



Property Maintenance Code City of Parkville

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CHAPTER 1

ADMINISTRATION

SECTION 101 - GENERAL

101.1 Title. These regulations shall be known as the **Property Maintenance Code of the City of Parkville**, hereinafter referred to as “this code.”

101.2 Scope.

(A) 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, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(B) This Chapter shall apply to college dormitories, hotels and motels to the extent it is not inconsistent with Chapter 315, RSMo, or any other State Statute governing college dormitories, hotels and motels.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with all current adopted Building Codes.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102- APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in **Section 101**. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alteration to a structure, or changes of occupancy, shall be done in accordance with all current adopted codes.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in **Chapter 8** and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103 - DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The Division of Building Safety of the Community Development Department will be inserted where the Department of Property Maintenance is referenced throughout this document.

Section 103.2 of the 2003 IPMC is deleted in its entirety.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

103.4 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees. The fees for activities and services performed by the Division of Building Safety of the Community Development Department in carrying out its responsibilities under this code shall be as indicated in the 1997 Uniform Administrative Code.

SECTION 104 - DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All 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 code 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.

104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

104.8 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

SECTION 105 - APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106 - VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for any person to:

1. Use, occupy, or maintain any premises which fail to comply with the requirements of this code.
2. Enter, occupy, remain or permit or cause any other person to enter, occupy, or remain in any building or structure which has been posted as unfit to occupy under this code, until such building or structure has been inspected and been issued a certificate of occupancy issued pursuant to the provisions of the City Building Code.
3. Remove or deface any order to vacate which is posted upon any premises.
4. Permit a building which has been temporarily closed under **Section 108.2.5** to remain vacant and unrepaired for more than one hundred eighty (180) days after the date of issuance of the notice stating the action required to be taken as determined by the Building Official.
5. Fail, neglect, or refuse to obey any subpoena or final order of the Board of Housing Appeals.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with **Section 107**.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with **Section 107** shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged

against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- A. Any person convicted of a violation of Section **106.1** of this Article shall be punishable by fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both, for each offense.
- B. Every day that a violation continues shall be considered a separate offense, for which the violator may be arrested, tried and convicted without necessity of further notice.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107 - NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in **Sections 107.2** and **107.3** to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with **Section 108.3**.

107.2 Form. Such notice prescribed in **Section 107.1** shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. If the Building Official has determined that the building or structure must be repaired, the notice shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed sixty (60) days from the date of the notice) and completed within such time as the Building Official shall determine is reasonable under all of the circumstances.
6. Inform the property owner of the right to appeal.
7. Include a statement of the right to file a lien in accordance with **Section 106.3**.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in **Section 106.4**.

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

SECTION 108 - UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Order To Vacate. Whenever the Building Official finds that any structure, occupied or vacant, constitutes a hazard to the health, safety or welfare of any, present or future, occupants because of violations of this Chapter, the building official may declare such structure unfit for human occupancy and order it to be vacated immediately and remain so until a certificate of occupancy is issued. Such order shall list the conditions which render the premises unfit for human occupancy and establish a time within which the building shall be repaired.

108.2.1 Service order. An order to vacate shall be served upon the owner or operator of the premises and upon the occupants. Service shall be made in the same manner as provided herein for service of a notice and order in accordance with **Section 107.3**.

108.2.2 Posting. Every order to vacate issued in accordance with this Chapter shall be posted at or upon each exit of the building and shall include the list of conditions which render the premises unfit for human occupancy. The order shall be substantially in the following form:

DO NOT ENTER UNSAFE TO OCCUPY

It is a violation of the Property Maintenance Code of the City of Parkville to occupy or permit any person to occupy this building or to remove or deface this notice.

Building Official City of Parkville, Missouri

Such order shall not be removed or defaced after it is posted except with the knowledge and consent of the Building Official.

108.2.3 Compliance.

- A. Upon vacation, the building shall be repaired within the time specified by the Building Official, or it shall be temporarily closed in accordance with this Chapter. No person shall occupy, remain in, or enter any building which has been so posted or allow or permit such entry or occupancy by any other person until conditions necessitating the posting have been remedied, except that entry may be made to repair, demolish or remove such building under permit.
- B. Upon repair of any building which has been posted by the Building Official under **Section 108.2.2** of this Chapter, an inspection shall be requested of and made by the Building Official, and if such building is determined to be fit for human occupancy, a certificate of occupancy so stating shall be issued.

108.2.4 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.2.5 Temporary Closing of Building. All buildings which are temporarily closed shall be closed and kept closed (until the building complies with the Property Maintenance Code, or is demolished) in accordance with these standards:

- 1. A permit shall be obtained before commencement of work.
- 2. All exterior openings are to be closed.
- 3. Materials missing or broken shall be replaced by similar construction or may be replaced by solid wood construction of exterior grade plywood at least one-half (½) inch thick.
- 4. Materials approved by the Building Official may be used which provide equivalent protection to the building from those attempting to gain entrance.
- 5. Any material used to close openings in exterior walls of open buildings shall be neatly installed in a manner substantially in accordance with recognized levels of workmanship for the building construction industry.
- 6. All plywood shall be painted with two (2) coats of exterior paint.
- 7. Bait for roaches and rodents is placed in appropriate places.
- 8. The roof shall be made watertight.
- 9. Remove all loose and hanging exterior parts.
- 10. Remove all debris from the interior and exterior of the premises.

No building temporarily closed shall remain vacant and unrepaired for more than one hundred eighty (180) days.

108.2.6 Repairs of structure and other corrective actions.

- A. Whenever an owner, operator, or occupant of a dwelling, fails, neglects, or refuses to

make repairs or other corrective action called for by the notice and order issued pursuant to **Section 107.3**, the Building Official may undertake such repairs or action, when in their judgment a failure to make them will endanger the public health, safety or welfare, and the cost of such repairs and action will not exceed fifty percent (50%) of the fair market value of the structure to be repaired. Notice of the intention to make such repairs or take other corrective action shall be served upon the owner, operator, or agent pursuant to Section **107.3**.

- B. Every owner, operator, or occupant of a dwelling, who has received notice of the intention of the Building Official to make repairs or take other corrective action, shall give entry and free access to the Building Official for the purpose of making such repairs. Any owner, operator, or occupant of a dwelling, who refuses, impedes, interferes with or hinders, or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action, shall be in violation of this Chapter.
- C. When repairs are made or other corrective action taken at the direction of the Building Official, the cost of such repairs and corrective action shall constitute a debt in favor of the City of Parkville against the owner of the repair structure. If the bill is not paid within thirty (30) days of issuance, the City Clerk shall turn it over to the City Collector, who shall add it to the other taxes assessed against the property; and this tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Such tax bill if not paid when due shall bear interest at the rate of eight percent (8%) per annum. In the event such owner fails, neglects, or refuses to pay the City of Parkville the amount of this debt, the debt shall also be recoverable in a civil action against the owner or his successor, brought in a court of competent jurisdiction by the City of Parkville, which shall possess all rights of a private creditor.

108.3 Notice Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with **Section 107.3**. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in **Section 107.2**.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premise or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premise or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Dangerous buildings resulting from insured casualty. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or

other structure caused by or arising out of any fire, explosion, or other casualty loss, and if the covered claim payment is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure, then the following procedure shall apply:

1. The insurer shall withhold from the covered claim payment twenty-five percent (25%) of the covered claim payment, and shall pay that amount to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Section. If a special tax bill or assessment is issued by the City for the expenses of demolition of such building as dangerous building, the monies held by the City shall be applied toward payment of special tax bill or assessment. If there is any excess, it shall be paid by the City to the insured or as the terms of the policy, including any endorsements thereto, provide.
2. The City shall release the proceeds and any interest which has accrued on such proceeds received under Subsection (1) of this Section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings. If the City has preceded, all monies in excess of that necessary to comply with the removal of the building or structure, less salvage value, shall be paid to the insured.
3. The City may certify that, in lieu of payment of all or part of the covered claim payment under this Section, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the City shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this Subsection.
4. No provision of this Section shall be construed to make the City a party to any insurance contract.

SECTION 109 - EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 - DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and orders. All notices and orders shall comply with **Section 107**.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 - MEANS OF APPEAL

111.1 Application for appeal. 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 ten (10) days after the day the decision, notice or order was served, and shall be in writing and filed by delivery to the City Clerk's office. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.1.2 Failure to appeal. Failure of a person entitled to appeal under this Chapter either to make appeal, or to timely file his appeal, shall constitute a waiver of his right to administrative hearing and adjudication of his complaint and such person shall be estopped to deny the validity of any order or action of the Building Official which could have been timely appealed.

111.1.2.1 Stay of order during appeal to the Board. Except for orders to vacate, the timely filing of an appeal to the Board of Housing Appeals shall stay enforcement of the order appealed from until the appeal is finally determined by the Board of Housing Appeals.

111.2 Membership of board. The Board of Appeals shall consist of the members of the Board of Zoning and Adjustments of the City of Parkville.

111.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

111.2.5 Compensation of members. Compensation of members shall be determined by law.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

111.7 Court review. Any person whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board

CHAPTER 2

DEFINITIONS

SECTION 201 - GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

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.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, International Existing Building Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

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.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

SECTION 202 - GENERAL DEFINITIONS

ACCESSORY STRUCTURE. A building, the use of which is clearly incidental or subordinate to that of the main building and which is located on the same lot as the main building or principle use of land.

AGENT. See Owner and Operator.

APPROVED. Approved by the authorized building official of the City of Parkville.

APPROVED SURFACE. Permitted parking and/or storage spaces for all motorized or non-motorized vehicles, machinery and equipment shall be made permanently available for such purposes and be constructed using either asphaltic or Portland cement concrete, and shall be maintained and repaired or replaced if found to be in disrepair.

BASEMENT. The portion of a building that 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.

BLIGHTED. Any structure or premises, which by reason of disrepair, dilapidation, lack of ventilation, light or sanitary facilities, overcrowding, any combination of these factors or any other conditions of disrepair and deterioration is detrimental to public safety, health, and welfare.

BOARD. Board of Zoning and Adjustment (BZA) of the City of Parkville.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

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

CITY. The City of Parkville, Missouri

CELLAR. See Basement.

CODE OFFICIAL. See Building Official.

CONDEMN. To adjudge unfit for occupancy.

CRAWL SPACE. An enclosed space typically below the first usable floor of a building providing limited access to plumbing, wiring, and other utilities.

DEBRIS. Discarded waste and/or the remains of something broken down or destroyed.

DEPARTMENT. The Community Development Department of the City of Parkville, Missouri.

DETERIORATION. The conditions of a building, structure or paved surfaces or any part thereof, showing evidence of physical decay, neglect or lack of maintenance or excessive use.

DRIVEWAY. A private road, constructed of materials approved by the City of Parkville, giving access from a public thoroughfare to a building or buildings on abutting grounds.

DRIVEWAY APPROACH. The portion of the driveway that is located within the City of Parkville right-of-way.

DUMPSTER. A large container designed and used for storage of items to be thrown away, refuse, rubbish, trash, garbage, junk and/or debris until a regularly scheduled pickup. Such container is generally used for non-residential or multi-family residential occupancy, but is also used for temporary non-residential and residential projects.

DUMPSTER, TEMPORARY. A large container designed and used for storage of items to be thrown away, refuse, rubbish, trash, garbage, junk and/or debris for a period of time corresponding to a particular task or project. Such container is typically rented or leased to owners or occupants of property for their temporary use and are typically delivered and removed by truck. This term shall not be interpreted to refer to a trash can, trash container or a dumpster that is stored on a more permanent manner on the property and from which trash is collected on a reoccurring basis.

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

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

EASEMENT. That portion of land or property reserved for present or future use under, on or above said portion of property, by a person or agency other than the legal fee owner(s) of the property.

ENCLOSED AREA. Any area, which is inaccessible to the public view.

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

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, and trapping or by other approved pest elimination methods.

GARBAGE. Waste and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food and food products including, but not limited to, discarded food wrappings and containers, paper, plastic and metal products used or intended for use in connection with the storage, sale, preparation or "clean-up" relating to food items; egg shells; used coffee grounds; used tea bags; meat trimmings; entrails of animals, poultry or fish; offal; medical wastes including bandages, syringes, medicines, plaster or other casts; and decomposed putrid material; whether such items are alone or in combination with other materials.

GUARD. A building component or a system of building components located at or near the open side of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

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.

INOPERABLE VEHICLE. A vehicle, either motorized or non-motorized, and/or its parts which cannot be driven or operated upon the public streets for reasons including but not limited to being unlicensed, un-roadworthy, wrecked, abandoned, in a state of disrepair, or if motorized, incapable of being moved at least 100 feet under its own power in both forward and reverse gears; except, vehicles specifically designed for off-road use and that are un-licensable such as ATV's, snowmobiles, and dirt bike motorcycles, will not have their license status used to determine operability.

JUNK. Scrapped, broken, or neglected items and materials. Junk includes items such as plastic, cloth, glass, rags, paper or metals that can be converted into usable articles or stock, or articles that have outlived their usefulness in their original form. Examples of "junk" include, but

are not limited to, empty bottles and jars; empty metal, plastic or paper products; discarded engine or motor parts; automobile and truck parts of all descriptions; used tires, wheels and inner tubes; discarded batteries; cardboard; discarded and/or pre-used building materials; discarded and/or pre-used electrical and plumbing materials; broken pieces of concrete; discarded, broken, or neglected electrical, gas or hand-operated appliances; previously used packing materials; discarded, broken, or neglected household goods and furnishing; or any household item located outdoors that is designed for indoor use; as well as parts and pieces of any of the foregoing.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET (See Let for Occupancy).

LET FOR OCCUPANCY. To permit, provide or offer possession or occupancy of a dwelling, 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.

LOT. A parcel of land which may include one (1) or more platted lots, occupied or intended for occupancy by a use permitted in Title IV, including one (1) main building together with its accessory buildings, the yard areas and parking spaces required by Title IV and having its principal frontage upon a street or upon an officially approved place.

LOT LINE. The boundary line of a lot as defined herein.

MOTOR VEHICLE. Any passenger vehicle, pick-up truck, van, sport utility vehicle, motorcycle, recreational vehicle, all-terrain vehicle, boat, water craft, boat-trailer, camper, trailer, truck, panel truck, trailer truck, semi-trailer or similar mode of transportation, which is propelled or drawn by mechanical power.

MOTOR VEHICLE, INOPERABLE. A 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, or incapable of being moved under its own power.

MOTOR VEHICLE, UNLICENSED. A motor vehicle, as defined herein, which is required by the State of Missouri, to have proper and current registration for movement upon the public right-of-way; that is maintained in an open parking area on private property without displaying a current license from the State of Missouri.

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.

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

PARKING AREA, COMMERCIAL. An approved paved area, which is connected to the driveway approach and is used or intended for the use of temporary and transient parking of motor vehicles. Any public or private area, under or outside of a building or structure, designed and used for the parking of motor vehicles including parking lots, garages, and legally designated areas of public streets.

PARKING AREA, RESIDENTIAL. An approved paved area, which is connected to the driveway and is used or intended for the use of overnight storage of, licensed motor vehicles only.

PARKING PAD. An approved paved area located in the side or rear yard of a lot used or intended for the use of maintaining motor vehicles which are not used in the daily routine but are currently licensed with the State of Missouri.

PAVED AREA. An area constructed of materials approved by the City, for the purpose of parking motor vehicles.

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

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

PROPERTY. See Premises.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

PUBLIC NUISANCE. A nuisance consists of doing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist which intrudes, annoys, injures or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which interferes with or disrupts a neighbor's or citizen's ability to freely use or enjoy their properties or public property adjacent to where the nuisance occurs. Such nuisances include, but are not limited to, the following:

- A. Unsecured attractive nuisances;
- B. Conditions or acts which annoy, injure, or endanger the comfort, repose, health, or safety of others;
- C. Conditions or acts which are offensive to the senses;
- D. Conditions or acts which interfere with, obstruct, or tend to obstruct or render dangerous for passage any stream, public park, parkway, square, sidewalk, street, or highway and other rights-of-way in the city;
- E. Illicit discharges into the municipal storm drainage system;

- F. Unauthorized interference with, damage to, or polluting of designated habitat areas, publicly owned restoration sites, streams, creeks, lakes, wetlands, or tributaries and similar areas thereto;
- G. Conditions or acts which obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property;
- H. Conditions or acts which lead to blight and contribute to the deterioration of the neighborhood or adjoining property;
- I. The improper parking or storage of vehicles on any residential lots which impedes the use of yard areas for light, air circulation, recreation, and landscaping;
- J. A violation of any City of Parkville Ordinance;
- K. All dwellings or portions thereof, or accessory buildings or structures, which are determined to be substandard as defined in this Chapter, are hereby declared to be public nuisances

ROOMING HOUSE. A building other than a hotel arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one, two, or multi-family dwelling.

RUBBISH. Combustible and noncombustible waste materials, except garbage:

- A. **Combustible waste material.** Waste material including but not limited to the residue from burning of wood, coal, coke, and other combustible materials, paper, rags cartons, boxes, wood, excelsior, tree branches, yard trimmings, wood furniture and bedding.
- B. **Noncombustible waste material.** Waste material including but not limited to metal, tin cans, metal furniture, dirt, glass, crockery, dust, small quantities of rock and pieces of concrete and mineral matter. Rubbish shall also include indoor furnishings and fixtures such as indoor furniture, appliances, lighting fixtures, mattresses, refrigerators, washers, dryers and water softeners, when left on exterior premises.

SCREENED AREA, EXTERIOR. An area separated by a permanent nonflexible device to completely conceal an element(s) of a property from other elements or from adjacent or contiguous property; i.e. fencing constructed so that one cannot see the element(s) to be concealed.

STORAGE. The placement of goods, materials or personal property for more than two (2) consecutive days or any part of two (2) consecutive days.

STORAGE, ACCESSORY. Storage that is incidental, subordinate or secondary in area, extent and purpose and customarily associated with to a permitted primary use on the same lot as the principle or primary use or structure to which it is related.

STORAGE, OPEN. See *Storage, Outdoor*.

STORAGE, OUTDOOR. The keeping or storage of any goods, items, materials, or merchandise outside a wholly enclosed building.

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 or a portion thereof.

SUBSTANDARD. All dwellings or dwelling units which do not meet the standards set forth in this Chapter as they are applicable respectively either to dwellings or dwelling units, or otherwise constitute a hazard to the health, safety or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are hereby declared "substandard" and a "nuisance" and a violation of this Chapter and subject to the penalties established in **Section 106.4** of this Chapter.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in ground, above ground and on-ground swimming pools, hot tubs and spas.

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.

TRASH AND WASTE. Trash and waste means, but is not limited to ashes; leaves; branches and trimmings from trees, shrubs and hedges; discarded Christmas trees; excrement and undigested residue of food eliminated by humans, animals, fish and birds; lawn, yard, garden, shrub and tree trimmings; garbage, junk and filth; discarded clothing of all descriptions; decayed or decaying materials of all kinds and descriptions; and insect-infested materials of all kinds and descriptions; whether such items are alone or in combination with other materials.

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

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

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

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 - GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.1.1 Owner. Every owner remains liable for violations of duties imposed upon him by this Chapter even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Chapter.

301.2 Responsibility Owner. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.2.1 Every owner is required to comply with all terms of this Chapter even if his dwelling is unoccupied or abandoned as defined in this Chapter.

301.3 Responsibility Occupant. Every occupant of a dwelling, in addition to being responsible for keeping that part of the building or premises which he occupies and controls, clean, sanitary, and in a safe condition, shall dispose of all his rubbish, garbage, and other organic waste in an approved manner.

301.3.1. If the occupant shall fail to keep his portion of the property clean, or violate any of the provisions of this Chapter, the Building Official shall send a written notice to the occupant to remedy such violation within the time specified in the notice. Failure of the occupant to comply with such notice shall be deemed a violation of this Chapter and upon conviction; the occupant shall be subject to the penalties herein provided.

301.4 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 - EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All 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. Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and/or planting strips and similar areas shall be kept in a proper state of repair, and maintained

free from obstructions, grass/weeds/vegetative overgrowth and hazardous conditions. This includes areas within public rights-of-way adjoining an owner's property.

302.4 Weeds.

- A. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All 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 or gardens, including but not limited to native plantings used for aesthetic and/or wildlife promotion, to attract and aid wildlife, and/or to offset and control any soil loss problems either occurring or predicted. Noxious weeds shall be defined as: poison ivy, poison oak, poison sumac, and plants containing thistles or other vegetation that may raise lesions upon brief contact by a person with the plant material or secretion from the weed or plant. Upon failure of the owner or agent having charge of property to cut and destroy weeds by date noted on notice of weed violation served by either regular mail or posting of property, 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 weed 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.
- B. Whenever weeds, in violation of this Section, are allowed to grow on any part of any lot or ground within the City of Parkville, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable.
- C. The Community Development Director shall give a hearing to the owner to be held after ten (10) days' notice thereof is received, either personally or by United States mail by the owner or owners, or his or their agents, or after posting such notice on the premises; thereupon, the Community Development Director may declare the weeds to be a nuisance and order the same to be abated within five (5) days; and if the weeds are not cut down and removed within five (5) days the Community Development Director shall have the weeds cut down and removed, and shall certify the costs of same to the City Clerk, who shall cause a bill to be prepared and sent to the property owner or owners, or his or their agents.
- D. If the bill is not paid within thirty (30) days of issuance, the City Clerk shall turn it over to the City Collector, who shall add it to the other taxes assessed against the property; and this tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Such tax bill if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

302.4.1 Dead or Diseased Tree Removal on Private Property. The City shall have the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the City. The Code Enforcement Officer (or the employee's fulfilling code enforcement duties) shall inspect the trees with a certified arborist. Upon written statement from the certified arborist that any dead or diseased trees on private property within the City constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the City, the Code Enforcement Officer (or the employee's fulfilling code enforcement duties) will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the

authority to remove such trees and charge the cost of removal on the owner's property tax notice.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

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

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be 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 body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. Such vehicles shall be declared to be public nuisances which shall be abated and removed.

302.8.1 Parking on approved surfaces. All motor vehicles shall be parked on an approved driveway or parking pad. Any motor vehicle or watercraft parked in a residential yard must be parked on a driveway or in an off-street parking space in a side yard. Said parking space is defined in **Section 400.030** of the Zoning Code. This parking space must not encroach upon the side yard required for the district in which it is located. Code Sections regulating yards include, but are not limited to, **Sections 467.010** and **475.030** of the Zoning Code.

302.8.2 Commercial vehicles. In zoning districts other than the Industrial zoning districts, construction equipment and construction vehicles may not be stored or repaired on the premises (other than in enclosed garages), except as follows:

Exceptions:

1. When being utilized for construction activities on the premises pursuant to a valid permit issued by the City for construction work necessitating use of such equipment, or when used for permitted work on the public right-of-way.
2. When associated with a conditional use permit or as part of an allowable primary use, such as an equipment rental business.
3. Vehicles owned and operated by Governmental agencies located in or providing services within the City. Service vehicles owned by utility companies while in the process of providing services or maintenance; construction vehicles while being used in connection with construction or maintenance authorized by the City.
4. For the purpose of making a delivery or pickup provided such vehicles are not left continuously parked between the hours of 9:00 p.m. and 7: a.m. local time.

302.8.2.1 Definitions. For the purpose of **Section 302.8.2** the following words shall be considered commercial vehicles and have the following meaning:

COMMERCIAL MOTOR VEHICLE: A motor vehicle designed or used to transport passengers or property:

1. If the vehicle has a gross combination weight rating of twenty-six thousand one (26,001) or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand one (10,001) pounds or more;
2. If the vehicle has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds or such lesser rating as determined by Federal regulation;
3. If the vehicle is designed to transport more than fifteen (15) passengers, including the driver; or
4. If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act.

Truck. Any self-propelled motor vehicle with a manufacturer's weight rating of one (1) ton (8.896 kN) or more, including but not limited to, vehicles designed for or used for the transportation or delivery of freight or merchandise.

Bus. A self-propelled motor vehicle designed for or used for the transportation of passengers exceeding any of the following: 25 feet (7620 mm) in overall length, or 8 feet (2438 mm) in height, or gross weight of 3,000 pounds (13,344 N) per axle.

Trailer. A vehicle without motive power designed or used for, but not limited to, the carrying of property, freight, or merchandise exceeding any of the following: 25 feet (7620 mm) in length, 8 feet (2438 mm) in height, or gross weight of 3,000 pounds (13,344 N) per axle.

302.8.3 Motor vehicles for sale. Except as provided for herein no one with an ownership interest in a motor vehicle shall park or allow to be parked said 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.

302.8.3.1 Residential zoned properties. Sales of Vehicle or Watercraft. In any area zoned residential, the offering of motor vehicles or watercraft for sale shall be governed by the following restrictions:

1. Not more than one (1) motor vehicle or watercraft shall be displayed for sale at any one address at any one time, and that vehicle or watercraft shall be registered to the owner or occupant of the property on which such vehicle or watercraft is displayed or offered. At no time shall vehicles or watercraft registered to dealers be displayed or offered for sale except in districts zoned for vehicle or watercraft sales and by businesses licensed for such sales.
2. Vehicles or watercraft offered for sale must be parked as set forth in **Section 302.8.1** above.
3. No residential property shall be allowed more than 4 motor vehicles for sale in a calendar year.

302.8.3.2 Commercial and manufacturing zoned properties. **Section 302.8.3** shall not apply in commercial or manufacturing zoned properties unless the person with an ownership interest in said motor vehicles 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 Parkville, Missouri, for the sale of motor vehicles and said occupational license designates the premises involved as the business location. Whether or not permission has been given to park on the property is an affirmative defense, and the showing of written permission and proof of employment meet the burden of proof.

302.8.3.3 Prima facie evidence. The fact that a "For Sale" sign, telephone numbers, or other advertising appears on the motor vehicle shall be prima facie evidence that the motor vehicle is parked for the purpose of sale. For the purpose of this section, if a motor vehicle has remained on commercial or manufacturing zoned properties for a period of more than 8 hours, this shall be prima facie evidence that it was not parked for the purpose of using other facilities on the

premises. However, other evidence may be used to establish it was not parked primarily for this purpose and it is not necessary that it be parked for a time exceeding 8 hours.

302.8.4 Motor vehicle encroachment. No motor vehicle shall block or partially block any portion of the City sidewalk, located within the City right-of-way.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303 - SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

SECTION 304 - EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification. Buildings shall have approved address numbers placed 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) high with a minimum stroke width of 0.5 inch (12.7 mm).

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

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.6.1 Storefronts. All storefronts shall be kept in good repair, protected from weathering and shall not constitute a safety hazard or nuisance. In the event repairs to a storefront become necessary, such repairs shall be made with the same or similar materials used in the construction of the storefront in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a storefront shall be protected from weathering and kept in good repair.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.9.1 Awnings and Marquees. Awnings and marquees and their accompanying structural members shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are made of cloth, plastic or of similar materials, they shall be maintained in good condition and shall not show evidence of excessive weathering, discoloring, ripping, tearing or other holes.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

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

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

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

304.13.2 Open-able windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from March to October, 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 not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door 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.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with **Section 702.3**.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. 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 meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305 - INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. The occupant shall be

responsible for maintenance of the occupied units in a clean and non-destructive manner. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 - HANDRAILS AND GUARDRAILS

306.1 General. 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 which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high 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.

SECTION 307 RUBBISH AND GARBAGE

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

307.1.1 Depositing in streets, streams, etc. No person shall cart, place, sweep, throw or deposit anywhere within in the City any rubbish or garbage in any stream, lake, body of water, ravine or in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or upon any occupied premises within the City.

307.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

307.2.1 Rubbish storage facilities. The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

307.2.1.1 Every dwelling shall be furnished with rubbish storage facilities or otherwise provide that all combustible and non-combustible waste materials, household and yard debris and ashes are stored in a manner and condition which is not conducive to the propagation and harborage of rodents and insects or the creation of fire or any other hazard.

307.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

307.2.3 Burning rubbish or garbage prohibited. No person shall burn refuse within the City limits of the City of Parkville, Missouri.

Exception: Burning may be done in an incinerator approved by the United States Environmental Protection Agency (EPA), The Missouri Department of Natural Resources (DNR), Southern Platte Fire Protection District (SPFPD) the 2012 International Fire Code, the 2012 International Building Code and the City of Parkville Board of Aldermen

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

307.3.1 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 an approved leak-proof, covered, outside garbage container.

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

307.4 Disposal of contagious disease and inflammable or explosive garbage or rubbish. Removal of wearing apparel, bedding or other garbage or rubbish from homes or other places where highly infectious or contagious diseases prevail shall be performed under the supervision and direction of the county health officer. Such garbage or rubbish 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 Fire Marshall at the expense of the owner or possessor thereof.

307.5 Storage and screening of containers and dumpsters. All containers, residential and commercial, shall be stored no closer to the public streets than the front building line; for corner lots all containers shall be stored no closer to the public streets than the front and side building lines of the main building of any premises. In either case, no container(s) shall be stored in front of the main building. In addition, corner lots shall have no container(s) stored on the side of the main building adjacent to the street. All rubbish and garbage dumpsters except those designated as temporary, must be screened by a 4-sided enclosure. A gate access must screen the dumpster(s). Access gates must be kept closed at all times except when filling or emptying the dumpster.

Exception: On the day of scheduled pickup, contained rubbish and garbage may be temporarily placed near the public street for the purpose of pickup and shall not be placed on public walkways or sidewalks.

SECTION 308 - EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved

processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

308.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

308.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

308.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

308.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Section 309 - COMPOSTING

309.1 General. No person shall place or allow the accumulation of rubbish on their premises unless used specifically for composting as set forth in this section.

309.2 Definitions. For the purpose of this section, certain terms, words and phrases are defined as follows:

COMPOST. A mixture consisting usually of decayed, organic matter and used for fertilization and conditioning land; esp.: such a mixture produced by decomposition in a compost pile.

COMPOST BIN. A structure specifically built to store compost. 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, chain link), wood slat fencing (such as snow fencing), cement blocks, bricks or similar material.

COMPOST PILE. A stack of alternating layers of organic matter arranged so as to encourage conversion of the constituents into compost.

309.3 Composting permitted. A compost pile shall be permitted when located on a premises used for one and two family residential purposes and shall comply with the requirement of **Section 308.3.1** through **308.3.4**.

309.3.1 Location on premises. Compost piles shall be located as follows:

1. A compost pile shall be located in the rear yard and shall be contained within a compost bin. No compost piles are allowed in front or side yards.
2. A compost pile 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 pile shall be no less than 5 feet (1524 mm) from any other building or structure on the premises.
3. A compost pile shall be placed in a well-drained area with no standing water.
4. A compost pile shall be contained within an approved compost bin.

309.3.2 Compost bin required. Only 1 (one) compost bin is permitted on any residential premises up to 1 acre. On residential premises of more than 1 acre, no more than 2 (two) compost bins are permitted. Compost bins shall meet the following requirements:

1. A compost bin shall be no larger than 600 cubic feet (17m³) and shall not exceed 4 feet (1219 mm) in height.
2. A compost bin shall have a cover and be so constructed as not to allow the material within to be blown from the compost pile by wind.

309.3.3 Maintenance. Compost piles and bins shall be maintained in accordance with the following:

1. All compost bins shall be maintained in good repairs and be structurally sound.
2. No odor emitted from a compost pile shall be detected more than 5 feet (1524 mm) in any direction from such compost pile.
3. If odors are emitted and detectable greater than 5 feet (1524 mm) in any direction, then action shall be taken by the person maintaining the compost pile to eliminate such odor. Such action may include, but not be limited to:
 - Adding lime to compost pile,
 - Mixing or turning compost pile more frequently, and/or
 - Regulating the moisture content of the compost pile.

309.3.4 Contents of compost piles. 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 cutting
10. Sod
11. Soil
12. Hay
13. Straw
14. Weeds
15. Sawdust
16. Any other similar vegetation

309.3.5 Specifically prohibited contents. Compost piles shall not contain any of the following materials:

1. Animals, animal waste; or any portions thereof;
2. Rubbish or waste except as permitted by **Section 309.3.4**

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 - GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION 402 - LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window 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 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 at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of utilization of the appliances, equipment and fixtures.

SECTION 403 - VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in **Section 402.1**.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet

(2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by **Section 403.1**, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

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

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

SECTION 404 - OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one-and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one-and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom requirements. Every bedroom shall comply with the requirements of **Sections 404.4.1 through 404.4.5**.

404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and uninhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of **Chapter 5**; the heating facilities and electrical receptacle requirements of **Chapter 6**; and the smoke detector and emergency escape requirements of **Chapter 7**.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of **Table 404.5**.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m².

A. See **Section 404.5.2** for combined living room/dining room spaces.

B. See **Section 404.5.1** for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by **Table 404.5** shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with **Section 404.4**.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of **Table 404.5** if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 - GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502 - REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

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

SECTION 503 - TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

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

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities. Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same

ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504 - PLUMBING SYSTEMS AND FIXTURES

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

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505 - WATER SYSTEM

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

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

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

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

SECTION 506 - SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507 - STORM DRAINAGE

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

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 - GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 - HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 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 workspaces. Indoor occupiable workspaces shall be supplied with heat to maintain a temperature of not less than 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

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 - MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604 - ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this **section** and **Section 605**.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605 - ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

SECTION 606 - ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607 - DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 - GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702 - MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.2 Aisles. The required width of aisles in accordance with the International Fire Code shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4 Emergency escapes openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703 - FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704 - FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8

STORAGE AND DISPLAY REGULATIONS

Section 800-Definitions. For the purpose of this section, certain terms, words and phrases are defined as follows:

DISPLAY AREA, OUTDOOR: See *Outdoor Display Area*.

OUTDOOR DISPLAY. The placement, display, sale, advertisement or other offering of goods, merchandise or services, outside a wholly enclosed building.

OUTDOOR DISPLAY AREA. The area approved for temporary or routine placement, display, sale, advertisement or other offering of goods, merchandise or services, outside a building.

MATERIALS, BUILDING. Materials which are generally essential to the construction of buildings or structures, including lumber, concrete, bricks, roofing materials, siding, plumbing, heating and electrical equipment, windows, doors, insulation, landscaping supplies, and similar materials customarily associated with building construction.

MATERIALS, CONSTRUCTION. Materials which are generally essential to the construction of public or private improvements, including lumber, concrete, gravel, bricks, asphalt, stone, rock, masonry, bar, pipe, posts, fencing and similar materials customarily associated with building construction.

PORTABLE STORAGE CONTAINER. Any portable container designed and used for personal property or similar storage. A portable storage container is typically rented or leased to owners or occupants of property for their temporary use and is typically delivered and removed by truck, but shall include any and all portable containers regardless of ownership, delivery or removal method.

TEMPORARY DUMPSTER. See *Dumpster, Temporary*.

801: Storage and Display Regulations

A. **Outdoor storage.** Except as otherwise expressly permitted by this **Section**, approved as part of a site plan, development plan, conditional use permit, and construction or building permit, outdoor storage shall be expressly prohibited in all districts with the following exceptions.

1. Building and construction materials. Except as may be approved for permitted building material or construction material supply stores or other uses allowing outdoor storage of building or construction materials, the following restrictions shall apply.
 - a. Building materials for use on the same premises may be stored thereon during the time that a valid permit is in effect for building on that premises. Where no permit is required, building materials for use on the same premises may be stored thereon for a period customarily and reasonably necessary to complete the associated project or task, not to exceed thirty (30) days unless otherwise determined necessary by the Parkville Building Official.
 - b. Construction materials may be stored on a construction project site during the time that a valid construction permit is in effect. Where no permit is required, construction materials may be stored on the construction site for a period

customarily and reasonably necessary to complete the associated project or task, not to exceed sixty (60) days unless otherwise determined necessary by the Parkville Building Official or Public Works Director.

- c. Where permitted, building and construction materials stored outdoors shall be free of trash and debris, maintained in a safe and organized manner. Where materials could constitute an attractive nuisance or otherwise jeopardize public safety, the permit holder, property owner and other persons responsible for the building or construction project or task shall be responsible to locate and secure the materials as necessary to limit public access and ensure public safety.
- d. Except as may be permitted, in the event of an emergency, no building or construction materials shall be stored on public property without first obtaining necessary permits and approvals.

2. Residential districts. With the exception of those items permitted in **Sections 800 or 801**, no portion of a residential property shall be used for outdoor storage except in accordance with the following.

- a. No portion of any yard shall be used for storage of appliances, building fixtures, items not designed, made and / or intended for use outdoors, items to be thrown away, refuse, rubbish, trash, garbage, junk and/or debris, storage of inoperative or unlicensed motor vehicle, boat, camper, recreational vehicle, or trailer, or items that would otherwise be determined to be a nuisance. Where permitted, motor vehicle, boat, camper, recreational vehicle, trailer or similar, shall only be parked on a hard surface in accordance with **Chapter 460, Vehicle Parking**.
- b. No portion of any front, side or rear-yard abutting a public street shall be used for storage of lawn, property maintenance, commercial and/or other equipment, compost piles, play structures, pools, hot tubs, or items that would be determined to be a nuisance.
- c. No portion of any outdoor living space, including but not limited to a porch, balcony, deck, terrace, walkway, patio, cabana, gazebo, playhouse or similar, shall be used for storage or contain items not customarily associated with the use of a specific outdoor living space, and/or other items not designed, constructed and / or intended for use outdoors.
- d. No outdoor storage of any kind related to a home occupation shall be permitted.

3. Non-residential districts

- a. With the exception of items permitted in this Chapter, or approved outdoor displays and legally-conforming outdoor storage existing prior to January 6, 2015 (*adoption date of Ordinance No. 2793*), no outdoor storage shall be permitted in any non-residential district unless expressly allowed with the approval a development plan, site plan or conditional use permit.
- b. Except for approved storage and display areas, all outdoor storage shall be enclosed by a fence, wall, hedge, berm or combination thereof, not less than six (6) feet in height at the time of installation. The enclosure shall provide ninety percent opacity. With the exception of vehicles and equipment, unless otherwise expressly approved, the items stored shall not exceed the height of the enclosure. In no case shall any item permitted to be stored, or any part, attachment or apparatus thereof, be extended, raised or otherwise positioned to increase visibility to, draw attention to or advertise the item being stored or other use, on or off the subject property.
- c. Where permitted, outdoor storage shall be screened from view from abutting residential uses; provided, however, where topographic conditions make effective screening impractical, alternatives such as the addition of landscaping in addition to an enclosure may be allowed with the approval a development plan, site plan or conditional use permit.
- d. All outdoor storage areas and access drives shall be paved.

4. Communications tower, utility and substation compounds. Outdoor storage on communications tower, utility and substation compounds is prohibited, unless specifically allowed as part of a site plan, development plan or conditional use permit approval. Where approved, outdoor storage shall be associated with the primary site use and shall not be visible from the abutting streets or properties.

5. Portable storage containers and temporary dumpsters.

- a. Portable storage containers and temporary dumpsters may be permitted in conjunction with a building or construction permit. Where no building or construction permit is required, portable storage containers and temporary dumpsters may be permitted for a period customarily and reasonably necessary to complete the associated project or task, not to exceed thirty (30) days unless otherwise associated with a specific project or task and previously approved by the Community Development Director or Public Works Director or their designee in writing.
- b. All portable storage containers and temporary dumpsters shall be delivered and maintained in good condition free from rodents, insects, graffiti, vulgar and/or offensive words or pictures.
- c. Portable storage containers and temporary dumpsters shall not be placed on public property or within the City's right-of-way without prior approval of a right-of-way permit. Where permitted, no portable storage container or temporary dumpster shall be located in an intersection sight triangle.
- d. Portable storage containers and temporary dumpsters shall be placed on a paved surface. The placement of portable storage containers shall not encroach onto adjoining properties and shall not block or hinder access to or from any ingress, egress or emergency exit. Should existing site conditions not allow for the placement in full compliance with these provisions, exceptions may be considered and written approval granted on a case by case basis by the Community Development Director or the Public Works Director or their designee in writing.
- e. Upon removal of a permitted portable storage container or temporary dumpster, any portion of the site disturbed by the container or dumpster shall be returned to an original or better condition, including at minimum seeding or sodding any vegetative areas disturbed.

6. Trash and recycling containers.

- a. Except as otherwise expressly permitted by Chapter 225, trash and/or recycling containers, bins or receptacles for individual reoccurring collection shall not be stored in any required front, side or rear-yard setback abutting a public street. Where permitted, containers, bins or receptacles shall not be placed out for collection until the day of regularly scheduled collection and shall be removed within 24 hours of collection.
- b. Except where site conditions do not allow or where such location would increase visibility to the public, trash and recycling dumpsters for private reoccurring collection shall be located to the rear of the building and shall not be stored in any required front, side or rear-yard butting a public street or visible from a public street. Should existing site conditions not allow for the placement in full compliance with these provisions, exceptions may be allowed on a case by case basis as part of a site plan, development plan or conditional use permit approval.
- c. Dumpsters shall be screened from public view using an enclosure, landscaping or a combination of the two that provides immediate screening. Enclosures shall be constructed of durable materials including designed to withstand regular use and capable of being maintained, including masonry, steel, hard wood, and other durable materials matching or complimentary to the materials, color and design

used other structures and features on the same site or within the same development.

- d. All other aspects of trash and recycling containers shall be regulated in accordance with **Chapter 225**.
- 7. Vacant or undeveloped property.** With the exception of permitted building and construction materials, no portion of any vacant or undeveloped property or property where no main building exists and is occupied by a primary or principal use shall be used for outdoor storage.
- 8. Accessory storage.** Where permitted, outdoor storage must be associated with and accessory to the primary or principal use.
- 9. Condition and number.**
 - a. Where permitted, outdoor storage shall be maintained and organized in a functional and operable manner. Items which are broken, in disrepair or otherwise not usable for their intended purpose shall not be permitted.
 - b. Items stored outdoors shall be kept in numbers and volumes typically associated with the primary use. Where items are stored in excess of typical numbers or volumes, the outdoor storage shall be considered excessive and regulated as commercial storage. In no case, shall commercial storage be approved in a residential district.
- B. Outdoor display.** Except as otherwise expressly permitted by this **Section**, approved as part of a site plan, development plan, conditional use permit, and construction or building permit, outdoor displays shall be subject to the following.
 1. Outdoor displays may be approved in association with a temporary event permitted in accordance with the adopted Guidelines for Events in Parkville, incorporated herein by reference.
 2. With the exception of outdoor displays approved per subsection 1 above, the Community Development Director or their designee may approve up to three (3) outdoor displays per location or address per year. No outdoor display shall be approved for more than seven (7) consecutive days.
 3. Where permitted, a specific outdoor display area shall be designated.
 4. Unless approved, with alternative routes signed, outdoor displays shall provide adequate room for pedestrian circulation on all public and private sidewalks, and vehicular circulation on all streets, alleys and drives.

CHAPTER 9

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in **Section 102.7**.

ICC

International Code Council
5203 Leesburg Pike, Suite 600
Falls Church, VA 22041

Standard reference number	Title	Referenced in code section number
ICC EC—03	ICC Electrical Code™ — Administrative Provisions	201.3, 604.2
IBC—03	International Building Code®	201.3, 302.7.1, 401.3, 702.3, 702.4
IEBC—03	International Existing Building Code™	101.3, 102.3, 201.3
IFC—03	International Fire Code®	201.3, 702.1, 702.2, 704.1, 704.2
IMC—03	International Mechanical Code®	201.3
IPC—03	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IZC—03	International Zoning Code®	102.3, 201.3

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