

BILL NO. 19-51

AN ORDINANCE CORRECTING SCRIVENER'S ERRORS AND INADVERTENT OMISSIONS BY REPEALING CHAPTER 16, LEE'S SUMMIT PROPERTY MAINTENANCE CODE OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, AND ENACTING A NEW CHAPTER 16 PERTAINING TO THE SAME SUBJECT MATTER, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the 2018 Property Maintenance Code has been extensively reviewed by the Development Services Department, the Fire Department, the Board of Appeals, members of professional trade associations, members of the construction community, and the Community & Economic Development Committee; and,

WHEREAS, after much technical study and ample public input, the Codes Administration Department, the Board of Appeals, and the Community & Economic Development Committee believe that it is in the best interests of the City of Lee's Summit to repeal in its entirety Chapter 16, Lee's Summit Property Maintenance Code of the City of Lee's Summit, Missouri to remain current with the most recently published International Codes, including the 2018 Property Maintenance Code, and State law; and,

WHEREAS, based on staff reports and public comment, the City Council desires to protect the public health, safety, and welfare by repealing Chapter 16 and enacting a new Chapter 16 pertaining to the same subject matter; and,

WHEREAS, The City of Lee's Summit pursuant to the Lee's Summit City Charter, the Missouri State Constitution, and the City's police powers has the authority to regulate for the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. Chapter 16, Lee's Summit Property Maintenance Code, of the Code of Ordinances of the City of Lee's Summit, Missouri, is hereby repealed in its entirety and a new Chapter 16 is enacted, pertaining to the same subject matter, which shall be the 2018 International Property Maintenance Code as published by the International Code Council, Inc. (First Printing, August 2017, ISBN 978-1-60983-748-8), with the following changes as described herein:

ARTICLE I – SCOPE AND ADMINISTRATION

Sec. 16-100 – International Property Maintenance Code adopted.

The 2018 edition of the International Property Maintenance Code and its most current errata as published by the International Code Council, is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended.

Sec. 16-101 - International Property Maintenance Code amended; Section 101.1 Title.

Section 101.1 Title is hereby amended as follows: These regulations shall be known as the *Property Maintenance Code* of Lee's Summit hereinafter referred to as "this code.

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Sec. 16-102 - International Property Maintenance Code amended; Section 103.5 Fees.

Section 103.5 Fees is hereby amended as follows: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the currently adopted schedule of fees.

Sec. 16-103 - International Property Maintenance Code amended; Right of Entry.

Section 104.3 is hereby amended as follows: 104.3. Search warrant

104.3.1 Complaint. If a complaint in writing is filed by the Code Official, any police officer, City Attorney or prosecuting attorney of the City, with the Municipal Court of the City, stating that he has probable cause to believe there exists in a building or structure, more particularly described therein, a violation or violations of provisions of this chapter and is within the territorial jurisdiction of the City, and if such complaint is verified by the oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to the authorized person to search the structure or premises therein described for the purposes requested. Such search warrant may be executed and returned only within ten (10) days after the date of its issuance.

104.3.2 Report. The person authorized to search shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this chapter discovered pursuant to such search. Refusal to allow entry upon presentation of a search warrant shall be an ordinance violation.

104.3.3 Execution. Execution of a search warrant issued under this section shall not be by forcible entry.

Sec. 16-104 - International Property Maintenance Code amended; Violation penalties.

Section 106.4 is hereby amended as follows:

106.4 Violation Penalties. Any person convicted of a violation of this Property Maintenance Code shall be punished for that violation by a fine of not less than fifty dollars (\$50.00), but not more than five hundred dollars (\$500.00), or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment. Whenever the penalty is to be a fine or a fine and imprisonment, the fine shall be not less than the minimum amount set out in the following schedule:

106.4.1 First offense \$ 50.00

106.4.2 Second offense . \$ 100.00

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106.4.3 Third offense\$ 300.00

106.4.3. Fourth and subsequent offenses \$ 500.00

106.4.4 Reoccurring Offense. In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the defendant has previously pleaded guilty of violating the same minimum standard at the same location.

Sec. 16-105 - International Property Maintenance Code amended; Extension of Time to Perform Work.

A new section is hereby created: 106.6 Extension of time to perform work. Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the Codes Official may grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said repair, rehabilitation or demolition, if the Codes Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Codes Official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order pursuant to Division 11 of this article.

Sec. 16-106 - International Property Maintenance Code amended; Section 111.1 Application for appeal.

Section 111.1 is hereby amended as follows: Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. 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 the requirements of this code are adequately satisfied by other means.

Sec. 16-107 - International Property Maintenance Code amended; Section 111.8 Stays of enforcement.

Section 111.8 is hereby amended as follows: Appeals of notice and orders (other than *Imminent Danger and 302.4 Weeds* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Sec. 16-108 - International Property Maintenance Code deletion; Section 112 Stop Work Order.

Section 112 is hereby deleted.

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ARTICLE II – GENERAL REQUIREMENTS

Sec. 16-200 - International Property Maintenance Code amended; Section 302.1 Sanitation

Section 302.1 is hereby amended as follows: *Exterior property and premise* shall be maintained in a clean, safe and sanitary condition.

302.1.1 Odor. Any unclean, stinking, foul, odorous or filthy drain, ditch, tank or gutter, or any leaking or broken slope, garbage or manure boxes or receptacles of like character are prohibited.

302.1.2 Commercial Odor. Any dirt gathered in cleaning yards, waste of mills or factories, or any rags, damaged merchandise, wet, broken or leaking barrels, casks or boxes, or any materials which are offensive or tend by decay to become putrid or to render the atmosphere impure or unwholesome, found upon any lot or piece of ground are prohibited.

302.1.3 Open well or cistern. Any open, uncovered or unprotected well or cistern on any premises, or any well or cistern containing water which an analysis discloses to be impure or unwholesome in nature is prohibited.

302.1.4 Animal carcasses. Carcasses of animals not buried, destroyed or removed within twelve (12) hours after death are prohibited.

302.1.5 Water breeding insects. Any water accumulating and remaining, continuing or stagnating upon, in or about any lot, tract or piece of ground, or any barrels, buckets, kegs, tubs, cans or vessels of any kind whatsoever caused or permitted to be thrown, to be placed or to remain upon any lot, property or grounds in the City that might, could or would catch, hold, contain or retain water in which mosquitoes or insects, bugs, worms or living creatures might be bred, hatched, raised or allowed to remain or accumulate is prohibited.

302.1.6 Noxious Odors. The erection, continuance or use of any building, room or other place in the City for the exercise of any trade, employment or manufacture, which by occasioning noxious exhalations, causes offensive odors discomfoting, offensive or detrimental to the health of individuals or of the public is prohibited.

Sec. 16-201 - International Property Maintenance Code amended; Section 302.2 Grading and drainage.

Section 302.2 Grading and drainage is hereby amended as follows: *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Drainage of roofs and

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paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Exception: *Approved* retention areas and reservoirs.

302.2.1. - Drainage regulations. *Minimum standards:* All drainage facilities shall be designed to carry waters to the nearest drainage way, storm sewer conveyance, or other approved point of collection and conveyance. Erosion of ground in the area of discharge shall be prevented by installation of erosive control devices. Unless specified drainage ways and swales are specifically approved by the Code Official, abutting property lines between dwellings shall be designed to function as drainage ways. The toe of slopes shall set back from the property line a minimum of one-foot. The area surrounding the building foundation shall have a drainage gradient as provided for in the International Residential Code or International Building Code, as amended from time to time.

302.2.2. Prohibited conduct. No person shall allow or cause any:

- A. Obstruction to be created, installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage. Fences may be erected in such areas provided they do not unnecessarily restrict the flow of water.
- B. Water from intermittent sources such as discharges from sump pumps, downspouts, foundation drains, swimming pools, swimming pool backwashes, or other similar sources excluding lawn sprinklers to be discharged closer than: Five (5) feet to any adjoining property line.
 1. Five (5) feet to any adjoining side or rear property line(s).
 2. The platted right-of-way line where no public sidewalk or paved pedestrian walkway exists unless specifically approved by the City Engineer.
 3. Five (5) feet to any edge of a public sidewalk or paved public pedestrian walkway unless specifically approved by the City Engineer.

302.2.3. Enforcement. Where such conditions exist and the Code Official has given written notice of the violation, the owner of the property shall take appropriate measures to eliminate the problems caused on the adjacent property, within the time period stated in the notice, and failure to do so shall be a violation of this chapter.

Sec. 16-202 - International Property Maintenance Code amended; Section 302.3 Sidewalks and Driveways

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Section 302.3 is hereby amended as follows: - All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repairs, and maintained free from hazardous conditions.

Exception: Hazardous conditions created by inclement weather are not applicable to this section.

Sec. 16-203 - International Property Maintenance Code amended; Section 302.4 Weeds.

Section 302.4 shall be amended as follows: Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 10". Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 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 costs of such removal shall be paid by the owner or agent responsible for the property.

Sec. 16-204 - International Property Maintenance Code amended; Section 302 Exterior Property Areas

Section 302 Exterior Property Areas is hereby amended to add the following section: 302.10 Tree maintenance. Dead, dying or diseased trees, or portions thereof, shall be treated, pruned or removed so as not to pose a threat to adjoining private or public property.

Sec. 16-205 - International Property Maintenance Code amended; Section 303.1 Swimming Pools

Section 303.1 is hereby amended as follows: Swimming pools shall be maintained in a clean and sanitary condition. All components of the pool maintained in a functioning state. Abandoned or unused swimming pools, spas, and hot tubs that do not meet these conditions may require removal at the discretion of the codes official.

Sec. 16-206 - International Property Maintenance Code amended; Section 304.13.2 Openable windows.

Section 304.13.2 is hereby amended as follows: Every window, other than a fixed window, shall be easily openable.

Sec. 16-207 - International Property Maintenance Code amended; Section 304.14 Insect screens.

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Section 304.14 is hereby deleted.

Sec. 16-208 - International Property Maintenance Code amended; Section 304.18.1 Doors

Section 304.18.1 is hereby amended as follows: Doors providing access to a *dwelling unit, rooming unit or housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Locks not conforming to the code may be accepted by review of the codes official.

Sec. 16-209 - International Property Maintenance Code amended; 305.3 Interior surfaces.

Section 305.3 is hereby deleted.

Sec. 16-210 - International Property Maintenance Code amended; Section 307.1 Handrails and Guardrails, General

Section 307.1 General is hereby amended as follows: Every exterior and interior flight of stairs having more than four risers shall have a handrail or guardrails as required by the building code at the time of construction or shall meet the following provision.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

Sec. 16-211 - International Property Maintenance Code amended; Section 308.2 Disposal of rubbish.

Section 308.2 Disposal of rubbish is hereby amended as follows: Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers and disposing of such rubbish in an approved disposal facility.

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Sec. 16-212 - International Property Maintenance Code amended; Section 308.2.1 Rubbish storage facilities.

Section 308.2.1 is hereby amended deleted.

Sec. 16-213 - International Property Maintenance Code amended; Section 308.3 Disposal of garbage.

Section 308.3 Disposal of garbage is hereby amended as follows: Every occupant of a structure shall dispose of all garbage in a clean and sanitary manner by placing such garbage in approved containers and disposing of such garbage in an approved disposal facility.

Sec. 16-214 - International Property Maintenance Code amended; Section 308.3.1 Garbage facilities.

Section 308.3.1 is hereby deleted.

Sec. 16-215 - International Property Maintenance Code amended; Section 308.3.2 Containers

Section 308.3.2 is hereby amended as follows: See Section 310 Portable Storage Containers and Roll-off Trash Containers

Sec. 16-216 - International Property Maintenance Code addition; Section 308.4 Composting

Section 308.4 Composting is added as follows:

A. Maintenance. All compost piles shall be maintained using approved composting procedures to comply with the following requirements:

1. All compost piles shall be enclosed in a free-standing compost bin. Each compost bin shall be no larger in volume than one hundred fifty (150) cubic feet for properties ten thousand (10,000) square feet and less in lot size, with an additional one hundred fifty (150) cubic feet permitted for each additional ten thousand (10,000) square feet of lot size. Compost bins shall be no taller than five (5) feet.
2. All compost piles shall be maintained so as to prevent the harborage of rodents and pests. The presence of rodents in or near a compost pile shall be cause for the City to issue a complaint.
3. All compost piles shall be maintained so as to prevent unpleasant, rotten-egg like, putrefactive, sweet, sour or pungent odors.
4. Unless written permission has been granted by the adjoining property owner, no compost pile shall be located less than three (3) feet from the rear or side property line, or within twenty (20) feet of any home, patio, pool, or similar structure on the adjacent property. All compost piles shall be at least three (3) feet behind the front building setback line.

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5. No compost pile shall be located where it will impede the natural free flow of stormwater drainage.
- B. Ingredients.
 1. No compost pile shall contain any of the following:
 - a. Lakeweeds;
 - b. Food scraps;
 - c. Fish, fowl, meat or other animal products;
 - d. Manure;
 - e. Animal carcasses;
 - f. Fruits, vegetables or nuts;
 - g. Items not normally composted.
 2. Permitted ingredients shall include:
 - a. Yard waste;
 - b. Commercial compost additives;
 - c. Wood chips.
 3. Private use only. Compost piles established in accordance with this chapter are for private use only. There shall be no commercial use of the product of such composting.

Sec. 16-216 - International Property Maintenance Code addition; Section 310 Portable Storage Containers and Roll-off Trash Containers

Section 310 Portable Storage Containers and Roll-off Trash Containers is added as follows:

310.10. Portable Storage Containers and Roll-off Trash Containers. The provisions of this article shall apply to the location and length of use of portable storage containers and roll-off trash containers on any property used for residential purposes within the City of Lee's Summit.

310.10.1 Condition and maintenance. All portable storage containers and roll-off trash containers shall be delivered and maintained in good condition, free from rodents, insects, graffiti, vulgar and/or pornographic words or pictures. It shall be the responsibility of the property owner and the supplying company to maintain the portable storage containers or roll-off trash containers in accordance with the provisions of this article.

310.10.2 Definitions. For the purposes of this section, certain words and phrases used in this section are defined as follows:

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Portable storage container means any container designed and used for the storage of personal property of a non-hazardous nature which is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck.

Roll-off trash container means a large container designed and used for the storage of refuse, rubbish, trash, garbage, junk, debris, offal, or any material rejected as useless and fit only to be thrown away. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. This term shall not be interpreted to refer to a "trash container" or "dumpster" that is stored in a more permanent manner on the property, and is referenced and regulated by the Unified Development Ordinance, and further required to be screened from public view.

Residential purposes means structures intended as a place of residence and includes the following categories for purposes of this chapter:

One and two-family dwelling units and townhouses means structures constructed for dwelling purposes by separate families whereby each dwelling unit extends from foundation to roof and with open space on at least two (2) sides.

Apartment and multi-family complexes means structures constructed for dwelling purposes by two (2) or more families whereby dwelling units do not extend from foundation to roof.

310.10.3 Placement. Portable storage containers shall not be placed on public property or within the City's right-of-way. All portable storage containers shall be placed on a paved surface and be located a minimum of eleven (11) feet behind the edge of street or alley curb, or the edge of street pavement or alley in the case that no curb exists. The placement of portable storage containers shall not encroach onto adjoining properties and shall not block or hinder access to or from emergency escape and rescue openings.

Exception: Should existing site conditions not allow for the placement of a portable storage container in full compliance with these provisions, exceptions may be considered and written approval granted on a case by case basis by the Code Official. The Code Official shall solicit input from the Director of Public Works and the Fire Chief prior to granting such approval.

310.10.4 Roll-off trash containers. The placement of roll-off trash containers shall not encroach onto adjoining properties and shall not block or hinder access to or from emergency escape and rescue openings. Roll-off trash containers shall not be stored in buildings or placed within five (5) feet of combustible walls, openings or combustible roof eave lines. Unless otherwise permitted by law, roll-off trash containers shall not be located in any part of the City's right-of-way whether improved or unimproved, except by written approval of the Public Works Director.

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310.10.5 Duration.

1. Portable storage containers may be stored on the property for a period up to fourteen (14) days, and be allowed up to three (3) nonconsecutive times in a one (1) year period.
2. Roll-off trash containers may be stored on the property as follows:
 - A. For one and two-family dwelling units and townhouses, roll off trash containers may be stored on the property for a period up to fourteen (14) days, and be allowed up to three (3) nonconsecutive times in a one (1) year period.
 - B. For apartment and multi-family complexes, roll off trash containers may be stored on the property in accordance with the following:
 - i. One occurrence per month for a period not to exceed six (6) days per occurrence;
 - ii. Two (2) occurrences per month not to exceed three (3) days per each occurrence;
 - iii. In the event that a roll off trash container is needed on site beyond six (6) days per month, a written request shall be made to the Code Official for consideration. Said request shall be submitted and approval granted prior to the continued presence of the roll off trash container beyond the allowable six (6) days per month.
 - iv. The presence of roll off trash containers on a property shall be limited to seventy-two (72) days within a one year period. The Code Official has the administrative authority to approve the presence of roll off trash containers on a property for a period not to exceed ninety (90) days within a one (1) year period. Each day a roll off trash container is present on the property, whether in violation or not, shall be considered toward the total number of days allowed within a one (1) year period.
3. Exceptions:
 - A. When being used in conjunction with a construction project that has a valid building permit.
 - B. When the Mayor has declared the City or portion thereof a disaster area.
 - C. When being used in conjunction with an approved special use or special event permit.

Sec. 16-217 - International Property Maintenance Code addition; Section 311 Donation Bins

Section 311 Donation Bins shall be added as follows:

Section 311 Donation Bins

311.1. - Applicability and intent.

It is the purpose and intent of the Lee's Summit City Council, through the adoption of this article, to establish regulations relating to the placement of donation bins within the City in order to:

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- A. Promote the community's health, safety, and welfare by regulating unattended donation bins for clothing or other salvageable personal property within the City;
- B. Help ensure that donation bins do not pose a hazard to pedestrian and vehicular traffic;
- C. Help ensure that material is not allowed to accumulate outside of the donation bins where it can be scattered by adverse weather conditions, animal contacts and human activities;
- D. Help ensure that donation bins soliciting donations on the basis of charitable benefit are actually related to the stated charitable benefit; and
- E. Establish criteria that avoid attracting vermin, unsightliness, and public health hazard.

311.2. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them below. Where terms are not defined in this article, but are defined in other provisions of the Code of Ordinances, such terms shall have the meaning ascribed to them as in those ordinance provisions, unless the context clearly provides otherwise. All other undefined terms shall have ordinarily accepted meanings as the context implies.

Donation bin means any portable receptacle or container made of metal, steel or any other material designed or intended for the collection and temporary storage of donated clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated by the City's Unified Development Ordinance.

Operator means the "operator" of the donation bin is the individual or organization owning the bin and placing it on private property for the public to use for the donation of used clothing or other salvageable personal property, regardless of whether such operator is also the holder of a donation bin permit for the subject donation bin.

311.3. - Generally.

- A. *Non-profit requirement.* Donation bins shall only be allowed if the donations they receive are used for the benefit of a valid and duly organized non-profit organization.
- B. *Location.*
 1. Donation bins shall only be located on: private property zoned as commercial or industrial as defined by the Unified Development Ordinance; or property containing institutional uses such as schools, churches/religious assembly, and similar community services in any zoning district.
 2. Donation bins shall be located on hard surface pavement or concrete pad or sidewalk adjacent to a building without interfering with pedestrian movement or traffic circulation.
 3. Donation bins are prohibited:
 - a. On vacant parcels of land and parcels containing vacant/unoccupied buildings.
 - b. In parking spaces or drive aisles.

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- c. Within a distance of one hundred (100) feet from any residential district or use.
 - C. *Permit required.* A donation bin permit is required to place, keep and maintain donation bins. An application for a donation bin permit shall include:
 - 1. Name, telephone number and address of the operator of the bin, as defined above.
 - 2. Name, telephone number and address of the non-profit organization benefited by the bin.
 - 3. Written consent of the owner of the property where the bin is to be placed.
 - 4. Description or site plan showing location and placement of proposed bin(s).
 - 5. Proof of status of the non-profit organization benefited by the bin.
 - 6. Description of the manner in which the clothing or other donations would be used, sold or distributed for the benefit of the non-profit organization.
 - 7. The schedule for the bin to be emptied.
 - 8. Size and photograph of the bin to be placed.
 - D. *Number of bins.* Only one (1) bin per property shall be permitted.
 - E. *Labeling located on the bin shall include:*
 - 1. The name, phone number and address for the non-profit corporation that is benefited by the bin.
 - 2. The name, phone number and address of the person(s) responsible for the bin placement, pick-up and emptying.
 - 3. The name, phone number and address of the owner of the property upon which the bin is located.
 - F. *Setbacks.* Bins shall be situated so that they are located the following minimum distances ("setbacks") from adjacent property boundary lines:
 - 1. Front: Twenty (20) feet.
 - 2. Side: Ten (10) feet.
 - 3. Rear: Ten (10) feet.
 - G. *Size.* Bins are limited to a maximum height of seven (7) feet and a ground surface area of twenty-five (25) square feet.
 - H. *Fees.* Fees for donation bin permits shall be as provided for in the City's Schedule of Fees and Charges.
- 311.4. - Requirements for maintenance.
- A. A permittee shall operate and maintain, or cause to be operated and maintained, all donation bins covered by the applicable permits in the following manner:
 - 1. Donation bins shall be maintained in good condition and appearance with no structural damage, holes, peeling paint, or rust and shall be free of graffiti.
 - 2. Donation bins shall be locked or otherwise secured.

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3. Donation bins shall be serviced and emptied as needed, but at least once per month or within forty-eight (48) hours of a request by the Codes Official s or his designee.
- B. The permittee shall maintain or cause to be maintained the area surrounding the donation bins free of any junk, garbage, trash, debris or other refuse material.
- C. The permittee, operator, and owner of the property on which the bins are located shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the donation bins within twenty-four (24) hours of written notice or verbal notice from the City.
- D. The permittee, operator, and owner of the property on which the bins are located shall be individually and severally responsible for all costs for abating and removing any junk, garbage, trash, debris, and other refuse material from the area surrounding the donation bins.

Sec. 16-217 - International Property Maintenance Code addition; Section 312 Abandoned Residential Property Registration.

Section 312 Abandoned Residential Property Registration shall be added as follows:

Section 312

ABANDONED RESIDENTIAL PROPERTY REGISTRATION

312.1 General. It is the purpose and intent of the Lee's Summit Council, through the adoption of this section, to establish an abandoned residential property registration program for properties which are in the process of foreclosure as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and adequate security of abandoned properties.

312.2 Definitions. For the purposes of this section, certain words and phrases used in this section are defined as follows:

Abandoned means a property that is vacant and under a current Notice of Default or Notice of Sale, or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

Accessible property means a property that is accessible through a compromised, breached or broken gate, fence or other entry point.

Accessible structure means a structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

Beneficiary means a lender under a note secured by a deed of trust.

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Days means consecutive calendar days.

Deed in lieu of foreclosure or sale means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

Deed of trust means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. This definition includes any subsequent deeds of trust.

Default means the failure to fulfill a contractual obligation, monetary or conditional.

Evidence of vacancy means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

Foreclosure means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) under a deed of trust defaults.

Local means within forty (40) road/driving miles distance of the subject property.

Notice of default means a notice, issued pursuant to the applicable real estate security document or Section 408.554, RSMo, that a default has occurred under a deed of trust.

Out of area means in excess of forty (40) road/driving miles distance of the subject property.

Owner means any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

Owner of record means the person having recorded title to the property at the point in time the record is provided by the Jackson County or Cass County Recorders Office.

Property means any unimproved or improved real property, or portion thereof, situated in the City and includes the buildings or structures located on the property regardless of condition.

Registered Representative means the person designated by a beneficiary as the beneficiary's representative for purposes of accepting notice, service and summons on behalf of the beneficiary and for otherwise ensuring compliance with the requirements of this article.

Residential building means any improved real property, or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted or zoned for such use.

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Securing means such measures as may be directed by the Code Official or his designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/pad locking of gates, the repair or boarding of door, window or other openings.

Trustee means the person, firm or corporation holding a deed of trust on a property.

Trustor means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

Vacant means a building/structure that is not legally occupied.

312.3. Registration.

1. Any beneficiary under a deed of trust covering a property located within the City of Lee's Summit shall cause an inspection to be performed of the property that is the security for the deed of trust within fifteen (15) days of issuing a notice of default to the trustor. If the property is found to be vacant or shows evidence of vacancy, it is, by this article, deemed abandoned and the beneficiary shall, within ten (10) days of the inspection, register the property with the Code Official or his designee on forms provided by the City.
2. The registration shall contain the full legal name of the beneficiary and the registered representative, the direct street/office mailing address of the beneficiary and the registered representative (no P. O. Boxes), a direct contact name and phone number for the beneficiary and registered representative, and, if applicable, the local property management company responsible for the security, maintenance and marketing of the property.
3. The registration shall be valid as long as the subject property remains vacant and shall be amended as needed.
4. This section shall also apply to properties that have been the subject of a foreclosure sale where title to the property was transferred to the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.
5. Properties subject to this article shall remain under the security and maintenance standards of this section as long as they remain vacant.
6. Any person, firm or corporation that has registered a property under this article must report any change of information contained in the registration within ten (10) days of the change.

312.4. Maintenance requirements. Properties subject to this article shall be in compliance with the Lee's Summit Property Maintenance Code. Adherence to this section does not relieve the beneficiary or property owner of any obligations set forth in any covenants conditions and restrictions or homeowners association rules and regulations which may apply to the property.

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312.5. Security requirements.

1. Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s). In the case of broken windows "securing" means the reglazing or boarding of the window.
2. If the beneficiary is an out of area beneficiary, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.
3. The beneficiary shall cause the property to be inspected on a weekly basis to determine if the property is in compliance with the requirements of this article.

312.6. Compliance with other authority. The requirements of this article are in addition to any other maintenance and security measures required by the Code of Ordinances. The requirements of this article shall not serve to lessen or abrogate any other applicable provisions of the Code of Ordinances.

312.7 Violations. Any beneficiary, registered representative, or local property management company that violates any provision of this article shall be in violation of this article, and summons may be issued against the beneficiary's representative for such violation. In addition to any other penalties which may be assessed for a violation of this article, any person or entity who violates a provision of this article shall be assessed a fine of five hundred dollars (\$500.00) per violation.

ARTICLE III- LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

Sec. 16-300 - International Property Maintenance Code amended; Section 401.3 Alternative devices.

Section 401.3 shall be amended as follows: In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with adopted codes shall be permitted.

Sec. 16-301 - International Property Maintenance Code amended; Section 402.1 Habitable spaces.

Section 402.1 shall be amended as follows: Every *habitable space* shall have not less than one window or glazed door of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of

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any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m²), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

ARTICLE IV MECHANICAL AND ELECTRICAL REQUIREMENTS

Sec. 16-400- International Property Maintenance Code amended; Section 602.3 Heat Supply.

Section 602.3 is hereby deleted.

Section 16-401- International Property Maintenance Code amended; Section 602.4 Occupiable Work Spaces

Section 602.4 is amended as follows: Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are 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.

SECTION 2. That it is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Lee's Summit, Missouri.

SECTION 3. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 4. That if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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SECTION 5. That this ordinance shall be in full force and effect on April 1, 2019 after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*