

ORDINANCE NO. 4762

AN ORDINANCE AMENDING CHAPTER 42, OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE PLANNING AND ZONING CODE, BY REPEALING THE CHAPTER IN ITS ENTIRETY, AND ENACTING IN LIEU THEREOF A NEW CHAPTER, ZONING AND SUBDIVISION REGULATIONS; AND REPEALING IN ITS ENTIRETY CHAPTER 29, EXPLICIT SEXUAL MATERIALS DISPLAY, SEXUALLY ORIENTED BUSINESS; AND REPEALING IN ITS ENTIRETY CHAPTER 39, TRAILERS AND MOBILE HOMES; AND REPEALING IN ITS ENTIRETY CHAPTER 40, URBAN RENEWAL; AND AMENDING CHAPTER 15, STORMWATER AND FLOOD CONTROL; AND AMENDING CHAPTER 20, HOUSING; AND AMENDING CHAPTER 28, NUISANCES; AND AMENDING CHAPTER 41, WEAPONS; AND RE-ADOPTING THE OFFICIAL ZONING MAP.

WHEREAS, changes to the zoning code and city ordinances are needed to ensure well-planned growth and development; and

WHEREAS, the revisions should improve clarity and understanding of the zoning codes by the general public; and

WHEREAS, the revisions should increase flexibility and allow additional development in the city while retaining adequate provisions for preservation of existing properties; and

WHEREAS, the revisions were extensively reviewed by an ad-hoc committee created by the City Council consisting of citizens and representatives from the Board of Adjustment, Planning and Zoning Commission, City Council, and city staff; and

WHEREAS, the public was engaged for review and comment through a variety of means beyond the statutory and city ordinance requirements; and

WHEREAS, the Rolla Planning and Zoning Commission did hold a public hearing(s) following the provision of public notice pursuant to Section 42-143 and applicable state statutes; and

WHEREAS, the Rolla City Council did hold a public hearing(s); and

WHEREAS, based on the information received, including comments from the public, reports from city staff, review of the proceedings of the Planning and Zoning Commission, the Rolla City Council did find that the revisions to the city ordinances are in the best interest of the city:

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

**SECTION 1:** Chapter 42 of the City of Rolla Ordinances, known as the Planning and Zoning Code, is hereby amended by repealing Chapter 42 in its entirety, and enacting in lieu thereof, a new Chapter 42, Zoning and Subdivision Regulations. A copy of said new Chapter 42 is designated as EXHIBIT A and is on file in the office of the City Clerk, City Hall, Rolla, Missouri, and the same is hereby adopted and incorporated by reference as if set out at length herein.

**SECTION 2:** The Official Zoning Map, which divides the City of Rolla into zoning districts to control the regulation and restriction of the erection, construction, reconstruction, alteration, or use of buildings, structures, or land within such district; and controls the number, shape, and area of such zoning districts

on the Official Zoning Map; is hereby amended by adopting a new Official Zoning Map, attached to this ordinance as EXHIBIT B.

**SECTION 3:** Chapter 29 of the City of Rolla Ordinances, Explicit Sexual Materials Display, Sexually Oriented Business, is hereby repealed in its entirety.

**SECTION 4:** Chapter 39 of the City of Rolla Ordinances, Trailers and Mobile Homes, is hereby repealed in its entirety.

**SECTION 5:** Chapter 40 of the City of Rolla Ordinances, Urban Renewal, is hereby repealed in its entirety.

**SECTION 6:** Chapter 15 of the City of Rolla Ordinances, Stormwater and Flood Control, Section 15-75, Authority and Scope, is hereby amended to read as follows:

**Sec. 15-75. Authority and Scope.**

- (a) This Chapter shall apply to all proposed development except for that development which meets waiver or variance criteria as outlined in Section 15-80 of this Chapter.
- (b) This Chapter shall apply to all timber harvesting activities, except those timber harvesting operations which are implementing a forest management plan that has been deemed to be in compliance with the regulations of the buffer Ordinance and has received approval from the Missouri Department of Conservation.
- (c) This Chapter shall apply to surface mining operations except that the design standards shall not apply to active surface mining operations that are operating in compliance with an approved state or federal surface mining permit issued by the appropriate governing agency.
- (d) Article V of this Chapter shall not apply to agricultural operations that are covered by an approved Natural Resources Conservation Service (NRCS) conservation plan that includes the application of BMPs.
- (e) Article V of this Chapter shall not apply to streams with a tributary drainage area of less than one hundred (100) acres.
- (f) This Chapter shall apply to all parcels of land, structures, and activities that are causing or contributing to:
  - (1) Pollution, including nonpoint source pollution, of the waters within the City of Rolla;
  - (2) Erosion or sedimentation of stream channels;
  - (3) Degradation of aquatic or riparian habitat.

**SECTION 7:** Chapter 20 of the City of Rolla Ordinances, Housing, Article 1, Property Maintenance Code, is hereby repealed.

**SECTION 8:** Chapter 28 of the City of Rolla Ordinances, Nuisances, is hereby renamed to Chapter 28, Nuisances and Property Maintenance; and is hereby amended to read as follows:

**Sec. 28-1. Maintenance, etc., of nuisances prohibited.**

No person shall cause, maintain or permit, on premises owned or controlled by him, a nuisance, as defined by the laws of this State or by this Chapter.

**Sec. 28-2. Nuisances enumerated.**

The following things are hereby declared to be nuisances; provided, that such listing shall not be deemed exclusive:

- a. Shrubs, hedges and limbs of trees projecting over a sidewalk or street at a height of less than seven (7) feet.
- b. All substances or things which cause an odor disagreeable to the surrounding neighborhood.
- c. Nuisances listed in the adopted International Property Maintenance Code.

**Sec. 28-3 Abatement of Nuisances**

1. If the person notified as provided in this Section shall fail, neglect or refuse to comply with the same within the time specified in such notice, the codes administrator or designated officer shall abate such nuisance upon receiving an order to do so from a court.
2. If the estimated cost of abatement of the nuisance is in excess of \$1,000.00, the codes administrator or designated officer shall report the same to the council of the city. Thereupon the council shall call and have a full and adequate hearing upon the matter, giving the affected parties at least fourteen days written notice of the hearing. At such hearing, any party may be represented by counsel, and all parties shall have an opportunity to be heard.
3. After the hearing, if the evidence supports a finding based upon competent and substantial evidence that a nuisance exists, that the person having an interest was notified, and that the person failed to abate the nuisance, the city council shall issue an order based upon its findings of fact to the codes administrator or its designated officer to proceed to abate the nuisance.

**Sec. 28-4 Liens from Abatements**

If the codes administrator or its designated official causes the nuisance to be abated by the city, the costs of the abatement and a reasonable charge for administering the abatement not less than one hundred dollars, shall be certified to the city clerk who shall cause a special tax bill therefore against the property to be prepared and collected by the Finance Director. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes.

**Sec. 28-5 City council or designated officer to determine when weeds, etc., constitute public nuisance.**

The growth of weeds, brush or rank vegetation shall constitute a public nuisance with the following exceptions:

- a. All lots or parcels or portions thereof not within one hundred (100) feet of any residence or street.
- b. All undeveloped lots, parcels or right-of-way owned by the City of Rolla and dedicated for park and open space use, as bird sanctuaries, riparian corridors, detention basins, or as dedicated but undeveloped public right-of-way.
- c. Undeveloped lots which do not abut development on at least three (3) sides (Including developed streets); however, in such case, areas within five (5) feet of an abutting

- residential lot or within ten (10) feet of a street or within five (5) feet from a sidewalk must be maintained free from high weeds and grass.
- d. Undeveloped future phases of subdivisions that have been cleared or "brush hogged" shall be maintained in that condition until further development occurs.

**Sec. 28-6 Weeds, etc., over ten inches in height declared nuisance per se.**

The growth of weeds, brush or other rank vegetation in excess of ten (10) inches in height is declared to be a public nuisance, per se, detrimental to the health, safety and welfare of the public.

**Sec. 28-7 Notice to owner to abate weeds, etc.**

The Codes Administrator, or its designated official, must provide notice to any property owner of a property on which a nuisance of weeds, brush, or other vegetation is located. Such notice may be either by mail or by posting notice on the property. Such notice must allow for not less than fifteen (15) days for the property owner to appeal the determination. If the property owner does not appeal the determination, or if the appeal is denied, the property owner must be given an additional five (5) days to correct the violation(s) before the city may abate the violation(s).

**Sec. 28-8 Owner of land liable for cost of cutting weeds.**

If the Codes Administrator or its designated official abates a property by the cutting and removing weeds, brush and other rank vegetation is, the costs of the abatement and a reasonable charge for administering the abatement not less than one-hundred dollars, shall be certified to the City Clerk who shall cause a special tax bill therefore against the property to be prepared and collected by the Finance Director. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes.

**Sec. 28-9. Reserved.**

**Sec. 28-10 2018 International Property Maintenance Code - Adopted.**

That for the purpose of establishing minimum standards governing the condition and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as "International Property Maintenance Code, 2018 Edition" of the City of Rolla, Missouri, and each and all of the regulations of the International Property Maintenance Code, are hereby referred to, adopted and made a part hereof, as if fully set out at length herein.

**Sec. 28-11 Amendments to adopted International Property Maintenance Code.**

101.1 Title, City of Rolla, Missouri.

103.5 Fees. Delete.

106.4 **Violation Penalties.** Any person who shall violate a provision of this code or shall fail to comply therewith, or with any requirements thereof, shall be guilty of a Misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**111.1 Applications for appeal.** Any person directly affected by a decision of the code official or a notice or order issues under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within thirty (30) days after the day the decision, notice, or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.2 Membership of board.** The board of adjustment shall serve as the board of appeals.

**111.2.1 – 111.2.5. Alternate members. Chairman. Disqualification of member. Secretary. Compensation of members.** Delete

**111.3 – 111.6. Notice of meeting. Open hearing. Procedure. Postponed hearing. Board decision. Records and copies. Administration.** Delete

**112.4 Failure to comply.** \$50.00; \$500.00.

**302.4 Weeds.** Ten (10) inches (Add: Premises and exterior property specifically includes adjacent streets. The property owner is required to maintain those areas between the street pavement and the property line.)

**304.14 Insect screens.** (Year round)

**602.3 Heat supply.** (Year round)

**602.4 Occupiable work spaces.** (Year round)

**SECTION 9:** Chapter 41 of the City of Rolla Ordinances, Weapons, Section 41-6, Discharge of bows and arrows and crossbows prohibited within the City Limits of Rolla, Missouri; exceptions, subsection (d), is hereby amended to read as follows:

- (d) The use of longbow, recurve and/or compound bows, or crossbows, and the discharge of broadhead or other hunting arrows or bolts is permitted within Rolla's City Limits for the purpose of taking game as regulated by the Missouri Department of Conservation and with the written permission of the property owner. Hunting using bows and arrows or crossbows shall only be permitted on land three (3) acres in size or larger, and subject to the provisions of subsection 41-6 (b).

**SECTION 10:** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted the ordinance and exhibits hereto attached and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one section or sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 11:** This ordinance shall be in full force and effect from and after the date of its passage and approval.


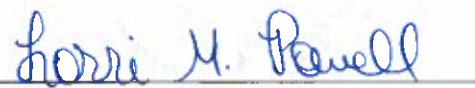
**SECTION 12:** For a period of six (6) months after the passage and approval, the Community Development Director is authorized to issue building permits and allow uses of land which were permitted by city ordinance prior to adoption of this ordinance; with the provision that all portions of the review of said permit or approval be consistent with the previous codes. Such review and approval shall be at the request of the applicant and with the agreement of the Community Development Director. Any decision pertaining to this section of the ordinance may be appealed to the Board of Adjustment.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 2<sup>ND</sup> DAY OF OCTOBER, 2023.

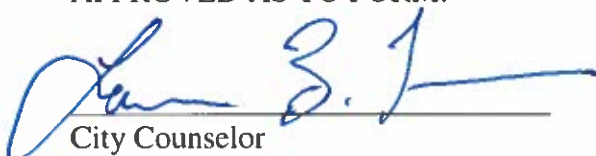
APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Counselor