

AN ORDINANCE AMENDING TITLE IX OF THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI, CODE OF ORDINANCES BY REPEALING CERTAIN PROVISIONS CONTAINED THEREIN AND ENACTING IN LIEU THEREOF NEW PROVISIONS DESIGNATED AS TITLE IX RELATING TO MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, HEALTH, PROPERTY AND THE PUBLIC WELFARE WITHIN THE CITY AND DESIGNATED AS THE "BUILDING AND CONSTRUCTION ORDINANCE" FOR THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI.

LEGISLATIVE FINDINGS:

1. The City has conducted a comprehensive review of all chapters in Title IX of the Code of Ordinances relating to minimum standards to safeguard life or limb, health, property and the public welfare; regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction; and
2. Certain technical codes concerning minimum standards to safeguard life or limb, health, property and the public welfare have been reviewed by the City for incorporation by reference and such adoption is deemed advisable by the City Council for the health, safety, and welfare of the residents of the City; and
3. The City Council of the City of Gladstone finds that it is in the best interest of the citizens of the City of Gladstone, Clay County, Missouri to enact the provisions of the Building and Construction Ordinance set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI AS FOLLOWS;

SECTION 1: REPEAL OF CERTAIN CHAPTERS WITHIN TITLE IX OF THE GLADSTONE CODE OF ORDINANCES.

The following Chapters contained within Title IX of the Gladstone City Code, and adopted under Ordinance 3.973, 3.976, 4.003, 4.065, 4.175, 4.230, 4.377 and 4.468 are hereby repealed:

Chapter 100 General Provisions

Chapter 300 Cross Connection Control Regulations

Chapter 1100 Site Design Regulations
Chapter 1200 Community Forestry Plan Regulations
Chapter 1300 Grease and Oil Control Regulations
Chapter 1400 Residential Sales Regulations
Chapter 1500 Satellite Receiving Antenna Regulations
Chapter 1700 Dangerous Building Insurance Proceeds Regulations
Chapter 1800 Restrictive Roof Covenants Regulations
Chapter 1900 Native Planting Regulations
Chapter 2100 Portable Storage Containers and Dumpster Regulations
Chapter 2200 Erosion and Sediment Control Regulations
Chapter 2300 Detached Accessory Structure Regulations
Chapter 2400 Special Event Regulations
Chapter 2500 Fence and Wall Regulations
Chapter 2600 Abandoned-Vacant Property Registration Regulations
Chapter 2700 Sump Pump and Ground Water Regulations

SECTION 2: ENACTMENT OF CERTAIN NEW CHAPTERS WITHIN TITLE IX OF THE GLADSTONE CODE OF ORDINANCES.

- a. The following new Chapters are hereby incorporated within Title IX of the Gladstone Code of Ordinances in lieu of the Chapters that are repealed under Section 1 above:

Chapter 100 General Provisions
Chapter 300 Cross Connection Control Regulations
Chapter 1100 Site Design Regulations
Chapter 1200 Community Forestry Plan Regulations
Chapter 1300 Grease and Oil Control Regulations
Chapter 1400 Residential Sales Regulations
Chapter 1500 Satellite Receiving Antenna Regulations
Chapter 1700 Dangerous Building Insurance Proceeds Regulations
Chapter 1800 Restrictive Roof Covenants Regulations
Chapter 1900 Native Planting Regulations
Chapter 2100 Portable Storage Containers and Dumpster Regulations
Chapter 2200 Erosion and Sediment Control Regulations
Chapter 2300 Detached Accessory Structure Regulations
Chapter 2400 Special Event Regulations
Chapter 2500 Fence and Wall Regulations

Chapter 2600 Abandoned-Vacant Property Registration Regulations
Chapter 2700 Sump Pump and Ground Water Regulations

- b. The specific provisions of the foregoing Chapters are attached, and incorporated as part of the Ordinance by this reference as if fully set forth herein.

SECTION 3: ENACTMENT OF CERTAIN NEW CHAPTER WITHIN TITLE IX OF THE GLADSTONE CODE OF ORDINANCES.

- a. The following new Chapter is hereby incorporated within Title IX of the Gladstone Code of Ordinances:

Chapter 2900 Marijuana Cultivation Regulations

- b. The specific provision of the foregoing Chapter is attached, and incorporated as part of the Ordinance by this reference as if fully set forth herein.

SECTION 3: EFFECT OF REPEAL.

The provisions of the Gladstone Code of Ordinances repealed herein shall not be construed to revive any former Ordinance, clause, or provision of the Gladstone Code of Ordinances.


SECTION 4: SEVERABILITY CLAUSE.


The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall be effective date of adoption.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 13TH DAY OF JULY, 2020.


Jean B. Moore, Mayor

Attest: 
Ruth E. Bocchino, City Clerk

1st Reading: July 13, 2020

2nd Reading: July 13, 2020



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 20-22

ORD # 4.522

Date: July 1, 2020

Department: Community Development

Meeting Date Requested: July 13, 2020

Public Hearing: Yes ☐ Date: [Click here to enter a date.](#)

Subject: Adoption of Certain Chapters in Title IX, Building and Construction Ordinance.

Background: Community Development Department regularly updates its building and construction codes when the International Code Council (ICC) releases its new version of the International Codes every three (3) years. As staff reviewed the new version of the International Codes for adoption it was decided to review all chapters within Title IX of the Building and Construction Ordinance as many, if not all, have not been reviewed/updated since they were adopted; in addition, a new chapter was presented for adoption and one for informational purposes. Please refer to the June 22, 2020 study session packet for applicable documents related to this ordinance.

During the open study session on Monday, June 22, 2020, the following chapters of Title IX, Building and Construction Ordinance in Gladstone's Code of Ordinances, were reviewed with the City Council:

- Chapter 100 General Provisions
- Chapter 200 Building Construction Regulations
- Chapter 300 Cross Connection Control Regulations
- Chapter 400 Electrical Regulations
- Chapter 500 Energy Conservation Regulations
- Chapter 600 Fire Prevention Regulations
- Chapter 700 Fuel Gas Regulations
- Chapter 800 Mechanical Regulations
- Chapter 900 Plumbing Regulations
- Chapter 1000 Property Maintenance and Nuisance Regulations
- Chapter 1100 Site Design Regulations
- Chapter 1200 Community Forestry Plan Regulations
- Chapter 1300 Grease and Oil Control Regulations
- Chapter 1400 Residential Sales Regulations
- Chapter 1500 Satellite Receiving Antenna Regulations
- Chapter 1700 Dangerous Building Insurance Proceeds Regulations
- Chapter 1800 Restrictive Roof Covenants Regulations
- Chapter 1900 Native Planting Regulations
- Chapter 2000 Swimming Pool and Spa Regulations

RCA DUE TO CITY CLERK WEDNESDAY 12:00 PM

Chapter 2100 Portable Storage Containers and Dumpster Regulations
Chapter 2200 Erosion and Sediment Control Regulations
Chapter 2300 Detached Accessory Structure Regulations
Chapter 2400 Special Event Regulations
Chapter 2500 Fence and Wall Regulations
Chapter 2600 Abandoned-Vacant Property Registration Regulations
Chapter 2700 Sump Pump and Ground Water Regulations
Chapter 2900 Marijuana Cultivation Regulations – New Chapter
Chapter 3000 Mobile Food Establishment Regulations – Informational Purposes

Chapter 1600 Sign Regulations – City Council was advised that this chapter will be incorporated into Title VII Zoning and Planning Ordinance; and reviewed with City Council at that time.

Chapter 2800 Dangerous Building Regulations – City Council was advised that this chapter had been updated and adopted at their April 27, 2020 meeting.

The Chapter's adopting the International Codes are required to be available for review for ninety (90) days before they can be adopted. The following Chapters are projected to be presented to the City Council at the September 28, 2020 City Council meeting for their consideration:

Chapter 200 Building Construction Regulations
Chapter 400 Electrical Regulations
Chapter 500 Energy Conservation Regulations
Chapter 600 Fire Prevention Regulations
Chapter 700 Fuel Gas Regulations
Chapter 800 Mechanical Regulations
Chapter 900 Plumbing Regulations
Chapter 1000 Property Maintenance and Nuisance Regulations
Chapter 2000 Swimming Pool and Spa Regulations

The following Chapters of Title IX Building and Construction Ordinance proposed to be presented to City Council for their consideration at the July 13, 2020 meeting:

Chapter 100 General Provisions
Chapter 300 Cross Connection Control Regulations
Chapter 1100 Site Design Regulations
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Chapter 1400 Residential Sales Regulations
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- a. The following new Chapters are hereby incorporated within Title IX of the Gladstone Code of Ordinances in lieu of the Chapters that are repealed under Section 1 above:

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Chapter 2500 Fence and Wall Regulations

Budget Discussion: Funds are budgeted in the amount of \$ 0.00 from the N/A Fund. Ongoing costs are estimated to be \$ 0.00 annually. Previous years' funding was \$0.00

Public/Board/Staff Input: Community Development Staff presented the aforementioned corresponding chapters to the Board of Zoning and Adjustments (BZA) and Uniform Code Board of Appeals (UCBA) for their input and consideration and made all changes requested by each Board and Commission prior to presenting to the City Council on June 22, 2020. The BZA and UCBA voted unanimously to present to City Council with their recommendations.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Alan D. Napoli, C.B.O.
Community Development Administrator | Building Official

City Attorney PC

City Manager SW

CHAPTER 100
GENERAL PROVISIONS

SECTION 9.100.101
GENERAL

9.100.001.1 Title.

These regulations shall be known and cited as the "Building and Construction Ordinance" (BACO) of the City of Gladstone, Clay County, Missouri, hereinafter referred to as "this title".

9.100.001.2 Scope.

The provisions of this title are to set forth requirements for building and construction in this jurisdiction.

9.100.001.3 Intent.

The purpose of this title is:

1. Provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction.
2. Provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by this title or otherwise available by law, whereby buildings or structures which from any cause, endangers the life, limb, health, morals, property, safety to welfare of the general public or their occupants may be required to be repaired, vacated, or demolished.
3. Provide guidance in future construction and reconstruction based upon elements contained in the City's comprehensive plan.
4. Not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title.

SECTION 9.100.102
AUTHORITY

9.100.102.1 State.

RSMo 77.500 provides the authority for cities of the third class to regulate the construction of buildings and structures.

9.100.102.2 City.

The building official is hereby authorized and directed to enforce all the provisions of this title.

SECTION 9.100.103

APPLICABILITY

9.100.103.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this title specify requirements, most restrictive shall govern.

9.100.103.2 Other laws.

The provisions of this title shall not be deemed to nullify any provisions of local, state, or federal law.

9.100.103.3 Severability.

If any provisions, sections, subsections, sentences, clauses, or phrases of this title are, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this title.

SEC. 9.100.104

APPEALS

9.100.104.1 General.

In order to hear and decide appeals of orders, decisions, or determination made by the building official relative to the application and interpretation of this title; a board of appeals shall be created as specifically outlined in each chapter of this title.

SECTION 9.100.105

VIOLATIONS

9.100.105.1 Unlawful acts.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any provisions of this title.

9.100.105.2 Violation; penalties.

Any person who violates a provision of this title or fails to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which not appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the a board of appeals, or by a court of competent jurisdiction, within the time fixed herein, shall be severally, for each and every such violation and noncompliance respectively, by guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the City of Gladstone, Clay County, Missouri Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that a prohibited condition is maintained shall constitute a separate offense.

CHAPTER 300
CROSS CONNECTION CONTROL REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.300.101
GENERAL

9.300.101.1. Title.

These regulations shall be known and cited as the Cross Connection Control Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.300.101.2 Scope.

The provisions of this chapter are to protect the *water main* and *water supply system* from introduction of contaminants or pollutants, by containing within the consumer's internal distribution system, contaminants which could backflow into the *water main* and *water supply system*.

9.300.101.3 Intent.

The purpose of this chapter is to provide for the maintenance of a continuing program of *cross connection* control which will systematically and effectively prevent the *contamination or pollution* of the *water main* and *water supply system*.

SECTION 9.300.102
APPLICABILITY

9.300.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, most restrictive shall govern.

9.300.102.2 Existing installations.

Plumbing systems lawfully in existence at the time of the adoption of this chapter shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and hazard to life, health or property is not created by such plumbing system.

9.300.102.3 Maintenance.

Plumbing systems, materials and appurtenances, both existing and new and parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. Devices or safeguards required by this code shall be maintained in compliance with the edition of the code under which they were installed.

The *owner* or the owner's authorized agent shall be responsible for maintenance of plumbing systems. To determine compliance with this provision, the *building official* shall have the authority to require any *plumbing system* to be reinspected.

9.300.102.4 Additions, alterations or repairs.

Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing plumbing systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

9.300.102.5 Referenced codes and standards.

The codes and standards referenced in this chapter shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 9.300.102.5.1 and 9.300.102.5.2.

9.300.102.5.1 Conflicts.

Where conflicts occur between provisions of this chapter and the referenced standards, the provisions of this chapter shall apply.

9.300.102.5.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this chapter, the provisions of this chapter, as applicable, shall take precedence over the provisions in the referenced code or standard.

9.300.102.6 Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed plumbing system, or for the public safety, health and general welfare, not specifically covered by this chapter shall be determined by the *building official*.

9.300.102.7 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.300.102.8 Application of references.

Reference to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this chapter.

9.300.102.9 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.300.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.300.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.300.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue permits for the installation and alteration of *plumbing systems*, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this chapter.

9.300.103.3 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.300.103.4 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the *building official* has reasonable cause to believe that there exists in any building or on any premises any conditions or violations of this chapter that make the building or premises unsafe, insanitary, dangerous or hazardous, the *building official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the *building official* by this chapter. If such building or premises is occupied, the *building official* shall present credentials to the *occupant* and request entry. If such building or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*, the owner's authorized agent or other *person* having charge or control of the building or premises and request entry. If entry is refused, the *building official* shall have recourse to every remedy provided by law to secure entry.

Where the *building official* shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, the *owner*, owner's authorized agent, *occupant* or *person* having charge, care or control of any building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the *building official* for the purpose of inspection and examination pursuant to this chapter.

9.300.103.5 Identification.

The *building official* shall carry proper identification when inspecting premises in the performance of duties under this chapter.

9.300.103.6 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.300.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

**SECTION 9.300.104
NOTICES AND ORDERS**

9.300.104.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.300.104.2 and 9.300.104.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.300.104.2 Form.

Such notice prescribed in Section 9.300.104.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the premises or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.300.105.3.

9.300.104.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.300.104.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.300.104.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.300.105.4.

9.300.104.6 Transfer of ownership.

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

SECTION 9.300.105 VIOLATIONS

9.300.105.1 Unlawful act.

It shall be unlawful for any *person*, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter.

9.300.105.2 Notice of violation.

The *building official* shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of plumbing work in violation of the provisions of this chapter, or in violation of a detail statement or the *approved* construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

9.300.105.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.300.104, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such premises shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.300.105.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Uniform Code Board of Appeals, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.300.106
APPEALS

9.300.106.1 General.

In order to hear and decide appeals of orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Code Board of Appeals is hereby authorized to conduct said appeals.

9.300.106.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Uniform Code Board of Appeals, provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.300.106.3 Authority on appeals.

See Title I, Chapter 110, Article 4 of the City of Gladstone's Code of Ordinances.

DIVISION 2 DEFINITIONS

SECTION 9.300.201 GENERAL

9.300.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.300.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

9.300.201.3 Terms defined in other codes.

Where terms are not defined in this chapter and are defined in other International Codes as adopted by the jurisdiction, such terms shall have the meanings ascribed to them as in those codes.

9.300.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.300.202 GENERAL DEFINITIONS

AIR GAP (Water distribution system). The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, *plumbing fixture*, or other device and the *flood level rim* of the receptacle.

ANTISIPHON. A term applied to valves or mechanical devices that eliminate siphonage.

Approved. Acceptable to the *building official*.

BACKFLOW. Pressure created by any means in the water distribution system which by being in excess of the pressure in the water supply mains causes a potential backflow condition.

BACKFLOW CONNECTION. Any arrangement whereby backflow is possible.

BACKFLOW PREVENTER. A backflow prevention assembly, a backflow prevention device, or any other means or methods to prevent backflow into the *potable water* supply.

BUILDING. Any structure utilized or intended for supporting or sheltering any *occupancy*.

BUILDING OFFICIAL. The official who is charged with the administration and enforcement of this chapter, or any duly authorized representative.

CONTAMINATION. An impairment of the quality of the *potable water* which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, or waste.

CROSS CONNECTION. Any physical connection or arrangement between two otherwise separate piping systems, one of which contains *potable water* and the other either water of unknown or questionable safety or steam, gas or chemicals, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems. (See "Backflow.")

DOUBLE CHECK BACKFLOW PREVENTER. A backflow prevention device composed of two (2) single, independently acting, internally loaded, *approved* check valves including tightly closing shutoff valves located at each end of the device.

FLOOD LEVEL RIM. The edge of the receptacle from which water overflows.

OWNER. Any *person*, agent, operator, firm, or corporation having 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.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes, firms, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLUMBING. The practice, materials, and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water systems.

PLUMBING FIXTURE. A receptacle or device that is connected to the *water supply system* or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid-borne solid waste; or require a supply of water and discharge waste to a drainage system.

PLUMBING SYSTEM. A system that includes the water distribution pipes; plumbing fixtures and traps; water-treating or water-using equipment; soil waste and vent pipes; and building drains; in addition to their respective connections, devices and appurtenances

within a structure or premises; and the water service, building sewer and building storm sewer serving such structures or premises.

POLLUTION. An impairment of the quality of the *potable water* to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such *potable waters* for domestic use.

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the Public Health Service Drinking Standards or the regulations of the public health authority having jurisdiction.

PREMISES. A lot, plot, or parcel of land, easement, or public way, including any structures thereon.

PREMISES. a lot, plot or parcel of land, easement or public way, including any structures thereon.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. A backflow prevention assembly consisting of two (2) independently acting check valves, internally force-loaded to a normally closed position and separated by an intermediate chamber (or zone) in which there is an automatic relief means of venting to the atmosphere, internally loaded to a normally open position between two (2) tightly closing shutoff valves and with means for testing for tightness of the checks and opening of relief means.

VACUUM. Any pressure less than that exerted by the atmosphere.

VACUUM BREAKER. A type of *backflow preventer* installed on openings subject to normal atmospheric pressure that prevents backflow by admitting atmospheric pressure through ports to the discharge side of the device.

WATER MAIN. A water supply pipe or system of pipes, installed and maintained by a city, township, county, public utility company or other public entity, on public property, in the street or in an *approved* dedicated easement of public or community use.

WATER SUPPLY SYSTEM. The water service pipe, the water-distributing pipes, and the necessary connection pipes, fittings, control valves, and all appurtenances in or adjacent to the structure or *premises*.

DIVISION 3
BACKFLOW CONTROL BY CONTAINMENT

SECTION 9.300.301
CROSS CONNECTION

9.300.301.1. Prohibited.

No water service connection shall be installed or maintained at any *building* or *premises* where actual or potential *cross connections* to the *water supply system* exist, unless such actual or potential *cross connections* are protected by an *approved backflow preventer*.

SECTION 9.300.302.
BACKFLOW HAZARDS

9.300.302.1 Class I.

A Class I backflow hazard presents an actual or potential health hazard to customers of the *water main* and *water supply system* should *backflow* occur. The customer or the customer's authorized representative shall construct a State of Missouri Department of Natural Resources (DNR) *approved* air gap separation or install a *reduced pressure principle backflow preventer* on the customer's water service line, in accordance with Sections 9.300.402, when:

1. An actual or potential Class I hazard exists at any *building* or *premises*;
2. Modification is made to the customer's water system at an existing facility which is designated an actual or potential *backflow* hazard in Section 9.300.302.2. If an addition or modification requiring a separate customer water service line is made to an existing *building* or *premises*, the new water service line, as well as the existing customer's water service line, shall be equipped with a DNR *approved backflow preventer*;
3. A new customer water service line connection is made to a *building* or *premises* listed in Section 9.300.302.2; or
4. A *backflow* incident occurs which introduces a contaminant into the public or customer water system which may create a health hazard.

9.300.302.2 Class I types. The following is a list, not all inclusive, of actual or potential Class I backflow hazards:

1. Aircraft and missile manufacturing plants;
2. Automotive plants including, but not limited to, those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;

3. *Potable water* dispensing stations which are serviced by a public water system;
4. Beverage bottling plants including, but not limited to, dairies, soft drink bottlers and breweries;
5. Canneries, packinghouses and reduction plants;
6. Car washes;
7. Chemical, biological and radiological laboratories including, but not limited to, those in high schools, trade schools, colleges, universities and research institutions;
8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries, veterinary facilities, dental clinics and other medical facilities;
9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;
10. Plants manufacturing paper and paper products;
11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;
13. Plants processing, blending or refining animal, vegetable or mineral oils;
14. Commercial laundries and dye works;
15. Sewage, stormwater and industrial waste treatment plants and pumping stations;
16. Waterfront facilities including piers, docks, marinas and shipyards;
17. Industrial facilities which recycle water;
18. Restricted or classified facilities or other facilities closed to the city or DNR;
19. Fire sprinkler systems using any chemical additives;
20. Auxiliary water systems, including but not limited to alternative water sources;

21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating backpressure. The *backflow* preventer may be installed between the customer's water service line and the irrigation system;
22. Portable tanks for transporting water taken from a public water system;
23. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system; and
24. Facilities which contain any boiler system and are served by a public water system. The *backflow preventer* may be installed on the water service line to the boiler.

9.300.302.3 Class II.

A Class II backflow hazard threatens to degrade the water quality of the public water system should backflow occur. The customer or the customer's authorized representative shall install, as minimum protection for Class II backflow hazards, a State of Missouri Department of Natural Resources (DNR) *approved double check backflow preventer* on the customer service line in accordance with sections 9.300.402, when:

1. An actual or potential Class II backflow hazard exists at any *building* or *premises*;
2. Modification is made to the customer's water system at an existing building or *premises* which is designated an actual or potential backflow hazard in Section 9.300.302.4. If an addition or modification requiring a separate customer water service line is made to an existing facility, the new water service line, as well as the existing customer's water service line, shall be equipped with a DNR *approved backflow preventer*;
3. A new customer water service line connection is made to a new *building* or *premises* listed in Section 9.300.302.4; or
4. A *backflow* incident occurs in any situation described in Section 9.300.302.4 or Section 9.300.302.5.

9.300.302.4 Class II types.

The following is a list, not all inclusive, of actual or potential Class II backflow hazards:

1. Tanks to store water from the public water system for firefighting only, unless the tanks meet the requirements of DNR for construction to maintain bacteriological quality of the water;
2. Fire sprinkler systems not using chemical additives. This only applies to new fire sprinkler systems or fire sprinkler systems scheduled for modifications;

3. Irrigation systems without facilities for injections of pesticides, herbicides or other chemicals. The *backflow preventer* may be installed between the customer service line and the irrigation system; and
4. *Cross connections* that could permit introduction of contaminants into the public or customer water system and create a nuisance, be aesthetically objectionable or cause minor damage to the public water system or its appurtenances.

9.300.302.5 Designating Class I or II.

Customer *buildings* or *premises* not designated a backflow hazard by Section 9.300.302.2 and 9.300.302.4 may be designated a Class I or Class II backflow hazard by written notification from the supplier of water or (DNR) to the customer. The notice shall specify the nature of the customer activity which necessitates designation of the *building* or *premises* as a backflow hazard, the type of backflow protection required and the date by which the customer shall install or construct this *backflow preventer* on the customer service line to the *building* or *premises*.

9.300.302.6. Approved backflow preventers.

The following are types of *backflow preventers* approved by DNR:

9.300.302.6.1 List of approved assemblies.

DNR maintains a current list of *approved backflow preventers*.

9.300.302.6.2 Air gaps.

The discharge pipe of an *approved air gap* shall terminate a minimum of two (2) pipe diameters of the discharge pipe above the *flood level rim* of the receiving vessel; in no case shall the distance be less than one (1) inch.

9.300.30.6.3 Double check and reduced pressure principle.

Only those models of *double check backflow preventers* and *reduced pressure principle backflow preventers* which are *approved* by the Foundation of Cross Connection Control and Hydraulic Research of the University of Southern California and are on the *approved* list maintained by DNR are acceptable.

DIVISION 4
INSTALLATION, TESTING, SURVEY AND INSPECTION

SECTION 9.300.401
SURVEY AND INSPECTION

9.300.401.1 General.

When it is necessary to make a survey and/or inspection to enforce the provisions of this chapter, or when the *building official* has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this chapter, the building official may enter the building or premises at all reasonable times to survey and/or inspect to perform the duties imposed by this chapter. If such building or premises is occupied, the building official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the building official shall make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry

SECTION 9.300.402
CONSTRUCTION AND INSTALLATION

9.300.402.1. Standards of construction and installation.

Backflow preventers shall be installed in accordance with Sections 9.300.402.1.1 through 9.300.402.1.4

9.300.402.1.1 Installation location.

Backflow preventers shall be installed on the customer water system as close as possible to the point of service connection and prior to any other connection or branch line. If it is not possible to install the *backflow preventer* as described, then installation shall be at the approval of the Missouri department of Natural Resources (DNR).

9.300.402.1.2 Reduced pressure principle backflow preventer.

Reduced pressure principle backflow preventer shall be installed with no plug or additional piping affixed to the pressure differential relief valve port (except for specifically designed funnel apparatus available from the manufacturer) and with the pressure differential relief valve port a minimum of 12 inches above floor level. Additionally, the *backflow preventer* shall be installed at a location where any leakage from the pressure differential relief valve port will be noticed, that allows easy access to the *backflow preventer* for maintenance and testing, and that will not subject the *backflow preventer* to excessive heat or freezing.

9.300.402.1.3 Double check backflow preventer.

All *double check backflow preventers* shall be installed at a location that allows easy access to the *backflow preventer* for maintenance and testing and that will not subject the *backflow preventer* to excessive heat or freezing.

9.300.402.1.4 Bypass.

No bypass piping shall be allowed around a *backflow preventer* unless the bypass is equipped with the same degree of backflow prevention protection.

9.300.402.2. Backflow preventer testing and inspection.

Backflow preventers shall be tested and inspected in accordance with Sections 9.300.402.2.1 through 9.300.402.2.5.

9.300.402.2.1 Generally.

Backflow preventers shall be inspected and tested by testers certified in accordance with DNR's requirements and procedures set forth in 10 CSR 60-11.030.

9.300.402.2.2 Air gaps.

Air gaps shall be inspected each year by a date which is no later than 30 days past the anniversary date established by the City of Gladstone to ensure that they continue to meet the requirements of Section 9.300.302.6.2.

9.300.402.2.3 Reduced pressure principle backflow preventers.

Reduced pressure principle backflow preventers shall be tested by a certified backflow prevention assembly tester each year by a date which is no later than 30 days past the anniversary date established by the City of Gladstone to ensure that:

1. The pressure differential relief valve operates to maintain the zone between the two (2) check valves at least two pounds per square inch (2.0 psi) less than the supply pressure;
2. The #2 check valve is leak tight against reverse flow under all pressure differentials; and
3. The static pressure drop across the #1 check valve is at least three pounds per square inch (3.0 psi) greater than the pressure differential between the supply pressure and the pressure in the zone required to open the pressure differential relief valve.

9.300.402.2.4 Double check backflow preventers.

Double check backflow preventers shall be tested each year by a certified backflow prevention assembly tester by a date which is no later than 30 days past the anniversary date established by the City of Gladstone to ensure that the #1 and #2 check valves maintain at least one pound per square inch (1.0 psi) differential in the direction of flow and are leak-tight against reverse flow under all pressure differentials.

9.300.402.2.5 Test reports.

All certified backflow prevention assembly testers shall report to the City of Gladstone, to the customer, and, if requested, to DNR the results of inspections or tests conducted in compliance with this chapter. Reports of tests shall contain the signature of the

certified backflow prevention assembly tester attesting to the compliance (or noncompliance) of the assembly with established operational requirements. Routine reports shall be submitted within thirty (30) days after making the inspection or test.

SECTION 9.300.403 CUSTOMER RESPONSIBILITIES

9.300.403.1 Generally.

The customer shall furnish, install, and maintain in working order at all times, any *backflow preventer* required by this chapter.

9.300.403.2 Inspections and tests.

To ensure that each *backflow preventer* required by this chapter is in working order, the customer shall have each *backflow preventer* inspected and tested by a certified backflow prevention assembly tester at the time of construction or installation and at the frequency specified in section 9.300.402.2.

9.300.403.3 Access.

The customer shall permit access to the *premises* by the certified backflow prevention assembly tester, the City *building official* and Missouri Department of Natural Resources (DNR) representatives, at reasonable times and upon presentation of identification, for inspection of the customer's water system or testing of *backflow preventer* installed in accordance with this chapter.

SECTION 9.300.404 CITY'S RESPONSIBILITIES

9.300.404.1. Removal of water meter.

Because *backflow* may cause a health hazard through transmission of contaminants via the water supply system, the City shall remove the water meter or otherwise sever the *water main* and *water supply system* from the customer's water service line serving a building or premises when the City:

1. Has knowledge that the customer is causing or maintaining an unprotected cross connection;
2. Has knowledge that the customer is failing or refusing to proceed without delay to correct any violation of the provisions of this chapter after having been notified to do so; or
3. Is so ordered by the Missouri Department of Natural Resources (DNR).

9.300.404.2 Record retention.

The City shall retain records of the reports of inspections, tests, and repairs on backflow prevention assemblies for a period of five (5) years.

9.300.404.3 Recording initial inspection or test.

The City shall record the date of the initial inspection or test of backflow preventers required under Section 9.300.302 and shall require that an annual inspection or test report be submitted by a certified backflow prevention assembly tester. The City shall establish an annual anniversary date for these inspections or test reports. If these reports are not received by the City on or before sixty (60) days following this anniversary date, the City shall notify the customer and DNR.

9.300.404.4 Notification.

The City shall notify DNR within forty-eight (48) hours whenever a cross-connection problem has occurred which resulted in *contamination* of the *water main* and *water supply system*.

CHAPTER 1100

SITE DESIGN REGULATIONS

DIVISION 1

SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.1100.101

GENERAL

9.1100.101.1 Title.

These regulations shall be known and cited as the Site Design Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.1100.101.2 Scope.

The provisions of this chapter are to provide an aesthetically compatible and pleasing urban environment, and solidify the City’s position as a livable suburban community.

9.1100.101.3. Intent.

The purpose of this chapter is to provide general site and building design standards to protect the public health and welfare, increase and preserve residential and commercially developed land values while ensuring the compatibility of development with surrounding land uses.

9.1100.101.4 Referenced codes.

The other codes listed in Sections 9.1100.101.4.1 through 9.1100.101.4.4 and referenced elsewhere in this chapter shall be considered to be part of the requirements of this chapter to the prescribed extent of each such reference.

9.1100.101.4.1 Property maintenance.

The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

9.1100.101.4.2 Fire prevention.

The provisions of the International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

9.1100.101.4.3 Energy.

The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

9.1100.101.4.4 Existing buildings.

The provisions of the International Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

**SECTION 9.1100.102
APPLICABILITY****9.1100.102.1 General.**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.1100.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.1100.102.3 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this chapter.

9.1100.102.4 Referenced codes and standards.

The codes and standards referenced in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 9.1100.102.4.1 and 9.1100.102.4.2.

9.1100.102.4.1 Conflicts.

Where conflicts occur between provisions of this chapter and referenced codes and standards, the provisions of this chapter shall apply.

9.1100.102.4.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this chapter or the International Codes listed in Section 9.1100.101.4, the provisions of this code or the International Codes listed in Section 9.1100.101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

9.1100.102.5 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

9.1100.102.6 Existing structures.

The legal occupancy of any structure existing on the date of adoption of this chapter shall be permitted to continue without change, except as otherwise specifically provided in this chapter, the International Existing Building Code, the International Property Maintenance Code or the International Fire Code.

9.1100.102.6.1 Buildings not previously occupied.

A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the International Building Code or International Residential Code, as applicable, for new construction or with any current permit for such occupancy.

9.1100.102.6.2 Buildings previously occupied.

The legal occupancy of any building existing on the date of adoption of this chapter shall be permitted to continue without change, except as otherwise specifically provided in this chapter, the International Fire Code or International Property Maintenance Code, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.1100.103

DUTIES AND POWERS OF BUILDING OFFICIAL

9.1100.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.1100.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of *buildings* and *structures*, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter.

9.1100.103.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.

For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing *buildings* or *structures* located in flood hazard areas, the *building official* shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the *building official* determines that the proposed work constitutes substantial improvement or repair of

substantial damage, and where required by this code, the *building official* shall require the *building* to meet the requirements of the International Building Code or International Residential Code as applicable and adopted by this jurisdiction.

9.1200.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.1100.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.1100.103.5 Identification. The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.1100.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the premises at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.1100.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

9.1100.103.8 Approved materials and equipment.

Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

9.1100.103.9 Used materials and equipment.

Materials that are reused shall comply with the requirements of the International Building Code or International Residential Code as applicable and adopted by this jurisdiction for new materials. Used equipment and devices shall not be reused unless *approved* by the *building official*.

9.1100.103.9 Alternative materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the *building official* shall respond in writing, stating the reasons why the alternative was not approved.

9.1100.103.9.1 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 9.1100.104 SUBMITTAL DOCUMENTS

9.1100.104.1 General.

Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in electronically with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The *building official* is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

9.1100.104.2 Construction documents.

Construction documents shall be in accordance with Sections 104.2.1 through 104.2.3.

9.1100.104.2.1 Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the *building official*. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will

conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

9.1100.104.2.2 Exterior wall envelope.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

9.1100.104.2.3 Exterior balconies and elevated walking surfaces.

Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

9.1100.104.3 Examination of documents.

The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

9.1100.104.3.1 Approval of construction documents.

When the *building official* issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

9.1100.104.3.2 Previous approvals.

This Chapter shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

9.1100.104.3.3 Design professional in responsible charge.

Where it is required that documents be prepared by a registered design professional, the *building official* shall be authorized to require the *owner* or the owner's

authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the *owner* or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The *building official* shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

9.1100.104.3.4 Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the *approved* construction documents shall be resubmitted for approval as an amended set of construction documents.

9.1100.104.3.5 Retention of construction documents.

One set of *approved* construction documents shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**SECTION 9.100.105
INSPECTIONS**

9.1100.105.1 General.

Construction or work for which a permit is required shall be subject to inspection by the *building official* and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *owner* or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

9.1100.105.2 Preliminary inspection.

Before issuing a permit, the *building official* is authorized to examine or cause to be examined *buildings, structures* and sites for which an application has been filed.

9.1100.105.3 Other inspections.

The *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this chapter and other laws that are enforced by the department of building safety.

9.1100.105.4 Inspection agencies.

The *building official* is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

9.1100.105.5 Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this chapter.

9.1100.105.6 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 9.1100.106**APPEALS****9.1100.106.1 General.**

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

9.1100.106.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Uniform Code Board of Appeals, provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the building official.

9.1100.106.2 Authority on appeal.

See Title I, Chapter 110, Article 4 of the City of Gladstone's Code of Ordinances.

SECTION 9.1100.107 VIOLATIONS

9.1100.107.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.1100.107.2 Notice of violation.

The *building official* shall serve a stop work order in accordance with Section 9.1100.108.

9.1100.107.3 Prosecution of violation.

Any *person* failing to comply with a stop work order, served in accordance with Section 9.1100.108, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.1100.107.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.1100.108 STOP WORK ORDERS

9.1100.108.1 Authority.

Where the *building official* finds any work regulated by this chapter being performed in a manner either contrary to the provisions of this chapter or dangerous or unsafe, the building official is authorized to issue a stop work order.

9.1100.108.2 Issuance.

The stop work order shall be in writing and shall be given to the *owner* of the property involved, the owner's authorized agent, the person performing the work or posted in a conspicuous location on the premises. Upon issuance of a stop work order, the cited work

shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

9.1100.108.3 Unlawful continuance.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

DIVISION 2 DEFINITIONS

SECTION 9.1100.201 GENERAL

9.1100.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.1100.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.1100.201.3 Terms defined in other codes.

Where terms are not defined in this chapter and are defined in other International Codes as adopted by the jurisdiction, such terms shall have the meaning ascribed to them as in those codes.

9.1100.201.3 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.1100.202 GENERAL DEFINITIONS

ACCESSORY STRUCTURE. A structure that is accessory to and incidental to that of the *dwelling(s)* and that is located on the same *lot*.

APARTMENT HOUSE. A building containing a number of *dwelling units*.

APPROVED. Acceptable to the *building official*.

BUILDING. Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

CLUSTER HOUSING. A group of three (3) or more self-contained *dwellings* comprising of either attached or detached *dwellings* or any combination thereof which are configured in compact clusters, including zero *lot* line setback subdivisions, *townhouses*, or terraced *dwellings* not served by a common entrance.

COMMERCIAL BUILDING. *Buildings* that are used for commercial purposes, and include office buildings, warehouses, and retail buildings. In urban locations, a *commercial building* may combine functions, such as offices levels 2-10, with retail on floor 1.

DWELLING. Any *building* that contains one or two *dwelling units* used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes.

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

GARDEN APARTMENT. A multiple-unit low-rise *dwelling* having considerable lawn or garden space.

GLAZED OPENINGS. Windows and glass doors used as part of the *buildings* envelope.

LOT. A portion or parcel of land considered as a unit.

OUTBUILDING. A building, such as a shed, barn, or garage, on the same *lot* but detached from the primary structure(s).

STRUCTURE. That which is built or constructed.

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

DIVISION 3 DESIGN STANDARDS

SECTION 9.1100.301 ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES

9.1100.301.1 General.

Dwellings and townhouses shall utilize construction materials meeting or exceeding the architectural standards of similar *dwellings* within the surrounding area.

9.1100.301.2 Aspects of design to be considered.

The following design aspects shall be considered:

1. Roof pitch and materials;
2. Exterior treatment and materials;
3. Percentage of window openings; and
4. Landscaping.

9.1100.301.3 Accessory structures.

Outbuildings should be similar in design, materials, and color of the primary building.

SECTION 9.1100.302 MULTI-FAMILY DWELLINGS

9.1100.302.1 General.

Garden apartments, apartment houses, and cluster housing shall utilize construction materials meeting or exceeding the architectural standards of other developed properties within the surrounding area.

9.1100.302.2 Aspects of design to be considered.

The following design aspects shall be considered:

1. Roof pitch and materials;
2. Exterior treatment and materials;
3. Percentage of window openings;
4. Landscaping; and
5. Signage.

9.1100.302.3 Accessory structures.

Outbuildings shall be similar in design, materials, and color of the primary building.

9.1100.302.4 Design.

Buildings shall, at a minimum, comply with Section 9.1100.302.4.1 through 9.1100.302.4.3.

9.1100.302.4.1 Street frontage.

Elevations of all *buildings* shall be constructed of or faced with approximately eighty (80) percent standard brick, natural stone, stucco, exterior finish and insulation system (EFIS), or other suitable similar materials. A minimum of twenty (20) percent of the building shall be constructed of or faced with a contrasting material consisting of standard brick, natural stone, tile, or other suitable accent material.

Buildings shall contain a minimum of thirty (30) percent *glazed openings*.

9.1100.302.4.2 Non-street frontage.

Elevations shall be faced with stucco, EFIS, or similar exterior treatment, or other suitable materials *approved* by the City. Other suitable materials *approved* by the City shall meet the intent of this Chapter and the Comprehensive Plan.

9.1100.302.4.3 Colors.

Buildings and appurtenances shall be compatible with developed properties within one-hundred eighty-five (185) feet. In the event no consistent pattern or trend in color compatibility emerges after reviewing area properties, the following color systems shall be used.

9.1100.302.4.3.1 Principle color.

Buildings shall be generally light earth tones, grays, and blue-grays or combinations thereof;

9.1100.302.4.3.2 Accent color.

Two accent colors are allowed and shall not exceed five (5) feet of total coverage; and

9.1100.302.4.3.3 Sign color.

There shall be no more than three colors, including the frame and supports, and no more than two lettering styles. At least one (1) color in each sign shall match the predominant color of the building.

SECTION 9.1100.303 COMMERCIAL

9.1100.303.1 General.

Commercial and industrial *structures* shall utilize construction materials meeting or exceeding the architectural standards of other developed properties within the surrounding area.

9.1100.303.2 Aspects of design to be considered.

The following design aspects shall be considered:

1. Roof pitch and materials;
2. Exterior treatment and materials;
3. Percentage of window openings;
4. Landscaping; and
5. Signage.

9.1100.303.3 Accessory structures.

Outbuildings shall be similar in design, materials, and color of the primary building.

9.1100.303.4 Design.

Buildings shall, at a minimum, comply with Section 9.1100.303.4.1 through 9.1100.303.4.3.

9.1100.303.4.1 Street frontage.

Elevations of all *buildings* shall be constructed of or faced with approximately eighty (80) percent standard brick, natural stone, stucco, exterior finish and insulation system (EFIS), or other suitable similar materials. A minimum of twenty (20) percent of the building shall be constructed of or faced with a contrasting material consisting of standard brick, natural stone, tile, or other suitable accent material.

Buildings shall contain a minimum of thirty (30) percent *glazed openings*.

9.1100.303.4.2 Non-street frontage.

Elevations shall be faced with stucco, EFIS, or similar exterior treatment, or other suitable materials *approved* by the City. Other suitable materials *approved* by the City shall meet the intent of this Chapter and the Comprehensive Plan.

9.1100.303.4.3 Colors.

Buildings and appurtenances shall be compatible with developed properties within one-hundred eighty-five (185) feet. In the event no consistent pattern or trend in color

compatibility emerges after reviewing area properties, the following color systems shall be used:

9.1100.303.4.3.1 Principle color.

Buildings shall be generally light earth tones, grays, and blue-grays or combinations thereof;

9.1100.303.4.3.2 Accent color.

Two accent colors are allowed and shall not exceed five (5) feet of total coverage; and

9.1100.303.4.3.3 Sign color.

There shall be no more than three colors, including the frame and supports, and no more than two lettering styles. At least one (1) color in each sign shall match the predominant color of the building.

**CHAPTER 1200
COMMUNITY FORESTRY PLAN REGULATIONS**

**DIVISION 1
SCOPE AND ADMINISTRATION**

PART 1 – SCOPE AND APPLICATION

**SECTION. 9.1200.101
GENERAL**

9.1200.101.1 Title.

These regulations shall be known and cited as the Community Forestry Plan Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.1200.101.2 Scope.

The provisions of this chapter are to provide general and specific requirements related to planting, maintenance, and removal of trees, shrubs and other plants.

9.1200.101.3 Intent.

The purpose of this chapter is to promote and protect the public health, safety, and general welfare by addressing the planting, maintenance, and removal of trees, shrubs and other plants in order to promote, maintain, and improve the urban forest resource of the City.

9.1200.101.4 Retroactivity.

The provisions of the Chapter shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this Chapter and conditions that, in the opinion of the *building official*, constitute a distinct hazard to life or property.

Exception: Provisions of this chapter that specifically apply to existing conditions are retroactive.

9.1200.101.5 Additions or alterations.

Additions or alterations shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this chapter, provided that the addition or alteration conforms to that required for a new building or structure.

Exception: Provisions of this chapter that specifically apply to existing conditions are retroactive.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this chapter nor shall such additions or alterations cause the existing building or structure to become unsafe.

9.1200.101.06 Maintenance.

Buildings, structures, landscape materials, vegetation, defensible space or other devices or safeguards required by this chapter shall be maintained in conformance to the chapter edition under which installed. The *owner* or the owner's authorized agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

SECTION 9.1200.102 APPLICABILITY

9.1200.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.1200.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.1200.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this chapter.

9.1200.102.4 Referenced codes and standards.

The codes and standards referenced in this chapter shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 9.1200.102.4.1 and 9.1200.102.4.2.

9.1200.102.4.1 Conflicts.

Where conflicts occur between provisions of this chapter and the referenced standards, the provisions of this chapter shall govern.

9.1200.102.4.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this chapter, the provisions of this chapter, as applicable, shall take precedence over the provisions in the referenced standard.

9.1200.102.5 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

9.1100.102.6 Existing conditions.

The legal occupancy or use of any structure or condition existing on the date of adoption of this chapter shall be permitted to continue without change, except as is specifically covered in this chapter, the International Property Maintenance Code or the International

Fire Code, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.1200.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.1200.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.1200.103.2 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.1200.103.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property *owner* and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*; *owner's* authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.1200.103.4 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.1200.103.5 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.1200.103.6 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.1200.104 VIOLATIONS

9.1200.104.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.1200.104.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.1200.105.

9.1200.104.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.1200.105, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.1200.104.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.1200.105 Notices and Orders

9.1200.105.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.1200.105.2 and 9.1200.105.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.1200.105.2 Form.

Such notice prescribed in Section 9.1200.105.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.1200.104.3.

9.1200.105.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.1200.105.4 Unauthorized tampering. Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.1200.105.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.1200.104.4.

9.1200.105.6 Transfer of ownership.

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

SECTION 9.1200.106

APPEALS

9.1200.106.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.1200.106.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.1200.106.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

DIVISION 2 DEFINITIONS

SECTION 9.1200.201 GENERAL

9.1200.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.1200.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.1200.202.3 Terms defined in other codes.

Where terms are not defined in this chapter and are defined in other International Codes as adopted by the jurisdiction, such terms shall have the meanings ascribed to them as in those codes.

9.1200.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTIONS 9.1200.202 GENERAL DEFINITIONS

APPROVED. Acceptable to the building official.

BUILDING. Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

LOT. A portion or parcel of land considered as a unit.

LOT LINE. A line dividing one *lot* from another, or from a street or any public place.

OCCUPANCY. The purpose for which a *building* or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possessions of a space within a building.

OWNER. Any *person*, agent, operator, firm or corporation having legal or equitable interest in the *premises* or private property; or otherwise having control of the *premises* or private 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.

PARK TREES. Trees, shrubs, bushes, and all other woody vegetation in public parks and all areas owned by this jurisdiction, or to which the public has free access as a park.

PERSON. An individual, corporation, partnership, or any other group acting as a unit.

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

PRIVATE PROPERTY. Land not owned by this jurisdiction or dedicated to public use.

RIGHT-OF-WAY. The roadway and that property adjacent thereto and parallel therewith which is publicly owned.

STREET TREES. Trees, shrubs, bushes, and all other woody vegetation on public land and *right-of-way* on either side of all streets, avenues or ways within this jurisdiction.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TREE CROWN. The primary and secondary branches growing out from the main stem, together with twigs and foliage.

TREE TOPPING. The practice of removing whole tops of trees or large branches and/or trucks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader.

YARD. An open space on the same lot with a structure.

DIVISION 3 GENERAL REQUIREMENTS

SECTION 9.1200.301 TREE CRITERIA

9.1200.301.1 Street tree species.

Only desirable, long-lived trees of good appearance, beauty, adaptability, and generally free from injurious insects or disease shall be planted in public land. The parks and recreation advisory board shall establish a list of official tree species acceptable for planting, divided into three (3) categories of trees based on average height of each tree at maturity, those categories being small, medium, and large trees. No species other than those included in this list may be planted as *street trees* without written permission of the parks and recreation advisory board.

9.1200.301.2 Spacing of street trees.

The spacing of *street trees* will be in accordance with the three (3) species size categories as referred to in Section 9.1200.301.1, and no trees may be planted closer together than the following

1. Small trees – thirty (30) feet apart;
2. Medium trees – forty (40) feet apart; and
3. Large trees – fifty (50) feet apart.

Exception: Special plantings designed by a landscape architect and approved on a case-by-case basis by the parks and recreation advisory board.

9.1200.301.3 Distance of trees from curb and sidewalk.

The distance trees may be planted from back curbs and sidewalks will be in accordance with the three species size categories as referred to in section 9.1200.301.1, and no trees may be planted closer than the following:

1. Small trees – two (2) feet;
2. Medium trees – three (3) feet; and
3. Large trees – four (4) feet.

9.1200.301.4 Distance of trees from street corners.

No street tree shall be planted closer than thirty-five (35) feet of any street corner, measured from the point nearest the intersection back of curb.

9.1200.301.5 Distance of trees from fire hydrants.

No street tree shall be planted within ten (10) feet of any fire hydrant.

9.1200.301.6 Utilities.

No *street tree* other than those ~~species~~ listed as small trees in the adopted list of *street trees* may be planted under or within ten (10) lateral-feet of any overhead utility wire.

**SECTION 9.1200.302
TREE MAINTENANCE****9.1200.302.1 Public grounds.**

The City shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the *right-of-way* or boundaries of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

9.1200.302.2 Unsafe conditions.

The City may remove, cause, or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of *street trees* by adjacent property owners providing that the selection and location of said trees is in accordance with sections 9.1200.301.

9.1200.302.3 Duty of adjacent property owners to maintain vegetation in right-of-way.

Property *owners* abutting *right-of-way* shall be responsible for maintaining trees, shrubs, and other woody vegetation within such *right-of-way* in a manner which promotes safe and healthy plants and which protects the health, safety, and welfare of the public. Said property *owners* shall not allow such plants to hinder or obstruct the *right-of-way*, interfere with traffic on adjacent streets or alleys, or create a nuisance, and shall prune the branches and remove all dead, diseased, or dangerous trees, or broken or decayed limbs. Branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection. Said owners shall maintain a minimum height clearance over the following as noted:

1. City sidewalks – ten (10) feet;
2. City streets – thirteen (13) feet;
3. City thoroughfares and designated truck routes – fourteen (14) feet; and
4. Adjacent properties – ten (10) feet or to a height which does not touch any structure or utility lines located on adjacent property.

9.1200.302.4 Tree topping.

It shall be unlawful as a normal practice for any *person*, firm, or city department to top any *street trees*, *park trees*, or other trees on public property.

Exception: At the determination of the Parks and Recreation Advisory Board trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical.

9.1200.302.5 Dead or diseased tree removal on premises or private property.

All *premises* and *private property* shall be maintained free from dead or diseased trees. Removal of such trees shall be to a height no higher than four (4) inches above adjacent grade.

Upon failure of the *owner* or agent having charge of the *premises* or *private property* to remove dead or diseased trees after the service of a notice and order, they may be subject to prosecution in accordance with Section 9.1200.104.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice and order, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and remove the dead or diseased tree; and the cost of such removal and administration fees shall be paid by the *owner* or agent responsible for the *premises* or *private property*. If not paid by the *owner* or agent responsible for the *premises* or *private property*, the cost of such abatement and other associated costs shall be assessed on the *owner's* property tax notice.

9.1200.302.6 Removal of stumps.

All stumps of *street trees* and *park trees* shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Upon failure of the *owner* or agent having charge of the *premises* or *private property* to remove dead or diseased trees after the service of a notice and order, they may be subject to prosecution in accordance with Section 9.1200.104.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice and order, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and remove the dead or diseased tree; and the cost of such removal and administration fees shall be paid by the *owner* or agent responsible for the *premises* or *private property*. If not paid by the *owner* or agent responsible for the *premises* or *private property*, the cost of such abatement and other associated costs shall be assessed on the *owner's* property tax notice.

CHAPTER 1300
GREASE AND OIL CONTROL REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SEC. 9.1300.101
GENERAL

9.1300.101.1 Title.

These regulations shall be known and cited as the Grease and Oil Control Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.1300.101.2 Scope.

The provisions of this chapter are to protect the *public sewer* from blockage and obstructions caused by the contributions and accumulation of fats, oils, greases, sand, and other substances harmful or hazardous to the *public sewer* from commercial or industrial businesses, particularly food preparation and serving facilities.

9.1300.101.3 Intent.

The purpose of this chapter is to provide for the maintenance of a continuing program of grease and oil, control which will systematically and effectively prevent the discharge of fats, oils, grease, sand, and other substances harmful or hazardous to the *public sewer*.

SECTION 9.300.102
APPLICABILITY

9.300.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, most restrictive shall govern.

9.1300.102.2 Existing installations.

Plumbing systems lawfully in existence at the time of the adoption of this chapter shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and hazard to life, health or property is not created by such plumbing system.

9.1300.102.3 Maintenance.

Plumbing systems, materials and appurtenances, both existing and new and parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. Devices or safeguards required by this code shall be maintained in compliance with the edition of the code under which they were installed.

The *owner* or the owner's authorized agent shall be responsible for maintenance of plumbing systems. To determine compliance with this provision, the *building official* shall have the authority to require any *plumbing system* to be reinspected.

9.1300.102.4 Additions, alterations or repairs.

Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing plumbing systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

9.1300.102.5 Referenced codes and standards.

The codes and standards referenced in this chapter shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 9.1300.102.5.1 and 9.1300.102.5.2.

9.1300.102.5.1 Conflicts.

Where conflicts occur between provisions of this chapter and the referenced standards, the provisions of this chapter shall apply.

9.1300.102.5.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this chapter, the provisions of this chapter, as applicable, shall take precedence over the provisions in the referenced code or standard.

9.1300.102.6 Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed plumbing system, or for the public safety, health and general welfare, not specifically covered by this chapter shall be determined by the *building official*.

9.1300.102.7 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.1300.102.8 Application of references.

Reference to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this chapter.

9.1300.102.9 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.1300.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.1300.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.1300.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue permits for the installation and alteration of *plumbing systems*, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this chapter.

9.1300.103.3 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.1300.103.4 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the *building official* has reasonable cause to believe that there exists in any building or on any premises any conditions or violations of this chapter that make the building or premises unsafe, insanitary, dangerous or hazardous, the *building official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the *building official* by this chapter. If such building or premises is occupied, the *building official* shall present credentials to the *occupant* and request entry. If such building or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*, the owner's authorized agent or other *person* having charge or control of the building or premises and request entry. If entry is refused, the *building official* shall have recourse to every remedy provided by law to secure entry.

Where the *building official* shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, the *owner*, owner's authorized agent, *occupant* or *person* having charge, care or control of any building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein

by the *building official* for the purpose of inspection and examination pursuant to this chapter.

9.1300.103.5 Identification.

The *building official* shall carry proper identification when inspecting premises in the performance of duties under this chapter.

9.1300.103.6 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.1300.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

**SECTION 9.1300.104
NOTICES AND ORDERS**

9.1300.104.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.1300.104.2 and 9.1300.104.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.1300.104.2 Form.

Such notice prescribed in Section 9.1300.104.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the premises or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.1300.105.3.

9.1300.104.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.1300.104.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.1300.104.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.1300.105.4.

9.1300.104.6 Transfer of ownership.

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

**SECTION 9.1300.105
VIOLATIONS**

9.1300.105.1 Unlawful act.

It shall be unlawful for any *person*, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter.

9.1300.105.2 Notice of violation.

The *building official* shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of plumbing work in violation of the provisions of this chapter, or in violation of a detail statement or the *approved* construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

9.1300.105.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.1300.104, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such premises shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.1300.105.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Uniform Code Board of Appeals, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.1300.106

APPEALS

9.1300.106.1 General.

In order to hear and decide appeals of orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

9.100.106.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Uniform Code Board of Appeals, provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.1300.106.3 Authority on appeals.

See Title I, Chapter 110, Article 4 of the City of Gladstone's Code of Ordinances.

DIVISION 2 DEFINITIONS

SECTION 9.1300.201 GENERAL

9.1300.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this section.

9.1300.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

9.1300.201.3 Terms defined in other codes.

Where terms are not defined in this chapter and are defined in other International Codes as adopted by the jurisdiction, such terms shall have the meanings ascribed to them as in those codes.

9.1300.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SEC. 9.1300.202 GENERAL DEFINITIONS

AIR BREAK (Drainage System). A piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, receptacle or interceptor at a point below the *flood level rim* and above the trap seal.

AIR GAP (Drainage System). The unobstructed vertical distance through the free atmosphere between the outlet of the waste pipe and the *flood level rim* of the receptacle into which the waste pipe is discharging.

Approved. Acceptable to the *building official*.

BACKFLOW, DRAINAGE. A reversal of flow in the drainage system.

BUILDING. Any structure utilized or intended for supporting or sheltering any *occupancy*.

BUILDING DRAIN. That part of the lowest piping of a *drainage system* that receives the discharge from soil, waste, and other drainage pipes inside and that extends 30 inches in *developed length* of pipe beyond the exterior walls of the *building* and conveys the drainage to the *building sewer*.

Combined. A *building drain* that conveys both *sewage* and storm water or other drainage.

Sanitary. A *building drain* that conveys *sewage* only.

Storm. A *building drain* that conveys storm water or other drainage, but not *sewage*.

BUILDING OFFICIAL. The official other designated authority charged with the administration and enforcement of this chapter, or any duly authorized representative.

BUILDING SEWER. That part of the *drainage system* that extends from the end of the *building drain* and conveys the discharge to a *public sewer*, *private sewer*, *individual sewage disposal system*, or other point of disposal.

Combined. A *building sewer* that conveys both *sewage* and stormwater or other drainage.

Sanitary. A *building sewer* that conveys *sewage* only.

Storm. A *building sewer* that conveys stormwater or other drainage, but not *sewage*.

DEVELOPED LENGTH. The length of a pipeline measured along the centerline of the pipe and fittings.

DRAINAGE SYSTEM. Piping within public or private *premises* that conveys *sewage*, rainwater, or other liquid wastes to a point of disposal. A drainage system does not include the mains of a *public sewer* system or a private or public *sewage* treatment or disposal plant.

Building gravity. A *drainage system* that drains by gravity into the *building sewer*.

Sanitary. A *drainage system* that carries *sewage* and excludes storm-, surface-, and ground-water.

Storm. A *drainage system* that carries rainwater, surface water, subsurface water, and similar liquid wastes.

FLOOD LEVEL RIM. The edge of the receptacle from which water overflows.

GRAY WATER. Waste discharged from lavatories, bathtubs, showers, clothes washers, and laundry trays.

GREASE INTERCEPTOR.

Fats, oils, and grease (FOG) disposal system. A plumbing appurtenance that reduces nonpetroleum fat, oils, and greases in effluent by separations or mass and volume reduction.

Gravity. plumbing appurtenance of not less than 500-gallon capacity that are installed in the *sanitary drainage system* to intercept free-floating fats, oils, and grease from waste water discharge. Separation is accomplished by gravity during a retention time of not less than thirty (30) minutes.

Hydromechanical. Plumbing appurtenance that are installed in the *sanitary drainage system* to intercept free floating fats, oils, and grease from waste water discharge. Continuous separation is accomplished by air entrainment, buoyancy, and interior baffling.

GREASE-LADEN WASTE. Effluent discharge that is produced from food processing, food preparation, or other sources where grease, fats, and oils enter automatic dishwasher prerinse stations, sinks, or other appurtenances.

Individual Sewage Disposal System. A system for disposal of domestic *sewage* by means of septic tank, cesspool, or mechanical treatment, designed for utilization apart from a *public sewer* to serve a single establishment or *building*.

INTERCEPTOR. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous, or undesirable matter from normal wastes, while permitting normal *sewage* or wastes to discharge into the *drainage system* by gravity.

MAIN. The principal pipe artery to which branches are connected.

OCCUPANCY. The purpose for which a *building* or portion thereof is utilized or occupied.

PREMISES. A lot, plot, or parcel of land, easement, or public way, including any structures thereon.

REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession, as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

SEPARATOR. See "Interceptor".

SEWAGE. Any liquid waste containing animal or vegetable matter in suspension or solution, including liquids containing chemicals in solution.

SEWER.

Building sewer. See "Building sewer"

Public sewer. That part of the *drainage system* of pipes, installed and maintained by a city, township, or county, public utility company or other public entity, and located on public property, in the street, or in an approved dedicated easement of public or community use.

Sanitary sewer. A *sewer* that carries *sewage* and excludes storm-, surface-, and ground-water.

Storm sewer. a *sewer* that conveys rainwater, surface water, subsurface water, and similar liquid wastes.

SOIL PIPE. A pipe that conveys *sewage* containing fecal matter to the *building drain* or *building sewer*.

STORMWATER. Natural precipitation, including snowmelt that has contacted a surface at or below grade.

WASTE. The discharge from any fixture, appliance, area, or appurtenance that does not contain fecal matter.

**DIVISION 3
GREASE AND OIL CONTROL**

**SECTION 9.1300.301
GREASE AND OIL**

9.1300.301.1 Prohibited.

No *building sewer* connection shall be installed or maintained on any *building* or *premises*, to the *public sewer*, where a *grease interceptor* or an oil separator is required in accordance with the International Plumbing Code as adopted by this jurisdiction; or by this chapter.

**SECTION 9.1300.302
CONSTRUCTION AND INSTALLATION**

9.1300.302.1 When required.

Interceptors and *separators* shall be installed in accordance with the International Plumbing Code as adopted by the jurisdiction.

DIVISION 4 TESTING, SURVEY AND INSPECTION

SECTION 9.1300.401 SURVEY AND INSPECTION

9.300.401.1 General.

When it is necessary to make a survey and/or inspection to enforce the provisions of this chapter, or when the *building official* has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this chapter, the building official may enter the building or premises at all reasonable times to survey and/or inspect to perform the duties imposed by this chapter. If such building or premises is occupied, the building official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the building official shall make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

SECTION 9.1300.402 CUSTOMER RESPONSIBILITIES

9.1300.402.1 Generally.

The customer shall furnish, install, and maintain in working order at all times any *interceptor* or *separator* required by this chapter.

9.1300.402.2 Inspection and maintenance.

To ensure that each *interceptor* and *separator* required by this chapter is in working order, the customer shall have each *interceptor* and *separator* inspected and cleaned every thirty (30) days.

Exception: Frequency of inspection and cleaning may be extended based on volume and *approved* by the *building official*. In no case shall any *interceptor* or *separator* go more than three-hundred and sixty (360) days without inspection and cleaning.

9.1300.402.3 Access.

The customer shall permit access to the *premises* by the *building official* or his/her designated representative(s), at reasonable times and upon presentation of identification, for inspection of the customer's *interceptor* or *separator* and/or review of inspection and cleaning records.

9.1300.402.4 Recordkeeping.

The *owner* or user shall maintain a written record of *interceptor* or *separator* for five (5) years. All such records shall be available to the jurisdiction. Maintenance records shall contain the following information:

1. Date of maintenance;
2. Person performing maintenance; and
3. Customer's signature or initials for verification.

All *interceptor* and *separator* inspection and cleaning reports shall be submitted within thirty (30) after the inspection and cleaning, to the jurisdiction.

SECTION 9.1300.403 CITY'S RESPONSIBILITIES

9.1300.403.1. Removal of water meter.

Interceptors and *separators* provide protection from the discharge of oil, grease, sand and other substances harmful or hazardous to the public sewer, the private sewage system or the sewage treatment plant or processes; the City shall remove the water meter or otherwise sever the water main and water supply system from the customer's water service line serving a building or premise when the City:

1. Has knowledge that the customer is not in compliance with Section 9.1300.402; or
2. Has knowledge that the customer is failing or refusing to proceed without delay to correct any violation of the provisions of this chapter after having been notified to do so.

9.1300.403.2 Record retention.

The City shall retain records of the reports of inspections and maintenance on *interceptors* and *separators* for a period of five (5) years.

**CHAPTER 1400
RESIDENTIAL SALES REGULATIONS**

**DIVISION 1
SCOPE AND ADMINISTRATION**

PART 1 – SCOPE AND APPLICATION

**SECTION 9.1400.101
GENERAL**

9.1400.101.1 Title.

These regulations shall be known and cited as the Residential Sale Regulations for the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.1400.101.2 Scope.

The provisions of this chapter are to set forth requirements for residential sales in this jurisdiction.

9.1400.101.3 Intent.

The purpose of this chapter is to promote and protect the public health, safety, and general welfare by addressing the number of, length of, aesthetics of, and signage for residential sales and similar type sales.

**SECTION 9.1400.102
APPLICABILITY**

9.1400.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, most restrictive shall govern.

9.1400.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.1400.102.3 Application of references.

References to chapter or sections numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.1400.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.1400.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.1400.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.1400.103.2 Applications and permits.

The *building official* shall receive applications, review documents and issue *permits* for the sale of *personal property*, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.1400.103.3 Identification. The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.1400.103.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.1400.103.5 Notices and orders. The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.1400.103.6 Department records. The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.1400.104

PERMITS

9.1400.104.1 Required.

Any *owner* or owner's authorized agent who intends to sell *personal property* of which is regulated by this chapter, or to cause any such sale to be performed, shall first make application to the *building official* and obtain the required *permit*.

9.1400.104.2 Work exempt from permit.

Exemption from *permit* requirements of this chapter shall not be deemed to grant authorization for any residential sales done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

1. In conjunction with Gladstone City Wide Garage Sale.

9.1400.104.3 Application for permit.

To obtain a *permit*, the applicant shall first file an application through the City's website. <https://www.gladstone.mo.us/e-Services/GarageSaleApplication.php>

9.1400.104.3.1 Action on application.

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable.

9.1400.104.4 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this chapter or of any other ordinance of the *jurisdiction*. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the *jurisdiction* shall not be valid. The issuance of a *permit* based on construction documents and other data shall not prevent the *building official* from requiring the correction of errors in the construction documents and other data. The *building official* is authorized to prevent residential sale where in violation of this chapter or of any other ordinances of this *jurisdiction*.

9.1400.104.5 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this chapter.

9.1400.104.6 Placement of permit.

The *permit* or a copy shall be kept on the site of the *residential sale* until the completion of the sale.

**SECTION 9.1400.105
VIOLATIONS****9.1400.105.1 Unlawful act.**

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.1400.105.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.1400.106.

9.1400.105.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.1400.106, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.1400.105.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

**SECTION 9.1400.106
Notices and Orders****9.1400.106.1 Notice to person responsible.**

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner

prescribed in Sections 9.1400.106.2 and 9.1200.106.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.1400.106.2 Form.

Such notice prescribed in Section 9.1400.106.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.1400.105.3.

9.1400.106.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.1400.106.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.1400.106.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.1400.105.4.

9.14200.106.6 Transfer of ownership. It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee,

transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 9.1400.107

FEES

9.1400.107.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.1400.107.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; and shall be paid at time permit is issued.

9.1400.107.3 Related fees.

The payment of the fee for the *permit* shall not relieve the applicant or permit holder from the payment of other fees that are prescribed by law.

SECTION 9.1400.108

PERMIT CONDITIONS

9.1400.108.1 Number of sales.

A residential premise shall not conduct more than two (2) residential sales per calendar year.

Exception: A third residential sale may be permitted to a residential premise upon satisfactory proof of a bona fide change of ownership.

9.1400.108.2 Hours of operation.

All residential sales shall be conducted during daylight hours.

9.1400.108.3 Length of Operation.

All residential sales shall last no longer than three (3) consecutive days.

9.1400.108.4 Inclement weather.

If a residential sale is not conducted on the day(s) for which the permit was issued or was terminated due to inclement weather, not allowing at least fifty-percent (50%) of the sale, the applicant may apply for another permit. The permit holder applying for another permit shall supply an affidavit that the original residential sale was not conducted or was terminated due to inclement weather. The permit holder must apply for the permit within thirty (30) days of the original sale.

SECTION 9.1400.109

APPEALS

9.1400.109.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.1400.109.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.1400.109.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

DIVISION 2 DEFINITIONS

SECTION 9.1400.201 GENERAL

9.1400.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this section.

9.1400.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

9.1400.201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Residential Code, such terms shall have the meanings ascribed to them as in those codes.

9.1400.201.3 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.1400.202 GENERAL DEFINITIONS

BUILDING. Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

OCCUPANCY. The purpose for which a *building* or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a *building*, or having possession of a space within a *building*.

OPERATOR. Any *person* who has charge, care, or control of a structure or *premises* which is let or offered for *occupancy*.

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

PERSON. An individual, heir, executor, administrator, or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a specified activity.

PERSONAL PROPERTY. Property which is owned, utilized and maintained by any *occupant* of a residential *premises*, and acquired in the normal course of living in or maintaining a residence; but not including merchandise which was purchased for resale or obtained on consignment.

PREMISES. A lot, plot, or parcel of land, easement, or publicway, including any structures thereon.

RESIDENTIAL SALE. General sales open to the public, conducted from or on a residential *premises* in a residential zone, as defined by the zoning ordinance as adopted by the City of Gladstone, see Title VII, for the purpose of disposing of any private property; including but not limited to sales entitled, garage, lawn, yard, attic, porch, room, backyard, patio, flea market, rummage, moving, estate, or auction.

TEMPORARY SIGN. Any sign intended to display either commercial or non-commercial messages of a transitory or temporary nature and which is not permanently affixed to the ground or structure; which can be removed without special handling. Temporary signs shall include, but not limited to, signs made from corrugated plastic, protected wood, metal, outdoor durable vinyl, and/or outdoor durable fabric.

TENANT. A person, corporation, partnership, or group, whether or not the legal *owner* of record, occupying a *building* or portion thereof as a unit.

DIVISION 3
PRODUCT, PROMOTION, AND PROPRIETY

SECTION 9.1400.301
MERCHANDISE FOR SALE

9.1400.301.1 Type of merchandise.

Personal property shall be allowed to be sold at *residential sales*. Merchandise purchased for resale, on consignment, or not defined as *personal property* as defined in Section 9.1400.202 shall not be permitted for sale.

9.1400.301.2 Display of merchandise.

Personal property offered for sale shall be displayed within the building, garage, carport, yard driveway, or combination thereof. *Personal property* for sale shall not be displayed in any public street or right-of ways.

SECTION 9.1400.302
ADVERTISING

9.1400.302.1 Signs permitted.

Temporary signs may be displayed in conjunction with a residential sale:

9.1400.302.1.1 Maximum number of signs.

A maximum of six (6) *temporary signs* may be displayed.

9.1400.302.1.2 Size of signs.

Temporary signs displays in conjunction

9.1400.302.1.3 Placement of signs.

Temporary signs shall be located a minimum of ten (10) feet back from the back of curb. Any signs that are located on private property shall require the permission of the property *owner* or *occupant*.

Exception: Where no curb and gutter is present *temporary signs* shall be located a minimum of ten (10) feet back from the edge of street pavement.

9.1400.302.2 Time limitation.

Temporary signs shall not be erected or displayed no sooner than one (1) day before the residential sale. All signs shall be removed at the close of the garage sale activities.

9.1400.302.3 Signs prohibited.

Temporary signs shall not be erected, placed, posted, or otherwise be displayed on any sign posts, traffic signal post, utility poles, streetlight poles, equipment pedestals or boxes, within right-of-ways, or other public property.

9.1400.302.4 Removal of signs in violation.

Any *temporary signs* displayed in violation of this chapter shall be removed at the *owner's* expense and be subject to disposal.

**SECTION 9.1400.303
ORDER AND DECORUM**

9.1400.303.1 Public nuisances.

The *person* to which a *residential sale* permit is issued and the *occupant, owner, tenant,* and other responsible parties of the residential *premises* of the *residential sale* shall be responsible for the order and decorum of the residential *premises* during the *residential sale* and shall not vehicles to impede the passage of traffic on the streets in the area.

CHAPTER 1500
SATELLITE RECEIVING ANTENNA REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.1500.101
GENERAL PROVISIONS

9.1500.101.1 Title.

These regulations shall be known and cited as the Satellite Receiving Antenna Regulations for the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.1500.101.2 Scope.

The provisions of this chapter are to set forth requirements for satellite receiving antennas.

9.1500.101.3 Intent.

The purpose of this chapter is to promote and protect the public health, safety, and general welfare by regulating and controlling the location, aesthetics, and size of satellite receiving antennas.

SECTION 9.1500.102
APPLICABILITY

9.1500.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, most restrictive shall govern.

9.1500.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.1500.102.3 Application.

This chapter shall apply to all buildings and/or premises served by this jurisdiction.

9.1500.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.1500.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.1500.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.1500.103.2 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.1500.103.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.1500.103.4 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.1500.103.5 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.1500.103.6 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.1500.104

APPEALS

9.1500.104.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.1500.104.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.1500.104.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.1500.105

VIOLATIONS

9.1500.105.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.1500.105.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.1500.106.

9.1500.105.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.1500.106, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.1500.105.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.1500.106 Notices and Orders

9.1500.106.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.1500.106.2 and 9.1500.106.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.1500.106.2 Form.

Such notice prescribed in Section 9.1500.106.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.1500.105.3.

9.1500.106.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.1500.106.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.1500.106.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.1200.105.4.

9.1500.106.6 Transfer of ownership.

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

DIVISION 2 DEFINITIONS

SECTION 9.1500.201 GENERAL

9.1500.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this section.

9.1500.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

9.1500.201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, such terms shall have the meanings ascribed to them as in those codes.

9.1500.201.3 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.1500.202 GENERAL DEFINITIONS

BUILDING. Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

OCCUPANCY. The purpose for which a *building* or part thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a *building*, or having possession of a space within a *building*.

OWNER. Any *person*, agent, 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 interest or title to the property; or otherwise having possession or control of the property, including the guardian of the estate of any such person if ordered to take possession of real property by a court.

PERSON. An individual, heirs, executors, administrators, or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A lot, plot, or parcel of land, easement, or public way, including any structures thereon.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a *building* or portion thereof as a unit.

DIVISION 3
SATELLITE RECEIVING ANTENNA REQUIREMENTS

SECTION 9.1500.301
REQUIREMENTS IN RESIDENTIAL ZONES

9.1500.301.1 Number.

There shall be no more than two (2) satellite receiving antennas per dwelling unit.

9.1500.301.2 Size.

No satellite receiving antenna shall be greater than twenty-four (24) inches in diameter.

9.1500.301.3 Mounting location.

Satellite receiving antennas may be ground-mounted, roof-mounted, or attached to the side of a residential structure as follows:

Exception: Dwelling units associated with residential apartments may locate satellite receiving antennas on their deck and be securely supported thereto.

9.1500.301.3.1 Ground-mounted.

Satellite receiving antennas must be securely set in the ground and shall not be taller than four (4) feet above the finish grade at point of contact; and shall not be installed more than two (2) feet beyond the front or side established building line.

9.1500.301.3.2 Roof-mounted.

Satellite receiving antennas must be securely fastened to the roof assembly and shall not be taller than four (4) feet above the roof at point of connection.

9.1500.301.3.3 Structure-mounted.

Satellite receiving antennas must be securely fastened to the exterior wall structure assembly and shall not extend out more than two (2) feet beyond the exterior of the structure.

SECTION 9.1500.302
REQUIREMENTS IN COMMERCIAL AND MANUFACTURING ZONES

9.1500.302.1 Number of antennas in commercial or industrial zones.

There shall be no more than two (2) satellite receiving antennas per business.

9.1500.302.2 Size.

No satellite receiving antennas shall be greater than thirty-six (36) inches in diameter.

9.1500.302.3 Mounting location.

Satellite receiving antennas shall be located on the roof and be securely supported thereto. Satellite receiving antennas shall not be taller than four (4) feet above the roof at point of

connection. Screening shall be used so that the satellite receiving antenna is reasonably screened from street view.

SECTION 9.1500.303
REQUIREMENTS IN MIXED USE ZONES AND DOWNTOWN AREA

9.1500.303.1 Number of antennas in commercial or industrial zones.

There shall be no more than one (1) satellite receiving antenna per dwelling unit or business.

9.1500.303.2 Size.

No satellite receiving antenna shall be greater than twenty-four (24) inches in diameter.

9.1500.303.3 Mounting location.

Satellite receiving antennas shall be located on the roof and securely supported thereto. Satellite receiving antennas shall not be taller than four (4) feet above the roof at point of connection. Screening shall be used so that the satellite receiving antenna is reasonably screened from street view.

Exception: Dwelling units associated with residential apartments may locate satellite receiving antennas on their deck and be securely supported thereto.

CHAPTER 1700
DANGEROUS BUILDINGS INSURANCE PROCEEDS REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.1700.101
GENERAL PROVISIONS

9.1700.101.01 Title.

These regulations shall be known and cited as the Dangerous Building Insurance Proceeds Regulations for the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.1700.101.2 Scope.

The provisions of this chapter are to set forth requirements for all proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a *building* or *structure* caused by or arising out of any fire, explosion, tornado, lightning strikes, hail storms, ice storms, or other casualty losses.

9.1700.101.2 Intent.

The purpose of this chapter is to provide minimum requirements to safeguard the public health, safety, and general welfare of the citizens of the city, that *buildings* or *structures* damaged or lost due to a casualty loss be repaired or demolished as soon as possible after said casualty.

SECTION 9.1700.102
APPLICABILITY

9.1700.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, most restrictive shall govern.

9.1700.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.1700.102.3 Application.

This chapter shall apply to all *buildings* and/or *premises* served by this jurisdiction.

9.1100.102.5 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.1700.103

DUTIES AND POWERS OF BUILDING OFFICIAL

9.1700.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.1700.103.2 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.1700.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.1700.103.4 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.1700.103.5 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If

such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.1700.103.6 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.1700.104 APPEALS

9.1700.104.1 General. In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.1700.104.2 Application for appeal. Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.1700.104.2 Authority on appeal. See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.1700.105 VIOLATIONS

9.1700.105.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.1700.105.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.1700.106.

9.1700.105.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.1700.106, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.1700.105.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.1700.106 Notices and Orders

9.1700.106.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.1700.1060.2 and 9.1700.106.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.1700.106.2 Form.

Such notice prescribed in Section 9.1700.106.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.

4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.1700.105.3.

9.1700.106.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.1700.106.4 Unauthorized tampering. Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.1700.106.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 9.1700.104.4.

9.1700.106.6 Transfer of ownership. It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

DIVISION 2 DEFINITIONS

SECTION 9.1700.201 GENERAL

9.1700.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this section.

9.1700.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

9.1700.201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Buildings Code, International Residential Code, International Existing Building Code, such terms shall have the meanings ascribed to them as in those codes.

9.1700.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.1700.202 GENERAL DEFINITIONS

BUILDING. Any *structure* utilized or intended for supporting or sheltering any *occupancy*.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

OCCUPANCY. The purpose for which a building or part thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a *building*, or having possession of a space within a *building*.

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

PERSON. An individual, heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A lot, plot, or parcel of land, easement, or public way, including any structures thereon.

STRUCTURE. That which is built or constructed.

TENANT. A person, corporation, partnership, or group, whether or not the legal *owner* of record, occupying a *building* or portion thereof as a unit.

DIVISION 3 PAYMENT PROCEED REQUIREMENTS

SECTION 9.1700.301 GENERAL

9.1700.301.1 Payment.

If there are proceeds to any insurance policy based upon a covered claim payment made for damage of loss to a *building* or other *structure* caused by or arising out of any, but not limited to, fire, explosion, tornado, lightning strikes, hail storms, ice storms, or other casualty loss and such covered claim payment is in excess of fifty (50) percent of the face value of the policy, then the insurer on such *building* or *structure* shall pay twenty-five (25) percent of the insurance claim proceeds to the City of Gladstone, Missouri and such proceeds shall be deposited into an interest bearing account. Any named mortgage on the insurance policy shall maintain priority over any obligation under this chapter. If a special tax bill or assessment is issued by the City for the expenses of demolition or repairs of such *building* or *structure* as a dangerous building pursuant to Chapter 2800 et seq., or Chapter 1000 et seq., such expenses shall be paid from the applicable insurance proceeds held by the City of Gladstone; and if there is any excess, such shall be paid by the City of Gladstone to the insured or as the terms of the policy including any endorsements thereto provide.

SECTION 9.1700.302 PROCEDURE

9.1700.302.1 Release of proceeds.

The city shall release the proceeds and any interest which has accrued on such proceeds to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of insurance monies, unless the city has instituted legal proceedings pursuant to Chapter 2800 et seq., or Chapter 1000 et seq. If such *building* or *structure* is repaired or demolished pursuant to this chapter as attested by the building *official* without cost to the City, then any insurance proceeds paid to the City of Gladstone, Missouri and any interest thereon shall be paid to the insured or as the term of the policy including any endorsements thereto provide.

9.1700.302.2 Bids for demolition.

When the city takes bids from independent contractors for demolition of a *building* or *structure*, bidders shall deduct any salvage value materials the *building* or *structure* may have from the cost of the demolition in arriving at their bid amount. Should City employees do the demolition, the actual cash value of salvaged materials shall be deducted from the special tax bill for such demolition. In no case will the net cost of demolition be increased in order to affect salvage of materials.

9.1700.302.3 Proof of compliance.

Upon presentation of satisfactory proof that the insured has removed debris and repaired, rebuilt or otherwise made the insured premises safe and secure, the *building official* shall issue a certificate within thirty (30) days after receipt of such satisfactory proof to permit

the insurance proceeds and any interest that has accrued on such proceeds received to be released to the insured or as the terms of the policy including any endorsements thereto provide without deduction. It shall be the obligation of the insured or other person making claim to the proceeds to provide the insurance company with such certificate.

**DIVISION 4
LIABILITY**

**SECTION 9.1700.401
GENERAL**

9.1700.401.1 Effect on insurance policies.

This chapter shall 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.

CHAPTER 1800
RESTRICTIVE ROOF COVENANTS REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.1800.101
GENERAL

9.1800.101.1 Title.

These regulations shall be known and cited as the Restrictive Roof Covenant Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.1800.101.2 Scope.

The provisions of this chapter shall apply to establishment or enforcement of restrictive covenants that require the exclusive use of wood shingles or other wood product roof covering materials, either in initial construction or replacement of existing roofing materials, on residential *structures* within the City.

9.1800.101.3 Intent.

The purpose of this chapter is to provide property owners with a broader choice of roofing materials resulting in the greater use of more fire-resistant roofing materials that will reduce the likelihood of injury, loss of life, and fire damage to property within the city, and, further, will reduce the demand for emergency fire protection and emergency medical services upon the resources of the Public Safety Department.

SECTION 9.1800.102
APPLICABILITY

9.1800.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.1800.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.1800.102.3 Application.

This chapter shall apply to all residential buildings, structures, and/or premises served by this jurisdiction.

9.1800.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.1800.103

DUTIES AND POWERS OF BUILDING OFFICIAL

9.1800.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.1800.103.2 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.1800.103.3 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.1800.103.4 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.1800.103.5 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.1800.103.6 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.1800.104

APPEALS

9.1800.104.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.1800.104.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the building official.

9.1800.104.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.1800.105

VIOLATIONS

9.1800.105.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.1800.105.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.1800.106.

9.1800.105.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.1800.106, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.1800.105.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.1800.106 Notices and Orders

9.1800.106.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.1800.106.2 and 9.1800.106.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.1200.106.2 Form.

Such notice prescribed in Section 9.1800.106.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.1800.105.3.

9.1800.106.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;

2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.1800.106.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.18200.106.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.1800.105.4.

9.1800.106.6 Transfer of ownership.

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

DIVISION 2 DEFINITIONS

SECTION 9.1800.201 GENERAL

9.1800.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.1800.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.1800.201.3.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, International Existing Building Code, such terms shall have the meanings ascribed to them as in those codes.

9.1800.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.1800.202 GENERAL DEFINITIONS

ACCESSORY STRUCTURE. A *structure* that is necessary to an incidental to that of the *dwelling(s)* and that is located on the same *lot*.

ADDITION. An extension or increase in floor area, number of stories, or height of a *building* or *structure*.

Approved. Acceptable to the *building official*.

BUILDING. Any one- and two-family dwelling or portion thereof, including townhouses, used or intended to be used, for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and any *accessory structures*.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

BUILT-UP ROOF COVERING. Two or more layers of felt cemented together and surfaced with a cap sheet, mineral aggregate, smooth coating or similar surfacing material.

COMBUSTIBLE MATERIAL. Any material not defined as noncombustible.

DWELLING. Any *building* that contains one or two *dwelling units* used, intended, or designed to be built, used, rented, leased let or hired out to be occupied, or that are occupied for living purposes.

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

FLAME SPREAD. The propagation of flame over a surface.

FLAME SPREAD INDEX. A comparative measure, expressed as a dimensionless number, derived from visual measurements of the spread of flame versus time for a material tested in accordance with ASTM E84 or UL 723.

LOT. A portion or parcel of land considered as a unit.

METAL ROOF PANEL. An interlocking metal sheet having an installed weather exposure of at least three (3) square feet (0.28 m²) per sheet.

METAL ROOF SHINGLE. An interlocking metal sheet having an installed weather exposure less than three (3) square feet (0.28 m²) per sheet.

MODIFIED BITUMEN ROOF COVERING. One or more layers of polymer modified asphalt sheets. The sheet materials shall be fully adhered or mechanically attached to the substrate or held in place with an *approved* ballast layer.

Noncombustible material. Materials that pass the test procedure for defining noncombustibility of elementary materials set forth in ASTM E136.

OCCUPANCY. The purpose for which a *building*, or portion thereof, is used or occupied.

OCCUPANT. Any individual living or sleeping in a *building*, or having possession of a space within a *building*.

OWNER. Any person, agent, firm or corporation having a legal or equitable interest in the property.

PERSON. An individual, heirs, executors, administrators or assigns, and a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A *lot*, plot or parcel of land, easement or public way, including any *structures* thereon.

REROOFING. The process of recovering or replacing an existing *roof covering*. See "Roof recovering."

ROOF ASSEMBLY. A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly includes the roof deck, underlayment and *roof covering*, and can also include a thermal barrier, ignition barrier, insulation or vapor retarder.

ROOF COVERING. The covering applied to the roof deck for weather resistance, fire classification or appearance.

ROOF COVERING SYSTEM. See "Roof assembly."

ROOF DECK. The flat or slope surface not including its supporting members or vertical supports.

ROOF RECOVER. The process of installing an additional *roof covering* over a prepared existing roof covering without removing the existing roof covering.

ROOF REPAIR. Reconstruction or renewal of any part of an existing roof for the purpose of its maintenance.

SINGLE PLY MEMBRANE. A roofing membrane that is field applied using one layer of membrane material (either homogeneous or composite) rather than multiple layers.

SMOKE-DEVELOPED RATING. A comparative measure, expressed as a dimensionless number, derived from measurements of smoke obscuration versus time for a material tested in accordance with ASTM E84 or UL 723.

STRUCTURE. That which is built or constructed.

TENANT. A person, corporation, partnership or group whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from foundation to roof and a yard or public way on not less than two sides.

UNDERLAYMENT. One or more layers of felt, sheathing paper, nonbituminous saturated felt, or other *approved* material over which a roof covering, with a slope of 2 to 12 (17 percent slope) or greater, is applied.

DIVISION 3 RESTRICTIVE COVENANTS

SECTION 9.1800.301 USE OF WOOD SHINGLES OR WOOD PRODUCT MATERIALS

9.1800.301.1 Exclusive use prohibited.

It shall be unlawful to establish or enforce a restrictive covenant which requires the exclusive use of wood shingles, or wood shake roof covering material on a residential dwelling within the City and any such restrictive covenant is contrary to the public policy of the City, and is null and void.

9.1800.301.2 Limiting class type prohibited.

It shall be unlawful to establish or enforce a restrictive covenant which permits the use of wood shingles, wood shake, tile or slate but no other Class C roofing material on a residential dwelling within the City and any such restrictive covenant is contrary to the public policy of the City, and is null and void.

9.1800.301.3 Restrictive covenants allowed.

Nothing in this chapter shall prohibit a restrictive covenant regulating the kind of roofing materials used or regulating colors, styles, or dimensions of roofing materials, or other aesthetic factors so long as the regulations are not contrary to the provision of Sections 9.1800.301.1 and 9.1800.301.2 of this chapter.

**CHAPTER 1900
NATIVE PLANTING REGULATIONS**

**DIVISION 1
SCOPE AND ADMINISTRATION**

Part 1 – SCOPE AND APPLICATION

**SECTION 9.1900.101
GENERAL**

9.1900.101.1 Title.

These regulations shall be known and cited as the *Native Planting Regulations* of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.1900.101.2 Scope.

The provisions of this chapter are to provide guidelines, requirements, and standards to protect the public health and welfare, increase, and preserve residential and commercially developed land values.

9.1900.101.3 Intent.

The purpose of this chapter is to provide an aesthetically compatible and pleasing urban environment, solidify the City’s position as a livable suburban community within the Kansas City metropolitan area.

**SECTION 9.1900.102
APPLICABILITY**

9.1900.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.1900.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.1900.102.3 Application.

This chapter shall apply to all buildings and/or *premises* served by this jurisdiction.

9.1900.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.1900.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.1900.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.1900.103.2 Notices and orders.

The *building official* shall issue all necessary notices or orders to ensure compliance with this chapter.

9.1900.103.3 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.1900.103.4 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.1900.103.5 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.1900.103.6 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.1900.104

APPEALS

9.1900.105.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.1900.104.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.1900.104.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.1900.105

VIOLATIONS

9.1900.105.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.1900.105.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.1900.106.

9.1900.105.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.1900.106, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.1900.105.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein,

shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.1900.106

Notices and Orders

9.1900.106.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.1900.106.2 and 9.1900.106.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.1900.106.2 Form.

Such notice prescribed in Section 9.1900.106.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.1900.105.3.

9.1900.106.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.1900.106.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.1900.106.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.1900.105.4.

9.1900.106.6 Transfer of ownership.

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

DIVISION 2 DEFINITIONS

SECTION 9.1900.201 GENERAL

9.1900.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.1900.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, International Fire Code, such terms shall have the meanings ascribed to them as in those codes.

9.1900.201.3 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.1900.202 GENERAL DEFINITIONS

ANNUAL PLANTS. Plants with a life cycle that lasts only one year.

BUILDING. Any *structure* utilized or intended for supporting or sheltering any *occupancy*.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

COURT. A space, unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

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

FORB. A herbaceous flowering plant that is not a graminoid.

HARDY PLANT. A plant's ability to survive adverse growing conditions.

HEDGEROW. A row of trees or shrubs separating fields.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

LOT LINE. A line dividing one lot from another or from a street or any public place.

MULCH. Material (such as decaying leaves, bark, or compost) spread around or over a plant to enrich or insulate the soil.

NATIVE PLANT. Plants indigenous to a given area in geologic time. This includes plants that have developed, occur naturally, or existed for many years in an area.

NURSE CROP. An annual crop used to assist in establishment of a perennial crop.

OCCUPANCY. The purpose for which a *building* or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a *building*, or having possession of a space within in *building*.

OPERATOR. Any person who has charge, care, or control of a *structure* or *premises* which is let or offered for *occupancy*.

OWNER. Any person, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of 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.

PERENNIAL PLANTS. Plant that lives more than two years

PERSON. An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

Pruning. The selective removal of plant parts, including branches, buds, leaves, blooms, and roots.

STRUCTURE. That which is built or constructed.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

YARD. An open space, other than a *court*, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the lot on which a building is situated.

**DIVISION 3
MANAGEMENT AND MAINTENANCE**

**SECTION 9.1900.301
LAND MANAGEMENT PLAN**

9.1900.301.1 Required.

The *owner* of the property shall apply for approval of a land management plan for native landscaping, native plantings, and other native decorative surface treatments with the Community Development Department.

9.1900.301.1 Application requirements.

Each application shall be on a form provided by the Community Development Department. The applicant shall deliver a copy of the completed application and the applicant's written plan to each *owner* of record, of the properties situated in whole or in part within 185 feet of the property requesting approval of a land management plan. The applicant shall certify, under oath, that such *owners* have been duly notified and the manner in which they have been notified. If, within 30 days of receipt of the application, 51 percent or more of such property *owners* file a written objection to the application, the application shall be denied; the application may still be denied if less than 51 percent object. The applicant shall maintain all native landscaping, native plantings, and native decorative surface treatments not to exceed ten inches between June 30 and February 15 when the fire marshal, in the fire marshal's discretion, so orders.

9.1900.301.2 Information required.

The following information shall be required and supplied on or submitted with the application:

1. A legal description of the property upon which the native landscaping, native plantings and other native decorative surface treatments will be located;
2. A site plan indicating location of the native landscaping, native plantings and other native decorative surface treatments and location of all easements; and shall not be located within any drainage easements associated with open ditches, creeks, swales, or streams;
3. A statement that the lawn shall not contain noxious weeds, defined herein as poison ivy, poison oak, poison sumac, and plants containing thistles or other vegetation that may raise lesions upon brief contact by a person with plant material or secretion from the weed or plant;
4. A statement of intent and purpose for the native landscaping, native plantings and other native decorative surface treatments;

5. A statement of the timeline and schedule of actions for the transition to native landscaping, native plantings and other native decorative surface treatments;
6. A general description of the native vegetation types, native plants, and native plant succession involved, and the specific management and maintenance techniques to be employed;
7. Provisions for an approved border of not less than 12 inches in width by four inches in depth encasing the complete perimeter of the proposed native landscaping, native plantings and other native decorative surface treatments;
8. Provisions for maintaining a green space free from weeds or plant growth in excess of ten inches within ten feet from all property lines;
9. Provisions for maintaining a green space free from weeds or plant growth in excess of ten inches within 15 feet of all structures; and
10. Provisions for the prevention of creating an insect or rodent harborage.

9.1900.301.2 Revocation. The land management plan may be revoked for failure to comply with any of the aforementioned requirements. A notice of revocation of the land management plan shall be served upon the owner of the property. The notice shall inform the owner that the owner has 30 days to remove all native landscaping, native plantings, and other native decorative surface treatments and maintain the yard in compliance with the jurisdictions Property Maintenance Regulations., or appeal the revocation.

SECTION 9.1900.302 MAINTENANCE

9.1900.302.1 General.

Native landscaping, native plantings, and other types of decorative surface treatments, including common species of grasses, shall be maintained to present an attractive appearance. All plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public rights-of-way and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and city.

**CHAPTER 2100
PORTABLE STORAGE CONTAINERS
AND DUMPSTER REGULATIONS**

**DIVISION 1
SCOPE AND ADMINISTRATION**

PART 1 – SCOPE AND APPLICATION

**SECTION 9.2100.101
GENERAL PROVISIONS**

9.2100.101.1 Title.

These regulations shall be known and cited as the Portable Storage Containers and Dumpster Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.2100.101.2 Scope.

The provisions of this chapter are to provide general and specific requirements related to the location of and duration of use for portable storage containers and dumpsters in the City of Gladstone.

9.2100.101.3 Intent.

The purpose of this chapter is to provide minimum requirements to safeguard life, health, property, and public welfare, by regulating and controlling the location, length of use, and to provide aesthetically compatible and pleasing urban environment, and solidify the City of Gladstone’s position as a livable suburban community.

**SECTION 9.2100.102
APPLICABILITY**

9.2100.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.2100.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.2100.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2100.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2100.103

DUTIES AND POWERS OF BUILDING OFFICIAL

9.2100.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2100.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue *permits* for the placement and use of portable storage containers and dumpsters, inspect the *premises* for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.2100.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2100.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2100.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2100.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties

imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property *owner* and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2100.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2100.104

PERMITS

9.2100.104.1 Required.

Any *owner* or owner's authorized agent, who intends to use a *portable storage container* or *dumpster* shall first make application to the *building official* and obtain a *permit*.

9.2100.104.2 Exempt from permit.

Exemption from *permit* requirements of this chapter shall not be deemed to grant authorization from the use to be in violation of the provisions of this chapter or any other laws or ordinances of the jurisdiction. *Permits* shall not be required for the following:

1. When being used in conjunction with a construction project that has a valid *permit*.
2. When the City Manager has declared the City or section thereof a disaster area.
3. When being used in conjunction with an approved special event permit.

9.2100.104.3 Application for permit.

To obtain a *permit*, the applicant shall first file an application in writing on a form furnished by the Department for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.
2. Company's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.

4. Date of delivery.
5. Be accompanied by construction documents and other information as required by Section 9.2100.105.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

9.2100.104.3.1 Action on application.

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

9.2100.104.3.2 Time limitation of application.

An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2100.104.4 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent use of *portable storage containers* and *dumpsters*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2100.104.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

SECTION 9.2100.105 SUBMITTAL DOCUMENTS

9.2100.105.1 Submittal documents.

Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The *building official* is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

SECTION 9.2100.106 FEES

9.2100.106.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.2100.106.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; and shall be paid at time permit is issued. *Portable storage containers* and *dumpsters* placed prior to obtaining a *permit* shall be assess a penalty fee equal to the permit fee in addition to the require permit fee.

9.2100.106.3 Related fees.

The payment of the fee for the *permit* shall not relieve the applicant or permit holder from the payment of other fees that are prescribed by law.

SECTION 9.2100.107 APPEALS

9.2100.107.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.2100.107.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.2100.107.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.2100.108

VIOLATIONS

9.2100.108.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2100.108.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2100.109.

9.2100.108.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2100.109, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2100.108.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2100.109

Notices and Orders

9.2100.109.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2100.109.2 and 9.2100.109.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2100.109.2 Form.

Such notice prescribed in Section 9.2100.109.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2100.108.3.

9.2100.108.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2100.108.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2100.108.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2100.108.4.

9.2100.108.6 Transfer of ownership.

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

SECTION 9.2100.109 PERMIT CONDITIONS

9.2100.109.1 Number of permits.

A *permit* is required for each *portable storage container* or *dumpster*, with a maximum of 2 permits per *premises* per calendar year.

Exception: A third residential *permit* may be permitted to a residential *premise* upon satisfactory proof of a bona fide change of ownership.

9.2100.109.2 Length of permit.

Permits shall be valid as follows:

9.2100.109.2.1 Portable storage containers.

Permits shall be valid for fourteen (14) days from date of issuance. A second consecutive *permit* may be issued for a period of fourteen (14) days.

9.2100.109.2.2 Dumpsters.

Permits shall be valid for thirty (30) days from date of issuance. A second consecutive *permit* may be issued for a period of thirty (30) days.

9.2100.109.3 Placement of permit.

The *permit* shall be posted on the residential *premise* while a *portable storage container* or *dumpster* are on site, in a conspicuous place visible to the public.

DIVISION 2 DEFINITIONS

SECTION 9.2100.201 GENERAL

9.2100.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.2100.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2100.201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in the International Energy Conservation Code, International Fuel Gas Code, International Fire Code, International Mechanical Code or International Plumbing Code, such terms shall have the meanings ascribed to them as in those codes.

9.2100.201.3 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.2100.202 GENERAL DEFINITIONS

ALLEY. Any *public way* or thoroughfare more than ten (10) feet, but less than 16 feet in width, which has been dedicated to the public for public use.

APPROVED. Acceptable to the *building official* or authority having jurisdiction.

BUILDING. Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING LINE. The line established by laws, beyond which a building shall not extend, except as specifically provided by law.

BUILDING OFFICIAL. ~~means~~ The officer or other designated authority charged with the administration and enforcement of this chapter, or any duly authorized representative.

DEBRIS. The remains of something broken down or destroyed; and/or discarded *garbage* or *rubbish*.

DUMPSTER. A large metal bin for refuse designed to be hoisted onto a specially equipped truck for emptying or hauling away.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

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

FIRE CHIEF. The chief officer of the fire department serving the jurisdiction, or a duly authorized representative.

FIRE CODE OFFICIAL. The *fire chief* or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HAZARDOUS MATERIALS. Those chemicals or substances that are physical hazards or health hazards as defined and classified in the International Fire Code as adopted the jurisdiction, whether the materials are in usable or waste condition.

IMMINENT DANGER. A condition that could cause serious, or life-threatening injury or death at any time.

JURISDICTION. The governmental unit that has adopted this chapter.

LOT. A portion or parcel of land considered as a unit.

LOT LINE. a line dividing one lot from another, or from a street or any public place.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OWNER. 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.

PERMIT. An official document or certificate issued by the building official that authorizes performance of a specified activity.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PORTABLE STORAGE CONTAINERS. Containers no larger in dimension than 8 ft. x 8 ft. 6 in. x 16 ft. and transported to a designated location for storage purposes (typically known as PODs).

PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

PUBLIC WAY. Any passageway (as an alley, road, highway, boulevard, turnpike) or part thereof (as a bridge) open as of right to the public and designed for travel by vehicle, on foot, or in a manner limited by statute (as by excluding pedestrian or commercial vehicles).

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

REFUSE. Consists of trash, and all thing that are not wanted in a house, store, or factory, and that are regularly thrown away.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TRASH. Anything worthless, useless, or discarded; *rubbish* / *garbage*.

TRASH BAG. A plastic bag put inside a *waste container* to hold the *waste, trash, garbage, and rubbish*; and keep the container clean.

WASTE. Are unwanted or unusable materials; any substance which is discarded after primary use, or is worthless, defective, and of no use.

WASTE CONTAINER. A container for temporarily storing *waste, trash, rubbish, and/or garbage*, and is usually made out of metal or plastic. Some common terms are refuse container, trash can, and garbage can.

YARD. An open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the lot on which a building is situated.

YARD WASTE. Are grass clippings, yard vegetation, sod without dirt, twigs (less than 2 inches in diameter), leaves, etc.

**DIVISION 3
PLACEMENT AND MAINTENANCE**

**SECTION 9.2100.301
PORTABLE STORAGE CONTAINERS AND DUMPSTERS**

9.2100.301.1 Condition and maintenance.

Portable storage containers and dumpsters shall be delivered and maintained in good condition, free from rodents, insects, graffiti, vulgar and/or pornographic words or pictures.

9.2100.301.2 Responsibility to maintain.

It shall be the responsibility of the permit holder, while located on site, and the supplying company to maintain the *portable storage containers* or *dumpsters*. If at any time that the *portable storage container* or dumpster is found to be in violations of this division, the *building official* shall notify the permit holder and/or supplying company to remove such violation. Such violation shall be corrected within seventy-two (72) hours of notification.

9.2100.301.3 Placement.

Portable storage containers and dumpsters shall be placed on a paved surface and not blocking use of City sidewalks, shall not encroach onto adjoining properties, and shall not block or hinder access to or from emergency escape and rescue openings.

CHAPTER 2200
EROSION AND SEDIMENT CONTROL REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.2200.101
GENERAL PROVISIONS

9.2200.101.1 Title.

These regulations shall be known and cited as the *Erosion and Sediment Control Regulations* of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.2200.101.2 Scope.

The provisions of this chapter are to set forth procedures for controlling erosion and sediment caused by land disturbance activities, in the City of Gladstone.

9.2200.101.3 Intent.

The purpose of this chapter is to provide minimum requirements to safeguard life, health, property, and public welfare, by regulating and controlling the design, construction, and use of development or other activities, which disturbs or breaks the topsoil or results in the movement of earth on land in the City of Gladstone.

SECTION 9.2200.102
APPLICABILITY

9.2200.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.2200.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.2200.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2200.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2200.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.2200.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2200.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue *permits* for the placement and use of *erosion and sediment control*, inspect the *premises* for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.2200.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2200.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2200.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2200.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having

charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2100.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2200.104

PERMITS

9.2200.104.1 Required.

Any *owner* or owner's authorized agent, who intends to do any activity that will cause *land disturbance* shall first make application to the *building official* and obtain a *permit*.

9.2200.104.2 Exempt from permit.

Exemption from *permit* requirements of this chapter shall not be deemed to grant authorization from the use to be in violation of the provisions of this chapter or any other laws or ordinances of the jurisdiction. *Permits* shall not be required for the following:

1. Disturbance of land two-hundred (200) square feet or less.
2. Emergency activity that is immediately necessary for the protection of life, property, or natural resources.

9.2200.104.3 Application for permit.

To obtain a *permit*, the applicant shall first file an application in writing on a form furnished by the Department for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.
2. Company's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date of delivery.
5. Be accompanied by construction documents and other information as required by Section 9.2100.105.
6. Be signed by the applicant, or the applicant's authorized agent.

7. Be signed by the *owner* or *owner's* representative.

8. Give such other data and information as required by the *building official*.

9.2200.104.3.1 Action on application.

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

9.2200.104.3.2 Time limitation of application.

An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2200.104.4 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent use of *erosion and sediment control*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2200.104.5 Expiration.

Every *permit* issued shall become invalid 180 days from the date of issuance. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2200.104.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

9.2200.104.7 Placement of permit.

The building *permit* or copy shall be kept on the site of the work until the completion of the project.

9.2200.104.8 Responsibility.

It shall be the duty of every person who performs work for the installation or repair of erosion control, for which this chapter is applicable, to comply with this chapter.

9.2200.104.9 Preliminary inspection.

Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION 9.2200.105 SUBMITTAL DOCUMENTS

9.2200.105.1 Submittal documents.

Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The *building official* is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

9.2200.105.2 Construction documents.

Construction documents shall be in accordance with Sections 9.2200.105.2.1 through 9.2200.105.2.5.

9.2200.105.2.1 Information on construction documents.

Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

9.2200.105.2.2.2 Site plan.

The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, *flood hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify

the requirement for a site plan where the application for *permit* is for *alteration* or *repair* or where otherwise warranted.

9.2200.105.2.2.1 Design flood elevations.

Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1 if the International Building Code as adopted by the *jurisdiction*.

9.2200.105.2.3 Erosion and Sediment Control Plan.

Erosion and sediment control plan, special inspections and site observation programs, and other data shall be submitted in one or more sets with each application for a permit. A *registered design professional* shall prepare the *erosion and sediment control plan*. Where special conditions exist, the *building official* is authorized to require additional construction documents to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of construction documents and other data not require to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this chapter.

9.2200.105.2.3.1 Information on erosion and sediment control plan

Erosion and sediment control plan shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted when approved by the *building official*. *Erosion and sediment control plan* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations, as determined by the *building official* and shall include the following:

1. A natural resources map identifying soils, forest cover, and resources protected under this chapter. (Map should be at a scale of no smaller than 1"=100')
2. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary *erosion and sediment control* measures, and establishment of permanent vegetation.

3. All *erosion and sediment control* measures necessary to meet the objectives of this chapter throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilization application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

9.2200.105.2.3.2 Design requirements

Erosion and sediment control work for which a *permit* has been issued shall be in accordance with approved plans and the following design requirements.

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria of this chapter and relevant laws, ordinances, rules and regulations, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the *building official*. Cut and fill slopes shall be no greater than 2:1.
2. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
3. Erosion control requirements shall include the following:
 - 3.1. Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.
 - 3.2. If seeding or another vegetative erosion control method is used, it shall become established within fourteen (14) days or the *building official* may require the site to be reseeded or a non-vegetative option employed.
 - 3.3. Soil stockpiles must be stabilized or covered at the end of each workday.
 - 3.4. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
 - 3.5. Techniques shall be employed to prevent the blowing of dust or sediment from the site.

- 3.6. Techniques that divert upland runoff past disturbed slopes shall be employed.
- 4. Sediment control requirements shall include:
 - 4.1. Settling basins, sediment traps, or tanks and perimeter controls.
 - 4.2. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.
- 5. Waterway and watercourse protection requirements shall include:
 - 5.1. A temporary stream crossing installed and approved by the building official if a wet watercourse will be crossed regularly during construction.
 - 5.2. Stabilization of the watercourse channel before, during, and after any in-channel work.
 - 5.3. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
- 6. Construction site access requirements shall include:
 - 6.1. A temporary access road provided at all sites.
 - 6.2. Other measures required by the *building official* in order to ensure that construction vehicles do not track sediment onto public streets or washed into storm drains.

9.2200.105.2.3.3 Site plan.

The *erosion and sediment control plan* submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from the lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazards areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

9.2200.105.2.3.4 Examination of documents.

The *building official* shall examine or cause to be examined the accompanying *erosion and sediment control plan* and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

9.2200.105.2.3.5 Amended erosion and sediment control plan.

Work shall be in accordance with the approved *erosion and sediment control plan*, and any changes made during construction that are not in compliance with the *approved erosion and sediment control plan* shall be resubmitted for approval as an amended set of erosion and sediment control plan.

9.2200.105.2.4 Examination of documents.

The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

9.2200.105.2.5 Approval of construction documents.

When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

SECTION 9.2200.106

FEES

9.2200.106.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.2200.106.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; and shall be paid at time permit is issued.

9.2200.106.2.1 Subdivision developments.

A deposit of \$500.00 per lot shall be paid to the jurisdiction prior to issuance of any *permit*. Deposit of this type will be refunded after all lots have been sold in the subdivision and in which the *owner(s)* have paid their deposits as required by Section 9.2200.106.2.2. The refund must be requested in writing to the *building official* for approval and processing within twelve (12) months of approval of final inspection or the deposit is forfeited to the jurisdiction.

9.2200.106.2.2 Residential lots.

A deposit of \$500.00 per lot shall be paid to the jurisdiction prior to issuance of any *permit*. Deposit of this type will be refunded after a certificate of occupancy and/or passing final inspection has been issued for all permits associated with said *lot*. The refund must be requested in writing to the *building official* for approval and processing within twelve (12) months of approval of the final inspection or the deposit is forfeited to the jurisdiction.

9.2200.106.2.3 Commercial developments.

A deposit of \$5,000.00 per lot/tract shall be paid to the jurisdiction prior to issuance of any *permit*. Deposit of this type will be refunded after a certificate of occupancy and/or a passing final inspection has been issued for all permits associated with said lot/tract. The refund must be requested in writing to the *building official* for approval and processing within twelve (12) months of approval of final inspection or the deposit is forfeited to the jurisdiction.

9.2200.106.2.4 Forfeiture of deposit.

The deposit required by this section shall be forfeited to the jurisdiction upon the permit holder not correcting any violations as prescribed in Section 9.2200.301 within prescribed time as set forth thereto.

9.2200.106.2.5 Subsequent violations fees.

The second and any subsequent violations of this chapter, the permit holder shall forfeit \$100.00 of the required deposit to the jurisdiction for administrative fees and the deposit required, as set for in this section shall be forfeited to the jurisdiction upon the permit holder not correcting any violations as prescribed in Section 9.2200.301 within prescribed time as set forth thereto.

9.2200.106.3 Related fees.

The payment of the fee for the *permit* shall not relieve the applicant or permit holder from the payment of other fees that are prescribed by law.

SECTION 9.2200.107**INSPECTIONS****9.2200.107.1 Types of inspections.**

For on-site construction, from time to time the *building official*, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this chapter.

1. Start of construction.
2. Installation of sediment and erosion measures.
3. Completion of site cleaning.
4. Completion of rough grading.
5. Completion of final grading.
6. Completion of final landscaping.

9.2200.107.1.1 Final inspection.

Final inspection shall be made after the permitted work is complete and prior to occupancy.

9.2300.107.2 Inspection agencies.

The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

9.2300.107.3 Inspection requests.

It shall be the duty of the permit holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work.

9.2300.107.4 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 9.2200.108**APPEALS****9.2200.108.1 General.**

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.2200.108.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.2200.108.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.2200.109 VIOLATIONS

9.2200.109.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2200.109.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2200.110.

9.2200.109.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2200.110, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2200.109.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2200.110 Notices and Orders

9.2200.110.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2200.110.2 and 9.2200.110.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2200.110.2 Form.

Such notice prescribed in Section 9.2200.110.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2200.109.3.

9.2200.110.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2200.110.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2200.110.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2200.109.4.

9.2200.110.6 Transfer of ownership.

It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the

responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

DIVISION 2 DEFINITIONS

SECTION 9.2700.201 GENERAL

9.2200.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.2200.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2200.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council and Mid-America Regional Council and American Public Works Association Manual of Best Management Practices for Storm Quality.

9.2200.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.2200.202 GENERAL DEFINITIONS

ALLUVIAL SOIL. A fine-grained fertile soil deposited by water flowing over flood plains or in river beds.

ANCHOR TRENCH. A narrow ditch in which the edges of a material (e.g. silt fence, erosion control blanket or geotextile etc.) are buried to hold in place.

APPROVED. Acceptable to the *building Official*.

BEST MANAGEMENT PRACTICES (BMP) Stormwater management practice used to prevent or control the discharge of pollutants and minimize runoff to water of the U.S. BMPs may include structural or non-structural solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC). A qualification indicating the holder has educational training and experience in controlling *erosion* and sedimentation and met certification standards.

CELLULAR CONFINEMENT SYSTEM (CCS) *Geocells* used in construction for erosion control, soil stabilization on flat ground and steep slopes, channel protection, and structural reinforcement for load support and earth retention.

CHANNEL STABILIZATION. The protection of the sides and bed of a channel from *erosion* by controlling flow velocities and directions or by lining the channel with vegetation, riprap, concrete or other material.

CHECK DAM. A small, sometimes temporary, dam constructed across a swale, drainage ditch or waterway to counter act *erosion* by reducing water flow velocity.

CLEARING. Activity, which removes the vegetative surface cover.

DEPARTMENT OF NATURAL RESOURCES (DNR). The government of the U.S. state of Missouri consist of the Division of Environmental Quality, the Division of Geology and Land Survey, the Division of State Parks, the Environmental and Energy Resources Authority, and the Field Services Division.

DESIGN STANDARDS. Generally accepted uniform procedures, dimensions, materials, or parts that directly affect the design of a product or facility.

DRAINAGE WAY. A route or course along which water moves or may move to drain a region.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

ENVIRONMENTAL PROTECTION AGENCY (EPA). An independent agency of the United States federal government for environmental protection.

EROSION. The process, by which the surface of the earth is worn away by the action of water, glaciers, wind, waves, etc.

EROSION CONTROL. The practice of preventing or controlling wind or water *erosion* in agriculture, land development, coastal areas, river banks and construction.

EROSION CONTROL BLANKET (ECB). A blanket of synthetic or natural fibers to protect soil from the erosive impact of precipitation and overland flow, typically on slopes and in channels. ECBs also retain moisture and facilitate establishment of vegetation. ECBs are also sometimes referred to as Rolled Erosion Control Products (RECPs).

EROSION AND SEDIMENT CONTROL. A practice or device designed to keep eroded soil on a construction site, so that it does not wash off and cause water pollution to a nearby stream, river, lake or sea.

EROSION AND SEDIMENT CONTROL PLAN. A set of plans, prepared by or under the direction of a licensed professional engineer control plan indicating specific measures and sequencing to be used control sediment and erosion on a development site during and after construction.

GEOCELL. *Cellular confinement systems (CCS)* made from strips of welded high density polyethylene (HDPE) that form a honeycomb grid when expanded and are filled with aggregate or soil. Geocells provide reinforcement and protection for stabilization and erosion control applications including:

- Soil stabilization of unpaved roadways
- Slope erosion control
- Channel protection
- Retaining walls

GEOTEXTILE. Permeable fabrics which, when used in association with soil, have the ability to separate, filter, reinforce, protect, or drain.

GROUND COVER Any plant that grows over an area of ground.

GRADING. The excavation or fill of material, including the resulting conditions thereof.

JURISDICTION. The governmental unit that has adopted this chapter.

LAND DISTURBANCE. Any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause *erosion* or *sedimentation*.

LANDSCAPING. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted to include the use of logs, rocks, fountains, water features and contouring of the earth.

LOT. A portion or parcel of land considered as a unit.

OWNER. Any *person*, agent, operator, entity, firm or corporation having a legal or equitable interest in the property; or recorded in the official record of the state, county or municipality as holding interest or title to the property; or otherwise having possession or 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.

PERMANENT SEEDING. Perennial vegetative cover, from seed, used to control runoff and erosion on disturbed area and to provide permanent stabilization.

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a specified activity.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A *lot*, plot or parcel of land, *easement* or public way, including any structures thereon.

REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

SCARIFY. To break up and loosen soil to a shallow depth.

SEDIMENT. A natural occurring material that is broken down by processes of weathering and erosion, and is subsequently transported by the action of wind, water, or ice or by the force of gravity acting on the particles.

SEDIMENTATION. The deposition or accumulation of *sediment*.

SHEET FLOW. An overland flow or downslope movement of water taken the form of a thin, continuous film over relatively smooth soil or rock surfaces and not concentrated into channels larger than rills.

SILT. Earthy matter, fine sand, or the like carried by moving or running water and deposited as a *sediment*.

SILT FENCE. A temporary *sediment* control device used on construction sites to protect water quality in nearby streams, rivers, lakes and seas from *sediment* in stormwater runoff.

SITE. A parcel of land bounded by a lot line or a designated portion of a public right-of-way.

STORMWATER MANAGEMENT. The effort to reduce runoff of rainwater or melted snow into streets, lawn and other sites and the improvement of water quality, according to the United States *Environmental Protection Agency (EPA)*.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TEMPORARY SEEDING. Earthen *sediment* control practices to protect and stabilize denuded areas that will not be brought into final grade for several weeks or months.

TURF REINFORCEMENT MAT (TRM). A rolled mat of non-degradable synthetic material that provides a matrix to greatly reinforce the root system of the desired vegetation for permanent erosion protection in high flow channels and on critical slopes.

VEGETATION. Plants considered collectively, especially those found in a particular area or habitat.

DIVISION 3 VIOLATION OF CRITERIA

SECTION 9.2200.301 ENFORCEMENT

9.2200.301.1 Stop work order; revocation of permit. In the event that any *person* holding a *permit* pursuant to this chapter violates the terms of this chapter or the *permit*, implements, or maintains site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, and has not corrected such violation within 48 hours of notification, the *building official* may suspend or revoke the *permit* and any or all other *permits* associated with the *site*; and will take measures to have the violations corrected at the expenses of the permit holder. No work hereafter shall commence until the permit holder complies with the following:

1. If the *erosion control* measures that the City took exceeds the required deposit, the permit holder shall pay the difference.
2. The Permit holder shall pay a new deposit as set forth in Section 9.2200.106.2.

9.2200.301.2 Notification. Notification of violation shall be by one or more of the following:

1. Phone call (leaving message on an answering machine or voice mail shall be considered as if spoken to permit holder).
2. Written notice mailed, faxed, e-mailed, or served.
3. Posting of property.
4. Verbal notification in person with permit holder.

9.2200.301.3 Responsibility of jurisdiction. Upon inspection, if a violation is noticed, it is the responsibility of the jurisdiction to notify the permit holder as soon as possible, take pictures of the violation(s), and create and maintain a written record of the violation(s).

CHAPTER 2300
DETACHED ACCESSORY STRUCTURE REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.2300.101
GENERAL

9.2300.101.1 Title.

These regulations shall be known and cited as the Detached Accessory Structure Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.2300.101.2 Scope.

The provisions of this chapter are to provide general and specific requirements related to the construction, installation, re-installation, alteration, replacement, repair, location, maintenance, and removal of detached accessory structures.

9.2300.101.3 Intent.

The purpose of this chapter is to provide minimum requirements to safeguard life, health, property, and public welfare, by regulating and controlling the construction and location of detached accessory structures to provide aesthetically compatible and pleasing urban environment, and solidify the City of Gladstone’s position as a livable suburban community.

SECTION 9.2300.102
APPLICABILITY

9.2300.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.2300.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.2300.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2300.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2300.103

DUTIES AND POWERS OF BUILDING OFFICIAL

9.2300.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2300.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue *permits* for the placement and use of detached accessory structures, inspect the *premises* for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.2300.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2300.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2300.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2300.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2300.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2300.104 PERMITS

9.2300.104.1 Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a detached accessory structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

9.2300.104.2 Work exempt from permit.

Exemption from *permit* requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

9.2300.104.2.1 Emergency repairs.

Where equipment replacements and *repairs* must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

9.2300.104.2.2 Repairs.

Application or notice to the *building official* is not required for ordinary *repairs* to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such *repairs* shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting

of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

9.2300.104.3 Application for permit.

To obtain a *permit*, the applicant shall first file an application in writing on a form furnished by the Department for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.
2. Company's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date of delivery.
5. Be accompanied by construction documents and other information as required by Section 9.2300.105.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

9.2300.104.3.1 Action on application.

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

9.2300.104.3.2 Time limitation of application.

An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to

grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2300.104.4 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent use of *detached accessory structure*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2300.104.5 Expiration.

Every *permit* issued shall become invalid 180 days from the date of issuance. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2300.104.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

9.2300.104.7 Placement of permit.

The building *permit* or a copy shall be kept on the site of the work until the completion of the project.

9.2300.104.8 Responsibility.

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this chapter is applicable, to comply with this chapter.

9.2300.104.9 Preliminary inspection.

Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION 9.2300.105 CONSTRUCTION DOCUMENTS

9.2300.105.1 Submittal documents.

Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets with each application for a *permit*. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that reviewing of *construction documents* is not necessary to obtain compliance with this chapter.

9.2300.105.1.1 Information on construction documents.

Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

9.2300.105.1.2 Manufacturer's installation instructions.

Manufacturer's installation instructions, as required by this chapter, shall be available on the job site at the time of inspection.

9.2300.105.1.3 Information on braced wall design.

For buildings and structures utilizing braced wall design, and where required by the *building official*, braced wall lines shall be identified on the construction documents. Pertinent information including, but not limited to, bracing methods, location and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.

9.2300.105.1.4 Information for construction in flood hazard areas.

For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), of the International Residential Code as adopted by the jurisdiction, construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.

2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.
3. The elevation of the bottom of the lowest horizontal structural member in coastal high -hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2(1), of the International Residential Code as adopted by the jurisdiction, or otherwise delineated by the jurisdiction.
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

9.2300.105.2 Site plan or plot plan.

The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

9.2300.105.3 Examination of documents.

The *building official* shall examine or cause to be examined *construction documents* for code compliance.

9.2300.105.3.1 Approval of construction documents.

Where the *building official* issues a *permit*, the *construction documents* shall be approved in writing or by a stamp that states "REVIEWED FOR CODE COMPLIANCE." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

9.2300.105.3.2 Previous approvals.

This chapter shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this chapter and has not been abandoned.

9.2300.105.3.3 Phased approval.

The *building official* is authorized to issue a *permit* for the construction of foundations

or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this chapter. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

9.2300.105.4 Amended construction documents.

Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

9.2300.105.5 Retention of construction documents.

One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**SECTION 9.2300.106
FEES**

9.2300.106.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.2300.106.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; and shall be paid at time permit is issued. *Detached accessory structures* constructed/places prior to obtaining a *permit* shall be assess a penalty fee equal to the permit fee in addition to the require permit fee.

9.2300.106.3 Related fees.

The payment of the fee for the *permit* shall not relieve the applicant or permit holder from the payment of other fees that are prescribed by law.

**SECTION 9.2300.107
INSPECTIONS**

9.2300.107.1 Types of inspections.

For on-site construction, from time to time the *building official*, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this chapter.

9.2300.107.1.1 Foundation inspection.

Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

9.2300.107.1.2 Plumbing, mechanical, gas and electrical systems inspection.

Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

9.2300.107.1.3 Floodplain inspections.

For construction in flood hazard areas as established by Table R301.2(1), of the International Residential Code as adopted by the jurisdiction, upon placement of the lowest floor, including basement, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322, of the International Residential Code as adopted by the jurisdiction.

9.2300.107.1.4 Frame and masonry inspection.

Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

9.2300.107.1.5 Other inspections.

In addition to inspections in Sections 9.2300.107.1.1 through 9.2300.107.1.4, the *building official* shall have the authority to make or require any other inspections to ascertain compliance with this chapter and other laws enforced by the *building official*.

9.2300.107.1.5.1 Fire-resistance-rated construction inspection.

Where fire-resistance-rated construction is required between dwelling units or due to location on property, the *building official* shall require an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

9.2300.107.1.6 Final inspection.

Final inspection shall be made after the permitted work is complete and prior to occupancy.

9.2300.107.1.6.1 Elevation documentation.

If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 of the International Residential Code as adopted by the jurisdiction, shall be submitted to the *building official* prior to the final inspection.

9.2300.107.2 Inspection agencies.

The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

9.2300.107.3 Inspection requests.

It shall be the duty of the permit holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work.

9.2300.107.4 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 9.2300.108

APPEALS

9.2300.108.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

9.2300.108.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Uniform Code Board of Appeals, provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determination therefore made by the *building official*.

9.2300.108.3 Authority on appeals.

See Title I, Chapter 110, Article 4 of the City of Gladstone's Code of Ordinances.

SECTION 9.2300.109 VIOLATIONS

9.2300.109.1 Unlawful act.

It shall be unlawful for any *person*, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2300.109.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2300.110.

9.2300.109.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2300.110, shall be deemed guilty of a misdemeanor or civil infraction as determined by this *jurisdiction*, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this *jurisdiction* on such premises shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2300.109.4 Violation; penalties.

Any *person*, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Uniform Code Board of Appeals, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2300.110 Notices and Orders

9.2300.110.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2300.110.2 and 9.2300.110.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2300.110.2 Form.

Such notice prescribed in Section 9.2300.110.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2300.109.3.

9.2300.110.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2300.110.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2300.110.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2300.109.4.

9.2300.110.6 Transfer of ownership.

It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the

responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

DIVISION 2 DEFINITIONS

SECTION 9.2300.201 GENERAL

9.2300.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.2300.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2300.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council.

9.2300.201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.2300.202 GENERAL DEFINITIONS

ACCESSORY STRUCTURE. A structure, that is accessory to and incidental to that of the dwelling(s) and that is located on the same *lot*.

ADDITION. An extension or increase in floor area, number of stories or height of a building or *structure*.

APPROVED. Acceptable to the *building official*.

BUILDING. Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING HEIGHT. The vertical distance from grade plane to the average height of the highest roof surface.

BUILDING LINE. The line established by law, beyond which a building shall not extend, except as specifically provided by law.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

CONSTRUCTION DOCUMENTS. Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building *permit*.

COSMETIC REPAIRS. The renewal of any part of the exterior of an existing *accessory structure* for the purpose of its maintenance.

DETACHED ACCESSORY STRUCTURE. Any *accessory structure* of any size detached from the primary structure.

EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on, or above said *lot* or *lots*.

EXISTING BUILDING. A building erected prior to the date of adoption of the appropriate code, or one for which a legal building *permit* has been issued.

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

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODWAY. The channel of a river, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

IMMINENT DANGER. A condition, that could cause serious or life-threatening injury or death at any time.

LIGHT-FRAMED CONSTRUCTION. Construction whose vertical and horizontal structural elements that are primarily formed by a system of repetitive wood or cold-formed steel framing members.

JURISDICTION. The governmental unit that has adopted this chapter.

LOT. A portion or parcel of land considered as a unit.

LOT LINE. A line dividing one *lot* from another, or from a street or any public place.

OCCUPIED SPACE. The total area of all buildings or *structures* on any *lot* or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the International Building Code or International Residential Code as adopted by the *jurisdiction*.

OWNER. Any *person*, agent, firm or corporation having legal or equitable interest in the property.

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a specified activity.

PERSON. An individual, heirs, executors, administrators or assigns, and a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A *lot*, plot, or parcel of land, *easement* or *public way*, including any *structures* thereon.

PUBLIC WAY. Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than ten (10) feet.

REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

REPAIR. The reconstruction, replacement or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

STRUCTURE. That which is built or constructed.

YARD. An open space, on the same lot with a *structure*.

DIVISION 3 REQUIREMENTS

SECTION 9.2300.301 DETACHED ACCESSORY STRUCTURES

9.2300.301.1 General.

The following apply to all residentially zoned districts:

1. Only one detached accessory structure shall be permitted per lot, parcel or tract.
2. Detached accessory structures greater than 200 sq. ft. shall have an approved footing and foundation.
3. Comply with land disturbance as required by Title IX Building and Construction Ordinance (BACO), Chapter 2200 Erosion and Sediment Control.
4. Be a minimum of 35 feet from front property line, but in no case shall it be constructed forward of the front line of the primary structure.
5. Be a minimum of 25 feet from adjacent street property line on corner lots.
6. Be no closer to the primary structure than 10 feet.
7. Be no closer to adjoining properties primary structure than 20 feet.
8. No more than 30% of lot can be covered with structures; this includes the primary structure, decks, pool houses and detached accessory structures.
9. Detached accessory structures shall not be established prior to the primary structure being present or under construction.
10. Detached accessory structures shall not be located within an easement.
11. A site plan shall be submitted indicating existing structures and locations of proposed detached accessory structures.
12. A manufactures product data sheet, or architectural plans and elevations shall be submitted.

9.2300.301.2 Garages.

The following specific requirements apply:

1. The maximum square footage shall not exceed 5% of the lot size.
2. The rear and side yard setback shall be a minimum of 9 feet.

3. The maximum height shall be 10 feet, measured from the floor surface to the underside of the ceiling member.
4. Exterior materials, colors and roof pitch must match the primary structure or be closely similar thereto and be compatible in perpetuity.
5. Driveway shall be constructed with approved materials and be installed so as to not adversely affect adjoining properties.

9.2300.301.3 Accessory structures.

The following specific requirements apply:

1. The maximum square footage shall not exceed 10% of the square footage of the primary structure that is above grade.
2. The rear and side yard setback shall be a minimum of 9 feet.
3. The maximum height shall be 15 feet, measured from the floor surface to the ridge peak, but no taller than the primary structure.
4. Exterior materials, colors and roof pitch must match the primary structure or be closely similar thereto and be compatible in perpetuity.

**CHAPTER 2400
SPECIAL EVENT REGULATIONS**

**DIVISION 1
SCOPE AND ADMINISTRATION**

PART 1 – SCOPE AND APPLICATION

**SECTION 9.2400.101
GENERAL**

9.2400.101.1 Title.

This chapter shall be known as the Special Event Regulations for the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this chapter”.

9.2400.101.2 Scope.

The provisions of this chapter are to set forth procedures for controlling *special and qualifying event* activities in this jurisdiction.

9.2400.101.3 Intent.

The purpose of this chapter is to allow the short-term use of land for *special and qualifying events*, while protecting area residents and businesses from activities that may be disruptive, obnoxious, or otherwise incompatible; and to safeguard life, health, property, and public welfare.

**SECTION. 9.2400.102.
APPLICABILITY**

9.2400.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify different requirements, the most restrictive shall govern.

9.2400.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

9.2400.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2400.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2400.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.2400.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2400.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue *permits* for the placement and use of portable storage containers and dumpsters, inspect the *premises* for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.2400.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2400.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2400.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2400.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2400.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2400.104 PERMITS

9.2400.104.1 Required.

Any *owner, tenant, person, authorized agent*, or organization that intends to operate, host, or conduct a *special or qualifying event* shall first make application to the building official and obtain a *permit*.

9.2400.104.2 Exempt from permit.

Exemption from *permit* requirements of this chapter shall not be deemed to grant authorization from the use to be in violation of the provisions of this chapter or any other laws or ordinances of the jurisdiction. *Permits* shall not be required for the following:

1. Any *not-for-profit special or qualifying event* less than seventy-two (72) hours in duration. The *building or premises* may require a *permit* if in the judgement of the *building official* the activity is such that review is necessary to provide for protection and to safeguard life, health, property, and public welfare of area residents and businesses.
2. Duly licensed auctioneers, selling at auction. (Although exempt from this chapter, this type of event shall be governed by Title IX, Chapter 1400.)
3. Person's acting in accordance with their powers and duties as public officials.
4. Any business, which operates pursuant to a special use permit regulating the display and sale of outdoor goods.
5. Businesses which have been approved through special conditions or other approved conditions respective to their zoning. (Although exempt from this chapter, this type of event shall be governed by their approved conditions as to location on *premises*, times, dates, and any other conditional requirements.)

9.2400.104.3 Application for permit.

To obtain a *permit*, the applicant shall first file an application in writing on a form furnished by the *Department* for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.

2. Applicant's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date(s) and time(s) of the proposed event.
5. Be accompanied by construction documents and other information as required by Section 9.2400.104.
6. Be signed by the applicant, or the applicant's authorized *agent*.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

9.2400.104.4 Action on application.

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

9.2400.104.5 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent operation of a *special event*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2400.104.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

SECTION 9.2400.105 EVENT DOCUMENTS

9.2400.105.1 General.

Submittal documents consisting of *event documents* and a map indicating the following:

1. Location of the event,
2. Existing and/or proposed structures,
3. Off street parking area(s),
4. Traffic circulation,
5. Outdoor display area(s),
6. Signage and location thereof,
7. Adjacent streets, and
8. Property lines.

9.2400.105.2 Information on documents.

A description of the proposed event indicating the following information:

1. Any merchandise, products, or displays;
2. Signs;
3. Attention-attracting devices; and
4. Any other information deemed necessary by the *Building Official* to ensure compliance with these regulations and any other regulations that may pertain to said event.

9.2400.105.3 Examination of documents.

The *building official* shall examine or cause to be examined the accompanying *event documents* and shall ascertain by such examination whether the said event indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

9.2400.105.4 Amended documents.

Said event shall be in accordance with the *approved permit* and submitted *event documents*, and any changes made after approval or during said event that are not in compliance with the *approved permit* and submitted *event documents* shall be resubmitted for approval as an amended set of *event documents*.

SECTION 9.2400.106 FEES

9.2400.106.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.2400.106.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; but not less than \$100.00 per permit and shall be paid at time permit is issued. *Special events* conducted prior to obtaining a *permit* shall be assess a penalty fee equal to the permit fee in addition to the require permit fee.

Exception: Type 2 and type 4 *permits*.

9.2400.101067.3 Related fees.

The payment of the fee for the *permit* shall not relieve the applicant or permit holder from the payment of other fees that are prescribed by law. Applicant shall reimburse any cost incurred by the City of Gladstone for personnel, etc. related to the operation of a *special event*.

SECTION 9.1400.107 APPEALS

9.1400.107.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.1400.107.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.1400.107.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.2400.108 VIOLATIONS

9.2400.108.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2400.108.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2400.109.

9.2400.108.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2400.109, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2400.108.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2400.109 Notices and Orders

9.2400.109.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2400.109.2 and 9.2400.109.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.1400.109.2 Form.

Such notice prescribed in Section 9.2400.109.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2400.108.3.

9.2400.109.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2400.109.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2400.109.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2400.108.4.

9.24200.109.6 Transfer of ownership.

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

DIVISION 2 DEFINITIONS

SECTION. 9.2400.201 GENERAL

9.2400.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meaning shown in this section.

9.2400.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2300.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council.

9.2400.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

9.2400.202 GENERAL DEFINITIONS

APPROVED. Acceptable to the *building official*.

ATTENTION-ATTRACTING DEVICES. Any item designed or used to promote, advertise, demonstrate, or call attention to any commercial, residential, office, retail or service business or activity.

BUILDING. Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or any duly authorized representative.

BUSINESS. All kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises in the *jurisdiction*.

CITY. The City of Gladstone, Clay County, Missouri.

COMMERCIAL. The sale, purchase or exchange of goods, products, or property of any kind for profit.

DEBRIS. The remains of something broken down or destroyed: and/or discarded *garbage* or *rubbish*.

EASEMENT. That portion of land property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the *property*. The *easement* shall be permitted to be for use under, on or above a said *lot* or *lots*.

ENCLOSED AREA. Any area, which is inaccessible to the public view.

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

EVENT DOCUMENTS. Written, graphic and political documents prepared or assembled for describing the design, location, and physical characteristics of the elements of a project necessary for obtaining a *permit*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GOODS. Any wares, merchandise or other property capable of being the object of a *Special Event* or sale regulated hereunder.

JURISDICTION. The governmental unit that has adopted this chapter.

LITTER. *Rubbish, garbage* and *debris* that have been thrown away and that are lying on the ground.

LOT. A portion or parcel of land considered as a unit.

LOT LINE. A line dividing one *lot* from another, or from a street or any public place.

NOT-FOR-PROFIT. Any person or organization that operates without private profit, for a public, charitable, educational, literary, fraternal, or religious purpose.

OPERATOR. Any person who has charge, care or control of a structure or *premises*, which is let or offered for occupancy.

OWNER. Any *person, agent, operator, firm* or corporation having 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.

PARKING LOT. An open area, other than a street, used for the parking of motor vehicles.

PAVED AREA. A hard surface area consisting of concrete, asphalt or other *approved* materials.

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a special activity.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A *lot*, plot or parcel of land, *easement* or *public way*, including any *structures* thereon.

PUBLIC WAY. Any street, alley or similar parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated, or otherwise permanently appropriated to the public for public use; and has clear width and height of not less than ten (10) feet.

QUALIFYING EVENT. A celebration, observance, or commemoration of a happening that is held within an enclosed *building*, but necessitating outdoor promotional materials. Such as, but not limited to:

1. *Business anniversary,*
2. *Special sales,*
3. *Grand openings,*
4. *Holidays,*
5. *Special awards, and*
6. *Special offers.*

RUBBISH. Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery and dust and other similar materials.

SPECIAL EVENT. An outside or outdoor thematic entertainment, amusement, athletic event or merchandise sale that may or may not be advertised or promoted inside or outside the *jurisdiction*, on private property or in the exclusionary use of public property, and it is reasonably foreseeable to involve a large assemblage of vehicles, and/or persons, impose traffic congestion, impact required parking, involve sanitation and/or security concerns,

the erection of structures or operation of rides, games or machines that may affect the City's residents' or invitees' health, safety, or welfare, or may require excessive public safety cost in responding to and/or managing the event to preserve the public peace. A *special event* has a specific start and stop date, and has no intervening dates of event inactivity, except for City sponsored events. A series of similar events is not considered a single event, unless conducted on consecutive days. The outdoor display or sale of merchandise or placement of vending on private property in connection with the sale of merchandise is considered a *special event*, unless approved through special conditions or other approved conditions respective to the zoning. A *special event* can include, but is not limited to:

1. Any organized formation, parade, procession or assembly consisting of persons, animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls;
2. Any other organized activity conducted by a person or group for a common or collective use, purpose or benefit which involves the use of, or has impact on, other public property or facilities and the provision of the City's public safety services in response thereto;
3. The display and/or sale of goods and merchandise, food, clothing, supplies, equipment, concessions, souvenirs, balloons, candy, jewelry and any other similar items outside of the primary business structure; or
4. Structures, including stages, booths, canopies, awnings, risers, bleachers, fences, partitions, stands or similar construction.

Additional examples of *special events* include but not limited to:

1. Filming;
2. Pyrotechnic displays or any kind;
3. Outdoor concerts;
4. Parades;
5. Carnivals or circuses, including any exhibition involving amusement attractions or rides, spectacles, animals, side shows, games and the like;
6. Fairs;
7. Festivals;
8. Block parties;

9. Automobile or motorcycle rallies;

10. Community events; and/or

11. Sports competition such as:

11a. Marathons and running/walking events, or

11b. Bicycle races or tours.

12. *Qualifying events.*

STRUCTURE. That which is built or constructed.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a *building* or portion thereof as a unit.

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

**DIVISION 3
SPECIAL EVENTS**

**SECTION 9.2400.301
TYPES OF PERMITS**

9.2400.301.1 General.

Permits shall be classified as one of the following five (5) types:

9.2400.301.1.1 Type 1. Outdoor Commercial Events.

Commercial activities not conducted in an enclosed *building* or regular place of business, but are conducted on the premises of said business. Such commercial activities must be associated with the ongoing primary purpose of the business.

9.2400.301.1.2 Type 2. Outdoor Fund-Raising Activities by Not-For-Profits:

Outdoor fund-raising or non-commercial events by *not-for-profit* organizations.

9.2400.301.1.3 Type 3. Outdoor Community/Public Events:

Outdoor events such as but not limited to; filming, concerts, running/walking/biking events, races or tours.

9.2400.301.1.4 Type 4. City sponsored events:

Outdoor events/activities which benefit the community and is open for participation to the general community at-large, and is conducted in whole or part on public property or public right-of-way, and the City, solely or in partnership with another entity, produces, manages and/or coordinates the event, or has agreed to provide in-kind services and/or other financing in support of the event/activity, or has agreed to lend its name in support of the event/activity, after determining that the event/activity either:

1. Provides a local commemoration of a national holiday;
2. Provides cultural or recreational experiences to City and area residents that are not otherwise routinely available in the community; or
3. Significantly enhances tourism or other forms of economic development to the City.

This event requires approval by City Council: applications must be submitted a minimum of forty-five (45) days prior to the event.

9.2400.301.1.5 Type 5. Qualifying Events:

Commercial activities conducted in an enclosed *building* or regular place of *business*, but necessitate outside notification of said event.

SECTION 9.2400.302
STANDARDS AND STIPULATIONS

9.2400.302.1 General.

Special events shall comply with the following standards:

9.2400.302.1.1 Land use compatibility.

The event must be compatible with the purpose and intent of this chapter and with surrounding land uses. The event shall not impair the normal, safe and effective operation of a permanent use on the same site. The event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the event, given the nature of the activity, its location on the site and its relationship to parking and access points.

9.2400.302.1.2 Compliance with other regulations.

A building and/or fire inspection may be required before any temporary *structure* used in conjunction with the event is occupied or modified. All *structures* and the site, as a whole, shall be required to meet all applicable building code, zoning code, fire code and sign code standards and any temporary *structure* shall be promptly removed upon the cessation of the event. Within forty-eight (48) hours of cessation of the event or use, the site shall be returned to its previous condition (including the removal of all *rubbish, garbage, debris, signage, attention-attracting devices* or other evidence of the event or use). No outdoor display or *structure* shall occur within any required front, side, or rear yard setback.

9.2400.302.1.3 Hours of operation.

The hours of operation of an event shall be consistent with the surrounding land uses.

9.2400.302.1.4 Number and timing of outdoor special event permits.

All event permits are valid for thirty (30) days from date of issuance. No *business, not-for-profit*, or any other organization, etc. can have more than three ~~outdoor~~ event permits in a calendar year. Event *permits* can run consecutively.

Exception: Type 4 special event permit.

9.2400.302.1.5 Traffic circulation.

The event shall not cause undue traffic congestion or accident potential given attendance and the design of adjacent streets, intersections, parking and traffic controls.

9.2400.302.1.6 Off-street parking.

Off-street parking shall be provided to meet the needs of the requested event, and the event shall not create a parking shortage for any of the other existing uses on the site. All parking surfaces used by the business and event shall be of approved material.

9.2400.302.1.7 Public conveniences and litter control.

Adequate on-site restroom facilities and onsite solid waste and recycling containers shall be required. The applicant shall calculate the demand for such facilities and how the need will be addressed.

9.2400.302.1.8 Appearances and nuisances.

The event shall be compatible in intensity, appearance, usefulness, enjoyment and value with surrounding land uses. The event shall not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution.

9.2400.302.1.9 Signs and attention-attracting devices.

The city shall review all signage in connection with the event. The number and types of signs and *attention-attracting devices* permitted shall be evaluated on the following criteria:

1. Type,
2. Size and duration of the proposed event or use,
3. Safety considerations,
 - 3.1. Site-distance setback,
 - 3.2. Sidewalks in area,
4. Lighting considerations,
 - 4.1. Disturbance of nearby residents,
 - 4.2. Disturbance of nearby businesses, and
 - 4.3. Adverse effects to traffic on adjacent streets.
5. Aesthetic concerns.
 - 5.1. Appearance,
 - 5.2. Illumination,
 - 5.3. Number and size of signs, and
 - 5.4. Number and size of *attention-attracting devices*.

9.2400.302.1.10 Area of parking lot dedicated to.

No more than ten percent (10%) of the parking stalls required for the business requesting the event permit shall be permitted for the display and demonstration of the event. No drives or maneuvering areas may be utilized within the event area unless

such drive or maneuvering areas are directly adjacent to the approved display or demonstration area, not required for emergency access, and not deemed necessary by the *Building Official* to provide proper circulation through the lot.

9.2400.302.1.11 Outdoor events.

All outdoor events shall be located on an approved surface. A permanent *structure* occupied by an existing primary business possessing a valid business license within the *City* is required to operate any event on *premises* within the *City*.

9.2400.302.1.12 Other conditions.

The *Building Official* may establish additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including but not limited to the following:

1. Time and frequency of operation,
2. Limitations on signs and *attention-attracting devices*,
3. Temporary arrangements for parking and traffic circulation,
4. Requirements for screening/buffering, and
5. Guarantees for site restoration and cleanup following the event.

9.2400.302.1.12.1 Special Conditions.

Special conditions may include, but not be limited to:

1. Modifications or restrictions to the hours of operation, duration of the event, size of the activity or other operational characteristics.
2. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to required standards and stipulations.
3. If the applicant requests the *Building Official* to provide extraordinary services or equipment or if the *Building Official* otherwise determines that extraordinary services including, but not limited to:

3.1. Traffic control,

3.2. Security personnel, or

3.3. Equipment

is required to protect the public health or safety the applicant shall be required to reimburse the *City* for the cost of any such services if the

applicant does not provide such services. The *Building Official* may require the applicant to submit a security deposit prior to the event to ensure that the applicant complies with the provision.

4. Events held on public property and all events assisted by the *City* must have a certificate of liability and personal injury insurance identifying the *City* as additional insured, at such levels of insurance designated by the *City*.

SECTION 9.2400.303.

TEMPORARY SUSPENDING CERTAIN ORDINANCE REGULATIONS.

9.2400.303.1 Temporary suspending.

The City Council shall have the power to temporarily suspend the applicability of certain City Ordinance Regulations for type 4 City Sponsored Events by approval of the permit application, including but not limited to:

1. Section 2.120.050 Noise prohibited.
2. Section 2.130.010(2) Park rules and regulations (hours).
3. Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
4. Section 2.135.040 Prohibition of smoking on or within all public park grounds.
5. Section 2.140.040 Public fireworks display prohibited, exceptions.
6. Section 5.110.1800 Drinking in public.
7. Section 5.160.230 (a) Street use permit (street use permit allowed).
8. Section 9.1600.110 Temporary signs.
9. Section 9.3000.301.2 Operating locations, hours.

CHAPTER 2500 FENCE AND WALL REGULATIONS

DIVISION 1 SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.2500.101 GENERAL

9.2500.101.1 Title.

These regulations shall be known and cited as the Fence and Wall Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.2500.101.2 Scope.

The provisions of this chapter are to provide general and specific requirements related to the construction, installation, re-installation, alteration, replacement, repair, location, maintenance, and removal of fences and walls.

9.2500.101.3 Intent.

The purpose of this chapter is to provide minimum requirements to safeguard life, health, property, and public welfare, by regulating and controlling the construction and location of fences and walls to provide aesthetically compatible and pleasing urban environment, and solidify the City of Gladstone’s position as a livable suburban community.

SECTION 9.2500.102 APPLICABILITY

9.2500.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.2500.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.2500.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2500.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2500.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.2500.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2500.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue *permits* for the placement and use of fences and walls, inspect the *premises* for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.2500.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2500.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2500.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2500.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2500.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2500.104 PERMITS

9.2500.104.1 Required.

Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a fence or wall, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

9.2500.104.2 Work exempt from permit.

Exemption from *permit* requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

9.2500.104.2.1 Emergency repairs.

Where equipment replacements and *repairs* must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

9.2300.104.2.2 Repairs.

Application or notice to the *building official* is not required for ordinary *repairs* to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such *repairs* shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

9.2500.104.2.3 Height.

Fences not over six (6) feet *fence height*.

9.2500.104.3 Application for permit.

To obtain a *permit*, the applicant shall first file an application in writing on a form furnished by the Department for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.
2. Company's name, address, phone numbers and other pertinent information as deemed necessary.
3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date of delivery.
5. Be accompanied by construction documents and other information as required by Section 9.2500.105.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

9.2500.104.3.1 Action on application.

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

9.2500.104.3.2 Time limitation of application.

An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2500.104.4 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent use of *fences* and *walls*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2500.104.5 Expiration.

Every *permit* issued shall become invalid 180 days from the date of issuance. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2500.104.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

9.2500.104.7 Placement of permit.

The building *permit* or a copy shall be kept on the site of the work until the completion of the project.

9.2500.104.8 Responsibility.

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this chapter is applicable, to comply with this chapter.

9.2500.104.9 Preliminary inspection.

Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION 9.2500.105 CONSTRUCTION DOCUMENTS

9.2500.105.1 Submittal documents.

Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets with each application for a *permit*. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that reviewing of *construction documents* is not necessary to obtain compliance with this chapter.

9.2500.105.1.1 Information on construction documents.

Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and

extent of the work proposed and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

9.2500.105.1.2 Manufacturer's installation instructions.

Manufacturer's installation instructions, as required by this chapter, shall be available on the job site at the time of inspection.

9.2500.105.1.3 Information for construction in flood hazard areas.

For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), of the International Residential Code as adopted by the jurisdiction, construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.
3. The elevation of the bottom of the lowest horizontal structural member in coastal high -hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2(1), of the International Residential Code as adopted by the jurisdiction, or otherwise delineated by the jurisdiction.
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

9.2500.105.2 Site plan or plot plan.

The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

9.2500.105.3 Examination of documents.

The *building official* shall examine or cause to be examined *construction documents* for code compliance.

9.2500.105.3.1 Approval of construction documents.

Where the *building official* issues a *permit*, the *construction documents* shall be approved in writing or by a stamp that states “REVIEWED FOR CODE COMPLIANCE.” One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

9.2500.105.3.2 Previous approvals.

This chapter shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this chapter and has not been abandoned.

9.2500.105.3.3 Phased approval.

The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this chapter. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted.

9.2500.105.4 Amended construction documents.

Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

9.2500.105.5 Retention of construction documents.

One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 9.2500.106

FEES

9.2500.106.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.2500.106.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; and shall be paid at time permit is issued. *Fences* and *walls* constructed/placed prior to obtaining a

permit shall be assessed a penalty fee equal to the permit fee in addition to the require permit fee.

9.2500.106.3 Related fees.

The payment of the fee for the *permit* shall not relieve the applicant or permit holder from the payment of other fees that are prescribed by law.

SECTION 9.2500.107 INSPECTIONS

9.2500.107.1 Types of inspections.

For on-site construction, from time to time the *building official*, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this chapter.

9.2500.107.1.1 Foundation inspection.

Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

9.2500.107.1.2 Plumbing, mechanical, gas and electrical systems inspection.

Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

9.2500.107.1.3 Floodplain inspections.

For construction in flood hazard areas as established by Table R301.2(1), of the International Residential Code as adopted by the jurisdiction, upon placement of the lowest floor, including basement, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322, of the International Residential Code as adopted by the jurisdiction.

9.2500.107.1.3 Other inspections.

In addition to inspections in Sections 9.2500.107.1.1 through 9.2500.107.1.3, the *building official* shall have the authority to make or require any other inspections to ascertain compliance with this chapter and other laws enforced by the *building official*.

9.2500.107.1.6 Final inspection.

Final inspection shall be made after the permitted work is complete and prior to occupancy.

9.2500.107.1.6.1 Elevation documentation.

If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 of the International Residential Code as adopted by the jurisdiction, shall be submitted to the *building official* prior to the final inspection.

9.2500.107.2 Inspection agencies.

The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

9.2500.107.3 Inspection requests.

It shall be the duty of the permit holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work.

9.2500.107.4 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 9.2500.108

APPEALS

9.2500.108.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

9.2500.108.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Uniform Code Board of Appeals, provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determination therefore made by the *building official*.

9.2500.108.3 Authority on appeals.

See Title I, Chapter 110, Article 4 of the City of Gladstone's Code of Ordinances.

SECTION 9.2500.109 VIOLATIONS

9.2500.109.1 Unlawful act.

It shall be unlawful for any *person*, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2500.109.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2500.110.

9.2500.109.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2500.110, shall be deemed guilty of a misdemeanor or civil infraction as determined by this *jurisdiction*, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this *jurisdiction* on such premises shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2500.109.4 Violation; penalties.

Any *person*, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Uniform Code Board of Appeals, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2500.110 Notices and Orders

9.2500.110.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2500.110.2 and 9.2500.110.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2500.110.2 Form.

Such notice prescribed in Section 9.2500.110.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2500.109.3.

9.2500.110.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2500.110.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2500.110.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2500.109.4.

9.2500.110.6 Transfer of ownership.

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

DIVISION 2 DEFINITIONS

SECTION 9.2500.201 GENERAL

9.2500.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.2500.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2500.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council.

9.2500.201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.2500.202 GENERAL DEFINITIONS

ACCESSORY STRUCTURE. A structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same *lot*.

APPROVED. Acceptable to the *building official*.

BUILDING. Any *structure* utilized or intended for supporting or sheltering any use or occupancy.

BUILDING LINE. The line established by law, beyond which a building shall not extend, except as specifically provided by law.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

CONSTRUCTION DOCUMENTS. Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building *permit*.

COSMETIC REPAIRS. The renewal of any part of the existing *fence* or *wall* for the purpose of its maintenance.

COURT. A space, open and unobstructed to the sky, located at or above grade level on a *lot* and bounded on three or more sides by walls or a *building*.

EGRESS COURT. A *court* or *yard*, which provides access to a *public way* for one or more exits.

EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the property. The easement shall be permitted to be for use under, on, or above a said *lot* or *lots*.

EXISTING FENCE. A barrier, railing or other upright structure, erected prior to the date of adoption of the appropriate code, or one for which a *permit* has been issued.

EXISTING WALL. A continuous vertical brick or stone structure, erected prior to the date of adoption of the appropriate code, or one for which a *permit* has been issued.

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

FENCE. A barrier, railing, or other upright *structure*, typically of wood, plastic vinyl, or wire enclosing an area of ground to mark a boundary, control access, or prevent escape.

FENCE HEIGHT. Is measured from the top of the *fence* of the exterior face to the existing grade.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODWAY. The channel of a river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

IMMINENT DANGER. A condition, that could cause serious, or life-threatening injury or death at any time.

JURISDICTION. The governmental unit that has adopted this chapter.

LOT. A portion or parcel of land considered as a unit.

LOT LINE. A line dividing one *lot* from another, or from a street or any public place.

OWNER. Any *person*, agent, firm or corporation having a legal or equitable interest in the property

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a specified activity.

PERSON. An individual, heirs, executors, administrators or assigns, and a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A *lot*, plot or parcel of land, *easement* or *public way*, including any *structures* thereon.

PUBLIC WAY. Any street, alley or parcel of land open to the outside air leading to a public street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and that has a clear width and height of not less than ten (10) feet.

REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or *jurisdiction* in which the project is to be constructed.

REPAIR. The reconstruction, replacement or renewal of any part of an *existing fence* or *wall* for the purpose of maintenance.

STRUCTURE. That which is built or constructed.

WALL. A continuous vertical brick or stone structure that encloses or divides an area of land.

WALL HEIGHT. Is measured from the top of the *wall* on the exterior face to the existing grade.

YARD. An open space, on the same lot with a *structure*.

DIVISION 3 FENCES AND WALLS

SECTION 9.2500.301 GENERAL

9.2500.301.1 Scope.

The provisions of this division shall establish the minimum requirements for *fences* and *walls* pertaining to materials, construction and height.

SECTION 9.2500.302 MATERIALS

9.2500.302.1 General.

All materials, including fasteners, supports, ornamental decorations, etc., used in construction of *fences* and *walls* as defined herein, shall be resistant to the elements.

9.2500.302.2 Approved.

The following materials are approved for the use in the construction of *fences* and *walls* as defined herein:

1. Chain link (Side and rear yards only),
2. Split rail,
3. Wood (fabricated primarily as fencing materials),
4. Plastic (fabricated primarily as fencing materials),
5. Vinyl (fabricated primarily as fencing materials),
6. Masonry,
7. Stone,
8. Stucco,
9. EFIS,
10. Split face block, and
11. Ornamental iron.

9.2500.302.3 Prohibited.

The following materials, but not limited to, shall be prohibited in the construction or use with *fences* and *walls* as defined herein:

1. Chain link (Front yard only),
2. Metal,
3. Razor wire (Concertina wire),
4. Barb wire,
5. Electric, and
6. Cinder block.

Exception: Barbed wire fences may be used as part of security fences in commercially zoned districts, lots used for a public or private utility facility or other public uses. Such fences shall not be located in a front yard or side yard adjacent to a public street. All barbed wire shall be placed no less than seven feet above the finished grade and shall extend inward toward the interior of the lot.

SECTION 9.2500.303 CONSTRUCTION REQUIREMENTS

9.2500.303.1 General.

The provisions of this section shall apply to *fences* and *walls* and components thereof.

1. *Fences* and *walls* can be installed up to the property line; but all posts, bases and other structural parts, shall be located completely within the boundaries of the lot on which it is located.
2. *Fences* and *walls* erected adjacent to a public street shall have the finished side of the *fences* and *walls* facing toward said street.
3. *Fences* and *walls* located in the front yard as defined herein, shall be constructed so as to have a four (4) inch minimum open spaced, picketed type, pattern.
4. The *owner* and/or occupant of the property shall maintain their *fence* or *wall* in good repair and structurally sound. If a *fence* or *wall* is found to be in a deteriorated condition and/or in need of repair the *building official* or his authorized agent may order the *fence* or *wall* to be repaired, replaced or removed depending upon the condition of the *fence* or *wall*. Such order shall be in writing.
5. *Fences* or *walls* shall not be installed in or through a storm water detention basin, retention pond, storm water *easement* or *flood plain*.

6. *Fences or walls* installed in or through a utility *easement* shall be at the responsibility of the property *owner* and any repairs required after a utility company or the City has been in shall be the responsibility of the property *owner*.

9.2500.303.2 Fence and wall height requirements

MAXIMUM ALLOWABLE FENCE / WALL HEIGHT		
Fence Location	In All Residential Zoned Districts (R-1, RP-1, RCH-1, RPCH-1, R-2, RP-2, R-3, RP-3, R-4 and RP-4)	In All Commercial Zoned Districts (C-O CP-O, C-1, CP-1, C-2, CP-2, C-3, P-3, C-4, CP-4, M-1 and MP-1) Note: Open fences adjoining residentially zoned property shall be screened with berming and/or landscaping or other methods as approved.
REGULAR LOT		
Figure FW2500.1 – Front Yard	Thirty-six (36) inches	Thirty-six (36) inches
Figure FW2500.2 – Side and Rear Yard	Six (6) foot, up to eight (8) foot w/permit	Six (6) foot, up to twelve (12) foot w/permit
CORNER LOT (Parallel)		
Figure FW2500.3 – Front Yard	Thirty-six (36) inches	Thirty-six (36) inches
Figure FW2500.3A – Side Yard (Adjacent to Street)	Forty-eight (48) inches	Forty-eight (48) inches
Figure FW2500.4 – Side and Rear Yard	Six (6) foot, up to eight (8) foot w/permit	Six (6) foot, up to twelve (12) foot w/permit
CORNER LOT (Angle)		
Figure FW2500.5 – Front Yard	Thirty-six (36) inches	Thirty-six (36) inches
Figure FW2500.5A – Side Yard (Adjacent to Street)	Forty-eight (48) inches	Forty-eight (48) inches
Figure FW2500.6 – Side and Rear Yard	Six (6) foot, up to eight (8) feet w/permit	Six (6) foot, up to twelve (12) foot w/permit

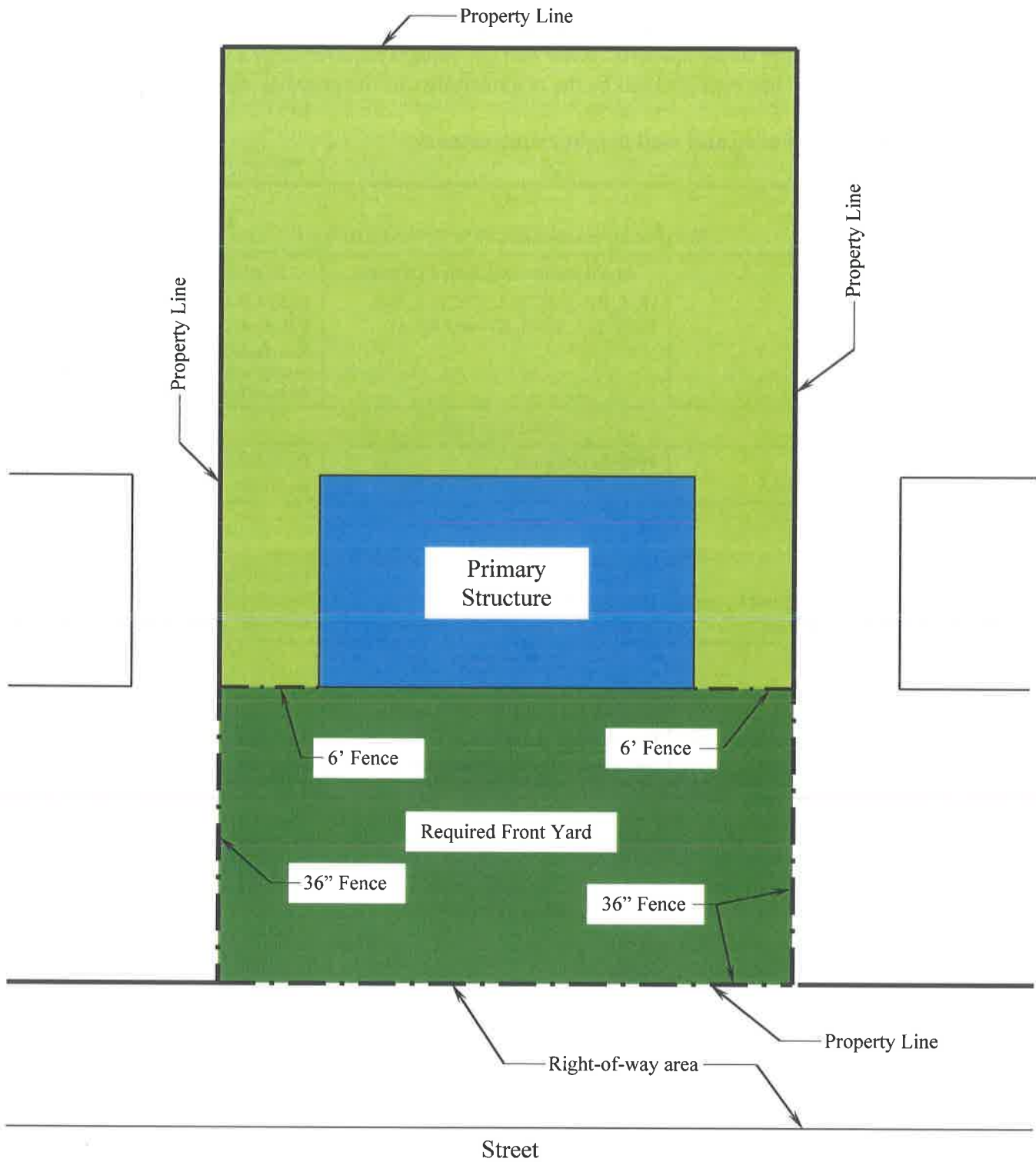


FIGURE FW2500.1
REQUIRED FRONT YARD FOR
REGULAR LOT

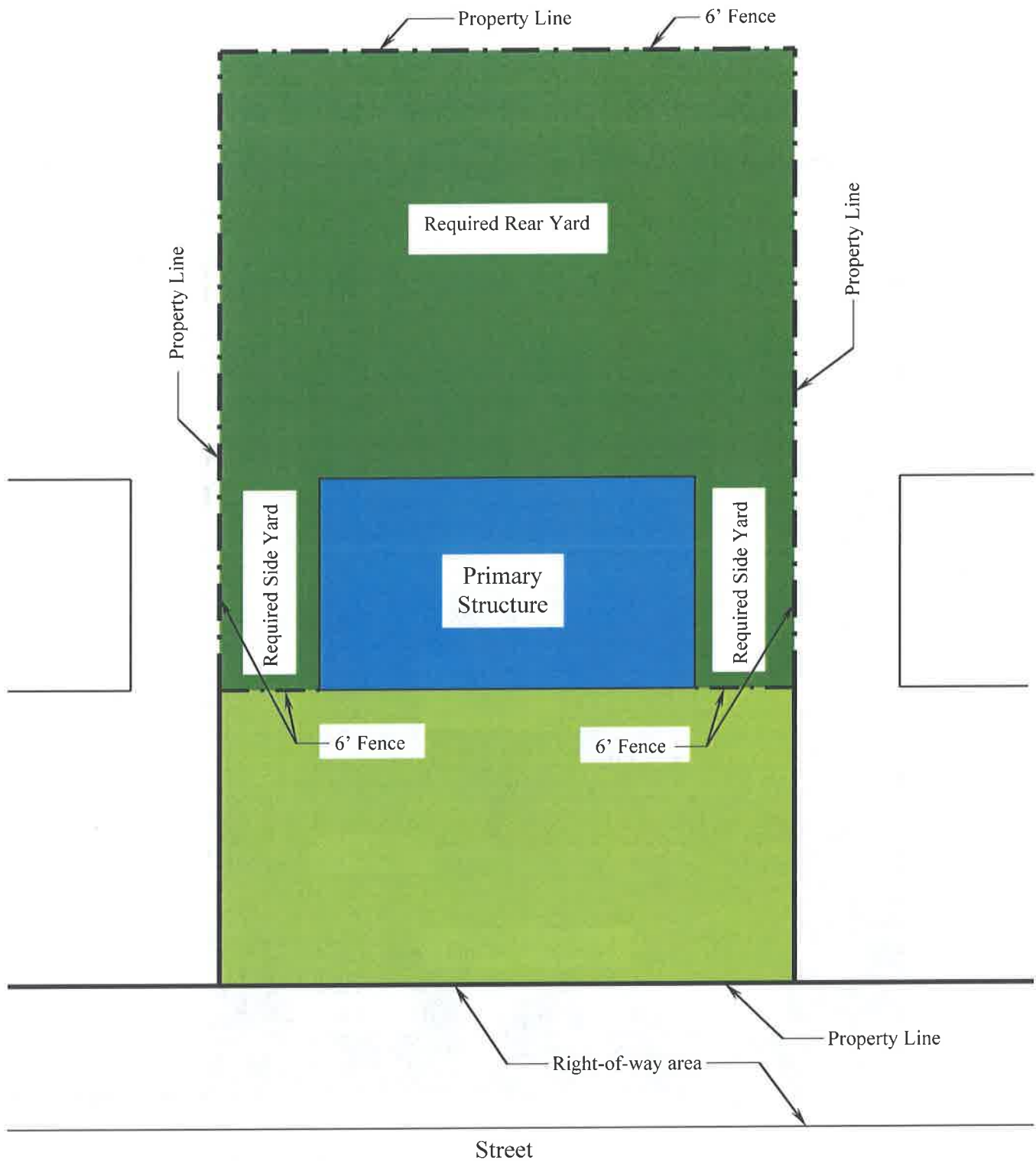


FIGURE FW2500.2
REQUIRED SIDE AND REAR YARD FOR
REGULAR LOT



FIGURE FW2500.3
REQUIRED FRONT YARD
CORNER LOT (PARALLEL)



FIGURE FW2500.3A
REQUIRED SIDE YARD (ADJACENT TO STREET)
CORNER LOT (PARALLEL)



FIGURE FW2500.4
REQUIRED SIDE AND REAR YARD FOR
CORNER LOT (PARALLEL)



FIGURE FW2500.5
REQUIRED FRONT YARD
CORNER LOT (ANGLE)



FIGURE FW2500.5A
REQUIRED SIDE YARD (ADJACENT TO STREET)
CORNER LOT (ANGLE)



FIGURE FW2500.6
REQUIRED SIDE REAR YARD FOR
CORNER LOT (ANGLE)

CHAPTER 2600
ABANDONED-VACANT PROPERTY REGISTRATION REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.2600.101
GENERAL

9.2600.101.1 Title.

These regulations shall be known as the Abandoned-Vacant Property Registration Regulations of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this chapter.”

9.2600.101.2 Scope.

The provisions of this chapter shall apply to existing properties to establish registration of said properties that are *abandoned* or *vacant* as a mechanism to communicate with the *owners* or owner’s agent for purposes, including building codes enforcement, local ordinances and state laws.

9.2600.101.3 Intent.

This chapter shall be construed to secure its express intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued maintenance of *abandoned* and/or *vacant structures* and *premises*.

SECTION 9.2600.102
APPLICABILITY

9.2600.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this chapter specify different requirements, the most restrictive shall govern.

9.2600.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.2600.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2600.102.4 Partial invalidity.

In the event that any part or provisions of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2600.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.2600.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2600.103.2 Applications for registration.

The *building official* shall receive applications, review documents for registration of abandoned-vacant properties, inspect the *premises* for which registration has been applied for and enforce compliance with the provisions of this chapter.

9.2600.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2600.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2600.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2600.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is

authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* are occupied the *building official* shall present credentials to the *premises* or private property *owner* and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the *owner*; *owner's* authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2600.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2600.104

APPEALS

9.2600.104.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.2600.104.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the *building official*.

9.2600.104.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

SECTION 9.2600.105

VIOLATIONS

9.2600.105.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2600.105.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2600.106.

9.2600.105.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2600.106, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2600.105.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2600.106 Notices and Orders

9.2600.106.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2600.106.2 and 9.2600.106.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2600.106.2 Form.

Such notice prescribed in Section 9.2600.106.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.

5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2600.105.3.

9.2600.106.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2600.106.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2600.106.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2600.105.4.

9.2600.106.6 Transfer of ownership.

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

DIVISION 2 DEFINITIONS

SECTION 9.2600.201 GENERAL

9.2600.201.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings shown in this section.

9.2600.201.2 Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2600.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council.

9.2600.201.4

Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.2600.202 GENERAL DEFINITIONS

ABANDONED. A property that is *vacant* and is under a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessor's Lien Sale, or a property that has been the subject of a foreclosure sale where the title was retained by or transferred to the *beneficiary* of the deed of trust involved with the foreclosure, or a property transferred under a deed in lieu of foreclosure/sale.

ACCESSIBLE PROPERTY. A property that is accessible through a compromised, breached or broken gate, fence, or other entry point.

APPROVED. Acceptable to the *building official*.

BORROWER. A *person* or company that has received money from another party with the agreement that the money will be repaid.

BENEFICIARY. A *person* who derives advantage from something, especially a trust, will or life insurance policy.

BUILDING. Any *structure* utilized or intended for supporting or sheltering any occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter.

CO-BORROWER. Any additional *borrower* whose name appears on loan documents and whose income and credit history are used to qualify for the loan.

COMMERCIAL PROPERTY. Real estate property that is used for business activities. *Commercial property* usually refers to *buildings* that house businesses, but it can refer to land that is intended to generate profit, as well as larger residential rental *properties*.

DEED OF TRUST. A legal instrument which is used to create a security interest in *real property* wherein legal title in *real property* is transferred to a *trustee*, which holds it as security for a loan between a borrower and lender.

DEED IN LIEU OF FORECLOSURE OR SALE. An instrument in which a mortgagor (i.e. the borrower) conveys all interest in a *real property* to the *mortgagee* (i.e. the lender) to satisfy a loan that is in default and avoid *foreclosure* proceedings.

DEFAULT. Failure to fulfill an obligation, especially to repay a loan or appear in a court of law.

DWELLING. Any *building*, that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

EVIDENCE OF VACANCY. Any condition that on it's own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents or government employees that the property is vacant.

FORECLOSURE. The legal process by which a lender takes control of a *property*, evicts the homeowner and sells the home after the homeowner is unable to make full principal and interest payments on his or her *mortgage*, as stipulated in the *mortgage* contract.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

JURISDICTION. The governmental unit that has adopted this chapter.

LOCAL. Within forty- (40) road/driving miles distance of the subject property.

MORTGAGE. A debt instrument, secured by the collateral of specified real estate property, that the *borrower* is obliged to pay back with a predetermined set of payments.

MORTGAGEE. An entity that lends money to a borrower for the purpose of purchasing real estate.

MORTGAGOR. An individual or company who borrows money from a lender to purchase a piece of *real property*.

NOTICE OF DEFAULT. A public notice filed with a court stating that a *mortgage borrower* is in default of a loan.

OCCUPANCY. The purpose of which a *building* or portion thereof is utilized or occupied.

OUT OF AREA. Excess of forty- (40) road/driving miles distance of the subject property.

OWNER. Any *person*, 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 OF RECORD. A *person* or organization that is listed in public records as the *owner* of a *property*.

PERSON. An individual, heirs, executors, administrators or assigns, and also includes firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A lot, plot or parcel of land, easement or public way, including any *structures* thereon.

PROPERTY. Anything that a *person* or business has legal title over. *Property* can be either tangible or intangible, and having legal title to it grants the *owner* certain enforceable rights. Typical examples of tangible *property* include real estate, also known as *real property*, vehicles, furniture, and equipment.

PROPERTY MANAGEMENT. A *person* or firm overseeing of residential, commercial and/or industrial real estate, including apartments, detached houses, condominium units, and shopping centers.

REAL PROPERTY. Land and any property attached directly to it, including any subset of land that has been improved through legal human actions. Examples of *real property* can include *buildings*, ponds, canals, roads, and machinery, among other things.

REGISTERED REPRESENTATIVE. A *person* or firm overseeing of residential, commercial and/or industrial real estate, including apartments, detached houses, condominium units, and shopping centers.

RESIDENTIAL PROPERTY. *Property* zoned for living or dwelling, as opposed to *commercial property* which is zoned for business and profit generation. Residential real estate can be single-family homes, condominiums units, apartments, townhouses, duplexes, and so on.

RUBBISH. Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery and dust and other similar materials.

SECURING. Such measures as may be directed by the *Building Official* or his or her designee that assist in rendering the *property* inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair or boarding of doors, windows, or other openings.

STAGNANT WATER. Water not circulating or flowing; standing. Mosquitoes breed in *stagnant water*.

STRUCTURE. That which is built or constructed.

TRUSTEE. A *person* or firm, that holds and administers property or assets for the benefit of a third party.

TRUSTOR. An individual or organization that gifts funds or assets to others. *Trustors* do this by transferring his or her fiduciary duty to a third-party *trustee*, who maintains the assets for the benefit of the *beneficiaries*.

VACANT. A *building, structure* or *premises* that is not legally occupied.

DIVISION 3 REGISTRATION

SECTION 9.2600.301 GENERAL

9.2600.301.1 Abandoned properties.

Any *beneficiary/trustee* who holds a *deed of trust* on a *property* located within this jurisdiction shall cause an inspection to be performed on the property that is the security for the *deed of trust* within fourteen (14) days of issuing a *notice of default* to the *trustor*; or any *property* that has been subject of a foreclosure sale where title to the *property* was transferred to the *beneficiary* of a *deed of trust* involved in the *foreclosure* and any *properties* transferred under a deed in lieu of *foreclosure* or sale.

1. If the *property* is found to be *abandoned* or shows *evidence of vacancy*, it shall be deemed *abandoned* and the *beneficiary/trustee* shall, within ten 10 days of the inspection, register the *property* with the *building official* on forms provided by the jurisdiction.
2. The registration shall contain the name of the *beneficiary/trustee*, the direct street/office mailing address of the *beneficiary/trustee* and P.O. Box if applicable, a direct contact name and phone number of the *beneficiary/trustee*; the name, address, and telephone number of the local *property management* or *registered representative* responsible for the security, maintenance, and marketing of the *property*. Any changes of the information in the registration required hereunder shall be reported within ten (10) days of the change.
3. *Abandoned properties* shall remain subject to annual registration, maintenance, and security of this chapter as long as they remain *abandoned*.
4. Once the *property* is no longer *abandoned* or is sold, the *owner* must provide proof of sale or written notice and proof of *occupancy* to the *building official*.

9.2600.301.2 Vacant properties.

Any *residential property* located within this jurisdiction and not governed by Section 9.2600.301.1 and that has been *vacant* for more than forty-five (45) days shall register said *vacant property* with the *Building Official* or his or her designee on forms provided by the jurisdiction.

1. The registration shall contain the name of the *owner* (corporation or individual), the direct street/office mailing address of the property owner and P.O. Box if applicable, a direct contact name and phone number of the property owner, the name, address, and telephone number of the local property management company, licensed with the City of Gladstone, or registered representative responsible for the security, maintenance, and marketing of the property. Any changes of the

information in the registration required hereunder shall be reported within ten (10) days of the change.

2. *Vacant properties* shall remain subject to the annual registration, maintenance, and security of this Chapter as long as they remain *vacant*.
3. Once the *property* is no longer *vacant* or is sold, the *owner* must provide proof of sale or written notice and proof of *occupancy* to the *Building Official* or his or her designee.

**DIVISION 4
MAINTENANCE**

**SECTION 9.2600.401
GENERAL**

Sec. 9.2600.401.1 Property maintenance.

Abandoned/vacant properties subject to this Chapter shall be kept in compliance with Title IX, Chapter 1000, Property Maintenance Regulations.

DIVISION 5 SECURITY

SECTION 9.2600.501 GENERAL

Sec. 9.2600.501.1 Security measures.

Abandoned/vacant properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized *persons*. This includes without limitation, the closure and locking of windows, doors (walk-through, sliding, and garage), gates, pet doors, and any other opening of such size that may allow a child to access the interior of any *building* or *structure*, or portion thereof.

Sec. 9.2600.060.2 Open/abandoned or vacant building or structure.

Any *building* or *structure*, or portion thereof, which has broken window(s), door(s) kicked in, or open to or sign of unauthorized or unlawful entry is hereby declared to constitute a nuisance.

Any *building* or *structure*, or portion thereof, that is inspected and is found to have broken window(s), door(s) kick in, or open to or signs of unauthorized or unlawful entry, will be posted giving the *owner* or agent having charge of the property 72 hours to board-up or otherwise secure the property. The Director of Public Safety may request an expedited board-up, in writing, if the Director of Public Safety determines that the *structure* is an immediate threat to the public's safety, health, and welfare.

Upon failure of the *owner* or agent having charge of the property to board-up the *abandoned/vacant building* or *structure*, or portion thereof, after the posting of a notice of violation, they may be subject to prosecution in accordance with Section 9.2600.105 and as prescribed by the authority having jurisdiction. 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 board-up the *abandoned/vacant building* or *structure*, or portion thereof, and the cost of such work and administrative fees shall be paid by the *owner* or agent responsible for the property. If not paid by the *owner* or agent responsible for the *property*, the cost of such work and other associated cost shall be assessed on the *owner's* real estate tax bill.

Sec. 9.2600.060.3 Boarding standard.

Any *building* or *structure*, or portion thereof being boarded-up will be done in accordance with Appendix A of the International Property Maintenance Code as adopted by this jurisdiction.

CHAPTER 2700
SUMP PUMPS AND GROUND WATER REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.2700.101
GENERAL PROVISIONS

9.2700.101.1 Title.

These regulations shall be known and cited as the Sump Pumps and Ground Water Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.2700.101.2 Scope.

The provisions of this chapter are to provide general and specific requirements related to controlling the discharge of sump pumps or other ground water conveyance systems, in the City of Gladstone.

9.2700.101.3 Intent.

The purpose of this chapter is to provide rules, regulations, and uniform requirements governing the use, installation, and discharge of sump pumps or other groundwater conveyance systems. This is to prevent the introduction of clean surface water, including but not limited to, water from roof or cellar drains, springs, basement sump pumps, and foundation drains into the sanitary sewer system.

SECTION 9.2700.102
APPLICABILITY

9.2700.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.2700.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.2700.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2700.102.4 Partial invalidity.

In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2700.103

DUTIES AND POWERS OF BUILDING OFFICIAL

9.2700.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2700.103.2 Applications and permits.

The *building official* shall receive applications, review construction documents and issue *permits* for the installation of *sump pumps*, inspect the *premises* for which such *permits* have been issued and enforce compliance with the provisions of this chapter.

9.2700.103.3 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2700.103.4 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2700.103.5 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2700.103.6 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is

authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* are occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2700.103.7 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2700.104 PERMITS

9.2700.104.1 Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a detached accessory structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

9.2700.104.2 Work exempt from permit.

Exemption from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

9.2700.104.2.1 Maintenance.

Replacement of an existing *sump pump*.

9.2700.104.3 Application for permit.

To obtain a *permit*, the applicant shall first file an application in writing on a form furnished by the Department for that purpose. Such application shall:

1. Describe the land on which the proposed event shall be located by legal description, street address, or similar description that will readily identify and definitely locate the proposed location.
2. Company's name, address, phone numbers and other pertinent information as deemed necessary.

3. Property owner's name, address, phone numbers, and other pertinent information as deemed necessary.
4. Date of delivery.
5. Be accompanied by construction documents and other information as required by Section 9.2700.105.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Be signed by the *owner* or *owner's* representative.
8. Give such other data and information as required by the *building official*.

9.2700.104.3.1 Action on application.

The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements or pertinent laws, the *building official* shall reject such application. If the *building official* is satisfied that the application conforms to the requirements of this chapter, codes, laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefore as soon as practicable.

9.2700.104.3.2 Time limitation of application.

An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2700.104.4 Validity of permit.

The issuance or granting of a *permit* shall not be construed to be a *permit* for, or approval of, any violation of any of the provisions of this chapter or of any other ordinances of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on information given shall not prevent the *building official* from requiring the corrections of errors in the information given. The *building official* is also authorized to prevent use of *sump pumps*, in violation of this chapter or any other ordinances of this jurisdiction.

9.2700.104.5 Expiration.

Every *permit* issued shall become invalid 30 days from the date of issuance. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 30 days each. The extension shall be requested in writing and justifiable cause demonstrated.

9.2700.104.6 Suspension or revocation.

The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this chapter wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any other provisions of this chapter.

9.2700.104.7 Placement of permit.

The *permit* or a copy shall be kept on the site of the work until the completion of the project.

9.2700.104.8 Responsibility.

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this chapter is applicable, to comply with this chapter.

9.2700.104.9 Preliminary inspection.

Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION 9.2700.105 CONSTRUCTION DOCUMENTS

9.2700.105.1 Submittal documents.

Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets with each application for a *permit*. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this chapter.

9.2700.105.1.1 Information on construction documents.

Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations, as determined by the building official.

9.2700.105.1.2 Manufacturer's installation instructions.

Manufacturer's installation instructions, as required by this chapter, shall be available on the job site at the time of inspection.

9.2700.105.2 Examination of documents.

The *building official* shall examine or cause to be examined construction documents for code compliance.

9.2700.105.2.1 Approval of construction documents.

Where the *building official* issues a *permit*, the construction documents shall be approved in writing or by a stamp that states “REVIEWED FOR CODE COMPLIANCE.” One set of construction documents so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

9.2700.105.3 Amended construction documents.

Work shall be installed in accordance with the *approved* construction documents, and any changes made during construction that are not in compliance with the *approved* construction documents shall be resubmitted for approval as an amended set of construction documents.

9.2700.105.4 Retention of construction documents.

One set of *approved* construction documents shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 9.2700.106

FEES

9.2700.106.1 Payment of fees.

A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fees, if any, have been paid.

9.2700.106.2 Permit fee.

Permit fees shall be in accordance with the adopted schedule of fees and charges; and shall be paid at time *permit* is issued. *Sump Pumps* installed prior to obtaining a *permit* shall be assess a penalty fee equal to the permit fee in addition to the require permit fee.

9.2700.106.3 Related fees.

The payment of the fee for the *permit* shall not relieve the applicant or permit holder from the payment of other fees that are prescribed by law.

SECTION 9.2700.107

INSPECTIONS

9.2700.107.1 Types of inspections.

For on-site construction, from time to time the *building official*, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and

shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this chapter.

9.2700.107.1.1 Final inspection.

Final inspection shall be made after the permitted work is complete and prior to occupancy.

9.2700.107.1.2 Other inspections.

In addition to inspections in Sections 9.2300.107.2, the *building official* shall have the authority to make or require any other inspections to ascertain compliance with this chapter and other laws enforced by the *building official*.

9.2700.107.2 Inspection agencies.

The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

9.2700.107.3 Inspection requests.

It shall be the duty of the permit holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work.

9.2700.107.4 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this chapter. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 9.2700.108

APPEALS

9.2700.108.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

9.2700.108.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Uniform Code Board of Appeals, provided that

a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determination therefore made by the *building official*.

9.2700.108.3 Authority on appeal.

See Title I, Chapter 110, Article 4 of the City of Gladstone's Code of Ordinances.

**SECTION 9.2700.109
VIOLATIONS**

9.2700.109.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2700.109.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2700.110.

9.2700.109.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2700.110, shall be deemed guilty of a misdemeanor or civil infraction as determined by this *jurisdiction*, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this *jurisdiction* on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2700.109.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Uniform Code Board of Appeals, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2700.110 Notices and Orders

9.2700.110.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2700.110.2 and 9.2700.110.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2700.110.2 Form.

Such notice prescribed in Section 9.2700.110.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2700.109.3.

9.2700.110.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2700.110.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2700.110.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2300.109.4.

9.2700.110.6 Transfer of ownership.

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

DIVISION 2 DEFINITIONS

SECTION 9.2700.201 GENERAL

9.2700.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.2700.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2700.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council.

9.2700.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.2700.202 GENERAL DEFINITIONS

APPROVED. Acceptable to the *building official*.

AREA DRAIN. A receptacle designed to collect surface or storm water from an open area.

BUILDING DRAIN. The lowest piping that collects the discharge from drainage piping inside and that extends 30 inches in a *developed length* of pipe beyond the exterior walls and conveys the discharge to the *building sewer*.

Combined. A *building drain* that conveys both sewage and storm water to other drainage.

Sanitary. A *building drain* that conveys sewage only.

Storm. A *building drain* that conveys storm water or other drainage, but not sewage.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter.

BUILDING SEWER. That part of the drainage system that extends from the end of the *building drain* and conveys the discharge to a *public sewer*, *private sewer*, individual sewage disposal system or other point of disposal.

Combined. A *building drain* that conveys both sewage and storm water to other drainage.

Sanitary. A *building drain* that conveys sewage only.

Storm. A *building drain* that conveys storm water or other drainage, but not sewage.

BUILDING SUBDRAIN. That portion of a drainage system that does not drain by gravity into the *building sewer*.

CONDUCTOR. A pipe inside the building that conveys storm water from the roof to a storm or combined *building drain*.

DEVELOPED LENGTH. The length of pipeline measured along the center line of the pipe and fittings.

DISCHARGE PIPE. A pipe that conveys the discharge from plumbing fixtures or appliances.

DRAINAGE SYSTEM. Piping within a public or private *premises* that conveys *sewage*, rainwater or other liquid wastes to a point of disposal. A drainage system does not include the mains of a *public sewer* system or a private or public sewage treatment or disposal plant.

Building gravity. A drainage system that drains by gravity into the *building sewer*.

Sanitary. A drainage system that carries waste and sewage and excludes storm, surface and ground water.

Storm. A drainage system that carries rainwater, surface water, subsurface water and similar liquid wastes.

LEADER. An exterior drainage pipe for conveying storm water from roof or gutter drains to an *approved* means of disposal.

LOT. A portion or parcel of land ~~occupied or to be occupied by one building, or~~ considered as a unit.

OWNER. Any person, agent, firm or corporation having a legal or equitable interest in the property.

PERMIT. An official document or certificate issued by the *building official* that authorizes performance of a specified activity.

PERSON. An individual, heirs, executors, administrators or assigns, and a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PRIVATE. In the classification of plumbing fixtures, “*private*” applies to fixtures in residences and apartments, and to fixtures in nonpublic toilet rooms or hotels and motels and similar installations in buildings where the plumbing fixtures are intended for utilization by a family or an individual.

RAIN GARDEN A landscaping feature that is planted with native perennial plants and is used to manage stormwater runoff.

ROOF DRAIN. A drain installed to receive water collecting on the surface of a roof and to discharge such water into a *leader* or a *conductor*.

SEWAGE. Any liquid waste containing animal or vegetable matter in suspension or solution, including liquids containing chemicals in solution.

SEWAGE EJECTORS. A device for lifting *sewage* by entraining the *sewage* in a high-velocity jet of steam, air or water.

SEWAGE PUMP. A permanently installed mechanical device for removing *sewage* or liquid waste from a sump.

SEWER.

Building sewer. See “Building sewer”.

Public Sewer. That part of the drainage system of pipes, installed and maintained by a city, township, county, public utility company or other public entity, and located on public property, in the street or in an approved dedicated easement of public or community use.

Sanitary sewer. A *sewer* that carries sewage and excludes storm, surface and ground water.

Storm sewer. A *sewer* that conveys rainwater, surface water, subsurface water and similar liquid wastes.

STORM WATER. Natural precipitation, including snowmelt, that has contacted the surface at or below grade.

SUMP. A tank or pit that receives *sewage* or liquid waste, located below the normal grade of the gravity system and that must be emptied by mechanical means.

SUMP PUMP. An automatic water pump powered by an electric motor for the removal of drainage, except raw sewage, from a sump, pit or low point.

SUMP PUMP DISCHARGE SYSTEM The sump pit, sump pump, and discharge piping.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

DIVISION 3 GENERAL REQUIREMENTS

SECTION 9.2700.301 GENERAL

Sec. 9.2700.301.1 Discharge prohibited.

Except as otherwise expressly authorized in this chapter, no ponds, water fountains, water from any roof or cellar, surface, groundwater, *sump pumps*, swimming pools, or other natural precipitation shall be discharged into the sanitary sewer system.

Sec. 9.2700.301.2 Discharge of sump pumps.

All buildings or structures, both residential and commercial, which require, because of infiltration of water into the basement, crawl space, and the like; or for any other reason have a *sump pump discharge system* shall have a permanently install discharge line, which shall at no time discharge into a sanitary sewer. A permanent installation shall be one, which provides for year round discharge capability to any of the following:

9.2700.301.2.1 Drainage ditch. *Sump pump discharge systems* may discharge to a drainage ditch in the front yard when available and feasible.

9.2700.301.2.2 Ground and surface. *Sump pump discharge systems* may discharge on the ground or surface grade of the premises the *sump pump* serves. The *sump pump* shall discharge a distance of not less than thirty-six (36) inches from the building served. In no event shall the *sump pump* discharge directly across a city sidewalk, driveway approach, or onto or across an adjacent property.

9.2700.301.2.3 Rain garden. *Sump pump discharge systems* may discharge into a *rain garden*. The *sump pump* shall discharge at a point not greater than twenty (20) feet, nor less than ten (10) feet from a *rain garden*. The discharge shall not cross the adjacent property prior to entering the *rain garden*. The *rain garden* shall be of size and capacity to receive the amount of discharge of a *sump pump* during any given storm or storms.

9.2700.301.2.4 Storm sewer or catch basin. When approved by the City of Gladstone's Community Development Director and Public Works Director a *sump pump discharge system* may be connected to the City's storm sewer or catch basin. Connection to the storm sewer or catch basin shall be the responsibility of the homeowner and said homeowner shall bear all costs to connect the *sump pump discharge system* to the storm sewer or catch basin.

9.2700.301.2.5 Prohibited. *Sump pump discharge systems* shall not be extended through, over, or beyond the City's curb and gutter.

CHAPTER 2900
MARIJUANA CULTIVATION REGULATIONS

DIVISION 1
SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.2900.101
GENERAL

9.2900.101.1 Title.

These regulations shall be known and cited as the Marijuana Cultivation Regulations of the City of Gladstone, Clay County, Missouri hereinafter referred to as “this chapter”.

9.2900.101.2 Scope.

The provisions of this chapter shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, and removal of marijuana cultivation.

9.2900.101.3 Intent.

The purpose of this chapter is to provide and to protect the public health and welfare, increase and preserves residential and commercially developed land values while ensuring the safety of residents, businesses, and the structures that they live, work, and recreation in.

SECTION 9.2900.102
APPLICABILITY

9.2900.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this chapter specify requirements, the most restrictive shall govern.

9.2900.102.2 Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local, state, or federal law.

9.2800.102.3 Application of references.

References to division or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such division, section or provision of this chapter.

9.2800.102.4 Partial invalidity.

In the event that any part or provisions of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.2900.103 DUTIES AND POWERS OF BUILDING OFFICIAL

9.2900.103.1 General.

The *building official* is hereby authorized and directed to enforce the provisions of this chapter. The *building official* shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

9.2900.103.2 Inspections.

The *building official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a reasonable officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

9.2900.103.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the *building official* has reasonable cause to believe that there exists upon a *premises* or private property a condition in violation of this chapter, the *building official* is authorized to enter the *premises* at reasonable times to inspect or perform the duties imposed by this chapter, provided that if such *premises* is occupied the *building official* shall present credentials to the *premises* or private property owner and request entry. If such *premises* or private property is unoccupied, the *building official* shall first make a reasonable effort to locate the owner; owner's authorized agent, or other person having charge or control of the *premises* or private property and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

9.2900.103.4 Identification.

The *building official* shall carry proper identification when inspecting *premises* in the performance of duties under this chapter.

9.2900.103.5 Notices and orders.

The *building official* shall issue all necessary notices or order to ensure compliance with this chapter.

9.2900.103.6 Department records.

The *building official* shall keep official records of all business and activities of the department specified in the provisions of this chapter. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 9.2900.104 VIOLATIONS

9.2900.104.1 Unlawful act.

It shall be unlawful for any person, firm, or corporation to be in conflict with or in violation of any of the provisions of this chapter.

9.2900.104.2 Notice of violation.

The *building official* shall serve a notice of violation or order in accordance with Section 9.2900.105.

9.2900.104.3 Prosecution of violation.

Any *person* failing to comply with a notice of violation or order, served in accordance with Section 9.2900.105, shall be deemed guilty of a misdemeanor or civil infraction as determined by this jurisdiction, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *building official* shall institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful condition in violation of the provisions of this chapter or of the order or direction made pursuant thereto. Any action taken by this jurisdiction on such *premises* shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.

9.2900.104.4 Violation; penalties.

Any person, firm, or corporation who violates a provision of this chapter or fails to comply with any order made thereunder, and from which no appeal has been taken, or who shall fail to comply with such order affirmed or modified by the Board of Zoning and Adjustments (BZA), or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1.100.140 of the City of Gladstone, Clay County, Missouri's Code of Ordinances. The imposition of one (1) penalty for any violation shall not excuse the violation, or permit it to continue; and all such person, firm, or corporation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

SECTION 9.2900.105 Notices and Orders

9.2900.105.1 Notice to person responsible.

Whenever the *building official* determines that there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 9.2900.105.2 and 9.2900.105.3 to the *owner*, owner's authorized agent and/or *person(s)* responsible for the violation as specified in this chapter.

9.2900.105.2 Form.

Such notice prescribed in Section 9.2900.105.1 shall be in accordance with the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *premises* or private property into compliance with the provisions of this chapter.
5. Inform the property *owner* or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 9.2900.104.3.

9.2900.105.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. Posted in a conspicuous place in or about the *premises* affected by such notice.

9.2900.105.4 Unauthorized tampering.

Signs, tags, or seals posted or affixed by the *building official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *building official*.

9.2900.105.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 9.2900.104.4.

9.2900.105.6 Transfer of ownership.

It shall be unlawful for the *owner* of any *premises* or private property thereof, who has received a compliance order upon whom a notice of violation or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of such *premises* or private property thereof to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *building official* and shall furnish to the *building official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the

responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 9.2900.106

APPEALS

9.2900.106.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this chapter; the Board of Zoning and Adjustments (BZA) is hereby authorized to conduct said appeals.

9.2900.106.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this chapter shall have the right to appeal to the Board of Zoning and Adjustments (BZA), provided that a written application is filed on a form furnished by the Community Development Department for that purpose. The application for appeal shall be submitted to the *building official* within ten (10) days of orders, decisions, or determinations therefore made by the building official.

9.2900.106.2 Authority on appeal.

See Title VII, Chapter 190 of the City of Gladstone's Code of Ordinances.

DIVISION 2 DEFINITIONS

SECTION 9.2900.201 GENERAL

9.2900.201.1 Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meaning shown in this division.

9.2900.201.2 Interchangeability.

Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

9.2500.201.3 Terms defined in other codes.

Where terms are not defined in this chapter such terms shall have the meanings ascribed in publications of the International Code Council.

9.2900.201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 9.2900.202 GENERAL DEFINITIONS

ACCESSORY STRUCTURE. A structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same lot.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this chapter, or a duly authorized representative.

PRIMARY CAREGIVER. An individual who has significant responsibility for managing the well-being of a Qualifying Patient and who possesses a Primary Caregiver Identification Card issued by the Missouri Department of Health and Senior Services.

QUALIFYING PATIENT. A Missouri resident issued a valid identification card by the Missouri Department of Health and Senior Services.

OUTBUILDING. A building, such as a shed, barn, or garage, on the same lot but detached from the primary structure(s).

DIVISION 3 CULTIVATION

SECTION 9.2900.301 BUSINESS LICENSES AND REGISTRATION

9.2900.301.1 Business licenses required – No additional licenses.

Medical marijuana businesses shall have a City business license as required in accordance with Title V, Chapter 100, but shall not be required to have any other City issued license.

9.2900.301.2 Home cultivation by qualifying patients- primary caregivers.

Home cultivation shall be subject to the following requirements.

1. The primary use of the residential property where marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping, and toilet facilities with proper ingress and egress. No room shall be used for cultivating marijuana where the activity will impair or prevent the primary uses for cooking, eating, sleeping, or toileting.
2. Access to the growing area shall be secured by lock and key or equivalent at all times.

Exception: When the facility is being actively supervised in person by the permit holder

3. State cultivation authorization shall be clearly displayed within the enclosed cultivation area.
4. The growing area shall comply with the adopted building, Electrical, Fire, Mechanical, plumbing, and any other local regulations.
5. The growing area shall be properly ventilated so as not to create excessive heat, humidity, mold, hazardous atmosphere, or other related conditions.
6. Lighting used in the growing area shall not exceed 1,000 watts per light.
7. The use of compress gas products, including but not limited to carbon dioxide, butane, solvents, or ozone generators in the growing area is prohibited
8. The growing area shall be within the confines of the primary residential structure, or approved accessory structure.

9.2900.301.3 Cultivation and use- Other.

Uses and other cultivation methods shall be subject to the following requirements.

1. No person shall consume marijuana for medical use in a public place, unless provided by law.
2. No person shall infuse or extract resins from marijuana using dangerous materials or combustible gases without a Medical Marijuana-Infused Products Manufacturing Facility license issued by the Missouri Department of Health and Senior Services.

SECTION 9.2900.302

PUBLIC NUISANCE

9.2900.302.1 Odor, smell.

The smell or noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued license shall be treated as a public nuisance. Any odors emitted from cultivating or consuming marijuana shall be treated as a public nuisance.

9.2900.302.2 Public nuisance, grow.

It shall be unlawful for any person or entity to grow marijuana in such a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor, or vibration that is detrimental to public health, safety, or welfare, or interfere with the reasonable enjoyment of life and property.