



Legislation Text

File #: 2445, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI
WITHDRAWN 10/02/1995

AN ORDINANCE repealing section 5407., Jackson County Code, 1984, relating to the County's Building Code, and enacting, in lieu thereof, three new sections relating to the same subject.

ORDINANCE 2445, September 5, 1995

INTRODUCED BY Dennis Waits, County Legislator

WHEREAS, the Director of Public Works has recommended certain amendments to the Jackson County Building Code which permit for enforcement of the provisions of the 1991 Uniform Fire Code; and,

WHEREAS, the recommended amendments are in the best interests of the health, welfare, and safety of the citizens of the County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section A. Enacting Clause. Section 5402., Jackson County Code, is hereby repealed, and three new sections are enacted in lieu thereof, to be known as sections 5402., 5404., and 5405., to read as follows, with existing sections 5404., 5405., and 5406., to be renumbered accordingly:

5402. Penalty Provision.

It shall be unlawful for any person, firm, partnership, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, or cause or permit the same to be done without first obtaining a valid, unrevoked permit from the director of public works, as provided in this chapter, to hinder, obstruct, resist, refuse admittance to upon presentment of a valid search warrant, or otherwise interfere with the chief in the discharge of his official duties under this chapter, or to violate any other provision of this chapter. A violation of this section shall be punishable by imprisonment in the county jail for a term not to exceed one (1) year or by a fine not to exceed one thousand dollars (\$1,000), or both.

5404. Right of Entry.

For the purpose of this chapter, the term "chief" shall include the chief officer of a fire department or fire protection district with which the county has a contract to perform inspection services on property subject to this chapter, and any duly appointed assistants. The term "inspection" includes, but is not limited to, annual, semi-annual, or otherwise regularly-scheduled inspections as appropriate under any and all relevant codes and ordinances.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the chief has reasonable cause to believe that there exists in any building or structure or upon any premises any condition which makes such building, structure, or premises unsafe, the chief may enter such building, structure, or premises at any reasonable time to inspect the same or to perform any duty authorized by this chapter provided, if such property is occupied, the chief shall first present proper credentials and request and obtain permission to enter before entering the building, structure, or premises. If such property is unoccupied, reasonable effort must be made to locate the owner or other persons having charge or control of the building, structure or premises when seeking permission for entry.

If consent has not been given to enter a premise, building, or structure to inspect and/or enforce any

provision of this chapter, entry, inspection, or testing shall not be made without the procurement of a warrant from any judge in the associate circuit or circuit divisions of the Circuit Court of Jackson County, Missouri. The court may consider any or all of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall be issued:

- a. Eyewitness account of violation and/or hazard;
- b. Citizen complaints;
- c. Tenant complaints;
- d. Plain view violations and/or hazards;
- e. Violations apparent from county records;
- f. Nature of alleged violation and/or hazard, the threat to life or safety, and imminent risk of significant property damage;
- g. Passage of time since last inspection;
- h. Previous violations on the property; and
- i. Any other pertinent factors.

The chief may enter a building, structure or premises without consent or a search warrant to make an inspection or enforce any of the provisions of this chapter only when an emergency exists or when the building, structure, or premise is abandoned.

5405. Search Warrant.

If a complaint in writing is filed by the chief, by any police officer, or by any attorney acting on behalf of the county, with any judge in the associate circuit or circuit divisions of the Circuit Court of Jackson County, Missouri, stating that he or she has probable cause to believe there exists in a building, structure, or premises, more particularly described therein, a violation or violations pertaining to this chapter and the property is within the territorial jurisdiction of the county, and if such complaint is verified by the oath or affirmation stating evidentiary facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to the authorized person(s) to search the building, structure or premises therein described for the purposes requested and conduct any tests necessary to determine if a violation has occurred.

Such search warrant must be executed and returned within ten (10) days after the date of its issuance. The person(s) authorized to search and conduct tests shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this chapter discovered pursuant to such search and test.

..Attorney

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

_____ County Counselor

I hereby certify that the attached Ordinance, Ordinance #2445 of September 5, 1995 was duly **withdrawn** on October 2, 1995 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____ Nays _____

Abstaining _____ Absents _____

This Ordinance is hereby transmitted to the County Executive for her signature.

Date

Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #2445.

Date

Katheryn J. Shields, County Executive