

“AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, AMENDING CHAPTER 545: PROPERTY MAINTENANCE CODE OF THE RAYMORE CITY CODE.”

WHEREAS, the Property Maintenance Code was adopted to ensure the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; and

WHEREAS, an annual review of the Property Maintenance Code was completed by staff to determine if any additions or modifications were needed to be made to the Code; and

WHEREAS, the City Council of the City of Raymore, Missouri has determined the amendments proposed would be in the best interest of the health, safety and welfare of the citizens of Raymore.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RAYMORE, MISSOURI, AS FOLLOWS:

Section 1. Section 545.195 is hereby repealed in its entirety and re-enacted as follows:

545.195: Violation Penalties

A: Notwithstanding any other provision of this Code to the contrary:

1. ~~Any person who has been found guilty of violating any provision of this chapter shall be required to pay a minimum fine of \$50.00 for the first offense.~~
2. ~~Any person who has been found guilty of violating any provision of this chapter a second time within 24 months of a previous conviction under this chapter shall pay a minimum fine of \$100.00.~~
3. ~~Any person who has been found guilty of violating any provision of this chapter a third time within 24 months of his or her first conviction under this chapter shall be fined a minimum of \$300.00.~~
4. ~~An habitual offender, that is, any person who has been found guilty of violating any provision of this chapter four times or more within 24 months of the first violation, shall be fined \$500.00 for the fourth offense and each subsequent offense.~~

Probation may be granted to an habitual offender for a term of not less than two years.

- ~~B. In addition to the fines which shall be imposed as provided for herein, any person found guilty of any provision of this chapter shall also be subject to additional punishment by imprisonment not exceeding 90 days, as may be determined by the municipal judge.~~
- ~~C. If a person is charged and found guilty of committing more than one offense on the same day, then all such offenses on that day for purposes of this section shall be counted as one violation.~~
- ~~D. Each day that any condition exists or continues which constitutes a violation of this chapter shall be regarded as a new and separate offense.~~
- A. A person, firm or corporation who violates any provision of this code will be guilty of a misdemeanor and upon conviction will be fined not more than \$200.00. Each day of violation constitutes a separate offense.

Section 2. Section 545.210B3 is hereby repealed in its entirety and re-enacted as follows:

Section 545.210: Notice to owner or to person or persons responsible

- B. The Code Official shall utilize the following timeframes when issuing a notice of violation:
 - 1. If the violation is of a provision contained in Article III. Division 2: *Exterior Property Areas* of the Property Maintenance Code then the notice shall include a correction order allowing seven (7) days after receipt of notice, or within ten (10) days after the date of such notice in the event the notice is returned because of its inability to make delivery thereof, to bring the property into compliance.
 - 2. If the violation is of any other provision of Chapter 545: Property Maintenance Code then the notice shall include a correction order allowing at least thirty (30) days after the date of the notice to bring the property into compliance.

3. If repeat violations of the same code provision by the same person at the same property occur in the same calendar year, the notice of the 2nd and any additional repeat violations shall include a correction order allowing five (5) days after receipt of notice to bring the property into compliance. In the case of a violation of Section 545.410: Weeds, if more than once during the same calendar year a repeat violation of the same ordinance by the same person on the same property is reported, the City may, without further notification, have the violation abated.

Section 3. Section 545.410 is hereby repealed in its entirety and re-enacted as follows:

545.410: Weeds

No person shall permit or maintain any growth of weeds, grasses or lawns over eight (8) inches in height for any developed property or twelve (12) inches for undeveloped property, measured from the ground surface.

The following defined areas are exempt from the maximum height requirements:

1. Undeveloped property that is at least one hundred fifty (150) feet from any adjacent street or adjacent platted subdivision.
2. Property mowed for hay. The property owner shall cut or bale hay prior to the first day of July and again prior to the first day of November each year.
3. Property cultivated with a farm crop.
4. Property zoned "Agricultural".
5. Areas designated by the City as greenways.
6. Cultivated flowers, gardens or native landscapes in accordance with Section 545.411.
7. Erosion control areas--with the written approval of the City Flood Plain Administrator.
8. Governmental or educational programs--with the written approval of the City.
9. Parks and open space.
10. Wooded areas.
11. Wetlands.
12. Streams or natural drainageways.

Wherever private property abuts a public right-of-way or easement and there exists in such right-of-way or easement a tree, lawn or grassy area between the private property line and the edge of the street pavement, then such tree, lawn or grassy area shall be considered, for purposes of this Section, to be a part of the private lot which abuts the right-of-way or easement and it shall be the duty of those responsible under this Section for the maintenance of the private lot to equally maintain the tree, lawn or grassy area within the abutting right-of-way or easement.

Exceptions:

Owners of properties abutting public right-of-way or easement along rural sections of arterial or collector roadways shall not be responsible under this Section for the maintenance of the public right-of-way or easement areas.

Section 4. Section 545.425 is hereby repealed in its entirety and re-enacted as follows:

Section 545.425: Accessory Structures

All accessory structures, including detached garages, sheds, fences and walls shall be maintained structurally sound, and in good repair, and free from holes in exterior walls or surfaces.

Section 5. Section 545.445A13 is hereby repealed in its entirety and re-enacted as follows:

Section 545.445: Nuisances

A. The following are declared to be nuisances:

13. The dumping or the depositing on or the scattering over the premises of any of the following:

- a. Garbage or rubbish.
- b. Abandoned, discarded or unused objects or equipment such as automobiles, tires, furniture, stoves, refrigerators, freezers, cans, containers, carpeting materials, pallets, or similar objects.
- c. Building material and/or construction equipment abandoned

or stored on property where construction is not in progress, where a valid building permit does not exist or on property not properly zoned for such storage.

d. Brush or tree limbs.

Section 6. Section 545.695B2 is hereby repealed in its entirety and re-enacted as follows:

545.695: Drainage Regulations

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

2. 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 five feet to any adjoining property line, or to cause erosion on the adjoining property regardless of the distance the discharge point is from the adjoining property line.

Section 7. Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Section 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

DULY READ THE FIRST TIME THIS 24TH DAY OF APRIL, 2017.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 8TH DAY OF MAY, 2017 BY THE FOLLOWING VOTE:

Councilmember Abdelgawad
Councilmember Barber
Councilmember Berendzen
Councilmember Burke, III
Councilmember Holman
Councilmember Kellogg
Councilmember Moorhead
Councilmember Townsend

ATTEST:

Jean Woerner, City Clerk

APPROVE:

Kristofer P. Turnbow, Mayor

Date of Signature