

## TITLE V. BUILDING CODE

### CHAPTER 500: BUILDING AND CONSTRUCTION

#### ARTICLE I. CODE ADOPTIONS

##### SECTION 500.010: 2012 INTERNATIONAL BUILDING CODE

The 2012 edition of the International Building Code, including Appendices C and I, as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as follows:

A. Section 101. 1: Insert City of Greenwood.

B. Section 1804, Excavation, Grading and Fill, the following is hereby added to read:

- L Minimum standards: All drainage facilities shall be designed to carry waters to the nearest drainage way, storm sewer conveyance, or other approved point of collection and conveyance. Erosion of ground in the area of discharge shall be prevented by installation of erosion control devices. Unless specified drainage ways and swales are specifically approved by the Building Official, abutting property lines between structures shall be designed to function as drainage ways. The toe of slopes shall be set back from the property line a minimum of one ( 1) foot.
- 2. Prohibited conduct: No person shall allow or cause any:
  - a. Obstruction to be created installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage. Fences may be erected in such areas provided they do not unnecessarily restrict the flow of water.
  - b. Water from intermittent sources such as discharges from sump pumps, downspouts, foundation drains, swimming pools, swimming pool backwashes, or other similar sources, excluding lawn sprinklers, to be discharged closer than:
    - (1) Five( 5) feet to any adjoining side or rear property lines.
    - 2) The platted right-of-way line where no public sidewalk or paved pedestrian walkway exists unless specifically approved by the City Engineer.
    - 3) Five (5) feet to any edge of a public sidewalk or paved public pedestrian walkway unless specifically approved by the City Engineer.

- C. Section 1805. 4. 1. 1 is hereby added to read as follows: Where foundations retain earth and enclose habitable or usable space located below grade, drains shall be provided below the floor slab. Drainage tiles, perforated pipe or other approved systems or materials shall be installed at or below the area( s) to be protected; shall be placed with positive or neutral slope to minimize the accumulation of deposits in the drainage system; and shall discharge by gravity or mechanical means to an approved storm water drainage system. The underslab drainage system shall be installed around the inner perimeter of the area( s) to be protected or in a manner that will provide adequate drainage for all area( s) to be protected and is approved by the Building Official. Interior underslab drains installed on uncompacted fill material shall be supported by mechanical means which are adequately tied into the concrete slab to ensure proper drainage throughout the underslab drain(s).
- D. The penalty for not complying with the technical code adopted herein is that the offender, upon conviction or plea of guilty in the Municipal Court, shall be punished at the trial court's discretion by imprisonment in jail not exceeding ninety (90) days or by a fine not exceeding five hundred dollars (\$ 500. 00), or by both such fine and imprisonment. (Ord. No. 3.000 §1, 9-14-81; Ord. No. 94-09-03 §500.010, 9-12-94; Ord. No. 2002-07-02-02 §1, 7-2-02; Ord. No. 2007-10-22-2007 §1, 10-22-07; Ord. No. 2014-03-25-02, 6/24/14)

**SECTION 500.020: 2012 INTERNATIONAL PLUMBING CODE**

The 2012 edition of the International Plumbing Code as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as follows:

- A. Section 101.1: Insert City of Greenwood.
- B. The penalty for not complying with the technical code adopted herein is that the offender, upon conviction or plea of guilty in the Municipal Court, shall be punished at the trial court's discretion by imprisonment in jail not exceeding ninety (90) days or by a fine not exceeding five hundred dollars (\$ 500. 00), or by both such fine and imprisonment. (Ord. No. 3.000 §2, 9-14-81; Ord. No. 94-09-03 §500.020, 9-12-94; Ord. No. 2002-07-02-02 §2, 7-2-02; Ord. No. 2007-10-22-2007 §2, 10-22-07; Ord. No. 2014-03-25-02, 6/24/14)

**SECTION 500.030: 2012 INTERNATIONAL FIRE CODE**

The 2012 edition of the International Fire Code as published by the International Code Conference, Inc. is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as follows:

- A. Section 101.1: Insert City of Greenwood.
- B. The penalty for not complying with the technical code adopted herein is that the offender, upon conviction or plea of guilty in the Municipal Court, shall be punished at the trial court's discretion by imprisonment in jail not exceeding ninety (90) days or by a fine not exceeding five hundred dollars (\$ 500. 00), or by both such fine and imprisonment. (Ord. No. 3.000 §3, 9-14-81; Ord. No. 94-09-03 §500.030, 9-12-94; Ord. No. 2002-07-02-02 §3, 7-2-02; Ord. No. 2007-10-22-2007 §3, 10-22-07; Ord. No. 2014-03-25-02, 6/24/14)

**SECTION 500.040: 2011 NATIONAL ELECTRICAL CODE**

The 2011 Edition of the National Electrical Code, published by the National Fire Protection Association is hereby adopted and incorporated in this chapter as fully as if set forth herein. The penalty for not complying with the technical code adopted herein is that the offender, upon conviction or plea of guilty in the Municipal Court, shall be punished at the trial court's discretion by imprisonment in jail not exceeding ninety (90) days or by a fine not exceeding five hundred dollars (\$500.00) or by both such fine and imprisonment. (Ord. No. 3.000 §4, 9-14-81; Ord. No. 94-09-03 §500.040, 9-12-94; Ord. No. 2002-07-02-02 §4, 7-2-02; Ord. No. 2007-10-22-2007 §4, 10-22-07; Ord. No. 2014-03-25-02, 6/24/14)

**SECTION 500.050: 2012 INTERNATIONAL MECHANICAL CODE**

The 2012 Edition of the International Mechanical Code, published by the International Code Conference, Inc., is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as follows:

- A. 101.1: Inset City of Greenwood.
- B. The penalty for not complying with the technical code adopted herein is that the offender, upon conviction or plea of guilty in the Municipal Court, shall be punished at the trial court's discretion by imprisonment in jail not exceeding ninety (90) days or by a fine not exceeding five hundred dollars (\$500.00), or by both such fine and imprisonment. (Ord. No. 3.000-A §4-A, 8-1-88; Ord. No. 94-09-03 §500.050, 9-12-94; Ord. No. 2002-07-02-02 §5, 7-2-02; Ord. No. 2007-10-22-2007 §5, 10-22-07; Ord. No. 2014-03-25-02, 6/24/14)

**SECTION 500.055: 2012 INTERNATIONAL RESIDENTIAL CODE**

The 2012 Edition of the International Residential Code, as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as follows:

- A. Section R101.1: Insert City of Greenwood.
- B. Section R105.2 (1): Delete "200 square fee" and replace with "144 square fee".
- C. Section R105.2(10): Delete paragraph in its entirety.
- D. Chapter 3: Building Planning
  - 1. Minimum standards: All drainage facilities shall be designed to carry waters to the nearest drainage way, storm sewer conveyance, or other approved point of collection and conveyance. Erosion of ground in the area of discharge shall be prevented by installation of erosion control devices. Unless specified drainage ways and swales are specifically approved by the Building Official, abutting property lines between structures shall be designed to function as drainage ways.

The toe of slopes shall be set back from the property line a minimum of one (1) foot. The area surrounding the building foundation shall have a drainage gradient as provided for in Section R405, as amended, with a draining gradient thereafter of not less than two ( 2) percent toward approved drainage facilities unless waived by the Building Official.

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

a. Obstruction to be created installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage. Fences may be erected in such areas provided they do not unnecessarily restrict the flow of water.

b. Water from intermittent sources such as discharges from sump pumps, downspouts, foundation drains, swimming pools, swimming pool backwashes, or other similar sources, excluding lawn sprinklers, to be discharged closer than:

1) Five (5) feet to any adjoining side or rear property lines.

2) The platted right-of-way line where no public sidewalk or paved pedestrian walkway exists unless specifically approved by the City Engineer.

3) Five (5) feet to any edge of a public sidewalk or paved public pedestrian walkway unless specifically approved by the City Engineer.

E. Table R301. 2 ( 1): The following values shall be inserted into the table: Ground snow load —twenty (20) pounds per square foot, Wind Speed —ninety (90) miles per hour, Topographic Effects— No, Seismic Design Category— A, Weathering— Severe, Frost Line Depth – thirty (30) inches, Termite – Moderate to Heavy, Winter Design Temperature — six ( 6) degrees Fahrenheit, Ice Barrier Underlayment Required —No, Air Freezing Index — 1000, Mean Annual Temperature— 55 degrees Fahrenheit

F. Section R303. 3, Exception is hereby amended to read as follows: The glazed areas shall not be required where artificial light and a local exhaust system are provided. The minimum local exhaust rates shall be determined in accordance with Section M1507. Exhaust air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with Section R806. The point of discharge of the exhaust air shall be at least three ( 3) feet from any opening into the building. Bathrooms which contain only a water closet or lavatory, or combination thereof, and similar rooms, may be exhausted with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

G. Section R313 is deleted in its entirety and replaced with the following:

A builder of one-or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one-or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased.

The provisions of this section, which are intended to mirror the requirements of section RSMo 67.281, shall expire on December 31, 2019.

H. Section R320. 1 is hereby amended to read as follows: Where there are four (4) or more dwelling units in a single structure, the provisions of Chapter 11 of the International Building Code for Group R-3 shall apply.

I. Section R403. 1 is hereby amended to read as follows: All exterior walls shall be supported on continuous solid or fully grouted concrete masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineering fill.

Exception: One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed one hundred forty four (144) square feet and the structure is associated with one-or two-family dwelling units or townhouses.

J. Section R403. 1. 1 is hereby added to read: Footings shall have a minimum reinforcing consisting of not less than two (2) No. 4 bars, uniformly spaced, a minimum of three (3) inches clear from the bottom and edges of the footing.

K. Section R403. 1. 2 is hereby added to read: Column pads shall be a minimum of twenty-four (24) inches by twenty-four (24) inches and eight (8) inches deep ( 24" x 24" x 8"). Reinforcement shall consist of a minimum of three (3) No. 4 bars each way, uniformly spaced, within each column pad.

L. Section R405. 1 is hereby amended to read as follows: Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. The top of open joints of drain tiles shall be protected with strips of building paper, and the drainage tiles or perforated pipe shall be placed on a minimum of two (2) inches of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than six (6) inches of the same material.

- M. Section R405.2.3 is hereby amended to read as follows: A sump shall be provided to drain the porous layer, footings, and foundations that retain earth and enclose habitable or usable space located below grade that do not drain and discharge by gravity to an approved storm sewer system or to daylight. The sump shall be at least twenty-four (24) inches in diameter or twenty (20) inches square, shall extend at least twenty-four (24) inches below the bottom of the basement floor and shall be capable of positive gravity or mechanical drainage to remove and accumulated water. Sumps receiving storm water from any exposed exterior drain(s) or opening(s) shall be provided with back-up system(s) capable of assuring proper sump operation in case of power failure. The drainage system shall discharge into an approved storm sewer system or to daylight.
- N. Section R506. 2. 1: The following is added: Exception: Concrete floor slabs may be engineered to span soils not in compliance with R506.2. 1, however all fills under buildings shall be free from vegetation and foreign material.
- O. Section R506.2. 5 is hereby added to read as follows: Where foundations retain earth and enclose habitable or usable space located below grade, drains shall be provided below the floor slab. Drainage tiles, perforated pipe or other approved systems or materials shall be installed at or below the area(s) to be protected; shall be placed with positive or neutral slope to minimize the accumulation of deposits in the drainage system; and shall discharge by gravity or mechanical means to an approved storm water drainage system. The underslab drainage system shall be installed around the inner perimeter of the area(s) to be protected or in a manner that will provide adequate drainage for all area(s) to be protected and is approved by the Building Official. Interior underslab drains installed on uncompacted fill material shall be supported by mechanical means which are adequately tied into the concrete slab to ensure proper drainage throughout the underslab drain(s).
- P. Chapter 11 is hereby deleted.
- Q. Section M1501. 1, Exception is hereby amended to read as follows:
- 1 Whole-house ventilation-type attic fans that discharge into the attic space of dwelling units having private attics shall be permitted.
  - 2 Bathroom exhausted fans installed in accordance with amended Section R303. 3.
- R. Section M1507.2 is hereby amended to read as follows: Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another dwelling unit and shall be exhausted in accordance with amended Section R303. 3.
- S. Section G2414. 5 is hereby amended to read as follows: Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas.

Exception: Corrugated stainless steel tubing as referenced in Section G2414.3.

T. Section G2414.5.2 is hereby amended to read as follows: Copper tubing shall comply with standard Type K or L of ASTM B 88 or ASTM B 280. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it be utilized to distribute any other fuel gas within a building or structure.

U. Chapter 25 is hereby deleted.

V. Section P2601.2.1 is hereby added to read as follows: Sanitary sewer systems shall be designed, built and maintained in such a manner to prevent all storm or ground water from draining, discharging or entering into the sanitary sewer system. Connection of sump pumps, foundation drains, yard drains, gutter downspouts, and any other storm water drainage receptacle(s) or system(s) are specifically prohibited from connection to the sanitary sewer system.

W. Section P2603.5.1 is hereby amended to read as follows: Building sewers shall be a minimum of twelve( 12) inches below grade.

X. Section P2604.5 is hereby added to read as follows: Excavations required for the installation of a building drainage system shall be open trench work and shall be kept open until the piping has been inspected and approved to cover.

Y. Section P2902.5.3 is hereby amended to read as follows: The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Missouri Department of Natural Resources. Backflow devices installed within structures shall be installed a minimum of six (6) inches away from any wall or vertical obstruction. The backflow device shall be installed between twelve (12) inches and forty-eight (48) inches above the floor and shall be accessible.

Z. Section P2903.5 is hereby amended to read as follows: The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. A water-hammer arrestor shall be installed where quick-closing valves are utilized. Water-hammer arrestors shall be installed in accordance with manufacturer's specifications. Water-hammer arrestors shall conform to ASSE 1010.

AA. Section P3005.4.2 is hereby amended to read as follows: Pipe sizes and slope shall be determined from Table P3005.4.2 on the basis of drainage load in fixture units (d.f.u.) computed from Table 3004 1. The minimum size of a building sewer serving a dwelling unit shall be four (4) inches.

BB. Section E3501. 6. 2 is hereby amended to read as follows: The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service conductors are more than ten (10) feet in length from the point of entry to the service panel, a separate means of disconnect shall be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

CC. Section E3902. 12 is hereby amended to read as follows: All branch circuits that supply 120-volt, single phase 15-and 20-amphere receptacles installed in bedrooms shall be protected with and arc-fault circuit interruption device.

No change shall be made to the exceptions to Section E3902. 12 as included as part of this section of the code.

DD. The penalty for not complying with the technical code adopted herein is that the offender, upon conviction or plea of guilty in the Municipal Court, shall be punished at the trial court's discretion by imprisonment in jail not exceeding ninety ( 90) days or by a fine not exceeding five hundred dollars (\$500.00), or by both such fine and imprisonment. (Ord. No. 2007-10-22-2007 §6, 10-22-07; Ord. No. 2014-03-25-02, 6/24/14)

#### **SECTION 500.060: MOBILE HOMES—MODULAR UNITS**

The provisions of RSMo., Chapter 700, dealing with Mobile Home Standards is hereby adopted by the Board of Aldermen and incorporated herein by reference; that pursuant to RSMo., Section 700.040, the rules promulgated by the Missouri Public Service Commission dealing with standards for Mobile Homes and Modular Units are hereby adopted and incorporated herein by reference as part of the Building Code of Greenwood. It shall be the duty of the Building Inspector to enforce the provisions of this Code applicable to Mobile Homes and Modular Units. (Ord. No. 3.000 §5, 9-14-81)

#### **SECTION 500.070: INCORPORATION AS PART OF THIS CODE**

The provisions adopted in this Article shall be the Building Code of this City and by this reference herein adopted and made part of this Chapter as if the documents referred to were fully set out herein; and that such provisions shall take precedence in all cases, except where the further specific terms of this Chapter provide in detail such terms. (Ord. No. 3.000 §6, 9-14-81)

### **ARTICLE II. BUILDING PERMITS**

#### **SECTION 500.080: BUILDING PERMIT FEES**

- A. A fee for each building permit shall be paid to the City of Greenwood, as set forth in Subsection (C) hereof.
- B. "Total Valuation" upon which the permit fees are based, shall be determined as published in the March/April, 1991, "Building Standards" publication on file in the office of the City Clerk and may be updated as the "Building Standards" publication is updated. Total valuation shall be those figures listed under the "Good" designation, and shall be adjusted by the recommended "Regional Modifier" for the State of Missouri, as listed in the same publication. These "Total Valuation" figures shall be reviewed on a yearly basis and adjusted as deemed to be necessary by the majority vote of the Board.
- C. *Building Permit Fees.*
  - 1. *Single-family residence (R-1).*
    - a. A six hundred fifty dollar (\$650.00) sewer connection fee. (See Section 705.040 Building Sewers and Connections—Permits).



- b. (1) Investigation fee of twenty-six cents (\$0.26) per square foot of total living area,
- (2) Permit fee of twenty-six cents (\$0.26) per square foot of total living area,
- (3) Electrical inspection fee of five cents (\$0.05) per square foot of total living area,
- (4) Plumbing inspection fee of seven cents (\$0.07) per square feet of total living area, and
- (5) Mechanical inspection fee of five cents (\$0.05) per square feet of total living area.
- c. Administrative fee of seven hundred fourteen dollars and fifty cents (\$714.50).

2. *Outbuildings.*

- a. All outbuildings up to one hundred forty-four (144) square feet will require no building permit, or any administrative fee.
- b. Twenty cents (\$.20) per square foot for outbuildings located in all applicable zones with the exception of Zone A.
- c. For outbuildings located in Zone A, the fee shall be four dollars (\$4.00) per one thousand dollars (\$1,000.00) of building valuation. Building valuation shall be determined as published in the "Building Standards" publication on file in the office of the City Clerk and may be updated as the "Building Standards" publication is updated.
- d. Administrative fee of thirty dollars (\$30.00).

3. *Commercial construction.*

- a. A three thousand dollar (\$3,000.00) sewer connection fee. (See Section 705.040 Building Sewers and Connections—Permits.)
- b. (1) Investigation fee of thirty-two cents (\$0.32) per square foot of total building area,
- (2) Permit fee of thirty-two cents (\$0.32) per square foot of total building area,
- (3) Electrical inspection fee of five cents (\$0.05) per square foot of total building area,
- (4) Plumbing inspection fee of seven cents (\$.07) per square foot of total building area, and
- (5) Mechanical inspection fee of five cents (\$0.05) per square foot of total building area.
- c. Administrative fee of seven hundred fourteen dollars and fifty cents (\$714.50).

D. All electrical, plumbing and mechanical contractors shall be required to pay an administrative fee set by the City Inspector's office. A master license shall be furnished as proof of same for the Occupational License.

E. *Occupancy Certification Required.*

1. No developer, builder or contractor shall allow any person or persons to occupy any newly constructed dwelling or building prior to final inspection ("Occupancy Certification") by the City Inspector, which inspection shall be requested at least twenty-four (24) hours prior to time of final inspection. Any violation of this Subsection shall incur a fine of one hundred dollars (\$100.00) against the offending party to be added to the builder's next permit to build, or shall be billed, should that builder have no further business in Greenwood, Missouri. Should the same building or contractor be found guilty a second (2nd) time within the same calendar year, a fine of two hundred fifty dollars (\$250.00) shall be assessed. A third (3rd) offense shall incur a fine of five hundred dollars (\$500.00) against the next permit or as a billing and may be subject to review by the Board of Aldermen.
2. If an individual requests a permit for construction of a personal dwelling, that individual shall be required to place five hundred dollars (\$500.00) in escrow or a bank letter of credit or bond for same amount with the City and same shall be added to the permit fee. This fee shall be refundable if not used for the aforesated purpose of building a single-family dwelling. The City shall maintain a separate account for such escrow funds. (Ord. No. 3.000B §§3-4, Exhibit A, 2-14-91; Ord. No. 95-02-02 §500.080, 2-6-95; Ord. No. 95-08-241, 8-24-95; Ord. No. 95-08-241A, 11-13-95; Ord. No. 95-09-111, 10-2-95; Ord. No. 99-08-16-04 §1, 9-7-99; Ord. No. 2004-06-14-01 §§1-3, 6-14-04; Ord. No. 2007-07-30-01 §1, 7-30-07)

#### **SECTION 500.085: REMODELING PERMITS**

- A. No person shall do or cause to be done any remodeling within the City limits, or outside of such City limits but on property owned or operated by the City, without first obtaining a permit therefor from the City Engineer, subject to all the provisions of this Chapter.
- B. A fee for each remodeling permit shall be paid to the City of Greenwood as set forth in Subsection (C) hereof.
- C. Remodeling refers to additions, alterations or repairs made to existing buildings or structures. Permits are required for all remodeling projects with a valuation greater than seven hundred fifty dollars (\$750.00). The valuation of the project will be estimated by the permit application. Estimates which appear to be unreasonable for the scope of the proposed project, will be adjusted by the building official prior to the issuance of permits.
  1. Single-Family Residence (R-1); First Dwelling Suburban District (R-1A); and First Dwelling Estate District (R-1B):
    - a. The fee shall be eight dollars (\$8.00) per one thousand dollars (\$1,000.00) of the proposed project valuation.
    - b. Administrative fee of thirty dollars (\$30.00).
  2. Outbuildings:
    - a. The fee shall be eight dollars (\$8.00) per one thousand dollars (\$1,000.00) of the proposed project valuation.
    - b. Administrative fee of thirty dollars (\$30.00).

3. Commercial construction:

- a. The fee shall be eight dollars (\$8.00) per one thousand dollars (\$1,000.00) of the proposed project valuation.

- b. Administrative fee of thirty dollars (\$30.00). (Ord. No. 99-09-20-11 §§1–2, 11-2-99; Ord. No. 2004-06-14-01 §§4–6, 6-14-04)

**SECTION 500.086: DECKS AND PORCHES PERMITS**

- A. A fee for each deck and porch permit shall be paid to the City of Greenwood as set forth in Subsection (B) hereof.
- B. Building permit fees:
  - 1. Single-Family Residence (R-1); First Dwelling Suburban District (R-1A); and First Dwelling Estate District (R-1B):
    - a. A flat permit fee of thirty dollars (\$30.00).
    - b. Administrative fee of thirty dollars (\$30.00). (Ord. No. 99-09-20-11 §3, 11-2-99; Ord. No. 2004-06-14-01 §7, 6-14-04)

**SECTION 500.087: SPA PERMITS**

- A. A fee for each spa permit shall be paid to the City of Greenwood as set forth in Subsection (B) hereof.
- B. Spa permit fees:
  - 1. Single-Family Residence (R-1); First Dwelling Suburban District (R-1A); and First Dwelling Estate District (R-1B):
    - a. Flat permit fee of thirty dollars (\$30.00).
    - b. Administrative fee of thirty dollars (\$30.00). (Ord. No. 99-09-20-11 §4, 11-2-99; Ord. No. 2004-06-14-01 §8, 6-14-04)

**SECTION 500.088: SWIMMING POOL PERMITS**

- A. A fee for each swimming pool permit shall be paid to the City of Greenwood as set forth in Subsection (B) hereof.
- B. Swimming pool permit fees:
  - 1. Flat permit fee of thirty dollars (\$30.00).
  - 2. Administrative fee of thirty dollars (\$30.00). (Ord. No. 99-09-20-11 §5, 11-2-99; Ord. No. 2004-06-14-01 §9, 6-14-04)

**SECTION 500.089: FENCE PERMITS**

A. A fee for each fence shall be paid to the City of Greenwood as set forth in Subsection (B) hereof.

B. *Fence Permit Fees.*

1. Flat permit fee of thirty dollars (\$30.00).

2. Administrative fee of thirty dollars (\$30.00). (Ord. No. 2004-06-14-01 §10, 6-14-04)

#### **SECTION 500.090: PERMIT REQUIREMENTS**

A. All permits and fees are to be paid in advance of any construction, with the application for permit, a copy of the blue prints, and a plan showing the location of the building or construction on the lot. Permits shall be issued for a period not to exceed six (6) months. All permits require the approval of the Board of Aldermen, unless the Building Inspector is available and has approved such permit; in such case, the approved permit may be issued by the signature of the Building Inspector. It shall be the duty of the contractor or owner performing work under a Building Permit issued pursuant to this Section to remove all debris and materials from public streets and sidewalks at the end of each working day. All applications for new construction must be accompanied by an approval of any septic system to be used, from the Jackson County Health Department or the Missouri Clean Water Commission, until such time as sewers become available or there is established a health authority within the City of Greenwood.

B. Any permit required by this Code may be issued to any person to do any work regulated by this Code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, where such person is the bona fide owner of any such dwelling and occupant of same, provided that said owner-occupant shall personally purchase all materials and personally perform all labor in connection therewith.

C. *Permit Required.* No person shall do or cause to be done any remodeling, decks or porches, spa or swimming pool within the City limits, or fence within the City limits, or outside of such City limits but on property owned or operated by the City, without first obtaining a permit therefor from the City Engineer, subject to all the provisions of this Chapter.

D. *Permit Application.* All applications for permits for remodeling shall be signed by the person or his/her duly authorized agent who desires to do the remodeling described in the application and shall contain such other information regarding the proposed remodeling as may be required by the Building Official or City Engineer. (Ord. No. 3.000 §§12, 14, 9-14-81; Ord. No. 95-02-02 §500.090, 2-6-95; Ord. No. 99-09-20-11 §§6—7, 11-2-99; Ord. No. 2005-09-12-02 §1, 9-12-05)

#### **SECTION 500.093: PERMIT ISSUANCE—CONTENTS—DURATION**

A. Whenever the Building Official or City Engineer shall find, from an examination of the application for remodeling, decks and porches, spa and swimming pool permit and such other information as he/she may deem necessary and proper to find or require, that such remodeling meets the applicable City Codes, then he/she shall issue the permit as in this Chapter provided. The safety to life and property shall be the sole responsibility of owner.

B. Permits granted under this Chapter shall specify the remodeling, decks and porches, spas and swimming pools to be permitted, the time such permit shall be valid, and such other conditions and

requirements as the Building Official or City Engineer may deem safe and proper, provided that such period of validity shall not extend beyond one (1) calendar year from the date the permit is issued. (Ord. No. 99-09-20-11 §§8–9, 11-2-99)

#### **SECTION 500.094: WORK COMMENCING BEFORE PERMIT ISSUED**

Any person who commences any work (including any remodeling) on a building, structure, deck or porch, spa, swimming pool, fence, electrical, gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits shall be subject to an additional fee equal to the amount of the permit as established for said work in Sections 500.080, 500.085, 500.086, 500.087, 500.088, and 500.089. The payment of such fee shall not exempt any person from compliance with all other provisions of this Chapter nor from any penalty prescribed by law. Work that has commenced on a building, structure, deck or porch, spa, swimming pool, fence, electrical, gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits constitutes a violation of this Chapter subject to the penalty provision of Section 500.097. (Ord. No. 2011-06-14-02 §1, 6-14-11)

#### **SECTION 500.095: STREET IMPACT FEE**

- A. It is the intent of this Section to impose a street impact fee, payable with the issuance of a building permit for all single- or multi-family construction unless paid pursuant to applicable development agreement, and this fee shall be assessed to each dwelling unit.
- B. The street impact fee shall basically be determined by comparing the probable total number of dwelling units within one (1) square mile to the cost of construction of one (1) mile of collector grade street, and thus creating an assignable cost per dwelling unit. The fee is further developed as follows:
  - 1. The density for single-family dwelling units is 3.0 to 3.5 units per acre.
  - 2. The density for medium density multi-family dwelling units is 4.0 to 5.0 units per acre.
  - 3. The density for high density multi-family dwelling units is 6.0 to 12.0 units per acre.
  - 4. The average density to be used for fee determination is 3.5 units per acre.
  - 5. The spacing for collector grade streets is considered to be one (1) mile.
  - 6. The construction cost for a collector grade street is initially set at one hundred dollars (\$100.00) per linear foot or five hundred twenty-eight thousand dollars (\$528,000.00) per mile.
  - 7. The pro rata cost is three hundred fifty-four dollars (\$354.00) per dwelling unit.
- C. The City Engineer for the City of Greenwood shall monitor the construction cost of collector streets in the greater Kansas City area and shall adjust the linear foot cost each year in the month of January and establish the impact fee for that year.
- D. The City shall place all fees collected under this Section in a dedicated account or fund which shall be used solely for the construction, or repair, or maintenance of City streets. Moneys from this account or fund may be used for the construction, or repair, or maintenance of any City street within

the City without regard to proximity to any new dwelling construction.

- E. The City may contribute partial costs for the construction of a street from this account when insufficient funds exist to fully construct the street, and is allowed to provide additional funding through any means at its disposal; however, the City may claim reimbursement for such additional funding from future deposits that may be made to the account.
- F. This Section is intended to establish a street system user's fee, or street impact fee, which shall be imposed on all new residential single- and multi-family construction within the City. This Section does not intend to levy a "tax" or "fee" as such term is used in Article X, Section 22, of the Missouri Constitution.
- G. *Applicability.*
  - 1. This Section shall not be applicable to building permits necessary for:
    - a. Room additions, remodeling, rehabilitation or other improvement to an existing structure, provided there is no increase in the number of dwelling units created thereby.
    - b. Rebuilding or replacing of a damaged or destroyed structure, provided there is no increase in the number of dwelling units created therein.
    - c. Change in occupancy or use, provided there is no increase in the number of dwelling units created therein.
  - 2. This Section shall be applicable to building permits for new residential housing whether single-family or multi-family, all of which is considered to increase demands placed on the City's street system.
- H. *Escrow Agreements.* With respect to escrow funds, the City and developer shall enter into an escrow agreement. The City shall maintain any escrow funds in a separate account established for public improvements. Said account shall earn interest at the rate earned on the City's pooled cash in accordance with City investment policy. If necessary improvements have not been constructed within ten (10) years after the date the City accepts the escrow funds, upon written request of the developer, the City may return the escrow funds to developer.
- I. *Appeal.* The developer may appeal the amount of impact fee or escrow funds assessed as a condition of this development by filing a notice of appeal with the City Clerk within thirty (30) days following approval of the development agreement by the City Council. If the developer fails to appeal the amount of the impact fee or escrow funds within thirty (30) days, the amount of the escrow funds shall be final and no appeal shall be heard. The developer shall have the burden of proof in any appeal to demonstrate by clear and convincing evidence that the amount of the impact fee was not calculated in accordance with the provisions of this Section or is not reasonably related to the impact of the proposed development on the City's street network. After reviewing evidence submitted by the developer, the City Engineer shall make a recommendation concerning the appeal to the City Council, which shall consider the evidence and make a final decision. (Ord. No. 99-05-17-05 §§1-9, 6-1-99; Ord. No. 2004-02-09-07 §1, 2-9-04)

**SECTION 500.097: PENALTY PROVISION**

Any person who shall violate any provision of this Chapter shall be subject to the penalties of Section 100.220.E of the Greenwood City Code. (Ord. No. 99-09-20-11 §10, 11-2-99; Ord. No. 2016-2915, 9/30/2016)

### **ARTICLE III. GENERAL PROVISIONS**

#### **SECTION 500.100: BUILDING INSPECTOR**

There is hereby created the office of Building Inspector who shall be appointed and discharged by the City Administrator. (Ord. No. 2007-05-22-01 §9, 5-22-07)

#### **SECTION 500.110: SEISMIC DESIGN OF NEW CONSTRUCTION AND MAJOR RENOVATIONS REQUIRED FOR EARTHQUAKE PREPAREDNESS**

- A. Any new construction or major structural renovation begun after January 1, 1991, all buildings for which leases are executed by political subdivisions of the State after January 1, 1994, and all buildings for which leases are executed by the State or any institution of higher education after January 1, 1994, shall comply with the Standards for Seismic Design and Construction of the Building Officials and Code Administrator Code or of the Uniform Building Code.
- B. This Section shall not apply to any building owned by the State, any institution of higher education, and political subdivision upon which construction was begun or finished before October 15, 1990, any private structure with less than ten thousand (10,000) square feet in total area, or any single-family or duplex residence.
- C. As used in this Section, the term "*major structural renovation*" means any reconstruction, rehabilitation, addition or other improvement of an existing structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the major structural renovation. (Ord. No. 3.002 §§1–3, 10-15-90)

#### **SECTION 500.120: AMERICAN PUBLIC WORKS ASSOCIATION ("APWA") STANDARD SPECIFICATIONS AND DESIGN CRITERIA ADOPTED**

The Board of Aldermen of the City of Greenwood, Missouri, does hereby approve, incorporate, and adopt the APWA Standard Specifications and Design Criteria as approved and adopted by the Kansas City Metropolitan Chapter of the APWA the fourth (4th) day of January, 2004, in the Greenwood City Code as located in the Public Works Department of the City of Greenwood, Missouri, including the following updated Sections: Section 2100–Grading and Site Preparation (5/2008); Section 2150–Erosion and Sediment Control (5/2008); Section 2300–Incidental Construction (7/2009); and Section 5900–Utility Coordination for Capital Improvements Projects (3/2010). (Ord. No. 97-07-07-01 §1, 9-10-97; Ord. No. 2008-02-25-05 §1, 2-25-08; Ord. No. 2010-11-05-05 §1, 11-5-10)



## CHAPTER 505: DANGEROUS BUILDINGS

### SECTION 505.010: DANGEROUS BUILDINGS DEFINED

The following conditions have been determined to be detrimental to the health, safety, and welfare of the residents of the City of Greenwood and therefore constitute a nuisance:

1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity of any such wall or vertical structural members falls outside of the middle third of its base.
2. Those which, exclusive of the foundation, show thirty-three percent (33%) or more, of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those which have improperly distributed loads upon the floors, roofs, or other horizontal structural members, or in which the same are overloaded, or which have insufficient strength or deflections to be reasonably safe for the purpose used or intended to be used.
4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the City.
5. Those which are uninhabited and are open at door, window, wall or roof.
6. Those under construction upon which no substantial work shall have been performed for ninety (90) days immediately next to the time that a notice shall issue under Section 505.040 of this Chapter for the completion or demolition thereof.
7. Those in the process of demolition upon which no substantial work shall have been performed for a period of fourteen (14) days immediately following the time a notice shall issue to complete the demolition thereof under Section 505.040 of this Chapter.
8. Those containing therein substantial accumulations of trash, garbage or other materials susceptible to fire, or constituting or proving a harboring place for vermin or other obnoxious animals or insects or in any way threatening the health of the occupants thereof or the health of persons in the vicinity thereof.
9. Those having inadequate facilities for egress in case of fire or panic.
10. Those which have parts thereof which are so attached or deteriorated that they may fall upon public ways or upon the property of others or may injure members of the public or the occupants thereof.
11. Those buildings built in violation of any safety provision of the Building Code, Electrical Code, Plumbing Code, Mechanical Code or the Fire Prevention Code of the City, or used in violation thereof. (Ord. No. 2.603 §1, 10-15-90)

## **SECTION 505.020: STANDARDS FOR REPAIR, VACATION, OR DEMOLITION**

The following standards shall be followed in substance by the Building Inspector in ordering repair, vacation or demolition:

1. If the dangerous building can reasonably be repaired or maintained so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered so repaired or maintained.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety, or welfare of its occupants, it shall be ordered to be vacated pending abatement of the nuisance.
3. In any case where the dangerous building cannot be reasonably repaired or maintained so that the building or structure will no longer exist in violation of the terms of this Chapter, the building or structure shall be ordered demolished.
4. In any case where the conditions constituting the public nuisance are such that the costs to repair or maintain the building or structure so that it will no longer constitute a public nuisance, equal or exceed fifty percent (50%) of the value of the building or structure, it shall be ordered repaired or demolished, and in the event it is not repaired or demolished by the owner, then the City shall abate the nuisance by demolition.
5. Any building or structure constituting a public nuisance because of the conditions described in Subsection (6) of Section 505.010 of this Chapter shall be ordered to be completed in accordance with lawful plans and specifications, and if it shall not be so completed or demolished by the owner, then the City shall abate the nuisance by demolition.
6. Any building or structure found to be a public nuisance because of the conditions described in Subsection (7) of Section 505.010 of this Chapter shall be ordered demolished.  
(Ord. No. 2.603 §2, 10-15-90)

## **SECTION 505.030: DUTIES OF BUILDING INSPECTOR**

The Building Inspector shall:

1. Inspect or cause to be inspected annually all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist as set forth in Section 505.010 of this Chapter.
2. Inspect any building or structure about which complaints are filed by any person alleging that the building or structure contains any of the conditions described in Section 505.010 of this Chapter.
3. Inspect any building or structure reported by the Fire or Police Departments of this City when that Department has reason to believe that the building or structure has any of the conditions as set forth in Section 505.010 of this Chapter.
4. Inspect any building or structure of the City at any time whenever there is reason to believe that the building or structure has a condition described in Section 505.010 of this Chapter.
5. Determine in any case where inspection shows that a building or structure has any of the conditions referred to in Section 505.010 of this Chapter, whether or not it reasonably appears

there is immediate danger to the health, safety or welfare of any person because of such condition. The Building Inspector shall immediately post upon the building or structure a notice reading as follows:

"This building has been found to be a public nuisance by the Building Inspector of the City of Greenwood. This building or structure shall not be occupied until it is brought into compliance with the ordinances of the City of Greenwood, Missouri. It is unlawful to remove this notice until such compliance has occurred."

Nothing contained in this Subsection shall be construed to deprive any person entitled thereto by this Chapter of the notice and hearings prescribed herein.

6. Report to the Building Inspector any non-compliance with the notice provided for in this Chapter. (Ord. No. 2.603 §3, 10-15-90)

#### **SECTION 505.040: NOTICES OR ORDERS**

Whenever the Building Inspector has determined that any building or structure is a public nuisance under the provisions of this Chapter, he/she shall, as soon as possible thereafter, notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure as shown by the land records of the Recorder of Deeds for the appropriate county that such building or structure has been found to be a public nuisance under the provisions of this Chapter. The notice shall set forth a description of the conditions found in the building or structure so as to constitute the building or structure as a public nuisance under Section 505.010 of this Chapter. The notice shall also provide for abatement of the nuisance by ordering the building or structure to be vacated if such be the case, reconditioned, or removed, giving a reasonable time for commencement of the work, and requiring the work to proceed continuously without unnecessary delay. (Ord. No. 2.603 §4, 10-15-90)

#### **SECTION 505.050: NOTICE TO BE SERVED—HOW**

Whenever under this Chapter a notice is required to be served upon the persons interested in any building or structure, the notice shall be served upon the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure as shown by the land records of the Recorder of Deeds for Jackson County, and shall be signed by the person who has the responsibility to issue the notice. The notice shall be served, if the party or parties to be served reside in the City, by handing the notice to the person to be served by anyone competent to be a witness or by leaving the notice at the usual place of abode of the one to be served with a member of the household over the age of fifteen (15) years. If the address of the person to be served shall be known, then service shall be made by posting a copy of such notice in a conspicuous place on the building or structure to which it relates and by certified mail, return receipt requested; but if his/her address shall not be known, the service of notice shall be by posting and by publication. The publication shall contain the full text of the notice and shall be published at least once a week for three (3) consecutive weeks on the same day of the week in some newspaper of general circulation published in the appropriate county, and shall contain the time specified in the notice for a hearing to be held, or for the commencement of work or for any other thing to be done which shall be at least thirty (30) days from the date of the first publication of notice. (Ord. No. 2.603 §5, 10-15-90)

**SECTION 505.060: DISREGARDING NOTICES OR ORDERS—HEARINGS**

- A. Whenever there shall be a failure to obey a notice to abate a public nuisance issued as provided in Section 505.040 by not commencing work in the time specified in said notice, or there shall be a failure to proceed continuously with the work required therein without unnecessary delay, the Building Inspector shall call and have a full and adequate hearing upon the matter giving all affected parties at least twenty-one (21) days written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard and present such evidence as shall be relevant to a determination of:
1. Whether or not the building or structure involved is a public nuisance under the terms of this Chapter.
  2. Whether the procedure required by this Chapter has been substantially followed; and
  3. Whether or not the abatement order of the Building Inspector was reasonable and within the standards of this Chapter.
- B. At the testimony shall be under oath, which may be administered by the Building Inspector, and a written record of the hearing shall be made by a reporter to be employed by the City, the cost of which shall be paid by the City should the proceeding be eventually held against the City and by the owner if it should not. In the latter case the cost of such reporting shall be a lien upon the lot, tract, or parcel of land upon which the building or structure stands, and shall be added to the cost of performance for demolition and repair in the event the City shall be required to do so, and payable as provided for such costs. (Ord. No. 2.603 §6, 10-15-90)

**SECTION 505.070: FINDINGS OF HEARINGS**

Within thirty (30) days from the date of the hearing required by Section 505.060 of this Chapter, the Building Inspector shall, upon the basis of competent and substantial evidence offered at the hearing, make a conclusion of law as to whether or not the building or structure in question is a public nuisance under the terms of this Chapter and detrimental to the health, safety and welfare of the residents of the City; specifically finding as a matter of fact the condition or conditions of such building or structure which constitute the nuisance. If it is found that the building or structure is a public nuisance, further findings shall be made as to whether or not the procedures required by this Chapter have been substantially met and complied with, and whether or not the abatement order of the Building Inspector to abate the nuisance was reasonable in its terms and conditions and within the standards of this Chapter. In the event it is found that the abatement order was not reasonable or within the standards of this Chapter, it shall be the duty of the Building Inspector to make his/her own findings of fact as to what is reasonably required to abate the public nuisance within the standards of this Chapter. If the Building Inspector finds that a public nuisance does not exist or that the procedures of this Chapter have not been substantially met and complied with, the proceedings against the building or structure shall be dismissed. (Ord. No. 2.603 §7, 10-15-90)

**SECTION 505.080: ORDER TO REPAIR, VACATE, OR DEMOLISH**

- A. If a proceeding is not dismissed following the findings required by Section 505.070 of this Chapter the Building Inspector shall issue an order directing the building or structure to be completed,

repaired, or demolished and vacated as the case may be, within the standards of this Chapter. This order, together with the findings of fact and conclusions of law required by Section 505.070, shall be in writing and shall be immediately delivered or mailed to each party to the hearing or to his/her attorney of record. In addition, copies of the order and findings of fact and conclusions of law shall be posted in a conspicuous place in the office of the Building Inspector for a period of thirty (30) days from the date of issuance thereof. The order shall state a reasonable time which shall not be less than thirty (30) days from the date of issuance within which to comply with the order, and shall further provide that if it is not complied within such time, the Building Inspector shall cause the work to be done by the City and its own crews or by contractors employed by the City for that purpose.

- B. If there shall be no contractor employed by the City for that purpose, the Building Inspector is hereby authorized to enter into contracts not to exceed five thousand dollars (\$5,000.00) with persons engaged in the business of repairing or demolishing buildings for the purpose of enforcing the order provided for in this Section if there are sufficient funds provided for that purpose in the budget or a supplemental appropriation. Additional contracts, or contracts for amounts in excess of five thousand dollars (\$5,000.00), must be approved by the Board. The contracts can be signed only after compliance with the City's prescribed bidding procedures. (Ord. No. 2.603 §8, 10-15-90)

#### **SECTION 505.090: PAYMENT OF COSTS**

- A. Whenever the City shall have caused the work to be done as provided by Section 505.080, the Building Inspector shall certify the costs of the work to the City Clerk who shall cause a special tax bill therefor and for the cost of the reporter at the hearing which shall be likewise certified by the Building Inspector, to be issued against the lot, tract or parcel of land upon which the building or structure is located. The special tax bill from the date of its issuance shall be deemed a personal debt against the property owner, and in addition shall be a lien on the lot, tract or parcel of land until paid and shall be registered in the office of the Director of Finance of the City of Greenwood in a book to be kept by him/her for such purposes. The tax bill shall be collected by the City Collector or other official collecting taxes.
- B. Except as provided in Section 505.100(B), at the written request of the taxpayer delivered to the City Clerk of the City, a tax bill for repair or demolition of a building or structure may be paid in ten (10) equal annual installments, which installments with interest thereon to date on the unpaid balance shall be due annually on the anniversary of the date of issuance of the bill. Interest shall be paid at the maximum rate per annum allowable by law on the unpaid balance of the special assessment computed from the date of issuance. If any annual payment of principal or interest shall not be paid within thirty (30) days of its due date the entire remaining balance of the tax bill shall immediately become due and payable.
- C. If request for ten (10) annual payments is not made prior to the time the Building Inspector shall certify the cost of the work to the City Clerk, the tax bill shall be payable in sixty (60) days from its date of issuance with interest thereon at the maximum rate per annum allowable by law. (Ord. No. 2.603 §9, 10-15-90)

#### **SECTION 505.100: COLLECTION—INSURANCE PROCEEDS FROM DAMAGE OR LOSS**

- A. Tax bills issued under Section 505.090 shall be prima facie evidence of the validity of the bill, the doing of the work and liability of the property for the damages stated in the bill and shall be collected

if default should occur by suit brought in a court of competent jurisdiction by the City Counselor on behalf of the City. Judgment in any such suit shall be by sale of the property or so much thereof as necessary to satisfy the judgment and the costs of the sale.

- B. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, and if the covered claim payment is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure, then the following procedure shall apply:
1. The insurer shall withhold from the covered claim payment ten percent (10%) of the covered claim payment, and shall pay that amount to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Section. If a special tax bill or assessment is issued by the City for the expenses of demolition of such building as a dangerous building, the monies held by the City shall be applied toward payment of special tax bill or assessment. If there is any excess, it shall be paid by the City to the insured or as the terms of the policy, including any endorsements thereto, provide.
  2. The City shall release the proceeds and any interest which has accrued on such proceeds received under Subsection (B)(1) of this Section to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless, the City has instituted legal proceedings under the provisions of Sections 505.080 and 505.090. If the City has proceeded under the provisions of Sections 505.080 and 505.090, all monies in excess of that necessary to comply with the provisions of Sections 505.080 and 505.090 for the removal of the building or structure, less salvage value, shall be paid to the insured.
  3. The City may certify that, in lieu of payment of all or part of the covered claim payment under this Section, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild, or otherwise make the premises safe and secure. In this event, the City shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.
  4. No provision of this Section shall be construed to make the City a party to any insurance contract. (Ord. No. 2.603 §10, 10-15-90)

#### **SECTION 505.110: APPEAL**

- A. Any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure may appeal from the order and determination of the Building Inspector made under the provisions of Section 505.080 of this Chapter. The appeal shall be made to the Circuit Court of Jackson County as established in Article 536 of the Revised Statutes of Missouri.
- B. *Appeal Must Be Authorized.* In any appeal as provided by this Section, any person who owns or occupies property located within one thousand two hundred (1,200) feet of the perimeter of the building or structure which is the subject of the suit shall be allowed to present evidence to the court on behalf of the city, town, village or county having a charter form of government, of the condition of the building or structure, whether or not such person presented such evidence at the hearing provided by Section 505.060. The appellant before the court shall have the opportunity to

cross-examine any such person presenting evidence to the court. (Ord. No. 2.603 §11, 10-15-90)

**SECTION 505.120: EMERGENCIES**

In all cases where it reasonably appears that an immediate danger to the health, safety or welfare of any person exists, the Building Inspector may take emergency measures to vacate, repair or demolish a building or structure which is a public nuisance under the provisions of this Chapter.

(Ord. No. 2.603 §12, 10-15-90)

**SECTION 505.130: LIABILITY**

No officer, agent or employee of the City of Greenwood shall be personally liable for any damage that may occur to any persons or property as a result of any act required of him/her or permitted to be taken by him/her under the terms of this Chapter. Any suit brought against any such officer, agent or employee of the City as a result of any such acts required or permitted shall be defended by the City until the final determination of the proceedings, and if judgment shall be obtained it shall be paid by the City of Greenwood. It is hereby further declared that no officer, agent or employee of the City of Greenwood owes any duty under the provisions of this Chapter to any citizen or other individual but that the duties prescribed herein and imposed upon officers, agents or employees of the City are duties to be performed for the government of said City.

(Ord. No. 2.603 §13, 10-15-90)

**CHAPTER 510: CONSTRUCTION OF STREETS**

**ARTICLE I. SPECIFICATIONS AND BASIC CONSTRUCTION**

**SECTION 510.010: REQUIREMENTS AND SPECIFICATIONS**

- A. *Classes Of Streets.* After September 14, 1981, any new street or the extension of any existing street, or the construction of any virgin street that purports to be an extension of an existing street that is constructed within the corporate limits of the City of Greenwood, Missouri, shall meet the following requirements and specifications, to wit:
  - 1. Primary or arterial streets (Class A) shall be forty-four (44) feet wide back to back of curbs and these streets shall be constructed upon dedicated right-of-way at least sixty (60) feet in width.
  - 2. Streets for residential use only (Class B) shall be twenty-eight (28) feet wide back to back of curbs and these streets shall be constructed upon dedicated right-of-way at least fifty (50) feet in width.
- B. *Curbs And Gutter.* All separate curb and gutter used in conjunction with streets other than concrete, and except as hereinafter provided, shall be twenty-four (24) inches wide, of concrete construction, and constructed in accordance with the standard details and specifications as provided by the City. Only integral curb and gutter shall be used with concrete streets. The same pavement material used for the construction of the street shall underlie the curb and gutter.
- C. *Asphalt Pavement.* The specifications shall cover all materials for and the construction of all asphalt pavements. Two (2) classes of asphalt pavement are provided for under this Section:

1. *Class A: Major streets.*
    - a. Four (4) inches rolled crushed aggregate base course  
Eight (8) inches Portland cement pavement; or
    - b. Four (4) inches rolled crushed aggregate base course  
Nine (9) inches asphaltic concrete base course  
Two (2) inches asphaltic concrete surface course
  2. *Class B: Minor streets.*
    - a. Four (4) inches rolled crushed aggregate base course  
Six (6) inches Portland cement pavement; or
    - b. Four (4) inches rolled crushed aggregate base course  
Seven (7) inches asphaltic concrete base course  
Two (2) inches asphaltic concrete surface course
  3. *Class C: Frontage service roads.*
    - a. Four (4) inches rolled crushed aggregate base course  
Four (4) inches asphaltic concrete base course  
Two (2) inches asphaltic concrete surface course
- D. *Conformance To City Standards.* All types of streets must be constructed in accordance with APWA standard details and specifications referred to by the City of Greenwood, Missouri.
- E. *Storm Sewers.* Storm sewers shall be provided where necessary, as determined by a qualified engineering company, and all storm drainage, streets, grades and sections shall be approved when designed in accordance with the City's standard design prior to start of construction.
- F. *Required Widening.* In case of required widening, the widening shall correspond to construction specified above for applicable type of street. Where future widening is planned or contemplated, a temporary asphalt lip curb will be required if, under good engineering practices, the lip is necessary to control storm drainage.
- G. *Conformance To Plans.* Class A streets and Class B streets shall conform to the specifications of APWA.
- H. *Curbs.* All curbs shall be of the "roll back curb and gutter" design to conform to the specifications of APWA the concrete material being of three thousand (3,000) pound test.
- I. *Inspection—Each Phase Of Construction.* Each phase of construction (including, but not limited to, subgrade base and formed curbs) shall be inspected and accepted by the City before starting the succeeding phase of construction. Third party testing of the subgrade soil density, subbase and surface material shall be provided to the City by the developer. The testing locations shall be random and include the areas under the curbs. Compaction standards shall be in accordance with ASTM specifications.
- J. *Culverts.*



1. Culverts on all driveways entering all buildings from all right-of-ways to conform to the designated APWA specifications.
2. Culverts shall have a minimum of fifteen (15) inches in diameter, material shall be concrete or corrugated galvanized steel of not lighter than fourteen (14) gauge.
3. Diagram of designated culvert specifications on file with City Engineer and/or City Clerk. (Ord. No. 5.502 §§1-8, 10-11, 9-14-81; Ord. No. 96-01-08 §1, 1-8-96; Ord. No. 2002-01-17-02 §1, 1-17-02)

**SECTION 510.020: STREET CONSTRUCTION PERMITS**

- A. Street construction permits are issued for the grading of streets and the construction of pavement, curbs and gutters. When the estimated cost of construction is over three hundred dollars (\$300.00), the cost of said permit shall be one percent (1%) of the actual cost of all construction in addition to the basic permit cost of twenty-five dollars (\$25.00). The cost of said permit shall be twenty-five dollars (\$25.00) when the estimated cost of construction is less than three hundred dollars (\$300.00).
- B. The applicant may be required to tie in with a similar improvement that has previously been made in the location where the applicant plans to do the work. This is to prevent leaving short sections of unimproved streets in areas where improvements are being made. (Ord. No. 5.502 §9, 9-14-81)

**SECTION 510.030: VIOLATION AND PENALTY**

The violation of any Section of this Article, whether the violation be in failure to obtain a permit, failure to obtain inspection or failure to comply with any specification of this Article during construction, shall, upon conviction for violation thereof, be subject to a fine of not less than twenty-five dollars (\$25.00) for each such violation nor more than five hundred dollars (\$500.00) together with costs assessed by the court. (Ord. No. 5.502 §12, 9-14-81; Ord. No. 2004-08-09-02 §8, 8-9-04; Ord. No. 2005-03-14-08 §8, 3-14-05; Ord. No. 2005-07-25-05 §8, 7-25-05)

## **ARTICLE II. EXCAVATIONS**

### **SECTION 510.040: PERMIT REQUIRED FOR EXCAVATION**

No person, company, association or corporation shall within the corporate limits of the City of Greenwood, Missouri, conduct, exercise, carry on, deal in or engage in the opening or excavation or any incident thereto, in a street or alley within the corporate limits of the City of Greenwood, without first having applied to the City Clerk for a permit for permission to engage in said practice. (Ord. No. 5.503 §1, 12-3-90; Ord. No. 2005-07-25-04 §1, 7-25-05)

### **SECTION 510.050: PERMIT FEES—BOND REQUIRED**

When said permit is granted, said person, company, association or corporation shall pay to the City Clerk the sum of thirty-five dollars (\$35.00) for said permit application fee plus administrative, inspection and right-of-way management fees. Said permit shall be operative and in effect only when said applicant shall post with the City Clerk a cash bond as determined by the City Engineer per Section 510.200. The bond shall be returned only after City inspection, if required, and when the street is repaired to its original condition. (Ord. No. 5.503 §2, 12-3-90; Ord. No. 2005-07-25-04 §1, 7-25-05)

### **SECTION 510.060: CONFORMANCE TO STANDARDS**

Repair of any alley or street cut shall conform to standards set forth in this Article. Existing pavement shall be saw cut to a clean line. Backfill requirements shall be per APWA 2602.3.C specifications. Flowable fill shall have a twenty-eight (28) day compressive strength less than one hundred (100) psi. MoDOT type 5 aggregate may be substituted for all flowable fill if aggregate certification is delivered with the material. Prior to asphalt paving, all adjacent pavement surfaces shall be clean and tacked with emulsion per APWA 2204 specifications. Asphalt pavement shall be replaced per detail in Section 510.100. Final surface of the patched area shall neither impede nor collect surface water. (Ord. No. 5.503 §3, 12-3-90; Ord. No. 2005-07-25-04 §1, 7-25-05)

### **SECTION 510.070: REPAIR OF STREET TO CONDITION BEFORE EXCAVATION—FAILURE TO DO SO**

If the applicant as above described shall fail at any time to repair the street or alley so disturbed or excavated within three (3) days after notification by the City Inspector, City Engineer or his/her designated agent or representative, the bond and monies deposited with the City Clerk shall be deemed forfeited and the City with the use of said monies shall make the necessary repairs. (Ord. No. 5.503 §4, 12-3-90; Ord. No. 2005-07-25-04 §1, 7-25-05)

### **SECTION 510.080: RESPONSIBILITIES OF PERMITTEE—BARRICADES AND LIGHTS**

The person, company, association or corporation applying for said permit and same having been granted, shall, during all times of construction and in the operation of any work incidental to the granting of the permit and until such time as same has been approved, have the responsibility and the duty and shall in said respect hold the City of Greenwood harmless from said duty for the erection,

maintenance and attention of all necessary barricades, flares and supervision of said construction in accordance with the Manual of Uniform Traffic Control Devices. (Ord. No. 5.503 §5, 12-3-90; Ord. No. 2005-07-025-04 §1, 7-25-05)

**SECTION 510.090: VIOLATION AND PENALTY**

A violation of this Article will be construed and is hereby deemed a misdemeanor and anyone violating same shall be punished by a fine not to exceed one hundred dollars (\$100.00). (Ord. No. 5.503 §6, 12-3-90; Ord. No. 2005-07-25-04 §1, 7-25-05)

**SECTION 510.100: STREET CUT REPAIR**

**STREET CUT REPAIR**

No scale

*Notes:*

1. City right-of-way permit shall be on site at all times.
2. Contractor shall contact City Hall for inspection prior to placing filter fabric and again prior to placing asphalt.
3. The one (1) foot step cut on either side of original trench shall not be removed until backfill has been placed and compacted.
4. All street cuts shall be backfilled and compacted to 98% of standard density and reconstructed matching the original street section with exception that not less than six (6) inches of asphalt will be allowed in any instance. Asphalt pavement shall be a minimum of four (4) inch Type I base and two (2) inch Type III surface. The Type I base shall be placed and compacted in individual lifts, not exceeding four (4) inches.
5. Asphalt shall comply with APWA specifications as follows:

Type I	—	Base Course
Type III	—	Surface Course
6. Contractor shall provide and maintain traffic control devices per the Manual on Uniform Traffic Control Devices (MUTCD).
7. All grass areas disturbed during construction shall be fertilized, seeded and mulched, prior to release of surety.

(Ord. No. 5503, Exhibit A, 12-3-90; Ord. No. 2005-07-25-04 §1, 7-25-05)

**SECTIONS 510.110–510.190: RESERVED**

**ARTICLE III. REGULATION OF RIGHTS-OF-WAY**

**SECTION 510.200: APPLICABILITY**

To the extent permitted by law, this Chapter shall apply to all persons desiring to construct, operate or maintain facilities in, along, across, under or over Public Rights-of-Way within the City. (Ord. No. 2005-07-25-04 §2, 7-25-05)

**SECTION 510.210: DEFINITIONS**

For the purposes of this Chapter, the following terms, phrases, words and abbreviations shall have

the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense and vice versa, words in the plural number include the singular number and vice versa and the masculine gender includes the feminine gender and vice versa. The words "*shall*" and "*will*" are mandatory and "*may*" is permissive. Unless otherwise expressly stated or clearly contrary to the context, terms, phrases, words and abbreviations not defined herein shall be given the meaning set forth in the City Code and, if not defined therein, their common and ordinary meaning. For further convenience, the first (1st) letter of terms, phrases, words and abbreviations defined in this Chapter have been capitalized, but an inadvertent failure to capitalize such letter shall not affect its meaning nor shall the inadvertent capitalization of the first (1st) letter of a term, phrase, word or abbreviation not defined herein affect the meaning thereof.

*APPLICANT*: The specific Person applying for and receiving a Permit under this Chapter.

*APPLICATION*: That form designed by the City Engineer and approved by the City, which an Applicant must use to obtain a Permit to conduct Facilities Work across, over or under the City's right-of-way.

*CITY*: The City of Greenwood, Missouri.

*CITY ENGINEER*: The City Engineer or his designee.

*EXCAVATION*: Any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed or otherwise displaced by means of any tools, equipment or explosives, except that any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic or any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground shall not be deemed Excavation.

*FACILITIES*: Any conduit, duct, line, pipe, wire, hose, cable, culvert, tube, pole, receiver, transmitter, satellite dish, micro call, Pico cell, repeater, amplifier or other device, material, apparatus or medium useable (whether actually used for such purpose or not) for the transmission or distribution of any service or commodity installed below or above ground within the Public Rights-of-Way of the City, whether used privately or made available to the public.

*FACILITIES WORK*: The installation of new Facilities or any change, replacement, relocation, removal, alteration or repair of existing Facilities that requires Excavation within the Public Rights-of-Way.

*PERMIT*: A Permit granted by the Public Works Department of City to do Facilities Work within the Public Rights-of-Way.

*PERSON*: An individual, partnership, association, joint stock company, trust, organization, limited liability company, corporation or other entity or any lawful successor thereto or transferee thereof, but such term does not include the City.

*PUBLIC RIGHTS-OF-WAY*: The surface, the air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, parkway or other similar property in which the City now or hereafter holds any property interest, which was dedicated as rights-of-way. No reference herein, or in any Permit, to "Public Rights-of-Way" shall be deemed to be a representation or guarantee by the City that its interest or other right to control the use of such property is sufficient to permit its use for such purposes. "Public Rights-of-Way" does not include the airwaves above the rights-of-way with regard to

cellular or other non-wire telecommunications or broadcast services or easements obtained by utilities or private easements in platted subdivisions or tracts. (Ord. No. 2005-07-25-04 §2, 7-25-05)

## **SECTION 510.220: PERMITTING PROVISIONS**

*Permit Requirements.* Any Person desiring to conduct Facilities Work within Public Rights-of-Way must first apply for and obtain a Permit, in addition to any other building permit, license easement or authorization required by law, unless such Facilities Work must be performed on an emergency basis, then the Person conducting the work shall as soon as practicable notify the City of the location of the work and apply for the required permit by the third (3rd) business day following the commencement of the Facilities Work.

1. All Applications for permits shall be submitted to the City Clerk. The City Engineer shall design and make available standard forms for such Applications, requiring such information as the City Engineer determines to be necessary, consistent with the provisions of this Chapter, to accomplish the purposes of this Chapter.
2. Each such Application shall be accompanied by payment of fees as designated in this Chapter.
3. The City Engineer shall review each Application for a Permit and, upon determining that the Applicant has authority to perform the desired Facilities Work and that the Applicant has submitted all necessary information and has paid the appropriate fee, shall issue the permit, except as provided in Subsection (4). In order to avoid excessive processing and accounting costs to either the City or the Applicant, the City Engineer shall have authority to establish procedures for bulk processing of Applications and periodic payment of fees.
4. It is the intention of the City that disruption of the Public Rights-of-Way should be minimized. Upon receipt of an Application for a Permit, the City Engineer shall do the following:
  - a. Evaluate the degree of Excavation necessary to perform the Facilities Work in the Right-of-Way and determine whether the Excavation will be more than minor in nature. If the Applicant can show to the City Engineer's reasonable satisfaction that the Facilities Work involves any of the following:
    - (1) No significant disruption or damage to the Public Rights-of-Way; or
    - (2) Time sensitive maintenance, then the City Engineer shall grant the Permit without delay provided that if the permit is not issued in ten (10) business days, the aggrieved party may appeal as provided in Subsection (8); and
  - b. For circumstances where the City Engineer determines that there will be significant Excavation of the Public Rights-of-Way and no exemption under Subsection (4)(a) or any other provision of this Section applies, the City Engineer may, consistent with the time requirements set forth in Section 510.220 and in the Permit, direct Permit holders performing Facilities Work in the same area to consult on how they may schedule and coordinate their work to accomplish the goal of this Section.
5. Each Permit shall include projected commencement and termination dates or, if such dates are unknown at the time the Permit is issued, a provision requiring the Permit holder to provide the City Engineer with reasonable advance notice of such dates once they are determined; length of

Public Rights-of-Way; number of road crossings; information regarding scheduling and coordination of Facilities Work, if applicable; and location of Facilities.

6. The City Engineer may include in Permits such conditions and requirements as are reasonably necessary to protect structures and Facilities in the Public Rights-of-Way from damage and for the proper restoration of such Public Rights-of-Way, structures and Facilities and for the protection of the public and the continuity of pedestrian and vehicular traffic.
7. The City Engineer may deny a Permit Application for the following reasons if deemed in the public's interest:
  - a. Undisputed past due fees from prior permits;
  - b. Failure to return the right-of-way to its previous condition under previous permits;
  - c. Undue disruption to existing utilities, transportation or City use, which would affect public health and safety;
  - d. Area is environmentally sensitive as defined by State or Federal Statute or located within a historic district, as may be established by local ordinance;
  - e. Failure to provide necessary information requested by City; and
  - f. The Applicant is in violation of the provisions of this Chapter.

Notwithstanding the provisions of Subsections (7)(c) and (7)(d) above, the City Engineer will cooperate with the Applicant to identify alternative routes which most nearly match the routes requested by Applicant for the placement of Facilities.

8. Applicant may appeal any final decision of the City Engineer to the Board of Aldermen of the City, which shall consider the appeal within sixty (60) days or at its next regular meeting, whichever occurs first.
9. Applicant must pay the following fees:
  - a. *Permit fee:* The permit fee which shall be used to recover the City's actual costs for an Applicant's Facilities Work in the Right-of-Way including the costs of processing permits, inspections and administration of this Chapter shall be thirty-five dollars (\$35.00) plus the inspection and management fees based on a percentage of the required bond amount and as defined in the following table:

Application fee: \$35.00

Administration, inspection and management fee based on percentage of bond amount:

Streets	20%	Grass/Parkway	5%
Unpaved/Overlays	15%	Cotic Driveway	25%
Sealcoats	15%	Sidewalk	10%

- b. *Applicant subject to other laws, Police power.*

- (1) An Applicant shall at all times be subject to all lawful exercise of the Police powers of the City including, but not limited to, all powers regarding zoning, supervision of construction and control of Public Rights-of-Way.
- (2) No action or omission of the City shall operate as a future waiver of any rights of the City under this Chapter.
- (3) The City shall have the maximum plenary authority to regulate Applications, Permits and Facilities Work as may now or hereafter be lawfully permissible. Except where rights are expressly granted or waived by a Permit, they are reserved, whether or not expressly enumerated. This Chapter may be amended from time to time and in no event shall this Chapter be considered a contract between the City and an Applicant such that the City would be prohibited from amending any provision hereof. (Ord. No. 2005-07-25-04 §2, 7-25-05)

### **SECTION 510.230: FACILITIES WORK**

#### *A. Oversight of Facilities Work.*

1. An Applicant shall construct, operate and maintain Facilities subject to the supervision of all of the authorities of the City who have jurisdiction in such matters and in strict compliance with this Chapter, all applicable zoning and construction permitting ordinances, departmental rules and regulations.
2. Facilities Work shall be subject to periodic inspection by the City.
3. The City Engineer and Public Works Department for City shall have full access to all portions of Facilities Work and may issue stop work orders and corrective orders to prevent unauthorized work. Such corrective or stop work orders shall state that work not authorized by the Permit is being carried out, summarize the unauthorized work and provide a period of not longer than thirty (30) days to cure the problem, which cure period may be immediate if certain activities must be ceased to protect the public safety and may be delivered personally or by certified mail to the address listed on the Application for Permit or to the person in charge of the construction site at the time of delivery. Such orders may be enforced by equitable action in the Circuit Court of Jackson County, Missouri, and if the City prevails in such case, the Person involved in the Facilities Work shall be liable for all costs and expenses incurred by the City, including reasonable attorney's fees, in enforcing such orders, in addition to any and all penalties established in this Chapter.
4. Any Person who engages in Facilities Work in the Public Rights-of-Way and who has not received a valid Permit from the City shall be subject to all requirements of this Chapter. Except in those instances where Facilities Work must be performed on an emergency basis, the City may, in its discretion, at any time until a Permit is secured, order the Facilities Work ceased and do any of the following: require such Person to apply for a Permit within three (3) days of receipt of a written notice from the City that a Permit is required; require such Person to remove its property and restore the affected area to a condition satisfactory to the City or take any other action it is entitled to take under applicable law including, but not limited to, filing for and seeking damages for trespass.

#### *B. Construction Standards.*

1. The construction, operation, maintenance and repair of Facilities shall be in accordance with applicable health, safety and construction codes adopted by City.
2. All Facilities shall be installed and located with due regard for minimizing interference with the public and with other utility users of the rights-of-way, including the City.
3. An Applicant shall not place Facilities where they will damage or interfere with the use or operation of previously installed Facilities or obstruct or hinder the various utilities serving the residents and businesses in the City of their use of any Public Rights-of-Way.
4. Any and all Public Rights-of-Way disturbed or damaged during the Facilities Work shall be promptly repaired or replaced by the Applicant to its previous condition.
5. Any contractor or subcontractor used for Facilities Work must be properly licensed under laws of the State and all applicable local ordinances and each contractor or subcontractor shall have the same obligations with respect to its work as an Applicant would have hereunder and applicable laws if the work were performed by the Applicant. The Applicant shall be responsible for ensuring that the Work of contractors and subcontractors is performed consistent with its Permits and applicable law, shall be fully responsible for all acts or omissions of contractors or subcontractors and shall be responsible for promptly correcting acts or omissions by any contractor or subcontractor. (Ord. No. 2005-07-25-04 §2, 7-25-05)

#### **SECTION 510.240: PERFORMANCE GUARANTEES AND REMEDIES**

##### *A. Performance Bond.*

1. Prior to any Facilities Work in the Public Rights-of-Way, an Applicant shall establish in the City's favor a performance bond in an amount determined by the City Engineer as necessary to ensure the Applicant's faithful performance of the Facilities Work. Differences in bond requirements, including provisions for self-insurance or provisions for a single continuing bond where Facilities Work is conducted by the same Applicant under numerous permits, may be established by regulation based on the extent or nature of the Facilities Work, the past performance of the applicant and not based on the characteristics of the Applicant. In lieu of a performance bond, Applicant may provide an acceptable substitute with the approval of the City Engineer.
2. In the event an Applicant fails to complete the Facilities Work in a safe, timely and competent manner, there shall be recoverable, jointly and severally from the principal and surety at the bond, any damages or loss suffered by the City as a result, plus a reasonable allowance for attorney's fees, up to the full amount of the bond.
3. Upon completion of the Facilities Work to the satisfaction of the City Engineer, the City Engineer shall eliminate the bond or reduce its amount after a time appropriate to determine whether the work performed was satisfactory, which time shall be established by the City Engineer considering the nature of the work performed.
4. A performance bond shall be issued by a surety acceptable to the City and shall contain the following endorsement: "This bond may not be canceled or allowed to lapse until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."



5. Applicant shall, at its sole cost and expense, indemnify, hold harmless and defend the City, its officials, boards, board members, commissions, commissioners, agents and employees against any and all claims, suits, causes of action or proceedings and judgments for damages or equitable relief which are caused by the acts, errors and omissions of Applicant arising out of the construction and maintenance of its Facilities.
  6. Recovery by the City of any amounts under the performance bond or otherwise does not limit an Applicant's duty to indemnify the City in any way, nor shall such recovery relieve an Applicant of its obligations under a Permit or reduce the amounts owed to the City other than by the amounts recovered by the City under the performance bond or in any respect prevent the City from exercising any other right or remedy it may have.
- B. *Penalties.* For each violation of provisions of this Chapter or a Permit granted pursuant to this Chapter as to which the City has given notice to Applicant as provided in this Chapter, penalties may be chargeable to the Applicant at a rate not exceeding one thousand dollars (\$1,000.00) per day for so long as the violation continues. (Ord. No. 2005-07-25-04 §2, 7-25-05)

#### **SECTION 510.250:**

#### **MISCELLANEOUS PROVISIONS**

- A. *Compliance With Laws.* Each Applicant shall comply with all applicable City ordinances, resolutions, rules and regulations heretofore and hereafter adopted or established.
- B. *Franchises Not Superseded.* Nothing herein relieves the City from any obligations under an existing franchise. Nothing herein shall be deemed to relieve an Applicant of the provisions of an existing franchise, license or other agreement or permit.
- C. *Rights and Remedies.*
1. The exercise of one (1) remedy under this Chapter shall not foreclose use of another, nor shall the exercise of a remedy or the payment of damages or penalties relieve an Applicant of its obligations to comply with its Permits. Remedies may be used alone or in combination; in addition, the City may exercise any rights it has at law or equity.
  2. The City hereby reserves to itself the right to intervene in any suit, action or proceeding involving any provisions of this Chapter.
  3. No Applicant shall be relieved of its obligation to comply with any of the provisions of this Chapter by reason of any failure of the City to enforce prompt compliance.
- D. *Incorporation by Reference.* Any Permit granted pursuant to this Chapter shall by implication include a provision that shall incorporate by reference this Chapter into such Permit as fully as if copied therein verbatim.
- E. *Force Majeure.* An Applicant shall not be deemed in violation of provisions of this Chapter where performance was rendered impossible by war or riots, civil disturbances, floods or other natural catastrophes beyond the Applicant's control and a Permit shall not be revoked or an Applicant penalized for such non-compliance, provided that the Applicant takes immediate and diligent steps to bring itself back into compliance and to comply as soon as possible under the circumstances with its Permit without unduly endangering the health, safety and integrity of the Applicant's employees or property, the public, Public Right-of-Way, public property or private property.

- F. *Calculation of Time.* Unless otherwise indicated, when the performance or doing of any act, duty, matter or payment is required under this Chapter or any Permit and a period of time is prescribed and is fixed herein, the time shall be computed so as to exclude the first (1st) and include the last day of the prescribed or fixed period of time.
- G. *Severability.* If any term, condition or provision of this Chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provision that has been held invalid is no longer invalid, said provisions shall thereupon return to full force and effect without further action by the City and shall thereafter be binding on the Applicant and the City. (Ord. No. 2005-07-25-04 §2, 7-25-05)

#### **SECTION 510.260: ANNEXATION**

The provisions hereof shall specifically apply to any lands or property annexed as of the date of such annexation. (Ord. No. 2005-07-25-04 §2, 7-25-05)

#### **SECTION 510.270: RELOCATION OF FACILITIES**

Whenever, by reason of changes in the grade or widening of a street or in the location or manner of constructing a water pipe, drainage channel, sewer or other City-owned underground or above ground structure, it is deemed necessary by the City to move, alter, change, adapt or conform the underground or above ground facilities of user, user shall make the alterations or changes, on alternative right-of-way provided by the City, if available, as soon as practicable after being so ordered in writing by the City without claim for reimbursement or damages against the City. (Ord. No. 2005-07-25-04 §2, 7-25-05)

#### **SECTION 510.280: STANDARDS APPLICABLE TO CITY**

Any standards in this Chapter relating to Facilities Work shall be fully applicable to work performed by the City and its departments. (Ord. No. 2005-07-25-04 §2, 7-25-05)

### **CHAPTER 515: MINIMUM STANDARDS FOR EXISTING BUILDINGS AND PROPERTIES**

#### **SECTION 515.010: PURPOSE OF CHAPTER**

The general purpose of this Chapter is to protect the public health, safety and general welfare of the people of the City. These general objectives include, among others, the following specific purposes:

1. To protect the character and stability of residential and commercial areas within the City by legislation which shall be applicable to all dwellings and buildings now in existence or hereafter constructed.
2. To provide minimum standards for the maintenance of exteriors of all existing buildings, and to thus prevent the creation of slums and blight.
3. To provide minimum standards for the maintenance of the interiors of all existing rented or

leased dwelling units.

4. To thus preserve the property value of land and buildings throughout the City.
5. To provide determinable minimum maintenance standards for dwellings and non-residential structures, and to thus facilitate private enforcement of legal rights and remedies.
6. To provide mechanisms for the enforcement and administration of the Code to ensure that the above purposes are accomplished. (Ord. No. 94-05-03 §1, 5-2-94)

**SECTION 515.015: RESERVED**

*Editor's Note—Ord. no. 2009-06-10-01 §1, adopted June 10, 2009, repealed section 515.015 "rental property registration" in its entirety. Former section 515.015 derived from ord. no. 2007-07-30-09 §1, 7-30-07.*

**SECTION 515.020: DEFINITIONS**

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**ACCESSORY STRUCTURE:** A subordinate structure located on the same lot as the main structure, or a portion of the main structure, the use of which is clearly incidental to and customarily found in connection with the main structure or principal use of the land.

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

**BUILDING CODE:** The Building Code of the City of Greenwood, currently in use.

**COMMERCIAL AREA:** Any area, whether or not zoned in a non-residential zone, which is occupied primarily by such non-residential uses as retail, office, warehouse, wholesaling, or manufacturing businesses.

**DETERIORATION:** The condition of a building or part thereof, characterized by evidence of physical decay or neglect, excessive use, or lack of maintenance.

**DWELLING:** Any building or portion thereof containing one (1) or more dwelling units, but not including motels, hotels, rooming or boarding houses, institutions, or convalescent or nursing homes.

**DWELLING UNIT:** Any building or portion of a building which is exclusively arranged, occupied, or intended to be occupied as living quarters for one (1) family; a separate, independent living quarter consisting of one (1) or more connected rooms with permanently installed bathroom and kitchen facilities.

*ENFORCEMENT OFFICIAL:* The official designated herein or otherwise charged with the responsibilities of administering this Chapter or his authorized representatives.

*EXTERIOR APPURTENANCES:* Objects which are added to a structure for aesthetic or functional purposes. These include, but are not limited to screens, awnings, trellises, television antennae, storm windows and storm doors.

*EXTERMINATION:* The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible material that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the enforcement officials of the City.

*FAMILY:* Any number of people occupying a single-dwelling unit living together as a single housekeeping unit, related by blood, marriage or formal adoption plus not more than two (2) additional people not so related, except that foster children shall be considered as formally adopted. A "family" may also include up to but not more than three (3) unrelated people. In excess of three (3) unrelated people living together shall not be considered a family.

*FENCE:* An independent structure forming a barrier at grade between lots, between a lot and street or an alley, or between portions of a lot or lots. A "barrier" includes a wall or latticework screen but excludes a hedge or natural growth, or a barrier less than eighteen (18) inches in height which is used to protect plant growth.

*GARBAGE:* Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*GUTTER:* A trough attached to an eave to carry off water.

*HABITABLE BUILDING:* Any structure or part thereof that shall be used as a home or place of abode by one (1) or more persons.

*HABITABLE ROOM:* Every room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations. It shall not include private laundries, bathrooms, toilet rooms, water closet compartments, pantries, storerooms, foyers, closets, corridors, rooms for mechanical equipment for services in the building, or other similar spaces not used by a person frequently or during extended periods.

*HARBORAGE PLACES FOR INSECTS, PESTS OR RODENTS:* Any place where insects, pests or rodents can live, nest or seek shelter.

*INTERIOR MAINTENANCE STANDARDS:* Standards of maintenance of the inside elements and occupancy of rented or leased dwelling units only where the owner does not reside.

*MINIMUM STANDARDS:* The least quality admissible by this Chapter.

*MULTIPLE-FAMILY DWELLING:* A building or portion thereof designed or altered for occupancy by two (2) or more families living independently of each other in separate dwelling units.

*OCCUPANT:* Any person living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

*OPENABLE AREA:* That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*OPERATOR:* Any person who has charge, care or control of a building, or part thereof, which is let or offered for occupancy.

*OWNER:* Any person who, alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of, any building, dwelling or dwelling unit within the City as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder; and such person shall be bound to comply with the provisions of this Chapter to the same extent as the owner.

*PERSON:* A corporation, firm, partnership, association, organization and any other group acting as a unit as well as any individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "*person*" is used in any Section of this Chapter prescribing a penalty or fine, as to partnership or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

*PREMISES:* A lot, plot or parcel of land or any part thereof, including the building or structures thereon.

*PROVIDED:* Any material furnished, supplied, paid for or under the control of the owner.

*PUBLIC HALL:* A hall, corridor or passageway for egress from a dwelling not within the exclusive control of one (1) family or dwelling unit.

*PUBLIC NUISANCE:* Includes the following:

1. The physical condition or use of any premises regarded as a public nuisance at common law; or
2. Any physical condition, use of occupancy of any premises or its appurtenances, considered an attractive nuisance to children, including but not limited to abandoned wells, swimming pools, shafts, basements, excavations, unsafe fences or structures, etc.; or
3. Any premises designated as unsafe for human habitation or use; or
4. Any premises which are manifestly capable of being a fire hazard, or manifestly unsafe or unsecured as to endanger life, limb or property; or
5. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or
6. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; open, vacant or abandoned; damaged by fire to the extent as to not provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises; or

7. Any condition of a structure, building, dwelling, dwelling unit, lot, property or premises which is declared, defined or deemed to be a nuisance by the provisions of the Code of Ordinances of the City of Greenwood.

*REPAIR:* To restore to a sound and acceptable state of operation or serviceability. Repairs shall be expected to last approximately as long as would be the replacement by new items.

*REPLACE:* To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is beyond repair.

*ROOMING HOUSE:* Any room or group of rooms or any part thereof forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

*RUBBISH:* Non-putrescible solid wastes consisting of both combustible and non-combustible wastes.

*SMOKE DETECTOR:* A device which detects visible or invisible particles of combustion and shall be either the ionization chamber or the photoelectric-type device.

*STRUCTURE:* Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground. Structures include, but are not limited to, buildings, walls, fences, billboards, poster panels, above ground storage tanks, and public and similar uses. Excluded are sidewalks, pavement, and public improvements such as utility poles, street light fixtures, and street signs.

*SUBSTANDARD:* All structures which do not conform to the minimum standards established by this Chapter or any other ordinance.

*SUPPLIED:* Paid for, installed furnished or provided by or under the control of the owner/operator.

*WORKMANLIKE:* Whenever the words "*workmanlike state of maintenance and repair*" or "*workmanlike state of manner*" are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

*YARD:* An open space at grade on the same lot as building or structure located between the main building and the adjoining lot line and/or street line. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

(Ord. No. 94-05-03 §II, 5-2-94)

#### **SECTION 515.030: APPLICABILITY OF CHAPTER**

- A. Every building or premises shall conform to the requirements of this Chapter, irrespective of when such building or premises shall have been constructed, altered or repaired. But nothing in this Chapter shall be construed to require existing buildings or premises to comply with the requirements of the current Building Code, Electrical Code, Plumbing Code, or Mechanical Code; provided however, that, after May 2, 1994 repairing, reconditioning or remodeling of existing buildings shall be completed as required by this Chapter.
- B. *Landlord-Tenant Relations.* Nothing in this Chapter or its enforcement shall be construed in any

way to affect landlord-tenant relation nor shall relieve the tenant of any implied contractual obligations with the landlord. Further, should the Enforcement Official order the maintenance or repair of an element of a structure, the property owner shall not remove said element unless the Enforcement Official has first determined that the removal of said element would not increase the rate of deterioration of said structure. (Ord. No. 94-05-03 §III, 5-2-94)

#### **SECTION 515.040: INTERPRETATION**

- A. *Scope.* This Chapter establishes minimum standards for principal buildings and accessory buildings and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings except such as are in conflict with the provisions of this Chapter. In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City existing on May 2, 1994, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. It is not the intention of this Chapter to require reconstruction or replacement of existing facilities or structures in sound condition of repair in order to meet specific requirements of any of the above-mentioned Codes unless there is an existing or probable health or safety hazard to the occupants or any residents of the City.
- B. *Severability.* If any Section, Subsection, paragraph, sentence, clause or phrase of this Chapter should be declared invalid for any reason whatsoever, such decisions shall not affect the remaining portions of this Chapter, which shall remain in full force and effect.  
(Ord. No. 94-05-03 §IV, 5-2-94)

#### **SECTION 515.050: MINIMUM STANDARDS FOR EXTERIORS OF ALL BUILDINGS**

- A. *Applicability.* It shall be unlawful for any person to occupy as owner-occupant or to let or hold out to another for occupancy any building for the purpose of carrying on a business, living, sleeping, cooking or eating which is not safe, sanitary and fit for human occupancy and which does not comply with the particular requirements of the following Subsections of this Section.
- B. *Foundation, Exterior Walls and Roofs.* The foundation, exterior walls, and roof shall be substantially watertight and weather-tight as can be determined from a ground-level inspection, and protected against rodents, and shall be kept in sound condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be maintained in a sound condition of repair and shall be free of any other condition which admits rain or excessive dampness to the interior portions of the building. All exterior surface material must be treated, painted in a workmanlike manner, or otherwise maintained in a sound condition. Roofs shall be adequate to prevent rainwater from causing excessive dampness in the walls. All cornices, rustications, quoins, moldings, belt courses, lintels, sills, oriel windows, pediments, gutters and similar projections shall be kept in good repair and free from defects which make them hazardous and dangerous.
- C. *Windows, Doors and Hatchways.* Every window, door and basement hatchway shall be kept in sound condition and repair. Every window shall be fully supplied with window panes which are without dangerous cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware and shall be equipped with window screens. Every door, door hinge and door latch shall be in functional condition. Knobs and/or handles shall be properly installed on all doors. Every door, when closed, shall fit reasonably

well within its frame. All sliding doors shall have guides to prevent falling out of track. Every window, exterior door guides and frames shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain and excessive dampness substantially to exclude wind from entering the dwelling. Every basement hatchway and window shall be so constructed, screened or maintained as to prevent the entrance of rodents, insects, rain and surface drainage water into the building.

- D. *Exterior Appurtenances.* Exterior appurtenances, including, but not limited to, screens, awnings, trellises, television antenna, chimneys, storm windows, gutters, eaves, storm doors, fences, and retaining walls shall be installed in a safe and secure manner, and shall be maintained in good repair and must meet the requirements of all other portions of the City's Code.
- E. *Stairways and Porches.* Every stairway outside of the building or dwelling and every porch shall be kept in safe condition and sound repair. Every flight of stairs and every porch floor shall be free of deterioration. Every stairwell and every flight of stairs which is five (5) or more risers high and every porch which if five (5) or more risers high shall have handrails or railings located on one (1) side of same. Every rail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled or have pulled away from supporting or adjacent structures so as to create a safety hazard. No flight of stairs shall have rotting, loose or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every porch shall have a sound floor. No porch shall have rotting, loose or deteriorating supports.
- F. *Driveways, Sidewalks and Patios.* Driveways, sidewalks and patios shall be maintained in good repair and free of safety hazards. Cracks in concrete or asphalt surfaces causing a vertical off-set in excess of one (1) inch shall be repaired or replaced so as to prevent accident or injury.
- G. *Yards.* All areas which are not covered by lawn or vegetation shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation located on private property which overhang a public thoroughfare or sidewalk shall be properly trimmed to a minimum under clearance of six (6) feet to avoid obstruction of the view and movements of vehicles and pedestrians. Hazardous live or dead trees and shrubs shall be promptly removed or trimmed to remove the hazard.
- H. *Infestation.* Each building and dwelling and all exterior appurtenances on the premises shall be adequately protected against insects, rats, mice, termites and other infestation. Building defects which permit the entrance of insects, rats, mice, and termites and other infestation shall be corrected by the owner. (Ord. No. 94-05-03 §V, 5-2-94)

**SECTION 515.060: MINIMUM STANDARDS FOR INTERIORS OF RENTED OR LEASED DWELLING UNITS AND ROOMING HOUSES**

- A. *Applicability.* It shall be unlawful, in addition to preceding Section 515.050, for any person to rent, lease, or hold out to another for occupancy for the purpose of living, sleeping, cooking or eating any dwelling unit which is not safe, sanitary and fit for human occupancy and which does not comply with the particular requirements of the following Subsections of this Section.
- B. *Interior Cellars, Etc., to be Maintained Free From Dampness.* In every rented or leased dwelling unit, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent condition conducive to decay or deterioration of the structure.



- C. *Interior Structural Members.* The supporting structural members of every rented or leased dwelling unit shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the Building Code.
- D. *Interior Stairs.* All interior stairs of every rented or leased dwelling unit shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the Building Code.
- E. *Interior Handrails.* Every inside staircase or stairway in a rented or leased dwelling unit consisting of five (5) or more steps shall be equipped with a handrail which shall be kept in sound condition and good repair.
- F. *Bathroom and Kitchen Floors.* Every toilet, bathroom and kitchen floor surface in a rented or leased dwelling unit shall be constructed and maintained with a material approved for the location and maintained so as to permit such floor to be easily kept in a clear and sanitary condition.
- G. *Interior Sanitation.* The interior of every rented or leased dwelling or dwelling unit shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage as specified in this Section. Trash, garbage and other refuse shall be properly kept inside temporary storage facilities as required in the Greenwood solid waste collection and disposal ordinance or the Greenwood Code of Ordinances.
- H. *Interior Insect and Rodent Harborage.* Rented or leased dwelling or dwelling units shall be kept free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health, as specified in this division. After extermination, proper precautions shall be taken to prevent reinfestation.
- I. *Interior Walls, Ceilings and Floors.* Every rented or leased dwelling or dwelling unit floor, interior wall and ceiling shall be kept in sound condition and good repair, and constructed of a building material recognized for that purpose.
- J. *Interior Sanitary Facilities.* The following minimum sanitary facilities in all rented or leased dwelling units shall be supplied and maintained in sanitary, safe working condition:
1. *Toilet.* Every dwelling unit, except as otherwise permitted by Subdivision (3) of this Subsection (J) shall contain a room, separate from the other habitable rooms of the dwelling unit, which affords privacy to a person within such room, and which is equipped with a flush toilet and lavatory basin: provided that, such lavatory basin may be located outside such room if it is convenient to such room.
  2. *Bathtub or shower.* Every dwelling unit, except as otherwise permitted by Subdivision (3) of this Subsection (J) shall contain a room, separate from the other habitable rooms of the dwelling unit, which affords privacy to a person within such room and which is equipped with a bathtub or shower.
  3. *Shared toilet, lavatory basin bathtub or shower.* The occupants of two (2) dwelling units in the same dwelling may share a single flush toilet, a single lavatory basin and a single bathtub or shower if:

- a. Neither of the two (2) dwelling units contain more than three (3) rooms: provided that, for the purposes of this Subsection, a kitchenette or an efficiency kitchen with not more than sixty (60) square feet of floor area shall not be counted as a room; and that
  - b. The habitable area of each such dwelling unit shall equal not more than three hundred fifty (350) square feet of floor area; and that
  - c. Such flush toilet, lavatory basin, and bathtub or shower is located so that the occupants of neither dwelling unit are required to pass through any rooms of the other dwelling unit to reach the facilities; and that
  - d. Such dwelling units are in the same dwelling and are arranged so that the occupants of neither dwelling unit are required to go out of doors to reach the facilities.
4. *Kitchen sink.* Every dwelling unit and every rooming house which has a portion thereof exclusively or primarily used for cooking by tenants or occupants thereof, shall contain a kitchen sink in good working condition and properly connected to an approved water and sewer system.
  5. *Stove and refrigerator.* Every dwelling unit and each rooming house which has a portion thereof exclusively or primarily used for cooking by tenants or occupants thereof shall contain proper and safe connections for the installation of a stove and refrigerator.
  6. *Shelf and storage space for food.* Every room which is used partially or exclusively for cooking shall contain adequate shelf and storage space for the preparation and storage of food.
- K. *Interior, Water and Sewer System.* Every kitchen sink, lavatory basin, bathtub or shower and toilet required under the provisions of this Chapter shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.
- L. *Interior Water Heating Facilities.* Every rented or leased dwelling unit shall be supplied with water heating facilities which are installed in an approved manner properly maintained, and properly connected with hot water under the provisions of this Chapter. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than one hundred thirty degrees Fahrenheit (130°F) at any time needed.
- M. *Interior Heating Facilities.* Every rented or leased dwelling unit shall be served with heating facilities which are installed in an approved manner, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein to a temperature of at least sixty-eight degrees Fahrenheit (68°F) at a distance of three (3) feet above floor level, under ordinary winter conditions.
- N. *Interior Trash Storage Facilities.* Every rented or leased dwelling unit shall be supplied with adequate trash storage facilities whose type and location are in accordance with the solid waste collection and disposal ordinance of the Greenwood Code of ordinances.
- O. *Interior Garbage Storage or Disposal Facilities.* Every rented or leased dwelling or dwelling unit shall be supplied with a garbage disposal facility which meets the City standards, which may be any

adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an approved garbage can or approved garbage bags.

- P. *Interior Functioning and Maintenance of Facilities and Equipment.* Every supplied facility, piece of equipment, or utility which is required under this Chapter shall be so constructed and installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- Q. *Interior Plumbing Systems and Fixtures.* In rented or leased dwelling units, water lines, plumbing fixtures, vents, drains, plumbing stack and waste and sewer lines shall be properly installed, connected and maintained in working order and shall be kept free from obstruction, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the Building Code or Plumbing Code of the City.
- R. *Interior Heating Equipment.* Every rented or leased residential space heating, cooking, and water heating device located in a rented or leased dwelling unit shall be properly installed, connected and maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of the Building Code.
- S. *Interior Ceiling Height—Minimum.* At least one-half ( $\frac{1}{2}$ ) of the floor area of each habitable room of each rented or leased dwelling unit shall have a ceiling height of six and one-half ( $6\frac{1}{2}$ ) feet or more; and the floor area of that part of any room where the ceiling height is five (5) feet or less, shall not be deemed as part of the floor area in computing the total area of that room for the purpose of Subsection (U) of this Section 515.060.
- T. *Interior Ceiling Heights—Public Halls and Stairways.* Every public hall or stairway in a rooming house or multiple-family dwelling shall have a minimum vertical clearance of six (6) feet six (6) inches at all places; provided that the Director may waive this requirement if the construction of the dwelling is such as to make this requirement impractical. Where a waiver is granted, the owner or operator shall post a written warning of low clearance, which shall be easily visible, and which shall be approved by the Director.
- U. *Interior Required Space in Dwelling Units.* Every rented or leased dwelling unit shall contain one hundred fifty (150) square feet, or more, of floor space for the first occupant thereof and at least one hundred (100) square feet of additional floor space for each additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area: Provided that, an infant under the age of twelve (12) months shall not be deemed as occupant for the purposes of this Section. This Section is not applicable to rooming houses.
- V. *Interior Occupancy of Dwelling Unit Below Grade.* No rented or leased dwelling unit partially below grade shall be used for living purposes unless: Floors and walls are watertight; total window area, total openable area and ceiling height are in accordance with this Chapter, provided that, this provision can be waived by the Director; required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, provided this provision can be waived by the Director; and no basement or cellar, or part thereof, shall be used or leased for human occupancy or habitation if subject to flooding. For the purposes of this Chapter, a basement or cellar shall be deemed to be subject to flooding if at any time there has been more than one (1) inch of water over the floor, and if the condition or conditions which caused the flooding to occur have not been subsequently corrected.

W. *Interior Natural Light in Habitable Rooms in Rented or Leased Dwelling Units.*

1. Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court or other method and devices that will provide the equivalent minimum performance requirements.
2. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. In a basement or cellar a three (3) square foot window area shall be deemed sufficient. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court, and shall not be included as contributing to the required minimum total window area for the room.
3. In the application of this Chapter the standard for light for all habitable rooms shall be based on two hundred fifty (250) footcandles of illumination on the vertical plane adjacent to the extent of the light transmitting device and shall be adequate to provide an average illumination of six (6) footcandles over the area of the room at a height of thirty (30) inches above the floor level.

X. *Interior Light in Non-Habitable Work Space.* Every laundry, furnace room, and all similar non-habitable work space located in a rented or leased dwelling unit shall have one (1) supplied electric light fixture available at all times.

Y. *Interior Light in Common Halls and Stairways.* Every common hall and inside stairway in every rented or leased dwelling, other than one-family and two-family dwellings, shall be adequately lighted at all times with an illumination of at least five (5) candlepower per square foot in darkest portion of the normally traveled stairs and passageways.

Z. *Interior Electrical Outlets Required.* Every rented or leased dwelling shall be serviced by electricity. Further, every electrical outlet and fixture and all electrical wiring required by this Section shall be properly installed, maintained in good and safe working condition, and shall be connected to the source of electricity in a safe manner. Every electrical outlet and fixture shall be installed, maintained and connected to the source of electrical power in accordance with the provisions of the Building Code or Electrical Code of the City. For the purpose of this Section, a two (2) plug electric convenience outlet shall be deemed to be a single outlet. Every dwelling, unless otherwise specified, shall be electrically equipped as follows:

1. Every habitable room shall contain two (2) or more wall-type electric convenience outlets or one (1) or more wall-type electric convenience outlets and one (1) electric ceiling or wall light fixture.
2. Every toilet room, bathroom, laundry room, and furnace room shall contain one (1) or more ceiling or wall-type electric light fixtures.
3. Every public hall, public stairway, basement and porch in a rooming house or apartment house shall contain sufficient ceiling or wall-type electric light fixtures to comply with Subsection (Y) of this Section 515.060.
4. A separate electrical circuit shall be required for every eight (8) electrical convenience outlets for alterations, repairs and additions.

5. In dwellings utilizing electric heat and/or an electric cooling unit in which the source of least is wholly or partially operated by a centrally located electrical unit, a separate electrical circuit will be required for each device.
  6. A separate electrical circuit shall be required for each electrical range or stove or two hundred twenty (220) volt air-conditioner which is operated in a dwelling unit.
- AA. *Correction of Interior Defective Electric System.* Where it is found, in the opinion of the Director, that the electrical system in a rented or leased dwelling constitutes a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, it shall be corrected to eliminate the hazard.
- BB. *Adequate Interior Ventilation.* Every room in every rented or leased dwelling shall have at least one (1) window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least forty-five percent (45%) of the minimum window area size required in Subsection (W) of this Section 515.060, except that no openable window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system.
- CC. *Interior Ventilation and Light in Bathroom and Toilet.* Every bathroom and toilet compartment in every rented or leased dwelling unit shall comply with the light and ventilation requirements of habitable rooms as required by Subsection (W) of this Section 515.060 and Subsection (BB) of this Section 515.060, except that no window shall be required in bathrooms or toilet compartments equipped with an approved ventilation system. The Director may waive this requirement if the construction or use of the dwelling is such as to make this requirement impractical.
- DD. *Interior Storage of Flammable Liquids Prohibited.* No rented or leased dwelling, dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten degrees Fahrenheit (110°F) or lower.
- EE. *Interior Cooking and Heating Equipment.* All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the Building Code or other laws or ordinances of the City applicable thereto.
- FF. *Interior Maintenance of Private Areas.* Every occupant of a rented or leased dwelling shall maintain in a clean and sanitary condition that part of the dwelling and its premises which he or she occupies or controls. The occupant shall keep such premises free of litter, trash, garbage, salvage material, junk and building materials, unless properly stored. The occupant shall keep such premises reasonably free of breeding, harboring and feeding places for rodents and insects. The occupant shall also keep such premises free of noxious weeds.
- GG. *Disposal of Trash.* Every occupant of a rented or leased dwelling shall dispose of his/her trash in a clean and sanitary manner by placing it in trash containers. Every dwelling shall be supplied with adequate trash storage facilities in accordance with the solid waste and disposal ordinance of the Greenwood Code of Ordinances.
- HH. *Interior Disposal of Garbage.* Every occupant of a rented or leased dwelling unit shall dispose of his/her garbage in a clean and sanitary manner by placing it in garbage disposal facilities or

garbage storage containers; provided that, if garbage disposal facilities are not supplied, it shall be the responsibility of the owner to supply proper garbage storage containers which may include garbage bags, for all units in rooming houses and apartment houses. Every dwelling unit offered for rent shall have adequate storage facilities, which shall be constructed to repel animals, for the deposit of garbage bags until the date of pickup. The type and location of these containers must conform to solid waste and collection disposal ordinances of the Greenwood Code of Ordinances. It shall be the responsibility of the owner or his/her agent to see that garbage bags are deposited at curbside as required in said ordinance.

II. *Extermination of Interior Pests.*

1. *Generally.* Building shall be kept free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
2. *Extermination from buildings.* Every owner of a dwelling or apartment shall be responsible for the extermination of insects, rodents, vermin or other pests whenever infestation exists in two (2) or more of the dwelling units or in the shared or public parts of the structure.
3. *Extermination from dwelling units.* The occupant of a dwelling or apartment shall be responsible for such extermination within the unit occupied by him/her whenever his/her dwelling unit is the only unit in the building that is infested.

JJ. *Scope and Requirements—Interiors of Rooming Houses.* Section 515.060(U) of this Chapter shall not be applicable to rooming houses, as defined in this Chapter. Every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, shall comply with every other requirement of this Chapter. The requirements of this Subsection are applicable only to rooming houses.

1. *Toilet, lavatory and bath facilities—rooming houses.* Every rooming house shall have at least one (1) toilet, one (1) lavatory basin, and one (1) bathtub or shower, in good working condition and properly connected to water and sewer systems approved by the Director for each eight (8) persons, or fraction thereof, residing within a rooming house. Whenever members of the operator's family share the use of such facilities, they shall be deemed to be persons residing in a rooming house for the purpose of this Section; provided that, in a rooming house where rooms are leased only to males, flush urinals may be substituted for not more than one-half ( $\frac{1}{2}$ ) of the number of toilets required by this Section. All toilets, lavatory basins and bathtubs or showers shall be located so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin, bathtub or shower shall be supplied with hot water at all times. Every water closet, flush urinal, lavatory basin, bathtub and shower shall be located within the rooming house and within a room or rooms which afford privacy and are accessible from the habitable rooms or from a common hall and without going outside the rooming house or through any other room therein.
2. *Minimum floor area for sleeping purposes—rooming houses.* Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than two (2) persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.

3. *Sanitary conditions—interiors of rooming houses.* The owner and operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house, and shall further be responsible for the sanitary maintenance of the entire premises where the entire structure within which the rooming house is contained is leased or occupied by the operator or owner.

(Ord. No. 94-05-03 §VI, 5-2-94)

#### **SECTION 515.070: ACCESSORY STRUCTURES**

Accessory structures shall not obstruct light and air of doors and windows of any building or dwelling unit, or obstruct a safe means of access to any dwelling unit, or create fire and safety hazards, or provide rat or insect harborage. Accessory structures shall be securely anchored.

(Ord. No. 94-05-03 §VII, 5-2-94)

#### **SECTION 515.080: EGRESS**

- A. *General Egress.* Every building and dwelling unit shall have a safe and unobstructed means of egress leading to safe and open space outside at the ground level. Passage through such exit shall not lead through any other building or dwelling unit.
- B. *Structures with Two and One-half or More Stories.* All buildings or habitable structures of two and one-half (2½) or more stories with dwelling units occupying the higher story shall be provided with two (2) separate usable unobstructed means of egress for each dwelling unit located above the second story. (Ord. No. 94-05-03 §VIII, 5-2-94)

#### **SECTION 515.090: ENFORCEMENT**

- A. *Enforcement Official.* It shall be the duty and responsibility of the Building Official or delegated representatives to enforce the provisions of this Chapter. Such factors as type and extent of violation(s), extent to which health and safety to persons or property is imminent due to said violation, weather conditions due to the time of the year, and other extenuating circumstances shall be used in determining the length of time initially given beyond thirty (30) days to correct a violation to this Chapter.
- B. *Inspections.* Inspections shall be initiated under the following circumstances:
  1. Where there is extensive deterioration of a building or dwelling.
  2. When, on the basis of a complaint or personal observation, the Enforcement Official reasonably suspects that a building or dwelling has Code violations and as such constitutes a health and/or safety hazard.
  3. Where an inspection is a requirement of a specific building or dwelling improvements for which a building permit has been issued, the Enforcement Official is authorized and directed to make inspections to determine whether buildings, dwellings or accessory structures and premises located within the City conform to the requirements of this Chapter. For the purpose of making such inspections, the Enforcement Official is authorized, at reasonable times, with the consent of the owner thereof, to enter, examine and survey all buildings, dwellings, and accessory

structures and premises.

- C. *Access for Purposes of Inspections.* The Enforcement Official shall make or cause to be made inspections to determine the conditions of all structures and premises governed by this Chapter in order to safeguard the safety, health and welfare of the public under the provision of this Chapter. The Enforcement Official is authorized to enter any structure or premises at any reasonable time for the purpose of performing the duties under this Chapter. The owner, occupant or operator of every structure or premises governed by this Chapter, or the person in charge thereof, shall give the Enforcement Official free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey. In the event the owner, operator or occupant shall refuse access to any structure or premises, the Enforcement Official may make application to the Judge of the Municipal Court for a search warrant.
- D. *Remedy of Defects.* The owner of any building shall remedy the condition specified in such notice within the time designated therein; however, the Enforcement Official may, at his discretion, extend the time for compliance with any such notice, in accordance with this Section.
- E. *Reinspection.* At the time when the defect has allegedly been brought into compliance, the Enforcement Official shall reinspect the building, dwelling, or accessory structure and its premises. At this time, he shall make a reinspection, taking particular notice whether the violations previously noted have been brought into compliance and whether any hazardous conditions have come into existence in the time which has elapsed since the first inspection.
- F. *Non-Compliance with Chapter—Notice to be Given.* Whenever the Enforcement Official or his delegated representatives find evidence of a violation of any provisions of this Chapter, he shall declare a code violation and the City Clerk will give notice of same to the person or persons responsible hereunder. Such notice shall be in writing and shall include a statement of each of the provisions of this Chapter being violated together with a statement of the corrective action required to cure such violation. Such notice shall specify the period of time within which such remedial action shall be taken, which time shall be a reasonable period of time under all of the circumstances. Such notice shall be served by delivering a copy to the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building as shown by the land records of the County Recorder of Jackson County, or, if any such person cannot be found, by sending a copy of the notice by registered or certified mail with return receipt requested, or if same cannot be delivered, by posting a copy of such notice in a conspicuous place in or about the building affected by the notice. The notice shall be deemed served on the date served or received, or ten (10) days after posting as herein provided.
- G. *Hearing.* Upon failure to commence the work of reconditioning or demolition within the time specified or upon failure to proceed with the work without unnecessary delay, the City Clerk shall forward the violation to the Police Department for issuance of a General Ordinance Summons to appear in Municipal Court to answer the violation charges.
- H. *Performance of Work by City—Special Tax Bill.* If any order of the Municipal Court is not obeyed within the time specified by the Court, which shall be no less than thirty (30) calendar days, and if appeal of such order is not made as herein authorized, the Enforcement Official may cause such building or structure to be repaired, vacated or demolished as provided in the order. The Enforcement Official shall certify the costs of such repair, vacation or demolition to the City Clerk, who shall cause a special tax bill against the property to be prepared, filed and collected. At the request of the taxpayer, the tax bill may be paid in equal installments over a period of not more than



ten (10) years. The tax bill from date of issuance shall be a lien on the property until paid and shall bear interest at the maximum rate that the law will allow until paid.

- I. *Appeal.* The decision of the Municipal Court may be appealed within thirty (30) days by a party aggrieved thereby to the Circuit Court of Jackson County. (Ord. No. 94-05-03 §IX, 5-2-94; Ord. No. 94-09-04 §IX, 9-12-94)

**SECTION 515.100: OCCUPANCY PERMIT REQUIRED IN RENTED OR LEASED DWELLING UNITS WHERE COMPLIANCE WITH THIS CHAPTER IS NOT ACHIEVED**

- A. *Applicability.* This Section shall apply only to occupancy of rented or leased dwelling units which have been found to be in non-compliance with this Chapter and when the work ordered under pursuant to Section 515.090 of this Chapter has not been performed.
- B. *Scope.* Except as otherwise provided, it shall be unlawful for any person or family to occupy or for any owner or agent thereof to permit the occupancy of any rented or leased dwelling, dwelling unit or addition thereto, or part thereof, for any purpose unless compliance with this Chapter is achieved and until an occupancy permit has been issued by the Enforcement Official. The occupancy permit shall not be issued until all violations of this Chapter have been brought into compliance except as provided in Subsection (D) hereof. The occupancy permit so issued shall state that the occupancy complies with all of the provisions of this Chapter.
- C. *Fee.* The fee for such occupancy permit, including inspection fee, shall be fifteen dollars (\$15.00) for each single-family residence and fifteen dollars (\$15.00) for apartments for each dwelling unit occupied. The fifteen dollar (\$15.00) fee shall also cover the first reinspection in the event a reinspection is necessary following the initial inspection. In the event further reinspections are necessary to secure an occupancy permit, each such reinspection after the first reinspection shall require an additional fee of twenty-five dollars (\$25.00) per reinspection.
- D. *Conditional Occupancy Permit.* A conditional occupancy permit may be issued by the Enforcement Official if, in his judgement, any deficiencies in structures covered by this Chapter would not seriously endanger the health or safety of the occupants of the community, and provided that in the case of an owner-non-occupant an affidavit stating that the owner bring the structure into compliance with the provisions of this Chapter. The renter or lessee occupant may occupy the dwelling unit while repairs are being made. At such time and within the period covered by the affidavit furnished as the dwelling complies with all the provisions of this Chapter an occupancy permit will be issued as provided above.
- E. *Notice of Requirement of Occupancy Permit to be Posted.* The Enforcement Official shall post in a conspicuous place on every non-complying rented or leased dwelling, a sign specifying that an occupancy permit is required to be issued prior to the occupation or continued occupation of any dwelling unit. Said notice shall remain on the dwelling unit or dwelling until compliance with the Code is achieved as determined by the Enforcement Official. (Ord. No. 94-05-03 §X, 5-2-94)

**SECTION 515.110: BUILDINGS UNFIT FOR HUMAN HABITATION**

*Placard on Building.* The designation of buildings or dwellings as unfit for human habitation and the procedure for such declaration and placarding of such unfit buildings or dwellings shall be carried out in compliance with the following requirements. Any buildings or dwellings which shall

be declared unfit for human habitation and shall be so designated and placarded by the Enforcement Official when the person responsible has failed to correct the condition set forth in a notice issued in accordance with Section 515.090(F): One which is so damaged, decayed, dilapidated, unsanitary, unsafe, insect infested that it creates a serious hazard to the health or safety of the occupants or the public.

- F. *Building to be Vacated.* Any building or dwelling condemned as unfit for human habitation, and so designated and placarded by the Enforcement Official, shall be vacated within a reasonable time as ordered by the Enforcement Official.
- G. *Reoccupation of Building.* No building or dwelling which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard removed by the Enforcement Official. The Enforcement Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- H. *Unlawful to Remove Placard.* No person shall deface or remove the placard from any building or dwelling which has been condemned as unfit for human habitation and placarded as such, except as provided in Subsection (C).
- I. *Vacated Buildings to be Made Secure.* The owner of every building or dwelling which is condemned as "unfit" for human habitation for continued occupancy shall make the dwelling or building safe and secure that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant building or dwelling open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and public nuisance within the meaning of this provision. (Ord. No. 94-05-03 §XI, 5-2-94)

#### **SECTION 515.120: BROKEN GLASS AND BOARDING UP**

- A. *Applicability.* Every window, glazed exterior door, exterior transom, or exterior sidelight shall be provided with properly installed glass or other approved glazing material. In the event of breakage, the owner shall cause the simultaneous removal of broken glass from the premises and shall temporarily board up the affected openings with suitable material to provide protection from the elements, and to prevent entry of birds or animals, and to provide security to occupants or contents of the building. Within ten (10) days after the boarding up, the owner shall cause the boarding material to be removed, and all affected openings shall immediately be reglazed by the owner.
- B. *Enforcement.* Whenever any exterior openings are found boarded up in an occupied building or dwelling it shall be the duty of the Enforcement Official to notify the owner or the agent of the above requirement, giving him a period of not more than ten (10) working days in which to properly replace the broken glass or cause the building or dwelling to be vacated. If necessary materials are not available within this period, the Enforcement Official may grant an extension of time at his discretion.
- C. *Specifications.* All boarding up of exterior openings shall be accomplished in a neat, workmanlike manner with not less than unpainted three-eighths ( $\frac{3}{8}$ ) inch thick, weather resistant plywood cut to fit within the openings, fastened in place as securely as possible. It shall be the duty of the Enforcement Official to notify the owner or agent of any boarded up building or dwelling not complying with the above requirement of the necessity of immediate compliance, and to order him to replace within ten (10) working days. (Ord. No. 94-05-03 §XII, 5-2-94)

### **SECTION 515.130: PROSECUTION OF VIOLATION**

- A. *Prosecution.* In case any violation of this Chapter is not remedied within the prescribed time period designated by the Enforcement Official, he shall request the legal representative of the City to institute an appropriate action or proceeding at law against the person or firm responsible for the failure to comply:
1. To restrain, correct or remove the violation or refrain from any further execution of work.
  2. To restrain, or correct erection, installation or alteration of such building;
  3. To require the removal of work in violation;
  4. To prevent the occupation or use of the building structure or part thereof, erected, constructed, installed or altered in violation of or not in compliance with the provisions of this Chapter or in violation of a plan or specification under which an approval, permit, or certificate was issued; and
  5. To enforce the penalty provision of this Chapter.
- B. *Penalty for Violation.* Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be subject to the penalties provided for by Section 515.180. Every day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense. (Ord. No. 94-05-03 §XIII, 5-2-94)

### **SECTION 515.140: EMERGENCY MEASURES**

- A. When any dwelling unit has become so damaged by fire, wind, or other causes, or has become so unsafe, unhealthful or unsanitary that in the opinion of the Enforcement Official, life or health is immediately endangered by the occupation of the dwelling unit, the Enforcement Official is hereby authorized and empowered to revoke without notice any occupancy permit for such dwelling unit and to order and require the occupants to vacate the same forthwith and to order the owner or agent to proceed immediately with the corrective work and repairs required to make the dwelling unit safe and fit for human habitation, whether or not a notice of violation has been given as described in this Chapter and whether or not legal procedures described by City ordinances have been instituted.
- B. In the event the Enforcement Official determines that there is an immediate danger to the health, safety or welfare of any person, he may take emergency measures to vacate and repair the structure or otherwise remove the immediate danger.
- C. Written notice shall be given to the owner, occupant, lessee, mortgage, agent and all other persons having an interest in such building or structure as promptly as possible. The cost of any such emergency work shall be collected in the same manner as hereinabove provided.  
(Ord. No. 94-05-03 §XIV, 5-2-94)

### **SECTION 515.150: POWERS AND DUTIES OF THE COURT**

- A. The court shall have the following powers and duties:

1. To interpret the provision of this Code.
  2. To recommend legislation affecting the substance and enforcement of this Code.
  3. To adopt reasonable rules and regulations governing the form, method and procedures used in the filing, hearing and disposition of appeals, and for the conduct of its own business.
  4. For good cause shown, to grant extensions of time in which to comply with the provisions of this Code.
  5. To grant continuances.
  6. To issue subpoenas, compelling attendance of witnesses and production of evidence.
  7. To issue warrants.
  8. To render its appellate decision in writing with copies to the appellant, City Clerk, and City Attorney.
- B. The Court shall have all other powers or duties which are now, or may hereafter be granted to or imposed upon it by ordinance, statute or final decision of a court of last resort.  
(Ord. No. 94-05-03 §XV, 5-2-94; Ord. No. 94-09-04 §XV, 9-12-94)

#### **SECTION 515.160: SERIOUS PERSONAL FINANCIAL EXEMPTIONS**

In cases concerning appeals to the Court by any person subject to the requirements of this Chapter where it is claimed strict compliance with the minimum standards contained herein would result in serious personal financial hardship to the applicant, the Court may grant, in its sound discretion, an appropriate personal financial exemption or deterrent from strict compliance with the provisions of this Chapter; provided that the Court shall not have the authority to grant any exemption under this Section where any structure other than an owner-occupied dwelling used solely for residential purposes is involved. In reaching a decision under this Section, the Court shall consider the age, size of family, extraordinary debts resulting from catastrophe or illness, lack of employment, source of income, and gross income of the person seeking the personal financial exemption.  
(Ord. No. 94-05-03 §XVI, 5-2-94; Ord. No. 94-09-04 §XVI, 9-12-94)

#### **SECTION 515.170: JUDICIAL REVIEW OF COURT DECISION**

For any decision of the Municipal Court upon an order of action taken pursuant to Section 515.090, the method of judicial review shall be by duly verified petition for writ of certiorari presented to the Circuit Court of Jackson County, Missouri. Such petition shall be filed with the Circuit Court within thirty (30) days after the Municipal Court's decision. Such petition shall set forth with particularity the ground for such review. Any person or persons jointly or severally aggrieved by any decision of the Court shall be entitled to petition for such review. (Ord. No. 94-05-03 §XVII, 5-2-94; Ord. No. 94-09-04 §XVII, 9-12-94)

#### **SECTION 515.180: PENALTIES**

- A. Any person convicted of a violation of this Chapter shall be punished for that violation by a fine of

not less than twenty-five dollars (\$25.00) but not more than five hundred dollars (\$500.00) or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment.

- B. Every day that a violation continues shall be considered a separate offense, for which the violator may be arrested, tried and convicted without necessity of further notice.
- C. Whenever the penalty is to be fine or fine and imprisonment, the fine shall be no less than the minimum amount set out in the following schedule:

1. First offense	\$ 25.00
2. Second offense	\$ 50.00
3. Third offense	\$250.00
4. Fourth offense	\$400.00
5. Fifth offense	\$500.00

(Ord. No. 94-05-03 §XVIII, 5-2-94; Ord. No. 2004-08-09-02 §9, 8-9-04; Ord. No. 2005-03-14-08 §9, 3-14-05; Ord. No. 2005-07-25-05 §9, 7-25-05)

## **CHAPTER 525: BLASTING REGULATIONS**

### **ARTICLE I. GENERALLY**

#### **SECTION 525.010: PERMIT REQUIRED**

No person shall do or cause to be done any blasting within the City limits, or outside of such City limits but on property owned or operated by the City, without first obtaining a permit therefor from the City Engineer, subject to all the provisions of this Chapter. (Ord. No. 99-05-17-04 §2, 5-17-99)

#### **SECTION 525.020: PERMIT APPLICATION**

All applications for permits for blasting or use of explosives shall be signed by the person or his/her duly authorized agent who desires to do the blasting described in the application and shall contain such other information regarding the proposed blasting as may be required by the City Engineer. (Ord. No. 99-05-17-04 §3, 5-17-99)

#### **SECTION 525.030: PERMIT ISSUANCE**

Whenever the City Engineer shall find, from an examination of the application for blasting permit and such other information as he/she may deem necessary and proper to find or require, that such blasting can be done with safety to life and property, then he/she shall issue the permit as in this Chapter provided. (Ord. No. 99-05-17-04 §4, 5-17-99)

**SECTION 525.040: BLASTING REGULATIONS**

The City Council hereby finds it is in the best interests of the public safety and welfare of the citizens of Greenwood that all blasting within the City of Greenwood shall be subject to the Criteria, Regulations, Insurance and Permit Requirements known as the "Blasting Regulations" which are set out in Article II of this Chapter. (Ord. No. 99-05-17-04 §5, 5-17-99)

**SECTION 525.050: PERMIT CONTENTS—DURATION**

Permits granted under this Chapter shall specify the blasting to be permitted, the time such permit shall be valid and such other conditions and requirements as the City Engineer may deem safe and proper, provided that such period of validity shall not extend beyond the calendar year in which the permit is issued. (Ord. No. 99-05-17-04 §6, 5-17-99)

**SECTION 525.060: PENALTY PROVISION**

Any person who shall violate any provision of this Chapter shall be subject to the penalties of Section 100.050 of the Greenwood City Code. (Ord. No. 99-05-17-04 §7, 5-17-99)

**ARTICLE II. BLASTING REGULATIONS**

**SECTION 525.070: GENERAL CRITERIA**

A. *Purpose.* For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural. The word "shall" as used herein is not merely directory but is considered mandatory.

B. *Definitions.* Unless otherwise specified, the following terms are defined:

*AIRBLAST:* The airborne shock wave or acoustic transient generated by an explosion.

*BLASTER:* The qualified person in charge of, and responsible for the loading and firing of a blast.

*CHIEF:* Means the Chief of Fire Department or designee as per the Uniform Fire Code as adopted.

*CITY ENGINEER:* Means the City Engineer or designee.

*DECIBEL:* A unit of air over pressure commonly used to measure air blast.

*EXPLOSIVE:* Means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion.

*LICENSING OFFICER:* Means the City Engineer or designee.

*PARTICLE VELOCITY:* A measure of the intensity of ground vibration, specifically the time rate of

change of the displacement amplitude of ground vibration; commonly expressed as inches per second.

*PRE-BLAST SURVEY:* A documentation, consisting of 35mm photographs as a minimum, of the existing condition of structures near an area where blasting is to be conducted.

*PERMIT AREA:* Means the land owned or leased by the permittee upon which blasting is to be done. It includes the boundaries of all land in which the permittee has rights under law to occupy and use.

*PERMITTEE:* Any person, as hereinafter defined, who shall apply for and obtain a permit under the terms of this Chapter and in accordance therewith. (Ord. No. 99-05-17-04 App. A, 5-17-99)

## **SECTION 525.080: BLASTING PERMITS**

- A. *Required.* No person shall do or cause to be done any blasting within the City limits, without first obtaining a permit therefor from the City Engineer, subject to all the provisions of this Chapter.
- B. *Time Limit.* All permits issued pursuant to the requirements of this Chapter shall be issued for a term not to exceed ninety (90) days.
- C. *Renewals.*
  - 1. Any valid permit issued pursuant to this Chapter shall carry with it the right of one ninety (90) day renewal. The holders of the permit may apply for renewal and such renewal shall be issued at no cost to the Contractor/Developer provided the applicant seeking renewal has met the requirements and conditions of this Chapter.
  - 2. Application for permit renewal shall be made at least ten (10) days prior to the expiration of the valid permit.
- D. *Application Requirements.*
  - 1. Each application for blasting permit under the provisions of this specification shall be accompanied by a fee as specified in the approved fee schedule.
  - 2. The permit application shall be submitted in a manner satisfactory to the City Engineer and shall contain:
    - a. The name and address of the permit applicant.
    - b. If the applicant is a corporation, the state of incorporation.
    - c. A statement of whether the applicant, a subsidiary, affiliate or persons controlled by or under common control with the applicant, has ever held a blasting permit in any state or political subdivision which in the five year period prior to the date of submission of the application has been suspended or revoked.
    - d. A legal description of the property upon which the blasting is to be performed.
    - e. A description of the purpose for which the blasting is to be done.

- f. A copy of the site blasting application shall be forwarded to the Fire Chief.
- g. A statement of the land which the applicant has the legal right to enter and commence blasting and a statement of those documents upon which the applicant bases its legal right to enter and commence on the area affected.
- h. Accurate maps of a scale of not less than one (1) inch to one hundred (100) feet clearly showing:
  - (1) The land boundaries to be affected during the period of the permit including all boundaries of the land to be affected.
  - (2) Location of the closest structures to the permit area in any direction.
  - (3) All easements of record, public and private, which cross the permit area.
- i. For any mining or open quarry mining, the application shall also include a survey performed by a registered land surveyor accurately showing the total perimeter of the area proposed to be mined during this permit period and a survey performed by a registered land surveyor showing the total area actually mined.

E. *Public Liability Insurance Required For Blasting.*

- 1. Before any permit, as required in this Chapter, is issued for the use or storage of explosives or blasting agents, every applicant shall procure public liability insurance with the requirements specified in Section 525.100: General Provisions.
- 2. The applicant shall file with the City Engineer, a certificate of insurance issued by the insurance carrier concerned as evidence that the public liability insurance requirements have been complied with and with the City named as an additional insured.
- 3. Before any permit required by this Chapter shall have been issued for blasting, the applicant for such permit shall provide evidence of insurance to the City conditioned that he/she will save the City harmless from and indemnify it from any loss or damage occurring by reason of such blasting. (Ord. No. 99-05-17-04 App. A, 5-17-99)

**SECTION 525.090: REGULATIONS**

A. *Use Of Explosives.*

- 1. All blasting shall be conducted between sunrise and sunset.
  - a. The City Engineer may specify more restrictive time periods based on public requests or other relevant information according to the need to adequately protect the public from adverse noise.
  - b. Blasting may, however, be conducted between sunset and sunrise, if:
    - (1) A blast that has been prepared during the afternoon must be delayed due to the occurrence of an unavoidable hazardous condition and cannot be delayed



until the next day because of potential safety hazard could result that cannot be adequately mitigated;

(2) In addition to the required warning signals, oral notices are provided to persons within one-half mile of the blasting site unless persons have requested in writing they not be notified; and

(3) A complete written report on the blasting at night is filed by the person conducting the blasting activities with the City Engineer not later than three days after the night blasting. The report shall include a description in detail of the reasons for the delay in blasting including why the blast was actually conducted, the warning notices given, and a copy of the blast report required by this Chapter.

2. Blasting shall be conducted at times announced in the blasting schedule, except in those unavoidable hazardous situations identified in the permit and plan, where operator or public safety require unscheduled detonation. When no schedule is provided, the Public Works Inspector and Fire Department Communication Office shall be notified prior to any blasting.
3. During open quarrying, warning and all clear signals of different character that are audible within a range of one-half mile from the point of the blast shall be given. Each person within the permit area and each person who resides or regularly works within one-half mile of the permit area shall be notified of the meaning of the signals through appropriate instructions. These instructions shall be periodically delivered or otherwise communicated in a manner which can be reasonably expected to inform such persons of the meaning of the signals. Each person who conducts surface mining activities shall maintain signs in accordance with state regulations.
4. Access to an area possibly subject to flyrock from blasting shall be regulated to protect the public and livestock. Access to the area shall be controlled to prevent the presence of livestock or unauthorized personnel during blasting and until the blaster who conducts the blasting activities has reasonably determined the following:
  - a. That no unusual circumstances, such as imminent slides or undetonated charges, exist; and
  - b. That access to and travel in or through the area can be safely resumed.
5. Except where lesser distances are approved in the pre-blast survey, based on seismic investigation or other appropriate investigation, blasting shall not be conducted within the following:
  - a. Three hundred (300) feet of any building used as a dwelling, school, church, hospital, or nursing facility; and
  - b. Three hundred (300) feet of facilities including, but not limited to disposal wells, petroleum or gas storage facilities, municipal water storage facilities, fluid transmission pipelines, gas or oil collection lines or water and sewage lines.
  - c. Pre-blast surveys will be performed at the expense of the Contractor/ Developer. Minimum qualification for performing a pre-blast survey shall be a person who has been employed in the blasting field for a minimum of two years.
  - d. Owners of properties within three hundred (300) feet and requiring a survey shall be

given written notice of the proposed blastings and can accept or reject the offer of a survey. Pre-blast surveys shall consist of a minimum of 35mm photographs. However, in some cases, additional documentation, such as technical reports and video tape, may be required. The City Engineer shall be allowed access to the survey within forty-eight (48) hours of written notice. The survey shall be kept on file for three (3) years after conclusion of blasting operations.

6. Flyrock, including basted material traveling along the ground, shall not be cast from the blasting vicinity more than half the distance to the nearest dwelling or other occupied structure and in no case beyond the boundary line of property owned or leased by the permittee or beyond the area of regulated access required under paragraph 4 above.
7. Blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine and change in the course, channel or availability of ground or surface waters outside the permit area.
8. In all blasting operations, except as otherwise authorized in this section, the maximum peak particle velocity shall not exceed one (1) inch per second at the location of any dwelling, public building, school building, church or commercial or institutional building. Peak particle velocities shall be recorded in three (3) mutually perpendicular directions. The maximum peak particle velocity shall be the largest of any of the three (3) measurements. The City Engineer may reduce the maximum peak particle velocity allowed if he determines that a lower standard is required because of density of population, land use, age or type of structure, geology or hydrology of the area, frequency of blasts or other factors.
9. If blasting is conducted to prevent adverse impacts on any underground mine and changes in the course, channel or availability of ground or surface water outside the permit area, then the maximum peak particle velocity limitation of paragraph 8, above, shall not apply at the following locations:
  - a. At structures owned by the person conducting the blasting activity and not leased to another party; and
  - b. At structures owned by the person conducting the blasting activity and leased to another party, if a written waiver by the lessee is submitted to the City Engineer prior to blasting.
10. *Equation for maximum weight* - Equation for maximum weight of explosives to be detonated within any eight-millisecond period may be determined by the formula  $W = (D/50)^2$ , where W equals the maximum weight of explosives, in pounds that can be detonated in any eight-millisecond period and D equals the distance, in feet, from the blast to the nearest dwelling, school, church, or commercial or institutional building.
11. *Airblast limits* - Airblast shall not exceed the maximum limits listed below at any dwelling, public building, school, church, or community or institutional building outside the permit area.

***Lower frequency limit of measuring***

***System in HZ (+/-3.dB)      Maximum level in dB***

0.1 Hz high pass system	134 peak
2 Hz high pass system	133 peak
5 or 6 Hz #2 high pass system	129 peak

C-slow 105 peak dBC

- B. *Storage Of Explosives.* All storage of explosives, in excess of that amount required for one day's use, requires a permit to be issued by the Fire Department. The day box storage of that amount required for one day's use as proved in the Blasting Permit application shall be in accordance with all City, State, and Federal regulations.
- C. *Record Of Blasting Operations.* A record of each blast, including seismograph reports, shall be submitted to the City Engineer on the fifteenth (15th) day of each month for blasts occurring during the previous month. The record shall contain the following data:
1. Name of permittee conducting the blast.
  2. Location, date, and time of blast.
  3. Name, signature of qualified blaster conducting the blast.
  4. Identification, direction, and distance, in feet, from the nearest blast hole to the nearest dwelling, public building, school, church, community building, or institutional building outside the permit area.
  5. Weather conditions, including those which may cause possible adverse blasting effects.
  6. Type of material blasted.
  7. Sketches of the blast pattern, including number at holes, burden, spacing, decks, and delay pattern.
  8. Diameter and depth of holes.
  9. Types of explosive used.
  10. Total weight of explosives used per hole.
  11. The maximum weight of explosives detonated in an 8-millisecond period.
  12. Initiation system.
  13. Type and length of stemming.
  14. Mats or other protection used.
  15. Seismographs and airblast records, if required, which shall include:
    - a. Type of instrument, sensitivity, and calibration signed or certification of annual calibration.
    - b. Exact location at instrument, and the date, time, and distance from the blast.
    - c. Name of the person and firm taking the reading.
    - d. Name of the person and firm analyzing the seismographic record.

- e. The vibration and/or airblast level recorded.
  - f. Reasons and conditions for each unscheduled blast.
- D. *Right Of Entry.* The City maintains the right of entry to premises where blasting operations are being conducted, both above ground and underground during reasonable hours. This right of entry includes the purpose of determining the precise area being blasted as of any one day and whether the permittee was in compliance with this Chapter.
- E. *Transfer, Assignment Or Sale Of Rights Granted Under Permit.* No transfer, assignment or sale of rights granted under any permit issued pursuant to this Chapter shall be made without prior approval of the City Engineer.
- F. *Suspension Or Revocation Of Permit.* The City Engineer shall have the power to suspend for fifteen (15) days or revoke any permit granted under the terms and conditions of this Chapter for any of the following causes:
- 1. Any fraud, misrepresentation or false statement contained in the site application for permit.
  - 2. Any violation of this Article.
  - 3. Any violation of the Uniform Fire Code as adopted by the City.
  - 4. Failure to rectify any condition.
  - 5. Upon revocation or suspension, no refund of any portion of the license fee shall be made to the permittee and the permittee shall cease all blasting operations.
- G. *Penalty.* Any person who shall violate any provision of this chapter shall be subject to the penalties in the Code of Ordinances. (Ord. No. 99-05-17-04 App. A, 5-17-99)

#### **SECTION 525.100: GENERAL PROVISIONS**

- A. *Insurance.* The Contractor/Developer shall secure and maintain, throughout the duration of the project, insurance of such types and in at least amounts as are required herein. Contractor shall provide certificate(s) of insurance confirming the required protection on forms acceptable by the City. The City shall be notified by receipt of written notice from the insurer at least thirty (30) days prior to material modification or cancellation of any policy listed on the certificate(s).
- 1. *Industry rating.* The City will only accept coverage from an insurance carrier who offers proof that it:
    - a. Is licensed to do business in the State of Missouri;
    - b. Carries a Best's policyholder rating of "A" or better;
    - c. Carries at least a Class X financial rating; or
    - d. Is a company mutually agreed upon by the City and the Contractor/Developer.

2. *Insurance requirements.*

a. Commercial General Liability Policy

Limits -

Each Occurrence: \$1,000,000

Personal and Advertising Injury: \$1,000,000

Products/ Completed Operations

Aggregate: \$1,000,000

General Aggregate: \$ 500,000

Policy MUST include the following conditions:

Contractual Liability

Personal and Advertising Injury

Products/Completed Operations

Explosion, Collapse and Underground Certificate must confirm inclusion of "Blasting"

Independent Contractors

Broad Form Property Damage

b. *Automobile liability.* Policy shall protect the Contractor/ Developer against claims for bodily injury and/or property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle and must include protection for either:

i. Any Auto or

ii. All Owned Autos; Hired Autos; and Non-Owned Autos

Limits -

Each Accident, Combined Single

Limits, Bodily Injury and

Property Damage: \$1,000,000

c. *Workers' compensation.* This insurance shall protect the Contractor/ Developer against all claims under applicable state Workers' Compensation Laws. The Contractor/ Developer shall also be protected against claims for injury, disease or death of employees for which, for any reason, may not fall within the provisions of a Workers' Compensation law. The policy limits shall not be less than the following:

Workers Compensation: Statutory

Employers Liability -

Bodily Injury by Accident: \$100,000 Each Accident

Bodily Injury by Disease: \$500,000 Policy Limit

Bodily Injury by Disease: \$100,000 Each Employee

d. *Umbrella liability.* An Umbrella or Excess Liability policy in the minimum amount of \$1,000,000 each occurrence, \$1,000,000 aggregate. The umbrella or excess policy must be at least as broad as the underlying policies and include the following protection:

i. General Liability

ii. Automobile Liability

iii. Employers Liability



4. TELEPHONE NUMBER OF APPLICANT
  - a. Daytime Telephone:
  - b. Emergency Telephone:
  
5. NAME OF RESPONSIBLE PARTY (individual name):
  
6. NAME(S) OF QUALIFIED BLASTER(S) (include individual's age and years of experience):
  
7. APPROVED INSURANCE CERTIFICATE PROVIDED? . \_\_\_\_\_ YES \_  
NO
  
8. PURPOSE OF BLASTING:
  
9. DOES APPLICANT HAVE THE LEGAL RIGHT TO ENTER UPON THE AFFECTED AREA?  
\_\_\_\_\_ (PROVIDE DOCUMENTATION)
  
10. APPLICANT MUST PROVIDE ACCURATE MAPS OF A SCALE OF NOT LESS THAN ONE INCH TO ONE HUNDRED (100) FEET CLEARLY SHOWING:
  - a. The land proposed to be affected during the period of the permit including all boundaries of the land to be affected.
  - b. Location of the closest structures to the permit area in any area.
  - c. All easements of record, public and private, which cross the permit area.
  
11. HAS THE APPLICANT, A SUBSIDIARY, AFFILIATE, OR PERSONS CONTROLLED BY OR UNDER COMMON CONTROL WITH THE APPLICANT, EVER HELD A BLASTING PERMIT IN ANY STATE OR POLITICAL SUBDIVISION WHICH IN THE FIVE-YEAR PERIOD PRIOR TO THE DATE OF SUBMISSION OF THIS APPLICANT BEEN SUSPENDED OR REVOKED?  
\_\_\_\_\_ YES \_\_\_\_\_ NO
  
12. PRESENCE OF DAY BOX: \_\_\_\_\_ YES \_\_\_\_\_ NO
  
13. EXACT LOCATION OF DAY BOX:
  
14. MATERIAL USED IN BLASTING:
  - a. Type and class of explosives:
  - b. Amount (lbs.) of each type:
  - c. High? \_\_\_\_\_ Low? \_\_\_\_\_ Blasting Agents? \_\_\_\_\_  
Cap No(s) \_\_\_\_\_ Initiating Explosives? \_\_\_\_\_  
Ammonium Nitrate? \_\_\_\_\_

15. SEISMOGRAPHS:

a. Must be provided for each blast. This includes documentation and seismogram provided upon request by the City Engineer.

b. Type of unit in use: \_\_\_\_\_

Is unit self triggering? \_\_\_\_\_ Yes \_\_\_\_\_ No

Is unit self calibrated? \_\_\_\_\_ Yes \_\_\_\_\_ No

Name of person with seismograph:

Provide documentation.

16. SPECIAL CONDITIONS. The following rules shall be followed:

- \* NO SMOKING allowed within fifty (50) feet of any location where explosives are being handled or stored. This includes no fire or flame of any type.
- \* During the time of loading explosives into holes, the blast site shall be barred to all but those authorized persons engaged in the drilling and loading operations or otherwise authorized to enter the site for specific associated reason. The blast site shall be guarded and posted.
- \* Post City blasting permit in a visible location on site; an approved blaster on file with this office must be present during all blasting activity and present certificate authorization and photographic identification upon request by the City of Greenwood. Please report any loss of blasting permit to the Public Works Department immediately.
- \* The City of Greenwood shall have the right to enter construction/blasting sites before, during, or after blasting.
- \* False information provided to the Public Works Department on this application sheet will result in revocation of permit and the site closed by the City of Greenwood.
- \* The person(s) in charge of blasting on site must follow all city, state and federal requirements. Any person or company found not following requirements will have permits revoked and the site closed by the City of Greenwood.
- \* When blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or stream utilities, the blaster shall notify the appropriate representative of such utilities at least twenty-four (24) hours in advance of blasting specifying the location and intended time of such blasting.
- \* Precautions shall be taken to prevent the premature detonation of explosive materials from lightning, radio frequency energy, extraneous electricity or static electricity caused by dust or snow storms, low humidity or mechanical conditions. Such precautions shall include the suspension of blasting operations and removal of persons from the blasting area during the approach and progress of a thunderstorm.
- \* Tools used for the opening of containers of explosive materials shall be made of non-sparking materials.



*EXCEPTION:* Slitters of metal are allowed for opening paper, plastic or fiberboard containers.

- \* Empty boxes and paper, plastic or fiber packing material which have previously contained materials shall not be reused, and shall be disposed of in a manner approved by the City Engineer.
- \* Blasting permits will be issued by the Public Works Department for ninety (90) day periods only. If any changes are made which affect the information given on the initial permit application, the initial permit will become null and void, therefore another application must be made including all original fees.
- \* Completed applications and plans shall be submitted to the City Engineer for review. Applicants will be notified when plan review is completed as to further information needed or approval. Blasting permits will be issued upon appropriate review by the Public Works Department and the payment of permit fee. A minimum twenty-four (24) hour notice should be expected for an approval to be returned to the contractor.
- \* All storage of explosives in excess of that amount required for one day's use, requires a permit to be issued by the Fire Department. The day box storage of that amount required for one day's use as approved in the Blasting Permit application shall be in accordance with all City, State and Federal regulations.
- \* **BLASTING MAY BE PERFORMED DURING DAYLIGHT HOURS ONLY, NO EXCEPTION.**
- \* **NO BLASTING SHALL TAKE PLACE AT ANY SITE WITHOUT FIRST NOTIFYING THE FIRE DEPARTMENT ALARM OFFICE AT 969-7360, AND PUBLIC WORKS INSPECTIONS AT 537-6969.**

Applicant acknowledges that he has read and agrees to comply with the Blasting Regulations of the City of Greenwood.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_ .

Approved by:

Denied by:

Reason Denied:

Date: \_\_\_\_\_

Permit No: \_\_\_\_\_ Expiration Date: \_\_\_\_\_ .