

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING ARTICLE 1 OF CHAPTER 4 “PROPERTY MAINTENANCE CODE” AND ADDING A NEW ARTICLE 1 OF CHAPTER 4 “PROPERTY MAINTENANCE CODE” OF THE CITY CODE AND MAKING OTHER NECESSARY REVISIONS.

WHEREAS, the current Property Maintenance Code has been in effect since 1995 with no major revisions; and,

WHEREAS, the International Property Maintenance Code (IPMC) establishes minimum requirements for the maintenance of existing structures and properties through model code regulations that contain clear and specific property maintenance and property improvement provisions; and,

WHEREAS, the City Council desires to adopt the 2021 Edition of the International Property Maintenance Code, and make other necessary revisions to Article 1 of Chapter 4.

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

SECTION 1. That Article 1, “Property Maintenance Code” of Chapter 4 of the Independence City Code, is hereby repealed in its entirety as of the effective date of this ordinance.

SECTION 2. That a new Article 1, “Property Maintenance Code” of Chapter 4 is hereby added to the Independence City Code, to read as follows:

**“Sec. 4.01.001. Adoption of International Property Maintenance Code.**

**The International Property Maintenance Code, 2021 Edition, as published by the International Code Council be and hereby is adopted as the Property Maintenance Code for the City of Independence, except such portions as are hereinafter deleted, modified or amended by this Article of the City Code.**

**Sec. 4.01.002. Additions, Insertions, Deletions, and Changes.**

**Sec. 101.1 Amend to read as follows:**

**Sec. 101.1 Title – These regulations shall be known as the International Property Maintenance Code of the City of Independence, Missouri, hereinafter referred to as ‘this Code’.**

**Sec. 102.3 Amend to read as follows:**

**Sec. 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Unified Development Ordinance.**

**Sec. 103.1 Amend to read as follows:**

**Sec. 103.1 Creation of agency. The Neighborhood Services Division of the City of Independence Community Development Department is hereby created and the official in charge thereof shall be known as the Code Official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.**

**Sec. 104.1.1 Amend to read as follows:**

**Sec. 104.1.1 Reinspection Fee. The Code Official is authorized to assess a reinspection fee, per the City's Schedule of Fees, to make a third or subsequent inspection to gain correction of a violation of this code.**

**Sec. 105.5.1 Amend to read as follows:**

**Sec. 105.5.1 Method of Service.**

**A. Whenever the Code Official determines that there has been a violation of this Code, when applicable, notice shall be given to the owner, the occupant and the person or persons responsible therefore in the manner prescribed in this section. Orders, notices and hearing requirements for dangerous buildings shall comply with Section 4.01.003.**

**B. Such notice prescribed in the preceding paragraph shall:**

**1. Be in writing;**

**2. Include a description of the real estate sufficient for identification;**

**3. Include a statement of the reason or reasons why the notice is being issued; and,**

**4. Include a notice of an administrative hearing to be held after ten days' notice thereof. The notice shall also include a correction order that states the violation must be corrected no later than five days after the hearing, excepting hearing orders with a modified correction date. Furthermore, the notice shall state that if weeds or trash violations are not removed by the correction date, the City may remove or cause to be removed the nuisance and charge the owner for the abatement costs thereof. pursuant to Section 109.5.1. Failure to attend the administrative hearing shall constitute a waiver of all rights to an administrative hearing and determination of the matter.**

**a. If the Code Official determines that the nuisance to be abated involves a significant property interest, a search warrant will be acquired for removal of such property. The search warrant will be served in accordance with legal procedure.**

**b. In determining whether a significant property interest is involved, the Code Official shall consider the following:**

**(1) Weeds, weed cuttings, cut and/or fallen trees and shrubs, and overgrown vegetation and noxious weeds in excess of 7 inches are not normally a protected property interest.**

**(2) Nuisance vehicles may be considered a protected property interest.**

**(3) Household items, such as furniture, appliances, etc., in which there appears to be a continuing use and enjoyment, are normally a protected property interest. Household items that are normally kept inside a residence, that are left outside in the elements for longer than the allotted time for our recheck, are considered trash or rubbish (see number 4).**

**(4) Rubbish, trash, debris, rocks, dead animals, etc., are not protected interests.**

**C. Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner, owner's representative and occupant personally; or (b) sent by first class mail addressed to the owner, owner's representative and occupant at the last known address (as reflected in the Jackson County, Missouri tax records); or (c) by posting such notice in a conspicuous place in or about the premises effected by such notice.**

**D. If weeds are allowed to grow, or if refuse is allowed to accumulate, on the same property in violation of this Code more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of refuse, the required notice shall be:**

**1. For the second violation, the notice shall be sent in the manner prescribed in paragraph C above and state that if the weeds or refuse are not removed within seven days of issuance of**

said notice, the City may remove or cause to be removed the nuisance and charge the owner for the abatement costs thereof, pursuant to Section 109.5.1 (No hearing shall be required.).  
2. For the third and subsequent violations, no additional notice shall be sent, and the City may remove or cause to be removed the nuisance and charge the owner for the abatement costs thereof, pursuant to Section 109.5.1. (No hearing or notice shall be required).

E. It shall be unlawful for the owner of any premises who has received a correction order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the correction order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any correction order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such correction order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such correction order or notice of violation.

F. The owner of any premises, any representative thereof, and the occupant of such premises is hereby charged with the duty of observing all of the requirements and provisions of this Code; and any or all of said persons and any person or persons causing or contributing to causing or bringing about any violation may be charged with the violation hereof and shall be equally liable.

1. It shall be the duty of the owner or occupant of the premises, or any authorized representative, or the person causing or maintaining such violation, to immediately abate the same after an order by the Code Official or Building Official in accordance with the terms prescribed in said order; and any failure to do so shall constitute a violation of this Code and subject such persons to the penalties herein prescribed.

2. Extension of Time to Perform Work. Upon receipt of an application from the person required to conform to the order and an agreement by such person for compliance with the order if allowed additional time, the Code Official may grant an extension of time, not to exceed an additional 180 days, within which to complete said abatement, repair, rehabilitation or demolition, if the Code Official determines that such an extension of time will not create or perpetuate a situation that is imminently dangerous to life or property. The Code Official's authority to extend time is limited to the abatement of the violation on the premises, the physical repair, rehabilitation, or demolition of the structure and will not in any way effect or extend the time to appeal the previous notice and order.

3. When there is an immediate danger to the health, life, safety, or welfare of any person because of a dangerous condition which exists in violation of this Code, the Code Official shall have the power to order the abatement or correction of such dangerous condition without notice or hearing. No appeal shall lie from an emergency order to the Board of Building and Engineering Appeals. The cost of emergency abatement or correction shall be recovered or provided in Section 109.5.1.

G. Specific procedures for repairs must be followed:

1. The structure shall be repaired within the time specified by the Code Official, or it shall be temporarily closed in accordance with this Code. No person shall occupy, remain in, or enter any building which has been so posted or allow or permit such entry or occupancy by any other person until conditions necessitating the posting have been remedied, except that entry may be made to repair, demolish or remove such structure or to remove personal property.

2. Upon repair of any structure which has been posted by the Property Maintenance Code Official or the Building Official, an inspection shall be requested of and made by the Building Official or authorized representative. If such structure is determined to be fit for human occupancy, a certificate of occupancy so stating shall be issued.

3. All structures which are temporarily closed shall be closed and kept closed in accordance with these standards until the structure complies with the Building Code and Property Maintenance Code, or is demolished:

- a. A permit shall be obtained from the Building Official before commencement of work.
- b. All exterior openings are to be closed and the property owner or the owner's representative shall be responsible for maintaining secure windows, doors, and other openings.
- c. Materials missing or broken shall be replaced by similar construction or may be replaced by solid wood construction of exterior grade plywood at least one-half-inch thick.
- d. Materials approved by the Building Official may be used which provide equivalent protection to the building from those attempting to gain entrance.
- e. Any material used to close openings in exterior walls of open buildings shall be neatly installed in a manner substantially in accordance with recognized levels of workmanship for the building construction industry.
- f. All plywood shall be painted with two coats of exterior paint in a neutral color that blends inconspicuously with the exterior colors of the building.
- g. The building or structure shall be baited for rodents and insects.
- h. The roof shall be made watertight.
- i. All loose and hanging exterior parts shall be removed.
- j. All rubbish and garbage from the interior and exterior of the premises shall be removed.

4. In the event a building, temporarily closed as the result of an order of vacation by the Code Official or the Building Official, remains closed in excess of 150 days, a dangerous building case may be initiated against the structure to determine whether the structure should be demolished.

5. Any person effected by a decision of the Code Official, as issued under this Code, shall have the right to appeal to the Board of Building and Engineering Appeals as established in Section 107.

H. Repair or abatement by City: The Code Official may, in addition to any other remedy provided by this Code, cause a structure to be repaired or a violation abated to the extent necessary to correct the conditions which render the structure or premises substandard. The cost of such repair or abatement shall be recovered as provided in Section 109.5.1.

1. Whenever any repair or abatement work is to be done pursuant to this Code, the Code Official shall request that the work be accomplished by City personnel or by private contract under direction of the Code Official. Plans and specifications therefore may be prepared by the Code Official or by an architectural or engineering firm that has been awarded a contract for such purpose.

Section 106.2 Alternative materials, design and methods of construction and equipment. Delete

Section 106.3 Required testing. Delete

Section 106.4 Used material and equipment. Delete

Section 106.5 Approved materials and equipment. Delete

Section 106.6 Research reports. Delete

Sec. 107.1.1 Amend to read as follows:

Sec. 107.1.1 Board of Building and Engineering Appeals. The Board of Building and Engineering Appeals has been established per Section 108 of the International Property Maintenance Code.

Sec. 108.1 Amend to read as follows:

**Sec. 108.1 Membership of board. The board of appeals shall consist of not less than five (5) members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Code Official shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the mayor of the City of Independence.**

**Sec. 109.4.1 Amend to read as follows:**

**Sec. 109.4.1 Violation responsibility.**

**A. The owner of the premises shall maintain the structures and exterior property in compliance with the requirements of this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this Code.**

**1. Unless otherwise provided, every owner shall be responsible for complying with the requirements of this article even though a similar responsibility is also imposed on the occupant of the dwelling unit. Whenever a building contains more than one dwelling unit the owner shall be responsible for:**

**a. Extermination of insect or rodent infestation that extends beyond a single occupied dwelling unit. Whenever rodent infestation in a dwelling unit is caused by the failure of the owner to maintain such dwelling in a rodent proof condition, extermination thereof shall be the sole responsibility of the owner.**

**b. The installation, maintenance and proper operation of the electrical, plumbing, heating, cooling and ventilation systems within the building.**

**2. In multi-family dwellings the owner shall be responsible for supplying facilities or containers sufficient and adequate for the sanitary and safe storage and disposal of refuse.**

**3. Unless otherwise provided, every adult occupant of a dwelling unit shall be responsible for complying with the requirements of this article, even though a similar responsibility is also imposed upon the owner. However, only the adult occupant of a dwelling unit shall have the responsibility for:**

**a. Keeping the dwelling unit clean, sanitary and in a safe condition.**

**b. Storing and disposing of all refuse and other organic wastes in the required manner.**

**c. Furnishing and maintaining approved devices, equipment or facilities necessary to keep the dwelling unit safe and sanitary.**

**d. Extermination of insects and rodents on the premises.**

**e. Maintaining the dwelling unit in a condition so as not to breed insects and rodents or produce dangerous or noxious gases or odors.**

**B. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this Code, or to fail to obey a lawful order of the Code Official, or to remove or deface a placard or notice posted under the provisions of this Code.**

**1. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in any premises which has been ordered abated, repaired, vacated or demolished under the provisions of this Code, or with any person to whom such premises has been lawfully sold pursuant to the provisions of this Code, whenever such officer, employee, contractor or authorized representative of this City, person having an interest or estate in such property or premises, or purchaser is engaged in the work of abating any violation, repairing, vacating and repairing, or demolishing any such structure pursuant to the provisions of this Code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Code.**

**C. Any person who shall violate a provision of this article shall, upon conviction thereof, be subject to a fine of not less than \$150.00 for the first conviction, a fine of not less than \$300.00 for the second**

conviction, and a fine of not less than \$500.00 for the third and subsequent convictions. In addition to, or in-lieu-of, such fines, such person may be required to complete a training course at a cost of \$50.00 per person per assigned training course regarding property maintenance and may be required to provide community service. Each day that a violation continues after due notice has been served shall be deemed a separate offense and a separate citation may be filed for said offense.

D. In case of any unlawful acts the Code Official shall institute an appropriate action or proceeding at law. Also, the Code Official shall ask the City Counselor to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation;
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this Code; or,
5. To pay all costs incurred in the enforcement of this Code against the property, including administrative costs and costs of remedying the violation.

Sec. 109.5.1 Amend to read as follows:

Sec. 109.5.1 Recovery of Costs.

A. The Code Official shall keep an itemized account of the expenses incurred in the abatement of any violation, repair or demolition of any building done pursuant to the provisions of this Code. Upon the completion of the work of the abatement, repair or demolition, said Code Official shall prepare, file, and certify with the Finance Director a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the work was performed, and the names and addresses of the persons entitled to notice pursuant to this Code.

B. Thereafter, the Finance Director shall cause a bill to be issued to the property owner seeking payment of the abatement, repair or demolition costs. If, after 30 days, the bill is not paid in full, then the Finance Director shall cause the certified costs to be included in a special tax bill for the property as hereafter provided.

C. The property owner may file a written protest on the grounds that a mistake or error was made in the calculation of costs in the bill. Such written protest must be filed with the Code Official within 30 days of the date that the Finance Director issued the abatement cost bill and shall contain a description of the effected property. The Code Official shall set a date and time to hear the protest. If the Code Official finds that a mistake or error has been made, the Code Official may make such revision, correction or modification in the bill as is necessary to remedy the mistake or error. The decision of the Code Official on the protest and the final bill amount shall be final. The property owner shall have 30 days from the date of the decision of the Code Official to pay the bill. If, after 30 days, the bill is not paid in full, then the Finance Director shall cause the certified costs to be included in a special tax bill for the property as hereafter provided.

D. A special tax bill shall be an assessment which is a lien against the lot or parcel of land assessed. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for State, County and Municipal taxes, with which it shall be on a parity. The lien shall continue until the assessment and all interest due and payable are paid.

E. Copies of the assessment shall be given to the Jackson County Tax Collection Division, which shall add the amount of the assessment to the next regular tax bill levied against the parcel for Municipal purposes.

**F. The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to this assessment.**

**G. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the Finance Director who shall credit the same to the appropriate fund.**

**Sec. 111.1 Amend to read as follows:**

**Sec. 111.1 Unsafe conditions. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be found to be "Unsafe to Occupy" pursuant to the provisions of this code.**

**Sec. 111.1.1 Amend to read as follows:**

**Sec. 111.1.1 Unsafe structures. Unsafe structures will be handled in accordance with Municipal Code Section 4.01.004.**

**Sec. 111.3 Amend to read as follows:**

**Sec. 111.3 Record. The Code Official shall cause a report to be filed on an unsafe condition. The report shall state the nature of the unsafe condition.**

**Sec. 111.4 Amend to read as follows:**

**Sec. 111.4 Notice. Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 105.5.1.**

**Section 111.7 Placarding. Delete**

**Section 111.8 Prohibited occupancy. Delete**

**Sec. 112.5 Amend to read as follows:**

**Sec. 112.5. Cost of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. Recovery costs shall be per Section 109.5.1.**

**Section 112.6 Hearing. Delete**

**Section 113 Demolition. Delete**

**Sec. 202 Amend to read as follows:**

**Sec. 202 General Definitions.**

**ACTIVE AGRICULTURAL USE means the tilling of the soil, the raising of crops, horticulture, apiculture, livestock farming, the raising of small animals and poultry, dairying and animal husbandry.**

**APPROVED means to be approved by the Code Official.**

**BASEMENT or CELLAR means that portion of a structure which is partly or completely below grade.**

**BATHROOM means a room containing plumbing fixtures including a bathtub or shower.**

**BUILDING means an enclosed structure anchored to a permanent foundation and having exterior or party walls and a roof, designed for the shelter of persons, animals, or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building.**

**BUILDING CODE** means the Building Code as officially adopted by the City Council and carried as Article 5 of this chapter and is for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

**BUILDING OFFICIAL** mean the official who is charged with the administration and enforcement of the City's Building Code.

**CERTIFIED LABORATORY** means any laboratory certified by a state certification agency or board to sample, test, examine, and measure concentrations of hazardous and toxic chemicals.

**CITY CODE** means the Code of the City of Independence, Missouri.

**CODE OFFICIAL, or PROPERTY MAINTENANCE CODE OFFICIAL** means the official who is charged with the administration and enforcement of this Property Maintenance Code, or any duly authorized representative.

**COLLECTION** means the removal and transportation of refuse from its place of storage.

**COMMERCIAL PREMISES** means business properties including apartment buildings with three or more units.

**CONDEMN** means to adjudge unfit for occupancy.

**CONSTRUCTION DOCUMENTS** means all the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

**DORMITORY** means a space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

**DWELLING UNIT** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EGRESS** means a continuous and unobstructed means of exit to a public way and shall include intervening aisles, doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exits passageways, exit courts, and yards.

**ELECTRICAL CODE** means the Electrical Code officially adopted by the City Council and carried as Article 7 of this chapter and is for the regulation of installation, alteration, addition, repair, removal, demolition, location, and maintenance of electrical service in buildings and structures.

**EXIT WIDTH** means a clear and unobstructed area provided for egress.

**EXTERIOR PROPERTY** means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION** means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination method.



**FAMILY** means one or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five persons (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a non-profit, cost sharing basis.

**FIRE CODE** means the Fire Code as officially adopted by the City Council and carried as Article 1 of Chapter 9 of the City Code and is for the detection and suppression of fire, or the ascertaining and correction of conditions which tend to cause fire or contribute to its spread.

**GARBAGE** means the putrescible animal and vegetable wastes resulting from the preparation, cooking, serving and consumption of food.

**HABITABLE SPACE** means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces. No room shall be considered a habitable room which contains less than seventy (70) square feet of floor area.

**HARBOR** means any condition which provides shelter, food or protection and favors multiplication and continued existence.

**HAZARDOUS or UNSANITARY PREMISES** means those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions which constitute fire, health, or safety hazards.

**HOTEL** means any building containing six or more guest rooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

**ILLEGAL DRUG MANUFACTURING OR STORAGE SITE** means any premises where evidence of illegal manufacture or storage of a controlled substance, as defined by SEC. 12.02.001 of the City Code, is found.

**INFESTATION** means the presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.

**INSECTS** means roaches, fleas, termites, lice, flies, ants, mosquitoes, bees, hornets, wasps and their larvae.

**KITCHEN** means any room used for the preparation of foods.

**LET or LET FOR OCCUPANCY** means to permit possession or occupancy of any dwelling by a person who is or is not the legal owner of a record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**LITTER** means garbage, refuse, rubbish, and all other waste materials which have been thrown, deposited, scattered or otherwise not contained in a manner provided for in this Code.

**MECHANICAL CODE** means the Mechanical Code as officially adopted by the City Council and carried as Article 6 of this chapter and is for the regulation of installation, alteration, addition, repair, removal, demolition, location, and maintenance of mechanical systems including but not limited to heating, air conditioning, and ventilation.

**MOTOR VEHICLE means any self-propelled vehicle, including but limited to cars, trucks, motorcycles and recreational vehicles.**

**MULTI-FAMILY DWELLING means a building or portion thereof arranged, intended, or designed for occupancy by three or more families, including apartment houses, garden apartment buildings, and apartment hotels.**

**NEWEL POSTS/SAFETY TERMINAL means the outermost projection of a stair step.**

**NOXIOUS GASES, FUMES and ODORS mean any airborne substance, whether visible or invisible and whether particulate or not, which causes nausea, vomiting, dizziness, headaches, eye or skin irritation or other physical injury to any person.**

**NOXIOUS PLANTS means poison ivy, poison oak, and poison sumac, at any height or state of maturity.**

**OCCUPANT means any person living or sleeping in a building; or having possession of a space within a building.**

**ONE-FAMILY DWELLING means a detached building arranged, intended or designed for occupancy by one family.**

**OPEN STORAGE means the storage of materials, goods, or merchandise that is either not intended for outside use or may be used for temporary outside uses but storage of which will cause it to become damaged, decayed, rotted, rusted or otherwise unusable stored in the elements of outdoors. The Code Official may determine which items are considered open storage as well.**

**OPENABLE AREA means that part of a window or door which is available for unobstructed ventilation, and which opens directly to the outdoors.**

**OWNER means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.**

**OWNER'S REPRESENTATIVE means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.**

**PERSON means an individual, corporation, partnership or any other group acting as a unit.**

**PLUMBING means the practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code.**

**PLUMBING CODE means the Plumbing Code officially adopted by the City Council and carried as Article 4 of this chapter and is for the regulation of installation, alteration, addition, repair, removal, demolition, location, and maintenance of plumbing systems.**

**PLUMBING FIXTURE means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water therefrom; or discharges wastewater, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.**

**PREMISES means lot, plot or parcel of land including any structures thereon.**

**PUBLIC WAY means any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width of not less than ten feet (10').**

**RAT HARBORAGE means any condition which provides shelter, food or protection for rats, thus favoring their multiplication and continued existence in, under, or outside a structure of any kind.**

**RAT STOPPAGE means forms of rat-proofing to prevent the ingress of rats into buildings from the exterior or from one building to another. It consists essentially of the closing of all openings in the exterior walls, ground or first floors, basements, roofs and foundations that may be reached by rats from the ground by climbing or burrowing, with material or equipment impervious to rat gnawing.**

**REFUSE means waste materials in a solid or semi-solid state consisting of garbage, rubbish or a combination thereof.**

**RODENTS means rats and mice.**

**ROOMING HOUSE means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.**

**ROOMING UNIT means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.**

**RUBBISH means non-putrescible solid wastes consisting of combustible and/or noncombustible wastes, such as, but not limited to, ashes, cinders, sawdust, shavings, brush, paper, leather, mineral matter, excelsior, rags, cartons, boxes, leaves, wood, glass, and may include stones and rocks, and items not in good repair, rotten, infested or otherwise a matter of public health, safety and welfare, such as wearing apparel, bedding, crockery, appliances, machinery and machinery parts, tires, furniture and similar materials.**

**SEWAGE means any liquid waste containing human, animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.**

**SLEEPING ROOM means a room whose principal use is for sleeping purposes only.**

**STAIR RUN means the distance measured horizontally between the vertical planes of the furthestmost projection of adjacent treads.**

**STAGNANT WATER means water, which is still, not flowing and running, or contains organic matter that is undergoing anaerobic decomposition.**

**STORE means to keep, permit or allow to remain upon a premises for a period of longer than seven (7) days.**

**STRUCTURE means that which is built or constructed or a portion thereof.**

**THICKETS means dense growths of wild shrubbery, and briar patches.**

**TOILET ROOM means a room containing a water closet or urinal but not a bathtub or shower.**

**TRASH means refuse.**

**TWO-FAMILY DWELLING means a building or portion thereof, arranged, intended, or designed for occupancy.**

**UNENCLOSED AREA means an area visible from adjacent public or private property that is not completely enclosed with a locked building or locked fenced area.**

**VENTILATION means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.**

**WEATHERING means deterioration, decay or damage caused by exposure to the elements.**

**WEEDS means all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.**

**WORKMANLIKE means executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.**

**YARD means an open space on the same lot with a structure.**

**YARD WASTE means leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.**

**Sec. 302 Amend to read as follows:**

**Sec. 302 Exterior Property Areas.**

**Sec. 302.1 Sanitation. Exterior property, structures, 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.**

**Sec. 302.2 Exterior Property Areas -Violations.**

**A. All structures and exterior property and premises shall be maintained in a clean, safe and sanitary condition.**

**1. It shall be unlawful for any person to store, for longer than seven days, any vehicle parts, machinery, implements, tires or tools; boxes, barrels, bottles, cans, drums, bricks, blocks or stones; lumber or building materials; cut brush, tree branches, limbs, or timber; furniture not designed for outdoor use, stoves, refrigerators or freezers or similar items; unless such items are stored within an enclosed building.**

**All items not stored within a building shall be maintained in good repair and shall not permit or allow infestation by insects or rodents. Wood which is cut in lengths and sizes suitable for use as firewood may be stored in an enclosed building or outside, if evenly stacked, twelve inches (12") off the ground or on a concrete pad, provided that no infestation by insects or rodents occurs and such wood is not located in a required front or side yard. Materials stored for purposes of construction on the premises may be stored for the length of time during which a valid building permit exists, so long as said materials are evenly stacked and no infestation by insects or rodents occurs.**

**2. Operable farm implements on a premises that is zoned for agricultural use shall be exempt from the prohibition on open storage contained in this section.**

**3. Industrial and commercial outdoor storage will be in accordance with the Unified Development Ordinance.**

**4. Nothing in this section shall be applied so as to prohibit the dumping of legal fill materials which is otherwise in compliance with the Code of the City of Independence, Missouri.**

**5. It shall be unlawful for any person to leave or permit to remain on any exterior property or within any unoccupied or abandoned structure under control of such person, or to leave in any dump, refuse center, or other place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator, or other locking device which has an air-tight door or lid, snaplock or other locking device which may not be released from the inside, without first removing said door or lid, snaplock, or other locking device from said ice box, refrigerator, or container. If found and no contact can be made with a responsible party, these items will be abated in an emergency fashion, at the discretion of the Code Official or their designee, and recovery of costs will be pursued.**

**B. All premises and exterior property shall be maintained free from:**

**1. Noxious plants, noxious weeds and thickets.**

**2. Premises and exterior property shall be maintained free from weeds or plant growth in excess of seven (7) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109.3 as prescribed by the authority having jurisdiction Section 105.5.1(B.4.). Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.**

**3. Nothing in this section shall be applied so as to prohibit:**

**a. The use of aquatic habitats, wildlife refuges, wetlands, authorized green belts for educational purposes, demonstration areas and flora treatment projects.**

**b. Active agricultural use of property that otherwise complies with applicable City Code and zoning provisions. However, a minimum cleared space or buffer of no less than twenty-five feet (25') from the property line shall be maintained along all property lines, except those property lines where the adjoining property is an active agricultural use.**

**c. Lots in excess of one acre or undeveloped lots not used for active agricultural use, or portions thereof, which are more than one hundred fifty feet (150') distance from any developed residential or commercial lot.**

**d. Wooded areas of land densely covered with trees, shrubs and vegetation where the land, trees, shrubs and vegetation are and continue to remain uncultivated.**

**4. Nothing in this section shall be applied so as to prohibit the maintenance of a compost pile on residential property, which compost pile contains only items such as leaves, clippings of grass and other lawn and garden vegetation, ashes and wood chips, which items are not garbage or of such a nature as to spread or harbor disease, emit noxious gases, fumes or odors, or attract rodents, insects or other animals.**

**C. All premises, exterior property and structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.**

**1. Whenever conditions inside or under any building or structure provide such extensive rodent-harborage that the Code Official deems it necessary to eliminate such harborage, he/she may require the owner and/or occupant to correct such rodent harborage as may be necessary in order to facilitate the eradication of rodents in a reasonable time.**

**D. Except as provided for in other regulations, no unlicensed motor vehicle or any motor vehicle in a state of major disassembly, disrepair, or in the process of being stripped or dismantled shall be parked, kept or stored in an unenclosed area for a period of greater than 7 days on any premises.**

**Exception: A vehicle of any type is permitted to undergo repair, including body work, provided that such work is performed inside a fully enclosed structure.**

**Exception: Motor vehicles may be stored upon the premises of a business when necessary to the duly licensed operation of such business, when storage is in conformance with other applicable provisions of the City Code.**

**Exception: Any motor vehicle may be parked, kept or stored on the premises for a period of greater than 7 days provided that a permit has been obtained from the Code Enforcement Supervisor allowing the parking, keeping or storage of the vehicle. A permit may be issued for a period of up to one year when the following conditions are met:**

**1. The motor vehicle is a vehicle the parking of which is otherwise allowed in a residential area under the Code of the City of Independence; and**

**2. The vehicle is being restored or repaired and it is unfeasible to complete the restoration in seven (7) days; or, the owner of the motor vehicle is away from the City of Independence on duty with any branch of the Armed Forces of the United States; or illness or other extraordinary circumstances of the owner of the motor vehicle prevent the owner from completing repairs on, or the licensing of, said motor vehicle within seven (7) days; and**

**3. The motor vehicle has all major parts, such as chassis, windows, wheels, and tires; it is closed to the weather; and it is parked in a driveway or an area that is paved (asphalt or cement).**

**a. Any permit granted by the Code Enforcement Supervisor shall be for only such period as is reasonably necessary to complete the necessary repair, restoration and licensing.**

**b. Towing of trailers and hauling trailers in violation – Refer to Unified development ordinance Section 14-501-09-H.**

**c. Towing of recreational vehicles/equipment in violation – Refer to Unified Development Ordinance Section 14-501-09-I.**

**d. Towing of commercial vehicles in violation – Refer to Unified Development Ordinance Section 14-501-09-E.**

**e. Towing of temporary storage containers, rail cars, semi-trailers and similar structures in violation – Refer to Unified Development Ordinance Section 14-400-07.**

**E. No person shall keep, permit or allow any opened, uncovered, or unprotected well or cistern; any well or cistern which contains human or animal wastes, or in which insects are bred, hatched or raised; or any well or cistern which harbors rodents. Any well or cistern containing water which a chemical or bacteriological analysis discloses to be unsafe for human consumption shall not be used as a source of drinking water.**

**F. It shall be unlawful for any person to keep, permit, allow or maintain upon any property owned, managed or occupied by him/her any goods, merchandise, clothing, furniture or other property containing the infectious agent of a communicable disease, where such communicable disease may be spread by contact with such property and adequate precautions have not been taken to prevent the spread of such communicable disease.**

**G. All exterior property and premises shall be free from any accumulation of rubbish or garbage and the interior of every structure shall be free from accumulation of garbage.**

**1. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. It shall be prohibited for any person to deposit their refuse in containers not owned and/or rented by themselves or on premises other than their own, unless such premises are legally designated disposal areas.**

**a. The owner of every multi-family dwelling shall supply approved covered containers for rubbish, and the owner of the multi-family dwelling shall be responsible for the removal of rubbish.**

**b. All outside storage containers shall be made of material designed for refuse, except that yard waste may be stored in paper or plastic containers that are closed and intact.**

**c. All outdoor storage containers shall be of sufficient capacity and in sufficient number to accommodate and securely keep all refuse that may accumulate between collections. Residents of the premises where such containers are provided shall deposit any and all refuse accumulated on such premises in such containers and in no other place and shall place no more refuse therein than will be retained while such container is being handled in a reasonable manner. All containers shall be kept reasonably clean and free of any substance which would attract or breed flies, mosquitoes or any other insects. Containers shall not be stored in Front Yard or Side Yard, as defined in Chapter 14, that is abutting a street, except where terrain in other portions of the property prohibit container storage, and except on trash pickup day, as set out in Subsection I or as allowed by other sections of the City Code.**

**d. Highly flammable or explosive materials shall not be placed in containers for regular collection.**

**e. Nothing in this paragraph shall be construed to prohibit the use of bulk containers (dumpsters) for commercial premises.**

**f. Outdoor storage of refuse at single-family dwellings shall be in approved residential containers as regulated above. Outdoor residential containers must be leakproof and equipped with tight fitting lids. Indoor containers moved outdoors for pickup purposes may be disposable plastic bags of at least 1 mil thickness, or a fiberglass, metal, rubber or plastic container with tight fitting lids.**

**g. Roll-off trash containers between 10 to 40 cubic yards in size may be temporarily placed on residential property. Placement in the public right-of-way or on a public street requires a permit from the Public Works Department. Containers may be placed for a maximum of fifteen (15) days or, if needed for construction purposes, for the duration of an active City building permit. The container may only be used to temporarily store debris or refuse removed from the premises on which the roll-off container unit is sited. The container must be kept reasonably clean and sanitary, must be free from noxious odors, and must prohibit refuse from escaping.**

**H. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.**

**1. The operator of every business producing garbage shall provide, and at all times cause to be utilized, leakproof approved containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.**

**I. Refuse containers shall not be placed at a curb earlier than sixteen (16) hours prior to the time of scheduled collection. Refuse containers shall be removed from such curb no later than the same day as collection.**

**J. Nothing herein contained shall prohibit any person from collecting or disposing of recyclable materials, provided such activity is conducted in a sanitary and sightly manner that does not result in the infestation of insects, rodents or vermin and is in compliance with this Code.**

**K. Before any person can be charged in a court of competent jurisdiction with maintaining a violation of this section, the condition must have been determined by the Code Official to be a violation under this Code, and the person maintaining the violation has failed to abate the violation as ordered by the Code Official.**

**L. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.**

**1. All fences and retaining walls on the premises shall be structurally sound and constructed of customary or normal fencing materials and maintained in a neat and safe manner. Wood materials, except self-preserved wood products including but not limited to Cedar, Redwood and treated wood, shall be protected against decay by use of paint or other preservative. They shall not encroach upon the public right of way. Fence materials which are split (other than a split rail fence), decayed, broken or loose shall be replaced. Fence supports shall be erect, and shall be replaced if they lean or buckle to such an extent that a plumb line passing through the center of gravity of the support falls outside of the outer third of its base. Fencing materials shall be firmly attached to fence supports.**

**2. Abatement/removal of fencing in violation – Abatement or removal of fencing that is in violation of the Uniform Development Ordinance, Section 14-400-02 will be completed by city contractors, in accordance with Section 109.5, and the abatement costs are subject to recovery of costs, per Section 109.5.1.**

**M. All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Water retention areas and reservoirs must be approved by the City Engineer.**

**1. It shall be unlawful for any person to place, deposit or permit to be placed or deposited any solid materials of any kind or nature, into, along or across any stream, ditch, culvert, drainage pipe, watercourse or other drainage system so as to impede the flow of water, or any other material that would have the same effect.**

**2. No person shall cause, permit or allow any stagnant water to be upon premises owned, managed or occupied by him or her.**

**N. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be constructed and kept in a proper state of repair, and maintained free from weeds and hazardous conditions. Stairs shall comply with the requirements of Section 304.**

**O. This subsection prohibits those conditions which interfere with the public's health, safety, peace, comfort or convenience. It is not the intent of this subsection to prohibit those conditions which effect one individual, or a few individuals, as opposed to the public in general.**

**1. It shall be unlawful for any person to use, or to allow to be used, any premises owned, managed or occupied by him/her; (a) in any manner constituting a public nuisance as defined by common law or inequity jurisprudence; (b) in any manner constituting an attractive nuisance to children; (c) or in an unreasonable, unusual or unnatural manner so that it substantially impairs the ability of other persons to peacefully enjoy their property.**

**2. The ability of persons to peacefully enjoy their property is substantially impaired if a normal person would regard the invasion as definitely offensive, seriously annoying or intolerable, such that there results actual physical pain, inability to sleep, eat or breathe, or property damage.**

**3. In addition to all other factors, the following shall be considered in any determination as to whether a person's use of his/her property constitutes a nuisance: (a) location of the use; (b) character of the neighborhood; (c) nature of the use; (d) reasonableness of the use; (e) time(s) at which the use occurs; (f) social value or utility of the use; (g) the nature, extent, and frequency of the injury; (h) the effect upon enjoyment of life, health and property of those effected; and (i) the ability of either party to avoid the harm.**

**4. In addition to those conditions which satisfy the tests set out above for a nuisance, any use of a person's property which produces any of the following conditions shall be deemed a nuisance:**

**a. Water pollution, as set out in Article 6 of Chapter 7 of the Independence City Code.**



**b. Excessive noise, as set out in Article 10 of Chapter 7 of the Independence City Code. 5. A single isolated occurrence or act, which if regularly repeated would constitute a nuisance, is not a nuisance until it is repeated.**

**P. Signs in violation of the Unified Development Ordinance, Section 14-504 will be abated/removed in accordance with Section 109.5, and are subject to the recovery of costs, per Section 109.5.1.**

**Sec. 302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions and vegetation.**

**Section 302.4 Weeds. Delete**

**Section 302.5 Rodent harborage. Delete**

**Section 302.7 Accessory structures. Delete**

**Section 302.8 Motor vehicles. Delete**

**Sec. 303.2 Amend to read as follows:**

**Sec. 303.2 Enclosures. Private swimming pools, hot tubs and spas. Reference the International Residential Code (IRC).**

**Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.**

**Sec. 304 Amend to read as follows:**

**Sec. 304 Exterior Structure.**

**A. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare, and every building shall be weather protected so as to provide shelter for the occupants against the elements.**

**B. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the opposite side of the public right-of-way. All numbers shall be in Arabic numerals at least three inches (3") high, with a minimum ½" stroke width.**

**C. All structural members shall be plumb, maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.**

**1. Buildings or structures may be of any types of construction permitted by the Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.**

**D. All foundation walls and chimneys shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents. The foundation elements shall adequately support the building at all points.**

**E. All exterior walls, including screened off areas, doors and windows, shall be plumb, free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. If the exterior material is not naturally decay resistant, then proper surface coating shall mean either treatment with chemicals to prevent decay, painting, or similar surface treatment. If a surface coating has been applied above the foundation on any exterior material other than fired clay brick, including all other exterior material that is naturally decay resistant, then**

such surface coating shall be maintained as a complete surface coating without peeling, flaking, chipping, or wear that exposes the underlying exterior material, or the surface coating shall be completely removed. All wood shall be protected against termite damage and decay as provided in the Building Code.

F. The roof including soffit, fascia and flashing shall be sound, tight in a level plane, with straight lines, free from sags and spongy spots, 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 water shall not be discharged in a manner that creates damage to other property. Downspouts and gutters, if provided, shall be firmly attached to the building, free of debris, and free of leakage.

G. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

H. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Projection of cornices, eaves, sills, chimneys, canopies, balconies and other ordinary building projections shall conform to the requirements of the Unified Development Ordinance of the City of Independence.

I. Pipes, ducts, conductors, fans or blowers shall not discharge noxious gases, fumes and odors, steam, vapor, hot air, grease, smoke, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another dwelling unit.

J. All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

K. Every porch and interior and exterior stairs shall be so constructed as to be safe to use and capable of supporting the loads to which they are subjected. They shall be firmly fastened, maintained in sound condition and good repair. Treads, risers, handrails and balusters that are broken, warped or loose shall be repaired or replaced.

L. Every exterior opening shall be fitted with a window, door or basement hatchway cover, as appropriate, which shall be tight and maintained in sound condition and good repair to exclude wind and prevent the entrance of rodents, insects, rain and surface drainage water into the dwelling or building.

1. All glazing materials shall be maintained free from cracks and holes.

2. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

3. Every doorway which gives access from a habitable room or dwelling unit into a common passageway, hall, stairway or the exterior shall be fitted with a door equipped with hardware capable of ensuring security and privacy to the occupants of such habitable room or dwelling unit.

4. All windows shall be fully supplied with glass windowpanes or an approved substitute without open cracks or holes and held within a framework which is free from rotting, splitting or crumbling.

5. When present, awnings are to be kept free from holes and tears and securely anchored.

**M. Every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products are to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 18 mesh per inch and every swinging door shall have a self-closing device in good working condition.**

**Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.**

**N. All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and hotel unit shall tightly secure the door.**

**1. Every exterior door when closed shall fit well within its frame so as to exclude wind and rain as completely as possible from entering the dwelling or structure and shall be free from holes, rotting, buckling, and splitting. Every door hinge and door latch shall be structurally sound, free from rusting and crumbling, and firmly attached to the appropriate structure. Every door available as an exit shall be capable of being easily opened from the inside, and inside access to such doors shall not be blocked.**

**Sec. 305 Amend to read as follows:**

**Sec. 305 Interior Structure.**

**305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.**

**305.1.1 Interior Maintenance**

**1. The supporting structural members of every structure shall be maintained structurally sound, showing no evidence of rotting, breaking, splitting or buckling and be capable of supporting the imposed loads.**

**2. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.**

**3. Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain lead in excess of the Federal guidelines as stated in the Federal Register: 24 CFR Part 38 and 40 CFR Part 745 shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.**

**Section 306 Component Serviceability. Delete**

**Section 308 Rubbish and Garbage. Delete**

**Sec. 402 Amend to read as follows:**

**Sec. 402 Light.**

**A. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Building Code shall be permitted. Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue which shall open directly onto a public street, public alley, yard or exit court. The units shall be operable from the inside to provide a full clear opening without the use of separate tools. All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be twenty-four inches (24"). The minimum net clear openable width**

**dimension shall be twenty inches (20"). When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than forty-four inches (44") above the floor.**

**Bars, grilles, grates or similar devices may be installed on an emergency escape or rescue window or door, provided:**

**1. Such devices are equipped with approved release mechanism which are openable from the inside without the use of a key or special knowledge or effort.**

**2. All habitable rooms shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth (1/10) of the floor area of such rooms with a minimum of ten (10) square feet.**

**3. All bathrooms, toilet rooms, laundry rooms and similar rooms shall be provided with natural or mechanical ventilation by means of openable exterior openings with an area not less than one-twentieth of the floor area of such rooms with a minimum of one and one-half (1½) square feet.**

**4. Required exterior openings for natural light and ventilation shall open directly onto a street or public alley or a yard or court located on the same lot as the building; provided, however, that required windows may open into a roofed porch where the porch: (a) Abuts a street, yard, or court; and (b) Has a ceiling height of not less than seven feet (7'); and (c) Has the longer side at least sixty-five percent (65%) open and unobstructed.**

**B. Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway, other than in one- and two-family dwellings shall be illuminated with a minimum of 1 footcandle at floors, landings and treads.**

**C. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.**

**D. Yards and courts will have the following required window openings.**

**1. Every yard shall be not less than three feet (3') in width for one-story and two-story buildings. For buildings more than 2 stories in height the minimum width of the yard shall be increased as the rate of one foot (1') for each additional story. Where yards completely surround the building, the required width may be reduced by one foot (1'). For buildings exceeding 14 stories in height, the required width of yard shall be computed on the basis of 14 stories.**

**2. Every court shall be not less than three feet (3') in width. Courts having windows opening on opposite sides shall be not less than six feet (6') in width. Courts bounded on three or more sides by the walls of the building shall be not less than ten feet (10') in length unless bounded on one end by a public way or yard. For buildings more than 2 stories in height the court shall be increased one foot (1') in width and two feet (2') in length for each additional story. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.**

**3. Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than 2 stories in height shall be provided with a horizontal air intake at the bottom not less than ten square feet in area and leading to the exterior of the building unless abutting a yard or public way. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one-hour fire resistive.**

**4. Responsibility - The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter, as well as the provisions of the rental ready program (City Code Article 15), should the property be leased.**

**Sec. 403 Amend to read as follows:**

**Sec. 403 Ventilation.**

**A. All habitable rooms within a dwelling unit shall be provided with natural ventilation by means of operable exterior openings with an area of not less than one-twentieth (1/20) of the floor area of such rooms with a minimum of five (5) square feet, subject to the provisions of the four prior subsections.**

**B. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by the prior subsection, except that a window shall not be required in spaces equipped with a mechanical ventilation system. Such system shall be capable of providing two (2) air changes per hour in all habitable rooms and in public corridors. One-fifth (1/5) of the air supply shall be taken from the outside. In bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside capable of providing five (5) air changes per hour shall be provided. The point of discharge of exhaust air shall be at least five feet (5') from any mechanical ventilating intake. Bathrooms which contain only a water closet or lavatory or combination thereof, and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.**

**C. All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in an approved manner. Portable cooking equipment employing a flame is prohibited. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.**

**D. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.**

**E. Clothes dryer venting systems shall be independent of all other systems and shall be vented outdoors in accordance with the manufacturer's instructions.**

**Sec. 502 Amend to read as follows:**

**Sec. 502 Required Facilities.**

**A. Every dwelling unit shall contain within its walls at least one room, separate from the habitable rooms which affords privacy and is equipped with a water closet and a lavatory. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.**

**1. A bathroom or water closet compartment which is accessory to a dwelling unit shall not open directly into nor shall be used in conjunction with a place of business.**

**B. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units. Access to such water closet may not be through another rooming unit.**

**C. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.**

**1. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.**

**D. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. Every water closet, bathtub or shower shall be installed in a room which will afford privacy to the occupant.**

**E. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.**

**F. Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path of travel to such facilities shall not exceed a distance of five hundred (500'). Employee facilities shall either be separate facilities or public customer facilities.**

**1. Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of five hundred (500') from the employees' regular working area to the facilities.**

**G. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.**

**H. Every water closet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water so as to permit such floor to be easily kept in a cleanable and sanitary condition.**

**I. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.**

**Sec. 505 Amend to read as follows:**

**Sec. 505 Water System.**

**A. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.**

**B. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.**

**C. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.**

**D. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.**

**Sec. 506.3 Amend to read as follows:**

**Sec. 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer’s installation instructions, as well as the guidelines of the City of Independence’s Municipal Services – Environmental Services Division. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the Code Official.**

**Section 507 Storm Drainage. Delete.**

**Section 602.3 Heat Supply. Delete.**

**Section 602.4 Occupiable Work Spaces. Delete.**

**Sec. 604.2 Amend to read as follows:**

**Sec. 604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 100 amperes.**

**Sec. 604.3.2.1 Amend to read as follows:**

**Sec. 604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code, and per the regulations of Independence Power and Light.**

**Sec. 604.3.2.1 Electrical Equipment. Exception. Delete**

**Sec. 702 Amend to read as follows:**

**Sec. 702 Means of Egress.**

**A. A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way. There shall be no obstruction to or of fire escapes, ladders which may be used as escapes, stairways, aisles, exits, doors, windows, passageways or halls, likely in the event of fire to interfere with the operations of the fire department or of the safety and ready egress of occupants.**

**1. Every building or portion thereof shall be provided with exits, exitways and appurtenances as required by the Building Code and the Fire Code.**

**B. The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the Building Code and the Fire Code.**

**C. Every building or portion thereof shall be provided with at least one exit, and not less than 2 exits when required by the Fire or Building Codes. Every occupied story above the second story, and every story below grade, shall be provided with a minimum of two exits, except for any other provisions permitted in the Fire Code and Building Code.**

**D. Exits shall not lead through other units, toilet rooms, bathrooms, kitchens, storerooms, closets or hazardous areas.**

**E. As required by the Fire Code and Building Code, all means of egress shall be indicated with an approved "Exit" sign. All required "Exit" signs shall be illuminated at all times that the building is occupied.**

**F. At no time shall corridors be less than thirty-six inches (36") in width and when the occupant load exceeds 10, the exits shall not be less than forty-four inches (44") in width. All corridors shall have a clear height of not less than seven feet (7'). All corridors shall be constructed following the provisions of the Fire Code and Building Code.**

**G. Arrangement of chairs or tables and chairs shall provide for ready access by aisle access ways and aisles to each egress door. The minimum clear width shall not be less than thirty-six inches (36") where tables, counters, furnishings, merchandise, or other similar obstructions are placed on one side only and forty-four inches (44") where such obstructions are placed on both sides. The clear width shall not be obstructed by chairs, tables, or other objects. Aisles shall lead to an exit door and shall follow the International Building Code for travel distances.**

**H. Stairways shall have handrails on each side, with intermediate handrails when the width exceeds eighty-eight inches (88"). Handrails shall not be placed closer than thirty-four inches (34") or farther than thirty-eight inches (38") above the nosing of treads, shall extend six inches (6") above the top step and shall terminate in newel posts or safety terminals. Stair risers shall not be less than four inches (4") nor greater than seven and ¾ inches (7.75") and the stair run shall not be less than ten inches (10"). Guardrails shall be provided as required by Section 312 of the International Residential Code, except for any other provision permitted by the Fire Code and Building Code.**

**I. A sign shall be provided at each floor landing in all stairways extending more than 3 stories, designating the floor level above or below the floor of discharge. Elevator call stations shall be marked with approved signs in accordance with the requirements for new buildings in the Fire Code and Building Code.**

**J. All egress doors shall be readily openable from the inside without the use of a key or special knowledge or effort. Panic hardware shall be provided when required by the Fire Code and Building Code.**

**Exceptions: Only as provided by the Fire Code and Building Code, with the approval of the Fire Chief, and subject to revocation for due cause.**

**K. Sleeping rooms in basements or in any story located below the fourth floor shall have at least one openable window or door approved for emergency egress or rescue or shall have access to not less than two approved independent exits. Emergency escape windows shall meet the requirements of the Fire Code and Building Code.**

#### **Sec. 704 Fire Protection Systems. Delete**

##### **Sec. A101.1 Amend to read as follows:**

**Sec. A101.1 General. Windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure, at the discretion of the building official or their designee.**

#### **Appendix B Board of Appeals. Delete.**

##### **Sec. 4.01.003. Dangerous buildings.**

**A. All buildings or structures which have any of the following defects shall be deemed "dangerous buildings" provided that such conditions or defects exist to the extent that the life, property, or safety of the public, or its occupants, are endangered:**

- 1. Those whose exterior or interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity of any such wall or vertical structure members fall outside of the middle third of its base.**



2. Those which, exclusive of the foundation, show 33 percent or more, of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any building or structure which whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent, of the:
  - a. Strength
  - b. Fire-resisting qualities or characteristics, or
  - c. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same locations.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged or to collapse and thereby injure persons or damage property.
6. Whenever any portion thereof has wracked, cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquake than is required in the case of similar new construction.
7. Those, or any portion thereof, which because of:
  - a. Dilapidation, deterioration or decay;
  - b. Faulty construction;
  - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
  - d. The deterioration, decay or inadequacy of its foundation is likely to partially or completely collapse.
8. Those, as determined by any official law enforcement agency, that has been used for the illegal manufacture or storage of a controlled substance as defined by this article.
9. Those under construction, or a fire damaged structure upon which no current building permit is held and no substantial work shall have been performed for the immediately preceding 30 days, and such conditions or defects exist to the extent that the life, property or safety of the public or its occupants are endangered.
10. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure.
11. Those which are used or intended to be used for dwelling purposes, because inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Inspector to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness, disease or injury.
12. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Inspector to be a fire hazard.
13. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
14. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
15. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
16. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building

regulations of this City, as specified in the building code or housing code, or of any law or ordinance of this State or City relating to the condition, location or structure of buildings.

17. Those buildings which are abandoned for a period in excess of six months so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public, in which the electrical, plumbing, mechanical, or other systems are totally or partially damaged, destroyed, removed, or otherwise made inoperable, unsafe or unsanitary, or such conditions or defects exist to the extent that the life, property or safety of the public or its occupants are endangered.
- B. The owner, occupant, lessees, mortgagee, agent, tenant, or any person having an interest in a building or structure, as shown by the land records of the Jackson County Director of Property Records, will be considered as party within this section.
- C. Every building or structure deemed a "dangerous building" by the Building Inspector or Building Official is hereby declared a public nuisance detrimental to the health, safety and welfare of the residents of the City of Independence, Missouri and shall be subject to the requirements of Article 16, Chapter 4, Vacant Structure and Maintenance.
- D. The following standards shall be followed by the Building Inspectors and the Building Official in ordering vacating, repair, or demolition:
  1. If the "dangerous building" is in such condition as to make it dangerous to the health, safety or general welfare of the public or the occupants, it shall be ordered to be vacated.
  2. If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered to be repaired.
  3. In any case where a "dangerous building" is damaged, decayed or deteriorated to a degree that it is not economically feasible to rehabilitate such building, the building shall be ordered to be demolished.
- E. The building or property maintenance inspectors shall:
  1. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Code.
  2. Report, either directly or through the Property Maintenance Code Official, to the Building Official all buildings deemed to be emergency cases.
  3. Except in emergency cases, notify in writing all parties of any building found to be a "dangerous building" that:
    - a. The owner must repair, vacate, vacate and repair, or vacate and demolish said building;
    - b. The occupant must vacate said building or may have it repaired and remain in possession;
    - c. The mortgagee, agent or other parties may at their own risk vacate, repair or demolish or have such work or act done.

Such notice shall be served either by personal service or by certified mail, return receipt requested. If service cannot be had by the methods set forth above, a notice can be done by publication and shall be inserted in a newspaper of general circulation in the City, notifying the parties of the dangerous building.

In cases where any of the parties are absent from the City, all notices or orders provided herein shall be sent by certified mail, return receipt requested, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

Any person notified under this subsection to repair, vacate and repair, or vacate and demolish any building shall be given not more than ten days to commence the work, unless in the judgment of the Building Official it is determined to be necessary to extend such time to do or have done the work as required by the notice. Said Building Official shall notify in writing the date to which such extension is made.
  4. Report to the Building Official any noncompliance with the notice.
  5. Appear and testify at all hearings conducted by the Building Official.
- F. The Building Official shall retain all power and discretion as enumerated in the Building Code. Except in cases of emergency, the Building Official or an authorized representative shall:
  1. Upon receiving a complaint or report from any source that a dangerous building exists in this City, cause an inspection to be made forthwith.

2. Upon receipt of a report from an inspector, give at least 21 days written notice to all parties to appear before him/her on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated and repaired, or vacated and demolished. Structures ordered to be repaired shall be rendered fully code compliant with the currently adopted building, plumbing, fuel gas, electrical and mechanical codes. For nonresidential buildings, the exterior of the building shall be repaired utilizing compatible materials, colors, and architectural features of the existing structure as outlined in City Code Section 14-506 "Nonresidential Design Standards". A "dangerous building permit" must be obtained by the business owner for any aesthetic work performed on the building that does not require a standard building permit with a general contractor, which is reviewed for compliance with the above-mentioned "Nonresidential Design Standards."
  3. Any structure deemed a "dangerous building" and proposed for repairs requiring a permit shall have a report prepared by an engineer as part of the repair application. An engineer, duly licensed to work within the State of Missouri, and further qualified as disciplined in the field of structural engineering, shall be deemed qualified to prepare such report.
  4. Hold a hearing or hear such testimony as the building inspector or parties shall offer relative to the "dangerous building".
  5. Make written findings of fact from the testimony offered as to whether or not the building in question is a "dangerous building".
  6. Issue an order based upon findings of fact commanding the parties to repair, vacate and repair, or vacate and demolish any building found to be a "dangerous building" and provided that any person so notified shall have the privilege of either repairing or vacating and repairing such building, if such repair will comply with the ordinances of this City or the owner or any other party may vacate and demolish said "dangerous building" at his/her own risk to prevent the acquiring by the City of a lien against the land where the "dangerous building" stand.
  7. If parties fail to comply with the order, or extension thereof, within the time specified, the Building Official shall cause such building or structure to be repaired, vacated and repaired, or vacated and demolished as the facts may warrant. The Building Official shall certify the charge for such repair or demolition to the Director of Finance as a special assessment by a special tax bill against the real property effected, except when such certification is deemed to be not in the best interest of the City. The charge for abatement of the public nuisance shall include the actual cost of repair or demolition and the actual cost of administering the provisions hereof. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien upon said property until paid. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years.
  8. Report to the City Counselor the names of all parties not complying with the orders issued by the Building Official.
- G. The City Counselor shall:
1. Prosecute all persons for failing to comply with the terms of the notices and the orders provided for herein.
  2. Assist the Building Official in regard to "dangerous buildings".
  3. Bring suit to collect all municipal liens, assessments, or costs incurred by the Building Official in causing "dangerous buildings" to be vacated, repaired, or demolished.
  4. Take such other legal action as is necessary to carry out the terms and provisions of this Code.
- H. The owner of any "dangerous building" who shall fail to comply with any notice or order to vacate, repair, or demolish said building shall upon conviction thereof be punishable as set forth in this article.
1. The party in possession, who fails to comply with any notice to vacate, and any other party having a legal duty who fails to repair said building in accordance with any notice given shall upon conviction thereof be punishable as set forth in this Code.
  2. Any person removing the notice provided for herein shall upon conviction thereof be punishable as set forth in this Code.
- I. Except in emergency cases, any party aggrieved by any notice, finding or order may request a hearing before the Board of Building and Engineering Appeals. Any interested party aggrieved by the

determination of the Board of Building and Engineering Appeals may appeal to the Circuit Court as established in Chapter 536 of the Revised Statutes of Missouri.

- J. Damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss for which there is a covered claim payment by an insurer which is in excess of 50 percent of the face value of the insurance policy covering said building or other structure shall be deemed a personal debt against the property owner if an order is issued by the Building Official, or an authorized representative, and a special tax bill or assessment is issued against the property. Twenty percent of the proceeds of any insurance policy based upon a covered claim payment shall be paid to the City according to the following procedure:
1. The insurer shall withhold from the covered claim payment 20 percent of the covered claim payment and shall pay such moneys to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this section.
  2. The City shall release the proceeds and any interest which has accrued on such proceeds received under paragraph (1) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within 30 days after receipt of such insurance moneys. All moneys in excess of that necessary to comply with said paragraph for the removal or repair of the building or structure, less salvage value, shall be paid to the insured.
  3. The Building Official shall authorize the release of 60 percent of the proceeds and any interest that has accrued on that 60 percent of the proceeds upon application of the property owner and a determination that 50 percent of the damage or loss has been removed or repaired, and shall release the remaining 40 percent upon final completion and acceptance by the City, minus any administrative fees.
  4. If there are no proceeds of any insurance policy as set forth in this section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be a lien on the property until paid.
  5. This subsection does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
  6. In lieu of payment of all or part of the covered claim payment under this subsection herein the insured may provide satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. Upon satisfactory proof thereof, the Director of Finance shall issue a certificate within 30 days after receipt of proof to permit covered claim payment to the insured without deduction pursuant to this subsection. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this subsection.
- K. For the purpose of this Code, an emergency is hereby defined as any case where it reasonably appears that there is immediate danger to the health, life, safety, or welfare of any person because of a dangerous condition that exists in violation of this Code.
1. In any emergency case, the Building Official shall have power to take emergency measures to abate or to correct such dangerous condition. The emergency power herein granted shall include power to cause the summary correction of any emergency condition which exists in violation of this Code, including, but not limited to, demolition of dangerous buildings as defined by this Code.
  2. No appeal shall lie from an emergency order to the Board of Building and Engineering Appeals, and such order shall not be reviewed or stayed otherwise than by the Jackson County Circuit Court and as provided in Chapter 536 of the Revised Statutes of Missouri.
  3. The costs of emergency abatement shall be recovered as provided in this Code for the recovery of costs of demolition of dangerous buildings.

(Ord. No. 19175, § 2, 11-16-2020)

Sec. 4.01.004. Unsafe to occupy.

- A. All buildings or structures which possess any or a combination of the following conditions or defects to an extent which present an immediate danger to the health, life, safety, and welfare of persons shall be deemed "UNSAFE TO OCCUPY":

1. Unclean or unsanitary;
  2. Any exterior opening that is not equipped with a window, door or basement hatchway cover as appropriate, which is tight and maintained in sound condition and good repair to exclude wind and prevent the entrance of rodents, insects, rain and surface drainage water into the dwelling or building.
  3. Accumulations of wastepaper, hay, grass, straw, weeds, litter, or combustible or flammable waste material, rubbish, or garbage stored or allowed to accumulate in structures or encroaching upon any exit passageway. Unsafe storage of combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids.
  4. Lack of a safe, continuous and unobstructed means of egress from the interior of a structure to a public way. This includes any obstruction to or of fire escapes, ladders which may be used as escapes, stairways, aisles, exits, doors, windows, passageways or halls, likely in the event of fire to interfere with the operations of the fire department or of the safety and ready egress of occupants.
  5. Electrical equipment, wiring and appliances improperly installed or not maintained in a safe and approved manner.
  6. Insect and/or rodent infestation.
  7. Any combination of violations of this article which present an immediate danger to the health, life, safety, and welfare of persons.
  8. Any other condition exists which presents an immediate danger to the health, life, safety, and welfare of persons.
- B. When a building or structure is deemed to be "Unsafe to Occupy," the Code Official shall order it to be immediately vacated.
- C. Notice that a building or structure has been deemed "Unsafe to Occupy" shall immediately be posted in a conspicuous place in or about the building or structure and delivered personally to any owner, owner's representative or occupant present.
- D. Subsequent to the posting and delivery of notice, the Code Official shall give notice and hold an administrative hearing in accordance with the procedures set forth in Section 105.5.1. The requirement of ten days notice of that hearing may be waived by agreement of all of the owners.
- E. No person shall:
1. Fail to comply with an order to vacate a building or structure deemed "Unsafe to Occupy;"
  2. Remove the posted notice that a building or structure is "Unsafe to Occupy;"
  3. Enter on the real property of a building or structure deemed "Unsafe to Occupy" except between the hours of 8:00 a.m. to 8:00 p.m. and for the purposes of removing belongings, facilitating repairs or performing abatement action;
  4. Permit any child under age 17 to enter on the real property of a building or structure deemed "Unsafe to Occupy" for any reason;
  5. Fail to comply with an administrative order to repair or abate the conditions that resulted in the building or structure being deemed "Unsafe to Occupy."
- F. Every building or structure deemed an "unsafe building" by the Building Inspector or Building Official shall be subject to the requirements of Article 16, Chapter 4, Vacant Structure and Maintenance.
- (Ord. No. 19175, § 3, 11-16-2020)

Sec. 4.01.005. Validity.

- A. If any section, subsection, paragraph, sentence, clause or phrase of this Code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code which shall continue in full force and effect, and to this end the provisions of this Code are hereby declared to be severable.
- B. This Code shall not affect violations of any other ordinance, Code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

Secs. 4.01.006. – 4.01.999. Reserved."

SECTION 3. That Ordinance No. 13196 and all other ordinances or parts of ordinances in conflict herein are hereby repealed.

SECTION 4. That correction of any scrivener's errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

\_\_\_\_\_  
Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

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

APPROVED - FORM AND LEGALITY:

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

REVIEWED BY:

\_\_\_\_\_  
City Manager

**NOTE: Words struck through are being removed by this ordinance and words underscored and bolded are being added by this ordinance.**