

ORDINANCE 990406a

AN ORDINANCE OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI ADOPTING ADMINISTRATIVE INSPECTION ORDERS FOR THE GENERAL SAFETY, HEALTH AND WELFARE OF THE CITIZENS OF WOOD HEIGHTS. PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF WOOD HEIGHTS, RAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. FOR THE PURPOSED OF THIS ORDINANCE, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS ASSIGNED TO THEM BY THIS SECTION, UNLESS THE CONTEXT OF THEIR USE IN THIS ORDINANCE CLEARLY REQUIRES OTHERWISE:

ADMINISTRATIVE INSPECTION OFFICER: AN EMPLOYEE OF THE CITY OF WOOD HEIGHTS, MISSOURI, WHO IS CHARGED WITH THE DUTY OF MAKING INSPECTIONS.

ADMINISTRATIVE INSPECTION ORDER: AN ORDER ISSUED BY A JUDGE, AUTHORIZING A REQUIRED INSPECTION TO BE MADE.

JUDGE: A JUDGE OF THE CIRCUIT COURT OF RAY COUNTY, MISSOURI, WOOD HEIGHTS MUNICIPAL DIVISION.

OWNERS: EVERY INDIVIDUAL, FIRM, PARTNERSHIP, CORORATION, ASSOCIATION OR GOVERNMENT AGENCY, HAVING OR ASSERTING THE RIGHT TO OWNERSHIP, POSSESSION OR CONTROL OF ANY BUILDING STRUCTURE, EQUIPMENT OR PREMISES SUBJECT TO REQUIRED INSPECTIONS.

REQUIRED INSPECTION: AN INPSECTION OF ANY BUILDING, STRUCTURE, EQUIPMENT, OR PREMISES REQUIRED TO BE MADE FOR THE ADMINISTRATION OR ENFORCEMENT OF THE FOLLOWING CHAPTERS OF THE REVISED ORDINANCES OF THE CITY OF WOOD HEIGHTS.

ALCOHOLIC BEVERAGES;
ANIMAL CONTROL;
BUILDING CODE;
CIGARETTES;
FIREWORKS;
FOOD AND FOOD ESTABLISHMENTS;
SOLID WASTE;
HEALTH, SANITATION AND NUISANCES;
LICENSING;
MESSAGE ESTABLISHMENTS, MODELING STUDIOS, ETC.;
MISCELLANEOUS OFFENSES;

EVERY JUDGE OF THE RAY COUNTY CIRCUIT COURT, WOOD HEIGHTS MUNICIPAL DIVISION, SHALL HAVE THE CITY OF WOOD HEIGHTS CITY CODE; POWER TO ISSUE ADMINISTRATIVE INSPECTION ORDERS UPON APPLICATION OF AN COURT ADMINISTRATIVE INSPECTION OFFICER, AND FOR PROBABLE CAUSE SHOWN.

SECTION 2.

ANY ONE OR MORE OF THE FOLLOWING CONDITIONS SHALL CONSTITUTE PROBABLE CAUSE FOR ISSUANCE OF AN ADMINISTRATIVE INSPECTION ORDER WHEREVER:
THE INSPECTION FOR WHICH THE ORDER IS SOUGHT IS PART OF AN AREA WIDE INSPECTION PROGRAM BEING CARRIED OUT AT THE DIRECTIONS OF THE CITY COUNCIL OF WOOD HEIGHTS, MISSOURI.

THERE HAS BEEN A CITIZEN'S COMPLAINT, IN WRITING, ALLEGING THAT THERE IS A VIOLATION OF CODE, ORDINANCE OR LAW REQUIRING INSPECTION.

THE APPLICANT FOR THE ORDER HAS PERSONAL KNOWLEDGE THAT A VIOLATION OF A CODE, ORDINANCE OR LAW REQUIRING INSPECTIONS HAS OCCURRED OR IS OCCURRING.

THE INSPECTION FOR WHICH THE ORDER IS SOUGHT IS ONE REQUIRED BY CODE, ORDINANCE OR LAW TO BE MADE PERIODICALLY.

OTHER FACTS OR CIRCUMSTANCES SET FORTH IN THE APPLICATION CONVINCED THE COURT THAT THERE IS REASONABLE GROUNDS TO BELIEVE THAT ISSUANCE OF AN ORDER IS NECESSARY TO THE PROPER ADMINISTRATION OR ENFORCEMENT OF THIS CODE.

SECTION 3.

IT SHALL BE A CONDITION PRECEDENT TO ISSUANCE OF AN ADMINISTRATIVE INSPECTION ORDER, THAT:

THE INSPECTION OFFICER SHALL HAVE FIRST REQUESTED PERMISSION TO MAKE A REQUIRED INSPECTION FROM THE OWNER, OCCUPANT, OR OTHER PERSON HAVING POSSESSION, MANAGEMENT, OR CONTROL OF THE BUILDING, STRUCTURE, EQUIPMENT, OR PREMISES SOUGHT TO BE INSPECTED AND THAT SUCH OWNER, OCCUPANT OR OTHER PERSON HAVING POSSESSION, MANAGEMENT, OR CONTROL OF THE BUILDING SHALL HAVE DENIED SUCH PERMISSION OR SHALL HAVE REFUSED TO ANSWER THE REQUEST; OR THE INSPECTION OFFICER FOUND THE BUILDING, STRUCTURE, EQUIPMENT, OR PREMISES SOUGHT TO BE INSPECTED UNOCCUPIED OR ABANDONED, AND THE OWNER COULD NOT BE LOCATED AFTER THE INSPECTION OFFICER MADE A REASONABLE EFFORT TO LOCATE HIM/HER.

SECTION 4.

AN APPLICATION FOR AN ADMINISTRATIVE INSPECTION ORDER SHALL BE IN THE FORM OF AN AFFIDAVIT SWORN TO AND SUBSCRIBED BY AN ADMINISTRATIVE INSPECTION OFFICER, AND SHALL CONTAIN THE FOLLOWING:

THE DATE OF THE APPLICATION;

THE NAME, ADDRESS AND OFFICIAL STATUS OF THE APPLICANT;

THAT THE APPLICANT IS ACTING IN THE COURSE OF HIS/HER OFFICIAL DUTY;

A CITATION TO THE CHAPTER AND SECTION OF THE CODE, ORDINANCE OR LAW PURSUANT TO WHICH THE INSPECTION IS SOUGHT;

A DESCRIPTION OF THE BUILDING, STRUCTURE, EQUIPMENT OR PREMISES SOUGHT TO BE INSPECTED;

THAT PERMISSION TO MAKE THE REQUIRED INSPECTION HAS BEEN SOUGHT FROM THE OWNER AND THAT SUCH OWNER HAS DENIED PERMISSION OR HAS REFUSED TO ANSWER THE REQUEST;

A STATEMENT OF FACTS SHOWING PROBABLE CAUSE FOR ISSUANCE OF THE ADMINISTRATIVE INSPECTION ORDER;

APPROVAL OF THE CITY COUNSELOR OR CITY PROSECUTOR TO PRESENT THE APPLICATION TO THE COURT.

SECTION 5.

IF THE JUDGE SHALL FIND THAT THE AFFIDAVIT IS SUFFICIENT, AND THAT PROBABLE CAUSE TO INSPECT EXISTS, HE/SHE SHALL ISSUE AN ADMINISTRATIVE INSPECTION ORDER. SUCH ORDER SHALL CONTAIN THE FOLLOWING:

THE NAME OF THE ISSUING COURT;

THE DATE OF ISSUANCE OF THE ORDER;

THE NAME AND OFFICIAL TITLE OF THE ADMINISTRATIVE INSPECTION OFFICER AUTHORIZED TO EXECUTE THE ORDER;

A DESCRIPTION OF THE BUILDING, STRUCTURE, EQUIPMENT OR PREMISES TO BE INSPECTED;

THE AUTHORIZED OBJECTIVE OF THE INSPECTION;

A FINDING THAT THE INSPECTION IS NECESSARY FOR EFFECTIVE ENFORCEMENT OF THE CODE, ORDINANCE OR LAW UNDER WHICH IT IS SOUGHT;

A FINDING THAT PROBABLE CAUSE EXISTS TO WARRANT THE ISSUANCE OF AN ADMINISTRATIVE INSPECTION ORDER;

A DIRECTION THAT THE ORDER SHALL BE EXECUTED WITHIN TEN DAYS OF THE DATE THEREOF, DURING DAYLIGHT HOURS ONLY, SUNDAYS EXCEPTED.

A COMMAND TO ALL PERSONS PRESENTED WITH A COPY OF THE ORDER TO PERMIT THE INSPECTION AUTHORIZED.

THE SIGNATURE OF THE ISSUING JUDGE.

UPON ANNOUNCING HIS/HER NAME, OFFICIAL TITLE, AND PURPOSE, AND UPON PRESENTATION OF A COPY OF THE ADMINISTRATIVE INSPECTION ORDER, THE DESIGNATED INSPECTION OFFICER SHALL HAVE THE RIGHT TO ENTER UPON THE BUILDING, STRUCTURE, EQUIPMENT OR PREMISES DESIGNATED IN THE ORDER TO MAKE THE INSPECTION AUTHORIZED THEREBY: EVERY ADMINISTRATIVE INSPECTION ORDER SHALL BE EXECUTED WITHIN TEN DAYS NEXT FOLLOWING THE DATE OF ITS ISSUANCE BY THE COURT.

SECTION 6.

UPON EXECUTION OF THE ORDER, THE ADMINISTRATIVE INSPECTION OFFICER SHALL RETURN THE SAME TO THE COURT, CERTIFYING THEREON THAT THE ORDER HAS BEEN DULY EXECUTED AND THE DATE OF SUCH EXECUTION.

IF THE ORDER SHALL NOT HAVE BEEN EXECUTED WITHIN TEN DAY PERIOD ALLOTTED THEREFOR, THE INSPECTION OFFICER SHALL RETURN THE SAME TO THE COURT ENDORSING UPON THE ORDER THE REASON FOR ITS NON-EXECUTION.

SECTION 7.

IF ANY PERSON SHALL REFUSE TO OBEY AN ADMINISTRATIVE INSPECTION ORDER OR SHALL RESIST THE EXECUTION THEREOF HE/SHE SHALL BE GUILTY OF AN OFFENSE, AND UPON CONVICITION THEREOF SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONMENT OF NOT MORE THAN NINEY DAYS, OR BOTH SUCH FINE AND IMPRISONMENT.

SECTION 8.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE OF ITS PASSAGE AND APPROVAL. READ ~~FOU~~ TIMES AND PASED THIS 6th DAY OF April, 1999. Two

ATTEST:


CITY CLERK



MAYOR

CITY SEAL