

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, AND FIXING PENALTIES FOR VIOLATION, AND AMENDING ORDINANCE NO. 4788, “THE RECOMPILED MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI”, BY ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE/2009, FIRST PRINTING, WITH SPECIFIC AMENDMENTS THERETO, AS SET OUT BELOW, AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF RICHMOND HEIGHTS; ADOPTING CHAPTER 46 OF THE 2009 INTERNATIONAL FIRE CODE WHICH IS ON FILE, AND REPEALING ALL INCONSISTENT OR CONFLICTING PROVISIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. The International Property Maintenance Code/2009, First Printing, and Chapter 46 of the 2009 Fire Code, published by the International Code Council, Inc., one (1) copy of each is filed in the office of the City Clerk and Building Commissioner of the City of Richmond Heights, and attached hereto as Exhibit “A”, is hereby adopted as The Property Maintenance Code of the City of Richmond Heights, Missouri.

SECTION 2. Sections 500.030 through 500.040 and Sections 500.110 through 500.120 of Ordinance 4788, “The Recomplied Municipal Code of the City of Richmond Heights, Missouri”, are hereby amended by repealing and deleting in its entirety Subsections 500.030 (A) and (B), and Section 500.040 and inserting in lieu thereof new sections to read as follows:

**ARTICLE II: THE INTERNATIONAL PROPERTY MAINTENANCE CODE:**

**SECTION 500.030**

- (A) The International Property Maintenance Code/2009 is hereby adopted and by this reference made a part of this Chapter as though set out in full herein.
- (B) **General Administrative Definitions.** Throughout the International Property Maintenance Code, 2009 edition, whenever the terms “jurisdiction” or “local jurisdiction” appear it shall be deemed to mean “The City of Richmond Heights”, likewise whenever the term “department of property maintenance inspection” appears it shall be deemed to mean “The City of Richmond Heights Building Department,” wherever the terms “code official” appear it shall mean the Director of The City of Richmond Heights Building Department or the Director’s duly authorized representative and whenever the terms “code,” “this code,” “Property Maintenance Code” or International Existing Building Code appear it shall be deemed to mean the International Property Maintenance Code, 2009 edition,

likewise whenever the terms International Plumbing Code or International Electrical Code appears it shall be deemed to mean, Section 500.070 Uniform Plumbing Code, and Section 500.060 National Electrical Code as adopted by the City of Richmond Heights. The International Building Code and International Fire Code shall be deemed to mean Sections 500.010 and Sections 205.010, respectively of the Recompiled Municipal Code of The City of Richmond Heights, as adopted herein with the additions, deletions and changes as prescribed in this ordinance.

**SECTION 500.040 AMENDMENTS, CHANGES AND DELETIONS IN THE INTERNATIONAL PROPERTY MAINTENANCE CODE**

- 1) **Subsection 101.0**, (page 1): Insert “Richmond Heights, Missouri”.
- 2) **Subsection 102.3**, (page 1): Is amended by deleting International Zoning Code and replacing it with the City of Richmond Heights Zoning Code.
- 3) **Subsection 102.6**, (page 1): Is hereby deleted in its entirety.
- 4) **Subsection 103.5**, (page 2): Fees is hereby deleted in its entirety.
- 5) **Subsection 106.4**, (page 3): Is hereby deleted and a new Subsection 106.4 is added, to read as follows:

**Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof shall be subject to the penalties set fourth in Section 100.150 of Ordinance #4788, The Richmond Heights Municipal Code.**

- 6) **Subsection 107.1, (page 3)**: is deleted and a new Section is enacted to read as follows:

**107.1 Notice to owner or to person or persons responsible:** Whenever the code official determines that there has been a violation of this code or has reasonable grounds too believe that a violation has occurred, notice shall be served as prescribed in Section 100.170, Service of Violation Notice(s), of the Municipal Code.

- 7) **Subsection 107.2, (page 3), Form:** is hereby amended to read as follows:

**107.2 Form:** Such notice prescribed in Section 107.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why it is being issued;
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and,
5. For violation of Chapter 9 code requirements, the notice shall include an explanation of the owner's right to seek modification or withdrawal of the notice as specified in Section 500.020 of the municipal code.

- 8) **Subsection 107.3 (page 3) Method of Service** is specifically deleted.

- 9) **Subsections 107.5, 108.1.1, 108.1.3, 108.1.4, 108.2, 108.3, 108.4, 108.4.1, and 108.5 (pages 4 & 5)** are hereby deleted in their entirety.

**10) Section 109 (page 5) Emergency Measures and Section 110 (page 5&6) Demolition is hereby deleted in their entirety and a new Section 109 is added to read as follows:**

### **SECTION 109.0 VACANT BUILDINGS**

**109.1 Vacant building:** A vacant building, or portion of a building, unguarded or open at door or window, shall be deemed a fire hazard, and an attractive nuisance to children.

**109.1.1 Securing vacant buildings:** The code official may order the owner of a vacant or partially vacant building or structure that is open and unsecured, in whole or in part, to secure all openings of said building or structure that is open and unsecured, in whole or in part, to secure all openings of said building or structure in accordance with Section 109.2 of this code. If the owner or owners fail to comply with the order of the code official within seven (7) calendar days in such manner as provided by this code, then such owner or owners shall be deemed to have violated this code and the official may forthwith proceed to undertake and complete the work specified in such order, Billing, liens and cost recovery shall be in accordance with Section 510.070 and Section 510.080 of the Richmond Heights Municipal Code.

**109.1.2 Declaration of emergency securing:** For open hazardous structures, the code official may declare an emergency to exist which shall waive the required seven (7) day owner compliance period and allow the code official to immediately cause the securing of open hazardous structures by placing a notice on the structure and after a twenty-four (24) hour period, causing the structure to be secured. Liens and recovery of costs shall be in accordance with applicable Subsections of Section 510.070 and Section 510.080 of the Richmond Heights Municipal Code. In extreme imminent public safety conditions, the twenty-four (24) hour waiting period need not be observed.

**109.1.3 Notice:** Whenever notice is required under Section 109.1.1, the notice shall be deemed to be properly served when sent to owner, postage prepaid, by regular mail and by placing a notice on the structure on or about the main entry door. For emergencies, as specified under Section 109.1.2, notice shall be given as prescribed in Section 109.1.2.

**109.2 Secured buildings:** For a building or structure to be “secured” in those cases in which securing is specifically required by this code, a covering shall be placed over all doors, windows or other openings, consisting of not less than one-half (1/2) inch plywood attached to the framing of all such doors and windows by screws of a minimum length of one-and-one half (1 ½) inches, placed not more than twelve (12) inches on center. Such plywood shall be painted with a minimum of two (2) coats of exterior grade paint of a color to harmonize with the building on which it is placed. “*Harmonize*” shall mean the use of a color the same as the predominant color on the building to be secured or one similar enough so as not to display sharp contrast.

**11) Subsection 111 Means of Appeal is hereby amended by deleting it in its entirety and a new Section 111 is enacted as follows:**

**Section 111 Appeals from the requirements of Chapter 9 shall be made as specified in Section 500.020 of the Municipal Code.**

12) **SECTIONS 113 RESIDENTIAL OCCUPANCY PERMIT AND SECTION 114 NONRESIDENTIAL OCCUPANCY PERMIT ARE ADDED TO READ AS FOLLOWS:**

**SECTION 113.0 RESIDENTIAL OCCUPANCY PERMIT**

**113.1 Occupancy permit required:** No person shall hereafter occupy and no person as owner or agent thereof shall permit the occupation of any building or addition thereto or part thereof for any purpose until an occupancy permit has been issued by the building commissioner.

**113.2 Occupancy permit; certificate of compliance; fees; false statements:**

(A) Prior to issuance of an occupancy permit, a building shall be inspected by the building commissioner for compliance with the building and housing codes of the City of Richmond Heights.

(B) The owner or agent shall request an inspection to determine the degree of compliance. The request shall be in writing on an application form available from the office of the building inspector. The fee for such inspection shall be sixty-five (\$65.00) dollars.

(C) Premises inspected and complying with the minimum standards of the City of Richmond Heights shall be issued a certificate of compliance.

(D) The certificate of compliance shall be valid for no more than one hundred eighty (180) days from the date of issuance. The owner or agent of premises may allow occupancy of said building within the one hundred eighty (180) day period, provided the tenant of resident owner has secured an occupancy permit from the building commissioner within this one hundred eighty (180) day period. The fee for such occupancy permit shall be fifteen dollars (\$15.00).

(E) No person shall knowingly make a false statement in an application for an occupancy permit concerning the name, ages, relationship, or number of persons who shall occupy the premises for which the permit is sought.

(F) A fee of twenty dollars (\$20.00) shall accompany each request for a residential temporary occupancy permit.

(G) Prior to a building, dwelling unit or tenant space being occupied, the proposed space to be occupied shall be inspected and approved, with an occupancy permit issued before the building owner shall allow occupancy. Should occupancy occur prior to the issuance of an occupancy permit, the building owner shall pay a penalty fee of one hundred dollars. (\$100.00).

**113.3 Compliance with chapter:** An occupancy permit, when issued, shall state that the proposed occupancy complies with all of the above provisions of this chapter, as far as can be determined by a visual inspection of the premises and a review of the records.

**113.3.1 Temporary occupancy permit.** A temporary occupancy permit for a limited time, with conditions, may be granted by the building commissioner only after the applicant for the permit (the owner, agent or purchaser of the premises) shall have first furnished a written statement, under oath, to the building commissioner setting for the reason(s) the premises cannot meet the minimum occupancy standards before occupation and the period of time requested by the applicant for temporary occupancy permit of such premises. Failure to abate all code deficiencies and to have the

premises re-inspected before expiration of the temporary occupancy permit will be a violation of this Section and will be subject to the penalties set forth in Section 100.150 of the Municipal Code. A temporary occupancy permit shall be granted by the building commissioner only upon his/her finding that total compliance with the requirements for an occupancy permit are impossible or impractical for applicant within the time necessary and that a temporary occupancy permit is necessary to prevent undue hardship to the occupant and will not create health and/or safety risks for applicant. The temporary permit shall be granted only for such time as the building commissioner deems reasonably necessary to achieve full compliance, and in any event not to exceed one hundred twenty (120) days. The building commissioner shall also determine that the application for the temporary occupancy permit is not designed to evade or avoid the minimum occupancy permit requirements.

## **SECTION 114.0 NONRESIDENTIAL OCCUPANCY PERMIT**

**114.1 Responsibility:** Every owner and occupant of nonresidential premises shall be responsible for maintaining the property owned or occupied in a safe, clean and sanitary condition.

**114.2 Occupancy permits:**

(A) No person shall hereafter occupy nor shall any owner or agent thereof permit the occupation of any building or addition thereto or part thereof for any purpose until a certificate of occupancy has been issued by the building commissioner. Every owner, agent or manager of any building or addition thereto shall inform the building commissioner whenever any portion of said building becomes vacant and request an inspection thereof under the provisions of this code. The certificate of occupancy so issued shall state that the occupancy complies with all applicable provisions of the Property Maintenance Code, The International Fire Code and the Zoning Regulations, as far as can be determined by a visual inspection of the premises and a review of the records.

(B) No person shall knowingly make any false statements in an application for an occupancy permit.

(C) A temporary occupancy permit for a limited time, with conditions, may be granted by the building commissioner only after the applicant for the permit (the owner, agent, occupant or purchaser of the premises) shall have first furnished a written statement, under oath, to the building commissioner setting forth the reason (s) the premises cannot meet the minimum occupancy standards before occupation and the period of time requested by the applicant for temporary occupancy permit of such premises. Failure to abate all code deficiencies and to have the premises re-inspected before expiration of the temporary occupancy permit will be a violation of this Section and will be subject to the penalties set forth in Section 100.150 of the Richmond Heights Municipal Code.

The temporary occupancy permit shall be granted by the building commissioner only upon his/her finding that total compliance with the requirements for an occupancy permit are impossible or impractical for applicant within the time necessary and that a temporary occupancy permit is necessary to prevent undue hardship to the occupant and will not create health and/or safety risks for applicant. The temporary permit shall be granted only for time as the building commissioner deems reasonably necessary to achieve full compliance, and in any event not to exceed one hundred twenty (120) days. The building commissioner shall also determine that the application for the temporary occupancy permit is not designed to evade or avoid the minimum occupancy permit requirements.

**114.3 Fees:**

1. A fee of one hundred dollars (\$100.00) shall be paid to the City and shall accompany each request for inspection and issuing of an occupancy permit for a non-residential building or portion thereof.
2. The fee of twenty dollars (\$20.00) shall accompany each request for a non-residential temporary occupancy permit.
3. Prior to a building, dwelling unit or tenant space being occupied, the proposed space to be occupied shall be inspected and approved, with an occupancy permit issued before the building owner shall allow occupancy. Should occupancy occur prior to the issuance of an occupancy permit, the building owner shall pay a penalty fee of one hundred dollars. (\$100.00).

**13) SECTION 115 CHANGE OF USER OF EXISTING UTILITY SERVICE IS ADDED TO READ AS FOLLOWS:**

**115.0 Change of user of existing utility service:**

- a. For any month in which there is a change of user of residential (rate 001) or non-residential (rate 043) electric service within the City of Richmond Heights, the Electric Service Supplier shall notify the City's building commissioner, in writing, within seven (7) working days after the end of the month of said changes, indicating the address and apartment of unit number, and the name(s) or electric user(s) per service, and the address and apartment of unit number of the person in whose name the service is connected or billed.
- b. The Electric Service Supplier shall submit annually to the City an invoice for its cost associated with this Section. The initial cost of this service shall not exceed one hundred fifty dollars (\$150.00) annually. Future price increases, if any will reflect only the actual cost incurred by the Electric Service Supplier to provide this service. The City shall pay the Electric Service Supplier the amount of the invoice within thirty (30) days of its receipt.

**14) Subsection 302.2 GRADING AND DRAINAGE: (page 11) is hereby amended by adding a new SECTION 302.2.1 WATER RUNOFF to read as follows:**

**SECTION 302.2.1** The disruption, diversion or damming of natural water runoff from existing properties or an established watercourse and causing such water to flow onto or flood adjacent properties, public sidewalks or streets is prohibited.

**15) Subsection 302.3.1 CHANGE IN OWNERSHIP (page 11) is hereby added to read as follows: Upon change in ownership of the property the graveled driveway and parking area must be paved. "Paved", for the purposes of this Section, shall mean covering of the surface of residential driveways, parking lots and loading areas by brick or masonry; or by a combination of aggregates and asphalt cement; or aggregates, Portland cement and water as authorized by ordinances of the City of Richmond Heights.**

**16) Subsection 302.4 Weeds (page 11) is hereby amended by inserting ( 7 ) inches where it states (jurisdiction to insert height in inches).**

**17) Subsection 302.7 ACCESSORY STRUCTURES (page 11) is hereby amended to read as follows: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair and in compliance with sections 304 and 305 of this code.**

- 18) Subsection **302.8** (page 11) **Motor vehicles are specifically deleted.**
- 19) Subsection **303.2 Enclosures** (page 11) is hereby amended by deleting 48 inches (1219 mm) in the third sentence and inserting 42 inches.
- 20) Subsection **304.1 Unsafe conditions #8** (page12) is hereby amended by deleting the word framing in the third sentence and inserting the words **roofing components.**
- 21) Subsection **304.7** (page 13) **Roofs and drainage is hereby amended by adding the following exception:**

**Exception: No residential landowner shall be found to be in violation of 304.7, in relation to discharge of roof water onto adjacent premises if the Trier of fact determines that the manner of discharge shall have been continuous for a period of five (5) years and the current owners of the premises from which the discharge is occurring were not the owners of the premises at the time the manner of discharge was created.**

- 22) Subsection **304.14** (page 13) **Insect screens: is hereby amended by inserting April 1 to December 1 where it states [DATE].**
- 23) Subsection **307.1 General** (page 15) is hereby deleted and a new section is added to read as follows: Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions such as snow, ice, mud and other debris. Every flight of stairs which is more than four (4) risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, fire escape, porch, landing or balcony which has a height or thirty (30) to seventy-two (72) inches above the grade below shall have guardrails not less than twelve (12) inches high above the floor of the porch, landing or balcony. Every open portion of a stair, fire escape, porch, landing or balcony which has a height over seventy-two (72) inches above the grade below shall have guardrails not less than thirty (30) inches high above the floor of the porch, landing or balcony. Handrails shall be not less than thirty (30) inches nor more than forty-two (42) inches high, measured vertically above the nosing of the treads. Every guardrail and handrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.
- 24) **Subsection 403.2 Bathrooms** (page 17) is hereby amended by deleting the words **toilet room** in this section.
- 25) **Subsection 404.3 (page 18) Minimum Ceiling Heights** is hereby deleted in its entirety and amended to read as follows:

**404.3 Minimum Ceiling Heights.** Habitable spaces shall have a clear ceiling height over the minimum area required by this code of not less than 7 feet (2134 mm) except that in attics or top half-stories, the ceiling height shall be not less than 7 feet over not less than one-third of the minimum area required by this code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a

clear ceiling height of 5 feet (1524 mm) or more shall be included. Minimum ceiling heights for Use Groups A, B, E and M shall be seven and one-third feet (7 1/3' ).

**Exceptions:** Hallways, corridors and kitchens shall have a ceiling height of not less than 7 feet (2134 mm) to the lowest projection from the ceiling.

- 26) **Subsection 404.4 Bedroom and living room requirements (page 18): is specifically deleted and a new section is added to read as follows:**

**404.4 Minimum Ceiling heights for Bathrooms, Toilet Rooms and Basements.** Every dwelling unit shall have at least one bathroom with a minimum ceiling height of ( 7' ) seven feet. Additional bathrooms and toilet rooms may have a reduced ceiling height. Basement rooms in one and two family dwellings, occupied exclusively for laundry, study or recreation purposes shall have a ceiling height of not less than six feet eight inches (6'8") with not less than 6 feet 4 ( 6' 4" ) inches of clear height under beams, girder, ducts and similar obstructions.

- 27) **Subsection 404.4.1 Room area (page 18): is specifically deleted.**

- 28) **Subsection 404.4.2 Access from bedrooms (page 18): is specifically deleted.**

- 29) **Subsection 404.4.3 Water closet accessibility (page 18): is specifically deleted.**

- 30) **Subsection 404.5 (page 18): is hereby amended to read as follows:**

**404.5 Overcrowding:** Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of **Subsection 404.5.1.**

**404-5-1 Minimum area requirements per person:** Every dwelling unit shall have a minimum of one hundred sixty (160) square feet of habitable floor area for each occupant. In calculating the number of occupants allowed per dwelling unit, if the resulting fraction is eight-tenths (.8) person or above, the number of permitted occupants shall be rounded off to the next whole number. Persons with a valid occupancy permit to occupy a particular dwelling unit, who would otherwise not be allowed to occupy the premises as a result of this Subsection, may continue to occupy that dwelling unit, provided there is no increase in the number of occupants.

- 31) **Subsection 404.6 (page 18) Efficiency unit: is specifically deleted.**

- 32) **Subsection 505.3 (page 20) Supply:** is hereby amended by adding the following to the end of the sentence. **The minimum gallons per minute required from the hot or cold water lines to sinks shall be three-fourths (3/4) of a gallon per minute and for tubs two (2) gallons per minute.**

- 33) **Subsection 602.3 (page 21) Heat supply:** is hereby amended by inserting October 1 to May 15 where it states [DATE] and deleting Exceptions #1 and #2 in their entirety and a new Exception added to read as follows:



When the exterior temperature falls below 0 degrees F. (-18 degrees C.) and the heating system is operating at its full capacity, a minimum room temperature of 60 degrees F. (16 degrees C.) shall be maintained at all times.

34) **Subsection 602.4 (page 21) Occupy-able work spaces:** is hereby amended by inserting October 1 to May 15 where it states [DATE].

35) **Subsection 605.2 (page 22) Receptacles:** is hereby amended to read as follows:

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

36) **Subsection 702 (page 25) Means of Egress:** is hereby amended by adding a new section 702.1.1 to read as follows:

**702.1.1 Accumulations:** Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means or egress.

37) **Subsection 702.4 (page 25) Emergency escape openings:** is hereby amended by adding to the end of this section the following:

Every sleeping room located in a basement shall have at least one open-able window or exterior door approved for emergency egress or rescue; or shall have access to two independent exits.

38) **Subsection 704.2 (page 25) Smoke alarms:** is hereby amended by adding #4. To read as follow:

**4. Responsibilities:** In Residential groups as defined in the International Building Code, and the International Residential Code, the owner shall be responsible for testing and maintaining smoke detectors in common areas. It shall be the responsibility of the tenant to provide and maintain functional batteries for each smoke detector and to test and maintain smoke detectors within their dwelling units and to notify the owner or authorized agent in writing of any deficiencies. The owner shall be responsible for providing each tenant with written information regarding smoke detector testing and maintenance.

39) **A new Chapter 9 of the International Property Maintenance Code is hereby adopted in its entirety and is the 46<sup>th</sup> Chapter of the 2009 International Fire Code, first printing, March 2009.**

40) **Chapter 9 shall begin with Section 4601, and is hereby amended to read as follows:**

**A. Add a new Section 4601.1 whenever this chapter references the code official; it shall mean the Building Official.**

SECTION 3. If any section, subsection, provision, sentence, clause or phrase of this ordinance or of the International Property Maintenance Code/2009 is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or of said Code, and the City Council hereby declares that it would have passed the same even though such portion

so held to be unconstitutional had not been included therein and, to this end, the provisions of the Ordinance are declared to be severable.

SECTION 4. This Ordinance shall take effect and be in full force on the thirty-first day following its passage and being signed as provided by law.

PASSED and SIGNED this 5<sup>th</sup> day of April, 2010.

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JAMES J. BECK  
MAYOR

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PATRICIA S. VILLMER  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

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KENNETH J. HEINZ  
CITY ATTORNEY

First reading:            March 15, 2010  
Second reading:        April 5, 2010