

INTRODUCED BY:

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**AN ORDINANCE AMENDING THE BRENTWOOD PROPERTY MAINTENANCE CODE PERTAINING TO THE OBLIGATION TO MAINTAIN VEGETATION WITHIN ADJACENT RIGHT-OF-WAY**

**WHEREAS**, the City may enact regulations to prevent nuisance conditions which adversely affect the public’s health, safety and welfare; and

**WHEREAS**, overgrown weeds and grass constitute a nuisance.

**NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, AS FOLLOWS:**

**SECTION 1:** Section 500.830 of Article XII of Chapter 500 of the Code of Ordinances of the City of Brentwood, Missouri, is hereby repealed and a new Section 500.830 is hereby enacted in lieu thereof to read as follows:

**Chapter 500. Buildings and Building Regulations**

**ARTICLE XII. Property Maintenance Code**

**Section 500.830. Property Maintenance Code Adopted – Amendments.**

A. The International Property Maintenance Code, 2018 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Brentwood, Missouri, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are

hereby referred to, adopted, and made a part hereof, as if fully set out in Section 500.830, with the additions, insertions, deletions and changes below.

B. The following Sections are hereby revised to read as follows:

1. *Section 101.1. Title.* These regulations shall be known as the International Property Maintenance Code of the City of Brentwood.

2. *Section 103.5. Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under the International Property Maintenance Code shall be as indicated in Appendix "A" to Chapter 500 of the Municipal Code of the City of Brentwood.

3. *Section 106.4 Violation penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be punishable in accordance with the provisions of Section 100.080 of the Brentwood City Code.

4. *Section 302.4. Weeds.* All premises and exterior property shall be maintained free from grass, brush, vegetation, weeds or plant growth in excess of seven (7) inches. All noxious weeds shall be prohibited. Weeds shall be defined as a plant that is not valued where it is growing and is usually of vigorous growth, especially one that tends to overgrow or choke out more desirable plants; provided, however, this term shall not include cultivated flowers and gardens. In addition, whenever private property abuts a public right-of-way or easement and there exists a lawn or grassy area within such right-of-way between the private property line and the center of the right-of-way or easement, then such 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 for the maintenance of the private lot to also maintain the lawn or grassy area within the abutting right-of-way or easement, and all provisions of this Section shall apply with equal force and effect to said lawn or grassy area. Upon failure of the owner or agent having charge of a property to cut vegetation and/or destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3. Upon failure to comply with the notice of violation, any duly authorized employee of the City or contractor hired by the

City shall be authorized to enter upon the property in violation and cut and destroy the vegetation and/or weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

5. *Section 304.14 Insect screens.* Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

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

6. *Section 602.3 Heat supply.* Every owner and operator of any building who rents, leases or lets one (1) or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

i. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

ii. In areas where the average monthly temperature is above 30°F a minimum temperature of 65°F shall be maintained.

7. *Section 602.4 Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F during the period the spaces are occupied.

Exceptions:

i. Processing, storage and operation areas that require cooling or special temperature conditions.

ii. Areas in which persons are primarily engaged in vigorous physical activities.

**SECTION 2:** It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity

shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

**SECTION 3:** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City’s Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**SECTION 4:** This Ordinance shall be in full force and effect from and after the date of its passage and approval by the Mayor.

**PASSED BY THE BOARD OF ALDERMEN THIS 16th DAY OF JANUARY 2024.**

  
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David A. Dimmitt, Presiding Officer

ATTEST:

  
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Kelle Silvey, Deputy City Clerk

**APPROVED BY THE MAYOR THIS 16TH DAY OF JANUARY 2024.**

  
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David A, Dimmitt, Mayor

ATTEST:

  
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Kelle Silvey, Deputy City Clerk



1<sup>st</sup> Reading: January 2, 2024  
2<sup>nd</sup> Reading: January 16, 2024