



THE CITY OF
HARRISONVILLE
WHERE TRADITION MEETS INNOVATION

AGENDA
CITY OF HARRISONVILLE
BOARD OF BUILDING AND ENGINEERING APPEALS
REGULAR MEETING
CITY HALL
APRIL 15, 2024
6:00 PM

- 1. Call to Order**
 - 1. Roll Call**
- 2. Approval of Minutes**
 - 1. Board of Building and Engineering Appeals - Regular Meeting - May 22, 2023 6:00 PM**
- 3. Agenda Items**
 - 1. 107 & 109 S. Lexington - CCHS, LLC**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 1st day of April, 2024.

Daniel Barnett, City Clerk



DRAFT
MINUTES
CITY OF HARRISONVILLE
BOARD OF BUILDING AND ENGINEERING APPEALS
REGULAR MEETING
CHAMBER OFFICES
MAY 22, 2023
6:00 PM

1. Call to Order

The meeting was called to order at 6:01 PM by Chair Mike Cox

Attendee Name	Organization	Title	Status	Arrived
Mike Cox	Harrisonville	Chair	Present	
Tony Meister	Harrisonville		Excused	
Jeff Cryderman	Harrisonville		Present	
Vince Farr	Harrisonville		Absent	
Kevin Stucker	Harrisonville		Present	
John Foster	Harrisonville		Present	
Bryan Wooten	Harrisonville		Present	

Also in attendance were John Morris, Building Official; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

1. Board of Building and Engineering Appeals - Regular Meeting - Apr 24, 2023 6:00 PM

With no additions or corrections, John Foster made a motion to accept the minutes of the April 24, 2023, meeting as written. Bryan Wooten seconded. The motion passed unanimously.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	John Foster
SECONDER:	Bryan Wooten
AYES:	Cox, Cryderman, Stucker, Foster, Wooten
ABSENT:	Vince Farr
EXCUSED:	Tony Meister

3. Agenda Items

1. 1408 King Arthur Dr. - Staff Report

Minutes Acceptance: Minutes of May 22, 2023 6:00 PM (Approval of Minutes)

John Morris presented the Staff Report for 1408 King Arthur Drive. He said that the owner of the property has been missing for 3 years and is presumed deceased by the Harrisonville Police Department. The deed for the home is in the property owners name with ETAL, meaning others. There have been squatters in the home since January. The Codes Department and HPD have been there at least 14 to 20 times since then and at least one of the squatters was arrested for tampering with the utilities.

Mr. Morris said that the structure had been boarded up and he had been notified by HPD that the squatters had gotten in again.

Kevin Stucker asked Mr. Morris if the City had exhausted all options with this property and finding who owns it. Mr. Morris said that one of the squatters says she owns the property.

Mike Cox asked if staff needed more time to research regarding the deed. Mr. Morris said that he approached this demo with instruction from the City Attorney.

2. 1408 King Arthur Dr. - Public Hearing

Jeff Cryderman made a motion to agree and concur with the findings of Staff. Kevin Stucker seconded.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeff Cryderman
SECONDER:	Kevin Stucker
AYES:	Cox, Cryderman, Stucker, Foster, Wooten
ABSENT:	Vince Farr
EXCUSED:	Tony Meister

4. Discussion Items

5. Adjourn

With nothing further to come before the Board, John Foster made a motion to adjourn. Bryan Wooten seconded. The meeting was adjourned at 6:09 PM.

Jamie Martin, Recording Secretary

Minutes Acceptance: Minutes of May 22, 2023 6:00 PM (Approval of Minutes)

STAFF REPORT

TO: Board of Building and Engineering Appeals
FROM: Jamie Martin, Assistant
DATE: March 28, 2024
SUBJECT: 107 & 109 S. Lexington - CCHS, LLC

Type of Item: *Approval*

1. Action Item (ID # 4792)

107 & 109 S. Lexington, CCHS, LLC

Attachments:

RAINS BBEA Staff Report (DOCX)

City of Harrisonville, MO Maintenance of Historic Properties_ (PDF)

IMG_20240313_114133827 (JPG)

IMG_20240313_114152083_HDR (JPG)

IMG_20240313_114358048_HDR (JPG)

LEGAL NOTICE (DOCX)

EMAIL 3-26-24 (PDF)

EMAIL 3-13-24 (PDF)

EMAIL 2 3-13-24 (PDF)

EMAIL 8-23 (PDF)

EMAIL 3-23 (PDF)

EMAIL 2-23 (PDF)

CCHS Letter 1-23 (PDF)



To: Board of Building and Engineering Appeals

From: John Morris, Building Official

Date: April 15, 2024

Re: Dangerous Buildings at 107 and 109 S Lexington

GENERAL INFORMATION

Property Owner: CCHS LLC c/o Larry Rains

Requested Actions: An order of compliance; the owner shall comply with Municipal Ordinance in ensuring that public safety and health is upheld with required repairs and continuous maintenance of the buildings. Order to state that repairs shall begin immediately.

Date of Inspector's original order: March 13, 2024

PREVIOUS ACTIONS

- Property owner was ticketed in September 2023 on multiple violations through Municipal Court on these and other properties. No action was taken to make any structural repairs.

KEY ISSUES

The original brick East exterior walls of 107 and 109 S Lexington are both in major disrepair and are in imminent danger of collapse.

STAFF COMMENTS AND SUGGESTIONS

- On March 25, 2024 Mr. Rains replied to the March 13, 2024 notice by email stating that the repairs are not within his budget and plans to sell the properties.

STAFF RECOMMENDATION

- Since the situation is dangerous to the public and property, staff suggest the BBEA concur with staff findings and that the city make the necessary repairs by stabilizing the exterior walls at the direction of a registered design professional.

STAFF CONTACT: John Morris, Building Official

Attachment: RAINS BBEA Staff Report (107 & 109 S. Lexington - CCHS, LLC)

City of Harrisonville, MO
Thursday, March 28, 2024

Chapter 405. Zoning Regulations

ARTICLE XVI. "H-1" Historic Preservation District

Division 7. Maintenance of Properties

Section 405.465. Maintenance of Historic Properties.

[Ord. No. 1825, 5-13-1991]

- A. *Ordinary Maintenance Exclusion.* Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure designated as a landmark or within a historic preservation district.
- B. *Definition Of Ordinary Maintenance.* Any work for which a building permit is not required by law, where the purpose and the affect of such work is to correct any deterioration or decay or damage to a structure or any part thereof and to restore the same as nearly as may be practical to its condition prior to the occurrence of such deterioration, decay or damage.
- C. *Minimum Maintenance Requirement.* All buildings and structures designated by the City ordinance as "H-1" shall be preserved against decay and deterioration and free from certain structural defects in the following manner by the owner thereof or such other person or persons who may have legal custody and control thereof. The owner or other person having legal custody thereof shall repair such building if it is found to have any of the following defects:
1. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
 2. Deteriorated or inadequate foundation.
 3. Defective or deteriorated flooring or flooring supports or floor supports of insufficient size to carry imposed loads with safety.
 4. Members of walls, partitions or other vertical support that split, lean, list or buckle due to defective material or deterioration.
 5. Members of walls, partitions or other vertical supports that are insufficient size to carry imposed loads with safety.
 6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
 7. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.
 8. Fireplace or chimneys which list, bulge or settle due to defective material or deterioration.
 9. Fireplace or chimneys which are of insufficient size or strength to carry imposed loads with safety.

10. Deteriorated, crumbling or loose plaster.
 11. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or walls, including broken windows or doors.
 12. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other protective coating.
 13. Any fault or defect in a building which renders the same structurally unsafe or not properly watertight.
- D. *Public Safety Exclusion.* None of the provisions of this Chapter shall be construed to prevent any measures of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Codes Enforcement Department of the City of Harrisonville and where the proposed measures have been declared necessary by such department or departments to correct the said condition; provided however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature shall be damaged by fire or other calamity or by an act of God or by public enemy to such an extent that, in the opinion of the aforesaid department, it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws.
- E. If minimum maintenance is not being maintained, the owner of the property or other person having legal custody thereof shall be notified thereof by the Preservation Commission. The notice shall be by certified mail and shall specify each item in the property or landmark that fails to meet with minimum maintenance requirements. The owner or other person having custody of the property shall have thirty (30) days from the receipt of the notice to comply with minimum maintenance requirements. The Preservation Commission, for good cause shown, may grant an additional extension of thirty (30) days. If, after the original thirty (30) day period or any extension granted, the owner or person having legal custody of the property should fail to meet the minimum maintenance requirements, the owner or person having legal custody of the property shall be in violation of this Section and punished subject to the punishment set forth in this Chapter.



Attachment: IMG_20240313_114133827 (107 & 109 S. Lexington - CCHS, LLC)





Attachment: IMG_20240313_114358048_HDR (107 & 109 S. Lexington - CCHS, LLC)

LEGAL NOTICE**BOARD OF BUILDING AND ENGINEERING APPEALS HEARING****APRIL 15, 2024 AT 6:00 P.M. IN THE COUNCIL CHAMBERS AT CITY HALL****CITY OF HARRISONVILLE, 300 EAST PEARL ST. HARRISONVILLE, MISSOURI 64701****PROPERTY MAINTENANCE AND DANGEROUS STRUCTURES, CODE CASE NUMBERS DB-24-0002
AND DB-24-0003****TO:****CCHS, LLC/LARRY RAINS
1883 NW 255RD
KINGSVILLE, MO 64061****THE PROPERTY AT:****107 N. LEXINGTON PARCEL NUMBER: 13-21-41-204-000-106.000****109 N. LEXINGTON PARCEL NUMBER: 13-21-41-204-000-107.000****YOU HAVE BEEN SERVED A DECLARATION OF NUISANCE, DANGEROUS BUILDINGS, AND
NOTICE TO REPAIR OR DEMOLISH THE PROPERTIES AT 107 N. LEXINGTON AND 109 N.
LEXINGTON, HARRISONVILLE, MO 64701. AS OF MARCH 23, 2024, A PERMIT FOR REPAIR OR
DEMOLITION HAS NOT BEEN ISSUED AND NO WORK HAS COMMENCED.****PURSUANT TO SECTION 510.070 OF THE CITY OF HARRISONVILLE CODE OF ORDINANCES,
YOU ARE HEREBY GIVEN NOTICE OF A HEARING FOR ABATEMENT OF THE NUISANCE AND
DANGEROUS BUILDING BEFORE THE BOARD OF BUILDING AND ENGINEERING APPEALS TO
BE HELD ON APRIL 15, 2024 AT 6:00 PM. YOU ARE ADVISED THAT ANY PERSON HAVING
RECORD TITLE OR LEGAL INTEREST IN THIS STRUCTURE MAY APPEAR AT THE HEARING,
MAY BE REPRESENTED BY COUNSEL, AND SHALL HAVE AN OPPORTUNITY TO BE HEARD.
FAILURE TO APPEAR WILL CONSTITUTE A WAIVER TO ALL RIGHTS TO AN ADMINISTRATIVE
HEARING AND DETERMINATION OF THIS MATTER.****Proceedings for review of the decision of the Board of Building and Engineering may be instituted by filing a
petition in the County Circuit Court within thirty (30) days after the mailing or delivery of notice of the
Board of Building And Engineering's final decision. Said appeal shall be filed in accordance with Chapter
536, RSMo., as amended.**

Fw: 107/109 S Lexington, Dangerous building code cases

John Morris <jmorris@harrisonville.com>

Thu 3/28/2024 12:00 PM

To: Jamie Martin <jmartin@harrisonville.com>

John Morris
Building Official
City of Harrisonville
Office: (816) 380-8917



From: John Morris <jmorris@harrisonville.com>

Sent: Tuesday, March 26, 2024 12:40 PM

To: coachljrains23 <coachljrains23@gmail.com>

Cc: Barrett Welton <bwelton@harrisonville.com>; Casey Hofer <chofer@harrisonville.com>; Jamie Martin <jmartin@harrisonville.com>; Christina Stanton <cstanton@harrisonville.com>

Subject: Re: 107/109 S Lexington, Dangerous building code cases

Good afternoon,

Pursuant to Municipal Ordinance Section 510.070, the Board of Building and Engineering Appeals have called a full and adequate hearing upon the matter. The Hearing will be held at Harrisonville City Hall, 300 E Pearl Street, on April 15, 2024 at 6:00PM. Any party may be represented by counsel and all parties shall have an opportunity to be heard. I will also be sending a certified copy of the BBEA hearing notice to your address.

John Morris
Building Official
City of Harrisonville
Office: (816) 380-8917



From: coachljrains23 <coachljrains23@gmail.com>

Sent: Monday, March 25, 2024 11:00 AM

To: John Morris <jmorris@harrisonville.com>

Subject: RE: 107/109 S Lexington, Dangerous building code cases

Good morning,

I have spent the past week making some calls to see what options are available to deal with 107, 109 Lexington. All options have exceeded my current budget.

When I first came to the square I saw an opportunity to help both myself and the square. This turned into a nightmare. My restaurant had survived covid only to be shut down over new code requirements.

Attachment: EMAIL 3-26-24 (107 & 109 S. Lexington - CCHS, LLC)

Just prior to this I was told by a city official that if I dont sale my buildings I would be ticketed until I did so. I was denied permits by either the codes office or the sub contractor. My square budget is now exhausted. The grant being offered would be a tremendous boost, but to my understanding it's only available to new projects. The other option is to immediately wholesale 105,107,109 lexington. The current buyer along with a former buyer felt it best to move away from the project. To secure the buildings I was told I could only do it a certain way. Ive had contractors turned away when doing nothing more than patching a leak. Before the latest round of tickets I received several emails from Brock about needs and responded immediately . I decided that communication was good and I could start to move forward in getting buildings ready for occupancy. This was met with fourteen tickets which im now on a payment plan to pay. All I ever wanted was to see the square completely up and going with a great steak resturant. Even through covid The goal was heading in the right direction. Now I face tremendous financial obstacles while having to work with a department that is very worrisome. This week I will put 105,107 and 109 on the market at wholesale prices. My budget and heart can't take anymore. I hope the new owners are individuals you can work with. I do hope you can see my side and concerns. I truly do want these buildings safe and occupied.

Larry

Sent via the Samsung Galaxy S23+ 5G, an AT&T 5G smartphone

----- Original message -----

From: John Morris <jmorris@harrisonville.com>

Date: 3/18/24 1:54 PM (GMT-06:00)

To: coachljrains23 <coachljrains23@gmail.com>, alanhenderson007@gmail.com

Cc: Christina Stanton <cstanton@harrisonville.com>, Jamie Martin <jmartin@harrisonville.com> ,

Barrett Welton <bwelton@harrisonville.com>, Casey Hofer <chofer@harrisonville.com>

Subject: 107/109 S Lexington, Dangerous building code cases

Good afternoon,

Sorry I missed you folks this morning but I'm glad to hear that you've received the notices regarding the dangerous building code cases (attached). I understand that you may be interested in or may have already applied for some grant funding to help with the rehab of the buildings. That is great news but in my experience grant funding takes time. With the current condition of the buildings I fear we don't have time to spare. As stated in the letters, in my opinion, structural collapse of the East exterior walls of 107 and 109 South Lexington Street is imminent and your immediate action is required.

The exterior walls have to be stabilized, promptly. Please consult with a Missouri Licensed Design Professional and come up with a stabilization method. A NO COST building permit will be issued for the work, I only need a copy of the Design Professional's documentation and a application for permit returned to my office for each property. Let's get these walls stabilized and then we can work together on a timeline for cost effective permanent repairs.

Just so we are on the same page, I need to see progress regarding this situation on or before Monday March 25, 2024.

Thank you for your cooperation,

John Morris

Attachment: EMAIL 3-26-24 (107 & 109 S. Lexington - CCHS, LLC)

Building Official
City of Harrisonville
Office: (816) 380-8917



THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE AND ANY ATTACHMENTS IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IF THE READER OF THIS E-MAIL MESSAGE AND ANY ATTACHMENTS IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU ARE IN THE POSSESSION OF PRIVILEGED INFORMATION. PLEASE IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE OR REPLY EMAIL OF YOUR INADVERTENT RECEIPT AND DELETE THIS E-MAIL MESSAGE AND ANY ATTACHMENTS IMMEDIATELY. This is an email from outside your organization.

Attachment: EMAIL 3-26-24 (107 & 109 S. Lexington - CCHS, LLC)

Fw: 107 & 109 S Lexington, Dangerous Buildings. IMMEDIATE ACTION REQUIRED

John Morris <jmorris@harrisonville.com>

Thu 3/28/2024 12:00 PM

To: Jamie Martin <jmartin@harrisonville.com>

📎 2 attachments (401 KB)

DB-24-0003.pdf; DB-24-0002.pdf;

John Morris
Building Official
City of Harrisonville
Office: (816) 380-8917



From: John Morris

Sent: Wednesday, March 13, 2024 4:03 PM

To: coachljrains23 <coachljrains23@gmail.com>

Cc: Barrett Welton <bwelton@harrisonville.com>; Christina Stanton <cstanton@harrisonville.com>; Jamie Martin <jmartin@harrisonville.com>; Casey Hofer <chofer@harrisonville.com>

Subject: 107 & 109 S Lexington, Dangerous Buildings. IMMEDIATE ACTION REQUIRED

Mr. Rains,

Please review the attached documents. Per Municipal Ordinance, a ten-day grace period is given. If continuous work towards the required structural repairs does not begin by 8:00am on March 23, 2024 I will call a meeting with the Board of Building and Engineering Appeals. I will recommend to the board that the city abate the condition by making the necessary repairs and any associated costs or fees to be assessed as a special tax bill against the property. I have mailed two copies of the attached letters to your address, one certified and one first class mail. Your immediate attention to these issues is required as these buildings are in danger of collapse.

<https://ecode360.com/27911100#27911100>



City of Harrisonville, MO: Dangerous Structures — Repair or Demolition of Certain Structures

Ch 510 [Ord. No. 2903 §§1 — 3, 3-7-2005] 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 de

ecode360.com

Attachment: EMAIL 3-13-24 (107 & 109 S. Lexington - CCHS, LLC)

John Morris
Building Official
City of Harrisonville
Office: (816) 380-8917



Attachment: EMAIL 3-13-24 (107 & 109 S. Lexington - CCHS, LLC)

Fw: 109 S Lexington, unsecure building

John Morris <jmorris@harrisonville.com>

Thu 3/28/2024 12:00 PM

To: Jamie Martin <jmartin@harrisonville.com>

John Morris
 Building Official
 City of Harrisonville
 Office: (816) 380-8917



From: John Morris
Sent: Wednesday, March 13, 2024 4:53 PM
To: coachljrains23 <coachljrains23@gmail.com>; Joey Rains <ljrains4@gmail.com>
Cc: Barrett Welton <bwelton@harrisonville.com>
Subject: 109 S Lexington, unsecure building

Larry,

The front door at 109 S Lexington is once again open and the building is left unsecured. If the vacant building is still open at noon tomorrow I have no choice but to have our abatement contractor secure the building.

John Morris
 Building Official
 City of Harrisonville
 Office: (816) 380-8917



Attachment: EMAIL 2 3-13-24 (107 & 109 S. Lexington - CCHS, LLC)

Fw: window

John Morris <jmorris@harrisonville.com>

Thu 3/28/2024 12:00 PM

To: Jamie Martin <jmartin@harrisonville.com>

John Morris
Building Official
City of Harrisonville
Office: (816) 380-8917



From: John Morris <jmorris@harrisonville.com>
Sent: Tuesday, August 8, 2023 10:13 AM
To: coachljrains23 <coachljrains23@gmail.com>
Cc: Barrett Welton <bwelton@harrisonville.com>
Subject: Re: window

Morning Larry,

Getting that window fixed would be great, prior to abatement. Also, please repair or remove the sign above the front door at 101/103.

Thanks

John Morris
City of Harrisonville
Building Official
Office: (816) 380-8958
Fax: (816) 380-8906

From: Barrett Welton <bwelton@harrisonville.com>
Sent: Monday, August 7, 2023 10:47:10 AM
To: John Morris <jmorris@harrisonville.com>
Subject: RE: window

Thanks!

Sent from my T-Mobile 5G Device

Attachment: EMAIL 8-23 (107 & 109 S. Lexington - CCHS, LLC)

----- Original message -----

From: John Morris <jmorris@harrisonville.com>
Date: 8/7/23 8:37 AM (GMT-06:00)
To: Barrett Welton <bwelton@harrisonville.com>
Subject: Fw: window

fyi

John Morris
Building Official
City of Harrisonville
Office: (816) 380-8958
Fax: (816) 380-8906



From: coachljrains23 <coachljrains23@gmail.com>
Sent: Monday, August 7, 2023 7:50 AM
To: John Morris <jmorris@harrisonville.com>
Subject: window

Just noticed a damaged window.
Joey will be there this afternoon to repair.
103,105 and 107 are going on the market in the next few weeks

Sent via the Samsung Galaxy S23+ 5G, an AT&T 5G smartphone

This is an email from outside your organization.

Attachment: EMAIL 8-23 (107 & 109 S. Lexington - CCHS, LLC)

Fw: lexington st

John Morris <jmorris@harrisonville.com>

Thu 3/28/2024 12:00 PM

To: Jamie Martin <jmartin@harrisonville.com>

John Morris
Building Official
City of Harrisonville
Office: (816) 380-8917



From: John Morris <jmorris@harrisonville.com>

Sent: Monday, March 6, 2023 9:44 AM

To: coachljrains23 <coachljrains23@gmail.com>; Christina Stanton <cstanton@harrisonville.com>

Subject: Re: lexington st

Sounds good, see you Wednesday.
Thanks

John Morris
City of Harrisonville
Building Official
Office: (816) 380-8958
Fax: (816) 380-8906

From: coachljrains23 <coachljrains23@gmail.com>

Sent: Monday, March 6, 2023 8:23:42 AM

To: John Morris <jmorris@harrisonville.com>

Subject: Re: lexington st

Sounds good, ,
I would like to Open Jts back up. We can discuss further on Wednesday, just wanted to confirm that at this time we can move forward? I also want to express that I have a good plan to work with the city and get the remaining properties on Lexington back in the proper condition and get the , face of our city, One to be envied.
Thanks, Larry

Sent via the Samsung Galaxy S23+ 5G, an AT&T 5G smartphone

Attachment: EMAIL 3-23 (107 & 109 S. Lexington - CCHS, LLC)

----- Original message -----

From: John Morris <jmorris@harrisonville.com>
Date: 3/6/23 8:04 AM (GMT-06:00)
To: coachljrains23 <coachljrains23@gmail.com>
Subject: Re: lexington st

Morning,
I've got you down for 10am Wednesday, thanks.

John Morris
Building Official
City of Harrisonville
Office: (816) 380-8958
Fax: (816) 380-8906

From: coachljrains23 <coachljrains23@gmail.com>
Sent: Monday, March 6, 2023 8:00 AM
To: John Morris <jmorris@harrisonville.com>
Subject: lexington st

Good Morning, Would anytime Wednesday work for you?
Thanks, Larry

Sent via the Samsung Galaxy S23+ 5G, an AT&T 5G smartphone

This is an email from outside your organization.



THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE AND ANY ATTACHMENTS IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IF THE READER OF THIS E-MAIL MESSAGE AND ANY ATTACHMENTS IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU ARE IN THE POSSESSION OF PRIVILEGED INFORMATION. PLEASE IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE OR REPLY EMAIL OF YOUR INADVERTENT RECEIPT AND DELETE THIS E-MAIL MESSAGE AND ANY ATTACHMENTS IMMEDIATELY. This is an email from outside your organization.

Attachment: EMAIL 3-23 (107 & 109 S. Lexington - CCHS, LLC)

Fw: Larry Rains Harrisonville Square properties

John Morris <jmorris@harrisonville.com>

Thu 3/28/2024 12:00 PM

To: Jamie Martin <jmartin@harrisonville.com>

📎 6 attachments (2 MB)

107 E Wall Interceptor notification 12-21-22.pdf; 107 E Wall Nuisance Letter 12-21-22.pdf; 107 W Wall grease dumping photos 12-20-22 & copy of abatement invoice.pdf; business license required letter 12-13-22.pdf; 101-109 S Lexington.docx; City of Harrisonville, MO Online Business License Application Instructions.pdf;

John Morris
Building Official
City of Harrisonville
Office: (816) 380-8917



From: John Morris

Sent: Thursday, March 2, 2023 2:08 PM

To: coachljrains23@gmail.com <coachljrains23@gmail.com>

Cc: Christina Stanton <cstanton@harrisonville.com>; Casey Hofer <chofer@harrisonville.com>; jessicalevsen@expertrealtyco.com <jessicalevsen@expertrealtyco.com>; goforthben@gmail.com <goforthben@gmail.com>; Jamie Martin <jmartin@harrisonville.com>; utilities <utilities@ci.harrisonville.mo.us>

Subject: Larry Rains Harrisonville Square properties

Good Afternoon, Larry.

Please see the attached documents with some links and code verbiage below. Attached is a copy of my exterior assessment of the buildings on Lexington as the court requested, photographs of the nuisance violation (grease dumping), a copy of the nuisance violation notice, a copy of the abatement invoice, a copy of the required grease interceptor notice and an informational handout regarding obtaining a city business license. Please note, JT's does not have a current business license with the city and that needs to be addressed ASAP, see ordinance below.

We'll need to get together again before your court appearance on 3/15/23 to discuss the 101-109 S Lexington properties. Office number is 816-380-8958 and hours are 8-5 M-F, please reach out and Jamie will help you get something scheduled with Christina, Casey and myself.

Link to Municipal Ordinance <https://ecode360.com/HA3317>

Link to illegal dumping complaint <https://seeclickfix.com/issues/13842465-illegal-dumping>

Link to interceptor ordinance (Section 700.690 Discharge, Subsection

G) <https://ecode360.com/print/HA3317?guid=27924514>

Link to 2018 International Plumbing Code (section 1003 interceptors and

separators) <https://codes.iccsafe.org/content/IPC2018P5>

Link to 2018 International Property Maintenance Code <https://codes.iccsafe.org/content/IPMC2018>

Link to BBEA info <http://ci.harrisonville.mo.us/68/Board-of-Building-Engineering-Appeals>

Attachment: EMAIL 2-23 (107 & 109 S. Lexington - CCHS, LLC)

Adopted 2018 International Plumbing Code

1003.1 Where Required. *"Interceptors and separators shall be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the public sewer, the private sewage system or the sewage treatment plant or process."*

700.690.G Interceptors.

[Ord. No. 3539, 4-19-2021]

- 1.** Interceptors shall be provided when, **required by adopted IPC** or if in the **opinion of the Superintendent** or the **Building Official**, they are necessary for the **proper handling** of liquid wastes, sand or other harmful ingredients including human hair or animal fur, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and **capacity** approved by the Superintendent or the Building Official and shall be located as to be readily and easily accessible for cleaning and inspection. Proof of cleaning all interceptors shall be submitted, in writing, to the Superintendent or the Public Works Administrative Assistant.
- 2.** All new construction, and all tenant finish or commercial remodeling, in which the exterior installation is feasible in the opinion of the Superintendent or the Building Official, which require interceptors shall have the interceptor(s) installed on the exterior of the building and shall include sampling port risers and caps of a minimum six (6) inch diameter, of approved materials with traffic lids where applicable. Riser tees shall utilize eccentric reducers to maintain interceptor inlet and outlet pipe sizes and flow lines. This is required for either hydromechanical interceptors or gravity interceptors. All manhole and access lids and riser extensions shall be traffic rated as required by location.
- 3.** Projects for existing buildings and tenant spaces in which the exterior installation is not feasible in the opinion of the Superintendent or the Building Official due to lack of exterior location or undue burden may be

considered for interior installation by the Superintendent or the Building Official.

4. All interceptors, both hydromechanical and gravity, shall be designed and installed per the adopted IPC.
5. The minimum liquid capacity for all exterior interceptors shall be five hundred (500) gallons.
6. All existing interior grease interceptors and approved newly installed interior grease interceptors shall be cleaned out monthly and the cleanout agency report submitted, regardless of size.
7. All exterior grease interceptors shall be cleaned out on a schedule consistent with recognized standards for the twenty-five percent (25%) rule. When the interceptor is twenty-five percent (25%) full of fats, oils, sand, or grease, the interceptor is required to be cleaned out. At no time shall an interceptor, regardless of liquid capacity size, go longer than six (6) months without a cleanout report being submitted to public works.

Section 605.090 **Penalties; License Revocation or Suspension; Unlawful Continuation.**

[CC 1977 §18-9; Ord. No. 2334 §1, 1-13-1997; Ord. No. 3258 §1, 11-4-2013; Ord. No. 3549, 6-21-2021]

- A. Non-Compliance Or Violation A Misdemeanor. In addition to any other penalties prescribed under this Chapter or any related Chapters, any failure to comply with or any violation of any provision of this Chapter shall be a misdemeanor and shall be punishable, upon conviction thereof, by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense. Each day such failure or non-compliance shall continue shall constitute a separate offense.
- B. Suspension Or Revocation. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension or revocation of such license. The suspension or revocation as provided under this Section shall be in addition to any other penalties prescribed under this Chapter.
 1. Suspension.
 - a. Any failure to comply with or any violation of any provision of this Chapter may be cause for suspension by the Board of Aldermen.
 - b. Notice of the hearing for suspension of a license shall be given, in writing, setting forth specifically the grounds of the complaint and the

time and place of the hearing. Said notice shall be mailed to the licensee or applicant at least five (5) days prior to the date set for hearing and any decision to be made by the Board of Aldermen with respect to said suspension. All decisions of the Board of Aldermen following the hearing shall be final.

- c. The City can toll the suspension of a business license, upon the licensee or applicant's request and in the event the licensee or applicant makes a good faith showing that he/she is disputing the taxes at issue or is actively attempting to negotiate an agreement resolving the delinquent sales tax payments with the Department of Revenue. The decision to toll the suspension or revocation of a business license is in the sole discretion of the Board of Aldermen.
- d. No suspension shall last for longer than ninety (90) days.

2. Revocation.

- a. After any sixty-day consecutive period that a licensee or applicant's business license has been suspended as a result of a violation of this Chapter, may be cause for revocation of such license by the Board of Aldermen.
- b. Any failure to comply with or any violation of any provision of this Chapter may be cause for revocation of such license by the Board of Aldermen upon its own recommendation or the recommendation of the City Administrator for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for license;
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his/her business within the City of Harrisonville;
 - (3) Any violation of this Chapter;
 - (4) Failure to pay sales tax or in any way allowing the sales tax for the business to become delinquent;
 - (5) Conviction of any crime or misdemeanor involving moral turpitude; or
 - (6) Conducting of business in an unlawful manner so as to constitute a breach of the peace or menace to health, safety or general welfare of the public.
- c. Notice of the hearing for revocation of a license shall be given, in writing, setting forth specifically the grounds of the complaint and the

time and place of the hearing. Said notice shall be mailed to the licensee or applicant at least five (5) days prior to the date set for hearing and any decision to be made by the Board of Aldermen with respect to said revocation. All decisions of the Board of Aldermen following the hearing shall be final.

- C.** Unlawful Continuation; Further Remedies Authorized. In the event any business, trade, occupation or service occupation which is required to obtain an annual license under this Chapter continues to operate after having received written notice of failure to obtain such license or in the event any business, trade, occupation or service occupation continues to operate following suspension or revocation of such license pursuant to Subsection **605.090(B)** hereof, the City Administrator, the City Clerk, the Board of Aldermen, the Mayor, or any other official authorized to enforce City license ordinances may seek injunctive relief from the Circuit Court or order of the Municipal Court to restrain, correct, abate or prevent such continued operation. In the event of the issuance of an injunction or order by a court of competent jurisdiction, costs of such enforcement proceedings may be taxed against the offending party. The remedies provided for by this Subsection **(C)** shall be in addition to all other costs and penalties prescribed under this Chapter.

John Morris
 Building Official
 City of Harrisonville
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Community Development Department

300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8958 • Fax: 816-380-8906

1/26/23

To: Larry Raines

From: John Morris, Building Official

Re: 101-109 S Lexington Street

Cc: Christina Stanton, Community Development Director

Mr. Raines,

As discussed before the Judge on January 18, 2023, please find below a list of exterior items that need to be addressed at the above-mentioned properties. Please schedule a time to meet with myself and Christina Stanton, Community Development Director, to discuss these issues and prepare a timeline for code compliance prior to the next court date of February 15, 2023. Please note that this list is not all-inclusive. Also, please see applicable code references from the 2018 IPMC.

101 S Lexington

North side- rotten wood frames, peeling paint on surfaces, broken windows, boarded up windows, man door security, building façade is falling off in areas, leaking roof, framing issues with roof overhang, abandoned piping attached to building.

East side- peeling paint, broken glass, inadequate broken window repairs, spalling brick and damaged or missing mortar, indoor furniture on the rooftop.

West Side- rotten wood frames and peeling paint on surfaces.

103 S Lexington

East side- under deck area trash, peeling paint, broken glass, gutter/downspout issues, boarded up windows, rooftop security, man door security, deck, stairs & hand/guard rails, loose siding material, vegetation, and graffiti.

South side- abandoned gas piping, graffiti, rotten wood frames, peeling paint on surfaces, broken glass, gutter/downspout issues, boarded up windows, spalling brick and damaged or missing mortar, vegetation, electrical equipment issues, and man door security.

West side- man door security, rotten wood frames, peeling paint on surfaces,

105 S Lexington

East side- Boarded up windows, rotten wood frames, peeling paint, man door security, graffiti, ground slopes back towards building openings at grade level, trash, debris in stairway bulkhead, spalling brick and damaged or missing mortar, structural concerns at 105/107 property line with displaced brick, inadequate guards at stairway bulkhead

West side- spalling brick and damaged or missing mortar, peeling paint, rotten wood, missing section of exterior siding, open electrical outlet box

North side- Structural concerns at parapet

Attachment: CCHS Letter 1-23 (107 & 109 S. Lexington - CCHS, LLC)

107 S Lexington

East side- boarded up openings top and lower levels, sink hole, rotten wood, peeling paint, structural concern of exterior wall main level and lower level, security issues, spalling brick and damaged or missing mortar, electrical working space issues at exterior panel, inadequate guards at stairway bulkhead, vegetation, bulkhead structural issues

West side- rotten wood, peeling paint on surfaces, spalling brick and damaged or missing mortar, store front is pieced together.

109 S Lexington

East side- structural concern at bulkhead to lower level and main level exterior wall, security issues, rotten wood, peeling paint, boarded up windows, gutter issues, graffiti, inadequate guards at stairway bulkhead, spalling brick and damaged or missing mortar

West side- spalling brick and damaged or missing mortar, rotten wood, peeling paint

Applicable code references from the 2018 International Property Maintenance Code

SCOPE AND ADMINISTRATION

107.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Chief Building Official or their designee and shall furnish to the Chief Building Official or their designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Chief Building Official or their designee finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

- 6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- 7) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

10) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Chief Building Official or their designee to be a threat to life or health.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Chief Building Official or their designee is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the Chief Building Official or their designee shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

GENERAL REQUIREMENTS

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.

301.3 Vacant structures and land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

EXTERIOR PROPERTY AREAS

302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

EXTERIOR STRUCTURE

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- 4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.
- 5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- 8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- 10) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
- 12) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as, those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant, and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be less than 4 inches in height with a minimum stroke width of 0.5 inch.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal

or wood shall be protected from elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar treatment.

304.10 Stairways, decks, porches, and balconies. Every exterior stairway, deck, porch, and balcony, and all other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Windows, skylight, and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks in means of egress doors shall be in accordance with 702.3.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

ELECTRICAL FACILITIES

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Chief Building Official or their designee shall require the defects to be corrected to eliminate the hazard.

Contact info

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