



**CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 28, 2020
OPEN STUDY SESSION 6:45 PM**

1. Rebuilding Together Kansas City: Clay McQuerry will present the annual report.
2. Community Productivity Analysis: Dennis Strait, of GouldEvans, will be present to explain the practical applications of this analysis as it relates to the Comprehensive Plan.
3. Trails Ordinance Update: Director Justin Merkey will present information regarding ebikes related to motorized vehicles on park trails.

REGULAR MEETING: 7:30 PM

TENTATIVE AGENDA

1. Meeting Called to Order.
2. Roll Call.
3. Pledge of Allegiance to the Flag of the United States of America.
4. Approval of Agenda.
5. Approval of the September 14, 2020, Closed City Council Meeting Minutes.
6. Approval of the September 14, 2020, Regular City Council Meeting Minutes.
7. PROCLAMATION: National Code Enforcement Month
8. CONSENT AGENDA.

RESOLUTION R-20-45 A Resolution accepting easements from certain property owners in conjunction with the Northeast 76th Street and North Tracy Avenue Storm Drainage Improvements Project CP2131.

CONSIDER SPECIAL EVENT PERMIT: Good Shepard WMC Worship Experience, 602 Northeast 70th Street, Linden Square, Sunday, October 4, 2020, 12:00-12:45 pm.

REGULAR AGENDA

9. Communications from the Audience.

Members of the public are invited to speak about any topic not listed on the agenda. When speaking, please state your name and address for the record and limit comments to 2 minutes.

10. Communications from the City Council.

11. Communications from the City Manager.

12. RESOLUTION R-20-46 A Resolution encouraging the residents of Gladstone to become informed on the proposed Clay County, Missouri, Constitution and to vote on November 3, 2020.

13. RESOLUTION R-20-47 A Resolution authorizing the City Manager to enter into an Agreement with Enterprise Fleet Management for acquisition and disposal of vehicles.

14. FIRST READING BILL NO 20-30 An Ordinance authorizing the City of Gladstone, Missouri, to enter into a Lease Purchase Agreement with Security Bank of Kansas City whereby the City will lease certain property from the bank; approving a Declaration of Trust between Security Bank of Kansas City and the City pursuant to which certain Certificates of Participation will be executed and delivered for the purpose of financing certain project costs for the City; and approving certain other documents and the taking of certain actions necessary to deliver the Certificates of Participation.

15. FIRST READING BILL NO. 20-31 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 the construction and maintenance of structures and property within the city and designated as the "Building and Construction Ordinance" for the City of Gladstone, Clay County, Missouri.

16. Other Business.

17. Adjournment.

Representatives of the News Media may obtain copies of this notice by contacting:

City Clerk Ruth Bocchino	Posted at 3:30 pm
City of Gladstone	September 24, 2020
7010 North Holmes	
Gladstone, MO 64118	
816-423-4096	



***Community Development Department
Memorandum***

DATE: September 21, 2020

TO: Scott C. Wingerson, City Manager

FROM: Alan D. Napoli, Community Development Administrator / Building Official

CC: Bob Baer, Assistant City Manager

RE: Rebuilding Together Kansas City

Rebuilding Together Kansas City (RTKC) is a not-for-profit organization, who has been affiliated with the City of Gladstone since 2011. The mission statement for RTKC, "Repairing Homes, Revitalizing Communities, Rebuilding Lives", reflects the core of what they do.

RTKC accomplishes their mission by providing home repairs and safety modifications for veterans, seniors, people living with disabilities, and low-income families with help from Gladstone Neighbors Helping Neighbors, the Gladstone Neighborhood Commission, and the Gladstone Economic Betterment Council (GEBC).

RTKC provides minor home repairs such as:

- Heating and cooling
- Electrical and plumbing
- Wheelchair ramps and low-rise steps
- Home safety modifications

All of what RTKC provides is aimed at helping residents age safely, comfortably, and with self-esteem in their homes for as long as possible.



**19 YEARS OF SERVING
VULNERABLE FAMILIES
2020**



MISSION STATEMENT:

***REPAIRING HOMES,
REVITALIZING COMMUNITIES,
REBUILDING LIVES***



2019 GLADSTONE IMPACT

20 HOMES REPAIRED

30 RESIDENTS SERVED

64 PROJECTS COMPLETED

VALUE OF SERVICES = \$50,367



REBUILDING DAY

ONE DAY REHAB BLITZ

REBUILDING DAY

Providence Baptist Church helped a senior woman to have a porch and ramp to use.



BEFORE



AFTER

REBUILDING DAY

Providence Baptist Church helped a senior woman to have a porch and ramp to use.



BEFORE



AFTER

REBUILDING DAY

Providence Baptist Church helped a senior woman to have a porch and ramp to use.



BEFORE



AFTER

REBUILDING DAY

Latter Day Saints – Doniphan Ward

Replaced damaged doors from an abusive ex-husband



BEFORE



AFTER

REBUILDING DAY

Latter Day Saints – Doniphan Ward

Replaced damaged doors from an abusive ex-husband



BEFORE



AFTER

REBUILDING DAY

**Liberty Rotary Club stabilized the steps and
added new handrails to the porch**



BEFORE



AFTER

REBUILDING DAY

Liberty Rotary Club stabilized the steps and added new handrails to the porch



BEFORE



DURING

REBUILDING DAY

Liberty Rotary Club stabilized the steps and added new handrails to the porch



BEFORE



AFTER

REBUILDING DAY

Kearney First United Methodist Church repaired soffits and painted the entire exterior of this veteran's house



BEFORE



AFTER

REBUILDING DAY

Kearney First United Methodist Church repaired soffits and painted the entire exterior of this veteran's house



DURING



AFTER

REBUILDING DAY

Kearney First United Methodist Church repaired soffits and painted the entire exterior of this veteran's house



BEFORE



AFTER

REBUILDING DAY

Continental Disc made several repairs and cleared the yard for this senior woman



BEFORE



BEFORE

REBUILDING DAY

Continental Disc made several repairs and cleared the yard for this senior woman



BEFORE



BEFORE

REBUILDING DAY

The Grove Church helped a senior woman with accessibility by pouring a new gravel driveway and walkway



BEFORE



BEFORE

REBUILDING DAY

The Grove Church helped a senior woman with accessibility by pouring a new gravel driveway and walkway



BEFORE



BEFORE



SAFE AT HOME

**YEAR-ROUND
SAFETY MODIFICATIONS
AND
URGENT REPAIRS**

SAFE AT HOME

**RTKC Project Managers and Skilled Volunteers
create safe and accessible homes**



BEFORE



AFTER

SAFE AT HOME

**RTKC Project Managers and Skilled Volunteers
create safe and accessible homes**



AFTER



AFTER

SAFE AT HOME

RTKC Project Managers and Skilled Volunteers
create safe and accessible homes



AFTER



AFTER

SAFE AT HOME

RTKC Project Managers and Skilled Volunteers
create safe and accessible homes



BEFORE



AFTER



MEDICAID WAIVER **PROGRAM**

ACCESSIBILITY PROJECTS FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES



RECENT STUDIES:

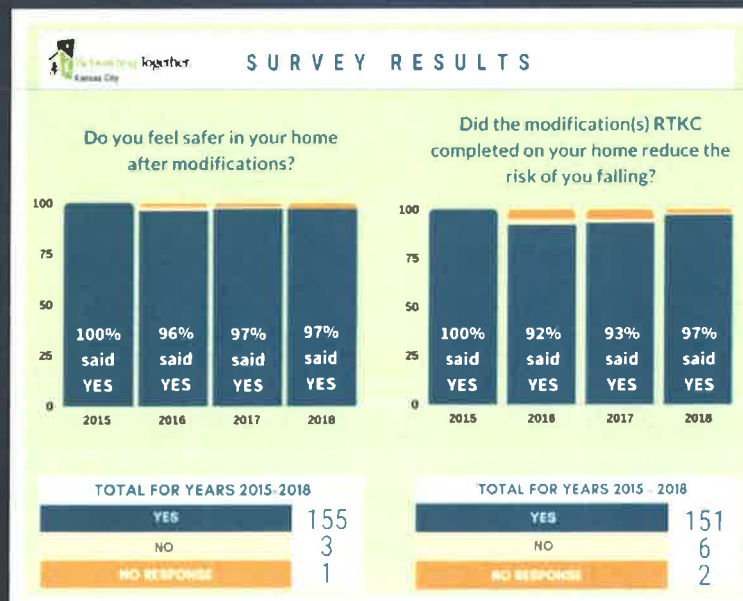
1. American Journal of Preventive Medicine (September 2018):

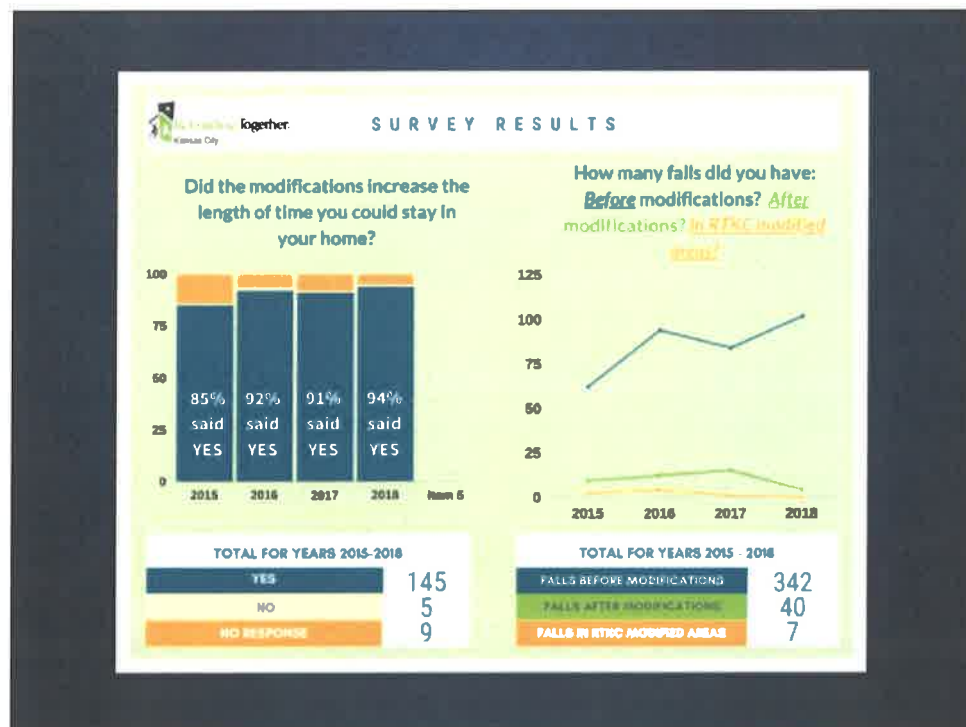
"The Potential to Reduce Falls and Avert Costs by Clinically Managing Fall Risk"
Studied 7 different fall interventions – Tai Chi, Otago, medication management, vitamin D supplementation, expedited first eye cataract surgery, single-vision distance lenses for outdoor activities, and home modifications led by an occupational therapist. **Results:** "The interventions with the potential to help the greatest number of older adults were those that provided home modifications"

2. CAPABLE (Community Aging in Place, Advancing Better Living for Elders) – Johns Hopkins University Study to reduce hospitalization and nursing home admissions (Sept. 2018). Study includes Occupational Therapy, Nursing, and Home Modifications for 65 and older residents living at home and struggling with at least one Activity of Daily Living (ADL). **Results:** This program has now been accepted as an evidence-based outcome program. The number of ADLs that were difficult reduced by 75%, depressive symptoms reduced in 53% of participants, reduced health care costs by \$10,000 per year per participant. (Maximum of \$1,300 for modifications)

SAFE AT HOME FOLLOW UP SURVEY TOTALS YEARS 2015-2018

		2015	2016	2017	2018	Total
	How many surveys have we received back?	28	51	45	35	159
1	Did the modification(s) RTKC completed on your home reduce the risk of you falling?					
	YES	28	47	42	34	151
	NO	0	3	2	1	6
	NO RESPONSE	0	1	1	0	2
2	How many times did you fall in your home BEFORE modifications were made?	62	94	84	102	342
3	How many time have you fallen in your home AFTER modifications were made?	9	12	15	4	40
4	If you have fallen AFTER modifications, how many times did you fall in the areas RTKC modified?	2	4	1	0	7
5	Did the modifications increase the length of time you could stay in your home?					
	YES	24	47	41	33	145
	NO	1	2	1	1	5
	NO RESPONSE	3	2	3	1	9
6	Do you feel safer in your home since the modifications were made?					
	YES	28	49	44	34	155
	NO	0	2	1	0	3
	NO RESPONSE	0	0	0	1	1
7	BEFORE modifications were made, how would you rate your confidence level in the safety of your home? On a scale of 1-10		5	5	4	4.5
8	AFTER modifications were made, how would you rate your confidence level in safety of your home? On a scale of 1-10		9	9	9	9





Rebuilding Together Kansas City

BY THE NUMBERS

RTKC HAS NOW SERVED OVER 1,000 FAMILIES IN THE NORTHLAND!

MOST RTKC CLIENTS HAVE AN AVERAGE ANNUAL HOUSEHOLD INCOME OF ONLY \$20,000 OR LESS



***THANKS FOR PARTNERING WITH
US TO CREATE BETTER AND
SAFER LIVING CONDITIONS FOR
GLADSTONE RESIDENTS AND FOR
PRESERVING AFFORDABLE
HOUSING!***



Department of Community Development
Memorandum ASG 20-6

DATE: September 23, 2020

TO: Scott Wingerson, City Manager

FROM: Austin Greer, Assistant To The City Manager/Planning Administrator

SUBJECT: Community Productivity Analysis – GouldEvans, Planning & Design Firm

Background: City Staff has been approached by representatives of GouldEvans, a national planning and design firm, about incorporating a true cost benefit analysis of different development patterns as a component of our Comprehensive Plan update.

GouldEvans believes that truly understanding and demonstrating the costs and benefits of different development patterns will provide necessary information to support informed decisions regarding future growth and development of Gladstone. In summary, the productivity of development is measured by the amount of public revenue (tax dollars) generated by development against the public cost of supporting that development.

The purpose of this study session is to gather any input and/or thoughts on this Community Productivity Analysis and if the City Council thinks that this project could be a valuable component of the Comprehensive Plan update.

Dennis Strait, with GouldEvans, will present to City Council on Monday, September 28th to explain the practical applications of the Community Productivity Analysis.

Attached is a memorandum submitted by GouldEvans further explaining the Community Productivity Analysis.

Thank you



September 21, 2020

City Council
City of Gladstone
7010 N Holmes Street
Gladstone, MO 64118

Re: COMMUNITY PRODUCTIVITY ANALYSIS

Dear Councilors,

For the past 70 years, development practices across the United States have focused on accommodating the automobile. As communities have spread out and created more infrastructure, this practice has yielded fiscally unsustainable communities. Planners, citizens, and community leaders are beginning to recognize the impacts that different development patterns have on our community; physically, economically, and socially.

During the early decades of the 20th century, we built communities in a pattern that supported the activities of people, and supported the water, sewer, and roadways necessary to conduct daily life and the public safety services to create community. Additionally, the walkable nature of those development patterns yielded a sufficient return (taxes) to pay for the maintenance of the infrastructure required (public investment) to serve it. As communities of all shapes and sizes began spreading out, as further areas were reachable by the automobile, and a larger infrastructure system was necessary to provide services, the taxes needed to supported development did not keep pace. Over the past several decades, these practices have led to communities that can no longer afford to maintain the public infrastructure systems that they have built. How do we begin to fix this situation?

Creating an understanding of the true costs and benefits of different development patterns will provide necessary information to support informed decisions regarding future growth and development. Gladstone has the opportunity to plan for a fiscally sustainable future—a future that prioritizes people, accommodates the automobile, and creates resiliency. As the city continues to evolve, assessing the productivity now and the future potential will assist in defining the most effective method to enhance and maintain the public systems and environment within Gladstone, for the residents, businesses, and the City.

4200 PENNSYLVANIA AVE
KANSAS CITY, MO 64111
816.931.6655

KANSAS CITY LAWRENCE PHOENIX SAN FRANCISCO NEW ORLEANS
WWW.GOULDEVANS.COM

Productivity Analysis

The productivity of development is measured by the amount of public revenue generated by development against the public cost of supporting that development. Public revenue is realized through taxes generated to the City of Gladstone, and costs are realized through the construction, maintenance and eventual replacement of the public systems – roadways, infrastructure including water, sewer, and stormwater. The productivity analysis will focus on the productivity of Gladstone through the current tax revenues generated offset by the costs of development – roadways, water, and sewer.

This study will focus on defining the fiscal health of the community today, and as change continues to occur. Measuring the productivity of the community will help residents understand the true cost of development and how much infrastructure and public services are paid for through tax revenues generated by that development. We will also identify the disparity between the costs and revenues to illustrate how continued development practices may be affecting the affordability of your city. The information will also provide a fiscal understanding of the city's fiscal health and impact of development on the future as a foundation for the upcoming Comprehensive Plan update. As the community looks to the future, this information will inform decisions and guide policies.

We look forward to the opportunity to work with you and the community.

Sincerely,

A handwritten signature in dark ink, appearing to read "Graham Smith". The signature is fluid and cursive, with the first name "Graham" written in a larger, more prominent script than the last name "Smith".

Graham Smith, AICP
Associate Principal



Department of Parks, Recreation & Cultural Arts

Memorandum

DATE: September 23, 2020

TO: Scott Wingerson, City Manager

FROM: Justin Merkey, Director of Parks, Recreation, and Cultural Arts

RE: Trails Ordinance Update

During the September 14th City Council meeting, concerns were raised about approving an ordinance that would enforce a 20 mph speed limit for bicycles due to the inability to enforce such an ordinance. Additionally, and since the last City Council meeting, other concerns have been raised about the current ordinance prohibiting “motorized vehicles” and what defines a “motorized vehicles”. For example, is an ebike and/or a mobility scooter considered a motorized vehicle and should these be allowed on city trails.

Staff has researched other area municipalities/counties and found that none in our local metropolitan area have a speed limit on trails. However, some have enacted regulations for ebikes. Attached, please find a position statement developed by a task force convened by the Kansas City Metro Area Directors Association last winter. This paper defines and provides guidance for local municipalities.

Staff will present the differences between ebikes at Monday night’s City Council meeting to garner feedback to further refine our current city ordinance related to trail usage, safety, and motorized vehicle use. Please let me know if you have any questions.

Kansas City Metropolitan Parks and Recreation Directors Association

Position Statement - Use of E-Bikes, Scooters, and Motorized Vehicles on Trails

Introduction

With the increased popularity of e-bikes it has been identified that many agencies in the Kansas City metropolitan area presently have regulations (ordinances or rules) that prohibit the use of e-bikes and/or motorized vehicles on trails creating potential conflict between users and enforcement officers.

The Kansas City Metropolitan Parks and Recreation Directors Association (KCMPRDA) created a task force to research and discuss the issue of e-bikes, scooters and motorized vehicles in an effort to create a position statement for use by Parks and Recreation professionals. The Task Force consisted of the following individuals:

1. Greg Ruether, Overland Park, Kansas
2. Brian Anderson, Leawood, KS
3. Gary Ristow, Lenexa, KS
4. Joe Piccinini, Jackson County, Missouri
5. Brian Nowotny, Jackson County, Missouri
6. Jackie Heanue, Lee's Summit, Missouri
7. Joe Snook, Lee's Summit, Missouri

As professionals and leaders of parks and recreation agencies, having a collective position on this issue will strengthen the possibility of consistent regulations and minimize confusion and conflict for trail users throughout the metropolitan area.

The Task Force focused their efforts on e-bikes and collectively agreed that motorized scooters should not be permitted. Other motorized vehicles used to address ADA needs should be addressed through an "Other Powered Driven Mobility Device" (OPDMD) policy specific to these requests and handled on a case by case basis.

It should be noted that usage on state and regional trail systems drove the discussion that led to the proposed recommendations by KCMPRDA. It is acknowledged that trail users have the greatest potential for conflict while using these trails. However, it is also noted that local trails do connect to regional and state trails, thus the need to develop consistent regulations throughout the region.

After reviewing information obtained through research, discussions with local bike shops, consultation with staff at the Mid America Regional Council and BikeWalk KC, and observation of trail usage, it was determined e-bikes are likely to continue as an increasing trend in the recreation industry. Their use can take on many forms and provide numerous benefits from transportation to recreation. When comparing

the safety and risk considerations relevant to e-bikes, it is reasonable to conclude that a majority of concerns can be alleviated or minimized through appropriate regulations.

Summary of Research

The Task Force reviewed multiple materials and sources, and gave particular consideration to the status of current restrictions at the state levels as well as decisions made to date at the local level. Following are key notes regarding current allowances/restrictions:

- Johnson County, Kansas Parks and Recreation Board has recently approved a pilot project that will allow e-bikes on all paved JCPRD trails.
- Jackson County, Missouri Parks + Rec's current ordinance prohibits the use of e-bikes, although the parks administration is open to recommending policy/ordinance changes to allow some uses.
- Many municipalities have ordinances currently prohibiting motorized vehicles on trails and would need to be modified to legally allow for the use of e-bikes.
- The State of Missouri currently allows electrically assisted pedal powered bicycles and tricycles with a maximum speed of 20 mph (Type 1 and Type 3) on the Katy Trail.
- In Kansas, an electric-assisted bicycle is defined as a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, with an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than 1000 watts, be incapable of propelling the device at a speed of more than 20 miles per hour on level ground and incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour.
- In Kansas, a motorized vehicle means every vehicle, other than a motorized bicycle, which is self-propelled. Therefore municipal trail ordinances stating "No motorized vehicles" may be misinterpreted to prohibit e-bikes. Bicycles and Electric Bicycles are not considered a "motorized vehicle".
- Kansas Department of Wildlife, Parks & Tourism is moving forward with allowing e-bikes on its Rail Trails and State Park Trails.
- Missouri state law contains definitions and regulations specifically applicable to e-bikes (defined as motorized bicycles) as they apply to use on roadways and sidewalks.
- The State of California has issued formal guidance on its e-bike Law, which was reviewed by the task force.

Finally, the Task Force reviewed e-bike options currently available and the distinctions between the types. A summary of each type is include below:

1. Type 1

- a. Maximum speed is 20 mph

- b. Throttle assisted
- c. User must peddle to engage motor assistance

2. Type 2

- a. Maximum speed is 20 mph
- b. Throttle assisted
- c. User does not need to peddle to engage motor assistance

3. Type 3

- a. Maximum speed is 28 mph
- b. Throttle assisted
- c. User must peddle to engage motor assistance

NOTE: As the popularity of e-bikes increases, there are many iterations of bikes that do not fit neatly into these three Types.

Benefits and Challenges

The Task Force compiled talking points for use with elected officials and appointed officials in support of e-bikes, including:

Benefits

- ☐ Alternate Transportation Method/Non-Recreational Usages: The allowance of certain types of e-bikes has the potential to increase use for alternate means of transportation, which is an initiative supported throughout multiple jurisdictions, as well as through MARC.
- ☐ New Users to Trails/Amenities: E-bikes provide certain users (potentially new users to trails) the opportunity to use and experience recreation resources which may be otherwise unavailable. For example, individuals who have mobility issues or would otherwise be unable to pedal a bicycle for an extended period of time without assistance would have the opportunity to participate on trails.
- ☐ Health: Increasing users of facilities through the inclusion of e-bikes will provide the secondary effect of increasing health benefits for a population previously not able to participate, which is a general objective of the parks and recreation industry.

Challenges

- ☐ Enforcement: It is acknowledged that, due to the multiple types of e-bikes and the visual similarity to a traditional bicycle, it may be difficult to enforce existing regulations, and, further, resources would need to be identified and allocated in order to properly enforce. The suggested regulations take these challenges into consideration with the intent of minimizing enforcement issues.

□ Changing Technology: Currently there are three types of e-bikes, however changing technology could impact the future of E-Bikes and cycling thus warranting the need to continually monitor the industry.

Recommendation

KCMPRDA recommends implementing a simple, yet measurable and enforceable series of regulations for trails across jurisdictions similar to the following:

- Prohibit scooters unless the use is approved through an OPDMD Policy.
- E-Bikes which are pedal assisted in nature (Type 1 and Type 3) will be allowed to operate on trails; each jurisdiction shall determine the type of trail that E-Bikes should be permitted on (i.e. paved shared use paths vs. mountain bike trails)
- Implement a maximum speed limit of 20 mph for all users
- Encourage the use of proper trail etiquette, through educational signage and other means, which includes slowing down when multiple users are on the path

Conclusion

E-Bikes are a popular option for many riders and use will continue to increase. Parks and Recreation professionals are the stewards of our trails systems and need to continue to monitor the use of these resources. As technology and needs change we should anticipate usage to change which may or may not conflict with existing rules and laws. This position statement is intended to be working document that should be reviewed and revised on an as needed basis and any member of KCMRDA should feel compelled to request a review when necessary.

Supporting Research

“California’s New E-Bike Law: Guidance for Agencies”

“Provisions of Missouri State Law Relevant to E-Bikes”

“Study of average e-bike speeds, and comparison to traditional bicycles”

“Cycling for Seniors: Complete Guide to Cycling and Ageing”

“Study of average e-bike speeds, and comparison to traditional bicycles”



**MINUTES
REGULAR CITY COUNCIL MEETING
GLADSTONE, MISSOURI
MONDAY, SEPTEMBER 14, 2020**

PRESENT: Mayor Jean Moore
Mayor Pro Tem R.D. Mallams
Councilman Bill Garnos
Councilman Tom Frisby
Councilmember Tina Spallo

City Manager Scott Wingerson
Assistant City Manager Bob Baer
City Clerk Ruth Bocchino
City Attorney Chris Williams

Item No. 1. On the Agenda. Meeting Called to Order.

Mayor Moore opened the Regular City Council Meeting Monday, September 14, 2020, at 7:30 pm.

Item No. 2. On the Agenda. ROLL CALL

City Clerk Ruth Bocchino called Roll. All Councilmembers were present.

Item No. 3. On the Agenda. Pledge of Allegiance to the Flag of the United States of America.

Mayor Moore asked all to join in the Pledge of Allegiance to the Flag of the United States of America.

Item No. 4. On the Agenda. Approval of Agenda.

City Manager Scott Wingerson stated: *"Mayor, before we get to the Consent Agenda, could staff ask for a change in the agenda? Thank you very much. We are asking the Council to add two items to the agenda tonight; Item 11A, which is a Special Event Permit for Car-Stravaganza on September 26th; it's a Classic Car Show in Linden Square. The application was received on Friday after the agenda was published and the event occurs before your next meeting on the 28 as it's on the 26th. Item 11B is a Building Permit for a roof at 7514 North Oak, that is Christian Brothers Roofing; they are proposing a roof addition as a training facility for their business there and waiting two weeks for them would jeopardize the project to be finished before winter sets in so we are asking for your consideration of Item 11A and Item 11B later on your agenda."*

If this is an acceptable change in the Council's eyes we just ask for a simple motion, second, and vote."

Mayor Moore stated: *"Is there a motion to accept the agenda as amended?"*

Mayor Pro Tem Mallams stated: *"Mayor Moore, with the additions of what our City Manager has included, 11A and 11B, I would like to make that motion."* **Councilmember Spallo** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

The Agenda was approved as amended.

Item No. 5. On the Agenda. Approval of the August 24, 2020, Regular City Council Meeting Minutes.

Mayor Pro Tem Mallams moved to approve the minutes of the August 24, 2020, Regular City Council meeting as presented. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item No. 6. On the Agenda. **PROCLAMATION:** Daughters of the American Revolution Constitution Week.

Mayor Moore read the Proclamation and presented to Maggie Henderson.

Item No. 7. On the Agenda. **CONSENT AGENDA.**

Following the Clerk's reading:

Mayor Pro Tem Mallams moved to approve the Consent Agenda as published. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Mayor Pro Tem Mallams moved to approve **RESOLUTION R-20-43** A Resolution authorizing acceptance of a proposal from Capital Electric Line Builders, Incorporated, for the replacement of pedestrian signals and painting of existing traffic signal structures at the intersection of North Oak Trafficway and Northeast 72nd Street in the total amount of \$66,185.08. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Mayor Pro Tem Mallams moved to approve **RESOLUTION R-20-44** A Resolution accepting easements from certain property owners in conjunction with the Northeast 76th Street and North Tracy Avenue storm drainage improvements Project CP2131. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Mayor Pro Tem Mallams moved to approve the **SIX MONTH FINANCIAL STATEMENT**. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Mayor Pro Tem Mallams moved to approve a **SPECIAL EVENT PERMIT**: Walk to End Alzheimer's (Virtual). **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

REGULAR AGENDA.

Item No. 8. On the Agenda. Communications from the audience.

Jim Oldebeken approached Council and stated: *"My name is Jim Oldebeken and I live at 7402 North Highland Avenue here in Gladstone. I wish to share some observations that I have related to our County and the Clay County Constitution Commission. It was recommended to me that I attend. I did so; I've attended five meetings. I have very actively tried to follow what has transpired. I had concerns early on and I just pursued, just keeping a close eye on what I was seeing. I mean no disrespect to any other public servant here or citizen but I'll just share my viewpoints. I was concerned about the repeated violations of the Emergency Public Health Order. Not once, not twice, not less than three times, maybe four. I don't understand that. That was after a public comment was made at one of the first meetings about the lack of social distancing; and if you can't social distance, you wear a mask. At the August 17 meeting, two individuals made comments about no minutes, no agenda, I guess there was an agenda, maybe, but not really. Copies of the documents that the Constitution Committee had but we did not and as of today, well, I've asked repeatedly, I'm a citizen, I know what the laws say, I've asked, and asked, and asked; I've asked, there are six attorneys on this 14-member Commission and if there are problems, I think they need to be looked at. Not necessarily the non-legal people. I'm very concerned about how these meetings were held. I count over 30 violations of the law, easily documented. The first one is not providing the name and location of the Records Custodian. It's very explicit in the law, the Missouri Sunshine. I asked north of, quite a few times, I've documented all of them. I just can't believe we still don't have minutes of the first and last meeting. There is no way I can support this. I don't even have to understand what it says. I don't support a non-Democratic process; I cannot support, no, I cannot support violating the law to try to improve government. Sunshine is real clear; I don't think it's here to be ignored. I don't think it's here to be set aside by people that think they are above that. So, I want to close by asking those in this room to help keep this conversation going. Don't take my word for it, take a look yourself. The documents, they are yours. You should all ask for them. There is a group called Facebook, a Facebook group, Citizens for a better Clay County, that has a lot of activity on it. Make your own decisions. I will share whatever public documents I have with anybody. I seek to aggregate and make them available in some place, in some way. I'll say one more thing that I've learned a lot about. There is a wonderful booklet put out by the AG, maybe most of you have seen it. It's on the Sunshine Law. It's a booklet and you have the law, and you have the booklet. The booklet is fantastic. But, the quote at the beginning is very basic and very important: 'A successful democracy depends on public trust and openness in government.'*

Today is Mercy Otis Warrens birthday; I consider her the best historian of the War of Independence. She lived before, during, and after; lost half her family, and she corresponded with a lot of cool people. Thank you."

Ken Jamison and Kirk Davis approached Council and stated:

To see entire transcript of the presentation of the Constitution of Clay County, Missouri, please review the attached document or review the audio/video at:

<https://www.gladstone.mo.us/CityGovernment/recordings/view-hd.php?dt=2020-09-14&os=0>

After the presentation the following occurred:

Mayor Moore stated: *"I understand there may be some questions, so if you will pause for a moment. Questions from the Council?"*

Mayor Pro Tem Mallams stated: *"Kirk and Ken, pats on the back for the work that you have done with the Clay County Commission. Just a couple of comments, then I do have a question. I read through the duties of the Presiding Commissioner and the County Administrator and I have to say they look very similar to what we have here in Gladstone. I support the term limits, the recall, no political affiliation for the Commissioners. Being on Facebook, there appears to be opposition to the Constitution and the final product and I guess I'm curious; what do you foresee or what do you believe are the major areas of concern and how will you communicate with the residents as you move forward to November?"*

Mr. Davis stated: *"I'll take the first shot. So relative to communications, the last issue, that's a challenge, with COVID. Normally, we would get out in front of the city groups and do the circuit. We can't do that because they are not meeting especially so we too have a Facebook page and we have received endorsements already from the Clay County EDC, the Clay County Mayors, from the Northland Chamber of Commerce and some smaller affiliated groups that operate here in Clay County so I think the momentum is building in that regard. What do I see as challenges? Why would anybody be against this? I'm not really sure I understand why there would be someone against it other than part of the issue is the four positions that are being rolled into administration. Those are easily rolled into an administrative function and who knows, maybe even the current elected will be the ultimate appointees. I don't know. But that is one. That's a big change. Some people want to be able to vote on 15 or 16 different positions. In this case, though, if you look at it, we are just swapping. We are adding the number of Commissioners and you will have the ability to vote on five out of seven vs. two out of three. Five out of seven but at the same time the four positions are kind of being swapped for County Commission positions in terms of what you can vote on. We think it brings Clay County a little bit closer to the individual voters so that's my general reflection for me."*

Mr. Jamison stated: *"Facebook. I'm not really big on social media. I've heard bits and pieces about it; I took a quick glance at some of the Facebook groups. Some of these Facebook groups have 2,000 members but it will tell you how many people see a post and it will be about 50 people. So .0001% of the people of that group see the post or like the post. Now when you go to*

barber shops, when you go to VFW Halls, Elks Lodges, and talk to real people, face to face, man to man, woman to woman, and you tell them about the document, they like it. In terms of campaigning, the ability and capability to campaign for this has been hindered quite a bit because of COVID but we are reaching out to, the people on the Commission, we know thousands and thousands of people; on speed dial, on email, we work with them, so I think we will be able to campaign and sell this pretty well and pretty effectively. Other major concerns was Recorder of Deeds, County Clerk, no longer being elected. If you see the duties and responsibilities for those positions, they are severely restricted in black and white by statute. Missouri statute. It codifies what they can do so they don't deal anything with policy. If I'm County Clerk, or he's County Clerk, it doesn't really make a difference because what we can do on a daily basis in that position is restricted by Missouri law; and when people say we are taking away your vote or your voice because we are no longer elected County Clerk, they don't finish the sentence. No longer electing County Clerk, ok, correct, but we are also giving you a new voice with a County Commissioner. You've got to finish the sentence here. Your voice is going to be more impactful and more effective by electing five out of seven County Commissioners as opposed to a County Clerk or Recorder of Deeds. That's the major concern that I encountered."

Mr. Davis stated: "Did we answer your question, R.D.?"

Mayor Pro Tem Mallams stated: "You have put many hours into this and I guess my concern is when November rolls around and it's election day that the people that are voting are aware of the contents of the Constitution and how it will benefit Clay County."

Mr. Davis stated: "You know we are going to have to do the typical campaign gyrations that you see; mailers, signage, and things like that, but it's a little different this year. Also people don't want to see the detail; it's a 15-page document which is relatively short for a Constitution; it covers everything I think is important but still people won't read it so we are also going to have some flyers and some things; a lot of email postings that are consolidated and much shorter; 10 point, 10 talking points on an email blast. We are trying to work our own networks. We do have a Facebook page, we are raising money for mailers and signs and things like that. It's going to be hard to get the detail out but if you read the question, I think the question is, frankly, brilliantly written, by some of the attorneys on our Commission, and if you read that are you going to look at that and say, 'why shouldn't I be for this?' So..."

Mr. Jamison stated: "One other concern, major concern we've encountered, was there was an allegation we rushed the job. The Commission of 14 members, we were appointed on July 15 so the entity of the Commission existed for a couple of months. The people that made up that Commission, served on that Commission, and they serve and live in Clay County for decades and the chaos and circus we've seen at the County Commission at Clay County government level in recent years, that's reflective of what has been going on for decades. The people who serve on the Commission, don't forget about the entity and how long the entity...people have been living this for decades and they know the problems of this County are at the fundamental foundational level. So that's one allegation that I didn't really see a lot of merit to."

Councilman Frisby stated: "My congratulations to you guys for coming up with this document and I know you have a lot of time in retirement Mr. Davis, so that was not an issue. My two

comments really quick: can you address the ballot language issue going around saying that it is tilted one way, not giving enough detail about the elected officials, those types of things, being not on the ballot language?

Mr. Jamison stated: *"The Missouri Supreme Court, I mean, the ballot language is legal. There is nothing wrong with the ballot. The opposition will try to misconstrue and try to say that something is wrong but according to the Missouri Supreme Court it's legal. It's correct. We are not required to spell out every single provision, every single entity, in the ballot language."*

Councilman Frisby stated: *"Right, and I understand that, and I follow those groups also but their contention is you purposely left off some of the important items, that people would think that they are losing their votes for those four offices is the main one that I see being bandied about. Of that four, your side only, there would be no opposition. Could you address the thought going into that process?"*

Mr. Jamison stated: *"We felt we hit the major points of the Constitution. 16 pages, many provisions, dealing with several different issues; if we included every single issue in the Constitution in the ballot language, the ballot in November would be a stack of paper so we feel like we complied with the guidance of the Missouri Supreme Court."*

Councilman Frisby stated: *"Are you going to have the full document available on your site if somebody wants to go read that?"*

Mr. Jamison stated: *"Yes, so again, but, there are so many Facebook groups it's become diluted and don't know where to go so we have a single, one source, one stop place and it's the Constitution, ballot language, if you go to the County Clerk's office, I'd be happy to email if you want my email, I'll send you my personal email and email you the documents, whatever you guys need."*

Mr. Davis stated: *"I can send that site. I don't have it in front of me, but I can send that site to Scott and he can share it with you."*

Councilman Frisby stated: *"You said you had a site of your own, correct?"*

Mr. Jamison stated: *"The site is not set up yet. It is in the process of being done, but once it is set up we can send it out to everybody and that's a one stop place where everything located on one site."*

Councilman Frisby stated: *"I think that will help a lot. Thank you, Mayor."*

Councilman Garnos stated: *"Thank you, Mayor. A funny coincidence, I think we have a street here also named after a Kirk Davis, I don't know if that is a relative of yours or not but...Welcome to Gladstone. I wanted to first commend the Constitution Commission for their diligent work. I remember when even the Advisory Committee was meeting beforehand, there was serious concern that a Constitution Commission would be able to draft this kind of a document and get it on the November election in time just because of the time constraints and*

then we lost two months for municipal elections to get the ball rolling on this and you were still able to get it done which I have to commend you on. The thing that I was most pleased in reading the draft was something that was carried over from the previous effort back in 2013. It was the support for non-partisan elections. I was stunned when that was a recommendation back in 2013 and I was very pleased that you included it in this to have a bi-partisan group recommend non-partisan County Commission. I thought was a big, big deal and I'm glad you kept that in there. I just wanted to comment on that. Second of all, I know back in 2013, when we went down this road before, the City Council passed a Resolution of support back then and I don't know if we or other City Council's may be asked for Resolutions of support for this as part of the public education campaign, but I would hope that it would be and I still have a copy of the one from 2013 if we want to use that one. Back in 2013, I wanted to ask specifically about audits and what the draft Constitution provides regarding audits. I may not remember this correctly, but when the group put together the provisions back in 2013 at the 11th hour, I remember there was a lot of consternation about audits and what should be in the draft Constitution about audits. At the 11th hour, I think, pages got added specifying the audits, of course it all went down in flames. Since then, we have had continuous problems, controversies, and lawsuits regarding audits which I'm still having a hard time understanding how governments can fight the need to do financial audits. One of the questions I had was just what do we have in here on that issue, what does it require or not require, and how much of that issue was discussed with you folks?"

Mr. Davis stated: "So break it down into, there was a lot of discussion about this issue and whether the external auditor was, should be a member of the staff or be responsible to the Commission so there is an internal and an external audit. OK. The internal audit is done every year, very similar to what you see once a year after the auditors come in here for about three weeks in January and then they give you their findings. That stays in place. OK. In addition to that, you have an external auditor here who we decided to leave elected so they aren't responsible to the County Commission. The discussion was should the auditor be elected or appointed by the County Commission. They ultimately left it as an elected position because of the feeling that there should be some independence in that position and they shouldn't be beholden to the elected County Commission. But that goes back to, that's at the heart of the point you are trying to make so you are going to see two audit efforts; one is the external, one is the internal."

Councilman Garnos stated: "The last question that I had was, I was disappointed back in 2013, and I've spoken about this in open session here before, when the County Government draft Constitution failed back then, it was in my opinion that it was defeated in large part through misinformation and fear-mongering back then and I commented here in Council the weekend before the June election that I was disappointed to see that campaign starting up again. I had mentioned it here that the weekend before I got this mailer that talked about this Constitution Commission-do you want to be like Jackson County? Do you want all officials appointed like Jackson County? County executives in jail, appointed Assessor asks Jackson County, we don't want to lose electing the Sheriff or Prosecutor. I have these same ones from the 2013 campaign that got sent out with just nothing but complete misinformation. Besides the fact that it is more than a little bit insulting to our neighbors in Jackson County. I did just want to ask you, does the draft Constitution make all officials appointed like Jackson County? Does it put County executives in jail? Does it provide for an appointed Assessor, and does it take away electing the County Sheriff or Prosecutor?"

Mr. Davis stated: *"I think we answered that in that your County Administrator has a code of ethics that will stay with him or her their entire professional career. It's spelled out specifically as a requirement. Your Sheriff is still elected, Prosecutor is still elected, Assessor is still elected and I'm forgetting the fourth now; the Auditor still elected. The other four positions, we're talking about maybe affecting 15 to 20 employees, the other four positions simply become part of Administration. The only thing similar to Jackson County in this deal is the Public Administrator because the Public Administrator down there is appointed by Court En Banc. And we are suggesting the same thing and it works. So I think that answers all of the questions that you had."*

Councilman Garnos stated: *"They were mostly rhetorical, but I'd been on a rant about this once before so I just thought I'd share it with you all. That's all I had, Mayor, thank you."*

Mr. Jamison stated: *"We tried to be laser-like focused on integrity, checks and balances, accountability, if you have a lot of anger, bitter and resentment to the County Commissioners, who shall remain nameless, the best way to achieve revenge on those two individuals is voting yes on this Constitution because their wrong doing in my opinion, or alleged wrong doing, will never happen again."*

Mayor Moore stated: *"I want to thank both of you for your service on the Commission and for making all this information available to us tonight. Were you thinking that you might want something from the Council in terms of an endorsement?"*

Mr. Davis stated: *"You know if we can get an endorsement that's great; our job here tonight was to come and present information and answer questions and how you choose to accept that information and move forward is certainly up to the Council."*

Mayor Moore stated: *"We have some time that we could still take that action before the November 3 election so we will push that on to staff and see what we can do in that regard. Thank you both for all your time."*

Mayor Moore asked if there was anyone else who wished to speak before Council.

There were none.

Item No. 9. On the Agenda. Communications from the City Council.

Mayor Moore stated: *"I had the opportunity to make a Zoom presentation at NNI on what is happening in the city along with Mayors from Parkville, Riverside, and Pleasant Valley. It's just cool to be able to say how many good things we have going on in Gladstone. It was a great opportunity to toot our whistle and I was really happy to have that opportunity. Similarly, as those of you who have been Mayors in the past, remember the 7:30 am Northland Regional Chamber of Commerce Board meeting; at least you can do it in your pajamas now. I was at their meeting last week too, so pretty much a similar presentation. It's always good to hear updates from that group."*

Item No. 10. On the Agenda. Communications from the City Manager.

City Manager Scott Wingerson stated: *"Madam Mayor and members of the Council, thank you. It's going to be a busy weekend in the City of Gladstone coming up. The 17th, 18th, and 19th, especially on the East side, so we are going to ask for a little bit of patience from the public. We have a lot going on. Just to highlight a few things: Beautification weekend is Friday, Saturday and Sunday. I would expect that it would set all sorts of records with people at home cleaning out their closets and basements and garages and stuff like that. It is on the West side of Happy Rock. On Friday and Saturday, Winnetonka will be hosting a high school softball tournament at Happy Rock so we will have a softball tournament and beautification going on at the same time. Saturday morning, we have Youth Flag football at Happy Rock on the East side. Saturday morning, we have a swim meet at the Community Center; Saturday morning we have Dunkin' Dogs at the outdoor pool. Saturday night we have Pickin' on the Front Porch at AJ, Friday and Saturday at the Community Center we have the National Stamp Dealer Show. Quite a busy weekend; we are glad to get things going back for the community but pleading for a little bit of patience on the East side of Happy Rock when those events conflict. Hopefully everybody will do a good job of being patient. Thank you."*

Item No. 11. On the Agenda. **FIRST READING BILL NO. 20-29** An Ordinance amending Ordinance 3.396, Title II, Chapter 130, Section 2.130.010, of the Code of Ordinances, City of Gladstone, Missouri, to update its regulations relating to horseback riding and bicycle safety in City Parks and Trails.

Councilman Garnos moved **Bill No. 20-29** be placed on its First Reading. **Mayor Pro Tem Mallams** seconded.

Councilman Frisby stated: *"Mayor Moore, I do have some discussion. I have several items that I have an issue with on this entire Ordinance. I don't know if you want me to bring them up now or would you like me to..."*

Mayor Moore stated: *"Why don't you give us a quick overview of those and then we can make a determination if this is perhaps something that we want to table till a later date."*

Councilman Frisby stated: *"That will work. My biggest concern, my overarching concern is, on the new bicycle Ordinance when we place a 20 mile per hour restriction on a bicycle on a path, on a park path, I see that as completely unenforceable. I can see if that is in the Ordinance, I can see complaints coming into the Public Safety about speeding bicycles on our paths and I don't feel it would be a good use for our resources to have a Public Safety person go and attempt to clock a bicycle on, I think it's unacceptable, or it's unattainable to enforce it."*

City Manager Wingerson stated: *"The Council has some options at this point. We'd be glad to do a little bit more research on the 20 mile per hour speed limit and compare it to other cities in the area and see how they are enforcing it and how that works and bring that back to you as a Study Session at your next meeting with a proposed, either this Ordinance that is pending before you, or a somehow revised to meet Councilman Frisby's desires. It's really up to the Council;*

there is no hurry on this if the Council wants to take some time; ask us to do some more research, we'd be glad to do that."

Mayor Moore stated: *"Is that acceptable?"*

The option was acceptable to all Councilmembers.

Mayor Moore stated: *"Chris do we need to do anything special here?"*

Attorney Chris Williams stated: *"We had the motion for the first reading, right?"*

Mayor Moore stated: *"Right."*

Attorney Williams stated: *"One thing you could do is go ahead and approve the First Reading and then postpone the action until a later date. If you want to. Or the motion could be withdrawn and we can undo it since, I suppose it's possible, the Ordinance could change based on the future presentation and research from staff."*

Councilman Garnos stated: *"I'd be happy to withdraw the First Reading."*

Mayor Pro Tem Mallams stated: *"And I would withdraw the second."*

Mayor Moore stated: *"So we will consider this; do I need to take a vote on that?"*

Attorney Williams stated: *"You don't have to vote on that, you can just declare that we are going to postpone action until after staff has done initial research."*

Mayor Moore stated: *"So we will remove 20-29; we will postpone that and let staff do some work on that and bring it back to us at a later time. Is everybody OK with that?"*

All Councilmembers were OK.

Item 11A. on the Agenda. **CONSIDER SPECIAL EVENT PERMIT:** Car-Stravaganza, September 26, 2020, Linden Square, 602 Northeast 70th Street.

Mayor Pro Tem Mallams moved to approve the Special Event Permit, Car-Stravaganza, September 26, 2020, Linden Square, 602 Northeast 70th Street. **Councilman Frisby** seconded. The Vote: "aye", Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item 11B. on the Agenda. **CONSIDER BUILDING PERMIT:** Christian Brothers, 7514 North Oak Trafficway, roof addition.

Councilmember Spallo moved to approve the Building Permit, Christian Brothers, 7514 North Oak Trafficway, roof addition. **Councilman Garnos** seconded. The Vote: "aye",

Councilmember Tina Spallo, Councilman Tom Frisby, Councilman Bill Garnos, Mayor Pro Tem R.D. Mallams, and Mayor Jean Moore. (5-0)

Item No. 12. On the Agenda. Other Business.

There was none.

Item No. 13. On the Agenda. Adjournment.

Mayor Moore adjourned the September 14, 2020, Regular City Council meeting at 8:23 pm.

Respectfully submitted:

Ruth E. Bocchino, City Clerk

Approved as presented: ____

Approved as modified: ____

Jean B. Moore, Mayor

THE CONSTITUTION OF CLAY COUNTY, MISSOURI

"Government is a trust, and the officers of the government are trustees. And both the trust and the trustees are created for the benefit of the people." – Henry Clay

Preamble

We, the people of Clay County, Missouri, in order to avail ourselves of the benefits and responsibilities of home rule powers, hereby create a county government to serve our present and future needs, increase citizen participation, provide for a responsive and efficient government, and to guarantee the right of our citizens to determine the best form of government for our County.

ARTICLE I. Effective Date, Name, Boundaries, County Seat, and Powers of the County

Section 1.01. Effective Date. The effective date of this Constitution shall be January 1, 2021.

Section 1.02. Name. The name of the County as it operates under this Constitution shall continue to be Clay County, Missouri.

Section 1.03. Nature and Legal Capacity. Clay County is a political subdivision of the state of Missouri and a body corporate and politic, and as such, shall have all powers possible for a county to have under the Constitution and laws of the state of Missouri and under this Constitution. Such powers shall include all rights and powers of local self-government not inconsistent with the Constitution and laws of the state of Missouri.

Section 1.04. Boundaries. The boundaries of Clay County are unchanged by this Constitution and may only be changed pursuant to Missouri law.

Section 1.05. County Seat. The seat of county government shall continue to be located in Liberty, Missouri.

Section 1.06. Exercise of Powers. All powers of the County shall be executed as provided by this Constitution, or if the Constitution makes no provision, as provided by Missouri law, or otherwise as provided by ordinance or resolution of the County Commission.

Section 1.07. Construction. The powers of the County under this Constitution shall be construed liberally in favor of the County, and the specific mention of particular powers shall not be construed as limiting in any way the general powers of the County.

ARTICLE II. County Commission

Section 2.01. Powers and Duties. The governing body of the County shall be called the County Commission. The powers of the County Commission conferred by this Constitution are limited only as provided elsewhere in this Constitution or by Missouri law. The County Commission shall have all legislative, executive and other powers conferred by applicable Missouri law upon counties of the State of Missouri.

Section 2.02. Composition. The County Commission shall be composed of seven members. There shall be two districts created, which shall be named the Eastern District and the Western District. The two districts shall be identical to the two districts in existence prior to the adoption of this Constitution. The two districts may thereafter be altered and amended, as set forth herein. Each district shall elect two in-district Commissioners, who shall be elected by the qualified voters of their respective districts, and one at-large Commissioner, who shall be elected by the qualified voters of the entire County. Additionally, there shall be a Presiding Commissioner who shall be elected by the qualified voters of the entire County. The titles of the Commissioners shall be:

- A. Presiding Commissioner
- B. Eastern District Commissioner – Seat 1
- C. Eastern District Commissioner – Seat 2
- D. Eastern District Commissioner – At Large
- E. Western District Commissioner – Seat 1
- F. Western District Commissioner – Seat 2
- G. Western District Commissioner – At Large

Section 2.03. Qualifications. The qualifications to serve as a member of the County Commission shall be:

- A. A resident and registered voter of Clay County for at least two (2) years prior to the date of taking office and, if serving as a District Commissioner, a resident of their respective district for at least one (1) year prior to the date of taking office.
- B. Remain a resident and registered voter of Clay County and, if serving as a District Commissioner, remain a resident and registered voter of their respective district throughout their term of office.

Section 2.04. Terms of Office. All Commission terms, other than those set forth below, shall be for a period of four (4) years, commencing on the first business day of January following the Commissioner's election. Elections for specific offices shall occur as follows:

- A. Presiding Commissioner. The current Presiding Commissioner shall remain in office until a successor takes office on the first business day of January 2023. The current Presiding Commissioner's compensation and entitlement to benefits will not be changed during his term of office. Beginning with the 2022 election, the Presiding Commissioner will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.

- B. Eastern District Commissioner – Seat 1. The winner of the November of 2020 election for Eastern Commissioner shall occupy Seat 1 of the Eastern District and shall remain in office for a full four (4) year term. The Commissioner will receive the compensation and benefits in place for this office prior to the adoption of this Constitution until the first business day of January 2023. For the remainder of this term, the Commissioner will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this Commissioner will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.
- C. Eastern District Commissioner – Seat 2. The office of Eastern District Commissioner – Seat 2 will be elected for a full four (4) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein.
- D. Eastern District Commissioner – At Large. The office of Eastern District Commissioner – At Large will be elected for a special two (2) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this office will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.
- E. Western District Commissioner – Seat 1. The winner of the November of 2020 election for Western Commissioner shall occupy Seat 1 of the Western District and shall remain in office for a full four (4) year term. The Commissioner will receive the compensation and benefits in place for this office prior to the adoption of this Constitution until the first business day of January 2023. For the remainder of this term, the Commissioner will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this Commissioner will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.
- F. Western District Commissioner – Seat 2. The office of Western District Commissioner – Seat 2 will be elected for a full four (4) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein.
- G. Western District Commissioner – At Large. The office of Western District Commissioner – At Large will be elected for a special two (2) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this office will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.

Section 2.05. Term Limits. Commissioners shall be limited to serving two consecutive four (4) year terms in the same office and a total of four (4) terms of four (4) years each, not including special two (2) year terms set forth in this Constitution. It shall not be a violation of this provision for a Commissioner to run, at any time, for an office other than the office for which the Commissioner is term limited. A Commissioner who has been term limited in an office may run for that office again, provided there has been at least one intervening election for the office for which the Commissioner was not a candidate.

Section 2.06. Commission Districts. There shall be two County Commission districts. The districts will be as compact and equal in population as possible. The districts shall be subject to alteration every ten (10) years, following the Decennial United States Census, as set forth herein.

Section 2.07. Compensation. All Commission members shall be paid a salary equal to the base salary paid to elected members of the Missouri House of Representatives. The six (6) District Commissioners shall not be entitled to any benefits, including health insurance and retirement benefits. The Presiding Commissioner shall be entitled to additional compensation of \$12,000 per year and will be eligible to participate in the health insurance plan available to all other County employees. The Presiding Commissioner shall not be entitled to any other benefits, including retirement benefits.

Section 2.08. Duties of the Presiding Commissioner. The Presiding Commissioner shall:

- A. Be considered a member of the Commission and vote only in the case of tie, unless specifically provided by this Constitution or by Missouri law.
- B. Provide leadership in the communication of policy to the public.
- C. Lead the Commission in developing its long-range plans and policies, establishing annual priorities, and planning for the economic growth and stability of Clay County government.
- D. Officiate and preside at all meetings and events.
- E. Call special meetings of the Commission as deemed necessary and, in such manner, as required by law.
- F. Attend, or designate a representative of the Commission to attend, all meetings, conferences, and negotiations relating to policy matters involving other units of government and legislative bodies.
- G. Prepare, at least annually, a written or verbal message to the Commission and the citizens detailing such information concerning the economic, physical, and social conditions and needs of Clay County.
- H. Sign, if authorized by law or the Commission, all contracts, and other documents of Clay County government.
- I. Appoint, after consultation with the County Administrator, all members of County Boards and Commissions and any other body or group established by law. All such appointments shall be subject to approval by the County Commission.
- J. Appoint a suitable Commission member to serve as the Presiding Commissioner *pro tem*. Such person shall, in the absence of, unavailability of, or by designation of the Presiding Commissioner, assume and exercise the duties and responsibilities of the Presiding Commissioner.

The Presiding Commissioner shall have all other powers granted by this Constitution, the Commission, and applicable state law.

Section 2.09. Prohibitions. No Commission member shall direct the conduct of any agency or any department, or any part thereof, including the appointment or removal of employees, except at the express direction of the Commission or as otherwise provided by this Constitution. The County shall not hire any person related to a Commissioner within the fourth degree, by affinity or consanguinity. No former Commission member shall hold any compensated appointive office or County employment until two (2) years after leaving office.

Section 2.10. Limitation on Debt. The County shall be strictly limited by all provisions of Missouri law regarding the issuance and obligation of debt, including any provisions requiring a vote of the citizens of Clay County prior to such issuance or obligation of debt. Any vote of the County Commission necessary for the issuance or obligation of debt in an amount which exceeds fifteen (15%) percent of the County's prior year's revenues shall require a supermajority of the County Commission.

Section 2.11. Meetings of the Commission. The County Commission shall hold regular meetings, which shall be conducted as provided by law. The Commission shall hold its meetings at such times and places as will allow the general public the opportunity to attend and participate in such meetings. Any vote of the Commission shall require a quorum to be present and, unless otherwise specified herein, a majority vote of the Commission shall be required to approve the item being considered by the Commission. Once a seven-member Commission is seated in 2023, any matter requiring a supermajority of the Commission shall require approval by five (5) members of the County Commission, regardless of the number of Commissioners voting. Prior to the first business day of January 2023, any matter requiring a supermajority of the Commission shall require approval by three (3) members of the County Commission, regardless of the number of Commissioners voting. The Presiding Commissioner may cast a vote on any matter requiring a supermajority of the Commission.

Section 2.12. Open Meetings. Clay County, Missouri, the Clay County Commission, the elected and appointed officeholders, the department heads, the County's boards and commissions, and the employees of Clay County are, and will continue to be, committed to openness and transparency in government. Clay County shall strictly follow the requirements of Missouri's Open Meetings law, as set forth in Chapter 610 of the Revised Statutes of the State of Missouri. The County Commission shall video record all regular, open, business meetings of the County Commission in which a vote is taken. Such video shall be transmitted live and be immediately available on a publicly available platform. The County Commission shall also retain such videos as open records, pursuant to Missouri law.

Section 2.13. Vacancies. Should a vacancy occur on the Commission, the County Commissioners shall, within sixty (60) days of the occurrence of such vacancy, appoint a replacement to serve until the end of the term to which he or she is appointed or until the next regular county election, whichever is sooner. If a regular county election is held prior to the end of the unexpired term, then an election shall be held for an individual to fill the remaining portion of said unexpired term.

ARTICLE III. County Administrator

Section 3.01. County Administrator Selection. The Commission shall hire, based on education and experience in public administration, a professional County Administrator who shall be the chief administrative officer of the County. The County Administrator shall become a resident of Clay County within six (6) months of employment and agree to maintain residency throughout the employment tenure. The County Administrator shall not engage in any other business or occupation while serving as County Administrator. The County Administrator shall be a member of the International City/County Manager's Association (ICMA) and shall adhere to the tenets of ICMA's Code of Ethics. The County Administrator is responsible for submitting policy proposals, assisting the Commission in the establishment of goals, and shall refrain from activities that undermine public confidence in professional administrators. The Commission shall establish the salary of the County Administrator and approve an employment agreement. The County Administrator shall be hired by a majority vote of the entire membership of the Commission, including the Presiding Commissioner.

Section 3.02. Absence of the County Administrator. The Commission may designate a qualified administrative officer of the County to assume the duties and authority of the County Administrator during periods of prolonged absence.

Section 3.03. Powers and Duties. The County Administrator shall be the chief administrative officer of Clay County government and shall be responsible to the Commission for administration of all Clay County government affairs subject to this Constitution. The County Administrator shall:

- A. Appoint, suspend, or remove all county employees and appointive administrative officers provided for by or under this Constitution, except as otherwise provided by law, this Constitution or personnel rules adopted pursuant to this Constitution. The County Administrator may authorize any administrative officer subject to the County Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- B. Direct and supervise the administration of all departments, offices, and agencies of the County, except as otherwise provided by this Constitution or by law.
- C. Attend and participate in Commission meetings.
- D. Faithfully execute all laws, provisions of this Constitution, and acts of the Commission.
- E. Serve as the County's Budget Officer and oversee the County's budget team.
- F. Prepare and submit the annual budget and capital improvement program to the Commission, and implement the final budget approved by the Commission to achieve the goals of the County. Update the Commission throughout the year including submission of a mid-year budget review, as necessary.
- G. Submit to the Commission and make available to the public a complete report on the finances and administrative activities of the County as of the end of each fiscal year, and as requested by the Commission.

- H. Make such other reports as the Commission may require concerning operations.
- I. Keep the Commission fully advised as to the financial condition and future needs of the County.
- J. Make recommendations to the Commission concerning the affairs of the County and facilitate the work of the Commission in developing policy and goals. Submit strategies to implement these goals.
- K. Provide staff support services to the entire Commission.
- L. Encourage and provide staff support for regional and intergovernmental cooperation.
- M. Promote partnerships among Commission, staff, and citizens in developing public policy and building a sense of community.
- N. Perform such other duties as are specified in this constitution, by law, or as directed by the Commission.

Section 3.04. Removal. The County Administrator may be removed, with or without cause, by a vote of a supermajority of the County Commission.

ARTICLE IV. Elected Offices

Section 4.01. Elected Offices Designated. The offices of Prosecuting Attorney, Sheriff, Auditor and Assessor shall continue to be elected.

Section 4.02. Powers and Duties. The elected offices shall continue to possess all of the powers and duties established by Missouri law unless specifically addressed by this Constitution.

Section 4.03. Qualifications. The qualifications to serve as Prosecuting Attorney, Sheriff, Auditor or Assessor shall be:

- A. A resident and registered voter of Clay County for at least two (2) years prior to the date of taking office.
- B. Remain a resident and registered voter of Clay County throughout their term of office.
- C. Meet all other qualifications for the office, as set forth in Missouri law.

Section 4.04. Terms of Office. The terms of office shall continue to be four (4) years. The Assessor elected in the 2016 general election shall continue to serve his or her full term. The Prosecuting Attorney and Auditor elected in the 2018 general election shall continue to serve their full terms and the Sheriff and Assessor elected in the 2020 general election shall take office and serve their full terms. All terms of office, other than for Assessor, shall commence on the first business day of January following their election. The term of office for the Assessor shall commence on the first business day of September following his or her election.

Section 4.05. Vacancies. Should a vacancy occur in an elected office under this Article, the County Commissioners shall, within sixty (60) days of the occurrence of such vacancy, appoint a replacement to serve until the end of the term to which he or she is appointed or until the next regular county election, whichever is sooner. If a regular county election is held prior to the end of the unexpired term, then an election shall be held for an individual to fill the remaining portion of said unexpired term. The Chief Deputy of the officeholder shall assume the duties of the officeholder until the vacancy has been filled.

Section 4.06. Compensation. The compensation for offices elected under this Article shall be:

- A. The Prosecuting Attorney shall be paid a salary equal to the salary paid to Associate Circuit Judges for the State of Missouri and shall be adjusted at the same time as the salaries for Associate Circuit Judges for the State of Missouri are adjusted.
- B. The Sheriff shall be paid a salary equal to Seventy-Five percent (75%) of the salary paid to Associate Circuit Judges for the State of Missouri and shall be adjusted at the same time as the salaries for Associate Circuit Judges for the State of Missouri are adjusted.
- C. The Auditor and Assessor shall be paid a salary set by the County Commission as part of the annual budget process. However, the Auditor and Assessor shall be paid a salary that is not less than the salary paid to the offices on December 31, 2020. The Auditor and Assessor may receive in-term salary increases authorized by the County Commission, provided that such increases do not exceed the average cost of living adjustments (COLAs) paid to the County's employees.
- D. The officeholders under this Article shall be considered full-time and eligible for all benefits available to other full-time employees of the County. The officeholders under this Article shall be expected to devote their full-time energy and efforts to their respective offices.

Section 4.07. Budget. The officeholders under this Article shall be entitled to an appropriate budget allocation for the operation of their respective offices. Such budget shall be organized by funds, organizational units, character and objects of expenditure and the organizational units may be further subclassified by functions and activities, if so directed by the Budget Officer. Each office shall be entitled to a hearing with the Budget Officer and, if requested, the County Commission prior to the adoption of the budget. No officeholder may transfer funds from one organizational unit to another organizational unit without the approval of the Budget Officer.

Section 4.08. Employees. Each officeholder under this article shall be authorized to hire, manage, supervise, control, and terminate employees within their office. Each officeholder shall appoint a Chief Deputy for their office. All employees of these offices shall be entitled to the same benefits as other similarly situated County employees and shall be entitled to the same cost of living adjustments (COLAs) as other County employees. All employees of these offices shall be subject to any personnel policies adopted by the County Commission. The officeholders may not adopt personnel policies which conflict with those adopted by the County Commission but may adopt such additional policies as are deemed necessary for the efficient operation of their respective offices. The County shall not hire any person related to an officeholder within the fourth degree, by affinity or consanguinity.

ARTICLE V. Non-Elected Offices

Section 5.01. Non-Elected Offices Designated. The offices of County Clerk, Treasurer, Collector, Recorder of Deeds and Public Administrator shall no longer be elected.

Section 5.02. Transition of Offices. The current officeholders for each office under this Article and the winners of the 2020 general election for each office shall be entitled to remain in office until the first business day of January 2023. The current officeholders will receive the compensation and benefits in place for their office prior to the adoption of this Constitution until the first business day of January 2023.

Section 5.03. Appointment of Offices – County Clerk, Treasurer, Collector and Recorder of Deeds. Following the transition of the office or a vacancy of the office, the offices of County Clerk, Treasurer, Collector and Recorder of Deeds shall become administrative departments of the County and shall be subject to Article VI of this Constitution. The elected officeholders of these offices shall not be prohibited from being appointed as department heads or otherwise prohibited from remaining employed by the County.

Section 5.04. Appointment of Office – Public Administrator. Following the transition of the office or a vacancy of the office, the office of Public Administrator shall be appointed by the County Commission. The Circuit Court Judges, meeting *en banc*, are authorized to recommend a qualified person for the position and, if made, the County Commission shall hire the person recommended by the Circuit Court Judges. The County Commission shall set the salary for the office of Public Administrator. The Public Administrator shall report to the County Administrator. In supervising the Public Administrator, the County Administrator shall consult with the Circuit Court Judges. Removal of the Public Administrator shall be by a vote of the County Commission. The elected officeholder of this office shall not be prohibited from being appointed by the County Commission or otherwise prohibited from remaining employed by the County.

ARTICLE VI. Administrative Departments and Organizations

Section 6.01. General Provisions. The activities of the County shall be distributed among such departments and divisions as are established or as may be established by reorganization of the County administration or as provided in this Article. Each department and division shall have those duties and responsibilities provided by the Commission or the County Administrator.

Section 6.02. Department Directors. The director of each department shall be the principal officer of the department and shall be responsible for its operations. The County Administrator shall, following consultation with the County Commission, have the authority to appoint, suspend, or dismiss all non-elected department directors and division heads, except as provided by law or this Constitution. The County Administrator may authorize any appointive County administrative officer to appoint, suspend or remove subordinates in that officer's department or division. All appointment and dismissal authority of the County Administrator and his or her subordinates shall be subject to provisions of law and personnel rules adopted by the Commission.

Section 6.03. County Counselor. The office of County Counselor shall continue to exist, pursuant to Chapter 56 of the Revised Statutes of the State of Missouri. The County Counselor shall be a

licensed Missouri attorney and shall be a resident of Clay County. The County Counselor shall be appointed by and report to the County Commission. Any written legal opinion prepared by the County Counselor shall be made available to all members of the County Commission. The County Counselor shall represent the County, including all elected offices, appointed offices and departments in all civil legal matters. Subject to approval by the County Commission, the County Counselor may appoint such assistants and lawyers as are needed to adequately represent Clay County. In the event a dispute arises between two (2) or more elected offices and/or elected bodies, the County Counselor shall make provisions for the appropriate representation of each party. Removal of the County Counselor shall require a supermajority vote of the County Commission.

Section 6.04. Reorganization of County Government Administration. The Commission may by ordinance or resolution alter the administrative organization of County government including the creation, abolishment, or merger of departments and the transfer of responsibilities among departments. The County Administrator may recommend to the Commission, in writing, changes in the administrative organization of the County, and the Commission shall act upon such recommendations within (90) days following its presentation. Such action shall be in the form of an ordinance or resolution approving, disapproving, or approving in amended form the recommended administrative changes. Prior to action on an ordinance or resolution that creates, abolishes, or merges departments, or causes the transfer of responsibilities among departments, the Commission shall provide public notice and a public hearing.

Section 6.05. Boards and Commissions. The Boards and Commissions existing prior to the effective date of this Constitution shall remain in effect. Such Boards and Commissions shall continue to operate, as appropriate, under Missouri law and County ordinance. The County Commission may alter, amend, add, or delete any Board or Commission created by County ordinance.

ARTICLE VII. Elections

Section 7.01. Non-partisan Elections. Elections for all offices shall be non-partisan.

Section 7.02. Campaign Contributions Limits. The provisions of the Missouri Constitution, Article VIII, Section 23, regarding campaign contributions limits and requirements shall apply to any candidate for an elective office.

Section 7.03. Elections

- A. All elections for office shall be in even-numbered years, with the primary election occurring in August and the general election occurring in November.
- B. If there are more than two (2) qualified candidates for one (1) office, there shall be held a primary election for such office. The names of the two (2) candidates receiving the greatest number of votes for the office at the primary election shall appear on the ballot in the general election. If any candidate receives a majority of the votes cast (greater than fifty (50%) percent of the votes), then that candidate will be deemed elected and no general election will be held for that office.

- C. If there are two (2) qualified candidates for one (1) office, there shall not be a primary election for the office and the two (2) candidates shall appear on the ballot in the general election.
- D. If there is one (1) candidate for one (1) office, there shall not be an election for the office and the candidate will be declared the winner of the election.
- E. All elections authorized by this Constitution shall be paid for by Clay County.

ARTICLE VIII. Initiative, Referendum and Recall

Section 8.01. Authority. The citizens of Clay County reserve the power to propose, by their own initiative and enact ordinances independent of the County Commission, to approve or reject any ordinance of the County Commission by referendum, and to recall any elected County officer.

Section 8.02. Initiative and Referendum. Initiative and Referendum petitions may propose ordinances or the repeal of ordinances on any subject except:

- A. Ordinances concerning appropriations for the budgetary support of County government.
- B. Ordinances concerning the payment of principal and interest on debts of Clay County.
- C. Ordinances concerning the borrowing of funds in anticipation of the collection of taxes and revenues previously authorized at an election.
- D. Ordinances directing the issuance of bonds by Clay County previously authorized at an election.
- E. Ordinances establishing tax rates.
- F. Ordinances establishing zoning districts or designating real property to be in one zoning district or another or ordinances amending other ordinances to do so.

In order for a proposition by initiative or referendum petition to be submitted to the voters, the following requirements must be met:

- A. The petitioners must file a notice of intent to circulate an initiative or referendum petition with the County Election Board and the County Commission.
- B. Within twelve (12) months after filing the notice of intent, but not less than six (6) months before the next general election, the initiative petitioners must file with the County Election Board initiative petitions bearing the signatures of Registered Voters who reside in each of the Commission Districts equal in number to fifteen (15) percent of the total votes cast for Governor of Missouri in that Commission District in the last gubernatorial election; and
- C. Each petition that is signed and filed must contain a full text statement of the proposed

ordinance with an accompanying title that reflects the content of the ordinance and an enacting clause that reads as follows: "Be it enacted by the citizens of Clay County". The County Election Board is to examine the notice of intent and the petition that are filed to determine if they meet the foregoing requirements. If they meet the foregoing requirements, the County Election Board must so certify, and the proposed ordinance must be submitted to the voters at the next general election. If the proposition is approved by a majority of those voting on the proposition, the proposed Ordinance is to be deemed adopted and to have the same force and effect as an ordinance adopted by the County Commission.

Section 8.03 Recall. Petitions may propose the recall of any elected County Officer. In order for a recall proposition to be submitted to the voters, the following requirements must be met:

- A. The recall petitioners must file a notice of intent to circulate a recall petition with the County Election Board;
- B. Within twelve (12) months after filing the notice of intent, but not less than six (6) months before the next general election, the recall petitioners must file with the County Election Board a recall petition bearing the signatures of Registered Voters who reside in each of the Commission Districts equal in number to twenty (20) percent of the total votes cast for Governor of Missouri in that Commission District in the last gubernatorial election; and
- C. Each recall petition that is signed and filed must contain the following statement "[insert the name of County Officer]" is recalled from the office of [Insert the name of the office held by the County Officer]". If the elected County Officer to be recalled is a Commission Member, the recall petition must bear the signatures of Registered Voters who reside in the Commission District or Districts which vote for that Commissioner equal in number to twenty percent of the total votes cast for Governor of Missouri in that Commission District in the last gubernatorial election. The County Election Board is to examine the notice of intent and the recall petition that are filed to determine if they meet the foregoing requirements. If so, the County Election Board must so certify, and the recall proposition must be submitted to the voters. If the subject of the recall petition is a Commission Member, the recall proposition must be submitted to the voters of the Commission District or Districts which vote for that Commissioner. If the subject of the recall proposition is not a Commission Member, the recall proposition must be submitted to the voters of Clay County. The vote on a recall proposition must be held at the next election available for use by Clay County. If the recall proposition is approved by a majority of those voting on the proposition, the County Officer who is the subject of the recall shall immediately forfeit his or her office and that office is to be deemed vacant.

ARTICLE IX. General Provisions

Section 9.01. Effect of the Constitution. This Constitution shall be liberally construed in aid of its declared purpose. If any article, section, subsection, sentence, clause or provision of this Constitution or the application thereof shall be held invalid for any reason, the remainder of the Constitution and of any ordinances, resolutions or regulations made thereunder shall remain in full force and effect.

Section 9.02. Constitution Review. The County Commission may, by supermajority vote, place before the voters of Clay County an amendment or amendments to this Constitution to be voted on at the next November general election authorized under Section 7.03.A of this Constitution. No County Commission vote under this section may occur until after the first seven-member commission has taken office on the first business day of January 2023.

Section 9.03. Clay County Re-Districting and Constitution Review Commission. The County Commission shall appoint a seven-member Re-Districting and Constitution Review Commission (the "Review Commission"). A minimum of three (3) members of the review commission shall be appointed from each County Commission district.

Section 9.04. Qualifications. Members of the Review Commission shall meet the following qualifications:

- A. Be a resident and registered voter of Clay County for at least two (2) years and a resident of their respective district for at least one (1) year.
- B. Not be an employee, vendor, or have a contractual relationship with Clay County.
- C. Not be related to an elected officer of Clay County or the County Administrator within the fourth degree, by affinity or consanguinity.
- D. Not have served on the immediately preceding Review Commission.

Section 9.05 Meetings of the Review Commission. The Review Commission shall meet as follows:

- A. The County Commission shall appoint the Review Commission within sixty (60) days of the release of the 2020 Decennial Census by the United States Census Bureau. The Review Commission shall hold its first meeting within thirty (30) days of being appointed.
- B. The County Commission shall appoint a Review Commission in the year 2026 by February 15, 2026.
- C. Beginning with the 2030 Decennial Census and every ten (10) years thereafter, the County Commission shall appoint a Review Commission within sixty (60) days of the release of the Decennial Census by the United States Census Bureau. The Review Commission shall hold its first meeting within thirty (30) days of being appointed.

Section 9.06. Duties of the Review Commission. The Review Commission shall have the following duties:

- A. The Review Commission appointed following the 2020 Decennial Census shall only consider the issue of re-districting and shall make any changes, amendments or alterations to the County Commission districts necessary to keep the districts as compact and equal in population as possible. Within ninety (90) days of their first meeting, the

Review Commission shall submit any proposed changes to the Commissioner districts to the County Commission for approval and submission to the Clay County Election Board for application at the next election authorized under Section 7.03.A of this Constitution.

- B. The Review Commission appointed in 2026 shall meet to consider any necessary and appropriate amendments to this Constitution. Within ninety (90) days of their first meeting, the Review Commission shall submit any proposed amendment or amendments to this Constitution to the Clay County Election Board to be voted on at the next election authorized under Section 7.03.A of this Constitution.
- C. Each Review Commission appointed following the 2030 Decennial Census shall meet to make any changes, amendments or alterations to the County Commission districts necessary to keep the districts as compact and equal in population as possible and to consider any necessary and appropriate amendments to this Constitution. Within one hundred and twenty (120) days of their first meeting, the Review Commission shall submit any proposed changes to the Commissioner districts and submit any proposed amendment or amendments to this Constitution to the Clay County Election Board to be voted on at the next election authorized under Section 7.03.A of this Constitution.

ARTICLE X. Transition Provisions

Section 10.01. Constitution Election. In accordance with law, an election on the adoption of this Constitution shall be held at the November 2020 general election. If the Constitution is approved by a majority of those voting on the Question, this Constitution shall be adopted and shall take effect on the date set forth herein.

Section 10.02 Question to be Submitted to the Voters of Clay County. The ballot question to be submitted to the qualified voters of Clay County, Missouri shall be:

Shall Clay County adopt the proposed county constitution?

This Constitution prohibits officeholders from voting on their own pay increases, requires non-partisan elections, requires term limits for Commissioners, allows recall of officeholders, allows for citizen petitions, requires campaign contribution limits, prohibits officeholders from hiring family members, prohibits former Commissioners from being hired by the County within two years of leaving office, adds restrictions on public debt, and creates a citizen review commission to propose constitutional amendments for voter approval.

- ☐ YES
- ☐ NO

INSTRUCTIONS

To vote, completely darken the oval next to your choice.

If you are in favor of the question submitted upon this ballot, darken the oval to the left of the word "YES"

If you are opposed to the question submitted upon this ballot, darken the oval to the left of the word "NO"

Section 10.03. Initial County Administrator. The County Commission shall initiate the necessary procedures to employ a County Administrator, as provided in Article III of this Constitution. Pending the selection of the County Administrator, the Commission may appoint an acting or interim County Administrator.

Section 10.04. Offices and Officers Prior to this Constitution. Unless otherwise provided by this Constitution, all offices, officials, governing boards, commissions, agencies, and advisory boards of Clay County government shall continue to exist on the effective date of this Constitution and all powers, duties, and functions thereof shall continue pursuant to their current status and operations.

Section 10.05. Legal Authority and Duties Prior to the Adoption of this Constitution. Unless otherwise provided by this Constitution, the legal authority and duties in effect prior to this Constitution shall continue to exist.

Section 10.06. Continuation for Existing Regulations, Contracts, Levies, Resolutions, Ordinances, Obligations, and Other Official Conduct. All proceedings, actions, regulations, resolutions, contracts, levies, obligations, and other official conduct of the County government in process preceding adoption of this Constitution shall be and remain effective unless or until repealed or modified by official action of the Clay County Commission or unless such items are contrary to the provisions of this Constitution, with the following exceptions:

- A. All contracts for employment with County employees in place prior to the effective date of this Constitution shall be void. Nothing contained herein shall serve to terminate a County employee or prevent any County Commission acting under the Constitution from entering into employment contracts.
- B. All contracts executed prior to the effective date of this Constitution which were not publicly voted on by the entire County Commission and which may have been entered into under a delegation of authority to a single Commissioner are voidable and may be considered by the County Commission taking office on the first business day of January 2023.

Section 10.07. Employees' Continuation. On the effective date of this Constitution all employees of Clay County government prior to this Constitution shall continue without change in benefits or compensation from that in effect prior to the Constitution's effective date.

Submitted on the 20th day of August, 2020 by the Clay County Constitution Commission.



Greg Canuteson


Jerry Brant

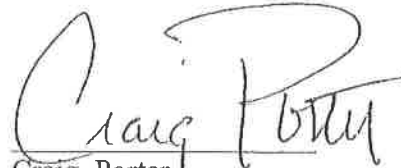

Sherry C. Duffett



Kenneth M. Honeck



Kevin A. Graham



D. Scott Connor



Gary Markenson


Craig Porter


Wendi Bridges


Kirk L. Davis


Chris Gahagan


Jennifer Langston-Justus


Kenneth L. Jamison


Angela Williams

PROCLAMATION OF THE MAYOR

WHEREAS, Code Enforcement Officers provide for the safety, health, and welfare of citizens living in communities throughout the United States through the enforcement of building, zoning, housing, fire safety, environmental, and other codes, ordinances, and regulations; and

WHEREAS, Code Enforcement Officers often have a challenging and demanding role and often do not receive recognition for the job they do improving living and working conditions for residents and businesses of local communities; and

WHEREAS, Code Enforcement Officers are dedicated, well-trained, and highly responsible and qualified individuals who take their jobs seriously, and are proud of their departments and local government within which they serve, and are committed to saving lives and improving neighborhoods in the course of their daily job through the knowledge and application of housing, zoning and nuisance codes and ordinances; and

WHEREAS, Code Enforcement Officers have a highly-visible role in the communities they serve and are called upon to provide quality customer service and excellence to the residents and businesses of the communities in which they serve; and

WHEREAS, the American Association of Code Enforcement wants to honor and recognize Code Enforcement Officer Professionals all across the United States, in particularly the City of Gladstone, and bring awareness to the importance of Code Enforcement to the communities of the United States; and

WHEREAS, the American Association of Code Enforcement was established in 1988 for the purpose of providing ongoing training and support for Code Enforcement professionals working in the United States; and

WHEREAS, Code Enforcement Officers urge the people of Gladstone be aware of code violations, work with the City to remediate code violations, and to maintain the vitality and charismatic appearance of the City; providing for a safe, healthy, and prosperous community.

NOW, THEREFORE, I, JEAN B. MOORE, Mayor of the City of Gladstone, Missouri, on behalf of the members of the Gladstone City Council and all Gladstone residents, do hereby proclaim October 2020, as:

NATIONAL CODE ENFORCEMENT MONTH

RESOLUTION NO. R-20-45

A RESOLUTION ACCEPTING EASEMENTS FROM CERTAIN PROPERTY OWNERS IN CONJUNCTION WITH THE NORTHEAST 76TH STREET AND NORTH TRACY AVENUE STORM DRAINAGE IMPROVEMENTS PROJECT CP2131.

WHEREAS, easements from certain property owners are necessary for the City to construct public improvements in conjunction with the Northeast 76th Street and North Tracy Avenue Storm Drainage Improvements Project (CP2131).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

THAT, the easements from the property owners attached hereto as Exhibits “L” through “M” are hereby accepted. Easement labeling is a continuation of the easements submitted and accepted under resolution R-20-44.

Temporary Construction Easement

“L” – Ashley K. Scanlon

7528 N. Tracy Avenue

Permanent Easement

“M” – Ashley K. Scanlon

7528 N. Tracy Avenue

FURTHER, THAT, the City Manager of the City of Gladstone is hereby authorized to execute and undertake and perform on behalf of the City of Gladstone, Missouri, the obligations and undertakings set forth in said conveyances; and

FURTHER, THAT, the City Clerk is hereby directed to record said documents in the Office of the Recorder of Deeds, Clay County, Missouri.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 28TH DAY OF SEPTEMBER, 2020.

Jean B. Moore, Mayor

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # 20-45

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 9/23/2020

Department: Public Works

Meeting Date Requested: 9/28/2020

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

Subject: NE 76th and North Tracy Avenue Storm Drainage #CP2131

Background: Easements are needed from seven (7) property owners to complete this project.

Budget Discussion: Funds are budgeted in the amount of \$ 150,000 from the CIST Fund. Ongoing costs are estimated to be \$ 500 annually. Previous years' funding was \$N/A

Public/Board/Staff Input: Staff requests that the easements listed on the attached resolution be submitted to the City Council for acceptance. This represents all of the necessary easements to complete this project.

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

Timothy A. Nebergall
Department Director/Administrator

JM
City Attorney

SW
City Manager



Request for Council Action

RES ☐ # City Clerk Only

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 9/17/2020

Department: Community Development

Meeting Date Requested: 9/28/2020

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

Subject: Special Event Permit

Background: Good Shepard WMC will be hosting an outdoor worship service at Linden Square on Sunday, October 4, 2020 from 12:00pm – 12:45pm; with an estimated participation of 150 -200 worshipers.

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: See attached letter of transmittal

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

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

LETTER OF TRANSMITTAL



CITY OF GLADSTONE
Community Development Department
P.O. Box 10719
Gladstone, Missouri 64188-0719
Tel. (816) 436-2200 Fax (816) 436-2228



TO: CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT
DATE: SEPTEMBER 17, 2020
PERMIT NO.: BP-20-00676
RE: TYPE 4 OUTDOOR SPECIAL EVENT

NAME OF EVENT: GOOD SHEPARD WMC WORSHIP EXPERIENCE
LOCATION OF EVENT: 602 NE 70TH STREET
LINDEN SQUARE
DATE OF EVENT: SUNDAY, OCTOBER 4, 2020
TIME OF EVENT: 12:00PM – 12:45PM
EST. ATTENDANCE: 150 - 200

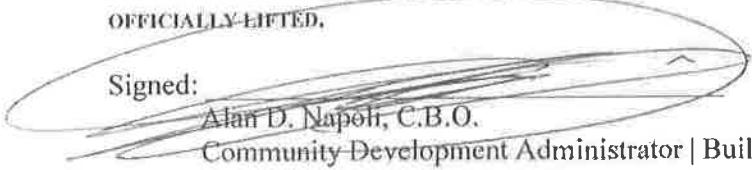
REQUESTED TEMPORARY VARIANCE:

- ☒ Section 2.120.050 Noise prohibited.
☐ Section 2.130.010(2) Park rules and regulations (hours).
☐ Section 2.130.010(13) Park rules and regulations (alcoholic beverages).
☐ Section 2.135.040 Prohibition of smoking on or within all public park grounds.
☐ Section 2.140.040 Public fireworks display prohibited, exceptions.
☐ Section 5.110.1800 Drinking in public.
☐ Section 5.160.230(a) Street use permit (street use permit allowed).
☒ Section 9.1600.110 Temporary signs.
☐ Other – Section _____
☐ Other – Section _____

REMARKS: City staff has reviewed the application and finds that the variance(s) are appropriate for this venue.

NOTE: APPROVAL IS SUBJECT TO LARGE GATHERINGS AND SOCIAL DISTANCE ORDERS BEING OFFICIALLY-LIFTED.

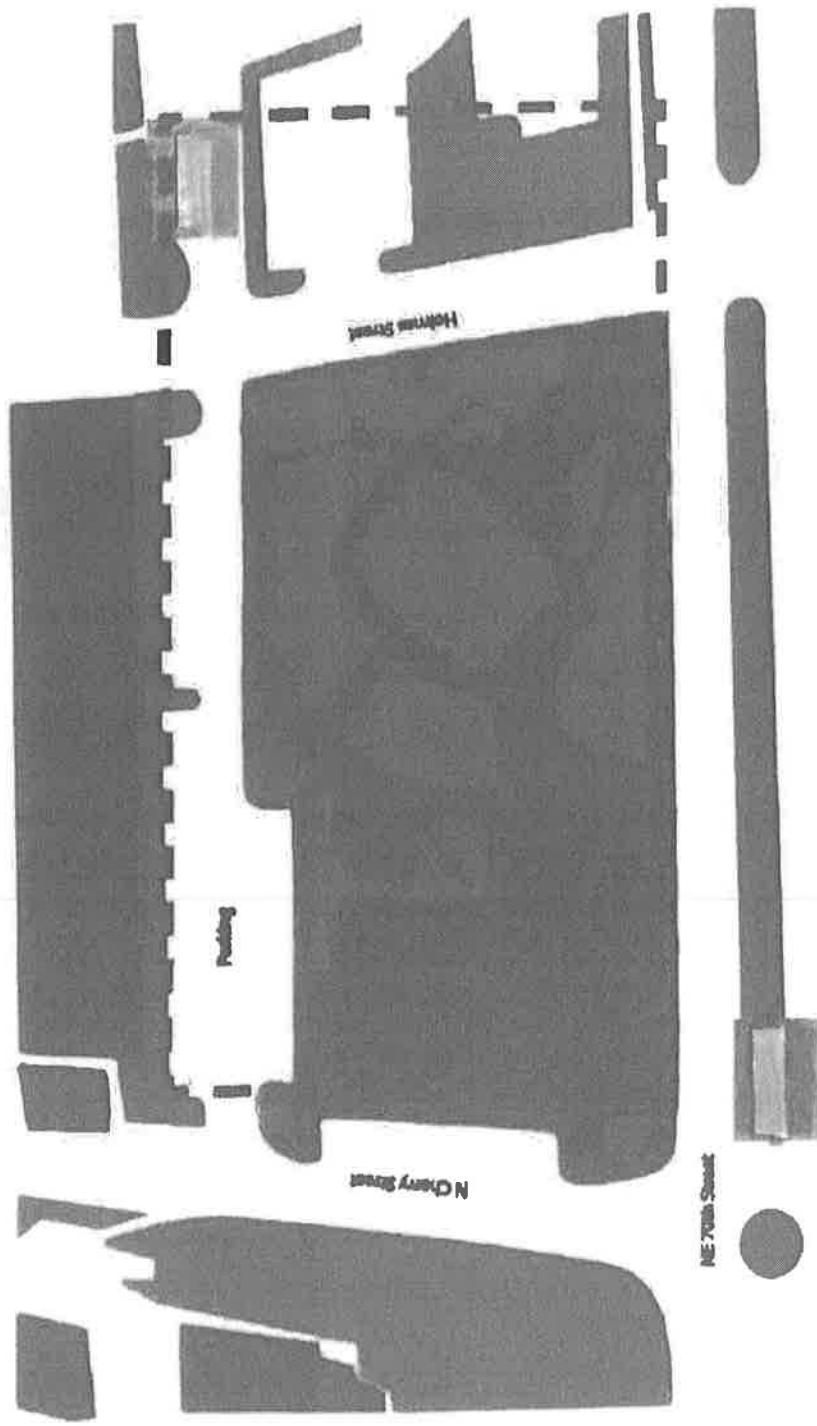
Signed:


Alan D. Napoli, C.B.O.

Community Development Administrator | Building Official

ATTACHMENT(S):

- ☒ Map
☐ Other _____



Helm Street

Block 2

N Cherry Street

NE 70th Street

RESOLUTION NO. R-20-46

A RESOLUTION ENCOURAGING THE RESIDENTS OF GLADSTONE TO BECOME INFORMED ON THE PROPOSED CLAY COUNTY, MISSOURI, CONSTITUTION AND TO VOTE ON NOVEMBER 3, 2020.

WHEREAS, Clay County is one of the largest first-class counties in the State of Missouri; and

WHEREAS, Clay County presently has a commission-style, non-charter form of government; and

WHEREAS, a chartered form of government would allow Clay County to define its own structure and system of governance, subject to general compliance to State law; and

WHEREAS, Clay County Circuit Court judges appointed a 14-member, bi-partisan Constitutional Charter Committee made up of citizens of Clay County, who were authorized and directed to convene in order to solicit public input and draft a constitutional charter; and

WHEREAS, the Clay County Constitutional Charter Committee deliberated publicly for eight weeks to gather citizen input and to draft the proposed Constitution that has been submitted to the Clay County Election Board to be included on the November 3, 2020 General Election ballot; and

WHEREAS, the Gladstone City Council commends the members of the Clay County Constitutional Charter Committee for their determination, dedication, and cooperative spirit in drafting a viable option for Clay County government.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the City Council hereby publicly encourages all residents to become informed on the proposed Clay County Constitution and to exercise their right to vote in the upcoming election on November 3, 2020.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 28th DAY OF SEPTEMBER, 2020.

Jean B. Moore, Mayor

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-20-46

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 9/24/2020

Department: General Administration

Meeting Date Requested: 9/28/2020

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

Subject: A Resolution encouraging residents to become informed on the proposed Clay County Constitution and to exercise their right to vote in the November 03, 2020 General Election.

Background: In response to Clay County voters on June 2, 2020, Missouri 7th Judicial Circuit Court Judges completed a selection process and appointed a 14-member, bi-partisan Constitutional Charter Commission tasked with the responsibility to gather citizen input and design a county charter to be submitted to the voters as required by state statutes and the Missouri Constitution. The Constitutional Charter Committee completed the proposed Constitution after approximately eight (8) weeks of public deliberation and it is now scheduled to appear on the ballot in the November 3, 2020 General Election. Due to Section 115.646 RSMo of the Missouri State Statutes, which prohibits the use of public funds to support a ballot measure, this Resolution can only encourage residents to educate themselves on the proposed Clay County Charter and vote on November 3, 2020.

Budget Discussion: Funds are budgeted in the amount of \$ 0 from the N/A Fund. Ongoing costs are estimated to be \$ 0 annually. Previous years' funding was \$0

Public/Board/Staff Input: Staff recommends passage of this Resolution

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

Bob Baer
Department Director/Administrator

JM
City Attorney

SW
City Manager

RESOLUTION R-20-47

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT FOR ACQUISITION AND DISPOSAL OF VEHICLES.

WHEREAS, the City desires to engage the expertise of Enterprise Fleet Management to assist the City in fleet management (analysis, purchase, maintenance, and disposal).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

THAT, the City Manager of the City of Gladstone, Missouri, is hereby authorized to enter into a contract with Enterprise Fleet Management for the leasing of certain vehicles for a total amount of \$44,900.00.

FURTHER, THAT, funds for such purpose are authorized from the General Fund and the Combined Waterworks and Sewerage System Funds Budget.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 28TH DAY OF SEPTEMBER 2020.

Jean B. Moore, Mayor

ATTEST:

Ruth E. Bocchino, City Clerk



Request for Council Action

RES ☒ # R-20-47

BILL ☐ # City Clerk Only

ORD # City Clerk Only

Date: 9/23/2020

Department: Finance

Meeting Date Requested: 9/28/2020

Public Hearing: Yes ☐ Date: Click here to enter a date.

Subject: Enterprise Fleet Leasing

Background: Staff is constantly looking for new ideas to improve on how we deliver City services and retain employees. New vehicles or capital purchases are often deferred to provide funding for other services, programs, or personnel costs. In the current fiscal year, the City Council provided funding for two (2) program vehicles for Code Enforcement (\$30,000) and 1 new truck for the CWSS Fund (\$31,500). Staff has been working with Enterprise Fleet Management to design a program that will allow the City to lease seven (7) vehicles for the annual cost of vehicles budgeted in FY21. The lease will replace five (5) 2009 Ford Escapes (3 from Code Enforcement, 2 from Public Works) and 2 aging pickup truck from the CWSS Fund with new GMC Sierra trucks. This plan will reduce the size of the fleet by two (2) vehicles. Enterprise will also manage the disposal of these vehicles. The agreement can be terminated at any time. Staff feels that there will be an opportunity for budget savings in replacing the aging vehicles and using the vast market knowledge and outlets from Enterprise Fleet Management. Other governmental entities that are using Enterprise Fleet Management are the City of Lenexa, Kansas City, Missouri School District, and most recently, the Cities of Smithville and Raymore.

Budget Discussion: Funds are budgeted in the amount of \$ 44,900 from the General and CWSS Fund. Ongoing costs are estimated to be \$44,900 annually pending contract renewal. Previous years' funding was \$

Public/Board/Staff Input: Resolution and fleet synopsis to follow the RCA.

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

Dominic Accurso
Department Director/Administrator

JM
City Attorney

SW
City Manager



FLEET MANAGEMENT

FLEET SYNOPSIS | CITY OF GLADSTONE, MO



7010 N Holmes St
Gladstone, MO 64118

Piggyback The Sourcewell Awarded RFP #060618-EFM that addresses the following:

- Access to all fleet management services as applicable to the needs of the City
- Supports the City's need for fleet evaluation on a quarterly basis assessing costs and reviewing best practices

Enterprise Fleet Management, Inc.

600 Corporate Park Drive
St. Louis, MO 63105
314-512-5000 Main
314-518-5583 Fax

Brandon Scott
Account Executive
5359 Merriam Dr
Merriam, KS 66203
Cell: 816-591-5565
Brandon.J.Scott@efleets.com



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FLEET SYNOPSIS | CITY OF GLADSTONE, MO

Impact of Partnership

BACKGROUND

Location: Gladstone, MO

Industry: City Government

Total Non-Emergency Vehicles Included in Analysis: 29

THE SITUATION

The City of Gladstone is looking for a solution to better manage its aging fleet.

- 79% of the current light and medium duty fleet is over 10 years old.
- Older vehicles have higher fuel costs, maintenance costs, and tend to be unreliable.
- It would take over 10 years to cycle out the entire fleet at current acquisition rates.

THE OBJECTIVES

Enterprise Fleet Management's proposal is to save City resources and budget dollars through a managed vehicle program.

- Utilize an open-end lease* as a funding mechanism, allowing the City to acquire additional vehicles while avoiding a large capital budget outlay.
- Replace aged vehicles with newer models to increase fuel efficiency and reduce maintenance expense. Maintenance and repair expenses will be reduced as the age of vehicles is lowered and the integration of more fuel efficient vehicles will reduce carbon footprint.
- Establish a proactive replacement plan that maximizes potential equity at time of resale, reduces operational expenses, and increases safety.

*An open-end lease means there are no early termination, mileage, or abnormal wear and tear penalties. Leases are written to a residual balance to preserve cash flow. The City receives flexibility of ownership, as well as net equity from sale at time of disposal.

CLIENT TESTIMONIAL

"We were skeptical at first because the numbers looked too good to be true. Once we made the choice to work with Enterprise Fleet Management, it was exciting to have a new fleet of vehicles for our employees. When we saw savings over 22% on fuel costs, just by switching to newer vehicles, that alone was worth the change."

—Nick Arena, Asst. Municipal Services Director, City of Lenexa, KS

THE RESULTS

By partnering with Enterprise Fleet Management, it is estimated that the City will create a long-term sustainable cost savings of 45% while replacing the heavily aged fleet with newer, more reliable vehicles on a flexible four year cycle. This is expected to reduce Non-Emergency Response Vehicles maintenance costs by 75%.

Leveraging an open-end lease maximizes cash flow and recognizes equity from vehicles sold. Furthermore, the City will leverage Enterprise Fleet Management's ability to sell vehicles at an average of 109% of Black Book values.

By shifting from reactively replacing inoperable vehicles to planning vehicle purchases, the City of Gladstone, MO will be able to field newer, safer, and more efficient vehicles with reduced downtime in a cost-neutral or better manner.

Brandon Scott | (816) 591-5565 | Brandon.J.Scott@efleets.com



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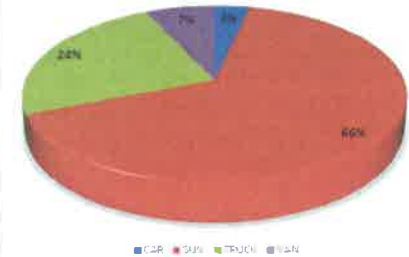
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SUPPORTING EVIDENCE | CITY OF GLADSTONE, MO

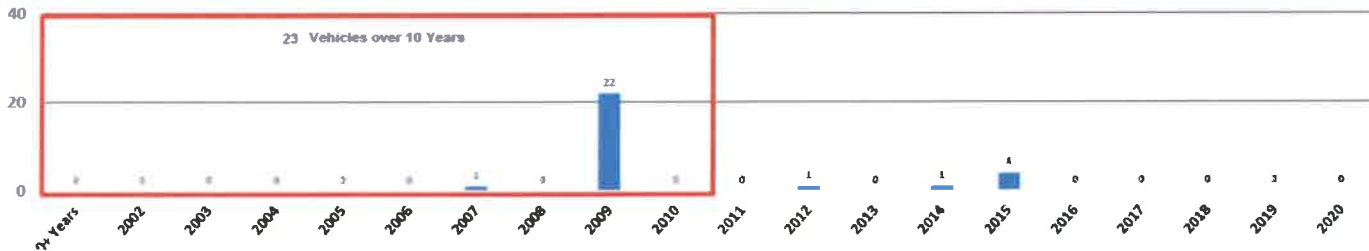
City of Gladstone - Fleet Profile

Fleet Profile				Fleet Replacement Schedule					Replacement Criteria
Vehicle Type	# of Type	Average Age (years)	Average Annual Mileage	2020	2021	2022	2023	Under-Utilized	
Full-size Sedan	1	8.2	11,800	1	0	0	0	0	* Fiscal Year 2020 = 8 years old and older, or odometer over 100,000
Minivan-Passenger	1	5.2	3,500	0	0	1	0	0	* Fiscal Year 2021 = 6 years old and older, or odometer over 80,000
1/2 Ton Van Cargo	1	13.3	2,600	1	0	0	0	0	* Fiscal Year 2022 = 4 years old and older, or odometer over 60,000
Compact SUV 4x4	1	6.2	2,600	0	1	0	0	0	* Fiscal Year 2023 = Remaining Vehicles
Mid Size SUV 4x4	1	5.2	5,600	0	0	1	0	0	* Underutilized = Annual Mileage less than 2,500
Hybrid SUV	17	11.3	7,300	17	0	0	0	0	
Compact Pickup Ext 4x2	1	11.3	900	0	0	0	0	1	
Compact Pickup Ext 4x4	4	11.3	4,000	3	0	0	0	1	
1/2 Ton Pickup Reg 4x4	2	5.2	7,200	0	0	2	0	0	
Totals/Averages	29	10.2	6,300	22	1	4	0	2	

Vehicle Types



Model Year Analysis



City of Gladstone - Fleet Planning Analysis

Current Fleet	29	Fleet Growth	-1.58%	Proposed Fleet	27
Current Cycle	7.25	Annual Miles	6,800	Proposed Cycle	1.56
Current Maint.	\$135.42			Proposed Maint.	\$37.08
Maint. Cents Per Mile	\$0.24	Current MPG	21	Price/Gallon	\$2.00

Fleet Costs Analysis

Fleet Mix				Fleet Cost				Annual			
Fiscal Year	Fleet Size	Annual Needs	Owned	Leased	Purchase	Lease*	Equity (Owned)	Equity (Leased)	Maintenance	Fuel	Fleet Budget
Average	29	4.0	29	0	\$2,893	0	-4,000		47,126	17,499	151,726
'20	27	22	5	22	0	109,599	-23,000	-68,737	17,915	18,491	54,268
'21	27	21	4	23	0	113,855	-2,000	-68,737	16,735	18,540	78,393
'22	27	24	0	27	0	136,048	-14,000	-75,141	12,015	18,738	77,660
'23	27	22	0	27	0	136,048	0	-89,935	12,015	18,738	76,866
'24	27	24	0	27	0	136,048	0	-79,460	12,015	18,738	87,341
'25	27	23	0	27	0	136,048	0	-86,429	12,015	18,738	80,372
'26	27	24	0	27	0	136,048	0	-75,141	12,015	18,738	91,660
'27	27	22	0	27	0	136,048	0	-89,935	12,015	18,738	76,866



8 Year Savings \$602,326 Avg. Sustainable Savings \$69,159

Current Fleet Equity Analysis

YEAR	2020	2021	2022	2023	2024	Under-Utilized
QTY	22	1	4	0	0	2
Est \$	\$1,000	\$2,000	\$3,500	\$0	\$0	\$500
TOTAL	\$22,000	\$2,000	\$14,000	\$0	\$0	\$1,000

* Lease Rates are conservative estimates.

**Estimated Current Fleet Equity is based on the current fleet "sight unseen"

and can be adjusted after physical inspection

Lease Maintenance costs are exclusive of tires unless noted on the lease rate quote.

KEY OBJECTIVES

Lower average age of the fleet

70% of the current light and medium duty fleet is over 10 years old

Resale of the aging fleet is significantly reduced

Reduce operating costs

Newer vehicles have a significantly lower maintenance expense

Newer vehicles have increased fuel efficiency with new technology implementations

Maintain a manageable vehicle budget

Challenged by inconsistent yearly budgets

Currently vehicle budget is underfunded

Confidential 3/23/2020

CASE STUDY | CITY OF LENEXA



The City of Lenexa see big savings with new fleet vehicles.

BACKGROUND

Location: Lenexa, KS
Industry: Government
Total vehicles: 72 vehicles

THE CHALLENGE

The City of Lenexa was holding onto vehicles for 10 years and would only replace the vehicles if maintenance costs became too high or they were inoperable. As issues would arise, city managers would rush to get the vehicle fixed, find funds to cover the repair and make sure the employee was able to do his or her job. The process of maintaining an aged fleet with high and unpredictable maintenance costs became a grueling task for The City to manage.

THE SOLUTION

Enterprise Fleet Management presented the City of Lenexa with a proactive fleet management program. The solution would replace most of the light-duty vehicles within the first year of partnering with Enterprise, which would provide the city with a newer, more reliable fleet.

"We were skeptical at first because the numbers looked too good to be true. Once we made the choice to work with Enterprise Fleet Management, it was exciting to have a new fleet of vehicles for our employees. When we saw savings over 22% on fuel costs, just by switching to newer vehicles, that alone was worth the change."

- Nick Arena, Asst. Municipal Services Director

By replacing 45 light-duty vehicles in the first year, The City realized immediate operational savings. Enterprise Fleet Management helped acquire vehicles with volume incentives to lower the initial order and reduce the total cost of ownership for the City of Lenexa.

THE RESULTS

The City now offers its employees vehicles that have up-to-date safety features and with overall improved reliability. This has helped improve the satisfaction of the workforce. The partnership has also helped The City standardize its fleet and utilize the best vehicles based on the equipment needed for the job. The program offers flexibility to replace units more frequently, in shorter cycles so it will continue to experience overall savings. With a newer fleet of vehicles, The City of Lenexa experienced a 22% decrease in fuel costs and a 70% decrease in unplanned maintenance expenses. Additionally, the new fleet strategy allows city employees to focus solely on their core responsibilities instead of vehicle maintenance issues.

To learn more, visit efleets.com or call 877-23-FLEET.



Key Results

22%
SAVINGS
IN FUEL COSTS



REDUCED MAINTENANCE
SPEND BY
70%

6%
TOTAL SAVINGS
WITH FLEET AGE
LESS THAN 5 YEARS



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PROGRAM RESOURCES | CITY OF GLADSTONE, MO

SAFETY

-23 vehicles are older than 10 years of age and do not contain the most up to date safety features, such as Electronic Stability Control, airbag standardization, and anti-lock brake control.

-23 vehicles predate Electronic Stability Control (mandatory for all 2012 model year vehicles). According to the Highway Traffic Safety Administration, this is the most important safety feature since the seatbelt.

ACCOUNT MANAGEMENT

The City of Gladstone will have a dedicated, local account team to proactively manage and develop your fleet while delivering the highest level of customer service to facilitate your day-to-day needs.

- Meeting with you at minimum 3 times per year: 2 of those are financial planning meetings. These are an Annual Client Review and a Fleet Analysis Meeting.
- Your Account Manager will provide ongoing analysis, which can include best makes/models, cents per mile, total cost of ownership, and replacement analysis.
- Monthly management reports consisting of a single invoice with all charges.

ANCILLARIES

Enterprise Fleet Management has the ability to offer a total fleet solution should the City need further evaluation of the fleet. These can include:

- Maintenance Programs
- Fuel Cards
- Telematics Devices
- Physical Damage Coverage

TECHNOLOGY

Enterprise Fleet Management's website provides vehicle tracking, reporting, and metrics. Our website can be customized to view a wide range of data to have a comprehensive and detailed look at all aspects of your fleet and the services provided. Our *Mobile App* also allows drivers a wide range of functions.

- **Invoices** - To include lease, maintenance, and ancillaries - all in one invoice
- **Maintenance Utilization** - Review the life-to-date maintenance per vehicle
- **Recall Information** - See which units are approaching the lease term and still have open recalls
- **License & Registration** - See which plate renewals are being processed by Enterprise; view status
- **Alerts** - Set customizable alerts for oil changes, lease renewals, license renewals, and billing data
- **Lifecycle Analysis** - See data regarding all transactions for the lifecycle of the entire fleet, with drill-down capability to any specific lease or transaction



REFERENCES | CITY OF GLADSTONE, MO

CURRENT PARTNERS

- City of Raymore, MO
- City of Smithville, MO
- City of Branson, MO
- City of Camdenton, MO
- City of Lake Ozark, MO
- City of Lenexa, KS
- City of Prairie Village, KS
- Saline County, MO
- Leavenworth County, KS
- Shawnee County, KS
- Geary County USD 475
- Haysville USD 261
- Olathe USD 233

REFERENCES

Below is a list of three client/customer references including name, contact person, and telephone number.

Name: **City of Smithville, MO**

Business Phone #: (816) 532-3897

Contact Person(s): Nickie Lee, Assistant City Manager

Name: **City of Lenexa, KS**

Business Phone #: (913) 477-7810

Contact Person: Nick Arena – Assistant Municipal Services Director

Name: **City of Raymore, MO**

Business Phone #: (816) 892-3109

Contact Person: Mike Ekey – Assistant City Manager



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AN ORDINANCE AUTHORIZING THE CITY OF GLADSTONE, MISSOURI, TO ENTER INTO A LEASE PURCHASE AGREEMENT WITH SECURITY BANK OF KANSAS CITY WHEREBY THE CITY WILL LEASE CERTAIN PROPERTY FROM THE BANK; APPROVING A DECLARATION OF TRUST BETWEEN SECURITY BANK OF KANSAS CITY AND THE CITY PURSUANT TO WHICH CERTAIN CERTIFICATES OF PARTICIPATION WILL BE EXECUTED AND DELIVERED FOR THE PURPOSE OF FINANCING CERTAIN PROJECT COSTS FOR THE CITY; AND APPROVING CERTAIN OTHER DOCUMENTS AND THE TAKING OF CERTAIN ACTIONS NECESSARY TO DELIVER THE CERTIFICATES OF PARTICIPATION.

WHEREAS, the City of Gladstone, Missouri (the "City"), desires to obtain financing for acquisition, construction, furnishing, equipping and installing of certain capital improvements, which may include to the extent funds are available, costs related to construction of an addition to and renovation of an existing fire station, street improvements, parking improvements in the City's central business district, municipal pool improvements, museum improvements, construction of water mains, acquisition of a fire pumper and other capital projects (the "Project"); and paying certain costs related to such actions; and

WHEREAS, in order to accomplish the purposes set forth herein, the City desires to authorize the execution and delivery of not to exceed \$8,000,000 of Certificates of Participation, Series 2020A (the "Certificates"); and

WHEREAS, in order to facilitate the foregoing and to provide financing to pay the cost thereof, it is necessary and desirable for the City to take the following actions:

1. Enter into an annually renewable Lease Purchase Agreement (the "Lease Purchase Agreement") with the Trustee, pursuant to which the City will lease the Leased Property described therein on a year-to-year basis from the Trustee with an option to purchase;
2. Enter into a Continuing Disclosure Undertaking (the "Continuing Disclosure Undertaking"), pursuant to which the City will agree to provide ongoing disclosure of financial and other information with respect to the Certificates; and
3. Enter into a Tax Compliance Agreement (the "Tax Compliance Agreement") with Security Bank of Kansas City with respect to the tax-exempt status of the interest portion of the rent paid under the Lease Purchase Agreement with respect to the Certificates.
4. Enter into the Declaration of Trust (the "Declaration of Trust") with Security Bank of Kansas City, as trustee (the "Trustee"), pursuant to which the Trustee will execute the Certificates; and

WHEREAS, the City intends to take competitive bids for the sale of such Certificates;

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

Section 1. Authorization of Documents. The Lease Purchase Agreement, the Tax Compliance Agreement, the Declaration of Trust and the Continuing Disclosure Undertaking (collectively, the "City Documents") are hereby authorized and approved in substantially the forms submitted to and reviewed by the City Council of the City on the date hereof, with such changes therein as shall be approved by the Mayor or the City Manager of the City, with the Mayor's or City Manager's execution thereof to be conclusive of the approval thereof, provided that such documents reflect the following final terms of the Certificates:

- (a) The principal amount of the Certificates shall not exceed \$8,000,000.
- (b) The True Interest Cost of the Certificates shall not exceed 3.0%.
- (c) The Certificates shall be subject to optional prepayment beginning not later than the year 2030.
- (d) The weighted average maturity of the Series 2020A Certificates shall be between 5.0 years and 10.0 years.
- (e) The final maturity of the Certificates shall be not later than the year 2040.

The obligation of the City to pay Basic Rent Payments (as defined in the Lease Purchase Agreement) under the Lease Purchase Agreement is limited to payment from Available Revenues (as defined in the Lease Purchase Agreement) and shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Lease Purchase Agreement constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Lease Purchase Agreement shall be construed so as to give effect to such intent.

The Mayor or the City Manager is hereby authorized and directed to execute and deliver the City Documents on behalf of the City. The City Clerk is hereby authorized to affix the City's seal thereto and attest said seal where appropriate.

Section 3. Sale of Certificates. The sale of the Certificates by competitive sale is hereby approved, subject to the limitations set forth in Section 2. The Mayor or City Manager is authorized to accept the bid of the purchaser offering the lowest "true interest cost" to the City, upon the recommendation of the City's Municipal Advisor, Baker Tilly Municipal Advisors, LLC.

Section 4. Notice of Sale and Official Statement. The Notice of Sale and the Preliminary Official Statement, in substantially the forms presented to and reviewed by the City Council on the date hereof, are hereby ratified and approved, and the final Official Statement is hereby adopted by supplementing, completing and amending the Preliminary Official Statement. The Mayor or the City Manager is hereby authorized to execute the Official Statement on behalf of the City.

Section 5. Further Authority. The City shall, and the officials and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the City Documents and the Project.

Section 6. Severability. If any one or more of the terms, provisions or conditions of this ordinance shall to any extent be declared invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, none of the remaining terms, provisions or conditions of this ordinance shall be affected thereby and each provision of this ordinance shall be valid and enforceable to the fullest extent permitted by law.

Section 7. Effective Date. This ordinance shall take effect and be in full force from and after its passage by the City Council.

INTRODUCED, READ, PASSED, SIGNED AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 28TH DAY OF SEPTEMBER, 2020.

Jean B. Moore, Mayor

Attest:

Ruth Bocchino, City Clerk

1st Reading: September 28, 2020

2nd Reading: September 28, 2020



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 20-30

ORD # 4.529

Date: 9/24/2020

Department: Finance

Meeting Date Requested: 9/28/2020

Public Hearing: Yes ☐ Date: Click here to enter a date.

Subject: 2020 Lease Purchase Security Bank.

Background: See staff memo.

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

Public/Board/Staff Input: Memo and Ordinance to follow the RCA.

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

Dominic Accurso
Department Director/Administrator

JM
City Attorney

SW
City Manager



Department of Finance Memorandum

DATE: September 23, 2020

TO: Scott Wingerson – City Manager

FROM: Dominic Accurso – Director of Finance

RE: Financing Package and Ordinance

Staff has been working on putting together a financing package that will assist in accomplishing multiple council goals and objectives as well as the implementation of some of the Shaping Our Future recommendations. Planning for the financing package began during the 2019 fiscal year but was put on hold due to the COVID-19 pandemic and economic uncertainty of municipal bond market. As the municipal bond market has stabilized over the past few months, staff has been advised that now is a good time proceed with the package. The package will fund the following projects:

Project	Funding
Renovation of Fire Station #2	\$2,545,000
Acceleration of water main replacements	\$2,500,000
Outdoor Pool Renovation	\$700,000
Fire Truck	\$570,000
Downtown Parking	\$500,000
Mill & Overlay	\$500,000
Community Center Improvements	\$230,000
Atkins-Johnson Barn Renovation	\$200,000
Total Projects	\$7,745,000

Staff has been working closely with bond council (Rick McConnell with Armstrong Teasdale) and our Municipal Advisor (Tom Kaleko with Baker Tilly Municipal Advisors) to plan and structure the debt issuance. The renovation of Fire Station #2 will be repaid by a portion of the new ½ cent general sales tax, acceleration of the water main replacements will be repaid from the CWSS Fund, while the other projects will be repaid as debt falls off the existing debt schedule by the respective funds (General Fund, CCPT, CIST, and TST).

Staff has been advised by our financing team that using a competitive sale would be most beneficial. In a competitive sale, the issue is advertised for sale and underwriters may bid on the issuance at a designated time. Security Bank of Kansas City will be the Trustee (hold project funds for drawdown).

Below is a tentative schedule of events for the Issuance. The document following the memo is a pre-sale summary for the financing package. An ordinance will be on the September 28th meeting. Please contact me at your convince if you have any questions.

September 28, 2020	Consideration of Certificate Ordinance providing authorization for the City Manager to award the Certificates, subject to compliance with certain parameters.
September 29, 2020	Posting of Preliminary Official Statement and application for rating forwarded to rating agency.
October 1, 2020	Final day application for CUSIPs must be made.
October 6, 2020	Rating conference conducted.
October 13, 2020	Receipt of rating.
October 22, 2020	Sale and consideration of award by City Manager, subject to certain parameters.
October 26, 2020	City Council receives report of sale results.
October 27, 2020	Draft Closing Memorandum circulated for review.
October 29, 2020	Final Closing Memorandum distributed.
October 30, 2020	Distribution of Final Official Statement and Draft closing documents circulated for review.
November 5, 2020	Settlement of the Certificates; receipt of Certificate proceeds.

City of Gladstone, Missouri Pre-Sale Summary for Issuance of Certificates

\$7,510,000 Certificates of Participation, Series 2020A

The City Council has under consideration the issuance of Certificates of Participation (the "Certificates") to fund various capital improvement projects within the City. This document provides information relative to the proposed issuance.

On March 11, 2020, the World Health Organization declared the Coronavirus (COVID-19) to be a global pandemic. The municipal bond market experienced significant volatility in the weeks following this declaration. While market volatility has lessened since the onset of the pandemic, conditions could change in a way that impacts the City's ability to issue the proposed Certificates on the timeline, at the interest rate estimates, or under the method of sale presented in this Pre-Sale Summary. This document and corresponding schedules are based on estimates made at the time this document was prepared. In the time leading up to the City's sale, BTMA will continue to monitor the market on the City's behalf and, if necessary, work with the City to address issues and/or identify alternative approaches to the City's financing.

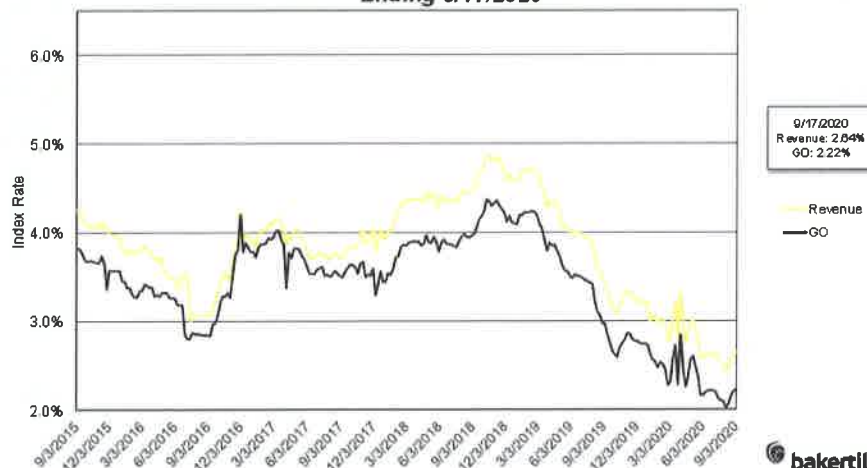
KEY EVENTS: The following summary schedule includes the timing of some of the key events that will occur relative to the bond issuance:

September 28, 2020	Council considers Certificate Ordinance
October 6, 2020	Rating conference is conducted
October 22, 2020, 11:30 a.m.	Competitive bids are received
October 22, 2020	Mayor or City manager considers award of the Certificates subject to certain parameters
October 26, 2020	City Council receives report of sale results
November 5, 2020	Proceeds are received

RATING: An application will be made to S&P Global Ratings (S&P) for a rating on the Certificates. The City's outstanding certificates of participation debt are currently rated "AA-" by S&P.

THE MARKET: Performance of the tax-exempt market is often measured by the Bond Buyer's Index ("BBI") which measures the yield of high grade municipal bonds in the 20th year for general obligation bonds rated Aa2 by Moody's or AA by S&P (the BBI 20-Bond GO Index) and the 30th year for revenue bonds rated A1 by Moody's or A+ by S&P (the BBI 25-Bond Revenue Index). The following chart illustrates these two indices over the past five years:

**BBI 20-Bond (GO) and 25-Bond (Revenue) Indices for 5 Years
Ending 9/17/2020**



Data Source: The Bond Buyer

PURPOSE:

Proceeds of the Certificates along with an estimated original issue premium will be used to finance the following projects and pay the costs of issuance:

Fire Station	2,545,000
Fire Apparatus & Equipment	570,000
Mill & Overlay	500,000
Downtown Parking	500,000
Misc. Projects	230,000
Pool	700,000
AJ Renovation	200,000
Water Mains	<u>2,500,000</u>
Total Projects	\$7,745,000

AUTHORITY:

The Certificates are being issued pursuant to a lease purchase agreement with Security Bank of Kansas City (the "Lease") and a Declaration of Trust (the "Declaration") with Security Bank of Kansas City (the "Trustee").

Additionally, the City will consider an ordinance on September 28, 2020, (the "Certificate Ordinance") authorizing the City to sell the Certificates pursuant to certain parameters and enter into agreements for the Lease and the Declaration.

PARAMETERS:

The Certificate Ordinance will establish the following:

The Mayor or the City Manager will have the authority to authorize, approve and execute the terms of the final pricing provided that they are within the following parameters:

- The principal amount of the Certificates cannot exceed \$8,000,000
- The True Interest Costs of the Certificates cannot exceed 3.0%
- The Certificates shall be subject to optional prepayment no sooner than March 1, 2030
- The weighted average maturity of the Certificates shall be between five and ten years
- The final maturity of the Certificates will not be later than the year 2040

**SECURITY AND
SOURCE OF
PAYMENT:**

The Certificates will be an annual appropriation lease of the City whereby the City will annually appropriate the funds necessary to make the Base Rent payments due in the following fiscal year. The Certificates will be payable from any legally available funds of the City and are not a general obligation of the City. The City intends to make the Base Rent payments from a variety of net revenue sources, utilizing funding capacity created through the retirement of currently outstanding debt and annual appropriation obligations.

No debt service reserve fund is being established for the Certificates.

**STRUCTURING
SUMMARY:**

In consultation with City staff, the Certificates have been structured over a term of 20 years with principal repayment such that available repayment sources are available as existing debt declines or matures.

Estimated interest rates applied in the structuring of the Certificates are based on current market conditions and assume a reoffering premium. The underwriter will take their compensation from the reoffering premium.

Any excess premium net of the underwriter's compensation can be (i) applied to reduce the principal amount of the Certificates; (ii) used to fund additional projects; or (iii) put into the debt service fund.

**SCHEDULES
ATTACHED:**

Schedules attached for the Certificates are (i) sources and uses of funds; (ii) pricing and (iii) estimated debt service given the current interest rate environment.

**RISKS/SPECIAL
CONSIDERATIONS:**

The outcome of this financing will rely on the market conditions at the time of the sale. Any projections included herein are estimates based on current market conditions.

As noted above under Structuring Summary, the estimated Certificate structure assumes a reoffering premium in the amount of \$409,593, which affectively reduces the principal amount of the Certificates. Original issue premium is a combination of the interest rates, reoffering premium, and underwriter's compensation and is a tool commonly employed by underwriters when interest rates are low to increase the marketability of obligations. The premium estimate is based on recent comparable transactions. The actual amount of premium received, if any, may differ resulting in a corresponding change to the par amount of the Certificates.

In the event the City fails to appropriate sufficient funds to pay the Basic Rent under the Lease, the Trustee will take possession of the leased property.

**SALE TERMS AND
MARKETING:**

Variability of Issue Size: A specific provision in the sale terms permits modifications to the issue size and/or maturity structure to customize the issue once the price and interest rates are set on the day of sale.

Prepayment Provisions: Certificates maturing on or after March 1, 2031 may be prepaid at a price of par plus accrued interest on or after March 1, 2030.

Bank Qualification: The City does not expect to issue more than \$10 million in tax-exempt obligations that count against the \$10 million limit for this calendar year; therefore, the Certificates are designated as bank qualified.

**POST ISSUANCE
COMPLIANCE:**

The issuance of the Certificates will result in post-issuance compliance responsibilities. The responsibilities are in two primary areas: (i) compliance with federal arbitrage requirements and (ii) compliance with secondary disclosure requirements.

Federal arbitrage requirements include a wide range of implications that have been taken into account as this issue has been structured. Post-issuance compliance responsibilities for this tax-exempt issue include both rebate and yield restriction provisions of the IRS Code. In general terms the arbitrage requirements control the earnings on unexpended bond proceeds, including investment earnings, moneys held for debt service payments (which are considered to be proceeds under the IRS regulations), and/or reserves. Under certain circumstances any "excess earnings" will need to be paid to the IRS to maintain

the tax-exempt status of the Certificates. Any interest earnings on gross bond proceeds or debt service funds should not be spent until it has been determined based on actual facts that they are not "excess earnings" as defined by the IRS Code.

The arbitrage rules provide for spend-down exceptions for proceeds that are spent within either a 6-month, 18-month or, for certain construction issues, a 24-month period each in accordance with certain spending criteria. Proceeds that qualify for an exception will be exempt from rebate. These exceptions are based on actual expenditures and not based on reasonable expectations, and expenditures, including any investment proceeds will have to meet the spending criteria to qualify for the exclusion. The City expects to meet the 24-month spending exception.

Regardless of whether the issue qualifies for an exemption from the rebate provisions, yield restriction provisions will apply to Certificate proceeds (including interest earnings) unspent after three years and the debt service fund throughout the term of the Certificates. These moneys should be monitored until the Certificates are retired.

Secondary disclosure requirements result from an SEC requirement that underwriters provide ongoing disclosure information to investors. To meet this requirement, any prospective underwriter will require the City to commit to providing the information needed to comply under a continuing disclosure agreement.

We understand that post-issuance compliance is being undertaken by a third-party provider.

**SUPPLEMENTAL
INFORMATION AND
BOND RECORD:**

Supplementary information will be available to staff including detailed terms and conditions of sale, comprehensive structuring schedules and information to assist in meeting post-issuance compliance responsibilities.

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and wholly-owned subsidiary of Baker Tilly US, LLP, an accounting firm. Baker Tilly US, LLP trading as Baker Tilly, is a member of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. © 2020 Baker Tilly Municipal Advisors, LLC.

\$7,510,000

City of Gladstone, Missouri
Certificates of Participation, Series 2020A

Sources & Uses

Dated 11/05/2020 | Delivered 11/05/2020

Sources Of Funds

Par Amount of Bonds.....	\$7,510,000.00
Reoffering Premium.....	409,592.55

Total Sources.....	\$7,919,592.55
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Uses Of Funds

Deposit to Project Construction Fund.....	7,745,000.00
Total Underwriter's Discount (1.200%).....	90,120.00
Costs of Issuance.....	80,112.50
Rounding Amount.....	4,360.05

Total Uses.....	\$7,919,592.55
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\$7,510,000

City of Gladstone, Missouri
Certificates of Participation, Series 2020A

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Par	Maturity Value	Price	YTM	Call Date	Call Price	Dollar Price
03/01/2021	Serial Coupon	3.000%	0.590%	100.000%	1,240,000.00	100.774%	-	-	-	1,249,597.60
03/01/2022	Serial Coupon	3.000%	0.600%	100.000%	720,000.00	103.155%	-	-	-	742,716.00
03/01/2023	Serial Coupon	3.000%	0.610%	100.000%	745,000.00	105.502%	-	-	-	785,989.90
03/01/2024	Serial Coupon	3.000%	0.630%	100.000%	75,000.00	107.779%	-	-	-	80,634.25
03/01/2025	Serial Coupon	3.000%	0.680%	100.000%	200,000.00	109.864%	-	-	-	219,728.00
03/01/2026	Serial Coupon	3.000%	0.800%	100.000%	205,000.00	111.440%	-	-	-	228,452.00
03/01/2027	Serial Coupon	3.000%	0.900%	100.000%	260,000.00	112.877%	-	-	-	293,480.20
03/01/2028	Serial Coupon	3.000%	1.000%	100.000%	350,000.00	114.086%	-	-	-	399,301.00
03/01/2029	Serial Coupon	3.000%	1.150%	100.000%	360,000.00	114.641%	-	-	-	412,707.60
03/01/2030	Serial Coupon	3.000%	1.250%	100.000%	370,000.00	115.352%	-	-	-	426,802.40
03/01/2031	Serial Coupon	3.000%	1.400%	100.000%	380,000.00	113.936%	c 1.535%	03/01/2030	100.000%	432,956.80
03/01/2032	Serial Coupon	2.000%	1.450%	100.000%	390,000.00	104.778%	c 1.538%	03/01/2030	100.000%	408,634.20
03/01/2033	Serial Coupon	2.000%	1.550%	100.000%	400,000.00	103.891%	c 1.650%	03/01/2030	100.000%	415,564.00
03/01/2034	Serial Coupon	2.000%	1.650%	100.000%	260,000.00	103.011%	c 1.746%	03/01/2030	100.000%	267,828.60
03/01/2035	Serial Coupon	1.750%	1.750%	100.000%	265,000.00	100.000%	-	-	-	265,000.00
03/01/2036	Serial Coupon	1.850%	1.850%	100.000%	265,000.00	100.000%	-	-	-	265,000.00
03/01/2037	Serial Coupon	1.950%	1.950%	100.000%	270,000.00	100.000%	-	-	-	270,000.00
03/01/2038	Serial Coupon	2.000%	2.000%	100.000%	280,000.00	100.000%	-	-	-	280,000.00
03/01/2039	Serial Coupon	2.050%	2.050%	100.000%	285,000.00	100.000%	-	-	-	285,000.00
03/01/2040	Serial Coupon	2.100%	2.100%	100.000%	190,000.00	100.000%	-	-	-	190,000.00
Total					\$7,510,000.00					\$7,919,592.55

Bid Information

Par Amount of Bonds.....	\$7,510,000.00
Reoffering Premium or (Discount).....	409,592.55
Gross Production.....	\$7,919,592.55
Total Underwriter's Discount (1.200%).....	\$(90,120.00)
Bid (104.254%).....	7,829,472.55
Total Purchase Price.....	\$7,829,472.55
Bond Year Dollars.....	\$58,674.89
Average Life.....	7.813 Years
Average Coupon.....	2.3188836%
Net Interest Cost (NIC).....	1.7744044%
True Interest Cost (TIC).....	1.7270488%

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\$7,510,000

City of Gladstone, Missouri
Certificates of Participation, Series 2020A

DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
11/05/2020	-	-	-	-	-
03/01/2021	1,240,000.00	3.000%	63,924.86	1,303,924.86	1,303,924.86
09/01/2021	-	-	80,593.75	80,593.75	-
03/01/2022	720,000.00	3.000%	80,593.75	800,593.75	881,187.50
09/01/2022	-	-	69,793.75	69,793.75	-
03/01/2023	745,000.00	3.000%	69,793.75	814,793.75	884,587.50
09/01/2023	-	-	58,618.75	58,618.75	-
03/01/2024	75,000.00	3.000%	58,618.75	133,618.75	192,237.50
09/01/2024	-	-	57,493.75	57,493.75	-
03/01/2025	200,000.00	3.000%	57,493.75	257,493.75	314,987.50
09/01/2025	-	-	54,493.75	54,493.75	-
03/01/2026	205,000.00	3.000%	54,493.75	259,493.75	313,987.50
09/01/2026	-	-	51,418.75	51,418.75	-
03/01/2027	260,000.00	3.000%	51,418.75	311,418.75	362,837.50
09/01/2027	-	-	47,518.75	47,518.75	-
03/01/2028	350,000.00	3.000%	47,518.75	397,518.75	445,037.50
09/01/2028	-	-	42,268.75	42,268.75	-
03/01/2029	360,000.00	3.000%	42,268.75	402,268.75	444,537.50
09/01/2029	-	-	36,868.75	36,868.75	-
03/01/2030	370,000.00	3.000%	36,868.75	406,868.75	443,737.50
09/01/2030	-	-	31,318.75	31,318.75	-
03/01/2031	380,000.00	3.000%	31,318.75	411,318.75	442,637.50
09/01/2031	-	-	25,618.75	25,618.75	-
03/01/2032	390,000.00	2.000%	25,618.75	415,618.75	441,237.50
09/01/2032	-	-	21,718.75	21,718.75	-
03/01/2033	400,000.00	2.000%	21,718.75	421,718.75	443,437.50
09/01/2033	-	-	17,718.75	17,718.75	-
03/01/2034	260,000.00	2.000%	17,718.75	277,718.75	295,437.50
09/01/2034	-	-	15,118.75	15,118.75	-
03/01/2035	265,000.00	1.750%	15,118.75	280,118.75	295,237.50
09/01/2035	-	-	12,800.00	12,800.00	-
03/01/2036	265,000.00	1.850%	12,800.00	277,800.00	290,600.00
09/01/2036	-	-	10,348.75	10,348.75	-
03/01/2037	270,000.00	1.950%	10,348.75	280,348.75	290,697.50
09/01/2037	-	-	7,716.25	7,716.25	-
03/01/2038	280,000.00	2.000%	7,716.25	287,716.25	295,432.50
09/01/2038	-	-	4,916.25	4,916.25	-
03/01/2039	285,000.00	2.050%	4,916.25	289,916.25	294,832.50
09/01/2039	-	-	1,995.00	1,995.00	-
03/01/2040	190,000.00	2.100%	1,995.00	191,995.00	193,990.00
Total	\$7,510,000.00	-	\$1,360,602.36	\$8,870,602.36	-

SIGNIFICANT DATES

Dated Date.....	11/05/2020
Delivery Date.....	11/05/2020
First Coupon Date.....	3/01/2021

Yield Statistics

Bond Year Dollars.....	\$58,674.89
Average Life.....	7.813 Years
Average Coupon.....	2.3188836%
Net Interest Cost (NIC).....	1.7744044%
True Interest Cost (TIC).....	1.7270488%
Bond Yield for Arbitrage Purposes.....	1.5318527%
All Inclusive Cost (AIC).....	1.8765229%

IRS Form 8038

Net Interest Cost.....	1.5431659%
Weighted Average Maturity.....	7.782 Years

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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 THE CONSTRUCTION AND MAINTENANCE OF STRUCTURES AND PROPERTY 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 certain chapters in Title IX of the Code of Ordinances relating to the construction and maintenance of structures and property within the City; and
2. Certain technical codes concerning the construction and maintenance of structures within the City 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. One (1) copy of such technical codes were filed in the office of the City Clerk and kept available for public use, inspection, and examination for a period of time in excess of ninety (90) days preceding the adoption of this Ordinance, all as provided by Section 67.280 RSMo; and
4. 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 4.321, are hereby repealed:

- Chapter 200. Building 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 Regulations
Chapter 2000. Swimming Pool and Spa 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 200. Building 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 Regulations
 - Chapter 2000. Swimming Pool and Spa 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: 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 October 1, 2020.

PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI THIS 28TH DAY OF SEPTEMBER, 2020.

Jean B. Moore, Mayor

Attest:

Ruth Bocchino, City Clerk

1st Reading: September 28, 2020

2nd Reading: September 28, 2020



Request for Council Action

RES ☐ # City Clerk Only

BILL ☒ # 20-31

ORD # 4.530

Date: 9/24/2020

Department: Community Development

Meeting Date Requested: 9/28/2020

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

Subject: Adoption of certain chapter's in Title IX of the Building and Construction Ordinance.

Background: Community Development Department typically updates its Building and Construction Codes when the International Code Council (ICC) releases its newest version of the International Codes every three (3) years. During the open study session on Monday, June 22, 2020, all chapters within Title IX, of the Building and Construction Ordinance in Gladstone's Code of Ordinances, were reviewed with the City Council.

By Missouri State Statute, the Building and Construction Codes must be available for review for ninety (90) days before they can be adopted. The following chapters have been available for review and are being presented to the City Council 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

During the open study session, there was some concern about changing where trash containers can be stored. Staff took the changes out and there are no changes to the location of where trash containers can be stored. They still cannot be stored in front of a structure in view from the street.

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

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presenting to the City Council on June 22, 2020. The BZA and UCBA voted unanimously to present to the 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

JM

Legal

SW

City Manager

CHAPTER 200
BUILDING CONSTRUCTION REGULATIONS

ARTICLE 1. BUILDING CODE

SECTION 9.200.010
ADOPTION OF THE 2018 INTERNATIONAL BUILDING CODE

That a certain document, one (1) copy of which are on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as the International Building Code, 2018 edition, including Appendix Chapters:

Appendix C, Group U – Agricultural Buildings,

Appendix I, Patio Covers,

Appendix J, Grading, and

Appendix K, Administrative Provisions.

as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Gladstone, Clay County, Missouri, for regulating and governing the conditions and maintenance of all property, buildings, and structures; providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Building Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the amendments, additions, and deletions, if any, prescribed in Section 9.200.020 of this chapter.

That if any section, subsection, sentence, clause, or phrase of this legislation is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this law, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

That nothing in this legislation or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this legislation.

SECTION 9.200.020
AMENDMENTS, ADDITIONS, AND DELETIONS
TO THE 2018 INTERNATIONAL BUILDING CODE

9.200.020.1 AMENDMENTS.

The following sections of the 2018 International Building Code are omitted and not hereby incorporated as the following identically numbered sections are adopted in lieu thereof:

[A] 101.1 Title.

These regulations shall be known as the Building Code of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this code.”

[A] 105.2 Work exempt from permit.

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

Building:

1. Fences not over 6 feet high.
2. Oil derricks.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or *story* below, are not part of an *accessible route*, and are not located within the city or state right-of-way.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
7. Temporary motion picture, television, and theater stage sets and scenery.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.

10. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the *exterior wall* and do not require additional support.
11. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches in height.

Electrical:

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installation of the towers and antennas.
3. **Temporary testing systems:** A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

[A] 105.5 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.

[A] 107.3.1 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 and Subject to Field Inspection." *Construction documents* requiring approval by the City Council as set forth in Section 107.3.1.1, shall be *approved*, in writing or by stamp, as "Approved by City Council Reviewed for Code Compliance and Subject to Field Inspections." 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 the work and shall be open to inspection by the *building official* or a duly authorized representative.

1008.3.3 Rooms and spaces.

In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Electrical equipment rooms.
2. Fire command centers.
3. Fire pump rooms.
4. Generator rooms.
5. Public and private restrooms.

1612.3 Establishment of flood hazard areas.

To establish *flood hazard areas*, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency (FEMA) in an engineering report entitled “Flood Insurance Study: Clay County, Missouri and Incorporated Areas”, current adopted addition, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

9.200.020.2 ADDITIONS.

The following sections are hereby incorporated and adopted in the 2018 International Building Code:

107.3.1.1 City Council approval of construction documents.

The following types of construction shall require the approval by the City Council:

1. New buildings or structures.
2. Additions to existing buildings or structures.
3. Exterior modifications to existing buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures.

9.200.020.3 DELETIONS.

The following sections of the 2018 International Building Code are omitted and not hereby incorporated:

1511.3.1 Roof recover.

1511.3.1.1 Exceptions.

1511.4 Roof recovering.

ARTICLE 2. RESIDENTIAL CODE

SECTION 9.200.030

ADOPTION OF THE 2018 INTERNATIONAL RESIDENTIAL CODE

That a certain document, one (1) copy of which are on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as the International Residential Code, 2018 edition, including Appendix Chapters:

Appendix E, Manufactured Housing Used as Dwellings,

Appendix H, Patio Covers,

Appendix J, Existing Building and Structures, and

Appendix T, Solar-Ready Provisions—Detached One- And Two-Family Dwellings,
and Townhouse

as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Gladstone, Clay County, Missouri, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Residential Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the amendments, additions, and deletions, if any, prescribed in Section 9.200.050 of this chapter.

That if any section, subsection, sentence, clause, or phrase of this legislation is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this law, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

That nothing in this legislation or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this legislation.

SECTION 9.200.040
AMENDMENTS, ADDITIONS, AND DELETIONS
TO THE 2018 INTERNATIONAL RESIDENTIAL CODE

9.200.040.1 AMENDMENTS.

The following sections of the 2018 International Residential Code are omitted and not hereby incorporated as the following identically numbered sections are adopted in lieu thereof:

R101.1 Title.

These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Gladstone, Clay County, Missouri, and shall be cited as such and will be referred to herein as “this code.”

R105.2 Work exempt from permit.

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

Building:

1. Fences not over 6 feet high.
2. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly on *grade* if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
4. Sidewalks and driveways not located within the city or state right-of-way.
5. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
6. Swings and other playground equipment.
7. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

Electrical:

1. *Listed* cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefore.

3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, *appliances*, apparatus, or *equipment* operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed receptacles.

Gas:

1. Portable heating, cooking, or clothes drying *appliances*.
2. Replacement of any minor part that does not alter approval of *equipment* or make such *equipment* unsafe.
3. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

6. Portable heating *appliances*.
7. Portable ventilation *appliances*.
8. Portable cooling unit.
9. Steam, hot- or chilled-water piping within any heating or cooling *equipment* regulated by this code.
10. Replacement of any minor part that does not alter its approval or *equipment* or make such *equipment* unsafe.
11. Portable evaporative cooler.
12. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
13. Portable-fuel-cell *appliances* that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste, or vent pipe

becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

R105.5 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.

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD ^a	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^g	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ⁱ	AIR FREEZING INDEX ^j	MEAN ANNUAL TEMP ^k
	Speed ^d (mph)	Topographical effects ^e	Special wind region ^l	Wind-borne debris zone ^m		Weathering ⁿ	Frost line depth ^b	Termite ^c					
20	115	NO	NO	NO	A	SEVERE	36"	M to H	0	YES	8/3/2015	1500 or less	55.5
MANUAL J DESIGN CRITERIA ⁿ													
Elevation	Latitude		Winter heating		Summer cooling		Altitude correction factor		Indoor design temperature		Design temperature cooling		Heating temperature difference
1,024	39		5		93		0.97		70 F-C / 75 F-H		75 F		65 F
Cooling temperature difference	Wind velocity heating		Wind velocity cooling		Coincident wet bulb		Daily Range		Winter humidity		Summer humidity		
18 F	15 mph		7 mph		76		M		68		68		

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or *grade* of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index (i.e. "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The *grade* of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216, or C652.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The *jurisdiction* shall fill in the frost line depth column with the minimum depth of footing below finish *grade*.
- c. The *jurisdiction* shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The *jurisdiction* shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97½-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the *building official*.
- f. The *jurisdiction* shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1. [Also see Figure R301.2(1).]
- g. The *jurisdiction* shall fill in this part of the table with (a) the date of the *jurisdiction's* entry into the National Flood Insurance Program (date of adoption of the first code ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study, and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having *jurisdiction*, as amended.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1, and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the *jurisdiction* shall fill in this part of the table with "YES." Otherwise, the *jurisdiction* shall fill in this part of the table with "NO."
- i. The *jurisdiction* shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/lpsf.html.
- j. The *jurisdiction* shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/lpsf.html.
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the *jurisdiction* shall fill in this part of the table with "YES." Otherwise, the *jurisdiction* shall indicate "NO" in this part of the table.
- l. In accordance with Figure 301.2(5)A, where there is local historical data documenting unusual wind conditions, the *jurisdiction* shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the *jurisdiction* shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2, the *jurisdiction* shall indicate the wind-borne debris wind zone(s). Otherwise, the *jurisdiction* shall indicate "NO" in this part of the table.
- n. The *jurisdiction* shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the *Jurisdiction*.
- o. The *jurisdiction* shall fill in this section of the table using Ground Snow Loads in Figure R301.2(6)

R602.2 Grade.

Studs shall be a minimum No. 2 grade lumber.

TABLE N1102.1.2 (R402.1.2)
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b,c}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^f	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ^e WALL R-VALUE
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.32	0.55	0.25	38	20 or 13+5 ^h	8/13	19	5/13 ^f	0	5/13
4 except Marine	0.32	0.55	0.40	38	13	8/13	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.30	0.55	NR	49	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.30	0.55	NR	49	20+5 or 13+10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.30	0.55	NR	49	20+5 or 13+10 ^h	19/21	38 ^g	15/19	10, 4 ft	15/19

For SI: 1 foot = 304.8 mm.

NR=Not Required

a. R-values are minimums. U-factors and SHGC are maximum. Where insulation is installed in a cavity that is less than the label of design thickness or the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

Exception: In Climate Zones 1 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylight does not exceed 0.30.

c. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation in the interior of the basement wall. Alternatively, compliance with "15/19" shall be R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home.

d. R-5 insulation shall be provided under the full slab are of a heated slab in addition to the required slab edge insulation R-value for slabs, as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.

e. There are no SHGC requirements in the Marine Zone.

f. First value is cavity insulation, second is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation.

g. Mass walls shall be in accordance with Section N1102.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

**TABLE N1102.1.4 (R402.1.4)
EQUIVALENT U-FACTORS^a**

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	CEILING U-FACTOR	FRAME WALL U-FACTOR	MASS WALL U-FACTOR ^b	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
1	0.50	0.75	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.030	0.084	0.165	0.064	0.360	0.477
3	0.32	0.55	0.030	0.060	0.098	0.047	0.091 ^c	0.136
4 except Marine	0.32	0.55	0.030	0.082	0.098	0.047	0.059	0.065
5 and Marine 4	0.39	0.55	0.026	0.060	0.082	0.033	0.050	0.055
6	0.39	0.55	0.026	0.045	0.060	0.033	0.050	0.055
7 and 8	0.39	0.55	0.026	0.045	0.057	0.028	0.050	0.055

a. Nonfenestration U-factors shall be obtained from measurement, calculations, or an approved source.

b. Mass walls shall be in accordance with Section N1102.2.5. Where more than half the insulation is on the interior, the mass wall U-factor shall not exceed 0.17 in Climate Zone 1, 0.14 in Climate Zone 2, 0.12 in Climate Zone 3, 0.087 in Climate Zone 4 except marine, 0.065 in Climate Zone 5 and Marine 4, and 0.057 in Climate Zones 6 through 8.

c. In warm-humid locations as defined by Figure 1101.10 and Table 1101.7, the basement wall U-factor shall not exceed 0.360.

N1102.4.2 (R402.4.2) Fireplaces.

New wood-burning fireplaces shall have tight-fitting flue dampers or doors, and outdoor combustion air. Where using tight-fitting doors on factory-built fireplaces listed and labeled in accordance with UL 127, the doors shall be tested and listed for the fireplace.

M1601.6 Independent garage HVAC systems.

Furnaces and air-handling systems that supply air to living space shall not supply air to or return air from a garage.

Exception: Supply air to a garage is allowed with the use of an approved fire damper supply grill.

G2414.5.3 (403.5.3) Copper or copper -alloy tubing.

Copper, copper -alloy tubing, brass and brass tubing shall not be used.

P2603.5.1 Sewer depth.

Building sewers shall be not less than 36 inches below finished grade.

P2902.3 Backflow Protection.

A means of protection against backflow shall be provided in accordance with Sections P2902.3.1 through P2902.3.7 and Title IX, Chapter 300 of the Gladstone Code of Ordinances. Backflow prevention applications shall conform to Table P2902.3, except as specifically stated in Title IX, Chapter 300 of the Gladstone Code of Ordinances and Section P2902.4 through P2902.5.5.

Where there is a conflict between Title IX, Chapter 300 of the Gladstone Code of Ordinances and any of the aforementioned sections or tables, the more restrictive shall govern.

P2906.4 Water service pipe.

Water service pipe shall conform to NSF 61 and shall conform to one of the standards indicated in Table P2906.4. Water service pipe or tubing, installed underground and outside of the structure, shall have a working pressure rating of not less than 160 pounds per square inch at 73°F. Where the water pressure exceeds 160 pounds per square inch, piping material shall have a rated working pressure equal to or greater than the highest available pressure. The water service pipe approved for use in this jurisdiction is as follows:

1. From the water main to the meter – Shall be either of the following:
 - a. Minimum ¾" Type K Copper, or
 - b. Minimum ¾" Cross-Link Polyethylene (PEX) plastic tubing.
2. From the meter to the structure shutoff – Shall be either of the following:
 - a. Minimum ¾" Type K copper, or

- b. Minimum ¾" Cross-Link Polyethylene (PEX) plastic tubing.

E3902.2 Garage and accessory building receptacles.

125-volt, single-phase, 15- or 20-ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personal. [210.8(A)(3)]

Exception: Single plug receptacles for the sole use by the garage door openers, refrigerators, and/or freezers.

E3902.9 Laundry areas.

125-volt, single-phase, 15- and 20-ampere receptacles installed in laundry areas shall have ground-fault circuit-protection for personnel. [210.8(A)(10)]

Exception: Single plug receptacles for the sole use of the washer and/or dryer.

9.200.040.2 ADDITIONS.

The following sections are hereby incorporated and adopted in the 2015 International Residential Code:

M1301.1.2 One building or other structure not to be supplied through another.

Heating, Cooling and Ventilation equipment supplying a *building* or other *structure* shall not pass through the interior of another *building* or other *structure*.

G2412.1.2 One building or other structure not to be supplied through another.

Utility service *piping*, *piping*, *piping systems*, duct work, and *vents* supplying a *building* or other *structure* shall not pass through the interior of another *building* or other *structure*.

P2601.4 One building or other structure not to be supplied through another.

Water supply system, *water service pipe*, *building sewer*, *sanitary sewer*, and *vent stack* supplying a *building* or other *structure* shall not pass through the interior of another *building* or *structure*.

P3401.5 One building or other structure not to be supplied through another.

Wiring, conduit, and grounding supplying a *building* or other *structure* shall not pass through the interior of another *building* or *structure*.

9.200.040.3 DELETIONS.

The following sections of the 2018 International Residential Code are omitted and not hereby incorporated:

R302.13 Fire protection of floors.

R314.2.2 Alterations, repairs and additions.

R315.2.2 Alterations, repairs and additions.

R908.3.1 Roof recover.

R908.3.1.1 Roof recover not allowed.

R908.4 Roof recovering.

N1101.14 (R401.3) Certificate (Mandatory).

N1102.2.9 (R402.2.9) Basement walls.

N1102.4.1.2 (R402.4.1.2) Testing.

N1102.4.4 (R402.4.4) Rooms containing fuel-burning appliances.

N1103.2 (R403.2) Hot water boiler outdoor temperature setback.

N1103.3.3 (R403.3.3) Duct testing (Mandatory).

N1103.3.4 (R403.3.4) Duct leakage (Prescriptive).

N1103.10.3 (R403.10.3) Covers.

N1104.1 (R404.1) Lighting equipment (Mandatory).

N1104.1.1 (R401.1.1) Lighting equipment (Mandatory).

N1111.1 (R505.1) General.

N1111.2 (R502.2) General.

P2503.4 Building sewer testing.

P2503.5 Drain, waste and vent systems testing.

P2503.5.1 Rough plumbing.

P2503.5.2 Finished plumbing.

P2503.6 Shower liner test.

P2503.7 Water-supply system testing.

P3008.1 Where required.

ARTICLE 3. EXISTING BUILDING CODE

SECTION 9.200.050

ADOPTION OF THE 2018 INTERNATIONAL EXISTING BUILDING CODE

That a certain document, one (1) copy of which are on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri being marked and designate as the *International Existing Code*, 2018 edition, including Appendix Chapters:

Appendix B, Supplementary Accessibility Requirements for Existing Buildings and Facilities.

as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Gladstone, Clay County, Missouri, for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Existing Building Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the amendments, additions, and deletions, if any, prescribed in Section 9.200.060 of this chapter.

That if any section, subsection, sentence, clause, or phrase of this legislation is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this law, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

That nothing in this legislation or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this legislation.

SEC. 9.200.060

AMENDMENTS, ADDITIONS, AND DELETIONS TO THE 2018 INTERNATIONAL EXISTING BUILDING CODE

9.200.060.1 AMENDMENTS.

The following sections of the 2018 International Existing Building Code are omitted and not hereby incorporated as the following identically numbered sections area adopted in lieu thereof:

[A] 101.1 Title.

These regulations shall be known as the Existing Building Code of City of Gladstone, Clay County, Missouri, hereinafter referred to as “this code.”

9.200.060.2 ADDITIONS.

The following sections are hereby incorporated and adopted in the 2018 International Existing Building Code:

No sections added.

9.200.060.3 DELETIONS.

The following sections of the 2018 International Existing Building Code are omitted and not hereby incorporated:

No sections deleted.

CHAPTER 400 ELECTRICAL REGULATIONS

ARTICLE 1. ELECTRICAL CODE

SECTION 9.400.010

ADOPTION OF THE 2017 NATIONAL ELECTRICAL CODE ADMINISTRATIVE PROVISIONS

That a certain document, one (1) copies of which are on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as the *National Electrical Code*, 2017 edition, including Appendix Chapters:

Appendix H, Administrative and Enforcement

as published by the National Fire Protection Association, be and is hereby adopted as the Electric Code of the City of Gladstone, Clay County, Missouri for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems and equipment as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with amendments, additions, and deletions, if any, prescribed in Section 9.400.020 of this chapter.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

That nothing in this legislation or in the *National Electric Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 9.400.020

AMENDMENTS, ADDITIONS, AND DELETIONS TO NFPA 70, 2017 NATIONAL ELECTRICAL CODE

9.400.020.1 AMENDMENTS.

The following section(s) of the NFPA 70, National Electric Code, 2017 edition, are omitted and not hereby incorporated as the following identically numbered sections are adopted in lieu thereof:

210.8(A)(2) Garages, and also accessory buildings that have a floor area located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use

Exception to (2): Single plug receptacles for the sole use by the garage door openers, refrigerators, and/or freezers.

210.8(A)(10) Laundry areas

Exception to (10): Single plug receptacles for the sole use by the washer and/or dryer.

80.15(G)(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.

80.15(G)(2) Application for appeal. *Persons* directly affected by a decision of the *building official* or a notice issued under this code 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*.

80.15(G)(3) Authority on appeals. See Title I, Chapter 110, Article 4 of the City of Gladstone's Code of Ordinances.

80.23 Stop work orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances.

80.29 Liability for Damages. Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electrical equipment for damages to persons or property caused by a defect therein, nor shall the jurisdiction or any of its employees be held as assuming any such liability by reason of the inspection, reinspection, or other examination authorized.

9.400.020.2 ADDITIONS.

The following section(s) are hereby incorporated and adopted in the NFPA 70, National Electric Code, 2017 edition:

No sections added.

9.400.020.3 DELETIONS.

The following section(s) of the NFPA 70, National Electric Code, 2017 edition are omitted and hereby not incorporated:

80.15(A) Creation of the Electrical Board.

80.15(B) Appointments.

80.15(C) Terms.

80.15(D) Compensation.

80.15(E) Quorum.

80.15(F) Duties.

80.15(H) Meetings and Records.

80.23(A) Violations.

80.23(B) Penalties.

80.25(C) Notification.

80.25(D) Other Territories.

80.27 Inspector's Qualifications.

80.33 Repeal of Conflicting Acts.

80.35 Effective Date

**SECTION 9.400.030
VIOLATIONS**

9.400.030.1 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 chapter.

9.400.030.2 Violation; penalties.

Any person who violates a provision of this chapter or fails to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as 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 and every 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, 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 violation(s) or defect(s) within a reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

ARTICLE 2. ELECTRICIANS AND ELECTRICAL CONTRACTORS

DIVISION 1 PERMITS

SECTION 9.400.101 GENERAL

9.400.101.1 Permits issued.

Permits shall be issued only to persons holding a valid certificate and business license and master electricians license issued pursuant to this Article and the National Electric Code as adopted by the *jurisdiction*.

Exception: A permit may be issued to any person to do work regulated by this chapter in a dwelling unit as defined in the International Residential Code as adopted by the *jurisdiction*, provided that the person is a *bona fide owner* of such dwelling unit and that the same is or will be occupied by such bona fide owner.

DIVISION 2 DEFINITIONS

SECTION 9.400.201 GENERAL

9.400.201.1 Scope.

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

9.400.201.2 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.

9.400.201.3 Terms defined in other codes.

Where terms are not defined in this chapter and are defined in the National Electrical Code as adopted by the jurisdiction such terms shall have the meaning ascribed to them in that code.

9.400.201.4 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 9.400.202 GENERAL DEFINITIONS

APPROVED. Acceptable to the *building official*.

APPROVED AGENCY. An established and recognized agency that is regularly engaged in conducting test, furnishing inspection services or furnishing product certification where such agency has been *approved* by the *building official*.

BONA FIDE OWNER. The person or persons having legal ownership.

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

ELECTRICAL CONTRACTOR. A person engaged in the business of installing or repairing electrical wiring, fixtures, appliances, equipment, and appurtenances in connection with the power distribution system, etc., both insides and outside of buildings; and who is or employs a licensed *master electrician* in a managerial capacity.

ELECTRICAL WIRING. The installation, construction, alteration, replacement, removal, connection, disconnection, distribution or repair of wiring, fixtures, equipment

and apparatus for the use of electrical current for electrical fixtures, appliances, motors or other apparatus.

ELECTRICIAN. A person who installs, maintains, operates, or repairs electrical wiring, fixtures and equipment both inside and outside of buildings.

MASTER ELECTRICIAN. An individual licensed and authorized to install and to assume responsibility for contractual agreements pertaining to electrical, and to secure any permits required for electrical work.

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

OWNER. Any person, agent, operator, firm, or corporation having any legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding an interest or 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.

DIVISION 3 LICENSES

SECTION 9.400.301 MASTER'S LICENSE REQUIRED; EXCEPTIONS

9.400.301.1 General.

It is unlawful for any person to conduct, carry on or engage in the business of an *electrical contractor*, *electrical wiring* or *electrician* without having first been issued a valid master electrician's licenses by the *building official*.

Exceptions:

1. Work done under the employment and supervision of a master electrician.
2. Work done under the employment of an electrical contractor which is owned by a master electrician.
3. Work done under the employment of an electrical contractor, which employs a master electrician in a managerial capacity.
4. Work is done in compliance with section 9.400.101.

SECTION 9.400.302 APPLICATION FOR LICENSE ISSUANCE

9.400.302.1 Application.

Application for a master electrician's license shall be made in writing on forms provided by the city to the board of electrical examiners. The application shall state the applicant's name, mailing address, general qualifications and other data pertinent to the issuance of such certificate and license.

9.400.302.2 Eligibility.

A master electrician's license may be issued to:

1. A person who has taken and passed an approved examination pursuant to section 9.400.305 and who has been certified by the board of electrical examiners as a *master electrician*.
2. A person currently holding a valid master electrician's license issued by a county or city whose requirements relating to the issuance of such licenses are equivalent to the provisions of this article, as determined by the board of electrical examiners; provided that no waiver of examination shall be made to any person certified and licensed by a county or city which does not have in force the current addition of the ICC Electrical Code – Administrative Provisions and/or NFPA 70, National Electrical Code.

9.400.302.3 Duration.

All certificates and licenses shall be valid for a period of one (1) year starting at the beginning of the city's fiscal year (July 1), except that the first certificate and license granted shall extend from the date issued to the end of the city's fiscal year (June 30).

9.400.302.4 Renewal.

Master electrician's licenses currently issued may be renewed on or before July 1st, upon payment of a renewal fee, in accordance with the city "Schedule of Fees and Charges," as amended, without further examination. If any master electrician's license is not renewed on or before the renewal day (July 1), the applicant may be required to meet the requirements as set forth sections 9.400.302(1) and 9.400.302(2).

9.400.302.5 Transferability.

Master electrician's licenses are not transferable from one person to another person.

SECTION 9.400.303 EXAMINATION OF APPLICANT

9.400.303.1 General.

Applicants applying for a master electrician's license who shall show proof to the board of electrical examiners that they have passed an approved examination for master electrician, or have passed an equivalent or more stringent test as determined by the board of electrical examiners, shall be eligible for a master electrician's license.

SECTION 9.400.304 BUSINESS LICENSE

9.400.304.1 General. The master electrician's license provided for in this article shall in no way affect the duty to obtain any and all business licenses required by other laws or ordinances of the jurisdiction. A separate business license shall not be required if the *master electrician* is not an electrical contractor. However, every *electrical contractor* shall have a valid business license before performing electrical work within the jurisdiction.

SECTION 9.400.305 BOARD OF ELECTRICAL EXAMINERS

9.400.305.1 Creation of board.

The board of electrical examiners is hereby created and the official in charge thereof shall be the city manager.

9.400.305.2 Membership of board.

The board of electrical examiners shall consist of three (3) persons as follows:

1. The city manager or the city manager's designee;
2. The *building official*; and

3. The deputy of the *building official*.

9.400.305.3 Approval.

All votes of business of the board shall require a concurring vote of two-thirds of its members. A vote equal to a quorum is required to pass or deny any request. A quorum shall consist of a simple majority of board members.

9.400.305.4 Rules and procedures.

The board is authorized to establish policies and procedures necessary to carry out its duties.

9.400.305.5 Revocation or suspension of certificate and license.

If it is determined that a person who has been issued a master electrician's license under this article is incompetent or lacks knowledge on matters relevant to such license, or it is determined that the license was obtained by fraud or based on inaccurate or incomplete information, the board, after hearing thereon, may cancel, suspend, or revoke the license issued to such person; provided that such person shall be given ten (10) days written notice thereof prior to the time fixed for the hearing, so that such person may have any opportunity to have counsel present and produce witnesses in their behalf. A person who has such person's own license canceled, suspended, or revoked shall have the right to appeal the board's decision to the uniform code board of appeals within ten (10) days of the board's decision by filing a written protest with the secretary of the uniform code board of appeals. If the license of any person is so canceled, suspended, or revoked, another license shall not be granted until the board reinstates such person.

SECTION 9.1100.306

APPEALS

9.1100.306.1 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 Code Board of Appeals is hereby authorized to conduct said appeals.

9.1100.306.2 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 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.

9.1100.306.2 Authority on appeal.

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

**DIVISION 4
VIOLATION AND PENALTIES**

**SECTION 9.400.406
VIOLATIONS**

9.400.406.1 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 chapter.

9.400.406.2 Violation penalties.

Any person who violates a provision of this chapter or fails to comply with any order made thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as 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 and every such violation and noncompliance respectively, be 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 violation(s) or defect(s) within a reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

CHAPTER 500
ENERGY CONSERVATION REGULATIONS

SECTION 9.500.010
ADOPTION OF THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE
COMMERCIAL PROVISIONS

That a certain document, one (1) copy of which are on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as the International Energy Conservation Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Gladstone, Clay County, Missouri, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made part hereof, as if fully set out in this legislation, with the amendments, additions, and deletions, if any, prescribed in Section 9.700.020 of this chapter.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed the law, and each section, subsection, clause or phrase thereof; irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

That nothing in this legislation on in the Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 9.500.020
AMENDMENTS, ADDITIONS, AND DELETIONS
TO THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE
COMMERCIAL PROVISIONS

9.500.020.1 AMENDMENTS.

The following sections of the 20158 International Energy Conservation Code are omitted and not hereby incorporated and the following identically numbered sections are adopted in lieu thereof:

C101.1 Title.

This code shall be known as the Energy Conservation Code of the City of Gladstone, Clay County, Missouri, and shall be cited as such. It is referred to herein as “this code.”

C108.4 Failure to comply.

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 guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances.

SECTION C109 MEANS OF APPEAL**C109.1 Application for appeal.**

A person shall have the right to appeal a decision of the *code official* to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The application shall be filed on a form obtained by the *code official* within twenty (20) days after the notice was served.

9.500.020.2 ADDITIONS.

The following sections are hereby incorporated and adopted in the 2018 International Energy Conservation Code:

No sections added.

9.500.020.3 DELETIONS.

The following sections of the 2018 International Energy Conservation Code are omitted and not hereby incorporated.

No sections deleted.

CHAPTER 600 FIRE PREVENTION REGULATIONS

ARTICLE 1. FIRE CODE

SECTION 9.600.010 ADOPTION OF THE 2018 INTERNATIONAL FIRE CODE

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as the *International Fire Code*, 2018 edition, including Appendix Chapters:

- Appendix B, Fire-Flow Requirements for Buildings,
- Appendix C, Fire Hydrant Locations and Distributions,
- Appendix D, Fire Apparatus Access Roads,
- Appendix E, Hazard Categories,
- Appendix F, Hazard Ranking,
- Appendix G, Cryogenic Fluids – Weight and Volume Equivalents,
- Appendix H, Hazard Materials Management Plan (HMMP) and Hazardous Materials
Inventor Statement (HMIS) Instructions,
- Appendix I, Fire Protection Systems – Noncompliant Conditions, and
- Appendix J, Building Information Sign.

as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Gladstone, Clay County, Missouri, for regulating and governing the safeguard of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the of the City Clerk of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in the legislation, with the amendments, additions, and deletions, if any, prescribed in Section 9.600.020 of this chapter.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, or otherwise be declared invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof; irrespective of the fact that

any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, or otherwise be declared invalid..

That nothing in this legislation or in the Fire Code hereby be adopted shall be construed to affect any suit or proceeding pending in any court, or right acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 9.600.020
AMENDMENTS, ADDITIONS, AND DELETIONS
TO THE 2018 INTERNATIONAL FIRE CODE

9.600.020.1 AMENDMENTS.

The followings sections of the 2018 International Fire Code are omitted and not hereby incorporated as the follow identically numbered sections are adopted in lieu thereof:

[A] 101 Title.

These regulations shall be known as the Fire Code of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this code”.

[A] 102.7 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such code and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such referenced and as further regulated in Sections 102.7.1 and 102.7.2. In addition to the codes and standards referenced in Chapter 80 the following codes and standards shall be considered to be part of the requirements of this code:

- NFPA 3: Recommended Practice for Commissioning of Fire Protection and Life Safety Systems,
- NFPA 10: Standard for Portable Fire Extinguishers,
- NFPA 13: Standard for Installation of Sprinkler Systems,
- NFPA 14: Standard for the Installation of Standpipe and Hose Systems,
- NFPA 20: Standard for the Installation of Stationary Pumps for Fire Protection,
- NFPA 24: Standard for the Installation of Private Fire Service Mains and Their Appurtenances,
- NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water Based Fire Protection Systems,
- NFPA 58: Liquid Petroleum Gas Code,

- NFPA 72: National Fire Alarm and Signaling Code,
- NFPA 99: Health Care Facilities Code, and

SECTION 109 MEANS OF APPEAL

109.1 General.

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

109.2 Application for appeal.

Persons directly affected by a decision of the *fire marshal* or a notice issued under this code 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 *fire marshal* within ten (10) days of orders, decisions, or determination therefore made by the *fire marshal*.

109.3 Authority on appeals.

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

110.4 Violation penalties.

Any person who shall violate a provisions of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances. The imposition of one (1) penalty shall not excuse the violation, ~~or permit it to continue; and all such persons shall be required to correct or remedy such~~ violation(s) or defect(s) within a reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

112.4 Failure to comply.

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 guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances.

307.4.1 Bonfires.

Bonfires shall be prohibited within the jurisdiction.

308.1.4 Open-flame cooking devices.

Open-flame cooking, heating, or decorative devices, fueled by charcoal, wood, propane gas, natural gas, or other such fuels, and the fuels for such devices, shall not be operated, stored or located on decks, balconies, porches, and patios, or within ten (10) feet of any dwelling unit within any apartment building; as defined in Title X, Chapter 200, Division 2, Section 10.200.202.

503.3 Marking.

Where required by the *fire code official*, *approved* signs or other *approved* notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which *fire lanes* are designated shall be maintained in a clean and legible condition at all times and be replaced, repaired, or repainted when necessary to provide adequate visibility.

The entire face and top of curb shall be painted either Red with White lettering or Yellow with Red lettering. Lettering shall be 4 inches high with a minimum stroke width of $\frac{3}{4}$ inch and shall be spaced no further apart than 25 feet along the face of the curb.

In the absence of curb and where specified by the *fire code official* shall be marked with a 10-inch Red strip with White lettering or a Yellow Strip with Red lettering. Lettering shall be 4 inches high with a minimum stroke width of $\frac{3}{4}$ inch and shall be spaced no further apart than 25 feet.

If vertical signage is used, the minimum cumulative size shall be 96 square inches. The sign shall contain the words “No Parking” or the universal symbol for no parking along with the words “Fire Lane”. The sign shall be white with red lettering. The bottom of the sign shall be mounted 7 feet above grade and outer edge of the sign shall be 2 feet to 3 feet from the front face of the curb or edge of pavement when no curb present. Signs shall be spaced no further apart than 20 feet.

505.1 Address identification.

New and existing buildings shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 8 inches high with a minimum stroke width of $\frac{1}{2}$ inch. Where required by the *fire code official*, address identification shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building cannot be view from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Exceptions:

1. Residential Group R-2 and R-3 shall be a minimum of 4 inches.
2. Home Day Care Facilities approved by a Special Use Permit shall be 6 inches high.
3. Existing non-conforming uses shall not be required to modify their addresses; unless they are so worn, faded, or otherwise required to be replaced by the *fire code official* for due cause.

506.1.1 Locks.

An *approved* lock, lockable device or shutoff device shall be installed on the following:

The following shall require a key box or an approved lockable or shutoff device.

1. All fire department connections and standpipe connections.

Exception: Existing connections shall be converted by January 1, 2023 or if the *fire code official* finds missing cap(s) then all connections shall be brought into compliance promptly.

2. Automatic entrance gates or similar barriers shall be equipped with an approved fire department operating/opening device.
3. Non-automatic entrance gates or similar barriers.
4. Excessive travel from entrance or other exigent circumstances exist.
5. Electrical service(s) in excess of 200 amps.

507.5.2 Inspection, testing and maintenance.

Fire hydrant systems shall be subject to periodic testing as required by the *fire code official*. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, *alterations* and servicing shall comply with *approved* standards and NFPA 291. Records of tests and required maintenance shall be maintained.

507.5.3 Private fire service mains and water tanks.

Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 and NFPA 291 at the following intervals:

1. Private fire hydrants of all types: Inspection annually and after each operation; flow test and maintenance annually.
2. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.
3. Fire service main piping strainers: Inspection and maintenance after each use.

Records of inspections, testing and maintenance shall be maintained.

507.5.5 Clear space around hydrants.

A 5-foot clear space shall be maintained around the circumference of the fire hydrants, except as otherwise required or *approved*.

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

509.1 Identification.

Fire protection equipment shall be identified in an *approved* manner. Rooms containing controls for mechanical systems, sprinkler riser and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. *Approved* signs required to identify

fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible. Signage shall be affixed to the doors of these rooms. The signage shall be red letters a minimum of 4 inches high with a minimum stroke width of ½ inch. The *fire code official* may require trailblazing signage from the main entrance to these rooms.

901.603.2 Test Documentation.

When required inspection, testing, or maintenance occurs on any fire protection system, testing documents shall be submitted to the fire marshal within thirty (30) days of completion through an approved third-party inspection agency. Reporting parties shall pay any fees associated with said service to the third-party inspection agency.

912.2 Location.

With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connection shall be located within 75 feet of a fire hydrant and within 10 feet from a paved surface and shall be *approved* by the *fire code official*.

912.5 Signs.

A metal sign with raised letters not less than 4 inches in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served.

1004.9 Posting of occupant load.

Every room or space that is an assembly occupancy shall have the *occupant load* of the room or space posted in a conspicuous place, near the main *exit* or *exit access* doorway from the room or space. Posted signs shall be an *approved* legible permanent design using Arabic numerals or alphabet letters with letters a minimum height of 3 inches and a minimum stroke width of ½ inch.

5601.1.3 Fireworks.

The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.
3. The use of fireworks for fireworks displays as allowed in Section 5608.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks.

5. The use or possession of fireworks of any kind within the jurisdiction's parkland is permitted, by permit, only when authorized in writing by the Parks, Recreation and Cultural Arts Director for outdoor special events and approved by the City Council.

5601.2.2 Sale, retail display, use and possession.

Within the jurisdiction, *persons* shall not:

1. Construct a retail display or offer for sale *explosives, explosive materials* or fireworks.
2. Offer for sale, sell, purchase, use, ignite, display or discharge any fireworks.
3. Possess any fireworks.

Exception: Fireworks safely stored within a home or within the locked truck or other locked storage compartment of a motor vehicle.

4. Permit the sale, purchase, use, ignition, display, explosion or possession of fireworks by another person upon any real property they are in control of.
5. Display or cause to be displayed public fireworks for entertainment purposes.

5601.2.4.1 Blasting.

Blasting is prohibited within the jurisdiction.

5704.2.9.6.1 Locations where above-ground tanks are prohibited.

Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited, provided that an application for a permit may be filed for a tank with a capacity of up to 1,000 gallons if such tank will be located on any property zoned for commercial or industrial use; or property used for industrial purposes, regardless of the property's zoning. Not more than 1,000 gallons of combustible or flammable liquid shall be stored on any one lot, tract, parcel or premises.

5706.2.4.4 Locations where above-ground tanks are prohibited.

Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited, provided that an application for a permit may be filed for a tank with a capacity of up to 1,000 gallons if such tank will be located on any property zoned for commercial or industrial use; or property used for industrial purposes, regardless of the property's zoning. Not more than 1,000 gallons of combustible or flammable liquid shall be stored on any one lot, tract, parcel or premises.

5806.2 Limitations.

Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited, provided that an application for a permit may be filed for a tank with a capacity of up to 1,000 gallons if such tank will be located on any property zoned for commercial or industrial use; or property used for industrial purposes, regardless of the property's zoning. Not more than 1,000 gallons of combustible or flammable liquid shall be stored on any one lot, tract, parcel or premises.

6104.2 Maximum capacity within established limits.

Storage of liquefied petroleum gas is prohibited, provided that an application for a permit may be filed for a tank with a water capacity of 2,000 gallons if such tank will be located on property with an M-1 use. Not more than 2,000 gallons, water capacity, of liquefied petroleum gas shall be stored on any lot, tract, parcel or premises.

SEC. 9.600.020.2 ADDITIONS.

The following sections are hereby incorporated and adopted in the 2018 International Fire Code:

104.11.4 Temporary directive.

A dangerous condition not specifically addressed by this code but in the opinion of the Director of Public Safety, Fire/EMS Division Chief, and/or the *fire code official*, is a dangerous condition that relates to the intention of this code and that constitutes a distinct hazard to life or property; a temporary directive may be issued to address such condition. The directive shall expire no later than sixty (60) days from the date of issuance.

107.2.1.1 Priority inspections.

An inspection request that is time sensitive; which the *fire code official* reprioritizes to occur out of a routine inspection schedule.

107.5 State required inspections:

The *fire code official* may require documentation that the following items have been inspected annually as required by the State Fire Marshal's Office:

1. Fire sprinkler systems,
2. Daycares,
3. Residential institutions,
4. Amusement rides,
5. Pressure vessels, and
6. Elevators.

307.1 Open burning; permitted.

Open burning, of *approved* materials, within the jurisdiction shall be contained to approved fire pits, approved outdoor fireplaces, or barbeque grills.

307.1.2 Prohibited burning.

The following shall be prohibited within the jurisdiction:

1. The burning of rubbish, garbage, or yard waste. (Include leaves, grass, and other yard debris.)

Exception: Burning may be done in an incinerator approved by the local health department and the jurisdiction.

2. Persons who willfully set fire to any grass, weeds or any other flammable materials outdoors.

Exceptions:

- a. The use of charcoal, lighter fluid, wood chips and similar flammable materials for the sole use of cooking or smoking food. Such materials shall be located within a device specifically designed for this purpose, located away from combustible materials, attended at all times and extinguished immediately after completion of use.
 - b. Temporary UL-approved heating devices located away from combustible materials, be attended by competent person and compliant with this code.
 - c. The use of fifty-five (55) gallon barrels or similar devices containing a minimal amount of untreated natural wood construction waste may be utilized for warming of construction workers. Such containers shall be located away from combustible materials, attended at all times and extinguished immediately after completion of use. This method of warming is only applicable to construction sites possessing a valid building permit, which authorizes the construction of structures exceeding 1,200 square feet and may be prohibited by the jurisdiction at any time upon written notice to the holder of the building permit.
 - d. Fire pits in compliance with this code.
3. The burning of solid waste as defined by applicable federal, state and local regulations.

307.1.3 Fire hazard emergency.

The City Manager may declare a fire hazard emergency and prohibit open burning of any material for the protection of the health, welfare and safety of the jurisdiction. Such prohibition against open burning shall continue until rescinded by the City Manager.

307.4.3.1 Fire pits, fireplace; outdoor.

Fire pits and fireplaces located outdoors within the jurisdiction shall observe the following:

1. Must be a minimum of fifteen (15) feet from combustible materials.
2. Shall not be places under trees and/or overhead wires.
3. Fire pits shall be a minimum of twelve (12) inches in height and not higher than twenty-four (24) inches; made of noncombustible materials.
4. Fire pits shall have a maximum diameter of thirty-six (36) inches.

5. Flames shall not exceed eighteen (18) inches above the top of the fire pit.
6. Flames shall not exceed the top of the fireplace flue.
7. A readily available water source or fire extinguisher adequate for fire extinguishment.
8. Use of fire pits and fireplaces shall be attended at all time by an adult.
9. Flying embers shall be kept to a minimum.
10. Fire pits and fireplaces shall be maintained in good working order.
11. It is prohibited to burn rubbish, garbage, trash, yard waste, and construction material.
12. The use of fire pits and fireplaces is prohibited when there is a burn ban in place, or the wind speed is in excess of 15 MPH.

307.6 Parkland.

The igniting and maintaining of any fire on parkland is prohibited.

Exception: In designated grills or other fireplaces provided by the jurisdiction as prescribed:

1. Fire shall not be left unattended.
2. Fire shall be extinguished after use.

307.6.1 Fire danger.

The jurisdiction may prohibit all fires on parkland by posting of signs to that effect during designated periods of drought.

504.4 Signage.

Door(s) leading from a common area or hallway to the building roof access shall have signage affixed to the door(s). The signage shall be letters a minimum of 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm). The letters shall be contrasting to the background.

506.1.1.1 Decals.

The *fire code official* may place a decal on doors servicing occupancies with any of the boxes, locks or devices in sections 506.1 and 506.1.1.

507.2.1.1 Fire hydrant makings.

Fire hydrants located on private fire service mains and/or private water mains shall have their based painted red and the caps shall be painted as follows:

1. 2-inch main shall be painted Red.

2. 4-inch main shall be painted Orange.
3. 6-inch main shall be painted Green.
4. 8-inch or larger main shall be painted Blue.

507.5.7 Crossing or driving over fire hose.

It shall be unlawful for the driver of any vehicle to drive over an unprotected fire hose when laid down on any street, alley, parking lot, or private way, or cause to be done or cause to be done in violation of this section.

Exception: With approval of the Fire Department official in charge on scene.

606.9 Elevator machine room access and signage.

An *approved* means of access shall be provided to the elevator machine rooms, control rooms, control spaces and machinery spaces. The door(s) to these rooms shall have signage affixed to the door(s). The signage shall be red letters a minimum of 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm). The *fire code official* may require trailblazing signage from the main entrance to the elevator mechanical room.

903.2.12.1 Cumulative renovation.

In consideration of whether an *automatic sprinkler system* must be installed in a building, where any adopted code defines the threshold for renovations of 50% or more of a floor or building for applicability of codes in consideration of an *automatic sprinkler system*, the 50% shall be defined as the cumulative sum of the floor and/or building area for all work performed and/or permits obtained since January 1, 2015.

912.2.3 New buildings.

The exterior fire department connection, building or remote connection, shall be indicated by an *approved* sign mounted to or adjacent to the fire department connection. Such sign shall have letters "FDC" not less than 6 inches (152 mm) in height. The letters shall be white reflective lettering on a red retro-reflective background.

913.1.1 Required. Fire pumps shall be required for commercial buildings that require fire sprinkler systems where the following conditions exist:

1. The building exceeds 2 stories in height measured from any ground surface level. This shall include a 2 story building with a basement exposed on at least one side of the building with a walk-out door or window, and
2. The static pressure on the fire main serving the building sprinkler system has less than 80 psi (551.58 kPa) as measured in the highest hours of demand annually for the system or residual pressure below 60 psi (413.69 kPa). In absence of any specific information the demand hour shall be considered the highest hour between Noon and Midnight in during the first week of August.

Where fire pumps are required they shall be electric motor driven; unless otherwise specifically approved by the *fire code official*.

1022.2.3 Numbering.

Where a building or structure, either with one or multiple tenants, has three or more exits, a sequential numbering system shall be required. The numbers shall be affixed to the doors on the interior and exterior. The numbers shall be red with a minimum height of 4 inches (102 mm) and a minimum stroke width of ½ inch (12.7 mm).

3304.1.1 Ignitable and combustible materials.

No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or materials within or against any building, vehicle, or under any tree or in underbrush.

5608.2.3 Bond required.

Prior to issuing any permit for a fireworks display, the applicant shall file with the jurisdiction a surety bond or a public liability policy in the amount requested by the jurisdiction having authority, for the purpose of the payment of damages to property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgement results. The surety bond or public liability policy shall list the jurisdiction having authority as additionally insured.

SECTION D109 PROTECTION OF TRAFFIC

D109.1 Trenches and excavations.

Street/road/highway construction within or adjacent to fire apparatus access roads shall have erected and maintain suitable timber barriers to confine earth from trenches and excavations in order to encroach upon streets/roads/highways as little as possible. The construction site shall be maintained with adequate and safe crossings over trenches and excavations under improvement to accommodate vehicular and pedestrian traffic.

SEC. 9.600.020.3 DELETIONS.

The following sections of the 2018 International Fire Code are omitted and not hereby incorporated:

1103.2 Emergency responder radio coverage in existing buildings.

ARTICLE 2. AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM

DIVISION 1 SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.600.101 GENERAL

9.600.101.1 Title.

This article shall be known as Automated External Defibrillator (AED) Program of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this article”

9.600.101.2 Scope.

The provisions of this chapter are to provide within easily accessible locations, within building in this jurisdiction, AED’s for use by capable people.

9.600.101.3 Intent.

The purpose of this article is to create and maintain the City’s public AED program and establish guidelines for use, training, and data collection, as well as requirements and procedures for implementing and using AED’s by qualified laypersons within the City.

SECTION 9.600.102 APPLICABILITY

9.600.102.1 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 article specify different requirements, the most restrictive shall govern.

9.600.102.2 Other laws.

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

9.600.102.3 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.

9.600.102.4 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 9.300.102.4.1 and 9.300.102.4.2.

9.600.102.4.1 Conflicts.

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

9.600.102.4.2 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 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 use of any AED existing on the date of adoption of this article shall comply with Section 9.600.301.1.

SECTION 9.600.103

DUTIES AND POWERS OF FIRE DIVISION CHIEF AND PROGRAM MANAGER

9.600.103.1 General.

The Director of Public Safety, *Fire Division Chief* and *program manager* are hereby authorized to enforce the provisions of this article and shall have the authority to render interpretations of this article, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this article and shall not have the effect of waiving requirements specifically provided for in this article.

9.600.103.2 Duties; Director of Public Safety.

The Director of Public Safety or his/her designee shall have the following duties:

1. Shall have the right to audit any use of an *automated external defibrillator* that is subject to this article. The Director of Public Safety or his/her designee may review maintenance and repair records, training records, reports of cardiopulmonary resuscitation or *automated external defibrillator* use, and any other records necessary to determine compliance with the terms of this article and any corresponding regulations. The audit may also include gathering clinical data and information from the person who used the *automated external defibrillator*, and from the *automated external defibrillator* itself.
2. May delegate duties to appropriate personnel, including the *medical director* or other persons or entities determined by the Director of Public Safety to be qualified to oversee the operations of the *public access defibrillation program*.
3. Shall review or have reviewed applications of the *public access defibrillation program* and certify only those programs that establish conformance with the *public access defibrillation program* duties, defined by this article and any adopted regulations. Such certification shall be effective for twelve (12) months following such certification, unless it is revoked as a

result of an audit by the *Fire Division Chief* or *program manager*, which determines that the *public access defibrillation program* has failed to comply with the *public access defibrillation program* regulations outlined in Section 9.600.302. Each *public access defibrillation program* must apply and be re-certified every twelve (12) months.

9.600.103.3 Duties; program manager.

The *program manager* shall have the following duties:

1. Shall maintain a list of authorized *public access defibrillation sites*, which shall be available to the Gladstone Fire and EMS Division.
2. Shall have the right to audit any use of an *automated external defibrillator* that is subject to this article. The *program manager* may review maintenance and repair records, training records, reports of cardiopulmonary resuscitation or *automated external defibrillator* use, and any other records necessary to determine compliance with the terms of this article and any corresponding regulations. The audit may also include gathering clinical data and information from the person who used the *automated external defibrillator*, and from the *automated external defibrillator* itself.

DIVISION 2 DEFINITIONS

SECTION 9.600.201 GENERAL

9.600.201.1 Scope.

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

9.600.201.2 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.

9.600.201.3 Terms defined in other codes.

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

9.600.201.4 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 9.600.202 GENERAL DEFINITIONS

AUTHORIZED USER. Any person who has met the training standards of this article, and is authorized to use an AED by the program manager in accordance with this article.

AUTOMATED EXTERNAL DEFIBRILLATOR (AED). An external defibrillator capable of cardiac rhythm analysis that will charge and, with or without further operator action, deliver a shock after electronically detecting that a “Shockable Rhythm” is present.

FIRE DIVISION CHIEF. The chief of the Fire and EMS Division, as appointed by the Director of Public Safety of the City of Gladstone.

HEALTH CARE FACILITY. A hospital, nursing home, physician’s office or other fixed location at which medical and health care services are routinely preformed.

MEDICAL DIRECTOR. A physician, appointed by the City Manager, who is trained to operate, maintain, and review usage of *AED*’s and who develops, implements, and maintains the medical control provisions of this article and any regulations promulgated pursuant thereto.

PROGRAM MANAGER. A person, appointed by the Director of Public Safety, who works with the *medical director* to oversee the administration of the *PAD program* at specific sites within the City of Gladstone.

PUBLIC ACCESS DEFIBRILLATION (PAD) PROGRAM. The program to provide and utilize *AED*'s by rescuers to treat victims of cardiac arrest in public or private places, including first aid providers not associated with the pre-hospital emergency medical services provider for the City; staff of nursing homes not otherwise exempt by this article, and similar activities.

PUBLIC ACCESS DEFIBRILLATION (PAD) SITE. An agency, business, organization, individual, or other entity that sponsors a *PAD program* and allows placement of an *AED* on its premises.

DIVISION 3 REGULATIONS

SECTION 9.600.301 AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

9.600.301.1 AED's; use of.

No business, entity, institution, or person shall begin a *public access defibrillator program* or maintain an existing *public access defibrillator program* unless certified by the Director of Public Safety or his/her designee.

Exceptions:

1. Hospitals licensed by the State of Missouri.
2. Physicians licensed by the State of Missouri as a physician pursuant to RSMo. Ch. 334.
3. Nurses licensed by the State of Missouri as a nurse pursuant to RSMo. Ch. 335.
4. Mutual aid providers working for an ambulance service, fire department, or other emergency medical services (EMS) agency that are called into the City to provide mutual aid to the City's pre-hospital emergency medical services.
5. Person(s) working for the City of Gladstone's Fire and EMS Division that are trained and approved by the City to provide pre-hospital emergency medical services.
6. *Health care facilities* that are properly licensed by the State of Missouri.

SECTION 9.600.302 PUBLIC ACCESS DEFIBRILLATION PROGRAM REGULATIONS

9.600.302.1 General.

Any person, business, entity, or institution acquiring an *automated external defibrillator* shall adhere to the following regulations:

9.600.302.1.1 Training.

Authorized use of an *automated external defibrillator* shall be only by persons who have received training by the American Heart Association, American Red Cross, or an equivalent nationally recognized course approved by the *medial director*, which includes training in the identification of cardiac arrest, administration of cardiopulmonary resuscitation, and the use of *automated external defibrillators*.

9.600.302.1.2 Maintenance.

Automated external defibrillators shall be maintained and tested in accordance with the manufacture's operational guidelines, and maintain records of the same. Records of

maintenance and testing shall be made available to the Director of Public Safety, *Fire Division Chief* and/or *program manager* upon request.

9.600.302.1.3 Automated external defibrillator; notification of use.

Any person who renders emergency care or treatment outside of a health care facility or emergency medical services system by using an *automated external defibrillator* must notify the emergency medical services system through proper use of the 911 system or other means, to seek pre-hospital emergency medical services, as soon as possible.

9.600.302.1.4 Medical control.

Anyone acquiring an *automated external defibrillator* for use outside a *health care facility* shall have an authorized physician to:

1. Provide the medical protocol for the use of the device;
2. Review and advise regarding the training and skill maintenance of authorized users; and
3. Review situations where the *automated external defibrillator* is used to render emergency care.

Such protocol will be made available to the Director of Public Safety or his/her designee upon request. The City's *medical director* may be utilized to satisfy requirements of this subsection.

9.600.302.1.5 Cooperation with the Director of Public Safety, Fire Division Chief and/or program manager.

Any user of an *automated external defibrillator* shall fully cooperate with officials within the Public Safety Department in any audit or other quality assurance review, including the retrieval of clinical data from the device itself.

9.600.302.1.6 List of authorized user.

A *public access defibrillation program* shall maintain a list of the authorized users, which shall also reflect the user's training and qualifications. This list is subject to audit by the officials within the Public Safety Department.

SECTION 9.1100.304

APPEALS

9.1100.304.1 General.

In order to hear and decide appeals or orders, decisions, or determinations made by the *fire division chief* and/or *program manager* relative to the application and interpretation of this article; the Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

9.1100.304.2 Application for appeal.

Persons directly affected by a decision of the *fire division chief* and/or *program manager* 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 *fire division chief* and/or *program manager* within ten (10) days of orders, decisions, or determinations therefore made by the building official.

9.1100.304.2 Authority on appeal.

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

**DIVISION 4
VIOLATION AND PENALTIES**

**SECTION 9.600.401
VIOLATIONS**

9.600.401.1 Unlawful acts.

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.

9.600.401.2 Violation; penalties.

Any person, who violates a provision of this chapter or fails to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as 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 and every such violation and noncompliance respectively, be 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 violation(s) or defect(s) within a reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

CHAPTER 700 FUEL GAS REGULATIONS

SECTION 9.700.010 ADOPTION OF THE 2018 INTERNATIONAL FUEL GAS CODE

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as the International Fuel Gas Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Gladstone, Clay County, Missouri, for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the amendments, additions, and deletions, if any, prescribed in Section 9.700.020 of this chapter.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

That nothing in this legislation or in the International Fuel Gas Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 9.700.020 AMENDMENTS, ADDITIONS, AND DELETIONS TO THE 2018 INTERNATIONAL FUEL GAS CODE

9.700.020.1 AMENDMENTS.

The following section(s) of the 2018 International Fuel Gas Code are omitted and not hereby incorporated as the following identically numbered sections are adopted in lieu thereof:

[A] 101.1 Title.

These regulations shall be known as the Fuel Gas Code of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this code.”

[A] 106.6.2 Fee schedule.

The fees for work shall be in accordance with the schedule established by the applicable governing body.

[A] 106.6.3 Fee refunds.

The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

[A] 108.4 Violation penalties.

Any person who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under provisions of this code, shall be guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances. The imposition of one (1) penalty shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy such violation(s) or defect(s) within a reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 108.5 Stop work orders.

Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances.

403.4.3 Copper and brass.

Copper, Copper alloy pipe, brass, threaded copper and threaded brass shall not be used. Threaded aluminum-alloy shall not be used with gases corrosive to such materials.

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 Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

109.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this code 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*.

109.3 Authority on appeals.

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

403.5.3 Copper and copper alloy tubing.

Copper, copper alloy tubing, brass and brass tubing shall not be used.

9.700.020.2 ADDITIONS.

The following section(s) are hereby incorporated and adopted in the 2018 International Fuel Gas Code:

No sections added.

9.700.020.3 DELETIONS.

The following section(s) of the 2018 International Fuel Gas Code are omitted and not hereby incorporated:

109.2.1 Qualifications.

109.2.2 Alternate members.

109.2.3 Chairman.

109.2.4 Disqualification of member.

109.2.5 Secretary.

109.2.6 Compensation of members.

109.4 Open hearing.

109.4.1 Procedure.

109.5 Postponed hearing.

109.6 Board decision.

109.6.1 Resolution.

109.6.2 Administration.

109.7 Court review.

CHAPTER 800 MECHANICAL REGULATIONS

SECTION 9.800.010 ADOPTION OF THE 2018 INTERNATIONAL MECHANICAL CODE

That a certain document, one (1) copy of which are on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as the *International Mechanical Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Gladstone, Clay County, Missouri, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the amendments, additions, and deletions, if any, prescribed in Section 9.800.020 of this chapter.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

That nothing in this legislation or in the *International Mechanical Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 9.800.020 AMENDMENTS, ADDITIONS, AND DELETIONS TO THE 2018 INTERNATIONAL MECHANICAL CODE

9.800.020.1 AMENDMENTS.

The following section(s) of the 2018 International Mechanical Code are omitted and not hereby incorporated as the following identically numbered sections are adopted in lieu thereof:

[A] 101.1 Title.

These regulations shall be known as the *Mechanical Code* of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this code.”

[A] 106.5.2 Fee schedule.

The fees for mechanical work shall be in accordance with the schedule of fees and charges as established by the jurisdiction having authority.

[A] 106.5.3 Fee refunds.

The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

[A] 108.4 Violation penalties.

Any person who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under provisions of this code, shall be guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances. The imposition of one (1) penalty shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy such violation(s) or defect(s) within a reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 108.5 Stop work orders.

Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances.

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 Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

109.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this code 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*.

109.3 Authority on appeals.

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

9.800.020.2 ADDITIONS.

The following section(s) are hereby incorporated and adopted in the 2018 International Mechanical Code:

No sections added.

9.800.020.3 DELETIONS.

The following section(s) of the 2018 International Mechanical Code are omitted and not hereby incorporated:

109.2.1 Qualifications.

109.2.2 Alternate members.

109.2.3 Chairman.

109.2.4 Disqualification of member.

109.2.5 Secretary.

109.2.6 Compensation of members.

109.4 Open hearing.

109.4.1 Procedure.

109.5 Postponed hearing.

109.6 Board decision.

109.6.1 Resolution.

109.6.2 Administration.

109.7 Court review.

CHAPTER 900 PLUMBING REGULATIONS

ARTICLE 1. PLUMBING CODE

SEC. 9.900.010

ADOPTION OF THE 2018 INTERNATIONAL PLUMBING CODE

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as the International Plumbing Code, 2018 edition, including Appendix Chapters:

Appendix B, Rates of Rainfall for Various Cities,

Appendix C, Structural Safety,

Appendix D, Degree Day and Design Temperatures, and

Appendix E, Sizing of Water Piping System.

as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Gladstone, Clay County, Missouri, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of Plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the amendments, additions, and deletions, if any, prescribed in Section 9.900.020 of this chapter.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

That nothing in this legislation or in the International Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 9.900.020
AMENDMENTS, ADDITIONS, AND DELETIONS
TO THE 2018 INTERNATIONAL PLUMBING CODE

9.900.020.1 AMENDMENTS.

The following section(s) of the 2018 International Plumbing Code are omitted and not hereby incorporated and the following identically numbered sections are adopted in lieu thereof:

101.1 Title.

These regulations shall be known as the International Plumbing Code of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this code”.

106.6.2 Fee schedule.

The fees for work shall be in accordance with the schedule established by the applicable governing body.

106.6.3 Fee refunds.

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee when no work has been done under a permit issued in accordance with this code.
3. Not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

108.4 Violation penalties.

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair plumbing work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances. The imposition of one (1) penalty 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 reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Stop work orders.

Upon notice from the code official that plumbing work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 guilty of a misdemeanor, punishable as provided in Section 1.100.140 of this Gladstone Code of Ordinances.

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 Uniform Code Board of Appeals is hereby authorized to conduct said appeals.

109.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this code 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*.

109.3 Authority on appeals.

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

305.4.1 Sewer depth.

Building sewers shall be installed not less than 36 inches below grade.

605.3 Water service pipe.

Water service pipe shall be Type K copper and conform to NSF 61 and one of the standards listed in Table 605.3; or cross-linked polyethylene (PEX) plastic pipe and tubing conforming to one of the standards listed in Table 605.3 Water service pipe or tubing, installed underground and outside of the structure, shall have a working pressure rating of not less than 160 psi at 73.4°F. Where the water pressure exceeds 160 psi, piping material shall have a working pressure rating not less than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. All ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104/A21.4.

TABLE 608.1
APPLICATION OF BACKFLOW PREVENTERS

DEVICE	DEGREE OF HAZARD ^a	APPLICATION ^b	APPLICABLE STANDARDS
Backflow prevention assemblies:			
Double check backflow prevention assembly and double check fire protection backflow prevention assembly	Low hazard	Backpressure or backsiphonage Sizes 3/8"-16"	ASSE 1015, AWWA C510, CSA B64.5, CSA B64.5.1
Double check detector fire protection backflow prevention assemblies	Low hazard	Backpressure or backsiphonage Sizes 2"-16"	ASSE 1048
Double check detector backflow prevention assembly	Low hazard	Back pressure or backsiphonage Sizes "any"	ASSE 1015, AWWA C510, CSA B64.5, CSA B64.5.1
Reduced pressure principle backflow prevention assembly and reduced pressure principle fire protection backflow assembly	High or low hazard	Backpressure or backsiphonage Sizes 3/8"-16"	ASSE 1013, AWWA C511, CSA B64.4, CSA B64.4.1
Reduced pressure detector fire protection backflow prevention assembly	High or low hazard	Backpressure or backsiphonage (Fire sprinkler systems)	ASSE 1047
Reduced pressure principle backflow prevention assembly for carbonated beverage machines	High or low hazard	Backpressure or backsiphonage Sizes 1/4"-3/4"	ASSE 1015, AWWA C510, CSA B64.5, CSA B64.5.1
Reduced pressure principle backflow prevention assembly	High or low hazard	Backpressure or backsiphonage Sizes "any"	ASSE 1013, AWWA C511, CSA B64.4, CSA B64.4.1
Backflow preventer plumbing devices:			
Antisiphon-type fill valves for gravity water closet flush tanks	High hazard	Backsiphonage only	ASSE 1002, ASME A112.1002/CSA B125.12, CSA B125.3
Hose connection backflow preventer	High or low hazard	Low head backpressure, rated working pressure, backpressure or backsiphonage Sizes 1/2"-1"	ASME A112.21.3, ASSE 1052, CSA B64.2.1.1
Hose connection vacuum breaker	High or low hazard	Low head backpressure or backsiphonage Sizes 1/2", 3/4", 1"	ASME A112.21.3 ASSE 1011, CSA B64.2, CSA B64.2.1
Laboratory faucet backflow preventer	High or low hazard	Low head backpressure and backsiphonage	ASSE 1035, CSA B64.7
Pipe-applied atmospheric-type vacuum breaker	High or low hazard	Backsiphonage only Sizes 1/4"-4"	ASSE 1001, CSA B64.1.1
Vacuum breaker wall hydrants, frost-resistant, automatic-draining-type	High or low hazard	Low head backpressure or backsiphonage Sizes 3/4"-1"	ASME A112.21.3, ASSE 1019, CSA B64.2.2
Other means or methods:			
Air gap	High or low hazard	Backpressure or backsiphonage	ASME A112.1.2
Air gap fittings for use with plumbing fixtures, appliances and appurtenances	High or low hazard	Back pressure or backsiphonage	ASME A112.1.3
Barometric loop	High or low hazard	Backsiphonage only	(See Section 608.13.4)

For SI: 1 inch = 25.4 mm.

- a. Low hazard-See Pollution (Section 202).
 High hazard-See Pollution (Section 202).
 b. See Backpressure, low head (Section 202).
 See Backsiphonage (Section 202).

903.1 Roof extension.

All open vent pipes that extend through a roof shall be terminated at least 6 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet above the roof.

9.900.020.2 ADDITIONS.

The following section(s) are hereby incorporated and adopted in the 2018 International Plumbing Code:

No sections added.

9.900.020.3 DELETIONS.

The following section(s) of the 2018 International Plumbing Code are omitted and not hereby incorporated.

109.2.1 Qualifications.**109.2.2 Alternate members.****109.2.3 Chairman.****109.2.4 Disqualification of member.****109.2.5 Secretary.****109.2.6 Compensation of members.****109.4 Open hearing.****109.4.1 Procedures.****109.5 Postponed hearing.****109.6 Board decision.****109.6.1 Resolution.****109.6.2 Administration.****109.7 Court review.**

ARTICLE 2. PLUMBERS AND PLUMBING CONTRACTORS

DIVISION 1 PERMITS

SECTION 9.900.101 GENERAL

9.900.101.1 Permits issued.

Permits shall be issued only to persons holding a valid certificate and business license and master plumbers license issued pursuant to this article 2 of this chapter and the International Plumbing Code as adopted by the *jurisdiction*.

Exception: A permit may be issued to any person to do work regulated by this chapter in a dwelling unit as defined in the International Residential Code as adopted by the *jurisdiction*, provided that the person is a *bona fide owner* of such dwelling unit and that the same is or will be occupied by such bona fide owner.

DIVISION 2 DEFINITIONS

SECTION 9.900.201 GENERAL

9.900.201.1 Scope.

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

9.900.201.2 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.

9.900.201.3 Terms defined in other codes. Where terms are not defined in this chapter and are defined in the International Plumbing Code as adopted by the jurisdiction such terms shall have the meaning ascribed to them in that code.

9.900.201.4 Term 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 9.400.202 GENERAL DEFINITIONS

APPROVED. Acceptable to the *building official*.

APPROVED AGENCY. An established and recognized agency that is regularly engaged in conducting test, furnishing inspection services or furnishing product certification where such agency has been *approved* by the *building official*.

BONA FIDE OWNER. The person or persons having legal ownership.

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

JURISDICTION. The governmental unit that has adopted this article.

MASTER PLUMBER. An individual licensed and authorized to install and to assume responsibility for contractual agreements pertaining to plumbing, and to secure any permits required for plumbing installations.

OWNER. Any person, agent, operator, firm, or corporation having any legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding an interest or 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.

PLUMBER. A person who installs and repairs piping, fixtures, appliances, and appurtenances in connection with the water supply, drainage systems, fuel gas, etc., both inside and outside of buildings.

PLUMBING CONTRACTOR. A person or firm, engaged in the business of installing or repairing piping, fixtures, appliances, and appurtenances in connection with the water supply, drainage systems, fuel gas, etc., both inside and outside of buildings; and who is or employs a licensed *master plumber* in a managerial capacity.

DIVISION 3 LICENSES

SECTION 9.900.301 MASTER'S LICENSE REQUIRED; EXCEPTIONS

9.900.301.1 General. It is unlawful for any person to conduct, carry on or engage in the business as a *plumber* or *plumbing contractor* without having first been issued a valid master plumber's license by the *building official*.

Exceptions:

1. Work done under the employment and supervision of a *master plumber*.
2. Work done under the employment of a *plumbing contractor* which is owned by a *master plumber*.
3. Work done under the employment of a *plumbing contractor* which employs a *master plumber* in a managerial capacity.
4. Work is done in compliance with section 9.900.101.

SECTION 9.900.102 APPLICATION FOR LICENSE; ISSUANCE

9.900.102.1 Application.

Application for a master plumber's license shall be made in writing on forms provided by the city to the board of plumbing examiners. The application shall state the applicant's name, mailing address, general qualifications and other data pertinent to the issuance of such certificate and license.

9.900.102.2 Eligibility.

A master plumber's license may be issued to:

1. A person who has taken and passed an approved examination pursuant to section 9.900.105 and who has been certified by the board of plumbing examiners as a *master plumber*.
2. A person currently holding a valid master plumber's license issued by a county or city whose requirements relating to the issuance of such license are equivalent to the provisions of this article, as determined by the board of plumbing examiners; provided that no waiver of examination shall be made to any person certified and licensed by a county or city which does not have in force the current addition of the International Plumbing Code.

9.900.102.3 Duration.

All certificates and licenses shall be valid for a period of one (1) year starting at the beginning of the city's fiscal year (July 1), except that the first certificate and license granted shall extend from the date issued to the end of the city's fiscal year (June 30).

9.900.102.4 Renewal.

Master plumber's licenses currently issued may be renewed on or before July 1st, upon payment of a renewal fee, in accordance with the city "Schedule of Fees and Charges", as amended, without further examination. If any master plumber's license is not renewed on or before the renewal day (July 1st), the applicant may be required to meet the requirements as set forth in section 9.900.102.1 and 9.900.102.2.

9.900.102.5 Transferability.

Master plumber's licenses are not transferable from one person to another person.

SECTION 9.900.103 EXAMINATION OF APPLICANT

9.900.103.1 General.

Applicants applying for a master plumber's license who shall show proof to the board of plumbing examiners that they have passed an approved examination for *master plumber*, or have passed an equivalent or more stringent test as determined by the board of plumbing examiners, shall be eligible for a master plumber's license.

SECTION 9.900.104 BUSINESS LICENSE

9.900.104.1 General.

The master plumber's license provided for in this article shall in no way affect the duty to obtain any and all business licenses required by other laws or ordinances of the *jurisdiction*. A separate business license shall not be required if the *master plumber* is not a *plumbing contractor*. However, every *plumbing contractor* shall have a valid business license before performing plumbing work within the *jurisdiction*.

SECTION 9.900.105 BOARD OF PLUMBING EXAMINERS

9.900.105.01 Creation of board.

The board of plumbing examiners is hereby created and the official in charge thereof shall be the city manager.

9.900.105.02 Membership of board.

The board of plumbing examiners shall consist of three (3) persons as follows:

1. The city manager or the city manager's designee;

2. The *building official*; and
3. The deputy of the *building official*.

9.900.105.3 Approval.

All votes of business of the board shall require a concurring vote of two-thirds of its members. A vote equal to a quorum is required to pass or deny any request. A quorum shall consist of a simple majority of board members.

9.900.105.4 Rules and procedures.

The board is authorized to establish policies and procedures necessary to carry out its duties.

9.900.105.5 Revocation or suspension of certificate and license.

If it is determined that a person who has been issued a master plumber's license under this article is incompetent or lacks knowledge on matters relevant to such license, or it is determined that the license was obtained by fraud or based on inaccurate or incomplete information, the board, after hearing thereon, may cancel, suspend, or revoke the license issued to such person; provided that such person shall be given ten (10) days written notice thereof prior to the time fixed for the hearing, which notice shall specify the time, place, purpose and grounds for such hearing, so that such person may have any opportunity to have counsel present and produce witnesses in their behalf. A person who has such person's own license canceled, suspended, or revoked shall have the right to appeal the board's decision to the uniform code board of appeals within ten (10) days of the board's decision by filing a written protest with the secretary of the uniform code board of appeals. If the license of any person is so canceled, suspended, or revoked, another license shall not be granted until the board reinstates such person.

SECTION 9.1100.306

APPEALS

9.1100.306.1 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.

9.1100.306.2 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.

9.1100.306.2 Authority on appeal.

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

**DIVISION 4
VIOLATION AND PENALTIES**

**SECTION 9.900.406
VIOLATIONS**

9.900.406.1 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 chapter.

9.900.406.2 Violation penalties.

Any person who violates a provision of this chapter or fails to comply with any order made thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as 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 and every such violation and noncompliance respectively, be 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 violation(s) or defect(s) within a reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

CHAPTER 1000
PROPERTY MAINTENANCE AND
NUISANCE REGULATIONS

ARTICLE 1. PROPERTY MAINTENANCE CODE

Section 9.1000.010

Adoption of the 2018 International Property Maintenance Code

That a certain document, one (1) copy of which are on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as *the International Property Maintenance Code*, 2018 edition including Appendix Chapters:

Appendix A, Boarding Standard.

as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Gladstone, Clay County, Missouri, for regulating and governing the conditions and maintenance of all property, buildings and *structures*; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that *structures* are safe, sanitary and fit for occupation and use; and the condemnation of buildings and *structures* unfit for human occupancy and use, and the demolition of such existing *structures* as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to; adopted, and made a part hereof, as if fully set out in the legislation, with the amendments, additions, and deletions, if any, prescribed in Section 9.1000.020 of this chapter.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

That nothing in this legislation or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 9.1000.020
AMENDMENTS, ADDITIONS, AND DELETIONS
TO THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

9.1000.020.1 AMENDMENTS.

The following section(s) of the 2018 International Property Maintenance Code are omitted and not hereby incorporated as the following identically numbered sections are adopted in lieu thereof:

[A] 101.1 Title.

These regulations shall be known as the International Property Maintenance Code of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this code.”

[A] 103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the schedule of fees and charges as adopted by the City of Gladstone, Clay County, Missouri.

111.1 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.

111.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this code 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*.

111.3 Authority on appeals.

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

[A] 112.4 Failure to comply.

Any *person* who shall continue any work after having been served with a stop work order, except such work as the *person* is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than fifty (\$50.00) dollars or more than five-hundred (\$500.00) dollars.

SECTION 202 GENERAL DEFINITIONS

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary *dwelling* of guests of the *occupant(s)* of the *premises*; such *dwelling* having no *kitchen* facilities and not rented or otherwise used as a separate *sleeping unit*.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

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

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

ALTERATION. Any construction, retrofit, or renovation to an existing structure other than repair or addition that requires a *permit*. Also, a change in building, electrical, gas, mechanical, or plumbing system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a *permit*.

ANCHORED. Secured in a manner that provides positive connection.

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

ATTIC. The unfinished space between the ceiling assembly and roof assembly.

ATTIC, HABITABLE. A finished or unfinished *habitable space* within an *attic*.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a *dwelling* or *sleeping unit*.

BLIGHTED. Any *structure* or *premises*, which by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors are detrimental to safety, health and morals.

BOARD, THE. The Board of Zoning Adjustments (BZA) of the City of Gladstone, Clay County, Missouri.

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

BUILDING, MAIN. A building in which the principal use of the site is conducted.

BUILDING HEIGHT. The vertical distance *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 code, or any duly authorized representative.

CANOPY. A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration. A canopy is permitted to be structurally independent or supported by attachment to a building on one or more sides.

CITY. The City of Gladstone, Clay County, Missouri.

COMPOST. A mixture consisting usually of decayed organic matter and used for fertilization and conditioning land, especially such mixture produced by decomposition in a *compost pile*.

COMPOST BIN. A *structure* specifically built to store *compost*.

COMPOST PILE. A stack of alternating layers of organic matter arranged so as to encourage conversion of the constituents into *compost*.

CONDEMN. To adjudge unfit for *occupancy*.

CONDOMINIUM. A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE. Any building or portion thereof containing facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A *congregate residence* shall be permitted to be shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

COST OF SUCH DEMOLITION OR EMERGENCY. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expanded for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

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 of a building.

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

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DRIVEWAY. A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the *premises* in which it is located.

DRIVEWAY APPROACH. That portion of the *driveway* that is located in the *city right-of-way*.

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, MULTIPLE UNIT. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual *dwelling units* may be owned as *condominiums*, or offered for rent.

DWELLING, SINGLE FAMILY. A detached *dwelling unit* with *kitchen* and sleeping facilities, designed for occupancy by one family.

DWELLING, TWO FAMILY. A building designed or arranged to be occupied by two families living independently, with the structure having only two *dwelling units*.

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.

DWELLING UNIT OR SLEEPING UNIT, MULTI-STORY. See “Multistory Unit.”

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.

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including brace, frames, lugs, snuggers, hangers saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

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

EXTERIOR WALL. A wall, bearing or nonbearing, that is used as an enclosing wall for the building, other than a *fire wall*, and that has a slope of 60 degrees or greater with the horizontal plane.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

FLIGHT. A continuous run of rectangular treads or *winders* or combination thereof from one landing to another.

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

GARAGE, PRIVATE. A building or a portion of a building, in which *motor vehicles* used by the owner or tenants of the building or buildings on the premises are stored or kept, without provisions for repairing or servicing such vehicles for profit.

GARAGE, REPAIR. A building, structure, or portion thereof used for the servicing or repairing motor vehicles.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

GRADE. The finished ground level adjoining the building at all *exterior walls*.

GRADE PLANE. A referenced plane representing the average of finished ground level adjoining the building at *exterior walls*. Where the finished ground level slopes away from the *exterior walls*, the referenced plane shall be established by the lowest points within the area between the building and the *lot line* or, where the *lot line* is more than 6 feet from the building, between the building and a point 6 feet from the building.

GREASE COLLECTION CONTAINER. A container for temporarily storing fats, oils, and grease, and is usually made out of metal.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimize the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

HANDRAIL. A horizontal or sloping rail intended for grasping by the hand for guidance or support.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or local designated historic district.

HOME OCCUPATION. The partial use of a *dwelling unit* for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

HOT TUB. See “Spa.”

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

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

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

JURISDICTION. The governmental unit that has adopted this code.

KITCHEN. An area used, or designated to be used, for the preparation of food.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

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 also to include the use of logs, rocks, fountains, water features and contouring of the earth.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement, or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

LIVING SPACE. Space within a *dwelling unit* utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

LODGING HOUSE. A one-family dwelling where one or more occupants are primarily permanent in nature, and rent is paid for guestrooms.

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.

MEDIA, SOCIAL. Forms of electronic, digital, computerized or networked information and communication technologies through which users create online communities to share information, ideas, personal messages and other content. These can take many different forms, including internet forums, blogs, wikis, podcasts, and picture-, music- and video-sharing. Examples of social media applications are Google Groups, Wikipedia, My Space, Facebook, Craigslist, YouTube, Second Life, Flickr and Twitter.

MEDIA, TRADITIONAL. Communications that existed before *social media* such as television, radio, newspapers, magazines, newsletters, fax press and other print publications.

MOTOR VEHICLE. Any vehicle, automobile, automobile truck, automobile wagon, motorcycle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power and used upon public streets in the transportation of passengers or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

MOTOR VEHICLE, BUS. Any *motor vehicle* designed, constructed and/or used for the transportation of passengers, including taxicabs.

MOTOR VEHICLE, COMMERCIAL. Any *motor vehicle* used to transport goods, passengers, or property for the profit of an individual or business.

MOTOR VEHICLE, INOPERABLE. A *motor vehicle*, which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, a flat tire or incapable of being moved under its own power.

MOTOR VEHICLE, SCHOOL BUS. A passenger *motor vehicle* which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary, or secondary school students to such schools from home and from such schools to home.

MOTOR VEHICLE, TRUCK. Any self-propelled *commercial motor vehicle* except a *truck tractor motor vehicle*, designed and/or used for the transportation of property

MOTOR VEHICLE, TRUCK TRACTOR. A self-propelled *commercial motor vehicle* designed and/or used primarily for drawing other vehicles.

MOTOR VEHICLE, UNLICENSED. A motor vehicle that is not validly registered under the laws of the State of Missouri, other jurisdictions or does not display valid license plates.

MULTISTORY UNIT. A *dwelling unit* or *sleeping unit* with *habitable space* located on more than one *story*.

NEGLECT. The lack of proper maintenance for a building or *structure*.

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*.

OPEN SPACE. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required *yards*. *Open spaces* shall be permitted to be devoted to *landscaping*, preservation of natural features, patios and recreational areas and facilities.

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

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 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.

PARK. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARKING, OFF-STREET. Parking of a *motor vehicle* anywhere but on the street.

PARKING LOT. An open area, other than a street, used for the parking of *motor vehicles*.

PARKING SPACE, MOTOR VEHICLE. A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of a *motor vehicle*.

PAVED AREA. A hard surfaced 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 specified 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.

PERSONAL PROPERTY. Property other than real property consisting of things temporary or movable.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; or by other *approved pest elimination* methods.

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

[A] 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.

RAMP. A walking surface that has a running slope steeper than 1-unit vertical in 20 unit's horizontal (5-percent slope).

RECYCLING BINS. A container for temporarily storing recyclable materials and is usually made out of metal.

RIGHTS-OF-WAY. The area on, below or above a public roadway, streets, alleys, bridges, bikeways, parkways and sidewalks in which the city has an ownership interest but not including; (a) the airways above a public rights-of-way with regards to cellular or other non-wire telecommunications or broadcast service; (b) easements obtained by utilities or private easements in platted subdivisions or tracts; or (c) poles, pipes, cables, conduits, wires, optical cables or other means of transmission, collection or exchange of communications, information, substances, data or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to Chapter 91, RSMo, or pursuant to a charter form of government.

RISER (STAIR). The vertical component of a step or *stair*.

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

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

RUBBISH. 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.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* and not *sleeping unit*.

SOCIAL NETWORKING. See “Media, Social.”

SPA. A product intended for the immersion of persons in temperature-controlled water circulated in a closed system, and not intended to be drained and filled with each use. A spa usually includes a filter, and electric, solar, or gas heater, a pump or pumps, and a control, and can include other equipment, such as lights, blowers, and water-sanitizing equipment.

STAIR. A change in elevation, consisting of one or more *risers*.

STAIRWAY. One or more flights of stairs, either interior or exterior, with the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one level to another within or attached to a building, porch or deck.

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET. Any thoroughfare or *public way* not less than 16 feet (4877 mm) in width which has been dedicated.

STREET, PRIVATE. A right-of-way or *easement* in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STREET, PUBLIC. Any street, road or way dedicated to public use.

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.

SWIMMING POOL. Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used for swimming or leisure activities. This includes in-ground, above-ground, and on-ground swimming pools.

SWIMMING POOL, PRIVATE. Any *swimming pool* used in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder.

SWIMMING POOL, PRIVATE INDOOR. Any *private swimming pool* that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

SWIMMING POOL, PRIVATE OUTDOOR. Any *private swimming pool* that is not an indoor pool.

SWIMMING POOL, PUBLIC. Any *swimming pool* other than a *private swimming pool*.

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

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

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 a least two sides.

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.

TRAILER. A unit attached to a *motor vehicle* designed to carry property and/or passengers. A trailer cannot be motorized or self-operated. A trailer may include, but is not limited to the following; homemade, kit, farm wagon, boat, utility, flat bed, semi, livestock and camping.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

UNSHELTERED STORAGE. Any *personal property* not stored in or under a structure such as a shed, carport, garage or deck that is permanent in nature.

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

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, dumpster, trash can, and garbage can.

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

WEEDS, NOXIOUS. A noxious weed is an invasive species of a plant that has been designated by the country, state or national agricultural authorities as one that is injurious to agricultural and/or horticultural crops, natural habitats and/or ecosystems, and/or humans or livestock.

WINDER. A tread with nonparallel edges.

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

YARD. An open space, other than a *court*, unobstructed from the ground to the sky, except where specifically provided by this code, 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.

YARD WASTE BAG. Is a brown paper recyclable bag for yard waste.

302.4 Weeds.

All *premises* and *exterior property* shall be maintained free from *weeds* or plant growth in excess of seven (7) inches. On undeveloped property, *weeds* or plant growth shall be maintained a minimum of one hundred (100) feet from all adjacent lot lines. All *noxious weeds* shall be prohibited.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after the service of a notice of violation, they may be subject to prosecution in accordance with Section 106.3 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 cut and destroy the weeds growing thereon, and the cost of such removal and administration fees shall be paid by the *owner* or agent responsible for the property. If not paid by *owner* or agent responsible for the property, the cost of such abatement and other associated costs shall be assessed on the *owner's* real estate tax bill.

Exception: Premises adjacent to a stream may allow weeds or plant growth to grow beyond the height of seven (7) inches within ten (10) feet of the edge of the stream.

302.7 Accessory structure.

All accessory structures, including but not limited to, *detached* garages, carports, gazebos, decks, platforms, sheds, lean-tos, retaining walls, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles.

Except as provided for in other regulations, no motor vehicle that is inoperative, unlicensed

or has expired registration tags shall be parked, kept or stored on any *premises*, and no vehicle shall be at any time in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purpose.

[F] 304.3 Premises identification.

Buildings shall have *approved* address numbers placed on the primary structure and in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.14 Insect screens.

Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

308.2.1 Rubbish storage facilities.

The *owner, tenant and/or occupant* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner, tenant and/or occupant* of the *premises* shall be responsible for the removal of *rubbish*.

308.3.1 Garbage facilities.

The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or the *owner, tenant and/or occupant* shall supply *approved* leakproof, covered, outside garbage container; and the *owner, tenant and/or occupant* of the dwelling shall be responsible for the removal of *garbage*.

602.3 Heat supply.

Every *owner and operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the space is occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

9.1000.020.2 ADDITIONS.

The following section(s) are hereby incorporated and adopted in the 2018 International Property Maintenance Code:

302.4.1 Weeds in public rights-of-way.

All *premises* and *exterior property* adjacent to the City of Gladstone, Clay County, Missouri or the State of Missouri's public rights-of-way along improved and/or unimproved streets shall comply with the requirements of Section 302.4, and adjacent property *owner* shall be responsible for seeding, sodding and plantings.

Exception: Any property along a public rights-of-way that contains a drainage ditch or incline, which cannot be mowed or maintained by normal residential mower or weed removal tool(s) as determined by the *building official*.

302.8.1 Off-street parking.

Off-street *parking areas* shall be used solely for the parking of licensed *motor vehicles* in operating condition.

302.8.1.1

Non-Commercial Motor vehicles. *Motor vehicles* shall be parked on an *approved driveway, parking lot, parking area, or paved area* that has a minimum thickness of 4 inches of either concrete, asphalt or other similar *approved* materials. Such *driveway,*

parking lot, parking area or paved area shall be at least as long and wide and encompass the entire area beneath any *motor vehicle* that is parked on said *driveway, parking lot, parking area, or paved area*.

Exception: Existing gravel *driveways* classified as an *approved* existing non-conforming *driveway*.

302.8.2 Commercial motor vehicle.

No *person* shall park or allow to be parked a *commercial motor vehicle* upon any residential *lot or premises*, improved or unimproved, in the city.

Exceptions:

1. City-owned and -operated vehicles; services vehicles owned by utility companies while in the process of services or maintenance; construction vehicles while being used in conjunction with construction or maintenance authorized by the jurisdiction having authority.
2. For the purpose of making delivery or pickup provided such vehicles are not left continuously parked between the hours of 9:00pm and 7:00am local time.
3. Pickup trucks rated at 1-ton (907 kg) or more that are owned and operated for the personal use, non-business related, of the individual who owns said pickup truck.
4. A *commercial motor vehicle* rated at 1-ton or less.

302.8.2.1 Commercial motor vehicles; parking thereof.

Commercial motor vehicles shall be parked on an *approved driveway, parking lot, parking area, or paved area*; gravel or other non-*approved* parking surfaces, existing or otherwise are not permitted. *Commercial motor vehicles* that are designed to be towed or towable shall be hitched to an operating *commercial motor vehicle* and shall have denotation of the business it belongs to.

302.8.3 Motor vehicles for sale.

Except as provided for herein no one shall park or allow to be parked a *motor vehicle* on private or public property zoned residential, commercial or manufacturing within view of a public street for the purpose of selling or advertising for sale, said *motor vehicle*.

Exceptions:

1. In residential zoned properties, one (1) *motor vehicle* shall be allowed to be placed on an approved paved area for the purpose of offering said *motor vehicle* for sale. No residential property shall be allowed more than four (4) *motor vehicles* for sale in a calendar year.

2. In commercial and manufacturing zoned properties, if a *person* with an ownership interest in said *motor vehicle* is an employee of a business within said property and has written permission from the property *owner* to use the property for the purpose of selling, or has a valid occupational license from the City of Gladstone, Clay County, Missouri for the sale of *motor vehicles* and said occupational license designating the *premises* involved as the business location.

Whether or not permission has been given to park on the property is an affirmation defense, and the showing of written permission and proof of employment meet the burden of proof.

302.8.3.1 Prima facie evidence.

The fact that a *motor vehicle* is advertised for sale via any *traditional media* or *social media*, shall be prima facie evidence that the *motor vehicle* is parked for the purpose of being offered for sale.

302.8.4 Motor vehicle encroachment.

No *motor vehicle* shall block or partially block any portion of the public sidewalk, or access pathway for public sidewalks at *driveway approaches* within the City of Gladstone, Clay County, Missouri rights-of-ways.

302.10 Open storage.

All *exterior property* and *premises*, open bed pickup trucks and open trailers located on any *premises*, *private street* or *public street* shall be free of *unsheltered storage* of any kind.

Exception: Useable BBQ grills as long as there is not a collection thereof, lawn furniture maintained in useable condition, bicycles maintained in operational use as long as there is not a collection thereof, firewood neatly stacked in the rear yard, and the temporary storage of landscape and building materials to be used on the *premises* for a current project under construction so long as the materials are neatly stacked in the rear yard and are not stored leaning against the side of a structure.

308.2.3 Burning.

No *person* shall burn or allow to be burned any *rubbish* within city limits.

308.2.4 Streets.

No *person* shall cart, place, sweep, throw, deposit or dispose in such a manner that it may be carried or deposited by the elements any *rubbish* upon streets, sidewalks, alleys, storm sewers, parkways, or other public place or upon any occupied *premises* with city limits.

308.2.5 Stream.

No *person* shall cart, place, sweep, throw, deposit or dispose in such a manner that it may

be carried or deposited by the elements any *rubbish* upon streams, lakes, bodies of water or ravines within city limits.

308.3.3 Burning.

No *person* shall burn or allow to be burned any *garbage* within city limits.

308.3.4 Streets.

No *person* shall cart, place, sweep, throw, deposit or dispose in such a manner that it may be carried or deposited by the elements any *garbage* upon streets, sidewalks, alleys, storm sewers, parkways, or other public place or upon any occupied premises with city limits.

308.3.5 Stream.

No *person* shall cart, place, sweep, throw, deposit or dispose in such a manner that it may be carried or deposited by the elements any *garbage* upon streams, lakes, bodies of water or ravines within city limits.

308.4 Disposal of contagious disease and inflammable or explosive rubbish and garbage.

Removal of wearing apparel, bedding or other *rubbish* or *garbage* from homes or other places where highly infectious or contagious diseases prevail shall be performed under the supervision and direction of the county health office. Such *rubbish* and *garbage* shall not be placed in containers used for regular collections or disposal.

Highly inflammable or explosive materials shall not be placed in containers for collection but shall be disposed of as directed by the Director of Public Safety at the expense of the *owner* or possessor thereof.

308.5 Storage of waste containers; residential. *Waste containers, trash bags and yard waste bags* used for the purpose of disposing of, *waste, trash, rubbish, garbage and yard waste* shall be stored no closer to the *public way* than the front *building line*; for corner lots all containers shall be stored no closer to the *public way* than the front *building line* and side *building line* adjacent to the street of any *premises*. In either case, *waste containers* or *trash bags* shall not be stored in front of the main building and/or attached garage; in addition, corner lots shall not have *waste containers* or *trash bags* stored on the side of the main building and/or attached garage adjacent to the *public way*.

Exception: On the day of scheduled pickup, during which *waste containers, trash bags and yard waste bags* may be temporarily placed near the *public way* for the purpose of pickup.

308.6 Storage and screening of waste containers; commercial.

All waste containers must be screened by a four (4) – sided enclosure, three sides of which will be composed of the same material and color of the main building or other *approved* material, with an *approved* gate for access being the fourth side. The gate access must

screen the waste container and be of the same color as the main building. Access gates must be kept closed.

308.7 Grease collection container; commercial.

All *grease collection containers* must be screened by a four (4) – sided enclosure, three sides of which will be composed of the same material and color of the main building or other *approved* material, with an *approved* gate for access being the fourth side. The gate access must screen the *grease collection container* and be of the same color as the main building. Access gates must be kept closed.

308.8 Recycling bins, commercial.

All *recycling bins* must be screened by a four (4) – sided enclosure, three sides of which will be composed of the same material and color of the main building or other *approved* material, with an *approved* gate for access being the fourth side. The gate access must screen the *recycling bin(s)* and be of the same color as the main building. Access gates must be kept closed.

SECTION 310 COMPOSTING

310.1 General.

No *person* shall place or allow the accumulation of *rubbish* or *garbage* on their *premises* unless used specifically for composting as set forth in this section.

310.2 Composting permitted.

Composting shall be permitted when located on a one- and two-family residential *premises*, contained within an *approved compost bin* and shall comply with the provision of this section.

310.3 Construction of compost bin.

A *compost bin* may contain more than one contiguous compartment and may be constructed of a commercially available unit or a *structure* made of woven wire (such as hog wire, chicken wire or chainlink), wood slat fencing (such as snow fencing), cement blocks, bricks or similar material.

310.4 Compost bin required.

Only one (1) *compost bin* is permitted on any residential *premises* up to 1-acre (4046.82 m²). On residential *premises* more than 1-acre (4046.82 m²), no more than two (2) *compost bins* are permitted. *Compost bins* shall comply with the following provisions.

1. A *compost bin* shall be no larger than 600 cubic feet (16.99 m³) and shall not exceed 4 feet (1219 mm) in height.
2. A *compost bin* shall be so constructed as not to allow the material within to be blown from the *compost bin* by wind.

310.5 Location on premises.

Compost bins shall be located as follows:

1. A *compost bin* shall be located in the rear *yard*.
2. A *compost bin* shall not be located within 5 feet (1524 mm) of any property line and shall be at least 60 feet (18 288 mm) from the center of a roadway. A *compost bin* shall be no less than 5 feet (1524 mm) from any structure on the *premises*.
3. A *compost bin* shall be placed in a well-drained area with no standing water.

310.6 Maintenance.

Compost bins shall be maintained in accordance with the following provisions:

1. All *compost bins* shall be maintained in good repair and be structurally sound.
2. No odor emitted from a *compost bin* shall be detected more than 5 feet (1524 mm) in any direction from the *compost bin*.
 - 2.1 If odors are omitted and detectable greater than 5 feet (1524 mm) in any direction, then action shall be taken by the *owner, tenant* and/or *occupant* to eliminate such odor. Such action may include, but not limited to:
 - a. Adding lime to the *compost pile*,
 - b. Mixing or turning the *compost pile*, and/or
 - c. Regulating the moisture content of the *compost pile*.

310.7 Contents of compost pile.

Compost piles may contain any or all of the following:

1. Grass clippings,
2. Leaves,
3. Dead limbs,
4. Brush,
5. Logs,
6. Wood chips,

7. Foliage,
8. Vegetation from gardens,
9. Shrub cuttings,
10. Sod,
11. Soil,
12. Hay,
13. Straw,
14. Weeds, and/or
15. Sawdust.

9.1000.020.3 DELETIONS.

The following section(s) of the 2018 International Property Maintenance Code are omitted and not hereby incorporated:

[A] 111.2.1 Alternate members.

[A] 111.2.2 Chairman.

[A] 111.2.3 Disqualification of member.

[A] 111.2.4 Secretary.

[A] 111.2.5 Compensation of members.

[A] 111.4 Open hearing.

[A] 111.4.1 Procedure.

[A] 111.5 Postponed hearing.

[A] 111.6 Board decision.

[A] 111.6.1 Records and copies.

[A] 111.6.2 Administration.

[A] 111.7 Court review.

[A] 111.8 Stays of enforcement.

ARTICLE 2. PUBLIC NUISANCE ABATEMENT

DIVISION 1 SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 9.1000.101 GENERAL PROVISIONS

9.1000.101.1 Title.

These regulations shall be known as Public Nuisance Abatement of the City of Gladstone, Clay County, Missouri, hereinafter referred to as ‘this Article’.

9.1000.101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

9.1000.101.3 Intent.

The purpose of this article, in accordance with Section 67.398 of the Revised Statutes of Missouri, is to provide for the abatement of a condition of any lot or land that has the presence of a nuisance.

9.1000.101.4 Severability.

If a section, subsection, sentence, clause, or phrase of this Article is for any reason, held to be unconstitutional or otherwise invalid; such decision shall not affect the validity of the remaining portions of this Article.

SECTION 9.1000.102 APPLICABILITY

9.1000.102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this article and the referenced standards, the provisions of this article shall apply. Where, in a specific case, different sections of this article specify different requirements, the most restrictive shall govern.

9.1000.102.2 Other laws.

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

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 9.100.103

DUTIES AND POWERS OF THE BUILDING OFFICIAL

9.1000.103.1 General.

The building official is hereby authorized and directed to enforce the provisions of this article. The building official shall have the authority to render interpretations of this article 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 article. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this article.

9.1000.103.2 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 responsible 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 upon unusual technical issues that arise, subject to the approval of the appointing authority.

9.1000.103.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this article, or whenever the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this article, the building official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this article, provided that if such structure or premises is occupied the building official shall present credentials to the occupant and request entry. If such structure or premises 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 structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

9.1000.103.4 Identification.

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this article.

9.1000.103.5 Notices and orders.

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

9.1000.103.6 Department records.

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

SECTION 9.1000.104 PUBLIC NUISANCE; PURPOSE; DEFINITION

9.1000.104.1 Public nuisance.

Any person who shall create, commit, permit, or continue a nuisance of any kind, nature, or description in, upon, or about any private property in this jurisdiction, which does or could endanger life or limb, damage or depreciate the value of property, real or personal, or annoy or disturb the owners of property in or about the area where such nuisance exists, shall be deemed guilty of a misdemeanor.

9.1000.104.2 Purpose.

Sections 9.1000.104 through 9.1000.107 are meant to be regulations applicable to the abatement of nuisances defined in Section 9.1000.104.3. If this of Article conflicts with any other provisions of the City of Gladstone's Code of Ordinances regarding abatement of nuisances, this Article shall govern.

9.1000.104.3 Definition.

Any condition on any lot or land that has the presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked seven (7) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks as more fully described in Section 9.1000.104.1, discarded household furniture or appliances, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe, is hereby declared to be a public nuisance.

SECTION 9.1000.105 NOTICE AND ABATEMENT

9.1000.105.1 Notice.

When a public nuisance as defined in Section 9.1000.104.3 exists, the Community Development Director and/or their authorized representative shall so declare and shall give written notice to the owner of the property and, if the property is not owner-occupied, to any occupant of the property by personal service or regular first-class mail. If notice cannot be given by either personal service or first-class mail, then such notice may be posted on or about the premises described in the notice. Such notice shall, at a minimum:

1. Declare that a public nuisance exists;
2. Specifically describe each condition declared to be a public nuisance;

3. Identify what action will remedy the public nuisance;
4. Order the removal or the abatement of such condition within a reasonable amount of time not less than ten (10) days, unless the public nuisance present an immediate, specifically identified risk to the public health or safety;
5. State that if the owner of the property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Community Development Director shall cause the condition which constitutes the nuisance to be removed or abated and the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes;
6. State that if the owner or occupant of the property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, such owner or occupant of the property may be cited into Municipal Court for violating this Article and shall, upon conviction in Municipal Court, be subjected to punishment by a fine pursuant to Section 1.100.140(e)(b) of the City of Gladstone's Code of Ordinances.
7. State, in the case of overgrown vegetation and noxious weeds, that if more than once during the same growing season a repeat violation of the same ordinance by the same person on the same property is reported, the City may, without further notification, have the weeds removed and the cost of the same shall be billed to the owner as provided in Section 9.1000.106.

SECTION 9.1000.106 ABATEMENT OF NUISANCE

9.1000.106.1 Administrative warrant.

If the owner of such property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Community Development Director and/or their authorized representative shall cause the condition which constitutes the nuisance to be removed. If the owner, occupant, or other person with lawful possession of the premises in question refuses to allow the Community Development Director and/or their authorized representative to enter onto such premises to abate the nuisance conditions, the City may request an administrative warrant, if such administrative warrant is required by law.

9.1000.106.2 Tax bill; costs.

If the Community Development Director and/or their authorized representative causes such

condition to be removed or abated, the cost of such removal (which may include fees for the City's cost in administering this Article) and the proof of notice to the owner of the property shall be certified to the City Clerk who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.

9.1000.106.3 Weeds.

In the case of overgrown vegetation and noxious weeds, if more than once during the same growing season, a repeat violation of the same ordinance by the same person on the same property is reported, the City may, without further notification, have the weeds removed and the cost of the same shall be billed to the owner as provided for in Section 9.1000.106.2.

SECTION 9.1000.106 VIOLATIONS

9.1000.106.1 Unlawful acts.

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 article.

9.1000.106.2 Violation; penalties.

Any person who violates a provision of this article or fails to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as 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 and every such violation and noncompliance respectively, be 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 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(s) or defects(s) within a reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

CHAPTER 2000
SWIMMING POOL AND SPA REGULATIONS

ARTICLE 1. SWIMMING POOL AND SPA CODE

Section 9.2000.010

Adoption of the 2018 International Swimming Pool and Spa Code

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Gladstone, Clay County, Missouri, in perpetuity, being marked and designated as the International Swimming Pool and Spa Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Swimming Pool and Spa Code of the City of Gladstone, Clay County, Missouri, for regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Pool and Spa Code on file in the office of the City of Gladstone, Clay County, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, and amendments, additions, and deletions, if any, prescribed in Section 9.2000.020 of this chapter.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases by declared unconstitutional.

That nothing in this legislation or in the International Pool and Spa Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right to remedy of any character be lost, impaired or affected by this legislation.

SECTION 9.2000.020

**AMENDMENTS, ADDITIONS, AND DELETIONS
TO THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE**

9.2000.020.1 AMENDMENTS.

The following section(s) of the 2018 International Swimming Pool and Spa Code are omitted and not hereby incorporated as the following identically numbered sections are adopted in lieu thereof:

101.1 Title.

These regulations shall be known as the International Swimming Pool and Spa Code of the City of Gladstone, Clay County, Missouri, hereinafter referred to as “this code.”

105.6.2 Fee schedule.

The fees for work shall be in accordance with the schedule established by the applicable governing body.

105.6.3 Fee refunds.

The *code official* shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than eighty percent (80%) of the permit fee when no work has been done under a permit issued in accordance with this code.
3. Not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The *code official* shall not authorize the refunding of any fee except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

107.4 Violation penalties.

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair a pool or spa in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable as provided for in Section 1.100.140 of the Gladstone Code of Ordinances. The imposition of one (1) penalty 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 reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

107.5 Stop work orders.

Upon notice from the *code official*, work on any system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure 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 guilty of a misdemeanor, punishable as provided for in section 1.100.140 of this Gladstone Code of Ordinances.

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 Code Board of Appeals is hereby authorized to conduct said appeals.

108.2 Application for appeal.

Persons directly affected by a decision of the *building official* or a notice issued under this code 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*.

108.3 Authority on appeals.

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

320.1 Backwash water or draining water.

Backwash water and draining water shall be discharged to the storm sewer or into an *approved* disposal system on the premise, or shall be disposed of by other means *approved* by the authority having jurisdiction. Direct connections shall not be made between the end of the backwash line and the disposal system. Drains shall discharge through an air gap.

9.2000.020.2 ADDITIONS.

The following section(s) are hereby incorporated and adopted in the 2018 International Swimming Pool and Spa Code.

320.1.1 Prohibited means.

No backwash water or draining water shall be discharged, disposed or allowed to be directed onto or across an adjacent property.

9.2000.020.3 DELETIONS.

The following section(s) of the 2018 International Swimming Pool and Spa Code are omitted and not hereby incorporated.

108.2.1 Qualifications.

108.2.2 Alternate members.

108.2.3 Chairman.

108.2.4 Disqualification of member.

108.2.5 Secretary.

108.2.6 Compensation of members.

108.4 Open hearing.

108.4.1 Procedure.

108.5 Postponed hearing.

108.6 Board decision.

108.6.1 Resolution.

108.6.2 Administration.

108.7 Court review.

305.4 Structure wall as barrier.

ARTICLE 2. ADDITIONAL REQUIREMENTS

DIVISION 1 RESIDENTIAL

SECTION 9.2000.101 SWIMMING POOLS AND SPAS

9.2000.101.1 General.

In addition to the requirements of the 2018 International Swimming Pool and Spa Code, residential swimming pools and spas shall conform to Sections 9.2000.101.1.1 through 9.2000.101.1.4.

9.2000.101.1.1 Front yard setback.

Swimming pools and spas shall not be installed forward of the established front building line and in no case be installed in the front yard.

9.2000.101.1.2 Rear and side yard setbacks.

Swimming pools and spas shall not be located within ten (10) feet of the rear or side yard property line, in the case of corner lots, not less than fifteen (15) feet from the side property line adjacent to the street; and a minimum of twenty (20) feet from the principal building on an adjoining property.

9.2000.101.1.3 Side yard installation.

Swimming pools and spas installed in the side yard shall be a minimum of sixty (60) feet from the front property line.

9.2000.101.1.4 Easements.

In no case shall a swimming pool or spa be installed within an easement.

SECTION 9.2000.102 APPEALS

9.1100.102.1 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.

9.1100.102.2 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.

9.1100.102.2 Authority on appeal.

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

**DIVISION 2
PUBLIC AND SEMI-PUBLIC**

**SECTION 9.2000.201
SWIMMING POOLS AND SPAS**

9.2000.201.1 General.

In addition to the requirements of the 2018 International Swimming Pool and Spa Code, public and semi-public swimming pools and spas shall conform to Sections 9.2000.201.1.1 through 9.2000.201.1.3.

9.2000.201.1.1 Permit to operate.

Any person, firm or corporation operating or maintaining a public or semi-public swimming pool or spa shall apply for and obtain a permit to operate such swimming pool or spa from the Clay County Public Health Center. The permit shall be valid for the period stated by the Clay County Public Health Center and shall be conspicuously posted on the pool premises.

9.2000.201.1.2 Inspection prior to operation.

The Clay County Public Health Center may inspect a public or semi-public swimming pool and spa prior to opening for operation and/or issuance of a permit to operate.

9.2000.201.1.3 Authority to deny, suspend or revoke permit to operate.

In the event of a failure to comply with the rules and regulations of the Clay County Public Health Center, the Clay County Public Health Center shall have the power to deny, suspend or revoke any permit to operate and/or prohibit the use of the swimming pool or spa until such time as the swimming pool or spa, in the opinion of the Clay County Public Health Center, is in compliance with the rules and regulations set forth.

**DIVISION 3
VIOLATION AND PENALTIES**

**SECTION 9.2000.301
VIOLATIONS**

9.2000.301.1 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 article.

9.2000.301.2 Violation; penalties.

Any person who violates a provision of this article or fails to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as 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 and every such violation and noncompliance respectively, be 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 violation(s) or defect(s) within a reasonable time; and, when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.