

BILL NO. 2022-57

ORDINANCE NO. 2022-4740

AN ORDINANCE AMENDING SECTIONS 10-138 AND 10-139 OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE ADOPTION OF THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH LOCAL AMENDMENTS.

WHEREAS, the City of Belton adopted the Unified Development Code (“UDC”) on December 13, 2011; and

WHEREAS, the City of Belton adopted the International Property Maintenance Code, 2012 edition, by Ordinance 2012-3870 on December 11, 2012, and effective April 1, 2013; and

WHEREAS, after due public notice was given in the manner prescribed by law, the Planning Commission held a public hearing on Monday, August 15, 2022, to review and make a recommendation on the proposed UDC text amendments. After said public hearing, the Planning Commission voted 6-0 to recommend approval of the UDC text amendments to the City Council; and

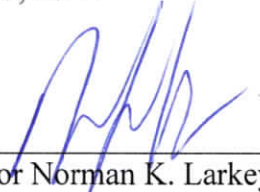
WHEREAS, the City Council believes that the UDC text amendments are in the best interest of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, CASS COUNTY, MISSOURI, AS FOLLOWS:

- Section 1.** That Section 10-138 and Section 10-139 are hereby repealed in their entirety.
- Section 2.** That Section 10-138 – Adoption of 2018 International Property Maintenance Code with Local Amendments as detailed in “Exhibit A” is hereby adopted.
- Section 3.** That a note be added after Section 10-138 stating: **Section 10-139 – Reserved.**
- Section 4.** That this Ordinance shall take effect and be in full force on January 1, 2023.
- Section 5.** All ordinances or parts of ordinances in conflict with the provisions are hereby repealed.


READ FOR THE FIRST TIME: August 23, 2022

READ FOR THE SECOND TIME AND PASSED: September 27, 2022




Mayor Norman K. Larkey, Sr.

Approved this 27th day of September, 2022.



Mayor Norman K. Larkey, Sr.

ATTEST:



Andrea Cunningham, City Clerk
of the City of Belton, Missouri


STATE OF MISSOURI)
CITY OF BELTON) SS
COUNTY OF CASS)

I, Andrea Cunningham, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was introduced for first reading at a meeting of the City Council held on the 23rd day of August, 2022, and thereafter adopted as Ordinance No. 2022-4740 of the City of Belton, Missouri, at a meeting of the City Council held on the 27th day of September, 2022, after the second reading thereof by the following vote, to-wit:

AYES: 8 COUNCILMEMBER: Richardson, Powell, White, Lawson, Kraft,
Clark, Mayor Larkey, Pryan

NOES: 0 COUNCILMEMBER:

ABSENT: 1 COUNCILMEMBER: Gough



Andrea Cunningham, City Clerk
of the City of Belton, Missouri

Exhibit A – 2018 International Property Maintenance Code
with local amendments

Sec. 10-138. - Adoption of International Property Maintenance Code, 2018 edition, with local amendments.

- (a) There is hereby adopted the International Property Maintenance Code, 2018 edition, published by the International Code Council, as the property maintenance code of the City of Belton, Missouri, for regulating and governing the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, subject only to the amendments and deletions herein.
- (b) The following amendments to and deletions from the International Property Maintenance Code, 2018 edition, are hereby adopted:

Amend Section 101.1 as follows:

Section 101.1 Title. Whenever the word "jurisdiction" is used in the International Property Maintenance Code, adopted hereby, said term shall mean the City of Belton.

Amend Section 102.3 as follows:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code, the ICC Electrical Code and the International Residential Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the schedule of fees and charges located in section 10-52 of the City of Belton Unified Development Code.

Amend Section 201.3 as follows:

Section 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 Existing Building Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, National Electrical Code or the International Residential Code, those terms shall have the meanings ascribed to them as stated in those codes.

Amend Section 202 as follows:

Section 202 General Definitions. Definitions added.

Accessory structure. A building, the use of which is incidental to that of the main building and which is located on the same lot.

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Approved. Approved by the code official.

Blighted. Any structure or premises, which by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors are detrimental to safety, health, and morals.

Board. The board of zoning adjustments (BZA) of the City of Belton, Missouri.

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

Building official. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Bus. A self-propelled motor vehicle designed for or used for the transportation of passengers exceeding any of the following:

1. 25 feet in overall length;
2. Eight feet in height; or
3. A gross weight of 3,000 pounds per axle.

City. The City of Belton, Missouri, Cass County.

Cellar. The portion of a building which is partly or completely below grade.

Commercial vehicle. Any tractor, trailer, or any motor vehicle having a combination of more than ten wheels or tires, or any such vehicle or equipment designed, maintained or used primarily for the transportation of property, persons, or goods which is licensed by state authority in excess of 12,000 pounds, or any recreational vehicle as defined by Missouri Revised Statute 301.010.

Condemn. To adjudge unfit for occupancy.

Crawl space. A space provided in a building in order to enable access to plumbing, wiring, and other equipment.

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

Driveway. A private road, constructed of materials approved by the city, 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 right-of-way.

Dumpster. A large container used for storage of refuse and/or debris until next scheduled pickup. Generally used for commercial occupancy, but may be used for temporary residential projects.

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Dumpster, temporary. A large container used for the storage of refuse and/or debris for a period of time corresponding to a particular task or project.

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

Enclosed area. Any area, which is inaccessible to the public view.

Exterior screened area. An area separated by a permanent nonflexible device to completely conceal an element of a property from other elements or from adjacent or contiguous property, i.e., fencing constructed so that one cannot see the elements to be concealed.

Extermination. The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

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 above-labeled items and by whose name the manufacture attests to compliance with applicable nationally recognized standards.

Lot line. A line dividing one lot from another, or from a street or any public place.

Motor vehicle. Any passenger vehicle, bus, commercial vehicle, recreational vehicle, pickup truck, van, sport utility vehicle, motorcycle, recreational vehicle, all-terrain vehicle, boat, watercraft, boat trailer, camper, trailer, truck, panel truck, trailer truck, or semitrailer 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 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.

Parking area. An approved paved area located on the premises of a lot used or intended for the use of maintaining motor vehicles which are used in the daily routine.

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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 approach and is used or intended for the use of overnight storage of motor vehicles.

Parking pad. An approved paved area located on the premises of a lot used or intended for the use of maintaining motor vehicles which are not used in the daily routine.

Paved area. An area constructed of concrete or asphalt as approved by the city, for the purpose of parking motor vehicles.

Swimming pool. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Trailer. A vehicle without motor power designed or used for, but not limited to, the carrying of property, freight, or merchandise, exceeding any of the following:

- (1) 25 feet in overall length;
- (2) Eight feet in height; or
- (3) A gross weight of 3,000 pounds per axle.

Weeds. All grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

Weeds, noxious. 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.

Amend Section 302.4 as follows:

Section 302.4 Weeds. See chapter 14, article II, of the Code of Ordinances of the City of Belton, Missouri.

New Section 302.8.1 is added as follows:

Section 302.8.1 Parking on paved area. All motor vehicles shall be parked on a driveway, parking area, or paved area with proper ingress and egress.

Exception: A property that has a pre-existing gravel driveway as long as the driveway is maintained free and clear of grass, weeds and vegetation and properly maintained in a manner that no dust will result from continued use.

New Section 302.8.2 is added as follows:

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Section 302.8.2 Commercial vehicle. No person shall park or allow to be parked a commercial vehicle upon any residential lot or premises, improved or unimproved, in the city.

Exceptions:

1. City-owned and operated vehicles; 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.
2. For the purpose of making delivery or pickup provided such vehicles are not left continuously parked between the hours of 9:00 p.m. and 7:00 a.m. local time.

New Section 302.8.3 is added as follows:

Section 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.

Exceptions:

1. In residential zoned properties, one motor vehicle shall be allowed to be placed on a paved area for the purpose of selling said motor vehicle. No residential property shall be allowed more than four motor vehicles for sale in a calendar year.
2. In commercial and manufacturing zoned properties, if a person with an ownership interest in said motor vehicle is an employee of a business within said property and has written permission from the property owner to use the property for the purpose of selling, or has a valid occupational license from the city for the sale of motor vehicles and said occupational license designating the premises involved as the business location. Whether or not permission has been given to park on the property is an affirmation defense, and the showing of written permission and proof of employment meet the burden of proof.

New Section 302.8.3.1 is added as follows:

Section 302.8.3.1 Prima facie evidence. The fact that a "For Sale" sign, telephone number(s), 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 eight 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 eight hours.

New Section 302.8.4 is added as follows:

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

New Section 302.8.5 is added as follows:

Section 302.8.5 Recreational vehicles. Recreational vehicles shall not be used for storage of materials, goods or equipment, other than those items considered to be a part of the

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unit or essential to its immediate use, nor shall they be used as dwelling units while parked in any residential zoning district, and they shall only be connected to an electrical power outlet or water connection for maintenance purposes in any residential zoning district.

Amend Section 304.14 as follows:

Section 304.14 Insect Screens. During the period from April 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation area, 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 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception. Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

New Section 308.4.1 is added as follows:

Section 308.4.1 Deposition in streets, streams, etc. No person shall cart, place, sweep, throw or deposit anywhere within 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

New Section 308.4.2 is added as follows:

Section 308.4.2 Refrigerator storage. No refrigerator or similar equipment shall be stored outside the premises for more than 24 hours prior to pick up. All refrigerators or similar equipment must have all doors removed before placing for pick-up.

New Section 308.4.3 is added as follows:

Section 308.4.3 Burning rubbish or garbage prohibited. No person shall burn rubbish or garbage within the city limits.

New Section 308.4.4 is added as follows:

Section 308.4.4 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 office. Such garbage and 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 director of public safety at the expense of the owner or possessor thereof.

New Section 308.4.5 is added as follows:

Section 308.4.5 Storage and screening of containers and dumpsters. All containers 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

line of the main building of any premises. In either case, no container shall be stored in front of the main building; in addition corner lots shall have no containers stored on the side of the main building adjacent to the street.

Trash, garbage or rubbish shall not be allowed to accumulate and shall be removed from the premises at a frequency no greater than every seven (7) days.

Exception: At 7:00 p.m. the day before scheduled pickup, during which contained rubbish and garbage may be temporarily placed near the public street for the purpose of pickup. Rubbish and garbage must be properly stored no later than 7:00 p.m. the scheduled day of collection.

All rubbish and garbage dumpsters, except those designated as temporary, must be screened by a four-sided enclosure. Three-sides of which will be composed of the same material and color of the main building, with a chainlink or wooden gate for access being the fourth side. Screening inserts that are the color of the main building are required for chain link access gates. Access gates must be kept closed at all time except when filling or emptying the dumpster.

New Section 310 is added as follows:

Section 310 Composting.

310.1 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.

310.2 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, especially, 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, chainlink), 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.

310.4 Composting permitted. A compost pile shall be permitted when located on a premise used for one and two-family residential purposes and shall comply with the requirements of sections 310.4.1 through 310.4.4.

310.4.1

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 an approved compost bin. No compost piles are allowed in front or side yards.
2. A compost pile shall not be located within five feet of any property line and shall be at least 60 feet from the center of a roadway. A compost pile shall be no less than five feet 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.

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310.4.2 Compost bin requirements. Only one compost bin is permitted on any residential premises up to one acre. On residential premises more than one acre, no more than two compost bins are permitted. Compost bins shall meet the following requirements.

1. A compost bin shall be no larger than 600 cubic feet and shall not exceed four feet in height.
2. A compost bin shall be so constructed as not to allow the material within to be blown from the compost pile by wind.
3. All compost bins shall have a cover, which consists of wire mesh or similar material.

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

1. All compost bins shall be maintained in good repair and structurally sound.
2. No odor emitted from a compost pile shall be detected more than five feet in any direction from such compost pile.
3. If odors are emitted and detectable greater than five feet 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:
 - a. Adding lime to the compost pile,
 - b. Mixing or turning the compost pile more frequently, and/or
 - c. Regulating the moisture content of the compost pile.

310.4.4 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 cuttings;
10. Sod;
11. Soil;
12. Hay;
13. Straw;
14. Weeds; and
15. Sawdust.

(d) Violations.

(1) Unlawful acts. It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of the property maintenance code adopted in this chapter.

(2) Violation; penalties. Any person who violates a provision of the property maintenance code adopted in this chapter or fails to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the board of appeals, or

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by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 14-2 of the Belton Code of Ordinances. The imposition of one penalty for any violation shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and, when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense.

Amend Section 602.3 as follows:

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat during the period from October 1 to April 1 to maintain a temperature of not less than 68 degrees F (20 degrees 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 degrees Fahrenheit (-1 degrees Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

Amend Section 602.4 as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) 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.

**AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE
PROPERTY MAINTENANCE CODE
BELTON PLANNING COMMISSION
MONDAY, AUGUST 15, 2022 – 6:00 P.M.
CITY HALL ANNEX BUILDING – 520 MAIN STREET**

APPLICATION

Applicant- City of Belton/Matt Wright, Director of Planning and Building.

Request- The application was filed to consider certain amendments to the Unified Development Code related to the Property Maintenance Code.

BACKGROUND

From time-to-time, amendments are proposed to the Unified Development Code (UDC), to advance new regulations/land-use techniques, address conflicts, and revise wording to help with administrative situations that arise through use of the code.

The following is a summary of items are items for Planning Commission consideration:

1. Repeal Sections 10-138 and 10-139
2. Adopt Section 10-138 – 2018 International Property Maintenance Code with local amendments
3. Section 10-139 – noted as “reserved”

The public hearing for the UDC Text Amendment was noticed in the newspaper on July 29, 2022.

PROPOSED AMENDMENTS

The proposed amendments include the repeal of the 2012 International Property Maintenance Code and replacement with the 2018 International Property Maintenance Code with local amendments. The 2012 International Property Maintenance Code was adopted in December 2012, effective April 1, 2013. The City has operated under these codes for 9 years. City staff were involved in multiple regional meetings in 2018-2019 with representatives of local and regional jurisdictions and the building community to discuss the adoption process and local amendments. The local amendments proposed by staff have not changed since what was discussed at that time and are generally in keeping with either the local amendments that were made under the 2012 codes or are in keeping with other municipalities in the metro area under the 2018 codes.

UDC TEXT AMENDMENT CRITERIA / FINDINGS OF FACT

Section 20-3, provides certain criteria that must be addressed with a Text Amendment to the Unified Development Code. These criteria are summarized below, with analysis for consideration of the Planning Commission:

(1) Whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Belton. The adoption of new property maintenance codes is consistent with past practices of adopting new codes on 6-year cycles (2000, 2006, 2012, 2018, etc.). Other municipalities in the metro area follow the same 6-year cycle to create consistency for builders, property managers, property owners, and tenants in the region.

(2) Whether the proposed text amendment corrects an error or inconsistency in the Code. The requested amendment is not for the purposes of correcting any error or inconsistency in the UDC.

(3) The areas which are most likely to be directly affected by such change and in what way they will be affected. The adoption of new property maintenance codes applies to all properties within the City of Belton.

(4) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it. The adoption of new property maintenance codes applies citywide to all zoning districts and land uses.

(5) Whether the proposed text amendment is in the best interests of the city as a whole. The adoption of new property maintenance codes is in the best interest of the city as a whole to ensure properties are being properly maintained and are in keeping with the most up to date standards for the health and safety of residents, businesses, and visitors. Furthermore, these codes ensure that properties are maintained in a manner that are not a hazard or nuisance to adjacent properties.

STAFF RECOMMENDATION

The staff recommends approval of the proposed amendments to the Unified Development Code.

If approved on the current schedule, the amendments will be approved by second reading at City Council on Tuesday, September 27, 2022. To comply with Missouri State Statutes, section 67.280, a minimum 90-day period is required prior to formal adoption/effective date of the code. The effective date of the new codes will be January 1, 2023, meeting the minimum 90-day requirement.

PLANNING COMMISSION ALTERNATIVES

1. Motion to **approve** amendments to the UDC.
2. Motion to **deny** amendments to the UDC.
3. Motion to continue the application pending additional information.