Postage and Fees

\$ 10.90

Postmark
Here

Sent To

Harrisonville LLC %Mark Jones
Street and Apt. No., or PO Box No.
1209 SW 19th StreetCity, State, ZIP+4[®]

Blue Springs MO 64015

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7019 2970 0000 7600 6464

LEGAL NOTICE**August 7th, 2020****CITY OF HARRISONVILLE, MISSOURI****PROPERTY MAINTENANCE CODE CASE NUMBER DB-20-0006****104 WEST PEARL ST, PARCEL # 13-21-41-204-000-072.000****TO:**

**HARRISONVILLE APT LLC % MARK JONES
 1209 SW 19TH ST.
 BLUE SPRINGS, MO. 64015**

A hearing will be held with the Board of Building and Engineering Appeals on August 26 at 5:30pm at 300 East Pearl St., Harrisonville, MO. 64701; to move for determination and order to renovate or remove dangerous building.

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – CHAPTER 510 - DANGEROUS STRUCTURES. Ord. No. 2903 §§1 — 3, 3-7-2005 CC 1977 §8-33; Ord. No. 1008 §110.1, 4-4-1973 CC 1977 §8-34; Ord. No. 1008 §110.2, 4-4-1973 CC 1977 §8-35; Ord. No. 1008 §110.3, 4-4-1973 CC 1977 §8-36; Ord. No. 1008 §110.4, 4-4-1973 CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - ENUMERATION – CHAPTER 220 ARTICLE 1 NUISANCES, SPECIFICALLY SECTION 220.020 [CC 1977 §16-18; Rev. Ords. 1939 Ch. 17 Art. 1 §§21, 45 Art. 3 §§1 — 3; Ord. No. 2284 §1, 8-26-1996; Ord. No. 2512 §1, 6-22-1998; Ord. No. 2907 §§1 — 2, 3-7-2005; Ord. No. 2914 §1, 4-18-2005; Ord. No. 3072 §1, 2-2-2009]

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – BUILDING AND PROPERTY MAINTENANCE CODES – CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.320 Ord. No. 3236 §1, 8-5-2013

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – BUILDING AND PROPERTY MAINTENANCE CODES – CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.330 Ord. No. 3236 §1, 8-5-2013

RE: INTERNATIONAL FIRE CODE - CHAPTER 3 – GENERAL REQUIREMENTS – SECTION 311 – VACANT PREMISES - SECTION 311.1.1 – ABANDONED PREMISES - ADOPTING ORDINANCE NUMBER 3235 §1, 8-5-2013

Attachment: 104 W Pearl St (104 W Pearl Street)

**THE PROPERTY AT:
104 WEST PEARL ST
HARRISONVILLE, MO. 64701
PARCEL# 13-21-41-204-000-072.000**

NOTICE TO ABATE

THIS STRUCTURE IS DECLARED A DANGEROUS BUILDING AND A PUBLIC NUISANCE. AN ORDER IS HEREBY ISSUED TO RECONDITION OR REMOVE THE STRUCTURE. COMMENCEMENT OF SUCH WORK SHALL BEGIN WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE OR THE CITY OF HARRISONVILLE WILL MOVE FORWARD WITH CONDEMNATION AND DEMOLITION.

SPECIFIC CODE VIOLATION:

Dangerous Building- Vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base. Thirty-three percent or more damage or deterioration of the supporting members or fifty percent damage or deterioration of the non-supporting members enclosing or outside walls or covering. Improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended. Dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein. Light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein. Inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation. Parts thereof which are so attached that they may fall and injure members of the public or property. Unsafe, unsanitary, and dangerous to the health, safety or general welfare of the people of this City. Fire code and city ordinance violations do exist.

Nuisance- Condition of structure imposes danger, annoyance of the public health, safety and welfare.

Property Maintenance- Openings in foundation and roof allow water to intrude, ceilings required to be in good condition and good repair, chimneys required to be in a safe and secure manner and maintained in good repair.

Fire Code- Owners whereabouts unknown, Cass County tax records show physical address as the mailing address. Structure presents a danger of structural collapse and fire spread to adjacent properties.

Municipal Code 510.010- *Defined. All buildings or structures, including accessory structures, which are detrimental to the health, safety or welfare of the residents of the City and that, have any or all of the following defects shall be deemed "dangerous buildings".*

Attachment: 104 W Pearl St (104 W Pearl Street)

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting members or fifty percent (50%) damage or deterioration of the non-supporting members enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation.
8. Those that have parts thereof which are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this City.
10. Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the International Fire Code, National Electric Code or any other ordinance of this City.

Municipal Code 220.020- All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety or welfare.

Municipal Code 500.320- Every foundation, roof, exterior wall, door, sky light and window shall be reasonably weathertight and watertight and shall be kept in sound condition and good repair. Existing screen doors and windows shall be maintained in sound condition and good repair. Floors, interior walls and ceilings shall be in good condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective coverings or treatment. Walls shall be capable of affording privacy for occupants.

Municipal Code 500.330- Exterior appurtenances, including but not limited to screens, awnings, trellises, television antennas, chimneys, storm windows, gutters, eaves, storm doors, fences, and retaining walls shall be installed pursuant to the requirements of all other portions of the City's Code in a safe and secure manner and shall be maintained in good repair.

Fire Code 311.1.1- Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by

demolition or rehabilitation in accordance with the International Property Maintenance Code and the International Building Code.

If, in the determination of the City Administrator or his/her designee, it reasonably appears that there is immediate danger to the health, safety or welfare of any person, the City Administrator or his/her designee may take emergency measures to vacate and repair or demolish the dangerous building or structure. CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

IMark Construction
1209 SW 19th St
Blue Springs, MO 64015

2. Article Number

(Transfer from service label)

7019 2280 0001 3210 8792

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/24/2020

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Harrisonville

300 E. Pearl Street
 PO BOX 367
 Harrisonville, MO 64701
 Phone: (816) 380-8958
 Fax: (816) 380-8906
www.harrisonville.com
www.ecode360/HA3317

June 22, 2020

1209 SW 19TH ST
 BLUE SPRINGS, MO 64015

RE: Code Compliance Case No. DB-20-0006

IMARK CONSTRUCTION LLC,

Location : 104 W PEARL , HARRISONVILLE MO

Complaint Description:

Dangerous structure has been declared a nuisance and is in violation of Municipal Ordinance Sections 510.010 & 220.020

Inspector's order is to recondition or remove the dangerous structure. Commencement of work shall begin within thirty days and shall continue without unnecessary delay. Building permit or demolition permit is required.

NOTICE OF VIOLATION. THIS PROPERTY HAS BEEN OBSERVED TO BE IN VIOLATION OF THE BELOW MUNICIPAL ORDINANCE AND REQUIRES COMPLIANCE WITHIN TEN CALENDAR DAYS FROM THE DATE OF THIS NOTICE.

TITLE 5 BUILDING AND CONSTRUCTION - CHAPTER 510 DANGEROUS STRUCTURES/REPAIR OR DEMOLITION OF CERTAIN STRUCTURES - SECTION 510.010 DANGEROUS STRUCTURES [Ord. No. 2903 §§1 — 3. 3-7-2005]

Attachment: 104 W Pearl St (104 W Pearl Street)



Harrisonville

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A. Defined. All buildings or structures, including accessory structures, which are detrimental to the health, safety or welfare of the residents of the City and that, have any or all of the following defects shall be deemed "dangerous buildings".

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting members or fifty percent (50%) damage or deterioration of the non-supporting members enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation.
8. Those that have parts thereof which are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this City.
10. Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the International Fire Code, National Electric Code or any other ordinance of this City.

[Ord. No. 3238 §1, 8-5-2013]

B. Dangerous Building Declared Nuisance. All dangerous buildings, as defined in Subsection (A), are hereby declared to be public nuisances, and shall be repaired, vacated and repaired, or demolished as provided in Subsection (C).

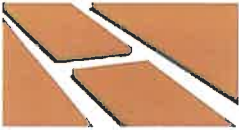
C. Standards For Repair, Vacation Or Demolition. The following standards shall be followed in substance by the Director of Community Development or his/her designee in ordering repair, vacation, or demolition of any dangerous building.

[Ord. No. 3238 §2, 8-5-2013]

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this Section, it shall be repaired.
2. If the dangerous building is in condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Section, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard, existing or erected in violation of the terms of this Section or any Section of the Code of Ordinances or Statute of the State of Missouri, it shall be repaired or demolished.

TITLE 2 PUBLIC HEALTH, SAFETY AND WELFARE - CHAPTER 220 NUISANCES - ARTICLE 1 GENERALLY - SECTION 220.020 ENUMERATION [CC 1977 §16-18; Rev. Ords. 1939 Ch. 17 Art. 1 §§21, 45 Art. 3 §§1— 3; Ord. No. 2284 §1, 8-26-1996; Ord. No. 2512 §1, 6-22-1998; Ord No. 2907 §§1 — 2, 3-7-2005; Ord. No. 2914 §1, 4-18-2005; Ord. No. 3072 §1, 2-2-2009]

Attachment: 104 W Pearl St (104 W Pearl Street)



Harrisonville

300 E. Pearl Street
 PO BOX 367
 Harrisonville, MO 64701
 Phone: (816) 380-8958
 Fax: (816) 380-8906
www.harrisonville.com
www.ecode360/HA3317

A. The following are hereby declared, defined and deemed to be nuisances for the purposes of this Article; provided however, that the following shall not be deemed to be exclusive:

1. All substances which emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia in the neighborhood where they exist.
2. All carcasses of animals remaining exposed for twelve (12) hours after death.
3. Any growth of weeds, grasses or bushes to a greater height than twelve (12) inches; provided that this shall not apply to planted and cultivated flowers, shrubbery or other landscaping.
 Exception: In agricultural zoned properties, or properties used for agricultural, there shall be no weeds, grasses or bushes over twelve (12) inches in height a minimum distance of twenty (20) feet from any adjoining property line, street or alley.
4. All slop, foul or dirty water, filth, refuse or offal discharged in or upon any street, avenue, sidewalk, alley, park, public square or public enclosure or allowed to accumulate there or in a pond or pool.
5. All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety or welfare.
6. The keeping or allowing to remain on any premises any trees, shrubs or other vegetation infected with fungus or other diseases that will or might spread to other non-infected trees, shrubs or other vegetation.
7. Any silt caused by water flows which is deposited on downstream property thereby covering or obstructing land, including land normally covered by standing water.
8. Any writing, painting, drawing, marking, inscription, or figure of the type which a reasonable person would deem "graffiti" upon any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property, either publicly or privately owned within the City.

Attachment: 104 W Pearl St (104 W Pearl Street)



Harrisonville

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SECTION 510.020 PENALTIES - In addition to any other penalties provided for herein, if any party ordered to correct a situation which constitutes a nuisance fails to do so within a reasonable time or fails to proceed continuously without unnecessary delay, he/she will be subject to a fine as provided in Section 100.200 of this Code. Each seven (7) day period thereafter shall constitute a new and separate cause of action.

SECTION 510.060 NOTICE TO ABATE NUISANCE - If the inspector finds that any person is maintaining a nuisance as herein provided, the inspector shall serve notice in writing upon the owner or other person having control or use of the premises notifying same that the property has been declared a nuisance and specifying that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement of said work. Said notice shall be by either personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be made by publication. Notice shall be given to the owner, the occupant, the lessee, the mortgagee, agent and all other persons having an interest in the building or structure as shown by the land records of the Recorder of Deeds of the County wherein the land is located.

SECTION 220.030 NOTICE TO ABATE - Whenever the City Administrator shall ascertain or have knowledge that a nuisance exists in or upon any house, building, lot or premises within the City or within one-half (½) mile of the corporate limits of the City, he/she shall, in writing, notify the owner or person occupying or having possession and control of such house, building, lot or premises to abate or remove such nuisance within a time to be specified in such notice; provided however, that when the owner of the property is a non-resident of the City and no person occupies, possesses or controls such building, lot or premises, notice shall be posted on the property to fulfill the requirements of this Section.

SECTION 220.040 FAILURE TO COMPLY WITH NOTICE TO ABATE NUISANCE - It shall be unlawful for any person to fail or neglect or refuse to obey and comply with the provisions of any notice issued under the provision of this Article within the time therein specified. In addition to any and all remedies and actions available to the City pursuant to this Article or any other law, rule or regulation, the Board of Aldermen may direct the City Attorney to file a civil cause of action for abatement of any nuisance created by the accumulation of unsightly, dangerous or noxious personal property within the City limits. The City Attorney shall make application for all reasonable attorney's fees incurred in connection with such action.

SECTION 220.050 ABATEMENT BY CITY - If the owner or person occupying or having possession and control of any premises upon which a nuisance exists in violation of this Article does not abate the same within the time stated in the notice to abate such nuisance, the City may enter upon such premises and abate such nuisance. The costs and expenses of such abatement by the City shall, like taxes, be a first (1st) lien on the property affected thereby until paid.

City of Harrisonville Municipal Ordinance may be viewed at www.harrisonville.com or www.ecode360.com/HA3317

Thank you for your cooperation in resolving this matter.

Regards,
John Morris
Building Inspector
816-380-8921

Attachment: 104 W Pearl St (104 W Pearl Street)



TO: Board of Building and Engineering Appeals
FROM: Chris Arthur,
DATE: August 12, 2020
SUBJECT: PUBLIC HEARING

Type of Item: *Public Hearing*

D. Discussion Item (ID # 3584)
PUBLIC HEARING



STAFF REPORT

TO: Board of Building and Engineering Appeals
FROM: Chris Arthur,
DATE: August 12, 2020
SUBJECT: 1601 Newcastle

Type of Item: *Approval*

E. Action Item (ID # 3579)

1601 Newcastle

Attachments:

1601 Newcastle (PDF)



City of

Harrisonville ^{est. 1836}

3.E.a

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

To: Board of Building and Engineering Appeals (BBEA)

From: Chris Arthur, Building Official

Date: August 17th, 2020

Re: 1601 New Castle Drive, Dangerous Building Hearing

GENERAL INFORMATION

Applicant: N/A

Requested Actions: Determination of Finding and Order.

Date of Application: N/A

PROPOSAL

Request for Determination of Finding and Order for Nuisance and Dangerous building.

PREVIOUS ACTIONS

June 11, 2020 - Notice to Abate Nuisance of Dangerous building. Certified Mail and posted.

August 7, 2020 – Notice of BBEA hearing. Certified Mail and posted.

August 14, 2020 – Legal notice of hearing published.

KEY ISSUES

BACKGROUND: The structure at 1601 New Castle Drive is, in the Codes Department's opinion, in serious disrepair and constitutes a public nuisance and a dangerous building. Specific violations are: ~~Dangerous Building, Nuisance, including Attractive Nuisance, Property Maintenance, and Fire Code.~~ The structure is uninhabitable. The structure has been posted and legal notices have been published as required.

STAFF COMMENTS AND SUGGESTIONS

SUBJECT: Hearing provided for by Article Section 510.080 of the City of Harrisonville Municipal Code., if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, the Board of Building and Engineering shall issue an order making specific findings of fact based upon competent and substantial evidence which shows the building or structure to be a nuisance and detrimental to the health, safety and welfare of the residents of the City and ordering the building or structure to be demolished and removed or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety and welfare of the residents of the City, no order shall be issued.

Attachment: 1601 Newcastle (1601 Newcastle)

Staff has done everything possible to try to work with deed holders to abate the structure and has previously had to abate the grounds and board the structure under attractive nuisance abatement. Staff views the property as abandoned and needing demolition. The structure is still an attractive nuisance; a dangerous building due to structural components center of gravity falling outside the middle third of its base, water damage and weakening to structural elements of the roof and floors, improperly distributed loads, elements damaged and decayed to the point of possible collapse, unfit for human habitation, no sanitation facilities; a fire code issue due to combustible interior loading. Municipal code 510.010 #1 through #10. Municipal code 220.020, 500.320, 500.330 and adopted IFC 311.1.1.

STAFF RECOMMENDATION

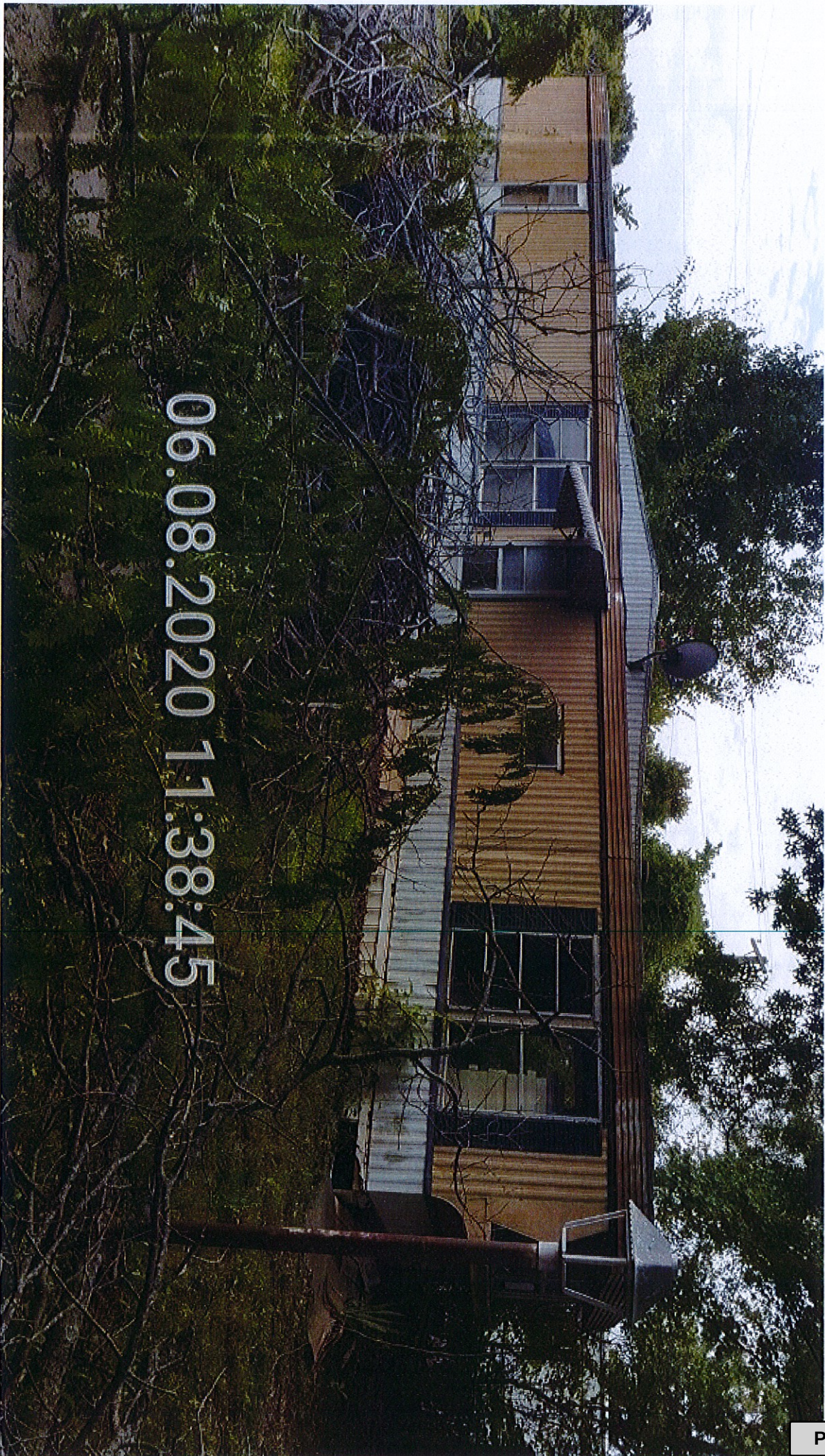
Staff recommends the Board of Building and Engineering Appeals, if the evidence supports such finding, to issue a finding that the building and structure is a nuisance and detrimental to the health, safety and welfare of the residents of the City of Harrisonville.

ATTACHMENTS

Please see full attached report of all code case documents.

STAFF CONTACT: Chris Arthur, Building Official.



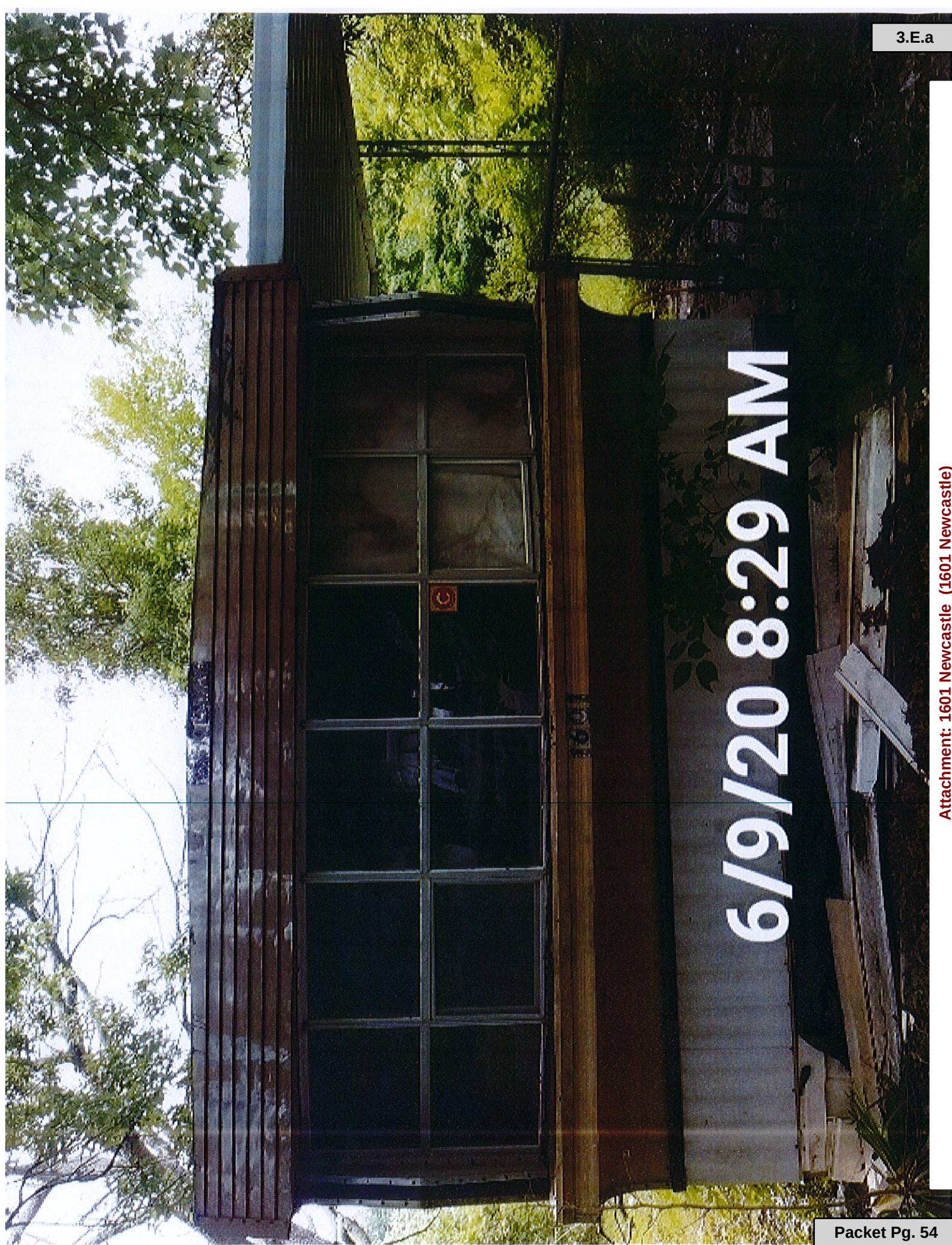


06:08:2020 11:38:45



6/9/20 8:29 AM

Attachment: 1601 Newcastle (1601 Newcastle)



6/9/20 8:29 AM

6/9/20 8:29 AM

Attachment: 1601 Newcastle (1601 Newcastle)



6/9/20 8:30 AM

Attachment: 1601 Newcastle (1601 Newcastle)

6/9/20 8:30 AM

6/9/20 8:31 AM

Order Confirmation

<u>Customer</u> CITY OF HARRISONVILLE - COMMUNITY / ECONOMIC DEVELOPMENT	<u>Payor Customer</u> CITY OF HARRISONVILLE - COMMUNITY / ECONOMIC DEVELOPMENT
<u>Customer Account</u> 620778	<u>Payor Account</u> 620778
<u>Customer Address</u> PO BOX 367 HARRISONVILLE MO 64701 USA	<u>Payor Address</u> PO BOX 367 HARRISONVILLE MO 64701 USA
<u>Customer Phone</u> 816-380-8902	<u>Payor Phone</u> 816-380-8902
<u>Customer Fax</u>	<u>Customer EMail</u>
<u>Sales Rep</u> hmartin@mcclatchy.com	<u>Order Taker</u> hmartin@mcclatchy.com

<u>PO Number</u> 1601 New Castle Drive DB	<u>Payment Method</u> Invoice	<u>Blind Box</u>	<u>Tear Sheets</u> 0	<u>Proofs</u> 0	<u>Affidavits</u> 1
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<u>Net Amount</u> \$107.33	<u>Tax Amount</u> \$0.00	<u>Total Amount</u> \$107.33	<u>Payment Amount</u> \$0.00	<u>Amount Due</u> \$107.33
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<u>Ad Order Number</u> 0004722006	<u>Order Source</u>	<u>Ordered By</u> Chris Arthur	<u>Special Pricing</u>
<u>Invoice Text</u> 1601 New Castle Drive DB			<u>Promo Type</u>
<u>Package Buy</u>			<u>Materials</u>

Ad Order Information

3.E.a

<u>Ad Number</u>	<u>Ad Type</u>	<u>Production Method</u>	<u>Production Notes</u>
0004722006-01	KCM-Legal Liner	AdBooker	

<u>External Ad Number</u>	<u>Ad Attributes</u>	<u>Ad Released</u>	<u>Pick Up</u>
		No	

<u>Ad Size</u>	<u>Color</u>
2 X 66 li	

<u>Product</u>	<u>Placement</u>	<u>Times Run</u>	<u>Schedule Cost</u>
KCM-Cass County Democrat	0300 - Legals Classified	1	\$107.33

<u>Run Schedule Invoice Text</u>	<u>Position</u>
LEGAL NOTICE August 14th, 2020 CITY OF H	0301 - Legals & Public Notices

<u>Run Dates</u>
08/14/2020

Attachment: 1601 Newcastle (1601 Newcastle)

LEGAL NOTICE
August 14th, 2020
CITY OF HARRISONVILLE, MISSOURI
PROPERTY MAINTENANCE CODE CASE NUMBER DB-20-0002

3.E.a

TO:
MEL'S LLC
329 SE CANTER CIRCLE
LEE'S SUMMIT, MO. 64082
THE PROPERTY AT:
1601 NEW CASTLE DRIVE
HARRISONVILLE, MO. 64701
PARCEL# 08-08-34-303-000-062.000

A hearing will be held with the Board of Building and Engineering Appeals on August 26 at 5:30pm at 300 East Pearl St., Harrisonville, MO. 64701; to move for determination and order to renovate or remove dangerous building.

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - CHAPTER 510 - DANGEROUS STRUCTURES. Ord. No. 2903 §§1 - 3, 3-7-2005 CC 1977 §8-33; Ord. No. 1008 §110.1, 4-4-1973 CC 1977 §8-34; Ord. No. 1008 §110.2, 4-4-1973 CC 1977 §8-35; Ord. No. 1008 §110.3, 4-4-1973 CC 1977 §8-36; Ord. No. 1008 §110.4, 4-4-1973 CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - ENUMERATION - CHAPTER 220 ARTICLE 1 NUISANCES, SPECIFICALLY SECTION 220.020 [CC 1977 §16-18; Rev. Ords. 1939 Ch. 17 Art. 1 §§21, 45 Art. 3 §§1 - 3; Ord. No. 2284 §1, 8-26-1996; Ord. No. 2512 §1, 6-22-1998; Ord. No. 2907 §§1 - 2, 3-7-2005; Ord. No. 2914 §1, 4-18-2005; Ord. No. 3072 §1, 2-2-2009]

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.320 Ord. No. 3236 §1, 8-5-2013

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.330 Ord. No. 3236 §1, 8-5-2013

RE: INTERNATIONAL FIRE CODE - CHAPTER 3 - GENERAL REQUIREMENTS - SECTION 311 - VACANT PREMISES - SECTION 311.1.1 - ABANDONED PREMISES - ADOPTING ORDINANCE NUMBER 3235 §1, 8-5-2013

THE PROPERTY AT:
1601 NEW CASTLE DRIVE
HARRISONVILLE, MO. 64701
PARCEL# 08-08-34-303-000-062.000

NOTICE TO ABATE
THIS STRUCTURE IS DECLARED A POTENTIALLY DANGEROUS BUILDING AND A PUBLIC NUISANCE. AN ORDER IS HEREBY ISSUED TO RECONDITION OR REMOVE THE STRUCTURE. COMMENCEMENT OF SUCH WORK SHALL BEGIN WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE OR THE CITY OF HARRISONVILLE WILL MOVE FORWARD WITH CONDEMNATION AND DEMOLITION. BUILDING PERMITS ARE REQUIRED FOR ALL CONSTRUCTION OR DEMOLITION WORK.

If, in the determination of the City Administrator or his/her designee, it reasonably appears that there is immediate danger to the health, safety or welfare of any person, the City Administrator or his/her designee may take emergency measures to vacate and repair or demolish the dangerous building or structure. CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973.

Attachment: 1601 Newcastle (1601 Newcastle)

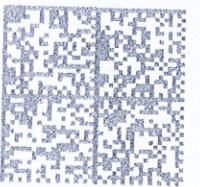


City of
Harrisonville
1836

P.O. Box 367, 300 East Pearl Street - Harrison



7019 2970 0000 7600 6488



US POSTAGE
\$06.90
First-Class
Mailed From 64701
09/06/2020
032A 0061853940

(e)191 New N 1091 e191 New N 1091 : Attachment: 62

Mel's LLC
329 SE Canter Circle
Lee's Summit, MO 64082

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	
\$ 0.90	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	
\$ 0.90	
Total Postage and Fees	
\$ 0.90	

Postmark
Here

Sent to
Mel's LLC (1601 Newcastle)
329 SE Canter Circle
City, State, ZIP+4
Lee's Summit MO 64082

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 2970 0000 7600 6488

LEGAL NOTICE**August 7th, 2020****CITY OF HARRISONVILLE, MISSOURI****PROPERTY MAINTENANCE CODE CASE NUMBER DB-20-0002****1601 NEW CASTLE DRIVE****HARRISONVILLE, MO. 64701****PARCEL# 08-08-34-303-000-062.000****TO: MEL'S LLC****329 SE CANTER CIRCLE****LEE'S SUMMIT, MO. 64082**

A hearing will be held with the Board of Building and Engineering Appeals on August 26 at 5:30pm at 300 East Pearl St., Harrisonville, MO. 64701; to move for determination and order to renovate or remove dangerous building.

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – CHAPTER 510 - DANGEROUS STRUCTURES. Ord. No. 2903 §§1 — 3, 3-7-2005 CC 1977 §8-33; Ord. No. 1008 §110.1, 4-4-1973 CC 1977 §8-34; Ord. No. 1008 §110.2, 4-4-1973 CC 1977 §8-35; Ord. No. 1008 §110.3, 4-4-1973 CC 1977 §8-36; Ord. No. 1008 §110.4, 4-4-1973 CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

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RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – BUILDING AND PROPERTY MAINTENANCE CODES – CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.320 Ord. No. 3236 §1, 8-5-2013

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – BUILDING AND PROPERTY MAINTENANCE CODES – CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.330 Ord. No. 3236 §1, 8-5-2013

Attachment: 1601 Newcastle (1601 Newcastle)

**RE: INTERNATIONAL FIRE CODE - CHAPTER 3 – GENERAL REQUIREMENTS –
SECTION 311 – VACANT PREMISES - SECTION 311.1.1 – ABANDONED PREMISES -
ADOPTING ORDINANCE NUMBER 3235 §1, 8-5-2013**

**THE PROPERTY AT:
1602 NEW CASTLE DRIVE
HARRISONVILLE, MO. 64701
PARCEL# 08-08-34-303-000-062.000**

NOTICE TO ABATE

THIS STRUCTURE IS DECLARED A DANGEROUS BUILDING AND A PUBLIC NUISANCE. AN ORDER IS HEREBY ISSUED TO RECONDITION OR REMOVE THE STRUCTURE. COMMENCEMENT OF SUCH WORK SHALL BEGIN WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE OR THE CITY OF HARRISONVILLE WILL MOVE FORWARD WITH CONDEMNATION AND DEMOLITION.

SPECIFIC CODE VIOLATION:

Dangerous Building- Vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base. Thirty-three percent or more damage or deterioration of the supporting members or fifty percent damage or deterioration of the non-supporting members enclosing or outside walls or covering. Improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended. Dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein. Light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein. Inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation. Parts thereof which are so attached that they may fall and injure members of the public or property. Unsafe, unsanitary, and dangerous to the health, safety or general welfare of the people of this City. Fire code and city ordinance violations do exist.

Nuisance- Condition of structure imposes danger, annoyance of the public health, safety and welfare.

Property Maintenance- Openings in foundation and roof allow water to intrude, ceilings required to be in good condition and good repair, chimneys required to be in a safe and secure manner and maintained in good repair.

Fire Code- Owners whereabouts unknown, Cass County tax records show physical address as the mailing address. Structure presents a danger of structural collapse and fire spread to adjacent properties.

Municipal Code 510.010- *Defined. All buildings or structures, including accessory structures, which are detrimental to the health, safety or welfare of the residents of the City and that, have any or all of the following defects shall be deemed "dangerous buildings".*

1. *Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.*
2. *Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting members or fifty percent (50%) damage or deterioration of the non-supporting members enclosing or outside walls or covering.*
3. *Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended.*
4. *Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or people of the City.*
5. *Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.*
6. *Those having light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.*
7. *Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation.*
8. *Those that have parts thereof which are so attached that they may fall and injure members of the public or property.*
9. *Those that because of their condition is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this City.*
10. *Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the International Fire Code, National Electric Code or any other ordinance of this City.*

Municipal Code 220.020- *All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety or welfare.*

Municipal Code 500.320- *Every foundation, roof, exterior wall, door, sky light and window shall be reasonably weathertight and watertight and shall be kept in sound condition and good repair. Existing screen doors and windows shall be maintained in sound condition and good repair. Floors, interior walls and ceilings shall be in good condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective coverings or treatment. Walls shall be capable of affording privacy for occupants.*

Municipal Code 500.330- *Exterior appurtenances, including but not limited to screens, awnings, trellises, television antennas, chimneys, storm windows, gutters, eaves, storm doors, fences, and retaining walls shall be installed pursuant to the requirements of all other portions of the City's Code in a safe and secure manner and shall be maintained in good repair.*

Fire Code 311.1.1- *Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by*

unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the International Property Maintenance Code and the International Building Code.

If, in the determination of the City Administrator or his/her designee, it reasonably appears that there is immediate danger to the health, safety or welfare of any person, the City Administrator or his/her designee may take emergency measures to vacate and repair or demolish the dangerous building or structure. CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mei's LLC
329 SE Canter Cir
Lees Summit, MO
64082

2. Article Number
(Transfer from service label)

7019 2280 0001 3210 8877

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X  ☒ Agent
☐ Addressee

B. Received by (Printed Name)

Buevill

C. Date of Delivery

6/17/20

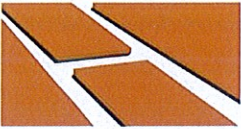
D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Harrisonville

300 E. Pearl Street
PO BOX 367
Harrisonville, MO 64701
Phone: (816) 380-8958
Fax: (816) 380-8906
www.harrisonville.com
www.ecode360/HA3317

June 11, 2020

329 SE CANTER CIR
LEES SUMMIT, MO 64082-0000

RE: Code Compliance Case No. DB-20-0002

MEL'S LLC,

Location : 1601 NEW CASTLE DR , HARRISONVILLE MO

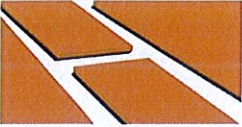
Complaint Description:

Vacant mobile home in violation of Municipal Ordinance Section 510.010 titled Dangerous Buildings. The dilapidated structure's unsafe and unsanitary condition is unfit for human habitation and a danger to the general welfare of the people of this city. The owner of the property is hereby ordered to remove the structure from the premises.

NOTICE OF VIOLATION. THIS PROPERTY HAS BEEN OBSERVED TO BE IN VIOLATION OF THE BELOW MUNICIPAL ORDINANCE AND REQUIRES COMPLIANCE WITHIN TEN CALENDAR DAYS FROM THE DATE OF THIS NOTICE.

TITLE 5 BUILDING AND CONSTRUCTION - CHAPTER 510 DANGEROUS STRUCTURES/REPAIR OR DEMOLITION OF CERTAIN STRUCTURES - SECTION 510.010 DANGEROUS STRUCTURES [Ord. No. 2903 §§1 — 3, 3-7-2005]

Attachment: 1601 Newcastle (1601 Newcastle)



Harrisonville

300 E. Pearl Street
PO BOX 367
Harrisonville, MO 64701
Phone: (816) 380-8958
Fax: (816) 380-8906
www.harrisonville.com
www.ecode360/HA3317

A. Defined. All buildings or structures, including accessory structures, which are detrimental to the health, safety or welfare of the residents of the City and that, have any or all of the following defects shall be deemed "dangerous buildings".

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting members or fifty percent (50%) damage or deterioration of the non-supporting members enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation.
8. Those that have parts thereof which are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this City.
10. Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the International Fire Code, National Electric Code or any other ordinance of this City.

[Ord. No. 3238 §1, 8-5-2013]

B. Dangerous Building Declared Nuisance. All dangerous buildings, as defined in Subsection (A), are hereby declared to be public nuisances, and shall be repaired, vacated and repaired, or demolished as provided in Subsection (C).

C. Standards For Repair, Vacation Or Demolition. The following standards shall be followed in substance by the Director of Community Development or his/her designee in ordering repair, vacation, or demolition of any dangerous building.

[Ord. No. 3238 §2, 8-5-2013]

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this Section, it shall be repaired.
2. If the dangerous building is in condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Section, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard, existing or erected in violation of the terms of this Section or any Section of the Code of Ordinances or Statute of the State of Missouri, it shall be repaired or demolished.



Harrisonville

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Harrisonville, MO 64701
Phone: (816) 380-8958
Fax: (816) 380-8906
www.harrisonville.com
www.ecode360/HA3317

SECTION 510.020 PENALTIES - In addition to any other penalties provided for herein, if any party ordered to correct a situation which constitutes a nuisance fails to do so within a reasonable time or fails to proceed continuously without unnecessary delay, he/she will be subject to a fine as provided in Section 100.200 of this Code. Each seven (7) day period thereafter shall constitute a new and separate cause of action.

SECTION 510.060 NOTICE TO ABATE NUISANCE - If the inspector finds that any person is maintaining a nuisance as herein provided, the inspector shall serve notice in writing upon the owner or other person having control or use of the premises notifying same that the property has been declared a nuisance and specifying that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement of said work. Said notice shall be by either personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be made by publication. Notice shall be given to the owner, the occupant, the lessee, the mortgagee, agent and all other persons having an interest in the building or structure as shown by the land records of the Recorder of Deeds of the County wherein the land is located.

SECTION 220.030 NOTICE TO ABATE - Whenever the City Administrator shall ascertain or have knowledge that a nuisance exists in or upon any house, building, lot or premises within the City or within one-half (½) mile of the corporate limits of the City, he/she shall, in writing, notify the owner or person occupying or having possession and control of such house, building, lot or premises to abate or remove such nuisance within a time to be specified in such notice; provided however, that when the owner of the property is a non-resident of the City and no person occupies, possesses or controls such building, lot or premises, notice shall be posted on the property to fulfill the requirements of this Section.

SECTION 220.040 FAILURE TO COMPLY WITH NOTICE TO ABATE NUISANCE - It shall be unlawful for any person to fail or neglect or refuse to obey and comply with the provisions of any notice issued under the provision of this Article within the time therein specified. In addition to any and all remedies and actions available to the City pursuant to this Article or any other law, rule or regulation, the Board of Aldermen may direct the City Attorney to file a civil cause of action for abatement of any nuisance created by the accumulation of unsightly, dangerous or noxious personal property within the City limits. The City Attorney shall make application for all reasonable attorney's fees incurred in connection with such action.

SECTION 220.050 ABATEMENT BY CITY - If the owner or person occupying or having possession and control of any premises upon which a nuisance exists in violation of this Article does not abate the same within the time stated in the notice to abate such nuisance, the City may enter upon such premises and abate such nuisance. The costs and expenses of such abatement by the City shall, like taxes, be a first (1st) lien on the property affected thereby until paid.

City of Harrisonville Municipal Ordinance may be viewed at www.harrisonville.com or www.ecode360.com/HA3317

Thank you for your cooperation in resolving this matter.

Regards,
John Morris
Building Inspector
816-380-8921

Attachment: 1601 Newcastle (1601 Newcastle)



TO: Board of Building and Engineering Appeals
FROM: Chris Arthur,
DATE: August 12, 2020
SUBJECT: PUBLIC HEARING

Type of Item: *Public Hearing*

F. Discussion Item (ID # 3585)
PUBLIC HEARING



TO: Board of Building and Engineering Appeals
FROM: Chris Arthur,
DATE: August 12, 2020
SUBJECT: 5 Newcastle

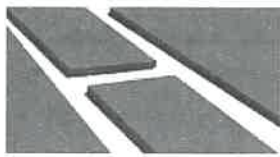
Type of Item: *Approval*

G. Action Item (ID # 3581)

5 Newcastle

Attachments:

5 Newcastle (PDF)



City of

Harrisonville ^{est. 1836}

3.G.a

300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

To: Board of Building and Engineering Appeals (BBEA)

From: Chris Arthur, Building Official

Date: August 17th, 2020

Re: 5 New Castle Circle, Dangerous Building Hearing

GENERAL INFORMATION

Applicant: N/A

Requested Actions: Determination of Finding and Order.

Date of Application: N/A

PROPOSAL

Request for Determination of Finding and Order for Nuisance and Dangerous building.

PREVIOUS ACTIONS

June 11, 2020 - Notice to Abate Nuisance of Dangerous building. Certified Mail and posted.

August 7, 2020 – Notice of BBEA hearing. Certified Mail and posted.

August 14, 2020 – Legal notice of hearing published.

KEY ISSUES

BACKGROUND: The structure at 5 New Castle Circle is, in the Codes Department's opinion, in serious disrepair and constitutes a public nuisance and a dangerous building. Specific violations are: Dangerous Building, Nuisance, including Attractive Nuisance, Property Maintenance, and Fire Code. The structure is uninhabitable. The structure has been posted and legal notices have been published as required.

STAFF COMMENTS AND SUGGESTIONS

SUBJECT: Hearing provided for by Article Section 510.080 of the City of Harrisonville Municipal Code., if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the City, the Board of Building and Engineering shall issue an order making specific findings of fact based upon competent and substantial evidence which shows the building or structure to be a nuisance and detrimental to the health, safety and welfare of the residents of the City and ordering the building or structure to be demolished and removed or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety and welfare of the residents of the City, no order shall be issued.

Attachment: 5 Newcastle (5 Newcastle)

Staff has done everything possible to try to work with deed holders to abate the structure and has previously had to abate the grounds and board the structure under attractive nuisance abatement. Staff views the property as abandoned and needing demolition. The structure is still an attractive nuisance; a dangerous building due to structural components center of gravity falling outside the middle third of its base, water damage and weakening to structural elements of the roof and floors, improperly distributed loads, elements damaged and decayed to the point of possible collapse, unfit for human habitation, no sanitation facilities; a fire code issue due to combustible interior loading. Municipal code 510.010 #1 through #10. Municipal code 220.020, 500.320, 500.330 and adopted IFC 311.1.1.

STAFF RECOMMENDATION

Staff recommends the Board of Building and Engineering Appeals, if the evidence supports such finding, to issue a finding that the building and structure is a nuisance and detrimental to the health, safety and welfare of the residents of the City of Harrisonville.

ATTACHMENTS

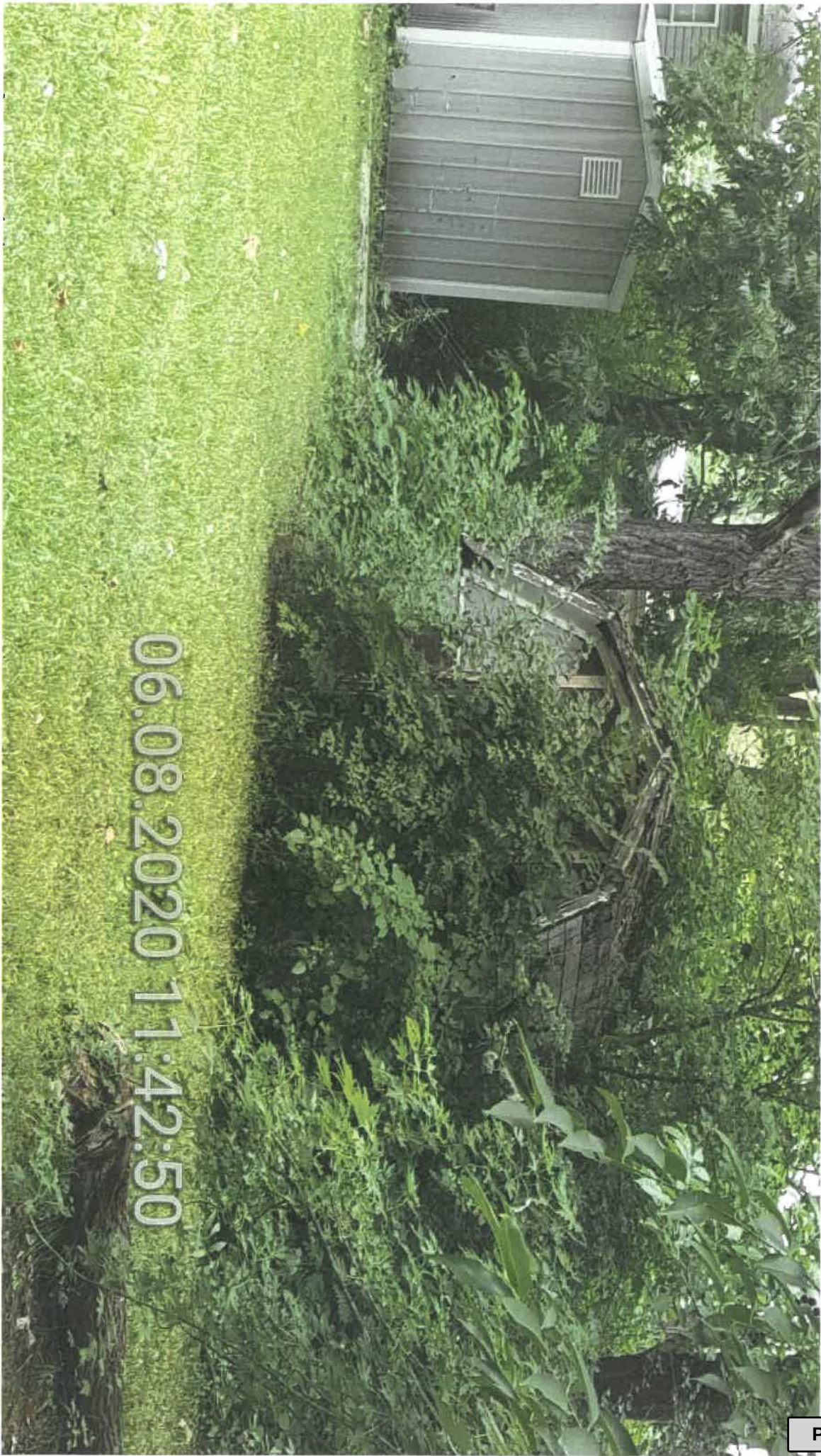
Please see full attached report of all code case documents.

STAFF CONTACT: Chris Arthur, Building Official.





Attachment: 5 Newcastle (5 Newcastle)



6/9/20 8:34 AM

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6/9/20 8:33 AM

6/9/20 8:33 AM

6/9/20 8:33 AM

Attachment: 5 Newcastle (5 Newcastle)

Order Confirmation

<u>Customer</u> CITY OF HARRISONVILLE - COMMUNITY / ECONOMIC DEVELOPMENT	<u>Payor Customer</u> CITY OF HARRISONVILLE - COMMUNITY / ECONOMIC DEVELOPMENT
<u>Customer Account</u> 620778	<u>Payor Account</u> 620778
<u>Customer Address</u> PO BOX 367 HARRISONVILLE MO 64701 USA	<u>Payor Address</u> PO BOX 367 HARRISONVILLE MO 64701 USA
<u>Customer Phone</u> 816-380-8902	<u>Payor Phone</u> 816-380-8902
<u>Customer Fax</u>	<u>Customer EMail</u>
<u>Sales Rep</u> hmartin@mcclatchy.com	<u>Order Taker</u> hmartin@mcclatchy.com

<u>PQ Number</u>	<u>Payment Method</u>	<u>Blind Box</u>	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
5 New Castle Circle DB	Invoice		0	0	1

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amount</u>	<u>Amount Due</u>
\$107.33	\$0.00	\$107.33	\$0.00	\$107.33

<u>Ad Order Number</u> 0004721987	<u>Order Source</u>	<u>Ordered By</u> Chris Arthur	<u>Special Pricing</u>
<u>Invoice Text</u> 5 New Castle Circle DB			<u>Promo Type</u>
<u>Package Buy</u>			<u>Materials</u>

Ad Order Information

3.G.a

<u>Ad Number</u>	<u>Ad Type</u>	<u>Production Method</u>	<u>Production Notes</u>
0004721987-01	KCM-Legal Liner	AdBooker	

<u>External Ad Number</u>	<u>Ad Attributes</u>	<u>Ad Released</u>	<u>Pick Up</u>
		No	

<u>Ad Size</u>	<u>Color</u>
2 X 66 li	

<u>Product</u>	<u>Placement</u>	<u>Times Run</u>	<u>Schedule Cost</u>
KCM-Cass County Democrat	0300 - Legals Classified	1	\$107.33

<u>Run Schedule Invoice Text</u>	<u>Position</u>
LEGAL NOTICE August 14th, 2020 CITY OF H	0301 - Legals & Public Notices

Run Dates
08/14/2020

Attachment: 5 Newcastle (5 Newcastle)

LEGAL NOTICE
August 14th, 2020
CITY OF HARRISONVILLE, MISSOURI
PROPERTY MAINTENANCE CODE CASE NUMBER DB-20-0003
THE PROPERTY AT:
5 NEW CASTLE CIRCLE
HARRISONVILLE, MO. 64701
PARCEL# 08-08-34-303-000-031.000

TO:
MEL'S LLC
329 SE CANTER CIRCLE
LEE'S SUMMIT, MO. 64082

A hearing will be held with the Board of Building and Engineering Appeals on August 26 at 5:30pm at 300 East Pearl St., Harrisonville, MO. 64701; to move for determination and order to renovate or remove dangerous building.

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - CHAPTER 510 - DANGEROUS STRUCTURES. Ord. No. 2903 §§1 - 3, 3-7-2005 CC 1977 §8-33; Ord. No. 1008 §110.1, 4-4-1973 CC 1977 §8-34; Ord. No. 1008 §110.2, 4-4-1973 CC 1977 §8-35; Ord. No. 1008 §110.3, 4-4-1973 CC 1977 §8-36; Ord. No. 1008 §110.4, 4-4-1973 CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - ENUMERATION - CHAPTER 220 ARTICLE 1 NUISANCES, SPECIFICALLY SECTION 220.020 [CC 1977 §16-18; Rev. Ords. 1939 Ch. 17 Art. 1 §§21, 45 Art. 3 §§1 - 3; Ord. No. 2284 §1, 8-26-1996; Ord. No. 2512 §1, 6-22-1998; Ord. No. 2907 §§1 - 2, 3-7-2005; Ord. No. 2914 §1, 4-18-2005; Ord. No. 3072 §1, 2-2-2009]

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.320 Ord. No. 3236 §1, 8-5-2013

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION - BUILDING AND PROPERTY MAINTENANCE CODES - CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.330 Ord. No. 3236 §1, 8-5-2013

RE: INTERNATIONAL FIRE CODE - CHAPTER 3 - GENERAL REQUIREMENTS - SECTION 311 - VACANT PREMISES - SECTION 311.1.1 - ABANDONED PREMISES - ADOPTING ORDINANCE NUMBER 3235 §1, 8-5-2013

THE PROPERTY AT:
5 NEW CASTLE CIRCLE
HARRISONVILLE, MO. 64701
PARCEL# 08-08-34-303-000-031.000

NOTICE TO ABATE

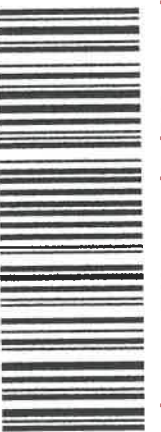
THIS STRUCTURE IS DECLARED A POTENTIALLY DANGEROUS BUILDING AND A PUBLIC NUISANCE. AN ORDER IS HEREBY ISSUED TO RECONDITION OR REMOVE THE STRUCTURE. COMMENCEMENT OF SUCH WORK SHALL BEGIN WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE OR THE CITY OF HARRISONVILLE WILL MOVE FORWARD WITH CONDEMNATION AND DEMOLITION. BUILDING PERMITS ARE REQUIRED FOR ALL CONSTRUCTION OR DEMOLITION WORK.

If, in the determination of the City Administrator or his/her designee, it reasonably appears that there is immediate danger to the health, safety or welfare of any person, the City Administrator or his/her designee may take emergency measures to vacate and repair or demolish the dangerous building or structure. CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973.



P.O. Box 367, 300 East Pearl Street - Har

POSTNET MAIL
(el) New Newcastle (5) el Newcastle
Attachment: 5: 5: Newcastle



7019 2970 0000 7600 6471



US POSTAGE
\$06.90⁰⁰
First-Class
Mailed from 64701
08/06/2029
032A 0061853940

Mei's LLC
329 SE Canter Circle
Lee's Summit, MO 64082

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees

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Postmark
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Sent To: Mei's LLC (5 Newcastle)
Street and Apt. No., or PO Box No.
329 SE Canter Circle
City, State, ZIP+4®
Lee's Summit MO 64082

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

LEGAL NOTICE**August 7th, 2020****CITY OF HARRISONVILLE, MISSOURI****PROPERTY MAINTENANCE CODE CASE NUMBER DB-20-0003****5 NEW CASTLE CIRCLE****HARRISONVILLE, MO. 64701****PARCEL# 08-08-34-303-000-031.000****TO: MEL'S LLC****329 SE CANTER CIRCLE****LEE'S SUMMIT, MO. 64082**

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RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – CHAPTER 510 - DANGEROUS STRUCTURES. Ord. No. 2903 §§1 — 3, 3-7-2005 CC 1977 §8-33; Ord. No. 1008 §110.1, 4-4-1973 CC 1977 §8-34; Ord. No. 1008 §110.2, 4-4-1973 CC 1977 §8-35; Ord. No. 1008 §110.3, 4-4-1973 CC 1977 §8-36; Ord. No. 1008 §110.4, 4-4-1973 CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

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RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – BUILDING AND PROPERTY MAINTENANCE CODES – CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.320 Ord. No. 3236 §1, 8-5-2013

RE: CITY OF HARRISONVILLE ADOPTED ORDINANCE/GOVERNMENT CODE VIOLATION – BUILDING AND PROPERTY MAINTENANCE CODES – CHAPTER 500 ARTICLE 8 PROPERTY MAINTENANCE, SPECIFICALLY SECTION 500.330 Ord. No. 3236 §1, 8-5-2013

Attachment: 5 Newcastle (5 Newcastle)

**RE: INTERNATIONAL FIRE CODE - CHAPTER 3 – GENERAL REQUIREMENTS –
SECTION 311 – VACANT PREMISES - SECTION 311.1.1 – ABANDONED PREMISES -
ADOPTING ORDINANCE NUMBER 3235 §1, 8-5-2013**

**THE PROPERTY AT:
5 NEW CASTLE CIRCLE
HARRISONVILLE, MO. 64701
PARCEL# 08-08-34-303-000-031.000**

NOTICE TO ABATE

THIS STRUCTURE IS DECLARED A DANGEROUS BUILDING AND A PUBLIC NUISANCE. AN ORDER IS HEREBY ISSUED TO RECONDITION OR REMOVE THE STRUCTURE. COMMENCEMENT OF SUCH WORK SHALL BEGIN WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE OR THE CITY OF HARRISONVILLE WILL MOVE FORWARD WITH CONDEMNATION AND DEMOLITION.

SPECIFIC CODE VIOLATION:

Dangerous Building- Vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base. Thirty-three percent or more damage or deterioration of the supporting members or fifty percent damage or deterioration of the non-supporting members enclosing or outside walls or covering. Improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended. Dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein. Light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein. Inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation. Parts thereof which are so attached that they may fall and injure members of the public or property. Unsafe, unsanitary, and dangerous to the health, safety or general welfare of the people of this City. Fire code and city ordinance violations do exist.

Nuisance- Condition of structure imposes danger, annoyance of the public health, safety and welfare.

Property Maintenance- Openings in foundation and roof allow water to intrude, ceilings required to be in good condition and good repair, chimneys required to be in a safe and secure manner and maintained in good repair.

Fire Code- Owners whereabouts unknown, Cass County tax records show physical address as the mailing address. Structure presents a danger of structural collapse and fire spread to adjacent properties.

Municipal Code 510.010- *Defined. All buildings or structures, including accessory structures, which are detrimental to the health, safety or welfare of the residents of the City and that, have any or all of the following defects shall be deemed "dangerous buildings".*

1. *Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.*

2. *Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting members or fifty percent (50%) damage or deterioration of the non-supporting members enclosing or outside walls or covering.*

3. *Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended.*

4. *Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or people of the City.*

5. *Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.*

6. *Those having light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.*

7. *Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation.*

8. *Those that have parts thereof which are so attached that they may fall and injure members of the public or property.*

9. *Those that because of their condition is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this City.*

10. *Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the International Fire Code, National Electric Code or any other ordinance of this City.*

Municipal Code 220.020- *All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience, danger, detriment or annoyance of the public health, safety or welfare.*

Municipal Code 500.320- *Every foundation, roof, exterior wall, door, sky light and window shall be reasonably weathertight and watertight and shall be kept in sound condition and good repair. Existing screen doors and windows shall be maintained in sound condition and good repair. Floors, interior walls and ceilings shall be in good condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective coverings or treatment. Walls shall be capable of affording privacy for occupants.*

Municipal Code 500.330- *Exterior appurtenances, including but not limited to screens, awnings, trellises, television antennas, chimneys, storm windows, gutters, eaves, storm doors, fences, and retaining walls shall be installed pursuant to the requirements of all other portions of the City's Code in a safe and secure manner and shall be maintained in good repair.*

Fire Code 311.1.1- *Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by*

unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the International Property Maintenance Code and the International Building Code.

If, in the determination of the City Administrator or his/her designee, it reasonably appears that there is immediate danger to the health, safety or welfare of any person, the City Administrator or his/her designee may take emergency measures to vacate and repair or demolish the dangerous building or structure. CC 1977 §8-39; Ord. No. 1008 §111.2, 4-4-1973

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☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$ 7.05	
Sent To Mel's LLC	
Street and Apt. No., or PO Box No. 329 SE Canter Cir	
City, State, ZIP+4® Lees Summit	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Attachment: 5 Newcastle (5 Newcastle)



Harrisonville

300 E. Pearl Street
PO BOX 367
Harrisonville, MO 64701
Phone: (816) 380-8958
Fax: (816) 380-8906
www.harrisonville.com
www.ecode360/HA3317

June 11, 2020

329 SE CANTER CIR
LEES SUMMIT, MO 64082-0000

RE: Code Compliance Case No. DB-20-0003

MEL'S LLC,

Location : 5 NEW CASTLE CIR , HARRISONVILLE MO

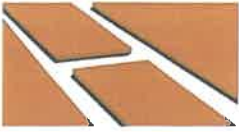
Complaint Description:

Vacant mobile home in violation of Municipal Ordinance Section 510.010 titled Dangerous Buildings. The dilapidated structure's unsafe and unsanitary condition is unfit for human habitation and a danger to the general welfare of the people of this city. The owner of the property is hereby ordered to remove the structure from the premises.

NOTICE OF VIOLATION. THIS PROPERTY HAS BEEN OBSERVED TO BE IN VIOLATION OF THE BELOW MUNICIPAL ORDINANCE AND REQUIRES COMPLIANCE WITHIN TEN CALENDAR DAYS FROM THE DATE OF THIS NOTICE.

TITLE 5 BUILDING AND CONSTRUCTION - CHAPTER 510 DANGEROUS STRUCTURES/REPAIR OR DEMOLITION OF CERTAIN STRUCTURES - SECTION 510.010 DANGEROUS STRUCTURES [Ord. No. 2903 §§1 — 3, 3-7-2005]

Attachment: 5 Newcastle (5 Newcastle)



Harrisonville

300 E. Pearl Street
 PO BOX 367
 Harrisonville, MO 64701
 Phone: (816) 380-8958
 Fax: (816) 380-8906
www.harrisonville.com
www.ecode360/HA3317

A. Defined. All buildings or structures, including accessory structures, which are detrimental to the health, safety or welfare of the residents of the City and that, have any or all of the following defects shall be deemed "dangerous buildings".

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting members or fifty percent (50%) damage or deterioration of the non-supporting members enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose intended.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of evacuation.
8. Those that have parts thereof which are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this City.
10. Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the International Fire Code, National Electric Code or any other ordinance of this City.

[Ord. No. 3238 §1, 8-5-2013]

B. Dangerous Building Declared Nuisance. All dangerous buildings, as defined in Subsection (A), are hereby declared to be public nuisances, and shall be repaired, vacated and repaired, or demolished as provided in Subsection (C).

C. Standards For Repair, Vacation Or Demolition. The following standards shall be followed in substance by the Director of Community Development or his/her designee in ordering repair, vacation, or demolition of any dangerous building.

[Ord. No. 3238 §2, 8-5-2013]

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this Section, it shall be repaired.
2. If the dangerous building is in condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Section, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard, existing or erected in violation of the terms of this Section or any Section of the Code of Ordinances or Statute of the State of Missouri, it shall be repaired or demolished.



Harrisonville

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www.ecode360/HA3317

SECTION 510.020 PENALTIES - In addition to any other penalties provided for herein, if any party ordered to correct a situation which constitutes a nuisance fails to do so within a reasonable time or fails to proceed continuously without unnecessary delay, he/she will be subject to a fine as provided in Section 100.200 of this Code. Each seven (7) day period thereafter shall constitute a new and separate cause of action.

SECTION 510.060 NOTICE TO ABATE NUISANCE - If the inspector finds that any person is maintaining a nuisance as herein provided, the inspector shall serve notice in writing upon the owner or other person having control or use of the premises notifying same that the property has been declared a nuisance and specifying that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement of said work. Said notice shall be by either personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be made by publication. Notice shall be given to the owner, the occupant, the lessee, the mortgagee, agent and all other persons having an interest in the building or structure as shown by the land records of the Recorder of Deeds of the County wherein the land is located.

SECTION 220.030 NOTICE TO ABATE - Whenever the City Administrator shall ascertain or have knowledge that a nuisance exists in or upon any house, building, lot or premises within the City or within one-half (½) mile of the corporate limits of the City, he/she shall, in writing, notify the owner or person occupying or having possession and control of such house, building, lot or premises to abate or remove such nuisance within a time to be specified in such notice; provided however, that when the owner of the property is a non-resident of the City and no person occupies, possesses or controls such building, lot or premises, notice shall be posted on the property to fulfill the requirements of this Section.

SECTION 220.040 FAILURE TO COMPLY WITH NOTICE TO ABATE NUISANCE - It shall be unlawful for any person to fail or neglect or refuse to obey and comply with the provisions of any notice issued under the provision of this Article within the time therein specified. In addition to any and all remedies and actions available to the City pursuant to this Article or any other law, rule or regulation, the Board of Aldermen may direct the City Attorney to file a civil cause of action for abatement of any nuisance created by the accumulation of unsightly, dangerous or noxious personal property within the City limits. The City Attorney shall make application for all reasonable attorney's fees incurred in connection with such action.

SECTION 220.050 ABATEMENT BY CITY - If the owner or person occupying or having possession and control of any premises upon which a nuisance exists in violation of this Article does not abate the same within the time stated in the notice to abate such nuisance, the City may enter upon such premises and abate such nuisance. The costs and expenses of such abatement by the City shall, like taxes, be a first (1st) lien on the property affected thereby until paid.

City of Harrisonville Municipal Ordinance may be viewed at www.harrisonville.com or www.ecode360.com/HA3317

Thank you for your cooperation in resolving this matter.

Regards,
John Morris
Building Inspector
816-380-8921

Attachment: 5 Newcastle (5 Newcastle)



TO: Board of Building and Engineering Appeals
FROM: Chris Arthur,
DATE: August 12, 2020
SUBJECT: PUBLIC HEARING

Type of Item: *Public Hearing*

H. Discussion Item (ID # 3583)
PUBLIC HEARING