

BILL 10223

ORDINANCE 10087

AN ORDINANCE AMENDING THE KIRKWOOD CODE OF ORDINANCES, CHAPTER 5, SECTION 5-21 AND ADOPTING THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH MODIFICATIONS AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF KIRKWOOD, ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL EXISTING BUILDINGS AND STRUCTURES, PREMISES AND EXTERIOR PROPERTY; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES, PREMISES AND PROPERTIES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE; FIXING PENALTIES FOR VIOLATIONS; AND REPEALING EXISTING ORDINANCES OF THE CITY OF KIRKWOOD, MISSOURI.

WHEREAS, the Chief Administrative Officer approved the recommendation of the Public Works Department to update the Property Maintenance Code of the City of Kirkwood by adopting the 2009 International Property Maintenance Code, with modifications.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, as follows:

SECTION 1. That Chapter 5, Article II , of the Kirkwood Code of Ordinances is hereby deleted in its entirety and the following inserted in lieu thereof:

ARTICLE II PROPERTY MAINTENANCE CODE

“Section 5-21. 2009 Property Maintenance Code: The provisions of the “International Property Maintenance Code” as modified, is hereby adopted as the City’s Property Maintenance Code. See separate publication and adopting modification ordinance on file in the office of the City Clerk”.

SECTION 2. That a certain document, which is on file in the office of the City Clerk of the City of Kirkwood, being marked and designated as “2009 International Property Maintenance Code” as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the City of Kirkwood; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, prescribed in Section 3 of this Ordinance.

SECTION 3. That the 2009 International Property Maintenance Code,, is amended by additions, deletions, and changes including the changing of articles, sections, subsections, and subsection titles and the addition of new sections and subsections so that such amended and added articles, sections, and subsections shall read as follows:

Each section, subsection or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted, or amended as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the Code is hereby enacted and added thereto.

PM 101.0 - Title: These regulations shall be known as the Property Maintenance Code of the City of Kirkwood hereinafter referred to as “this code”.

PM 102.3 – Delete: “International Zoning Code” and insert “Kirkwood Zoning Ordinances”.

PM 103.5 - Add: Existing Kirkwood Code of Ordinances.

PM 106.1 - Delete in its entirety and add: Unlawful Acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use or occupy, let to another for use or occupy or permit another person to use or occupy any structure, premises or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

PM 106.4 - Delete in its entirety and add: Penalty: Any person, firm or corporation who shall violate any provision of this code or shall fail to comply with any requirement thereof, shall, upon conviction thereof, be guilty of a misdemeanor, punishable as prescribed in Section 1.8 of the Code of Ordinances of the City. Each day’s violation of, or refusal or neglect to comply with, any provision of this ordinance or the Code hereby adopted, shall constitute a separate and distinct offense.

PM 107.7 – Add: Abatement of Public Nuisances by City and Assessment of Costs:

- (a) Whenever a public nuisance is determined to exist, as defined in this code, the owner of the ground or owners in the case of joint tenants, tenants by the entirety, or tenants in common shall be liable.
- (b) The public works director, building official, or authorized representative may order abatement of the public nuisance; and in such case shall give at least ten (10) days’ notice to abate the nuisance, either personally or by United States mail to the owner or owners, or his agents or their agents, or by posting such notice on the premises. A hearing before the public works director may be requested by the owner or owners of the ground within five (5) days of the notice. Such notice shall not be required under the emergency provisions of Section PM-109 of this code.
- (c) If such a hearing is requested, the owner or agent shall arrange for it before the public works director within five (5) working days at the Kirkwood city hall during normal business hours.
- (d) If at such a hearing, the public works director determines that a nuisance exists, the public works director shall order the same to be abated within five (5) days.
- (e) If the nuisance is not abated within the notice period, or within (5) days after a hearing, the director of public works, building official, or authorized representative may have the nuisance abated and shall certify the cost of same. A bill will be prepared for the cost of the work, including applicable overhead charges, but in no event shall the cost be less than one hundred dollars (\$100.00). If this bill is not paid within thirty (30) days from the date thereon, a special tax is not paid within thirty (30) days from the date thereon, a special tax bill will be prepared and collected by

the collector with other taxes assessed against the property, or the charge shall be added to the annual real estate tax bill at the discretion of the City.

PM 107.8 - Assessment of Costs to Annual Real Estate Tax Bill or Special Tax Bill:

- (a) If, at the discretion of the City, the charge is to be added to the annual real estate tax bill for the property, the cost shall be certified by the City Clerk and forwarded to the St. Louis County Tax Assessor to be assigned to the real estate tax bill.
- (b) If, at the discretion of the City, the charge is to be assessed as a special tax bill, then each special tax bill shall be issued by the City Clerk and delivered to the St. Louis County Tax Assessor. Such tax bills, if not paid when due, shall bear interest at the rate established by State Statute.
- (c) The 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.

PM 108.2 - Delete in its entirety and add: Closing of vacant structure: If the structure is vacant and unfit for human habitation and occupancy, the code official is authorized to post a placard of condemnation of the premises and order the structure closed up so as not to be a public 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 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 in the manner prescribed in Section PM-107.8.

PM 109.5 - Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The costs incurred shall be charged against the real estate upon which the structure is located in the manner prescribed in Section PM-107.8.

Change **PM 111.1** by deleting the words "within 20 days" and inserting in lieu thereof, the words "within 10 days".

PM 111.2 - Delete in its entirety and add: Board of Appeals: The Board of Appeals appointed under the provisions of the Kirkwood building code shall have jurisdiction to hear all appeals under this code.

PM 111.3, 111.4, 111.5, 111.6, 111.7 and 111.8 are hereby deleted in their entirety.

SECTION PM 113.0 PERMIT TO OCCUPY:

PM 113.1 - Occupancy Permit required: It shall be unlawful for any person, owner or agent thereof to occupy or use, or to permit the occupancy or use of any premises for any purpose, including the movement of furniture, equipment or other personal property into said premises, until a permit to occupy has been issued by the code official. The permit so issued shall state that the occupancy complies with all of the provisions of this code as far as can be determined by a visual inspection of the premises.

PM 113.2 - Application, single family occupancy: It shall be unlawful for any person to knowingly make any false statement on an application for occupancy permit for a dwelling unit as to the names, relationships, ages or number of occupants who will occupy the dwelling unit.

PM 113.3 - Application other than single family occupancy: It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit for a non-residential unit as to the name of the person, firm, company or institution which will occupy the premises, the type of use, the type or quantity of materials that will be stored on the premises or the floor area of the portion of the premises that will be occupied.

PM 113.4 - Action on an application: The code official shall examine or cause to be examined all applications for permits within a reasonable time after filing. No action shall be taken to issue a permit until there is an inspection of the premises and a property maintenance inspection report less than 120 days old on file with the City.

PM 113.4.1 - Issuance of permit: If all fees are paid and the code official is satisfied that the premises and its occupancy are in compliance with this code and all laws and ordinances applicable thereto, the code official shall issue the occupancy permit as soon as practicable. No permit shall be issued under the provisions of this code for premises which have been newly constructed, newly altered, or on which a change in use is proposed unless a certificate of use and occupancy has first been issued under the provisions of the building code.

PM 113.4.2 - Temporary Conditional Occupancy Permit: Occupancy may be permitted on a temporary conditional basis when in the judgment of the code official practical difficulties interfere with completing all repairs required to bring the premises into full compliance with this code prior to permitting occupancy, there are no conditions on the premises which threaten the health or safety of an occupant or the general public, and the code official is satisfied that the premises will be brought into compliance with the requirements of this code within a ninety (90) day period. No temporary conditional permit shall be issued when there is a condition on the premises which can threaten the health or safety of an occupant, and until an escrow has been established with an approved financial institution which guarantees that the premises will be brought into full compliance within ninety 90 days. For exterior items only, a letter agreeing to bring the exterior of the premises into full compliance within 90 days may be accepted in lieu of such escrow. Temporary conditional occupancy permits may be extended for one additional 90 day period, when in the opinion of the code official practical difficulties prevent complete compliance within the first 90 day period. The escrow amount shall be established by the Code Official in an amount up to the amount necessary to complete the work by a licensed contractor at prevailing prices, but in no case less than \$250.00. No temporary conditional permit shall be issued under the provisions of this code for premises which have been newly constructed, newly altered or on which a change of use is proposed unless a certificate of use and occupancy has first been issued under the provisions of the building code.

PM 113.4.3 - Rejection of Application: If the application does not comply with the requirements of all pertinent laws, the code official shall reject such application.

PM 113.5 - Suspension of Permit: Any permit issued shall become invalid if the occupancy is not commenced within six months after issuance of the permit or if the occupancy is terminated.

PM 113.6 - Revocation of Permit: The code official may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this code.

PM 201.3 - Delete: "International Existing Building Code"

Modify PM 202.0 - GENERAL DEFINITIONS as follows: Add:

Family: As defined in the Kirkwood Zoning Code.

Camper: Any motor vehicle or trailer designed, constructed or substantially modified so that it may be used or is used for the purpose of temporary housing quarters, including therein sleeping and eating facilities.

Motor Vehicle: Any self-propelled vehicle not operated exclusively upon tracks.

Non-Sewered Toilet Facility: Means a toilet facility where the waste is deposited directly into a container holding a solution of water and chemical housed in a permanent or portable structure.

Trailer: Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle.

Public Nuisance: Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe, or unsecured so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating, electric, or facilities required by this code have been removed or disconnected, destroyed, rendered in effective, or the required precautions against trespasser have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay: faulty construction; over crowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or structural failure; and dangerous to anyone on or near the premises.
9. Premises, structures or equipment found by the code official to be unsafe, unfit for human occupancy or unlawful by any Kirkwood Code or Ordinance.
10. Nuisances enumerated in Chapter 16 of the Kirkwood Code of Ordinances

PM 302.2 – Add to last sentence: “Stagnant water and all items containing stagnant water. All stagnant water and items containing stagnant water, which can serve as a breeding ground for mosquitoes, are hereby declared to be a public nuisance. This includes, but is not limited to, bottles, cans, tires, buckets, birdbaths, clogged gutters or any other places or objects containing stagnant water. This subsection shall not apply to ditches, drainage ways, detention basins, lakes, streams and natural land formations where water may collect, nor apply to treated water such as swimming pools. Stagnant water is defined for this subsection as water, which is not moving, or not flowing, or is motionless; and may become foul, stale or promote the breeding of mosquitoes.”

PM 302.2.1 – Add: Water Courses: A natural or established water course shall not be disturbed in any manner which reduces the capacity of the water course or diverts the water, unless as a part of an approved development or grading permit, or authorization of the Metropolitan Sewer District.

PM 302.2.2 – Add: Sedimentation: All premises and exterior property shall be graded and maintained to prevent sediment on adjacent property, public property or in a water course.

PM 302.3 - Add: “including trip or fall hazards.”

PM 302.4 - Delete in its entirety and add: Vegetation:

- a. Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees and shrubs not including cultivated flowers and gardens. Noxious weeds shall be defined as any vegetation which by direct contact or proximity thereto can cause irritation or lesion to the skin of any person.
- b. Ground Cover: All premises and exterior property shall be maintained with grass, vegetation or other approved ground cover on all exposed land surfaces to prevent the blowing or scattering of dust onto adjacent property, Public or private.
- c. Dead Trees and Tree Branches: All trees shall be maintained free of dead limbs or branches which are hazardous or injurious to the public. All dead trees which are hazardous or injurious to the public shall be prohibited.
- d. Trees, Shrubbery, Bushes, or Vegetation: Trees, shrubbery, bushes, or vegetation on private property including easements shall be trimmed as specified in the following subsections to prevent obstruction of the view, movements of vehicles and pedestrians, free flow of storm water runoff, and other public concerns. As used herein, the term “private property” shall include property owned privately but subject to a public easement, including abutting dedicated street or other rights-of-way.
 - (1) A vertical clearance of at least seven (7) feet above any paved sidewalk, walkway, or public right-of-way used by the public as indicated by a worn path, or a walkway on a public easement.
 - (2) A vertical clearance of at least ten (10) feet beyond the edge of the street and fourteen (14) feet above the center of any traffic lane.
 - (3) To provide a clear line of sight for at least seventy-five (75) feet on the approach side for all street traffic signals or traffic-control postings.

- (4) To provide a visually clear triangular space at street intersections, determined by a diagonal line connecting two points measured twenty-five (25) feet equidistant from the intersection of edge of the intersecting streets.
- (5) To provide easy and clear visibility, operation, and use of a fire hydrant or other utility or structure.

PM 302.8 - Delete in its entirety and add: Motor Vehicles and Trailers:

- a. Unregistered or Unlicensed Motor Vehicles or Trailers: No unregistered or unlicensed motor vehicle or trailer shall be permitted on any premises. All motor vehicles and trailers shall display their current state license.

Exception: (1) Motor vehicles or trailers within a fully enclosed structure, closed to public view and view of adjacent properties; or

(2) Motor vehicles or trailers stored or displayed as part of a licensed vehicle dealership business which is compliance with the Kirkwood Zoning Code; or

(3) Motor vehicles or trailers on the premises of a state licensed vehicle inspection station or motor vehicle service station, licensed in the City of Kirkwood, waiting for services or repairs; provided that such motor vehicle(s) or trailer(s) are not on the premises for more than five (5) consecutive days.

- b. Motor Vehicles or Trailers Disassembled or in Disrepair: No motor vehicle or trailer shall at any time be in a state of disassembly, disrepair or shall be in the process of being stripped or dismantled. A motor vehicle or trailer shall be defined as being in a state of disassembly or disrepair; or being stripped or dismantled if any *one* or more of the following conditions exist:

1. A motor vehicle containing no engine, or
2. A motor vehicle or trailer missing one or more wheels or tires, or
3. A motor vehicle or trailer missing a body part such as hood, fender, door, or trunk lid, or
4. A motor vehicle or trailer partly or entirely supported by a method other than its tires, such as ramps, jacks or blocks.
5. A motor vehicle or trailer which exhibits a defective component or a defective condition such as a missing windshield wiper; missing window glass; a convertible without top in adverse weather; missing bumper; a missing door handle; broken headlamps, tail lights, or warning lights; and similar items. A current license and/or inspection certificate shall not be considered as exempting motor vehicles or trailers from this provision.

Exception: (1) One motor vehicle or trailer within a fully enclosed structure, closed to public view and view from adjacent properties; or

(2) Motor vehicles under going repairs on the premises of a service station licensed in the City of Kirkwood; provided that such motor vehicles(s) or trailer(s) are within a fully enclosed structure or fences area, closed to public view and view from adjacent properties, unless the premises has been issued a special use permit which specifically provides otherwise. Structure and fences area egress points shall be closed during non business hours.

- c. Major Overhaul or Body Work: No motor vehicle or trailer shall at any time undergo major overhaul, including body work.

Exception: (1) One motor vehicle or trailer registered to the occupant of the premises, within a fully enclosed building, closed to public view and view from adjacent properties; or

(2) Motor vehicles under going repairs on the premises of a service station licensed in the City of Kirkwood; provided that such motor vehicle(s) or trailer(s) are within a fully enclosed structure or fenced area, closed to public view and view from adjacent properties, unless the premises has been issued a special use permit which specifically provides otherwise. Structure and fenced area egress points shall be closed during non business hours.

- d. Minor Repair Work: No motor vehicle or trailer shall at any time undergo minor repair work, including tune-ups, tire repair, oil change.

Exception: (1) One motor vehicle or trailer registered to the occupant of the premises; or

(2) Motor vehicles under going repairs on the premises of a service station licensed in the City of Kirkwood; provided that such motor vehicle(s) or trailer(s) are within a fully enclosed structure or fenced area, closed to public view and view from adjacent properties, unless the premises has been issued a special use permit which specifically provides otherwise. Structure and fenced area egress points shall be closed during non business hours.

- e. For Sale Signs: No motor vehicle or trailer shall display a "For Sale" sign or similar sign advertising the sale of the motor vehicle or trailer.

Exception: Motor vehicles or trailers stored or displayed on the same premises of a vehicle sales dealership licensed in the City of Kirkwood.

- f. Parking in Residential Zoned Districts: The following motor vehicles and trailers shall be prohibited from being parked in *residential* zoning districts:

1. Motor vehicles and trailers which have a dump type bed.
2. Motorized construction equipment.
3. Trailers used to transport equipment or construction vehicles.

4. Motor vehicles and trailers, except campers, that have dual rear wheels.
 5. Motor vehicles and trailers, except campers, that exceed ten (10) feet in height above grade.
 6. Motor vehicles and trailers, except campers, which exceed twenty-five (25) feet in length.
 7. Campers, boats, and boat trailers parked more than four (4) hours in front of the front line of the principal building on the premises, or within the required side building lines of the zoning district.
 8. Motor vehicles and trailers covered with a tarp, blanket, sheet, cloth, or canvas and parked in front of the principal building on the premises.
- g. Parking in Non-Residential Zoned Districts: No motor vehicle, boat, camper or trailer shall be parked on premises in a *non-residential* zoning district for more than twenty four (24) hours.
- Exception: Motor vehicles and trailers, not including campers, boats, or boat trailers, used in conjunction with the business on the premises.
- h. Storage in Vehicles or Trailers: No motor vehicle or trailer shall be used to store materials, supplies or rubbish.
- i. Signs on Motor Vehicles or Trailers: Graphics or lettering on motor vehicles or trailers shall not be used as a sign for the business and shall not display or contain advertising signs for activities on the premises, such as "Grand Opening", "Sale", "10% Reduction Today", etc., except on the premises of a vehicle sales dealership licensed in the City of Kirkwood.
- j. Parking on Paved Surfaces: All motor vehicles and trailers or portion thereof shall be parked on a paved parking area or driveway. "Paved" for purpose of only this section shall include asphalt, concrete, brick, compacted rock or flagstones. Construction of a new driveway or new parking area shall require a permit and conform to city code.

PM 302.10 – Add: Public Nuisances: No person, property owner, or occupant shall permit, cause, keep, maintain or create any public nuisance as defined in this Code or Chapter 16 of the Kirkwood Code of Ordinances.

PM 303.2 – Add to last sentence: Overhead electrical wires, electrical wires shall not at any point extend over or within ten (10) feet horizontally of any pool, hot tub, or spa except when the wires are twenty two and one-half (22 ½) feet or more above the water surface.

PM 304.7 – Add to last sentence: Gutters are required to direct water to the ground.

PM 304.7.1 – Add: Roof Clearance: Roofs shall be clear of tree limbs and branches or other overhanging vegetation.

PM 304.14 - Insect Screens: During the period from April 15th to November 15th every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing 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 and every swinging door shall have a self-closing device in good working condition.

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

PM 305.7 - Lead-Based Paint: Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and out buildings, which contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50 percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

PM 402.1 – Add to last sentence or exception: or as otherwise approved by the Code Official.

PM 403.1 – Add to last sentence of exception: or as otherwise approved by the Code Official.

PM 502.1 - Add a second paragraph to PM-502.1 to read: Every dwelling unit with more than seven occupants shall contain additional plumbing fixtures at the rate of one additional water closet and one additional lavatory for each additional four occupants or fraction thereof.

PM 504.4 – Add: Non-Sewered Toilet Facilities: Non-sewered toilet facilities shall be prohibited on any premises, except as follows:

- (1) Non-sewered toilet facilities on a premises with an active building permit during construction activities;
- (2) Non-sewered toilet facilities on a premises that has a “Special Event Sanitation Permit” permit issued from the St. Louis County Department of Health;
- (3) Non-sewered toilet facilities for any project or event of a City, State, Federal, School District, Utility Company or other governmental agency.

PM 507.1 - Delete in its entirety and add: Storm Water: Storm water or sump pump water shall not be directed through a pipe, culvert, or drain which discharges within ten feet of an abutting property line.

- Exception:
- (1) Roof or foundation drains, which discharge within two feet of the building foundation; or
 - (2) Discharge into an open natural creek or swale on the same property; or
 - (3) Discharge which is parallel to the abutting property line and at least five feet from said line.

PM 507.2 – Add: Storm Water Systems: All storm water systems on the premises or exterior of the property shall be maintained in working condition free from damage or restriction of flow. All entries to storm water drainage systems shall be maintained clear and free of any restrictions to water flow.

PM 507.3 – Add: Storm Water Discharge: Storm water shall not be directed into a sanitary sewer system.

PM 507.4 – Add: The granting of a permit shall not authorize any person to unreasonably alter the surface water runoff so as to cause harm to any person.

PM 602.2.1 – Add: 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 express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1st to May 15th to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

PM 602.3 – Add to last sentence: Nonresidential Structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1st to May 15th to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

- Exception:
- (1) Processing, storage and operation areas that require cooling or special temperature conditions; or
 - (2) Areas in which persons are primarily engaged in vigorous physical activities.

Modify PM 605.2 – Add to the last sentence: All receptacles within six (6) feet of any water source shall be Ground Fault Circuit Interrupter protected, and all receptacles in a basement or a garage except those for a dedicated appliances.

PM 605.4 – Add: A split-buss must be removed if at location or made code complying.

PM 702.5 – Add: Basement Emergency Escape: Every sleeping room located in a basement shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits. Where a window is provided for the emergency egress or rescue, the window shall have the bottom of the clear opening not more than 44 inches (1118mm) above the floor. The minimum net clear opening shall be 5 square feet (0.47m). The minimum net clear opening height dimension shall be 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm).

Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or excessive force.

Exception: Buildings equipped throughout with an automatic sprinkler system.

PM 702.6 – Add: Attached Garages: Private garages located beneath a dwelling shall have walls, partitions, floors and ceilings completely separating the garage space from the dwelling constructed of not less than one (1) hour fire resistance rating. Private garages attached to a dwelling shall be completely separated from the dwelling and its attic area by means of one-half (1/2) inch gypsum board or equivalent applied to the garage side and taped at the joints. Doors

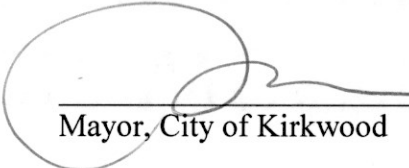
separating garages from dwelling units, basements or attics shall be a minimum one and three-fourth (1-3/4) inch solid core door or approved equivalent.

SECTION 4. That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. If any section, subsection, provision, sentence, clause or phrase of this ordinance of the 2009 International Property Maintenance Code, is, for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance of said Code, and the City of Kirkwood 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 this ordinance declared to be severable.

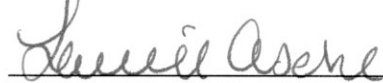
SECTION 6. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF SEPTEMBER, 2012.



Mayor, City of Kirkwood

ATTEST:



Deputy City Clerk

1st Reading: August 16, 2012

2nd Reading: September 6, 2012