



**AGENDA  
CITY OF HARRISONVILLE  
BOARD OF ALDERMEN  
REGULAR MEETING  
CITY HALL  
AUGUST 5, 2013  
7:00 PM**

- 1. Call to Order**
  - A. Roll Call**
- 2. Pledge of Allegiance**
- 3. Ceremonial Matters**
  - A. Re-Appointment of Vanessa Zaroor and Murad Hasam to Five Year Terms on the Enhanced Enterprise Zone (EEZ) Board**
- 4. Public Participation**
- 5. Approval of Minutes**
  - 1. Board of Aldermen - Regular Meeting - Jul 15, 2013 7:00 PM**
  - 2. Board of Aldermen - Budget Meeting - Jul 24, 2013 6:00 PM**
- 6. Agenda Items**

- A. Council Bill : Grin & Bear it Run/Walk - 2013
- B. A public hearing to comment on Council Bills 41-46 regarding the adoption of the 2012 iCodes
- C. Council Bill 41: An Ordinance Repealing Chapters 205, 206 and 207 of the City of Harrisonville, Missouri Code of Ordinances and Enacting in Lieu Thereof a New Chapter 205 of the Harrisonville, Missouri Code of Ordinances.
- D. Council Bill 42: An Ordinance Repealing Chapter 500 Building and Property Maintenance Codes of the City of Harrisonville, Missouri Code of Ordinances and Enacting in Lieu Thereof a New Chapter 500 Building and Property Maintenance Codes.
- E. Council Bill 43: An Ordinance Amending Chapter 505, Building Regulations, of the City of Harrisonville, Missouri Code of Ordinances.
- F. Council Bill 44: An Ordinance Amending Chapter 510, Dangerous Structures – Repair or Demolition of Certain Structures, of the City of Harrisonville, Missouri Code of Ordinances.
- G. Council Bill 45: An Ordinance Amending Chapter 525, Certain Construction Trade Licensing, Permits and Inspections, of the City of Harrisonville, Missouri Code of Ordinances.
- H. Council Bill 46: An Ordinance Amending Chapter 700, Utilities, Section 700.210, of the City of the Harrisonville, Missouri Code of Ordinances.
- I. Council Bill 47: A Resolution Authorizing the City Administrator to Execute an Agreement with Breit Construction, LLC for the Purpose of Repairing Sewer Line on Property Owned by Bill Clark Located on Ash Street and Across from City Park in an Amount Not to Exceed \$37,120
- J. Council Bill 48: A Resolution Authorizing the City Administrator to Execute an Agreement with Ground Breaking Excavation and Utilities for the Purpose of Replacing the North Independence Bridge in an Amount Not to Exceed \$354,842.
- K. Council Bill 49: An Ordinance Providing for the Extension of the City Limits of the City of Harrisonville, Missouri, by Annexing Certain Adjacent Territory Owned by Stan and Cynthia Warner – Jemor Farms, Inc. (Tract 1) into the City of Harrisonville, Missouri.
- L. Council Bill 50: An Ordinance Providing for the Extension of the City Limits of the City of Harrisonville, Missouri, by Annexing Certain Adjacent Territory Owned by Jemor Farms, Inc. and Margaret Jean Grogger (Tract 2) into the City of Harrisonville, Missouri.
- M. Council Bill 51: A Resolution Supporting a Proposed Development to be Called Harrisonville Heights II by Turnberry Developers, LLC to be Located at the Corner of Lincoln & Elm Harrisonville, Missouri

- N. Council Bill 52: An Ordinance to Repeal Ordinance 3172 and to Enact in Lieu Thereof a New Ordinance Regarding an Established Procedure to Disclose Potential Conflicts of Interest and Substantial Interests for Certain Officials and to Amend the Time in Which Candidates for Office Are Required to File Disclosure Statements with the City Clerk.**
- 7. Aldermen and Committee Reports**
- 8. Report from the City Administrator**
- 9. Report from the Mayor**
- 10. Questions from the Media**
- 11. Adjourn to Executive Session**
- 12. Adjourn From Regular Session**

**Posted on City Hall Bulletin Board this 1<sup>st</sup> day of August 2013**

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**Kim Hubbard, City Clerk**

**The Board of Aldermen meeting is an open meeting but is not a meeting of the public. There is a place on the agenda for comments of citizens under PUBLIC PARTICIPATION. Our rule is that comments by any individual or group shall not exceed (4) minutes. The Board of Aldermen request that concerns be initially addressed at the appropriate action level before coming to the Board of Alderman**

## COMMISSION

STATE OF MISSOURI     )  
COUNTY OF CASS        )  
CITY OF HARRISONVILLE)

THE CITY OF HARRISONVILLE TO ALL WHO SHALL SEE THESE PRESENTS-GREETING:

**KNOW YE**, that in pursuance of the Mayor and Board of Aldermen, and in pursuance of the Statute and Ordinances in such cases made and approved, and by virtue of the power and authority in us vested, we do hereby

## APPOINT AND COMMISSION

**Murad Hasam** TO THE OFFICE OF THE **Enhanced Enterprise Zone (EEZ) Board**  
And he is hereby authorized and empowered to discharge the duties of said office according to law; to have and to hold said office with all privileges and emoluments to the same of right pertaining unto him the said **Enhanced Enterprise Zone Board.**

For and during the term of 5 years ending August 2018 or until his successor in said office shall be duly appointed and qualified.

**IN TESTIMONY WHEREOF, we have caused this to be signed by the Mayor of the City of Harrisonville and witnessed by the Clerk of said City, and the seal of said City to be affixed hereto.**

Done at Harrisonville, in said County, this 5<sup>th</sup> day of August 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

=====

Enhanced Enterprise Zone Board

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for

Murad Hasam

\_\_\_\_\_

=====

## COMMISSION

STATE OF MISSOURI     )  
COUNTY OF CASS        )  
CITY OF HARRISONVILLE)

THE CITY OF HARRISONVILLE TO ALL WHO SHALL SEE THESE PRESENTS-GREETING:

**KNOW YE**, that in pursuance of the Mayor and Board of Aldermen, and in pursuance of the Statute and Ordinances in such cases made and approved, and by virtue of the power and authority in us vested, we do hereby

## APPOINT AND COMMISSION

**Vanessa Zaroor** TO THE OFFICE OF THE **Enhanced Enterprise Zone (EEZ) Board**  
And she is hereby authorized and empowered to discharge the duties of said office according to law; to have and to hold said office with all privileges and emoluments to the same of right pertaining unto her the said **Enhanced Enterprise Zone Board**

For and during the term of 5 years ending August 2018 or until her successor in said office shall be duly appointed and qualified.

**IN TESTIMONY WHEREOF, we have caused this to be signed by the Mayor of the City of Harrisonville and witnessed by the Clerk of said City, and the seal of said City to be affixed hereto.**

Done at Harrisonville, in said County, this 5<sup>th</sup> day of August 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

=====

Enhanced Enterprise Zone Board

\_\_\_\_\_

for

Vanessa Zaroor

\_\_\_\_\_

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**DRAFT**  
**MINUTES**  
**CITY OF HARRISONVILLE**  
**BOARD OF ALDERMEN**  
**REGULAR MEETING**  
**CITY HALL**  
**JULY 15, 2013**  
**7:00 PM**

**1. Call to Order**

The meeting was called to order at 7:00 PM by Mayor Kevin Wood

| Attendee Name   | Title        | Status  | Arrived |
|-----------------|--------------|---------|---------|
| Bill Mollenhour | Board Member | Present |         |
| Bret Reece      | Board Member | Present |         |
| David Dickerson | Board Member | Present |         |
| Doug Meyer      | Board Member | Present |         |
| Ivan Stull      | Board Member | Present |         |
| Marcia Milner   | Board Member | Present |         |
| Morris Coburn   | Board Member | Present |         |
| Stacey Dahlman  | Board Member | Present |         |
| Kevin Wood      | Mayor        | Present |         |

*Others present were City Administrator Keith Moody, City Attorney Steve Mauer (arrived at 7:06 pm), Police Chief John Hofer, Public Information Officer Sheryl Stanley, Public Works Director Jerry Gibbs, Electric Department Director Keith Thomas.*

**2. Pledge of Allegiance**

**3. Ceremonial Matters**

**1. Service Award Presented to Neil Vergouven for 15 Years of Service**

*Mayor Wood and Electric Department Director Thomas recognized Neil Vergouven, Tree Trimmer, with a certificate for his fifteen years of service with the City.*

**2. Service Award to Honor Steve Nichols, Police Department, for 10 Years of Service**

*Mayor Wood and Police Chief Hofer recognized Steve Nichols, Police Officer, with a certificate for his ten years of service with the City.*

**4. Public Participation**

Walter Cook, 604 E Pearl Street, reported that last Friday when he was on the Oats Bus there was a vehicle parked in the 10 minute parking in front of city hall and when the individual opened their driver's side door the Oats bus had to swerve to the left to avoid an accident. Mr. Cook pointed out if there had been a car parked on the left side of the street the bus would not have had anywhere to go. Mr. Cook noted there should not be parking allowed on both sides Pearl Street and that public safety should override public convenience.

## 5. Approval of Minutes

### 1. Board of Aldermen - Regular Meeting - Jun 17, 2013 7:00 PM

|                  |                                                                     |
|------------------|---------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | Stacey Dahlman, Board Member                                        |
| <b>SECONDER:</b> | Ivan Stull, Board Member                                            |
| <b>AYES:</b>     | Mollenhour, Reece, Dickerson, Meyer, Stull, Milner, Coburn, Dahlman |

## 6. Agenda Items

### 1. Budget Request from the Historic Preservation Commission

*Carol Bohl, Historic Preservation Commission Chair, requested funding from the City to pursue hiring an intern to complete a couple of projects such as expanding the HPC presence on the City website and/or establish a web page link, have guest speaker(s) attend their meeting(s), conduct professional development and or make a special presentation to the HPC and or the public.*

*Mr. Moody explained this was a discussion item at the Board Retreat and he had requested this be put into an objective for the 2014 fiscal year. Mr. Moody asked the Board if they wanted this request to be placed in the preliminary objectives to be approved at next Monday night's Board of Aldermen Budget meeting.*

*Alderman Dickerson made the motion for the request to be presented to the Board of Aldermen as part of the 2014 preliminary objectives. Alderman Coburn seconded the motion and it was approved unanimously by a voice vote.*

### 2. A Resolution to Authorize the City Administrator to Enter into an Agreement Between the City of Harrisonville, Missouri and Cass R-IX School District Relating to Police Services for School Resource Officers for the High School and Middle School for the 2013-2014 School Year

*City Attorney Mauer read Council Bill 039 by title only.*

*Police Chief Hofer reviewed the School Resource Officer Contract Renewal. Chief Hofer noted the only change to the agreement was the hourly rate that would be paid to the resource officers and the agreement has been before the school board with their approval.*

*Council Bill 039 became Resolution 028*

|                  |                                                                     |
|------------------|---------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | Bret Reece, Board Member                                            |
| <b>SECONDER:</b> | David Dickerson, Board Member                                       |
| <b>AYES:</b>     | Mollenhour, Reece, Dickerson, Meyer, Stull, Milner, Coburn, Dahlman |

**3. A Resolution to Accept Amendments to the Pay Compensation Structure for Fiscal Year 2014**

*City Attorney Mauer read Council Bill 040 by title only.*

*Mr. Moody reported that the pay compensation structure is reviewed every year and compared to the Mid America Regional Counsel's most recent salary and benefits survey. Mr. Moody noted the following recommendations: Director of Codes Administration position to be changed to a Building Official position and moved down to level 7, Public Information Specialist position moved up to pay level 6, and the Animal Control Officer and Chief Animal Control Officer positions moved up one pay level. Mr. Moody noted the Animal Control Officer move would have an impact on the budget of approximately \$5,000.*

*Mr. Moody went on to say that the other ranges are in line and made the recommendation of increasing the mid-point by .25/hour, minimum pay by .20/hour and the maximum by .30/hour.*

*Council Bill 040 became Resolution 029.*

|                  |                                                                     |
|------------------|---------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                                          |
| <b>MOVER:</b>    | Doug Meyer, Board Member                                            |
| <b>SECONDER:</b> | Marcia Milner, Board Member                                         |
| <b>AYES:</b>     | Mollenhour, Reece, Dickerson, Meyer, Stull, Milner, Coburn, Dahlman |

**7. Aldermen and Committee Reports**

Alderman Coburn announced a lunch/dinner fund raiser at the Senior Center tomorrow for the Meals on Wheels Program and Senior Center.

Alderman Stull expressed his appreciation to the EMT's and others that assisted him during a diabetic incident that he had a couple of meetings ago.

Alderman Dickerson reported he had stopped by the Love's Truck Stop in St. Joseph and commented he thought if one comes to Harrisonville he thinks it will be some competition for Quik Trip.

Alderman Reece commented on how fantastic the walking trails are and he is looking forward to the next phase going in.

#### **8. Report from the City Administrator**

Mr. Moody reported next Monday will be a Board of Aldermen Budget meeting to review the objectives. Mr. Moody stated there are a couple of board members who will not be able to attend and wanted to know if everyone else would be there. There was no one else that stated they would not be able to attend.

#### **9. Report from the Mayor**

Mayor Wood asked how many participated in the Junk-n-the Trunk Saturday and it was reported there were 56 participants and there are 21 participants signed up for the Farmer's Market.

#### **10. Questions from the Media**

No questions

#### **11. Adjourn to Executive Session**

#### **12. Adjourn From Regular Session**

Alderman Dickerson moved to adjourn the meeting. Alderman Stull seconded and it was approved unanimously by a voice vote.

\_\_\_\_\_  
Kevin Wood, Mayor & Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

\_\_\_\_\_  
Kim Hubbard, City Clerk

Minutes Acceptance: Minutes of Jul 15, 2013 8:00 PM (Approval of Minutes)



**MINUTES  
CITY OF HARRISONVILLE  
BOARD OF ALDERMEN  
BUDGET MEETING  
CITY HALL  
JULY 24, 2013  
6:00 PM**

**1. Call to Order**

The meeting was called to order at 6:04 PM by Mayor Kevin Wood

| Attendee Name   | Title        | Status  | Arrived |
|-----------------|--------------|---------|---------|
| Bill Mollenhour | Board Member | Present |         |
| Bret Reece      | Board Member | Present |         |
| David Dickerson | Board Member | Present |         |
| Doug Meyer      | Board Member | Present |         |
| Ivan Stull      | Board Member | Absent  |         |
| Marcia Milner   | Board Member | Absent  |         |
| Morris Coburn   | Board Member | Present |         |
| Stacey Dahlman  | Board Member | Absent  |         |
| Kevin Wood      | Mayor        | Present |         |

*Others present were City Administrator Keith Moody, Finance Director Mike Tholen, Community Development Director Rick DeLuca, Police Chief John Hofer, City Clerk Kim Hubbard, Information Specialist Sheryl Stanley, Parks and Recreation Director Chris Deal, Fire Chief Larry Francis, Street Superintendent Rodney Jacobs, Public Works Director Jerry Gibbs, Electric Department Director Keith Thomas and Assistant Public Works Director Eric Patterson.*

**2. Pledge of Allegiance**

**3. Agenda Items**

**A. Preliminary Approval of 2014 Objectives**

Mr. Moody reviewed the following objectives:

**A. Enhance Communication and Engagement with the Community**

Minutes Acceptance: Minutes of Jul 24, 2013 7:00 PM (Approval of Minutes)

A1) Hire an intern to complete tasks for the Historic Preservation Commission

Alderman Coburn asked if there had been any preliminary work on hiring an intern and Mr. Moody stated no that it is too early in the process.

A2) Promote Local Government Week

Mayor Wood explained this is a way to show appreciation to our customers and reviewed the following ideas: City department open houses, have a school essay contest and the winner could be honorary Mayor for the day, have a big truck where city departments have their big trucks/equipment on display. Mr. Moody reported the City has attempted other ideas which have had limited interest and we would just keep trying.

A3) Enhanced Electronic Newsletters

Alderman Reece commented he thought this was a great idea and noted the Parks & Recreation has done something similar and it has worked great.

A4) Update Public Information Section of Emergency Operations Plan

Mr. Moody noted this objective can be deleted as it will be completed in 2013.

A5) Promote Use of New URL--Harrisonville.Com

There was discussion on displaying the information on city vehicles, billboards and that staff would work closely with the Board.

B. Improve Community Assets

B1) Install Catch Basin at 300 E. Chestnut Street

The question was asked if this was an item that was included in the Police Facility budget, and Mr. Moody stated it was not.

B2) Purchase and Install Holiday Season Ornaments on the Square and Street Light Banners for Independence and Mechanic.

The question was asked if the Chamber of Commerce had been asked if they had any banner arms and they do not. It was discussed that the decorations would not be on buildings, there would be no lights but garland and wreaths on the street lights on the square. It was also noted that the decorations are a one time cost.

B3) Place Street/Sidewalk/Storm Water Improvement Sales Tax Question 2014 Ballot

Alderman Dickerson noted he did not support this and did not think it would pass. Mayor Wood discussed earmarking dollars for this in the event the City did decide to pursue the question.

The following aldermen showed support of this objective: Bill Mollenhour, Doug Meyer, Bret Reece

Aldermen Morris Cobrun and David Dickerson did not support the objective. Mayor Wood noted the majority supported objective B3).

Further discussion took place that it is difficult to upgrade the City's infrastructure due to limited funds that are available to the City at this time. It was noted that by placing the question on the ballot it gives the citizens of Harrisonville the opportunity to decide.

B4) Turnout Gear-Part 2

Mr. Moody reported this is the second year of a three plan, it will be paid for from the safety fund and the gear is replaced approximately every ten years.

B5) Replace Lighting at EMS Facility

It was reported the fluorescent lighting fixtures are 12 years old, it is getting harder to get parts to replace the ballast and bulbs and the recommendation is to replace the lights with LED fixtures.

**B6) Clean 12 Miles of City Sewer Lines**

RedZone has been retained to televise the lines and City staff would clean the lines. A portion of the requested funds would enable the Water Department to maintain the upkeep of the equipment used to clean the lines and it was noted there is no additional personnel being requested..

**B7) Purchase a Used 4x4 Utility Vehicle**

The proposed vehicle will be used for the transportation of maintenance equipment, tools and supplies, and this will reduce operating costs by not using a larger vehicle.

**B8) Acquire Bike Path Easements from Independence Street to Lords Park for Trail Connection from City Park**

Discussion regarding park land dedication took place. This objective is part of the 2007 Park Masterplan and the objective will be presented to the Park Board at their August meeting.

**B9) Apply for a Grant for the expansion of the Harrisonville Linear Trail System from Independence Street to Lords Park**

Mr. Moody pointed out this objective is related to objective B8.

**C. Keep Our Community Safe & Secure****C1) Crime Control Unite-2014 (started in 2013-continuation for 2014)**

Mr. Moody noted there is \$4,000 to be included in the 2013 mid-year budget amendments for the purchase of needed equipment for this objective. Mr. Moody also noted this was an objective that came out of the Board retreat earlier in the year. The question was asked if there would be support from the Prosecutors office and Chief Hofer stated he had been in contact them and there would be support. Chief Hofer said there were 27 possible drug houses in the city limits that were being watched, 20 to 25% of the individuals that are arrested for shop lifting at Wal-Mart have some type of drug paraphernalia or drugs on them.

Mr. Moody reported the largest portion of the City's budget is personnel and this objective and the training objective is requesting roughly \$70,000 in overtime. Mr. Moody also noted this increases the FTE without adding additional staffing, there are other departments that are part of the general fund that have seen a reduction in staffing. Mr. Moody stated he is supportive of the objectives but cautions the board its a substantial expense and it would be a commitment for future years.

Mr. Moody also reviewed the numbers from property assessment and stated it's basically a push from last year to this year. Mr. Moody also reviewed revenue from sales tax and reported that this revenue stream has decreased approximately 4%.

#### C2) Conduct a Citizens Fire Academy

This function has previously been done, there is no added liability to the City and this was an objective last year but was removed.

#### C3) In-Service Liability Training Program

Mr. Moody noted he had reviewed the costs of this program with objective C1. The question was raised if safety funds could be used. Mr. Moody stated this had been discussed but this was ongoing item not a one time purchase or function. Mr. Moody also noted the safety funds will be used for the next two years for the purchase of bunker gear.

Mayor Wood suggested we leave in and see where we are once all the numbers are put together.

#### D. Provide Great Customer Service

##### D1) Add a Second Building Inspector/Code Enforcement Officer Position

Mr. Moody reviewed and Alderman Dickerson inquired if this position would be someone who drives around checking the height of the grass, Mayor Wood stated they would not. There was discussion regarding hiring a part-time person since we had hired a

full time person to replace Mr. Finkle. It was noted it would probably be difficult to find a part time person who meets the qualifications that the City really needs.

Director DeLuca discussed the work load, the length of time it took to assist customers and the inspection process. Director DeLuca noted he felt that there needed to an additional full time position added.

#### D2) Add Customer Service Specialist/SCADA Operator Position

Mayor Wood reviewed this objective noted this would take some of the administrative duties off of Director Thomas. The position would be utilized by Director Gibbs also and stationed at the Electric Department. Director Thomas also noted the position would learn the SCADA System, dispatch for the electric department crews, and take care of department work orders.

#### D3) Begin Process of Obtaining RP3 Rating of Electric Utility from the APPA

Director Thomas reviewed the objective noting the addition of the Customer Service Specialist would help him accomplish this objective. Director Thomas reported this is a recognized program for municipal utility's, and would be a valuable marketing tool to perspective businesses.

#### D4) Play/Fit Station for Community Center

This objective was reviewed, no additional staffing would be needed, there are a number of different places this can be located, would add to the play and fitness opportunities for young children, and the Park Board would review the objective at their meeting in August.

### E. Cultivate a Rewarding Work Environment

#### E1) Purchase New Office Furniture for New Police Facility

Mr. Moody reviewed and noted he would like to use funds from the police facility's budget as he thinks it will come in under budget. Mr. Moody reported there had been a \$75,000 contingency built in to the Police Facility budget and at this time there has been

two change orders turned in that were no more than \$12,000. It was also noted the phone system would be paid for out of the contingency fund.

#### E2) Provide Uniform Coats for Emergency Medical Staff

This objective is not part of the Bunker Gear Purchase Objective and the City provides jackets for other City Departments.

#### F. Encourage Investment in Our Community

##### F1) Construct Parking Lot in Place of Old Police Facility

Mr. Moody reviewed the demolishing of the old police facility and placing a parking lot there. Alderman Dickerson voiced his opposition as he would like to see it preserved due to it's historic nature. There was discussion on selling the property to the historical society. Alderman Reece stated he did not see how we would have the money to demolish and make it into a parking lot.

The consensus of the Board was move the proposed objectives forward in the budget process except for Objective A4-Update Public Information Section of Emergency Operations Plan and Objective F1)-Construct Parking Lot in Place of Old Police Facility.

#### 4. Adjourn From Regular Session

Alderman Coburn moved to adjourn, Alderman Dickerson seconded the motion and was approved unanimously by a voice vote of those present.

The meeting adjourned at 7:24 PM

Kevin Wood, Mayor & Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

\_\_\_\_\_  
Kim Hubbard, City Clerk

Minutes Acceptance: Minutes of Jul 24, 2013 7:00 PM (Approval of Minutes)



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** John Hofer, Director  
**DATE:** July 22, 2013  
**SUBJECT:** Grin & Bear it Run/Walk - 2013

**Type of Item:** *Public Hearing*

**Issue:** Authorization of a special event permit for the Cass Regional Medical Center Foundation to host a 5k/10k run as a fundraiser for the Cass Regional Medical Center Patient Assistance Fund.

**Background:** This fundraiser has been held the past three years with no noted concerns or complaints. The event will be in conjunction with the Burnt District Festival again this year. The applicant has minimal requests of the City. The applicant is requesting City staff provide traffic control for the first part of the route until the participants get spread out. The run will start and end on the square (see attached route). There is no cost to the City for these requested services as they will be handled by on-duty personnel.

The applicant has provided a certificate of insurance for this event naming the City of Harrisonville as additionally insured.

**Recommendation:** I would recommend approval for this event as long as all City Ordinances and State laws are followed.

**Council Bill No.**

**Resolution No.**

**Grin & Bear it Run/Walk - 2013**

## SPECIAL EVENTS APPLICATION

A. **FILING PERIOD:** An application for an event permit shall be filed not less than seven (7) days prior to the meeting of the Board of Alderman at time applicant desires the issuance of a permit. Applicant must realize that, dependent upon the nature of the event and the scope of services being required of the City, the Board of Alderman may require additional time to review the permit application.

B. **CONTENTS:** The application for an event permit shall set forth the following information.

1. Organization: Cass Regional Medical Center Foundation
2. Name of Applicant: Melissa A. Lattin  
 Address: 2800 E. Rock Haven Rd., Harrisonville, MO 64701  
 Phone: (816) 380-3474 x4810 Cell: (816) 225-4877
3. Purpose of Event: Grin & Bear It Run/Walk (Fundraiser)
4. Proposed date(s) and time(s) of Event: Saturday, October 5, 2013  
at 8:00 a.m.
5. Location(s) where event will be held: Please see the attached  
sheet for the full course.
6. Anticipated crowd size: 300
7. City services requested: (Please check all that apply) Provide detailed letter for these requests.  
☐ Electricity    ☐ Police Protection    ☒ Traffic Control    ☐ Ambulance Standby  
☐ Cones    ☐ Barricades    ☐ Street or parking lot clean up
8. Any additional information: The run is being held as part of  
the Burnt District Festival.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
 Chief of Police

\_\_\_\_\_  
 City Clerk

July 2013

To whom it may concern:

Cass Regional Medical Center Foundation would like to request traffic control for the 2013 Grin & Bear It Run, which is being held on Saturday, October 5, as part of the Burnt District Festival. We are requesting that police close the first part of the route from 7:50 a.m. to 8:45 a.m. due to the crowded field at the start of the event. Runners/walkers will begin on Pearl Street going west, which should already be closed for the festival, and turn south on Butler Drive, west on Wall Street and then north on Oakland Street. As the participants should be spread out by then, further road closures should not be needed.

Thank you for your assistance!

Sincerely,



Melissa A. Lattin  
Foundation/Public Relations Clerk

Attachment: Grin & Bear It 2013 (1097 : Grin & Bear it Run/Walk - 2013)

**Grin & Bear It 5K route:**

Start on Pearl Street on north side of courthouse  
West on Pearl Street  
South on Butler Drive  
West on Wall Street  
North on Oakland  
Turnaround at dead end at Lord's Park  
South on Oakland  
East on Wall Street  
North on Butler Drive  
East on Chestnut  
North on Independence  
East on Vine  
North on Lexington  
East on Ash  
South on Halsey  
East on Elm  
South on Price  
West on Pearl Street to finish at courthouse

**Missouri Hospital Plan**

4700 Country Club Drive • P.O. Box 1498 • Jefferson City, Missouri 65102-1498

**INSURANCE BINDER***THIS IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN BELOW*

Binder No: 2013-011 Issued By: Missouri Hospital Plan  
 Effective Date: 07-01-2013 Expiration Date: 07-01-2014 (12:01 a.m. Standard Time)  
 Named Insured: Cass Regional Medical Center  
 2800 East Rock Haven Road  
 Harrisonville, MO 64701

| <u>TYPE OF INSURANCE</u>              | <u>TYPE OF COVERAGE</u>                     | <u>LIMITS OF LIABILITY</u> |                                         |
|---------------------------------------|---------------------------------------------|----------------------------|-----------------------------------------|
| HOSPITAL<br>PROFESSIONAL<br>LIABILITY | CLAIMS MADE<br>Retroactive Date: 01-01-1987 | \$ 2,000,000               | Each Occurrence                         |
|                                       |                                             | \$ 6,000,000               | Aggregate                               |
|                                       |                                             | \$ 25,000                  | Deductible Each Occurrence              |
| COMMERCIAL<br>GENERAL<br>LIABILITY    | CLAIMS MADE<br>Retroactive Date: 07-01-2003 | \$ 2,000,000               | Each Occurrence                         |
|                                       |                                             | \$ 6,000,000               | Aggregate                               |
|                                       |                                             | \$ 6,000,000               | Products/Completed Operations Aggregate |
|                                       |                                             | \$ 2,000,000               | Personal and Advertising Injury         |
|                                       |                                             | \$ 100,000                 | Damage to Premises Rented To You        |
|                                       |                                             | \$ 5,000                   | Medical Expense                         |
| EXCESS<br>LIABILITY                   | CLAIMS MADE<br>Retroactive Date: 07-01-2006 | \$ 10,000                  | Deductible Each Occurrence              |
|                                       |                                             | \$ 1,000,000               | Each Occurrence                         |
|                                       |                                             | \$ 1,000,000               | Aggregate                               |

**SPECIAL CONDITIONS OR RESTRICTIONS:**

Excess Liability includes Professional, General, Automobile and Employers Liability

**CONDITIONS:** We bind the kinds of insurance shown above. This insurance is subject to the terms, conditions and limitations of the policies in current use by the Company.

This binder may be cancelled by the Named Insured by surrender of this Binder or by written notice to the Company stating when cancellation will be effective. This Binder may be cancelled by the Company by notice to the Named Insured in accordance with the policy conditions. This Binder is cancelled when replaced by a policy. If this Binder is not replaced by a policy, the Company is entitled to charge a premium for the Binder according to the Rules and Rates in use by the Company.

*Sharon M. Asinger*  
Authorized Representative



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Rick Deluca, Director  
**DATE:** July 17, 2013  
**SUBJECT:** Adoption of the 2012 I-Codes and the 2011 NEC

**Type of Item:** *Approval*

**TYPE OF ITEM:** Action

This staff report covers amendments to Chapters 205, 500, 505, 510, 525, and 700.

**RECOMMENDATIONS:**

Both the Board of Building and Engineering Appeals and Staff recommend adopting the 2012 editions of the ICC Codes and the 2011 edition of the National Electric Code as amended.

**BACKGROUND:**

Staff is bringing forward a proposal to adopt the 2012 edition of the family of building safety codes as published by the International Code Council (ICC). This family of codes includes the International Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas, and Existing Buildings. In addition the proposal will include the adoption of the 2011 National Electrical Code published by the National Fire Protection Association.

The latest edition of the ICC codes recognize the most contemporary concepts and technologies related to design, materials and standards, many of which may currently be in use by design professionals and contractors. These codes will secure a minimum level of life safety and public welfare as these contemporary methods are utilized.

Staff researched and evaluated of the substantive changes to the previous editions of the International Codes. There have been numerous changes to the 2006 edition of the codes currently adopted by Harrisonville. The 2012 codes represent two complete cycles of changes of

the national code development process and two additional editions of the codes since the adoption of the 2006 International Codes.

A proposed adoption package was submitted to the Board of Building and Engineering Appeals for review and discussion. The Board of Building and Engineering Appeals met three times and made several revisions and recommendation. Staff then had a public review period in which the public (builders and building contractors) had a chance to review the proposed codes and provide written comments. 145 builders and building contractors received a letter (see attached) and were given 30 days for comments. Afterwards, the Board of Building and Engineering appeals made a recommendation to the Board of Aldermen. Staff is now presenting the proposed codes/amendments to the Board of Aldermen for consideration.

The City has purchased copies of the above mentioned code books. You are welcome to come in and review the proposed 2012 ICC Codes/2011 NEC. Please feel free to contact Randy Finkle (816-380-8921), April Clark (816-380-8958) or myself (816-380-8912) if you have any questions.

### **SUMMARY OF SIGNIFICANT CHANGES TO THE 2012 ICC CODES AS COMPARED TO THE 2006 ICC CODES**

The Community Development Department is proposing that the City of Harrisonville adopt the most current edition of the International Building Codes which is 2012 code package. This would also include the 2011 edition of the National Electric Code. The 2012 code encompasses the changes that were incorporated into the 2009 codes as well as the changes which were promulgated through the 2010 code development process. The code development process is an open process whereby code officials, industry representatives, design professionals and other interested parties carefully consider proposed changes to the codes.

The codes are founded on principles intended to establish provisions which adequately protect public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types of classes of materials, products or methods of construction.

In the development of the 2012 I-Codes thousands of proposed changes were submitted, discussed and voted upon. The new code language can be organized into four categories: clarification, modification, addition or new. The great majority of code changes fall under the category of clarification or modification. A Clarification is new language whose purpose is to

clarify existing requirements; it is not meant to add to or reduce existing requirements. Modification alters the existing text in a manner that expands, reduces or changes the scope of a certain requirement. Language falling into the category of addition, generally adds new requirements to existing chapters or sections. Code language that is classified as new generally means that a new chapter or definition has been added to the code. Below staff has identified some of the more interesting and significant codes changes that can be found within the 2012 I-codes.

### **Building Code (IBC)**

**Open Malls:** The concept of an open mall was first introduced in the 2009 building code. In the 2012 building code it sets forth the requirement for establishing a building perimeter line. The open mall concept makes allowance for constructing an open mall similar to the provisions previously established for enclosed malls. These provisions allow for developments like Zona Rosa and The Legends to be constructed under similar provisions that were applied to a mall like Oak Park Mall. Those provisions eliminate confusion regarding the application of the code to those types of facilities. (Section 402 Covered Malls and Open Mall Buildings)

**Care Facilities:** For the last several years the building code provisions dealing with the care provided for individuals in various types of medical and residential facilities has been studied. In order to better address the current uses across the country several new definitions have been added to the code and a number of changes have been made to the code. These changes will provide for more appropriate levels of protection for those individuals who are under the care of others through better assessment of their condition as well as the number of people being cared for at any given time. There are new definitions for: Custodial care, Detoxification facilities, Foster care facilities, Hospitals and Psychiatric hospitals, Nursing homes, Group homes, Ambulatory Care Facility as well as what constitutes 24-hour care, medical care, personal care service and incapable of self-preservation. (Section 422 Ambulatory Care Facilities and 903.2.2 Ambulatory Care Facilities)

In addition, there is a provision in Section 903.2.2 Ambulatory Care Facilities which would require the installation of an automatic fire sprinkler when one or more care recipients that are incapable of self-preservation are located in an area other than at the level of exit discharge for the facility. In situations like this the automatic fire sprinkler system would be required on the entire floor as well as on every floor below including the level of exit discharge. This is another area where the new codes eliminate confusion and in some cases allow more flexibility for the building owner.

### **High Rise Buildings:** (Section 403 High-rise Buildings)

Due to the collapse of the World Trade Center and various other major fires around the world, the building code continues to address the potential danger associated with high rise structures. Exiting, fire-fighting and the overall structural integrity of the building are areas that have been studied. There are a number of changes in the 2012 I-Codes that attempt to address some of the concerns. Some of the changes, like the need for Fire Service Access Elevators, are only required for structures with occupied floors more than 120ft above the lowest level of fire department vehicle access. Some of the changes are as follows:

- Fire pumps are to be supplied by two water mains located in different streets. (Section 403.2)
- A Smoke removal system is required. (Section 403.4.7)
- Exit enclosures to be separated at least 30 ft. Apart or not less than  $\frac{1}{4}$  the diagonal distance. (Section 403.5.1)
- Luminous egress path markings delineating the exit path is required. (Section 403.5.5)
- Emergency responder radio coverage is required. (Section 403.4.5)
- Occupant evacuation elevators are permitted. (Section 403.6.2)
- Two Fire service access elevators are required (120 ft. And greater). (Section 403.6.1)

**Educational facilities (group E occupancy):** There have been several changes put in the code that will affect facilities classified as group E occupancies. First, it has been made clear that a room or space used for assembly purposes (like a gymnasium) and associated with a group E occupancy shall not be classified as a separate occupancy (Section 303.1.3). Secondly, where rooms or space are provided for day care in places of religious worship during the service, the designated occupancy of the room or space shall be the same as the occupancy of the place religious service (Section 305.2.1) .

In addition to the changes previously mentioned, the code attempts to address the concern for school campus safety by requiring the following:

- The threshold for requiring an automatic fire suppression system has been reduced from a fire area of 20,000 sq. Feet to 12,000 sq. feet. (Section 903.2.3 Group E)
- An emergency voice/alarm communication system will be required in all group occupancies with an occupant load of 30 or more in order to enhance communication during lock downs. (Section 907.2.3 Group E)

**Residential Occupancies:** This is a general term that includes a host of different types of occupancies. Apartments, hotels, motels, group homes, boarding houses are examples of residential occupancies.

- Floor exit signs are now required in occupancies such as hotels and motels. In fire events smoke can quickly rise to the top of ceilings forcing evacuees to the floor. These low level exit signs will assist persons in safely exiting the building. They also serve to increase fire fighter safety as they often times find themselves in buildings filled with smoke. (Section 1011.2 Floor level exit signs in group R-1)
- Carbon monoxide detectors will be required in residential and institutional occupancies containing fuel burning appliances. These types of detectors offer enhanced protection for occupants who are often times are unaware of the presence of carbon monoxide usually due to the malfunction of a fuel burning appliance. (908.7 Carbon monoxide detectors)
- The allowable sill height of an operable window located more than 72 inches above grade has been raised from 24 to 36 inches in order to reduce the ability of a child to climb onto the sill and potentially fall out of the window. There are provisions for installing guards on the window should there be a desire to have a lower sill height than 36 inches. (Section 1013.8 Window Sills)
- In R-2 occupancy (apartments) the allowable travel distance of an exit access has been increased from 75 feet to 125 feet. Essentially, the increased travel distance will allow greater use of an open stair which is of benefit to designers. (Table 1021.2(1) Stories with one exit or access to one exit for R-2 occupancies)

- In group R-1 occupancies, where multiple bathrooms are provided in accessible dwelling or sleeping units, only one full bathroom is required to be accessible. (1107.6.1.1.1 Accessible unit facilities)
- Live/work Units: This new type of occupancy was first put into the 2009 Building code. It is defined as a dwelling unit or sleeping unit that includes a nonresidential use that is operated by the tenant. A key component is that separation of unlike uses is not required. The 2012 code gives further direction on how these units are to be regulated. For example the means of egress from the unit is to be determined based on the function of the individual unit. (Section 419)

**Exiting provisions:** Chapter 10 covers exiting. Exiting provisions contain major life safety components that are constantly reviewed with every code cycle. In the 2012 code there was a major re-write of Chapter 10 concerning stairways. The driving force behind this change was the discussion that had been taking place over the last several years concerning open stairs. Open stairs are now defined as Exit Access stairways. Some other changes found in Chapter 10 are as follows:

- It has been made clear that all stairways serving occupied portions of a building must comply with the provisions of Chapter 10. Previously the code was ambiguous and led some to erroneously believe that chapter 10 did not apply to stairs which did not serve as part of the means of egress. (Section 1009.1 General)
- The means of egress factor for determining the size of means of egress in buildings with automatic fire sprinklers has been re-instated provided the building is equipped with an emergency voice/alarm system. In the 2009 code the reduced means of egress factor had been removed. (Section 1005 Means of egress sizing)
- An exception with specific criteria has been added to Section 1021 which would allow multiple exits to be arranged in a manner where not all the exits would be available to all the occupants on a given story. Previously, the code required that all of the required exits had to be available to all of the occupants of the floor. (Section 1021.2 Exits from stories)
- A two-way communication system is required at each accessible elevator landing that is one or more stories above the level of exit discharge. Visual and tactile signage must be provided at every area of refuge which defines its purpose. Signage indicating the location of all accessible means of egress must be provided at all non-accessible means of egress, at all elevators and within areas of refuge. Instruction must be posted

in all areas of refuge and exterior areas of rescue assistance regarding use of the area and how to use two-way communication systems. (Section 1007.8 Two-way communication)

### **Residential Code (IRC)**

The International Residential Code is a prescriptive code designed to address one and two family dwellings and townhomes less than 3 stories in height. This document incorporates into the body of the code provisions for electrical, plumbing, mechanical, fuel gas and energy so that contractors only have one document to refer to. The majority of the code text is exactly the same as found in the other international codes.

**Mechanical Ventilation:** In order to assure that a minimum amount of fresh air is provided, a new provision for mechanical ventilation has been added to the code. When natural ventilation is not provided or when a blower door test shows an air infiltration rate of 5 ACH or less, a whole house mechanical ventilation system will be required. This will most likely not apply unless we adopt the stricter International Energy Efficiency Codes. (Section R303 Habitable Rooms and M1507)

**Automatic Sprinkler Systems:** The requirement for the installation of automatic fire sprinklers in one and two family dwellings and townhomes was added in the 2009 IRC. (Section R313 Automatic Fire Sprinkler Systems)

**Townhouses:** In the 2009 IRC the fire rating of fire separation walls between dwelling units was downgraded from a 2-hour wall to a 1-hour wall as a trade-off for the installation of automatic fire sprinklers. In order to maintain adequate protection from one dwelling unit to another this provision will need to be amended by restoring the requirement for 2-hour walls since automatic fire sprinklers will not be installed. (Section 302.2 Townhouses)

**Smoke Detectors/Carbon Monoxide Detectors:** Smoke detectors and carbon monoxide detectors provide additional protection when persons are asleep or awake. A new provision in the code mandates carbon monoxide detectors in dwellings containing fuel fire appliances. Another provision will allow both types of devices to be wirelessly connected when listed for such use. (R314 Smoke Alarms, R315 Carbon Monoxide Detectors)

**Fire Protection of Floors:** Fire fighters often times are required to enter buildings on search and rescue missions. Wood floor assemblies made of light weight material collapse quickly in a fire.

In order to provide better protection for rescue personnel, trusses and similar light-weight assemblies are now required to be protected with a ½ inch gypsum wallboard membrane. (R501.3 Fire Protection of Floors)

**Wall Bracing:** The wall bracing provisions provide for a prescriptive method of resisting lateral loads from wind and earthquakes. The provisions found in the 2012 code are an accumulation of about 10 years of work on wall bracing. Various options for addressing lateral loads are presented in a more user friendly fashion. (R602.10, - 602.12 Wall Bracing)

**Energy Efficiency:** In the last two code cycles the Department of Energy and others were successful in their efforts to push for increased requirements governing energy conservation. The 2012 code reflects those changes. The regulations pertaining energy efficiency for the construction and design of buildings now come directly from the International Energy Efficiency Code (IEEC). Chapter 11 Energy Efficiency reprints those provisions from the IEEC that are applicable to structures built under the provisions of the IRC. Some of the more notable changes are as follows:

- The code sets forth mandatory requirements which are required to be met whether one chooses the prescriptive path or the performance path. (Fox Examples See N1101.16 Certificate and N1102.4 Air Leakage)
- Many of the insulation and fenestration requirements by component have changed. (TABLE N1102.1.1 Insulation and Fenestration Requirements by Component.)

|          | Fenestration U-Factor | Skylight U-Factor | Glazed Fenestration SHGC | Ceiling R-Value | Wood Frame Wall R-Value |
|----------|-----------------------|-------------------|--------------------------|-----------------|-------------------------|
| 2006 IRC | .40                   | .60               | NR                       | 38              | 13                      |
| 2012 IRC | .35                   | .55               | .40                      | 49              | 20 or 13+5              |

- Verification of an air leakage rate of 3 air changes per hour (ACH) is required through testing. (Blower door test). Houses having an ACH rate of 5 or less will be required to install a whole house ventilation system. (N1102.4.1.2 Testing and R303 Habitable Rooms)

- Recessed luminaries installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned space. Luminaries are to be IC-rated and labeled as meeting ASTM E 283. (N1102.4.4 Recessed lighting)
- Programmable thermostats are required where the primary heating system is a forced-air furnace. (N1103.1.1 Programmable Thermostat)
- Where ducts are located outside the building thermal envelope the tightness of the ducts shall be verified by testing. (N1103.2.2 Ducts)
  - Building cavities are not to be used as ducts or plenums. (N1103.2.3 Building Cavities)
- Heating and cooling equipment shall be sized in accordance with ACCA Manual S. The building loads are calculated in accordance with ACCA Manual J. (N1103.6 Equipment sizing)
- Heated pools and permanently installed in-ground spas shall be supplied with a vapor retardant cover. (N1103.9.3 Covers)
- Seventy-five percent of the permanently installed fixtures shall contain only high-efficacy lamps. (N1104.1 Lighting equipment)
- Insulation for hot water pipe shall be a minimum of R-3. (N1103.4.2 Hot water pipe insulation)

### ***Mechanical Provisions in the IRC***

**Make-up Air:** Exhaust hoods exceeding 400 cfm will necessitate the need for make-up air. Make-up air systems are to be interconnected with the exhaust system. (M1503.4)

**Whole-house Mechanical Ventilation System:** When homes are built tight to meet energy codes they can often times be too tight for proper ventilation. The requirements for whole-house

ventilation address the issue by requiring outside air and/or exhaust or a combination of the two. When these systems are required they are to run continuously or intermittently. (M1507.4)

**Photovoltaic Solar Energy Systems:** The use and popularity of these systems is increasing therefore an entirely new section governing the installation of these sections has been developed. Reference is made to the National Electrical Code for further guidance. (M1502.4.5)

### ***Plumbing Provisions in the IRC***

**Gray Water Recycling Systems:** In order to better address a water conservation method, a new section addressing gray water recycling systems for use with urinals, water closets and landscape irrigation systems has been developed. (P2801.3 Gray Water Recycling Systems)

**Third Party Certification:** All plumbing products are to be certified by third-party agencies. This requirement will assure that products meet the appropriate design standards which are referenced in the code. (P2609.1 Materials Evaluation and Listing, P2609.4 Third Part Certification)

### ***Electrical Provisions in the IRC***

(These provision are produced and copyrighted by NFPA and are based on the 2011 NEC)

**Ground-fault Circuit Interrupters:** In order to reduce the potential for a person receiving an electrical shock, the requirement for installing ground-fault circuit interrupter protection has been expanded to include all receptacles located in garages and unfinished basements. The only exception is for a receptacle supplying a permanently installed fire alarm or burglar system. (E3902.2 Garage and accessory building receptacles and E3902.5 Unfinished basement receptacles)

**Arc-fault Circuit Interrupters:** There are expanded requirements for the use of arc-fault circuit interrupters. These devices are capable or recognizing characteristics unique to arcing. They will de- energize the circuit when an arc-fault is detected. The new provisions will require these devices in family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, and similar rooms or areas. (E3902.12

**Arch-fault circuit-interrupter protection)** The Board of Building and Engineering Appeals (BBEA) and Staff recommend requiring arc-fault circuit interrupter requirements.

**Tamper-resistant Receptacles:** The safety of young children is of utmost important to virtually everyone. In order to provide a safer environment for young children, tamper-resistant receptacles will be required throughout dwelling unit. There are a few exceptions related to height and location. (E4002.14 Tamper-resistant receptacles)

**Switches Controlling Lighting Loads:** A grounded conductor must now be pulled to all switches controlling lighting loads. This requirement is in the code in order to control the integrity of the grounding system by preventing the equipment ground from being utilized to carry stand-by current. (E4001.15 Switches controlling lighting loads)

### **Fire Code (IFC)**

The fire code sets forth minimum standards which provide for a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings. The provisions which apply to new buildings have duplicate provisions in the building code. The fire code also sets forth standards which are specific to the safety of fire fighters and emergency responders such as the requirement for emergency radio coverage.

**Portable Gas-Fired Heating Appliances:** There are now specific requirements governing the use of portable gas-fired heating appliances. These type units are often used to provide heat on outdoor patios. The use of these heating appliances is prohibited inside tents, canopies and membrane structures. (Section 603.4.2.1.1 Prohibited Locations)

**Unsafe Conditions:** This new section addresses the maintenance of fire resistive construction. Failure to maintain the fire resistive construction of fire walls, fire barriers, fire partitions, smoke barriers etc., will mean that the building could be deemed unsafe or an immediate hazard which could result in the order to vacate the building. (Section 701.2 Unsafe conditions)

**Upholstered Furniture & Mattresses:** There are new provisions which will require the installation of automatic fire suppressions systems in buildings where upholstered furniture, mattresses and box springs are stored, sold, displayed or manufactured. A threshold of 2500 square feet has been established for F-1 and S-1 occupancies and a threshold of 5000 square feet has been set for group M occupancies. It appears that the code is attempting to address only the

actual area used for the display, storage or manufacture of upholstered furniture and mattresses. These same provisions are also found in the building code. (Section 903.2.4, 903.2.7, 903.2.9)

**Alcohol Blended Fuel-dispensing Operations:** This section sets for some specific regulations and gives a means for approving alcohol blended fuel dispensing facilities. E85 falls under alcohol-blended fuel by definition. (Section 2306.8 Alcohol Blended Fuel-dispensing Operations)

**Chapter 11 Construction Requirements for Existing Buildings:** This is a new chapter which is an accumulation of existing and some new requirements from Chapters 7, 9 & 10 which are meant to apply to existing buildings. In this chapter requirements for the following can be found:

- **Egress Path Markings:** Exiting a high rise building takes longer then exiting a non-high-rise building. Persons exiting high-rise buildings can find themselves in stairway enclosures that are partially filled with smoke or are darkened for various reasons. In order to provide a safer environment when exiting high-rise buildings stairways, this chapter will require luminous egress path markings per Section 1024. (Section 1104.24)
- **Group I-2 Facilities:** This chapter will require facilities such as hospitals, nursing homes, mental hospitals and detoxification facilities to have automatic fire protection systems. (Section 1103.5.2)
- **Carbon Monoxide Detectors:** In order to prevent deaths due to carbon monoxide, these detectors will be required in existing residential and institutional buildings containing a fuel- burning appliance. A similar provision regarding smoke detectors has been in the code for a number of years. (Section 1103.9)
- **Emergency responder radio coverage:** This provision has been put in place for existing buildings in order to assist emergency responders in their efforts to fight fire and/or rescue occupants when required. (Section 1103.2)

### **Plumbing (IPC), Mechanical (IMC) & Fuel Gas Codes (IFGC)**

There are fewer changes in these codes than the other codes. Some of the changes, especially in the plumbing and fuel gas codes, simply add new standards for new products that have been introduced into the codes.

- Third-party certification is required for all plumbing and fuel gas products and materials. (Section 303.4 IPC and 401.10 IFGC)
- Separate facilities will not be required in mercantile occupancies until the occupant load exceeds 100. It was previously set at 50. (IPC section 403.2)
- The term unisex toilet has been deleted in favor of family or assisted-use toilets and bath fixtures. (IPC section 403.2)
- Where separate facilities are required for each sex, a family or assisted use facility may be substituted for the separate facilities. (IPC section 403.2.1)
- Drinking fountains are no longer mandated to be located in an individual tenant space. They can now be located within 500 feet of the tenant space unless the space is in an open or closed mall. In that case the distance is reduced to 300 feet. (IPC section 403.5)
- The maximum allowed distance from a hot water source and the most remote fixture has been reduced from 100 feet to 50 feet. A distance of over 50 feet will require a re-circulating system. (IPC section 607.5)
- A single stack vent system has been introduced into the code. (IPC section 917)
- Gray water recycling systems have been moved from the appendix to the body of the code. (IPC Chapter 13)
- Minimum ventilation rates have been set for nail salons. (IMC Table 403.3)
- Directional signage indicating the route to public toilet facilities is now required. (IPC section 403.4.1)

- Sinks used for cleaning utensils, pots and pans and/or dishes are now allowed to connect directly or have an indirect connection to the building drain. (IPC section 802.1.8)
- Where exhaust ducts for dryers have been concealed within the building construction, the code will now require that the equivalent length of the exhaust duct be identified by a permanent label or tag. (IMC section 504.6.5)
- One of the new definitions in the mechanical code is for a “breathing zone”. This definition will be used when calculating ventilation rates. See Table 403.3 Minimum Ventilation Rates.
- A new section was added to 2009 code to require outdoor HVAC refrigerant circuits to be fitted with locking-type caps to prevent unauthorized access to the refrigerant. \*\*This was added to protect the safety and well-being of children and young adults who may attempt to inhale the refrigerant vapors in order to become intoxicated. In the 2012 code a provision was added to allow for protection of the equipment by a barrier (fence). (IMC section 1101.10)

### **International Existing Building Code (IEBC)**

*The International Existing Building Code (IEBC)* would be new to Harrisonville. The IEBC contains provisions intended to encourage the use and reuse of existing buildings. The scope covers repair, alteration, addition and change of occupancy for existing buildings and historic buildings, while achieving appropriate levels of safety without requiring full compliance with the new construction requirements contained in the other I-Codes.

The *International Existing Building Code (IEBC)* is a model code in the *International Code* family of codes that provides alternative approaches to remodeling, repair or alteration of existing buildings. A large number of existing buildings and structures do not comply with the current building code requirements for new construction. Although many of these buildings are potentially salvageable, rehabilitation is often cost-prohibitive because compliance with all the requirements for new construction could require extensive changes that go well beyond the value of the building or the original scope of the rehabilitation. At the same time, it is necessary to regulate construction in existing buildings that undergo additions, alterations, renovations, extensive repairs or change of occupancy. Such activity represents an opportunity to ensure that new construction complies with the current building codes and that existing conditions are maintained, at a minimum, to their current level of compliance or are improved as required to meet basic safety levels. To accomplish this objective, and to make the rehabilitation process

easier, this code allows for options for controlled departure from full compliance with the *International Codes* dealing with new construction, while maintaining basic levels for fire prevention, structural and life safety features of the rehabilitated building.

This code provides three main options for a designer in dealing with rehabilitation of existing buildings (Section 301).

OPTION 1: Work for alteration, repair, change of occupancy, addition or relocation of all existing buildings shall be done in accordance with the Prescriptive Compliance Method given in [Chapter 4 <javascript:Next\('/icod\\_iebc\\_2012\\_4\\_par001.htm'\);>](#). It should be noted that this same method is provided in Chapter 34 of the *International Building Code*.

OPTION 2: Work for alteration, repair, change of occupancy, addition or relocation of all existing buildings shall be done in accordance with the Work Area Compliance Method given in [Chapters 5 <javascript:Next\('/icod\\_iebc\\_2012\\_5\\_par001.htm'\);>](#) through [13 <javascript:Next\('/icod\\_iebc\\_2012\\_13\\_par001.htm'\);>](#).

OPTION 3: Work for alteration, repair, change of occupancy, addition or relocation of all existing buildings shall be done in accordance with the Performance Compliance Method given in [Chapter 14 <javascript:Next\('/icod\\_iebc\\_2012\\_14\\_par001.htm'\);>](#). It should be noted that this option is also provided in Chapter 34 of the *International Building Code*.

Under limited circumstances, a building alteration can be made to comply with the laws under which the building was originally built, as long as there has been no substantial structural damage and there will be limited structural alteration.

### **SIGNIFICANT DISCUSSION ITEMS:**

#### **Residential Fire Sprinkler Systems**

Since the adoption of the 2009 International Residential Code, few topics have created the interest and debate like the requirements for residential fire sprinkler systems. Although sprinklers typically cost less than most people estimate, and sprinklers are quicker at subduing or extinguishing residential fires before the Fire Department arrives on the scene, the debate rages on. Most of the concerns are related to cost, but most people have little idea how sprinkler systems actually work.

Many thought the requirement might be repealed in the 2012 Codes, but it did not happen. What did change was the trade-off of reduced fire resistive construction for sprinklers and increased protection if sprinklers are not used; creating a prescriptive method that is both stringent and expensive. Recently the State of Kansas has passed legislation prohibiting a jurisdiction from requiring residential fire sprinklers. Therefore, cities, such as Olathe, are reverting back to the protective construction methods outlined in the 2006 IRC to gain compliance by including the code language in their adoption ordinances.

Missouri responded by introducing a bill that would prohibit the local jurisdictions from either requiring or denying the individual purchaser of a home from choosing whether or not they wanted a fire sprinkler installed at their expense. The original bill was set to expire in 2011, but Senate Bill 108 has extended the original time frame to December 31, 2019. At the time the bill stated that if a jurisdiction did not mandate sprinkler systems, then sec. 317.1 of the 2006 IRC was to be used in the adoption ordinance. *Recommendation: Both the Board of Building and Engineering Appeals and Staff recommend not requiring homes to be sprinkled.*

### **Carbon Monoxide Detectors**

Smoke Detectors have been required in new construction for a number of years now, and proven their worth in saved lives and reduced property damage due to quicker notification of danger to the dwelling occupants. The 2012 IRC will require the use of CO detectors in dwelling that have fuel burning appliances as well. There are combo units in the marketplace that detect both CO and Smoke, as well as stand-alone, battery units available. Due to the number of CO poisoning cases in the news every heating season, there is already a good public knowledge of the value of Co detectors. *Recommendation: Both the Board of Building and Engineering Appeals and Staff recommend requiring CO detectors.*

### **Wireless Smoke Detectors**

Wireless Smoke Detectors are now allowed by the 2012 Code, and overall response from those I have contacted has been very positive. The method allows the interlocking capability of conventional systems, and the frequency used does not appear to have any known conflicts with other systems. They have the potential to be a very valuable asset in the right circumstances. *Recommendation: Both the Board of Building and Engineering Appeals and Staff recommend allowing wireless smoke detectors.*

### **GFCI/ AFCI**

Current editions of the Code require GFCI protection in areas that may put the user in contact with ground due to damp conditions, and AFCI protection is required in bed room areas. The 2012 code will require AFCI in most habitable areas of the house. The AFCI is an arc fault circuit interrupter. It functions when it detects an arc condition like a breaking cord short of even a loose connection in the wiring circuit. Application of this provision will help prevent fires caused from dead shorts in wiring or overheating caused by intermittent arcing conditions caused by faulty equipment, etc. *Recommendation: Both the Board of Building and Engineering Appeals and Staff recommend requiring AFCI protection as outlined in the 2012 Codes.*

### **Tornado Shelters or “Safe Rooms”**

Information was requested from the metro area ICC members regarding the requirements of tornado shelters and/or safe rooms. Ten of the jurisdictions provided responses. Raytown, KCMO, Blue Springs, Gladstone, Independence, and Lee’s Summit do not any requirements for safe room and do not anticipate having any in the near future. Grandview does, but call it a place of refuge, Peculiar has it “for now”, and Leawood requires either a basement or storm shelter for 1-2 family dwellings and R-2 apartments. Most have said the issue is very political in nature, due to costs. Geoff Bowman, as an ICC Metro member, has past experience with the process and suggested it might be better to strongly support and recommend building them, however keep it voluntary. Geoff was formerly at Pleasant Hill, and is familiar with their ordinance; however Pleasant Hill did not submit info for my request. *Recommendation: Both the Board of Building and Engineering Appeals and Staff recommend not requiring tornado shelters or safe rooms in homes without basements.*

### **Window Fall Protection**

Window fall protection requires window that is more than six feet above grade to either be higher from the floor line or have protective devices installed to prevent small children from falling out through the screen. *Recommendation: Both the Board of Building and Engineering Appeals and Staff recommend requiring window fall protection.*

### Water Service Lines

Currently the building code allows a number of materials for residential service lines, however our City Ordinances specify ¾ inch soft copper. We have been asked to consider the material used by code due to the extremely high cost of copper line. It was proposed that we require copper from the city main to the water meter, then whatever the code allows. The only concern has been for areas around the foundation where additional settling of the back fill might shear off plastic at the foundation. This could be alleviated by requiring protection from inside the foundation to a point outside where the ground is undisturbed. *Recommendation: Require copper between the main and the meter. Allow materials as allowed in the Code between the meter and the house.* NOTE: See attached ordinance amending chapter 700.210 C of the City Code.

### Steel in Foundations

This issue was discussed with several other jurisdictions and no consensus was given. One practical suggestion was to allow the use of the ACI guidelines, but require the foundation to be based on the worst soil condition normally found in the jurisdiction, or the builder provides a geotechnical report for each lot. Other jurisdictions did like Harrisonville, and kept their older provisions as amendments. *Recommendation: Both the Board of Building and Engineering Appeals and Staff recommend requiring steel in foundations. This is consistent with our current standard.*

### International Energy Efficiency Code (IEEC)

Introduced in 1998, the IECC addresses energy efficiency on several fronts including cost savings, reduced energy usage, conservation of natural resources and the impact of energy usage on the environment. Important changes in this sixth edition include a comprehensive set of changes includes measures to improve the thermal envelope, HVAC systems and electrical systems of residential buildings up to three stories in height. Commercial enhancements include required energy savings for windows, doors and skylights; thermal envelope efficiency; and increased efficiencies for installed HVAC equipment. *Recommendation: The Board of Building and Engineering Appeals (BBEA) and Staff do not recommend adopting the International Energy Efficiency Code.*

### **International Existing Building Code (IEBC)**

The IEBC contains provisions intended to encourage the use and reuse of existing buildings. The scope covers repair, alteration, addition and change of occupancy for existing buildings and historic buildings, while achieving appropriate levels of safety without requiring full compliance with the new construction requirements contained in the other I-Codes.

#### **Pools.**

*Recommendation: The Board of Building and Engineering Appeals (BBEA) and Staff recommend that pools that are 24 inches deep be required to have a fence (consistent with ICC standards). The current standard is 18 inches deep or more. NOTE: See attached ordinance amending chapter 505 of the City Code.*

**Council Bill No. 41**

**Ordinance No.**

**An Ordinance Repealing Chapters 205, 206 and 207 of the City of Harrisonville,  
Missouri Code of Ordinances and Enacting in Lieu Thereof a New Chapter 205 of  
the Harrisonville, Missouri Code of Ordinances.**

**WHEREAS**, the International Fire Code regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and

**WHEREAS**, the Board of Aldermen of the City of Harrisonville, Missouri, held a public hearing on August 5, 2013.

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

**Section 1:** That Chapter 205, 206 and 207 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby repealed and a new Chapter 205 is enacted in lieu thereof:

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**ARTICLE I. EMERGENCY SERVICES DEPARTMENT**

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**SECTION 205.010: ESTABLISHED**

There is hereby established a Harrisonville Emergency Services Department. This Department shall be responsible for the safety of the residents of Harrisonville in the areas of fire suppression, emergency medical care, rescue, and emergency management.

**SECTION 205.020: APPOINTMENT OF OFFICERS**

The Emergency Services Department shall be a department of the City and under the general rules and regulations as may be from time to time adopted by the City. The Emergency Services Director shall be appointed by the City Administrator; and such other officers as shall

be determined are necessary shall be appointed by the Fire Chief after consultation with the City Administrator.

#### **SECTION 205.030: EMERGENCY SERVICES DIRECTOR**

The Emergency Services Department shall consist of a Emergency Services Director and such other officers and members as shall be necessary to maintain an effective unit within the City of Harrisonville.

#### **SECTION 205.040: FUNCTIONS**

- A. The organization shall perform functions related to fire suppression, fire prevention, fire inspection, fire investigation, public education, specialized and technical rescue, and hazardous material mitigation.

The organization shall perform functions related to emergency medical care, advanced medical care, public education, and specialized treatment modalities through the approval of the Department Medical Director.

The organization shall perform emergency management functions within the territorial limits of City of Harrisonville and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

- B. The Emergency Services Director shall have direct responsibility for the organization, administration and operations of local emergency management activities.
- C. The Emergency Services Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency.

The City Administrator of the City of Harrisonville and the Emergency Services Director, in accordance with Chapter 44, RSMo., and supplements thereto, may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, including emergency assistance to victims of natural and manmade disasters or national emergency; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State emergency management agencies;

2. In the event of a national emergency or severe local emergency endangering public health, welfare, life or public property, waive the normal purchasing/supply requisition procedures, upon approval of the Mayor and in accordance with State Statutes and local emergency procurement procedures formally adopted by the Board of Aldermen;
3. Appoint, provide or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation;
4. With the approval of the Governor and consistent with the Missouri Emergency Operations Plan, enter into mutual-aid agreements with other public and private agencies within and outside the State for reciprocal emergency aid;
5. Accept donated goods/services to benefit disaster victims and services, materials, equipment, supplies or funds granted or loaned by the Federal Government for disaster mitigation, preparedness, and response and recovery purposes.

There is hereby created within and for the City of Harrisonville an emergency management organization to be known as the Harrisonville Emergency Services which is responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplement thereto and the Missouri Emergency Operations Plan and the City of Harrisonville Emergency Operations Plan adopted hereunder.

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## ARTICLE II. EMERGENCY MEDICAL CARE

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### SECTION 205.050: CHARGES

The rates and charges for emergency medical service furnished by the City shall be as from time to time determined by the City Administrator. Rates shall be established in the City and shall reflect the actual cost to the City of performance of said service.

## **SECTION 205.060: PRIORITY OF SERVICE**

It is the intention of the Board of Aldermen that the emergency medical service is for the benefit of the residents of the City.

## **SECTION 205.070: CONTRACTS WITH OTHER INCORPORATED BODIES**

The Board of Aldermen hereby directs the City Administrator to contact other incorporated bodies relative to contracting for emergency medical service for the City. All such contracts must be approved by the Board of Aldermen.

## **SECTION 205.080: HARRISONVILLE EMERGENCY SERVICES TO BE EXCLUSIVE PROVIDER OF EMERGENCY MEDICAL SERVICE**

A. It shall be unlawful to:

1. Use or cause to be used any emergency medical service other than the Harrisonville Emergency Services department unless exempted by the provisions of this Section;
2. Provide emergency medical service or transfer within the City unless authorized or exempted by this Section;
3. Knowingly give false information to cause the dispatch of an emergency medical service or rescue unit.

B. Any person convicted of violating the provisions of this Chapter shall be fined no more than five hundred dollars (\$500.00) or imprisoned for a period not to exceed six (6) months, or punished by both such fine and imprisonment. This does not serve to limit any other remedies available to the City in law or equity.

C. The provisions of this Chapter shall not apply to helicopter rescue units, emergency medical service or the personnel which are:

1. Owned and operated by an agency of the United States Government;
2. Rendering assistance at the request of the EMS department in cases of disasters or major emergency too great for the Harrisonville Emergency Services resources.

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### ARTICLE III. EMERGENCY MANAGEMENT

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#### **SECTION 205.090: ORGANIZATION**

This agency shall consist of an Emergency Services Director and other members appointed by the Emergency Services Director to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

#### **SECTION 205.100: OATH**

No person shall be employed or associated in any capacity in any organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, \_\_\_\_\_, do solemnly swear/affirm that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will faithfully discharge the duties upon which I am about to enter. And I do further swear/affirm that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such a time as I am a member of the Harrisonville Emergency Management Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

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### ARTICLE IV. FIRE CODE

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#### **SECTION 205.110: ADOPTION OF INTERNATIONAL FIRE CODE (IFC)**

- A. The City hereby adopts the International Fire Code, 2012 Edition, as published by the International Code Council, including Appendix Chapters B, C, D, E, F, G, H, and I as the official Fire Code of the City of Harrisonville, Missouri.
- B. The City is hereby directed to maintain one copy of the International Fire Code, 2012 Edition, at all times in the offices of the City.

## SECTION 205.120: AMENDMENTS

The fire code adopted by the provisions of this article is hereby amended and/or modified in the following respects:

*IFC Section 101.1.* Insert: “the City of Harrisonville”.

*IFC Section 105.1.2. Types of permits.* Delete paragraph number 2 in its entirety.

*IFC Section 105.7. Required construction permits.* Delete in its entirety.

*IFC Section 108. Board of Appeals.* Delete in its entirety.

*IFC Section 113. Fees.* Delete in its entirety.

*IFC Section 307. Open Burning, Recreational Fires and Portable Outdoor Fire Places.* Delete in its entirety and enact as follows:

“307.1. *General.* A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted in accordance with this Section and Sections 205.040-205.060.”

“307.1.2. During any period when the Fire Code Official has declared a burn ban under the provisions of the Code of Ordinances of the City of Harrisonville.”

“307.2. *Extinguishment of Burn.* When open burning becomes offensive or objectionable due to smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous, the Fire Code Official or his/her designee is authorized to order the extinguishment of the open burning.”

“307.3. *Location.* The location for open burning shall not be less than 50 feet (15240 mm) from any structure and provisions shall be made to prevent the fire from spreading to within 50 (15240 mm) feet of any structure. Burning is not permitted in or on public parks, sidewalks, streets, curbs or drainage areas or in parking areas which are generally open to the public.”

“Exceptions:

1. Fires in approved containers that are less than 15 (4572 mm) feet from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (915 mm) or less in diameter and 2 feet (610 mm) or less in height.”

307.3.1 *"Bonfires.* A bonfire shall not be conducted within 25 feet (7620 mm) of a structure or combustible material unless the bonfire is contained in a barbeque pit. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition."

307.3.2 *"Recreational Fires.* Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material unless the fire is contained in a barbeque pit. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition."

307.4. *"Attendance.* Open burning; bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with IFC Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization."

307.5. *"Open-flame cooking devices.* Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction."

"Exceptions:

1. One-and two-family dwellings.
2. Where buildings, balconies or decks are protected by an automatic sprinkler system.

307.5.1. Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners having a LP-gas container with a water capacity greater than 25 pounds (1.14 kg) LP-gas capacity shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exception: One-and two-family dwellings."

*IFC Section 503.4.1. Traffic Calming Devices.* Delete in its entirety.

*IFC Section 510.1. Emergency Responder Radio Coverage.* Delete exception 3 in its entirety.

*IFC Section 510.2 through Section 510.6.3.* Delete in its entirety.

*IFC Section 901.4.6. Pump and riser room size.* Amending by adding as follows: "Automatic sprinkler systems required by this code shall be installed in sprinkler system rooms with access provided to the room from an exterior 3'-0"x6'-8" door for emergency personnel. The door shall be labeled in 3 inch letters, "FIRE SPRINKLER ROOM".

Exception: The fire area is 5,000 square feet or less, except for Group H occupancies and woodworking operations in excess of 2,500 square feet.

*IFC Section 901.5. Installation acceptance testing.* Amend as follows: “Fire detection and alarm systems, fire extinguishing systems, fire hydrant systems, fire standpipe systems, fire pumps, private fire mains and all other protection systems and appurtenances thereto shall be subject to acceptance test(s) as contained in the installation standards and as approved by the Building Code Official and Fire Code Official. The Building Code Official and Fire Code Official shall be notified 48 hours before any required acceptance testing is performed. It shall be unlawful to occupy portions of a structure until the required fire protection systems within that portion of the structure have been tested and approved.”

*IFC Section 903.2.1.2. Group A-2.* Amend item number 2 by adding an exception as follows: “Exception: Where approved by the building official, tenant spaces of less than 5,000 square feet in existing multi-tenant buildings may increase occupant load to 300” as allowed in IBC Section 903.2.1.2 (Group A-2) and the exception as stated in the adopting ordinance Section 500.020.

*IFC Section 903.2.8. Group R.* Amend as follows: Add Exception: “One-and two-family dwellings.”

*IFC Section 903.3.1.1. NFPA 13 sprinkler systems.*

*IFC Section 903.3.7. Fire department connections.* Amend by adding the following: “The location of the fire department connections shall be approved by the fire code official. Connections shall be a 4 inch Storz quick coupling connector type fitting and located within 100 feet of a fire hydrant, or as approved by the fire code official.”

*IFC Section 903.4.2. Alarms.* Amend by adding the following: “Alarm devices provided on the exterior of the building shall be a combination horn and strobe device.”

*IFC Section 905.3.4.1. Hose and cabinet.* Delete in its entirety.

*IFC Section 905.5.3. Class II system 1-inch hose.* Delete in its entirety.

*IFC Section 905.7. Cabinets.* Delete the words “fire hose”.

*IFC Section 5704.2.9.5. Above-ground tanks inside of buildings.* . Insert: “Prohibited in R-1, R-1M, R-2, R-3, R-4, CBD-1 and CBD-2. By permit only in C-O, C-1 and C-2.”

*IFC Section 5704.2.9.6. Above-ground tanks outside of buildings.* Insert: “Prohibited in R-1, R-1M, R-2, R-3, R-4, CBD-1 and CBD-2. By permit only in C-O, C-1 and C-2.”

*IFC Section 5704.2.4.4. Limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited:* Insert: “Prohibited in R-1, R-1M, R-2, R-3, R-4, CBD-1 and CBD-2. By permit only in C-O, C-1 and C-2.”

*IFC Section 6104.2. Limits in which the storage of liquefied petroleum gas (LPG) is restricted for the protection of heavily populated or congested areas:* Insert: "Prohibited in R-1, R-1M, R-2, R-3, R-4, CBD-1 and CBD-2, except that LPG containers of not more than 120 gallons may be used in these districts for fireplace fuel only. By permit only in C-O, C-1 and C-2."

*IFC Section D105.1. Where required.* Amend by adding the following last sentence: "Aerial apparatus access roads as defined in IFC Appendix D shall be provided completely around the perimeter of every building classified as a Group R-1, R-2, or R-4 occupancy."

## ARTICLE V. FIREWORKS

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### SECTION 205.130: DEFINITION

For the provisions of this Article, the term "*fireworks*" shall mean any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

*FIREWORKS, 1.4g (Formerly known as Class C, Common Fireworks):* Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by composition. Such 1.4G fireworks which comply with the construction, and labeling regulations of the DOTn for Fireworks, UN0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: Parts 1500 and 1507, are not explosive material for the purpose of the Code. "*Fireworks*" shall mean and include, but are not limited to the following: blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, fire crackers, torpedoes, skyrockets, roman candles, sparklers, or other fireworks of like construction or other device or any explosive substance. "*Fireworks*" shall not include toy guns, toy pistols, toy canes, and other devices where twenty-five hundredths (0.25) grains or less of an explosive compound are used.

*FIREWORKS, 1.3G (Formerly Class B, Special Fireworks):* Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration, or detonation. Such 1.3G fireworks include, but are not limited to firecrackers containing more than one hundred thirty (130) milligrams (2 grains) of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as fireworks, UN0335 by the DOTn. Examples are devices typically displayed at commercial or professional displays.

### SECTION 205.140: EXCEPTION

Nothing in this Article shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or naval forces of the United States or of this State or to Peace Officers, nor as prohibiting the sale or use of blank cartridges for ceremonial or theatrical or athletic events or agricultural purposes.

#### **SECTION 205.150: SALE, ETC., RESTRICTED**

No retailer, dealer or any other person shall sell, offer for sale, store, display or have in his/her possession any fireworks that have not been approved and labeled as 1.4G fireworks as defined above. No fireworks shall be sold except during the fireworks season as herein defined. "*Fireworks season*" shall be the period beginning on the twentieth (20th) day of June and continuing through the fifth (5th) day of July of the same year.

#### **SECTION 205.160: LICENSE REQUIRED**

No person shall sell, offer for sale, store or display fireworks within the corporate limits of the City without first having obtained a license to do so from the City. As a fee for the issuance of a fireworks license, there shall be collected the sum of one hundred dollars (\$100.00) per license. Each location shall require a separate license. The license fee for approved charitable organizations shall be one hundred dollars (\$100.00). No license shall be issued to anyone until he/she has furnished proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) per person and in the amount of three hundred thousand dollars (\$300,000.00) per accident and property insurance in the amount of one hundred thousand dollars (\$100,000.00).

#### **SECTION 205.170: EXHIBITION PERMIT**

No fireworks exhibitions shall be held within the corporate limits of the City without first obtaining a permit from the Board of Aldermen. Permits will be subject to such reasonable rules and regulations as the Board may decide upon. The fee for a permit for fireworks exhibitions shall be thirty-five dollars (\$35.00).

#### **SECTION 205.180: FEES CUMULATIVE**

The fees provided for hereunder are separate and in addition to any other fees provided for and required by any other provision of this Code or ordinance to the City.

#### **SECTION 205.190: STORAGE RESTRICTED**

- A. Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store.
- B. Fireworks shall not be stored, kept, sold or discharged within fifty (50) feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one (1) gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.
- C. It shall be unlawful to expose fireworks to direct sunlight through glass to the merchandise displayed, except where the fireworks are in the original package. All fireworks which the public may examine shall be kept for sale in original packages, except where an attendant is on duty at all times where fireworks are offered for sale. Fireworks shall be kept in showcases out of the reach of the public when an attendant is not on duty. One or more signs reading, "FIREWORKS--NO SMOKING" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.

#### **SECTION 205.200: FIRE EXTINGUISHERS REQUIRED**

One (1) five (5) pound multi-purpose fire extinguisher and one (1) air-pressurized water extinguisher shall be provided and kept in close proximity to the stock of fireworks in a building or stand where fireworks are sold and/or stored.

#### **SECTION 205.210: SIGN REQUIRED AT SALE LOCATIONS**

All persons engaged in the retail sale of fireworks shall prominently display signs furnished by the City advising the general public that it is illegal to fire fireworks within the corporate limits of the City except between the hours of 7:00 A.M. and 10:00 P.M. on July first (1st) through July third (3rd) and 7:00 A.M. and 12:00 P.M. on July fourth (4th).

#### **SECTION 205.220: FIREWORKS MAY BE DISCHARGED ONLY DURING CERTAIN PERIODS**

No person shall discharge any fireworks within the corporate limits of the City without a permit except during the period of July first (1st) to July fourth (4th). No fireworks shall be discharged during this period except between the hours of 7:00 A.M. and 10:00 P.M. on July first (1st) through July third (3rd) and 7:00 A.M. to 12:00 Midnight on July fourth (4th)

#### **SECTION 205.230: NO FIREWORKS SHALL BE DISCHARGED FROM MOVING VEHICLES**

No person shall discharge any fireworks from a moving vehicle and no driver of a vehicle shall allow fireworks to be discharged from the vehicle that he/she is driving.

#### **SECTION 205.240: BOTTLE ROCKETS PROHIBITED**

No person or persons shall sell or discharge bottle rockets as defined herein within the corporate limits of the City of Harrisonville. *"Bottle rocket"* is defined as an aerial fireworks device that has a wood, bamboo, or plastic stick attached and has an overall length less than eighteen (18) inches.

**Section 2.** 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.

**Section 3.** That this order shall become effective ninety (90) days after its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Abstain:

**READ ONE TIME BY TITLE ONLY ON AUGUST 5, 2013. READ FOR A SECOND TIME BY TITLE ONLY ON AUGUST \_\_, 2013 AND WAS DULY APPROVED BY THE BOARD OF ALDERMEN THIS \_\_ DAY OF AUGUST \_\_ 2013.**

---

Kevin W. Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

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Kim Hubbard, City Clerk

**APPROVED** by the Mayor this \_\_\_\_ day of August 2013.



300 E. Pearl Street, P.O. Box 367 • Tel: 816-380-8900 • Fax: 816-380-8906 • Harrisonville, MO 64701

May 1, 2013

Re: 2012 ICC Codes Adoption and Public Review

Builders and Contractors:

Staff presented a proposal to adopt the 2012 edition of the family of building safety codes as published by the International Code Council (ICC) to the Board of Building and Engineering Appeals. The Board of Building and Engineering Appeals then reviewed, discussed and modified the proposal. Staff is now taking the month of May to solicit comments from the public and those employed in the building and construction field.

This family of codes includes the International Building Code, the International Residential Code, the International Fire Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, and the International Existing Building Code. In addition the proposal will include the adoption of the 2011 National Electrical Code published by the National Fire Protection Association.

The latest edition of the ICC codes recognize the most contemporary concepts and technologies related to design, materials and standards, many of which may currently be in use by design professionals and contractors. These codes will secure a minimum level of life safety and public welfare as these contemporary methods are utilized. There have been numerous changes to the 2006 edition of the codes currently adopted by Harrisonville. The 2012 codes represent two complete cycles of changes of the national code development process and two additional editions of the codes since the adoption of the 2006 International Codes.

*Therefore, I would like to take this opportunity to invite you to review the 2012 Codes and 2011 NEC, as well as the proposed revisions. The updated Codes, Staff Reports, proposed ordinances and other reference material will be available for review at City Hall (300 E. Pearl Street; Harrisonville, MO 64701) during normal business hours during the month of May. Only written comments will be accepted. All written comments will be forwarded to the Board of Building and Engineering Appeals and the Board of Aldermen. It should also be noted that the Board of Building and Engineering Appeals specifically requested feedback on the sprinkling of homes and the establishment of storm shelters/safe rooms in homes without basements.*

If you have any questions, please contact Randy Finkle (Building Official) at 816-380-8921 regarding the IBC, IRC, IEBC, IPC, IMC, IEBC or NEC. Contact Larry Francis (Director of Emergency Services) at 816-380-8925 regarding the IFC. You are also welcome to contact me if you have any questions on the adoption process.

Thank you for your time and we look forward to hearing from you.

Sincerely,

Rick DeLuca  
Director of Community Development  
City of Harrisonville  
816-380-8912  
rdeluca@ci.harrisonville.mo.us

Attachment: Public Feedback Letter (1096 : Adoption of the 2012 I-Codes and the 2011 NEC)



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Rick Deluca, Director  
**DATE:** August 1, 2013  
**SUBJECT:** Amending ICodes Chap. 500

**Type of Item:** *Approval*

**Council Bill No. 42**

**Ordinance No.**

**An Ordinance Repealing Chapter 500 Building and Property Maintenance Codes of  
the City of Harrisonville, Missouri Code of Ordinances and Enacting in Lieu  
Thereof a New Chapter 500 Building and Property Maintenance Codes.**

**WHEREAS**, the International Building Code regulates and governs the conditions and maintenance of property, buildings and structures; by providing the standards for supplied utilities and facilities and pother physical things and conditions essential to ensure that structures are safe, sanitary and fit for human occupation and use; and

**WHEREAS**, the International Residential Code regulates and governs the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress; and

**WHEREAS**, the International Mechanical Code regulates and governs the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems; and

**WHEREAS**, the International Plumbing Code regulates and governs the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems; and

**WHEREAS**, the International Fuel Gas Code regulates and governs fuel gas systems and gas-fired appliances; and

**WHEREAS**, the purpose of the National Electric Code is to regulate and safeguard persons and property from the hazards arising from the use of electricity; and

**WHEREAS**, the International Existing Building Code regulates and governs the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings; and

**WHEREAS**, the Board of Aldermen of the City of Harrisonville, Missouri, held a public hearing on August 5, 2013.

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

**Section 1:** That Chapter 500 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby repealed and a new Chapter 500 is enacted in lieu thereof:

## **ARTICLE I. INTERNATIONAL BUILDING CODE.**

### **SECTION 500.010: ADOPTION OF THE INTERNATIONAL BUILDING CODE (IBC)**

- A. The City hereby adopts the International Building Code, 2012 Edition, as published by the International Code Council, including Appendix Chapters B, C, E, F, G, I, J, and K as the official Building Code of the City of Harrisonville, Missouri.
- B. The City is hereby directed to maintain a copy of the International Building Code, 2012 Edition, at all times in the offices of the City.

### **SECTION 500.020: AMENDMENTS**

The building code adopted by the provisions of this article is hereby amended and/or modified in the following respects:

*IBC Section 101.1.* Insert: "City of Harrisonville".

*IBC Section 101.4.6. Energy Code.* Delete in its entirety.

*IBC Section 103. Department of Building Safety.* Shall be amended as follows: Delete "Department of Building Safety" and insert: "Department of Community Development".

*IBC Section 103.1. Creation of enforcement agency.* Shall be amended as follows: Delete the entire paragraph and insert: "The Department of Community Development is hereby created and the official in charge thereof, or designee, for purposes of administration of this code shall be known as the Building Official, Code Official, or Director of Community Development."

*IBC Section 103.3. Deputies.* Delete the last sentence.

*IBC Section 111.1* shall be amended as follows: Insert: "Exception: Group U Occupancies".

The following new subsections (Section 111.4.1 through Section 111.4.5) shall be added as follows:

*111.4.1. Temporary Certificate of Occupancy (TCO).* A request for a TCO shall be made in writing to the Building Official. Such request shall include the address and permit number of the building and a list of the deficiencies for which additional time is needed to complete. The request shall be signed and dated by the permit holder. The Building

Official shall act upon a request for a TCO by either approving or denying said request in writing.

*111.4.2. Assurance of Completion.* A letter from a lending institution stating that a monetary sum in the amount necessary to complete deficiencies is being held in escrow shall be submitted to the Building Official. Said letter shall include a list of deficiencies for which monies have been escrowed, In lieu of a letter from a lending institution, a cash amount as determined by the Building Official may be deposited with the City. The amount of required deposits shall be determined by the Building Official on an annual basis. Separate deposit amounts shall be determined for lineal feet of sidewalks, square footage of driveways and parking lots, landscaping and a lump sum amount for miscellaneous items. The required deposit amounts shall be posted in the Community Development Department office. Deposits shall be refunded when all deficiencies have been satisfied. The City, at its discretion, may upon expiration of a temporary certificate of occupancy use deposited monies to complete any deficiencies.

*111.4.3. Length of Temporary Certificate of Occupancy (TCO) Validity.* TCO's shall be valid for thirty (30) days. TCO's may be extended for up to an additional ninety (90) days for sidewalks, driveways, parking lots and landscaping (including seeding or sodding) when it is determined by the Building Official that weather conditions are such that additional time is warranted. Requests for additional time shall be made in writing to the Building Official prior to the expiration of the thirty-day TCO.

*111.4.4. Violation.* Failure to complete deficiencies or request and receive an extension due to weather conditions before the expiration of a TCO shall be considered a violation of this section.

*111.4.5. Penalty.* Any person who violates any provision of this section, upon conviction, shall be punished by a fine of not less than five dollars (\$5.00) nor more than five-hundred (\$500.00); each day's violation thereof shall be considered a separate offense for the purpose hereof.

*IBC Section 901.5. Acceptance Tests.* Amend as follows by adding the last sentence to read: "The Building Code Official and Fire Code Official shall be notified 48 hours before any required acceptance testing is performed. It shall be unlawful to occupy portions of a structure until the required fire protection systems within that portion of the structure have been tested and approved."

*IBC Section 903.2.1.2. Group A-2.* Amend item number 2 by adding an exception as follows: "Exception: Where approved by the building official, tenant spaces of less than 5,000 square feet in existing multi-tenant buildings may increase occupant load to 300."

*IBC Section 901.8. NFPA 13 sprinkler systems.* Add a subsection 7 as follows: "Automatic sprinkler systems required by this code shall be installed in sprinkler system rooms with access provided to the room from an exterior 3'-0"x6'-8" door for emergency

personnel. The door shall be labeled in 3 inch (76 mm) letters, "FIRE SPRINKLER ROOM".

Exception: The fire area is 5,000 square feet or less, except for Group H occupancies and woodworking operations in excess of 2,500 square feet.

*IBC Section 903.2.1.2. Group A-2. Add an exception under item two (2) as follows:* "Exception: The occupant load may be increased to 300 if the use is a restaurant that is well lit, does not have excessive noise, and would not be considered a nightclub, tavern, bar or casino."

*IBC Section 903.4.2. Alarms.* Amend by adding the following: "Alarm devices provided on the exterior of the building shall be a combination horn and strobe device."

*IBC Section 905.3.4.1. Hose and cabinet.* Delete in its entirety.

*IBC Section 905.5.3. Class II system 1-inch (25 mm) hose.* Delete in its entirety.

*IBC Section 905.7. Cabinets.* Delete the words "fire hose".

*IBC Section 912.2. Fire Department Connection.* Amend by adding the following section: "The location of fire department connections shall be approved by the fire code official. Connections shall be 4 inch Storz quick coupling connector type fitting and located within 100 feet of a fire hydrant, or as approved by the fire code official."

*IBC Chapter 13. Energy Efficiency.* Delete in its entirety.

*IBC Table 1505.1. Minimum Roof Coverings:* Delete footnotes a, b, and c from the table.

*IBC section 1505.5. Non-classified roofing:* Amend as follows: "Non-classified roofing shall not be installed unless utilized for the repair of ten percent or less of the total roof covering in any three-year period."

*IBC Chapter 34. Existing Structures.* Delete in its entirety.

## SECTION 500.030: FEES

Fees shall be as follows:

| <b>TOTAL VALUATION *</b> | <b>FEE</b>                                                                                                           |
|--------------------------|----------------------------------------------------------------------------------------------------------------------|
| \$0 to \$500             | \$20                                                                                                                 |
| \$500.01 to \$1,000      | \$25                                                                                                                 |
| \$1,000.01 to \$2,000    | \$30                                                                                                                 |
| \$2,000.01 to \$14,000   | \$30 for the first \$2,000 valuation plus \$2.00 for each additional \$1,000 valuation up to and including \$14,000. |
| \$4,000.01 and greater   | \$54.00 for the first \$14,000 plus \$3 for each additional \$1,000                                                  |

|  |               |
|--|---------------|
|  | of valuation. |
|--|---------------|

*\*Based on the latest edition of Building Valuation Data Square Foot Constructions Costs published by the International Code Council (ICC).*

**Other fees:**

The commercial plan review fee is 50% of permit fee. This fee is due upon submittal of application.

Inspections outside of normal business hours \$30.00/hr.

Reinspection fee \$20.00

Additional plan review \$30.00/hr.

Outside consultants for plan checking and Actual costs of review inspections, or both.

#### **SECTION 500.040: CONFLICTS**

In the event of any conflict between the provisions of the code adopted by this Article and the applicable provisions of this Code of Ordinances, State law or City ordinances, rules or regulations, the provisions of this Code of Ordinances, State law or City ordinances, rules or regulations shall prevail and be controlling.

#### **SECTION 500.050: PERMIT TERM**

For any residential building permit issued under the provisions of this Chapter or any ordinances of the City, all outside construction of the structure shall be completely, permanently, and finally enclosed within six (6) months from the date of issuance of the permit. For any commercial building permit issued under the provisions of this Chapter or any ordinances of the City, when the square footage of said structure is less than fifty thousand (50,000) square feet, all outside construction of the structure shall be completely, permanently, and finally enclosed within six (6) months from the date of issuance of the permit. When the square footage is in excess of fifty thousand (50,000) square feet, all outside construction shall be completed within twelve (12) months from the date of issuance of the permit

*Exception:* The permit holder may be granted a six (6) month permit extension upon written request to the Community Development Department prior to the expiration of the original permit. In no case shall a permit be extended more than one (1) time.

#### **SECTION 500.060: GENERAL PENALTY -- CONTINUING VIOLATIONS**

- A. Whenever in the Code adopted in this Article or in any ordinance of the City amending said Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment; provided however, that in any case wherein the penalty for an offense is fixed by any State law or Statute, the same penalty so fixed by State law or Statute shall be imposed for the punishment of such offense and

no other, except that imprisonments, when made under this Section, may be in the City Jail instead of the County Jail.

- B. Each day any violation of any provision of this Code or of any such ordinance shall continue shall constitute a separate offense.
- C. In addition to the penalty set out in Subsection (A), any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense.

## **ARTICLE II. INTERNATIONAL RESIDENTIAL CODE (IRC) FOR ONE- AND TWO-FAMILY DWELLINGS**

### **SECTION 500.070: ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (IRC)**

- A. The City hereby adopts the International Residential Code for One- And Two-Family Dwellings, 2012 Edition, as published by the International Code Council, including Appendix Chapters E, H, J, and M, as the official Building Code for One- and Two-Family Dwellings of the City of Harrisonville, Missouri.
- B. The City is hereby directed to maintain a copy of the International Residential Code, 2012 Edition, at all times in the offices of the City.

### **SECTION 500.080: AMENDMENTS**

The residential code for one- and two-family dwellings adopted by the provisions of this article is hereby amended and/or modified in the following respects:

*IRC Section R101.1.* Insert: "City of Harrisonville".

*IRC Section R103. Department of Building Safety.* Shall be amended as follows: delete Department of Building Safety and insert: "Community Development Department."

*IRC Section R103.1. Creation of enforcement agency.* Shall be amended as follows: Delete the entire paragraph and insert: "The Community Development Department is hereby created and the official in charge thereof for purposes of administration of this code shall be known as the Building Official, Code Official or Director of Community Development."

*IRC Section R105.2. Work Exempt from Permit.* Amend item one (1) by changing 200 square feet to 120 square feet.

*IRC Section 105.2. Work Exempt from Permit.* Delete item two (2) in its entirety.

*IRC Section 105.2. Work Exempt from Permit.* Item five (5) shall be amended as follows: "Sidewalks and Driveways located on private property."

*IRC Section R108. Fees:* Delete in its entirety.

The following new subsections (Section 110.4.1 through Section 110.4.5) shall be added as follows:

*R110.4.1. Temporary Certificate of Occupancy (TCO).* A request for a TCO shall be made in writing to the Building Official. Such request shall include the address and permit number of the building and a list of the deficiencies for which additional time is needed to complete. The request shall be signed by the permit holder. The Building Official shall act upon a request for a TCO by either approving or denying said request in writing.

*R110.4.2. Assurance of Completion.* A letter from a lending institution stating that a monetary sum in the amount necessary to complete deficiencies is being held in escrow shall be submitted to the Building Official. Said letter shall include a list of deficiencies for which monies have been escrowed. In lieu of a letter from a lending institution, a cash amount as determined by the Building Official may be deposited with the City. The amount of required deposits shall be determined by the Building Official on an annual basis. Separate deposit amounts shall be determined for the lineal feet of sidewalks, square footage of driveways and parking lots, landscaping and a lump sum amount for miscellaneous items. The required deposit amounts shall be posted in the Community Development Department's office. Deposits shall be refunded when all deficiencies have been satisfied. The City, at its discretion, may upon expiration of a temporary certificate of occupancy use deposited monies to complete any deficiencies.

*R110.4.3. Length of Temporary Certificate of Occupancy (TCO) Validity.* TCO's shall be valid for thirty (30) days. TCO's may be extended for up to an additional ninety (90) days for sidewalks, driveways, parking lots and landscaping (including seeding or sodding) when it is determined by the Building Official that weather conditions are such that additional time is warranted. Requests for additional time shall be made in writing to the Building Official before the expiration of the thirty-day temporary certificate of occupancy.

*R110.4.4. Violation.* Failure to complete deficiencies or request and receive an extension due to weather conditions before the expiration of a temporary certificate of occupancy shall be considered a violation of this section.

*R110.4.5. Penalty.* Any person who violates any provision of this section, upon conviction, shall be punished by a fine of not less than five dollars (\$5.00) nor more than five-hundred dollars (\$500.00); each day's violation thereof shall be considered a separate offense for the purpose hereof.

*IRC Section R112. Board of Appeals:* Delete in its entirety.

*Table R301.2 (1). Climatic and Geographic Design Criteria.* Insert:

|                          |                           |
|--------------------------|---------------------------|
| Ground Snow Load         | 20 pounds per square foot |
| Wind Speed               | 90 miles per hour         |
| Seismic Design Category  | A                         |
| Weathering               | Severe                    |
| Frost Line Depth         | 36 inches                 |
| Termite                  | Moderate to heavy         |
| Winter Design Temp       | 6 Degrees Fahrenheit      |
| Ice Barrier Underlayment | N/A                       |
| Flood Hazards            | January 2, 2013, FIRM     |
| Air Freezing Index       | 927                       |
| Annual Air Temperature   | 55.5 Degrees Fahrenheit   |

*IRC Section R302.3. Exception 1. Two Family Dwellings:* Amend exception number 1 by adding D after 13.

*IRC Section R312.2. Window sills:* Delete in its entirety.

*IRC Section 313. Residential Sprinkler Systems:* Delete in its entirety.

*IRC Section R317.1.1. Field treatment:* Delete in its entirety.

*IRC Section R318.1.2. Field treatment:* Delete in its entirety.

*IRC Section R403.1.1.1. Footing reinforcement:* Establish a new subsection as follows: "Footings for basement foundation walls shall have a minimum reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum of 3 inches (76 mm) from the bottom and edges of the footing."

*IRC Section R403.1.1.2. Column pads:* Establish a new subsection as follows: "Column pads shall be a minimum of 24 inches (610 mm) by 24 inches (610 mm) and 8 inches

(203 mm) deep (24" x 24" x 8"). Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced within each column pad."

*IRC Section R404.1.3. Design required.* Amend by adding the following:

"3. Foundation walls over 9 feet (2745 mm) in height measured from the top of the footing to the top of the wall."

IRC Tables R404.1.1 (1), R404.1.1 (2), R404.1.1 (3), and R404.1.1 (4). Delete in its entirety.

IRC Tables R404.1.2 (1), R404.1.2 (2), R404.1.2 (3), R404.1.2 (4), R404.1.2 (5), R404.1.2 (6), R404.1.2 (7), R404.1.2 (8). Delete in its entirety.

*IRC Table 404.1.2 (3). Minimum Vertical Reinforcement for 8-inch Nominal Flat Concrete Basement Walls.* Delete in its entirety and insert 2000 IRC Table 401.1 (1).

*IRC Section R502.8.2. Engineered wood products.* Amend as follows: Add last sentence to read: "Engineering calculations or data sheets provided by the manufacturer or registered design professional for the proposed cut, notch or hole shall be provided to the Community Development Department."

*IRC Section R801.3. Roof drainage.* Amend as follows: "All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet (915 mm) from the foundation walls or to an approved drainage system."

*IRC Section N1102.1. Compliance:* Amend as follows: "Residential energy efficiency compliance shall be demonstrated by meeting the following requirements of Table N1102.1 for Climate Zone 4. Exception: Portions of the building thermal envelope that do not enclose conditioned space."

- (a) Wall assemblies forming portions of a building envelope shall meet or exceed an R factor rating of 13. This requirement does not apply to doors, windows, or other openings or approved penetrations nor does it apply to basement concrete walls when the basement is not finished as a habitable space.
- (b) Floor assemblies forming portions of a building envelope shall meet or exceed an R factor rating of 19. Garage ceilings with living area above shall comply with this requirement. Exception: Concrete floors in contact with the earth need not be insulated.
- (c) Roof assemblies forming portions of a building envelope shall meet or exceed an R factor rating of 30. This requirement does not apply to skylights or other approved penetrations.
- (d) Ceilings forming portions of a building envelope shall meet or exceed an R factor rating of 30 at the time of installation.

*IRC Section N1102.4. Air leakage.* The building thermal envelope must be durably sealed to limit infiltration and the following items must be caulked, gasketed, weather-stripped or otherwise sealed with an air barrier material, suitable film or solid material;

- (a) All joints, seams and penetrations.
- (b) Site-built windows, doors and skylights.
- (c) Openings between window and door assemblies and their respective jambs and framing.
- (d) Utility penetrations.
- (e) Dropped ceilings or chases adjacent to the thermal envelope.
- (f) Knee walls.
- (g) Walls and ceilings separating the garage from conditioned spaces.
- (h) Behind the tub and showers on exterior walls.
- (i) Common walls between dwelling units.
- (j) Other sources of infiltration.

*IRC Section 1103.2. Ducts.* Delete in its entirety and amend as follows: "All portions of the air distribution system shall be installed in accordance with IRC Section M1601. Supply and return ducts located within the building but outside of conditioned space must be insulated to an installed R-5, and insulated to an installed R-8 when located outside of the building."

*IRC Section G2414.1 (403.1). Piping Materials:* Insert a second paragraph to read as follows: "The use of copper tubing and fittings for gas-fired appliances shall not be permitted."

*IRC Section P2603.5. Freezing:* amend as follows: "Water, soil or waste pipe shall not be installed outside a building, in exterior walls, in attics or crawl spaces, or in any other place subjected to freezing temperatures unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 42 inches (1068 mm) in depth below grade."

*IRC Section P2603.5.1. Sewer depth:* Amend as follows: "Building sewers shall be a minimum of 12 inches (305 mm) below grade."

*IRC Section P2902.5.3. Lawn irrigation systems:* Amend 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 a minimum of 6 inches (152 mm) away from a wall or vertical obstruction. The backflow device shall be installed between 12 inches (305 mm) and 48 inches (1220 mm) above the floor and shall be accessible.”

*IRC Section P3005.4.2. Building drain and sewer size and slope:* Amend by adding a last sentence as follows: “The minimum size of a building sewer serving a dwelling unit shall be 4 inches (102 mm).”

#### **SECTION 500.090: CERTAIN UTILITIES NOT SUPPLIED PRIOR TO SUCCESSFUL INSPECTIONS**

No water service or electrical service shall be supplied to any building prior to successful completion of all building, electrical, plumbing and mechanical inspections.

#### **SECTION 500.100: GENERAL PENALTY -- CONTINUING VIOLATIONS**

- A. Whenever in the Code adopted in this Article or in any ordinance of the City amending said Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment; provided however, that in any case wherein the penalty for an offense is fixed by any State law or Statute, the same penalty so fixed by State law or Statute shall be imposed for the punishment of such offense and no other, except that imprisonments, when made under this Section, may be in the City Jail instead of the County Jail.
- B. Each day any violation of any provision of this Code or of any such ordinance shall continue shall constitute a separate offense.
- C. In addition to the penalty set out in Subsection (A), any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense.

### **ARTICLE III. INTERNATIONAL MECHANICAL CODE (IMC)**

#### **SECTION 500.110: ADOPTION OF THE INTERNATIONAL MECHANICAL CODE (IMC)**

- B. The City hereby adopts the International Mechanical Code, 2012 Edition, as published by the International Code Council, including Appendix Chapter A as the official Mechanical Code of the City of Harrisonville, Missouri.
- B. The City is hereby directed to maintain one copy of the International Mechanical Code, 2012 Edition, at all times in the offices of the City.

#### **SECTION 500.120: AMENDMENTS**

The International Mechanical Code adopted by the provisions of this article is hereby amended and/or modified in the following respects:

*IMC Section 101.1. Insert: "City of Harrisonville"*

*IMC Section 103. Department of Mechanical Inspection.* Shall be amended as follows: Delete "Department of Mechanical Inspection" and insert: "Community Development Department".

*IMC Section 103.1. General.* Shall be amended as follows: Delete the entire paragraph and insert: "The Community Development Department is hereby created and the official in charge thereof for purposes of administration of this code shall be known as the Building Official, Code Official or Director of Community Development."

*IMC Section 106.5.2. Fee Schedule:* Delete in its entirety.

*IMC Section 109. Means of Appeal:* Delete in its entirety.

#### **SECTION 500.130: FEES**

Fees shall follow Section 500.030.

#### **SECTION 500.140: GENERAL PENALTY -- CONTINUING VIOLATIONS**

- A. Whenever in the Code adopted in this Article or in any ordinance of the City amending said Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment; provided however, that in any case wherein the penalty for an offense is fixed by any State law or Statute, the same penalty so fixed by State law or Statute shall be imposed for the punishment of such offense and no other, except that imprisonments, when made under this Section, may be in the City Jail instead of the County Jail.
- B. Each day any violation of any provision of this Code or of any such ordinance shall continue shall constitute a separate offense.

- C. In addition to the penalty set out in Subsection (A), any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense.

#### **ARTICLE IV. INTERNATIONAL PLUMBING CODE (IPC)**

##### **SECTION 500.150: ADOPTION OF THE INTERNATIONAL PLUMBING CODE (IPC)**

- B. The City hereby adopts the International Plumbing Code, 2012 Edition, as published by the International Code Council, including Appendix Chapters B, E, and F as the official Plumbing Code of the City of Harrisonville, Missouri.
- B. The City is hereby directed to maintain one copy of the International Plumbing Code, 2012 Edition, at all times in the offices of the City.

##### **SECTION 500.160: AMENDMENTS**

The plumbing code adopted by the provisions of this article is hereby amended and/or modified in the following respects:

*IPC Section 101.1. Insert: City of Harrisonville.*

*IPC Section 103. Department of Plumbing Inspection.* Shall be amended as follows: Delete "Department of Plumbing Inspection" and insert: "Community Development Department".

*IPC Section 103.1. General.* Shall be amended as follows: Delete the entire paragraph and insert: "The Community Development Department is hereby created and the official in charge thereof for purposes of administration of this code shall be known as the Building Official, Code Official or Director of Community Development."

*IPC Section 109. Means of Appeal:* Delete in its entirety.

*IPC Section 305.4.1. Sewer depth.* Amend as follows: "Building sewers shall be a minimum of 12 inches (305 mm) below grade."

*IPC Section 312.10. Inspection and testing of backflow prevention assemblies.* Amend as follows: "Inspection and testing of backflow prevention assemblies shall be in accordance with the policies prescribed by the Public Works Department of the City of Harrisonville, Missouri."

*IPC Section 903.1. Roof extension.* Insert “6 inches (152 mm)”.

*IPC Section 1101.3. Prohibited drainage:* Shall be amended as follows: “Storm water shall not be drained into sewers intended for sewage only. 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 being connected to the sanitary sewer system.”

#### **SECTION 500.170: PLASTIC PIPE**

The building sewer shall be a minimum four (4) inch diameter PVC or ABS Schedule 40 plastic pipe or better.

#### **SECTION 500.180: FEES**

Fees shall follow Section 500.030.

#### **SECTION 500.190: GENERAL PENALTY -- CONTINUING VIOLATIONS**

- A. Whenever in the Code adopted in this Article or in any ordinance of the City amending said Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment; provided however, that in any case wherein the penalty for an offense is fixed by any State law or Statute, the same penalty so fixed by State law or Statute shall be imposed for the punishment of such offense and no other, except that imprisonments, when made under this Section, may be in the City Jail instead of the County Jail.
- B. Each day any violation of any provision of this Code or of any such ordinance shall continue shall constitute a separate offense.
- C. In addition to the penalty set out in Subsection (A), any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense.

### **ARTICLE V. INTERNATIONAL FUEL GAS CODE.**

#### **SECTION 500.200: ADOPTION OF THE FUEL GAS CODE (IFGC)**

- C. The City hereby adopts the International Fuel Gas Code, 2012 Edition, as published by the International Code Council, including Appendix Chapters A, B, C, and D, as the official Fuel Gas Code of the City of Harrisonville, Missouri.
- B. The City is hereby directed to maintain one copy of the International Fuel Gas Code, 2012 Edition, at all times in the offices of the City.

## **SECTION 500.210: AMENDMENTS**

The fuel gas code adopted by the provisions of this article is hereby amended and/or modified in the following respects:

*IFGC Section 101.1. Insert: "City of Harrisonville".*

*IFGC Section 103. Department of Inspection.* Shall be amended as follows: Delete "Department of Inspection" and insert: "Community Development Department".

*IFGC Section 103.1. General.* Shall be amended as follows: Delete the entire paragraph and insert: "The Community Development Department is hereby created and the official in charge thereof for purposes of administration of this code shall be known as the Building Official, Code Official or Director of Community Development".

*IFGC Section 109. Means of Appeal:* Delete in its entirety.

*IFGC Section 403.4.3. Copper and Brass.* Amend as follows: "Copper and brass tubing shall not be used for the distribution of fuel gas."

*IFGC Section 403.4.4. Aluminum.* Amend as follows: "Aluminum or aluminum alloy tubing shall not be used for the distribution of fuel gas."

*IFGC Section 406.4.1. Test pressure.* Amend as follows: "The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (68.9 kPa) irrespective of design pressure. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than 60 psig. Where the test pressure exceeds 125 psig (862 kPa), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe."

## **SECTION 500.220: FEES**

Fees shall follow Section 500.030.

## **SECTION 500.230: GENERAL PENALTY -- CONTINUING VIOLATIONS**

- A. Whenever in the Code adopted in this Article or in any ordinance of the City amending said Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment; provided however, that in any case wherein the penalty for an offense is fixed by any State law or Statute, the same penalty so fixed by State law or Statute shall be imposed for the punishment of such offense and no other, except that imprisonments, when made under this Section, may be in the City Jail instead of the County Jail.
- B. Each day any violation of any provision of this Code or of any such ordinance shall continue shall constitute a separate offense.
- C. In addition to the penalty set out in Subsection (A), any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense.

## **ARTICLE VI. NATIONAL ELECTRIC CODE**

### **SECTION 500.240: ADOPTION OF THE NATIONAL ELECTRIC CODE (NEC)**

- C. The City hereby adopts the National Electrical Code, NFPA 70, 2011 Edition, as published by the National Fire Protection Association, including Annex Chapters A, B, C, D and H as the official Electrical Code of the City of Harrisonville, Missouri.
- B. The City is hereby directed to maintain one copy of the National Electric Code, 2011 Edition, at all times in the offices of the City.

### **SECTION 500.250: AMENDMENTS**

The electric code adopted by the provisions of this article is hereby amended and/or modified in the following respects:

NEC Annex Chapter H. Administration and Enforcement: Amend as follows: Delete Section 80.15. Electrical Board, paragraph A through H in its entirety.

NEC Annex Chapter H. Administration and Enforcement: Amend as follows: Delete Section 80.19. Permits and Approvals, paragraph D and E in its entirety.

NEC Annex Chapter H. Administration and Enforcement: Amend as follows: Delete Section 80.23. Notice of Violations, Penalties, paragraph B in its entirety.

NEC Annex Chapter H. Administration and Enforcement: Amend as follows: Delete Section 80.27. Inspector's Qualifications, paragraph A through D in its entirety.

#### **SECTION 500.260: FEES**

Fees shall follow Section 500.030.

#### **SECTION 500.270: GENERAL PENALTY -- CONTINUING VIOLATIONS**

- A. Whenever in the Code adopted in this Article or in any ordinance of the City amending said Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment; provided however, that in any case wherein the penalty for an offense is fixed by any State law or Statute, the same penalty so fixed by State law or Statute shall be imposed for the punishment of such offense and no other, except that imprisonments, when made under this Section, may be in the City Jail instead of the County Jail.
- B. Each day any violation of any provision of this Code or of any such ordinance shall continue shall constitute a separate offense.
- C. In addition to the penalty set out in Subsection (A), any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense.

### **ARTICLE VII. INTERNATIONAL EXISTING BUILDING CODE.**

#### **SECTION 500.280: ADOPTION OF EXISTING BUILDING CODE (IEBC).**

- A. The City hereby adopts the International Existing Building Code, 2012 Edition, as published by the International Code Council as the official Existing Building Code of the City of Harrisonville, Missouri.
- B. The City is hereby directed to maintain one copy of the International Existing Building Code, 2012 Edition, at all times in the offices of the City.

#### **SECTION 500.290: AMENDMENTS.**

The Existing Building code adopted by the provisions of this article is hereby amended and/or modified in the following respects:

*IEBC Section 101.1. Insert: "the City of Harrisonville".*

*IEBC Section 103. Department of Building Safety.* Shall be amended as follows: Delete "Department of Building Safety" and insert: "Community Development Department".

*IEBC Section 103.1. Creation of enforcement agency.* Shall be amended as follows: Delete the entire paragraph and insert: "The Community Development Department is hereby created and the official in charge thereof for purposes of administration of this code shall be known as the Building Official, Code Official or Director of Community Development".

*IEBC Section 108. Fees.* Delete in its entirety.

*IEBC Section 112. Means of Appeal:* Delete in its entirety.

*IEBC Section 406. Glass Replacement:* Delete and replace as follows. "The installation of replacement of glass shall be as required for new installation, unless the structure is of historic or architectural significance as determined by the City."

*IEBC Section 707. Energy Conservation.* Delete in its entirety.

*IEBC Section 811. Energy Conservation.* Delete in its entirety.

*IEBC Section 908. Energy Conservation.* Delete in its entirety.

*IEBC Section 1106. Energy Conservation.* Delete in its entirety.

#### **SECTION 500.300: FEES**

Fees shall follow Section 500.030.

#### **SECTION 500.310: GENERAL PENALTY -- CONTINUING VIOLATIONS**

- A. Whenever in the Code adopted in this Article or in any ordinance of the City amending said Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment; provided however, that in any case wherein the penalty for an offense is fixed by any State law or Statute, the same penalty so fixed by State law or Statute shall be imposed for the punishment of such offense and no other, except that imprisonments, when made under this Section, may be in the City Jail instead of the County Jail.
- B. Each day any violation of any provision of this Code or of any such ordinance shall continue shall constitute a separate offense.
- C. In addition to the penalty set out in Subsection (A), any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense.

## **ARTICLE VIII. PROPERTY MAINTENANCE**

### **SECTION 500.320: STRUCTURE**

Every foundation, roof, exterior wall, door, sky light and window shall be reasonably weather tight and water tight, and shall be kept in sound condition and good repair. Existing screen doors and windows shall be maintained in sound condition and good repair. Floors, interior walls and ceilings shall be in good condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead based paint or by other protective coverings or treatment. Walls shall be capable of affording privacy for occupants.

### **SECTION 500.330: EXTERIOR APPURTENANCES**

Exterior appurtenances, including but not limited to screens, awnings, trellises, television antennas, chimneys, storm windows, gutters, eaves, storm doors, fences, and retaining walls shall be installed pursuant to the requirements of all other portions of the City's code in a safe and secure manner and shall be maintained in good repair.

### **SECTION 500.340: HANDRAILS**

Every stairway outside of the building or dwelling shall be kept in safe condition and sound repair. Every flight of stairs shall be free of deterioration. Every stairwell and flight of stairs which is three (3) or more risers high shall have handrails or railings on at least one (1) side. 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 the supporting or adjacent structure 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.

### **SECTION 500.350: GUARDRAILS**

Every porch, balcony or raised floor surface located more than thirty (30) inches above the floor or grade below shall have guards not less than thirty-six (36) inches in height. The intermediate rails or ornamental closures shall not have an opening greater than what a sphere four (4) inches in diameter will pass through. Ornamental patterns on the intermediate rails shall not create a ladder effect.

## **ARTICLE IX. ABANDONED RESIDENTIAL PROPERTY REGISTRATION**

### **SECTION 500.360: DEFINITIONS**

For the purposes of this Chapter, certain words and phrases used in this Article are defined as follows:

*ABANDONED*: A property that is vacant and under a current Notice of Default or Notice of Sale, or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

*ACCESSIBLE PROPERTY*: A property that is accessible through a compromised, breached or broken gate, fence or other entry point.

**ACCESSIBLE STRUCTURE:** A structure that is unsecured or breached in such a way as to allow access to the interior space by unauthorized persons.

**BENEFICIARY:** A lender under a note secured by a deed of trust.

**DAYS:** Consecutive calendar days.

**DEED IN LIEU OF FORECLOSURE OR SALE:** A recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

**DEED OF TRUST:** An instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan. This definition includes any subsequent deeds of trust.

**DEFAULT:** The failure to fulfill a contractual obligation, monetary or conditional.

**EVIDENCE OF VACANCY:** Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

**FORECLOSURE:** The process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) under a deed of trust defaults.

**LOCAL:** Within forty (40) road/driving miles distance of the subject property.

**NOTICE OF DEFAULT:** A notice, issued pursuant to the applicable real estate security document or Section 408.554, RSMo., which a default has occurred under a deed of trust.

**OUT OF AREA:** In excess of forty (40) road/driving miles distance of the subject property.

**OWNER:** Any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

**OWNER OF RECORD:** The person having recorded title to the property at the point in time the record is provided by the Cass County Recorder's office.

**PROPERTY:** Any unimproved or improved real property or portion thereof, situated in the City and includes the buildings or structures located on the property regardless of condition.

**REGISTERED REPRESENTATIVE:** The person designated by a beneficiary as the beneficiary's representative for purposes of accepting notice, service and summons on behalf of the beneficiary and for otherwise ensuring compliance with the requirements of this Article.

**RESIDENTIAL BUILDING:** Any improved real property or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted or zoned for such use.

**SECURING:** Such measures as may be directed by the Director of Community Development or his designee that assist in rendering the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining/pad locking of gates, the repair or boarding of door, window or other openings.

**TRUSTEE:** The person, firm or corporation holding a deed of trust on a property.

**TRUSTOR:** A borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

VACANT: A building/structure that is not legally occupied.

#### **SECTION 500.370: REGISTRATION**

- A. Any beneficiary under a deed of trust covering a property located within the City of Harrisonville shall cause an inspection to be performed of the property that is the security for the deed of trust within fifteen (15) days of issuing a notice of default to the trustor. The beneficiary shall, within ten (10) days of the inspection, register the property with the Director of Community Development or his designee on forms provided by the City.
- B. The registration shall contain the full legal name of the beneficiary and the registered representative, the direct street/office mailing address of the beneficiary and the registered representative (no P. O. Boxes), a direct contact name and phone number for the beneficiary and registered representative, and, if applicable, the local property management company responsible for the security, maintenance and marketing of the property.
- C. The registration shall be valid as long as the subject property remains vacant and shall be amended as needed.
- D. This Section shall also apply to properties that have been the subject of a foreclosure sale where title to the property was transferred to the beneficiary of a deed of trust involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.
- E. Properties subject to this Article shall remain under the security and maintenance standards of this Section as long as they remain vacant.
- F. Any person, firm or corporation that has registered a property under this Article must report any change of information contained in the registration within ten (10) days of the change.

#### **SECTION 500.380: MAINTENANCE REQUIREMENTS**

Properties subject to this Article shall be in compliance with the City of Harrisonville Property Maintenance Code. Adherence to this Section does not relieve the beneficiary or property owner of any obligations set forth in any covenants, conditions and restrictions or homeowner's association rules and regulations which may apply to the property.

#### **SECTION 500.390: SECURITY REQUIREMENTS**

- A. Properties subject to this Section shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s). In the case of broken windows, "*securing*" means the reglazing or boarding of the window.

- B. If the beneficiary is an out of area beneficiary, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this Section, and any other applicable laws, are being met.
- C. The beneficiary shall cause the property to be inspected on a weekly basis to determine if the property is in compliance with the requirements of this Article.

#### **SECTION 500.400: COMPLIANCE WITH OTHER AUTHORITY**

The requirements of this Article are in addition to any other maintenance and security measures required by the Code of Ordinances. The requirements of this Article shall not serve to lessen or abrogate any other applicable provisions of the Code of Ordinances.

#### **SECTION 500.410: VIOLATIONS**

Any beneficiary, registered representative, or local property management company that violates any provision of this Article shall be in violation of this Article, and a General Ordinance Summons (GOS) may be issued against the beneficiary's representative for such violation. In addition to any other penalties which may be assessed for a violation of this Article, any person or entity who violates a provision of this Article shall be assessed a fine of five hundred dollars (\$500.00) per violation, or imprisonment not exceeding ninety (90) days, or both such fine and imprisonment.

**Section 3.** 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.

**Section 4.** That this order shall become effective ninety (90) days after its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Abstain:

**READ ONE TIME BY TITLE ONLY ON AUGUST 5, 2013. READ FOR A SECOND TIME BY TITLE ONLY ON AUGUST \_\_, 2013 AND WAS DULY APPROVED BY THE BOARD OF ALDERMEN THIS \_\_ DAY OF AUGUST \_\_ 2013.**

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Kevin W. Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

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Kim Hubbard, City Clerk

**APPROVED** by the Mayor this \_\_\_\_ day of August 2013.



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Rick Deluca, Director  
**DATE:** August 1, 2013  
**SUBJECT:** Amending ICodes Chap. 505

**Type of Item:** *Approval*

**Council Bill No. 43**

**Ordinance No.**

**An Ordinance Amending Chapter 505, Building Regulations, of the City of  
Harrisonville, Missouri Code of Ordinances.**

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

**Section 1:** That Chapter 505, Section 505.010 B of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended as follows: "Section 500.025" shall be changed to "Section 500.030."

**Section 2:** That Chapter 505, Section 505.020 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby repealed and a new Section 505.020 is enacted in lieu thereof:

**SECTION 505.020: ENCLOSURE OF SWIMMING POOL**

- A. *Required.* All outdoor swimming pools capable of holding more than 24 inches of water, according to the manufacturer's specification, are required to have a building permit. Additionally, the pool, and surrounding area shall comply with all other applicable laws or codes adopted by the City.
- B. *Permanent Pools.* Permanent above ground or in-ground pools shall be completely surrounded by a fence or wall, not less than four (4) feet in height that is not easily climbable by small children and shall be constructed as to have no openings, holes or gaps that would allow the passage of a four inch sphere. A dwelling or accessory building may be used as part of the enclosure. All gates or doorways into the enclosed pool area shall be self-closing and self-latching, with the exception of the dwelling unit door if equipped with alarm to indicate unauthorized opening.
- C. *Seasonable Pools.* All seasonal pools designed to be storable, may be set up from May 1 until October 1 each calendar year. Such pools may be installed in a fenced yard or enclosure not less than 42 inches in height, that is not easily climbable by small children, and shall not have openings, holes or gaps, that would allow for the passage of a four inch sphere. All gates or doorways into the enclosed pool area shall be self-closing and self-latching or secured against unauthorized opening during the time that the pool is erected.
- D. *Modifications Authorized.* Modification to the pool enclosure may be made provided that there is no decrease in the level of safety required by these ordinances. Such modification shall only be made upon approval of the Director of Community Development or Building Official, upon examination of the requested modification.

**Section 3:** That Chapter 505, Section 505.030 D2 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby repealed and a new Section 505.030 D2 is enacted in lieu thereof:

- 2. To review the decision of the Building Official, Director of Community Development, Director of Emergency Services, or other City official in the interpretation of the International Building Code, International Residential Code, International Plumbing

Code, International Mechanical Code, International Fire Code, International Fuel Gas Code, National Electric Code, or the International Existing Buildings Code, or other related City ordinance specified in the appeal ordinance.

**Section 4:** That Chapter 505, Section 505.030 D4 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby repealed and a new Section 505.030 D4 is enacted in lieu thereof:

4. The Board shall have no authority to waive requirements of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fire Code, International Fuel Gas Code, National Electric Code or the International Existing Buildings Code.

**Section 5:** That Chapter 505, Section 505.050 through Section 505.080 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby repealed and replaced as follows:

#### **SECTION 505.050: METHOD OF NUMBERING**

All buildings fronting on public streets and avenues of the City shall be numbered in conformity with the numbering map of the City on file with the Director of Community Development.

#### **SECTION 505.060: EXPENSE**

The expense incurred in compliance with this article shall be borne by the party placing the number.

**Section 6.** 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.

**Section 7.** That this order shall become effective ninety (90) days after its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Abstain:

**READ ONE TIME BY TITLE ONLY ON AUGUST 5, 2013. READ FOR A SECOND TIME BY TITLE ONLY ON AUGUST \_\_, 2013 AND WAS DULY APPROVED BY THE BOARD OF ALDERMEN THIS \_\_ DAY OF AUGUST \_\_ 2013.**

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Kevin W. Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

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Kim Hubbard, City Clerk

**APPROVED** by the Mayor this \_\_\_\_ day of August 2013.



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Rick Deluca, Director  
**DATE:** August 1, 2013  
**SUBJECT:** Amending ICodes Chap 510

**Type of Item:** *Approval*

**Council Bill No. 44**

**Ordinance No.**

**An Ordinance Amending Chapter 510, Dangerous Structures – Repair or Demolition of Certain Structures, of the City of Harrisonville, Missouri Code of Ordinances.**

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

**Section 1:** That Section 510.010 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby repealed and replaced as follows:

“Those buildings existing in violation of any provision of the Building Code of this City, or any provision of the International Fire Code, National Electric Code or any other ordinance of this City.”

**Section 2:** That Section 510.010 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by replacing “Director of Codes Administration” with “Director of Community Development”.

**Section 3:** That Section 510.030.1.c of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by replacing “Codes Administration Department” with “Community Development Department”.

**Section 4:** That Section 510.030.1.d of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by replacing “Codes Administration Department” with “Community Development Department”.

**Section 5.** 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.

**Section 6.** That this order shall become effective ninety (90) days after its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Abstain:

READ ONE TIME BY TITLE ONLY ON AUGUST 5, 2013. READ FOR A SECOND TIME BY TITLE ONLY ON AUGUST \_\_, 2013 AND WAS DULY APPROVED BY THE BOARD OF ALDERMEN THIS \_\_ DAY OF AUGUST \_\_\_\_ 2013.

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Kevin W. Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

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Kim Hubbard, City Clerk

**APPROVED** by the Mayor this \_\_\_\_ day of August 2013.



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Rick Deluca, Director  
**DATE:** August 1, 2013  
**SUBJECT:** Amending ICodes Chap. 525

**Type of Item:** *Approval*

**Council Bill No. 45**

**Ordinance No.**

**An Ordinance Amending Chapter 525, Certain Construction Trade Licensing,  
Permits and Inspections, of the City of Harrisonville, Missouri Code of Ordinances.**

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

**Section 1:** That Section 525.020 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by deleting the following:

“Exception: Mechanical (HVAC) contractors holding a valid business license as of April 18, 2005 to perform work within the City of Harrisonville shall have until April 18, 2006 to complete the respective testing requirements for Master Mechanical or Residential Air Conditioning trade licensing.”

**Section 2:** That Section 525.030 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by replacing “Codes Administration Department” with “Community Development Department”.

**Section 3:** That Section 525.050 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by replacing “Section 500.130” with “Section 500.030”.

**Section 4:** That Section 510.060 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by replacing “Codes Administration Department” with “Community Development Department”.

**Section 5:** That Section 525.090 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by replacing “Section 500.130” with “Section 500.030”.

**Section 6:** That Section 525.100 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by replacing “Codes Administration Department” with “Community Development Department”.

**Section 7:** That Section 525.120 of the Code of Ordinances of the City of Harrisonville, Missouri is hereby amended by replacing “Section 500.100” with “Section 500.030”.

**Section 8.** 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.

**Section 9.** That this order shall become effective ninety (90) days after its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Abstain:

**READ ONE TIME BY TITLE ONLY ON AUGUST 5, 2013. READ FOR A SECOND TIME BY TITLE ONLY ON AUGUST \_\_, 2013 AND WAS DULY APPROVED BY THE BOARD OF ALDERMEN THIS \_\_ DAY OF AUGUST \_\_\_\_ 2013.**

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Kevin W. Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

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Kim Hubbard, City Clerk

**APPROVED** by the Mayor this \_\_\_\_ day of August 2013.



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Rick Deluca, Director  
**DATE:** August 1, 2013  
**SUBJECT:** Amending ICodes Chap. 700

**Type of Item:** *Approval*

**Council Bill No. 46**

**Ordinance No.**

**An Ordinance Amending Chapter 700, Utilities, Section 700.210, of the City of the  
Harrisonville, Missouri Code of Ordinances.**

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

**Section 1:** That Section 700.210 Subsection C of the Code of Ordinances of the City of Harrisonville, Missouri is hereby repealed and replaced as follows:

“For new water service connections, the material shall be type K Copper between the main and the meter. The material between the meter and a point 15 feet from the structure can be any material allowed by the Code. The material from a point 15 feet from the structure into the structure shall be type K Copper.”

**Section 2.** 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.

**Section 3.** That this order shall become effective ninety (90) days after its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Abstain:

**READ ONE TIME BY TITLE ONLY ON AUGUST 5, 2013. READ FOR A SECOND TIME BY  
TITLE ONLY ON AUGUST \_\_, 2013 AND WAS DULY APPROVED BY THE BOARD OF  
ALDERMEN THIS \_\_ DAY OF AUGUST \_\_ 2013.**

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Kevin W. Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

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Kim Hubbard, City Clerk

**APPROVED** by the Mayor this \_\_\_\_ day of August 2013.



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Jerry Gibbs, Director  
**DATE:** July 29, 2013  
**SUBJECT:** Clark Sewer

**Type of Item:** *Contract*

**Issue:**

An 8" line has collapsed allowing a significant amount of groundwater and infiltration into the city's sewer collection system.

**Background:**

This 8" sewer line has been televised by Ace Pipe Cleaning showing severe structural damage along much of the pipe segments located on the property owned by Bill Clark south of Ash Street across from City Park. The sewer line has collapsed under the concrete bridge abutment and cannot be repaired without significant damaging to the bridge. The sewer line is located along the ditch which has been lined by Mr. Clark with large cut stone. Staff developed an alignment that minimized damage to the lined ditch, missed the bridge and other landowner improvements. Mr. Clark has provided an easement for the new alignment and access for the installation. The CWSS Fund has budgeted \$40,000 for the replacement of this segment of sewer line running across Mr. Clark's property. The existing sewer will be abandoned in place with the ends capped with concrete.

On July 25, the following 4 bids were received as a lump sum to install approximately 464 lf of 8" sewer line and two new manholes:

- |                                        |             |
|----------------------------------------|-------------|
| • Breit Construction, LLC              | \$37,120.00 |
| • Powers Trenching & Excavating        | \$39,750.00 |
| • Travis Hodge Hauling, LLC            | \$69,900.00 |
| • Young's Waterproofing & Construction | \$73,300.00 |

Breit Construction has done work for the City in the past; they have done a good job with no major problems.

**Recommendations:**

The Public Works Committee will be reviewing this item at their regular meeting on August 1st. Staff will be recommending approval of a contract with Breit Construction, LLC for \$37,120.

**Council Bill No. 47****Resolution No.****A Resolution Authorizing the City Administrator to Execute an Agreement with Breit Construction, LLC for the Purpose of Repairing Sewer Line on Property Owned by Bill Clark Located on Ash Street and Across from City Park in an Amount Not to Exceed \$37,120**

WHEREAS, an 8" sewer line located on property owned by Bill Clark has collapsed and must be replaced; and

WHEREAS, a notice for bids was posted and bids were accepted to complete these repairs; and

WHEREAS, Breit Construction was the low bidder with a bid of \$37,120;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That the City Administrator of the City of Harrisonville is hereby authorized and directed to enter into an Agreement with Breit Construction to complete the repairs and

Section 2: That this resolution shall become effective immediately upon its passage and approval.

PASSED AND RESOLVED by the Board of Aldermen and APPROVED by the Mayor of the City of Harrisonville, Missouri this 5th day of August, 2013

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Kevin W. Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

---

Kim Hubbard, City Clerk

WITNESS my hand and seal this 5th day of August, 2013



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Eric Patterson, Asst. Director  
**DATE:** August 1, 2013  
**SUBJECT:** North Independence Bridge Replacement

**Type of Item:** *Contract*

**Issue:**

The Bridge has been in need of repair for some time now; most of this is with the appearance and being undersized for current standards.

**Background:**

The Engineering Department started looking into options for both design and funding in 2009. We were not able to locate any grant opportunities. The City then decided on using our STP funds to pay for part of it (\$222,700). Since we are using STP funds, this project is also under MODOT rules that seemed to change each time we got ready to submit. We received & bids on Tuesday July 30, 2013, see the attached bid tab. The two apparent low bidders, (listed below), were forwarded on to MODOT for their approval.

|                                           |              |
|-------------------------------------------|--------------|
| † Ground Breaking Excavation & Utilities: | \$354,842.00 |
| ❖ Redford Construction                    | \$359,480.00 |

**Budget Impact:**

There is \$160,00 of General Fund money allocated to this project in the 2013 budget. \$222,700 of the project will be funded with MoDOT STP funds and therefore the balance (\$354,842 - \$222,700 = \$132,142) will be the responsibility of the General Fund. This decreases the budget impact to the General Fund by \$27,858.

**Recommendations:**

Staff is asking the Board to approve a contract in an amount not to exceed \$354,842.00 with Ground Breaking Excavation & Utilities, subject to MODOT's approval.

**Council Bill No. 48****Resolution No.****A Resolution Authorizing the City Administrator to Execute an Agreement with Ground Breaking Excavation and Utilities for the Purpose of Replacing the North Independence Bridge in an Amount Not to Exceed \$354,842.**

WHEREAS, the North Independence Bridge is an integral part of North Independence Street, and

WHEREAS, the bridge is in need of repairs and is undersized by current standards, and

WHEREAS, a notice for bids was posted and bids were accepted to replace the bridge; and

WHEREAS, Ground Breaking Excavation and Utilities was the low bidder with a bid of \$354,842;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: That the City Administrator of the City of Harrisonville is hereby authorized and directed to enter into an Agreement with Ground Breaking Excavation and Utilities to replace the bridge in an amount not to exceed \$354,842 contingent upon the Missouri Department of Transportation approving Ground Breaking Excavation and Utilities as the apparent low bidder.

Section 2: That this resolution shall become effective immediately upon its passage and approval.

PASSED AND RESOLVED by the Board of Aldermen and APPROVED by the Mayor of the City of Harrisonville, Missouri this 5<sup>th</sup> day of August, 2013

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Kevin W. Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

---

Kim Hubbard, City Clerk

WITNESS my hand and seal this 5<sup>th</sup> day of August 2013

|                                | CITY OF HARRISONVILLE, MISSOURI                   |      |          |             |           |                                          |              |                      |              |                      |              |                 |              |                     |              |             |              |                    |              |
|--------------------------------|---------------------------------------------------|------|----------|-------------|-----------|------------------------------------------|--------------|----------------------|--------------|----------------------|--------------|-----------------|--------------|---------------------|--------------|-------------|--------------|--------------------|--------------|
|                                | NORTH INDEPENDENCE STREET OVER TOWN CREEK CULVERT |      |          |             |           |                                          |              |                      |              |                      |              |                 |              |                     |              |             |              |                    |              |
|                                | ENGINEER'S OPINION OF PROBABLE COST               |      |          |             |           | Groundbreaking<br>Excavation & Utilities |              | Redford Construction |              | Cobra<br>Contractors |              | Mega Industries |              | Lehman Construction |              | Widel       |              | L.G. Barcus & Sons |              |
| Item<br>Number                 | Description                                       | Unit | Quantity | Unit Cost   | Extension |                                          |              |                      |              |                      |              |                 |              |                     |              |             |              |                    |              |
|                                | Roadway                                           |      |          |             |           |                                          |              |                      |              |                      |              |                 |              |                     |              |             |              |                    |              |
| 1                              | Mobilization                                      | LS   | 1        | \$15,000.00 | \$15,000  | \$22,050.00                              | \$22,050.00  | \$18,000.00          | \$18,000.00  | \$15,000.00          | \$15,000.00  | \$39,000.00     | \$39,000.00  | \$55,887.00         | \$55,887.00  | \$60,000.00 | \$60,000.00  | \$51,000.00        | \$51,000.00  |
| 2                              | Traffic Control                                   | LS   | 1        | \$4,000.00  | \$4,000   | \$6,600.00                               | \$6,600.00   | \$5,000.00           | \$5,000.00   | \$2,000.00           | \$2,000.00   | \$3,000.00      | \$3,000.00   | \$2,800.00          | \$2,800.00   | \$3,350.00  | \$3,350.00   | \$5,400.00         | \$5,400.00   |
| 3                              | Excavation                                        | CY   | 221      | \$6.00      | \$1,326   | \$18.00                                  | \$3,978.00   | \$10.00              | \$2,210.00   | \$70.00              | \$15,470.00  | \$40.00         | \$8,840.00   | \$19.50             | \$4,309.50   | \$16.00     | \$3,536.00   | \$35.00            | \$7,735.00   |
| 4                              | Riprap                                            | SY   | 336      | \$50.00     | \$16,800  | \$44.00                                  | \$14,784.00  | \$40.00              | \$13,440.00  | \$48.00              | \$16,128.00  | \$37.00         | \$12,432.00  | \$48.55             | \$16,312.80  | \$23.00     | \$7,728.00   | \$65.00            | \$21,840.00  |
| 5                              | 24" HDPE Storm Sewer<br>Pipe                      | LF   | 160      | \$63.00     | \$10,080  | \$73.00                                  | \$11,680.00  | \$60.00              | \$9,600.00   | \$56.00              | \$8,960.00   | \$67.00         | \$10,720.00  | \$90.00             | \$14,400.00  | \$55.00     | \$8,800.00   | \$100.00           | \$16,000.00  |
| 6                              | 30" HDPE Storm Sewer<br>Pipe                      | LF   | 32       | \$68.00     | \$2,176   | \$84.00                                  | \$2,688.00   | \$70.00              | \$2,240.00   | \$82.00              | \$2,624.00   | \$100.00        | \$3,200.00   | \$238.00            | \$7,616.00   | \$64.00     | \$2,048.00   | \$108.00           | \$3,456.00   |
| 7                              | 4.0'x4.0' Junction Box                            | EA   | 3        | \$3,000.00  | \$9,000   | \$3,815.00                               | \$11,445.00  | \$3,000.00           | \$9,000.00   | \$3,200.00           | \$9,600.00   | \$3,800.00      | \$11,400.00  | \$2,353.00          | \$7,059.00   | \$2,705.00  | \$8,115.00   | \$3,750.00         | \$11,250.00  |
| 8                              | 4.5'x4.5' Junction Box                            | EA   | 1        | \$3,250.00  | \$3,250   | \$3,900.00                               | \$3,900.00   | \$3,200.00           | \$3,200.00   | \$3,200.00           | \$3,200.00   | \$4,000.00      | \$4,000.00   | \$2,786.00          | \$2,786.00   | \$3,185.00  | \$3,185.00   | \$3,750.00         | \$3,750.00   |
| 9                              | 24" RCP Flared End<br>Section                     | EA   | 1        | \$1,100.00  | \$1,100   | \$1,425.00                               | \$1,425.00   | \$1,100.00           | \$1,100.00   | \$1,100.00           | \$1,100.00   | \$1,300.00      | \$1,300.00   | \$783.00            | \$783.00     | \$899.00    | \$899.00     | \$1,998.00         | \$1,998.00   |
| 10                             | 30" RCP Flared End<br>Section                     | EA   | 1        | \$1,400.00  | \$1,400   | \$1,710.00                               | \$1,710.00   | \$1,500.00           | \$1,500.00   | \$1,200.00           | \$1,200.00   | \$1,400.00      | \$1,400.00   | \$1,011.00          | \$1,011.00   | \$1,165.00  | \$1,165.00   | \$2,348.00         | \$2,348.00   |
| 11                             | Curb Inlet Type 2, 5.0'<br>x3.5'                  | EA   | 2        | \$3,500.00  | \$7,000   | \$3,850.00                               | \$7,700.00   | \$3,200.00           | \$6,400.00   | \$3,000.00           | \$6,000.00   | \$4,200.00      | \$8,400.00   | \$2,541.00          | \$5,082.00   | \$3,600.00  | \$7,200.00   | \$4,145.00         | \$8,290.00   |
| 12                             | Asphaltic Concrete<br>Base (9")                   | SY   | 282      | \$28.00     | \$7,896   | \$56.00                                  | \$15,792.00  | \$62.00              | \$17,484.00  | \$40.00              | \$11,280.00  | \$56.00         | \$15,792.00  | \$65.00             | \$18,330.00  | \$77.00     | \$21,714.00  | \$53.00            | \$14,946.00  |
| 13                             | Asphaltic Concrete<br>Surface (2")                | SY   | 229      | \$7.00      | \$1,603   | \$14.00                                  | \$3,206.00   | \$30.00              | \$6,870.00   | \$15.00              | \$3,435.00   | \$12.00         | \$2,748.00   | \$27.00             | \$6,183.00   | \$29.00     | \$6,641.00   | \$11.75            | \$2,690.75   |
| 14                             | Curb and Gutter (CG-1)                            | LF   | 256      | \$18.00     | \$4,608   | \$39.00                                  | \$9,984.00   | \$24.00              | \$6,144.00   | \$28.00              | \$7,168.00   | \$25.00         | \$6,400.00   | \$53.00             | \$13,568.00  | \$47.50     | \$12,160.00  | \$47.00            | \$12,032.00  |
| 15                             | Sediment Fence                                    | LF   | 155      | \$5.00      | \$775     | \$2.00                                   | \$310.00     | \$1.00               | \$155.00     | \$2.00               | \$310.00     | \$3.00          | \$465.00     | \$3.25              | \$503.75     | \$2.10      | \$325.50     | \$3.50             | \$542.50     |
| 16                             | Rock Ditch Check                                  | EA   | 1        | \$1,000.00  | \$1,000   | \$100.00                                 | \$100.00     | \$350.00             | \$350.00     | \$500.00             | \$500.00     | \$1,100.00      | \$1,100.00   | \$225.00            | \$225.00     | \$175.00    | \$175.00     | \$242.00           | \$242.00     |
| 17                             | Demolition                                        | LS   | 1        | \$30,000.00 | \$30,000  | \$10,200.00                              | \$10,200.00  | \$13,000.00          | \$13,000.00  | \$79,487.00          | \$79,487.00  | \$31,000.00     | \$31,000.00  | \$19,650.00         | \$19,650.00  | \$8,500.00  | \$8,500.00   | \$14,000.00        | \$14,000.00  |
| 18                             | Removal of 4" and 8"<br>Waterline                 | LF   | 300      | \$5.00      | \$1,500   | \$12.50                                  | \$3,750.00   | \$5.00               | \$1,500.00   | \$9.00               | \$2,700.00   | \$40.00         | \$12,000.00  | \$4.62              | \$1,386.00   | \$9.00      | \$2,700.00   | \$24.75            | \$7,425.00   |
| 19                             | Reinf. Portland<br>Cement Concrete<br>Pavement    | SY   | 142      |             |           | \$140.00                                 | \$19,880.00  | \$108.00             | \$15,336.00  | \$109.00             | \$15,478.00  | \$73.00         | \$10,366.00  | \$58.00             | \$8,236.00   | \$200.00    | \$28,400.00  | \$455.00           | \$64,610.00  |
| Roadway Subtotal               |                                                   |      |          |             | \$118,514 |                                          | \$151,182.00 |                      | \$132,529.00 |                      | \$201,640.00 |                 | \$183,563.00 |                     | \$186,128.05 |             | \$186,641.50 |                    | \$249,555.25 |
|                                | Pedestrian Facilities                             |      |          |             |           |                                          |              |                      |              |                      |              |                 |              |                     |              |             |              |                    |              |
| 19                             | Sidewalk (4")                                     | SF   | 1100     | \$5.00      | \$5,500   | \$9.00                                   | \$9,900.00   | \$5.50               | \$6,050.00   | \$5.50               | \$6,050.00   | \$4.50          | \$4,950.00   | \$4.10              | \$4,510.00   | \$15.50     | \$17,050.00  | \$10.85            | \$11,935.00  |
| 20                             | Stamped and Stained<br>Concrete (4")              | SF   | 900      | \$8.00      | \$7,200   | \$11.50                                  | \$10,350.00  | \$10.00              | \$9,000.00   | \$9.50               | \$8,550.00   | \$9.00          | \$8,100.00   | \$12.60             | \$11,340.00  | \$16.00     | \$14,400.00  | \$13.75            | \$12,375.00  |
| 21                             | ADA Ramp                                          | SF   | 36       | \$9.25      | \$333     | \$30.00                                  | \$1,080.00   | \$30.00              | \$1,080.00   | \$40.00              | \$1,440.00   | \$27.00         | \$972.00     | \$30.00             | \$1,080.00   | \$58.00     | \$2,088.00   | \$35.50            | \$1,278.00   |
| Pedestrian Facilities Subtotal |                                                   |      |          |             | \$13,033  |                                          | \$21,330.00  |                      | \$16,130.00  |                      | \$16,040.00  |                 | \$14,022.00  |                     | \$16,930.00  |             | \$33,538.00  |                    | \$25,588.00  |
|                                | Bridge                                            |      |          |             |           |                                          |              |                      |              |                      |              |                 |              |                     |              |             |              |                    |              |
| 22                             | Pedestrian Pipe Railing                           | LF   | 165      | \$97.00     | \$16,005  | \$110.00                                 | \$18,150.00  | \$77.00              | \$12,705.00  | \$50.00              | \$8,250.00   | \$70.00         | \$11,550.00  | \$85.00             | \$14,025.00  | \$80.00     | \$13,200.00  | \$91.75            | \$15,138.75  |
| 23                             | Steel Arch Culvert                                | LF   | 48       | \$3,958.33  | \$190,000 | \$3,300.00                               | \$158,400.00 | \$4,017.00           | \$192,816.00 | \$3,300.00           | \$158,400.00 | \$3,750.00      | \$180,000.00 | \$3,964.00          | \$190,272.00 | \$4,250.00  | \$204,000.00 | \$4,050.00         | \$194,400.00 |
| 24                             | 2" PVC Sched 40<br>Lighting Conduit               | LF   | 170      | \$5.00      | \$850     | \$10.00                                  | \$1,700.00   | \$12.00              | \$2,040.00   | \$11.00              | \$1,870.00   | \$24.00         | \$4,080.00   | \$17.00             | \$2,890.00   | \$8.00      | \$1,360.00   | \$15.00            | \$2,550.00   |
| 25                             | Ingrade Junct. Box<br>(Streetlighting)            | EA   | 4        | \$400.00    | \$1,600   | \$900.00                                 | \$3,600.00   | \$800.00             | \$3,200.00   | \$500.00             | \$2,000.00   | \$400.00        | \$1,600.00   | \$700.00            | \$2,800.00   | \$450.00    | \$1,800.00   | \$1,618.00         | \$6,472.00   |
| Bridge Subtotal                |                                                   |      |          |             | \$208,455 |                                          | \$181,850.00 |                      | \$210,761.00 |                      | \$170,520.00 |                 | \$197,230.00 |                     | \$209,987.00 |             | \$220,360.00 |                    | \$218,560.75 |
|                                | Landscaping                                       |      |          |             |           |                                          |              |                      |              |                      |              |                 |              |                     |              |             |              |                    |              |
| 26                             | Seeding                                           | AC   | 0.06     | \$5,000.00  | \$300     | \$8,000.00                               | \$480.00     | \$1,000.00           | \$60.00      | \$30,000.00          | \$1,800.00   | \$6,666.67      | \$400.00     | \$40,000.00         | \$2,400.00   | \$15,000.00 | \$900.00     | \$43,200.00        | \$2,592.00   |
| Landscaping Subtotal           |                                                   |      |          |             | \$300     |                                          | \$480.00     |                      | \$60.00      |                      | \$1,800.00   |                 | \$400.00     |                     | \$2,400.00   |             | \$900.00     |                    | \$2,592.00   |
| TOTAL BASE BID                 |                                                   |      |          |             | \$340,302 |                                          | \$354,842.00 |                      | \$359,480.00 |                      | \$390,000.00 |                 | \$395,215.00 |                     | \$415,445.05 |             | \$441,439.50 |                    | \$496,296.00 |

Attachment: BID TAB.xlsx (1110 : North Independence Bridge Replacement)



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Rick Deluca, Director  
**DATE:** July 30, 2013  
**SUBJECT:** Warner Annexation Ordinance Tract 1

**Type of Item:** *Approval*

**Type of Item:** Action Item

**Issue:** The applicants have requested voluntary annexation of their properties into the City limits.

**Background:**

Application: Voluntary Annexation (2 petitions)  
Acres: Approximately 794+/- acres  
Applicant: Stan Warner, Cynthia Warner, Jean Grogger, Jemor Farms  
Owner: Stan Warner, Cynthia Warner, Jean Grogger, Jemor Farms  
Location: Generally west of the MNA railroad, south of 267<sup>th</sup> Street, north of 275<sup>th</sup> Street and east of the Grand River.



Annexation is the process of adding additional territory to an existing city. When previously unincorporated land is annexed into a city, the City extends its municipal services, regulations, voting privileges, and taxing authority to the annexed property. A voluntary annexation occurs when a property owner initiates the annexation procedure by asking the City to redraw their boundaries to include the land owner's property.

There are two procedures for a voluntary annexation: a full procedure and an abbreviated procedure. Both the full and abbreviated procedures require the applicant to send a signed and notarized petition for annexation to the Board of Aldermen. There is no fee to process an application for annexation. The City of Harrisonville qualifies for the abbreviated procedure as outlined in RSMo 71.014. The alternative abbreviated voluntary annexation procedure eliminates the requirement for a public hearing before the Board of Aldermen and does not allow for written objections to change the annexation petition into involuntary proceedings. Also, the only finding the Board of Aldermen needs to make is that the land to be annexed is contiguous and compact to the City limits.

This request consists of two (2) separate annexation petitions. The primary reason for doing this is to meet the 15% contiguous rule. It is necessary for the land to be annexed separately, to comply with this rule.

If the Board chooses to annex the property, the City will have to assign a zoning district to the subject property in the near future. An application for rezoning from "A" Agriculture District (zoning designation in unincorporated Cass County) to "M-1" Light Industrial District (zoning designation within the City Limits of Harrisonville) has been submitted. The proposed

annexation is necessary for the proper development of the City and is critical to our economic development efforts.

### **Summary of Available Utilities:**

The following is a summary of the existing utilities that are on, or near, the subject property. Although sufficient utilities are presently available for the present use of the property, the City will be looking at ways to extend and upgrade access and services to meet increased development needs.

Water. The property is currently in Water District #4. It is possible, in the interest of economic development, that the City may acquire a portion of the District #4 territory through an agreement. District #4 has limited infrastructure in the area. If District #4 cannot service industry, the City of Harrisonville has expressed interest with servicing industrial users. The City service area is located directly north of, and adjacent to, the site. The City has a 12" water line at 267<sup>th</sup> Street and Precision Drive. Harrisonville can treat 2.4 MGD at the water treatment plant.

Sanitary Sewer. The City has an 8" sanitary sewer line located adjacent to the property (north side of the 267<sup>th</sup> Street and Precision Drive). A pump will likely be necessary to get the sewage to gravity to the treatment facility. The treatment capacity for the City sewage treatment plant is 3 MGD.

Natural Gas. Missouri Gas Energy (MGE) has substantial amounts of natural gas in the area. A 6" high pressure line is located on the east side of the property in close proximity to the railroad tracks.

Electric. Both the City of Harrisonville and KCP&L have infrastructure in the area. KCP&L currently services the properties. The City may choose to serve future electric users on the subject property.

Transportation - Roadways. The site is within a mile of I-49 (US 71). The property also has frontage on 267<sup>th</sup> Street, 275<sup>th</sup> Street and has access to Precision Drive. Roadway infrastructure is present and adequate for the agricultural use of the site. However, if industrial users are introduced, additional roadway infrastructure will likely be necessary.

**Options:** The City may:

- Approve the annexation

- Deny the annexation

**Staff Recommendation:** Approval

**Council Bill No. 49**

**Ordinance No.**

**An Ordinance Providing for the Extension of the City Limits of the City of Harrisonville, Missouri, by Annexing Certain Adjacent Territory Owned by Stan and Cynthia Warner – Jemor Farms, Inc. (Tract 1) into the City of Harrisonville, Missouri.**

WHEREAS, a verified Petition for voluntary annexation signed by all of the owners of the real estate, hereinafter described, requesting annexation of said territory into the City of Harrisonville, Missouri, was filed with the City Clerk; and

WHEREAS, said real estate, as hereinafter described, is adjacent and contiguous to the existing corporate limits of the City of Harrisonville, Missouri; and

WHEREAS, said real estate is within the City of Harrisonville's "Plan of Intent" to annex; and

WHEREAS, petitioners submitted an application for rezoning to "M-1" Light Industrial District which will be under consideration before the Board of Aldermen if the request for annexation petition is approved; and

WHEREAS, the Board of Aldermen of the City of Harrisonville, Missouri, does find and determine that said annexation is reasonable and necessary for the proper development of the City.

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

Section 1: That the corporate limits of the City of Harrisonville, in the County of Cass, State of Missouri, are annexed so as to embrace and include all that part of said County of Cass lying within the following boundary lines:

TRACT 1:

ALL OF THE NORTHWEST QUARTER OF SECTION 8; AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF THE MISSOURI AND NORTHERN ARKANSAS RAILROAD AS NOW

LOCATED, ALL IN TOWNSHIP 44, RANGE 31, CASS COUNTY,  
MISSOURI.

Section 2: That the boundaries of the City of Harrisonville, Missouri, are hereby altered so as to encompass the above described tract of land lying adjacent and contiguous to the present corporate limits.

Section 3: That the City Clerk of the City of Harrisonville is hereby ordered to cause three certified copies of this ordinance to be filed with the Cass County Clerk.

Section 4: That this ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read two times by title only on August 5, 2013, and duly passed by the Board of Aldermen of the City of Harrisonville, Missouri, this 5<sup>th</sup> day of August, 2013.

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Kevin W. Wood, Mayor and Ex Officio  
Chairman of the Board of Aldermen

ATTEST:

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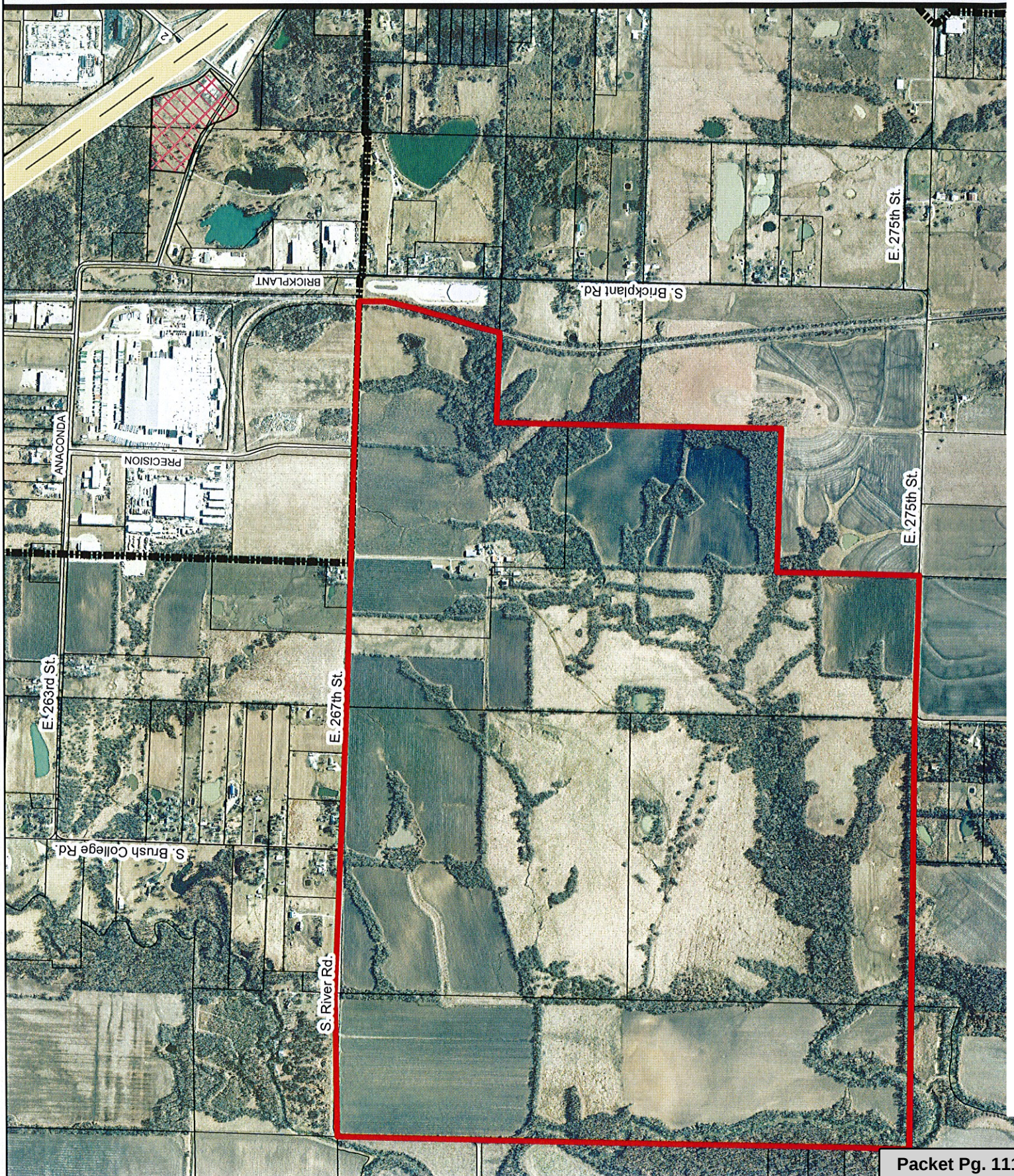
Kim Hubbard  
City Clerk

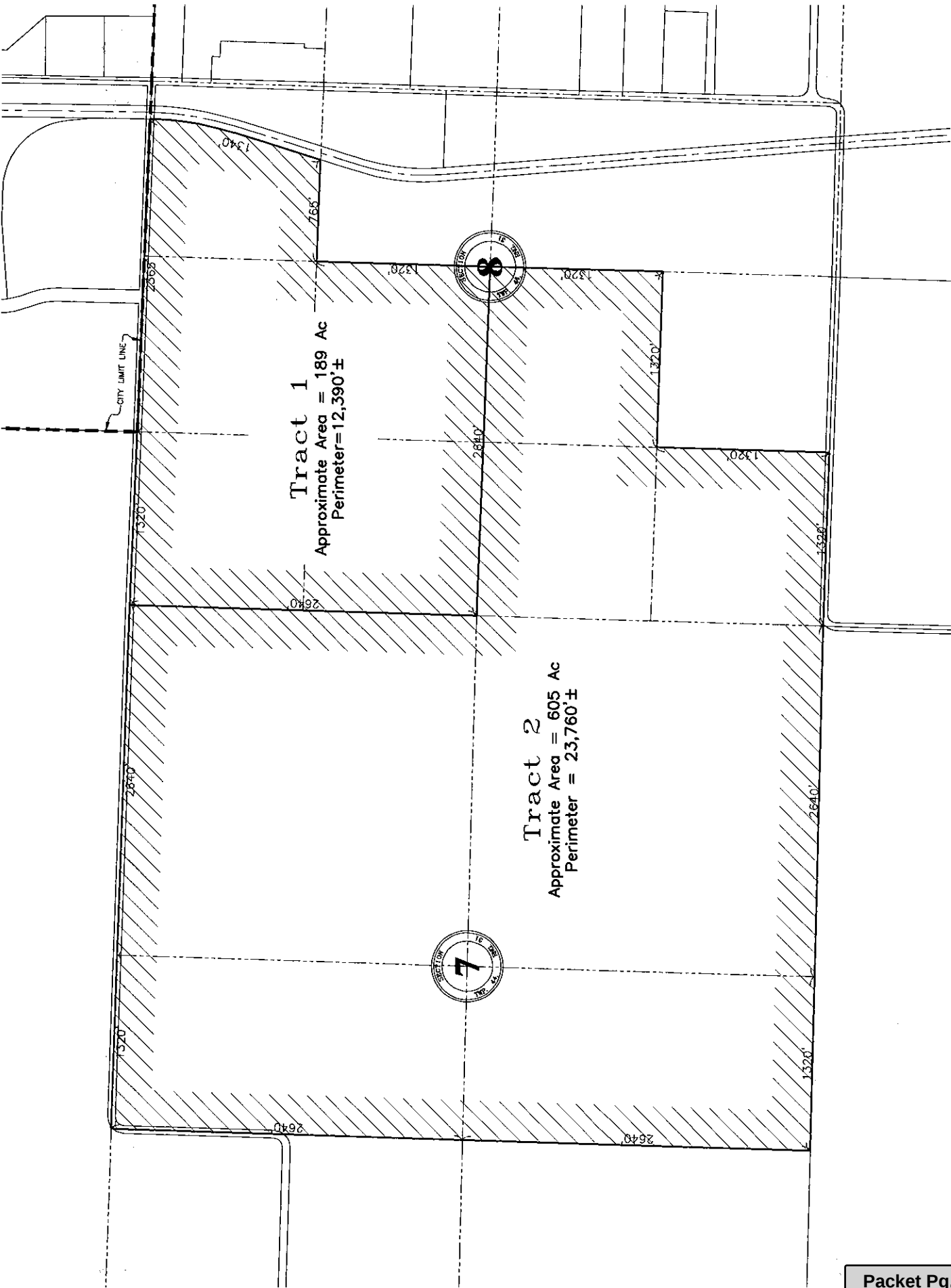
APPROVED by the Mayor this 5<sup>th</sup> day of August, 2013.



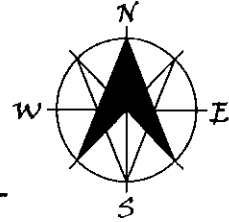
Legend

- City\_Limits
- Warner Property
- Ownership
- Roads\_Sp





## Bowers Survey LLC



PO Box 71  
110 S Independence  
Harrisonville, MO 64701  
816-380-4821

### Perimeter Calculations:

LENGTH OF PROPERTY ADJACENT TO HARRISONVILLE CITY LIMITS = 2,364.93' (2,365' ROUNDED).

*SEE SUBDIVISION PLATS OF ENTERPRISE BUSINESS PARK, LOTS 3 AND 4.*

TARGET PERIMETER FOR TRACT 1:  $2,365' / 0.15 = 15,766'$

ACTUAL PERIMETER OF TRACT 1 = 12,390'±

$2,365/12,390=0.19 = 19\%$

LENGTH OF TRACT 1 ADJACENT TO PROPOSED ANNEXATION = 5,280'±

TARGET PERIMETER OF TRACT 2:  $5,280/0.15=35,200'$

ACTUAL PERIMETER OF TRACT 2 = 23,760'

$5,280/23,760=0.22=22\%$

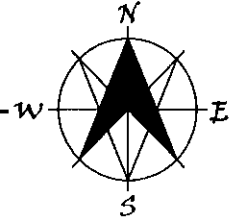
### Annexation Descriptions:

#### DESCRIPTION: TRACT 1

ALL OF THE NORTHWEST QUARTER OF SECTION 8; AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF THE MISSOURI AND NORTHERN ARKANSAS RAILROAD AS NOW LOCATED, ALL IN TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI.

#### DESCRIPTION: TRACT 2

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8; THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 8; THE NORTHEAST QUARTER OF SECTION 7; THE SOUTHEAST QUARTER OF SECTION 7; LOT 1 OF THE NORTHWEST QUARTER OF SECTION 7; AND LOT 1 OF THE SOUTHWEST QUARTER OF SECTION 7, ALL IN TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI.

*Bowers Survey LLC*

PO Box 71  
110 S Independence  
Harrisonville, MO 64701  
816-380-4821

**Subject Property:**

BOOK 706, PAGE 124

JEMOR FARMS, INC.

THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 44, RANGE 31, AND THE WEST HALF OF THE SOUTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND ALL OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 8, TOWNSHIP 44, RANGE 31.

BOOK 1474, PAGE 202

MARGARET JEAN GROGGER, TRUSTEE UNDER TRUST AGREEMENT DATED 12/14/89.

THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 44, RANGE 31.

BOOK 2946, PAGE 164

JEMOR FARMS, INC.

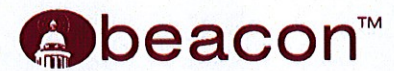
ALL OF LOT 1 OF THE NORTHWEST QUARTER AND ALL OF LOT 1 OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 44, RANGE 31, CONTAINING 160 ACRES, MORE OR LESS.

BOOK 2959, PAGE 33

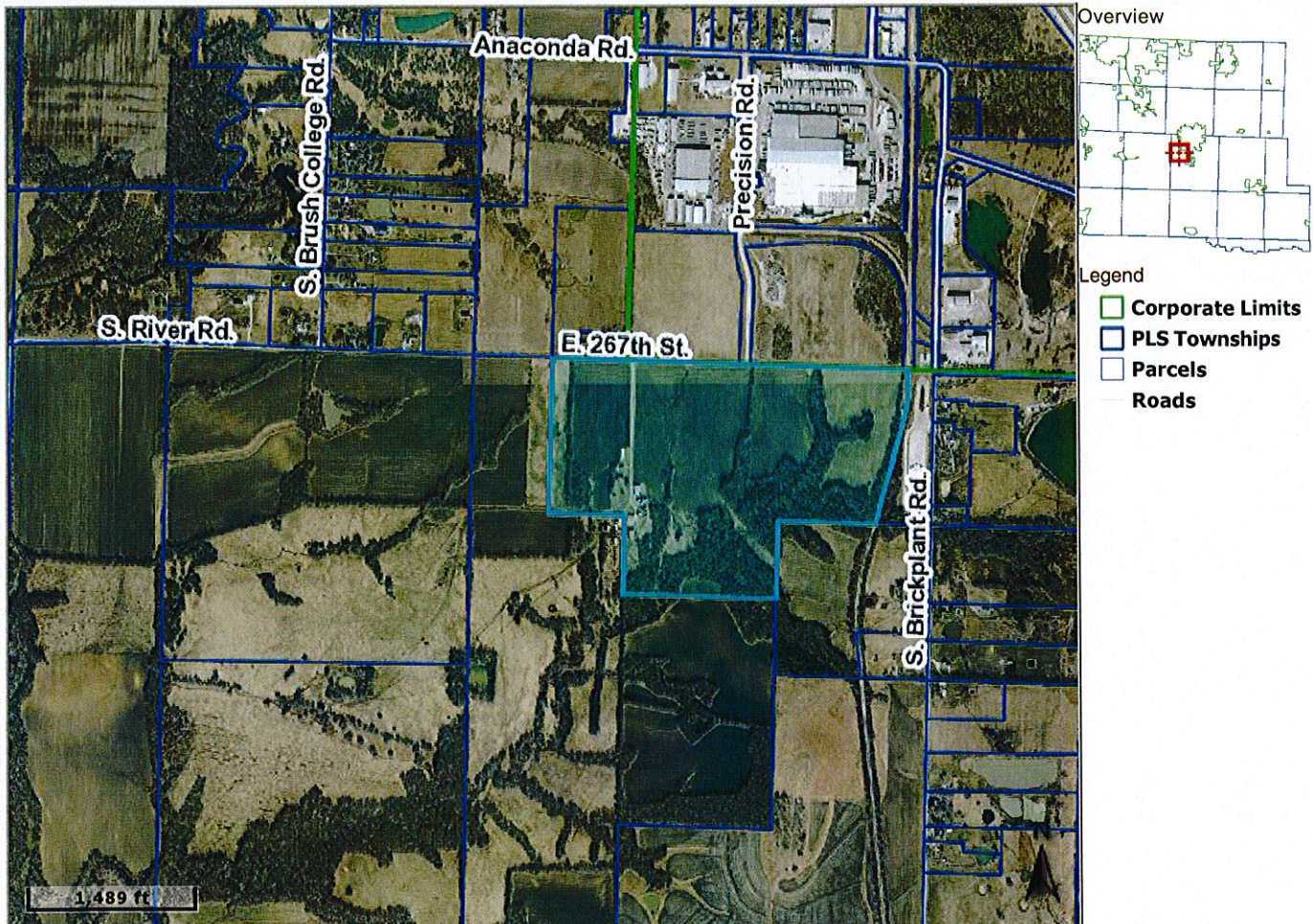
STANLEY D. WARNER AND CYNTHIA R. WARNER

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8; THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8; AND THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, ALL IN TOWNSHIP 44, RANGE 31.

## Cass County, MO



Date Created: 7/12/2013

**Parcel ID** 133208000000004001**Sec/Twp/Rng** 8-44-31**Property Address** 19701 E 267TH ST  
HARRISONVILLE**Alternate ID** n/a**Class** Ag Dwelling**Acreage** 110.00**Owner Address** WARNER, STANLEY D & CYNTHIA R  
19701 E 267TH ST  
HARRISONVILLE MO 647010000**District** 5700003**Brief Tax Description** NENW N2 SENW E2 NWNW NWNE EX 10AC E OF RR  
(Note: Not to be used on legal documents)

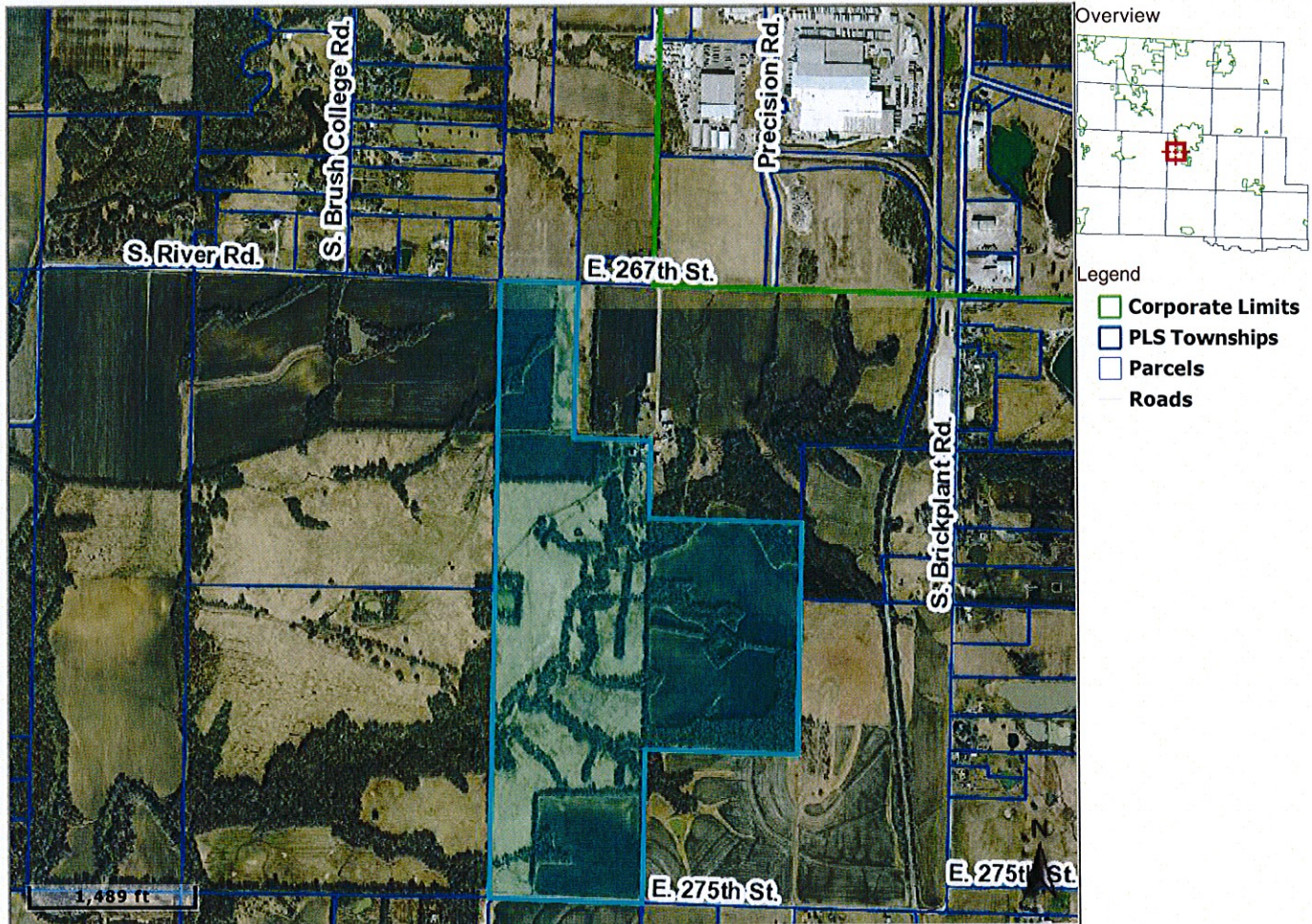
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## Cass County, MO



Date Created: 7/12/2013



|                              |                                                                             |                     |             |                      |                                |
|------------------------------|-----------------------------------------------------------------------------|---------------------|-------------|----------------------|--------------------------------|
| <b>Parcel ID</b>             | 133208000000004000                                                          | <b>Alternate ID</b> | n/a         | <b>Owner Address</b> | JEMOR FARMS INC % JEAN GROGGER |
| <b>Sec/Twp/Rng</b>           | 8-44-31                                                                     | <b>Class</b>        | Ag Dwelling |                      | 1704 S OAKLAND                 |
| <b>Property Address</b>      | E 267TH ST<br>HARRISONVILLE                                                 | <b>Acreage</b>      | 197.00      |                      | HARRISONVILLE MO 647010000     |
| <b>District</b>              | 5700003                                                                     |                     |             |                      |                                |
| <b>Brief Tax Description</b> | W2 NWNW SWNW S2 SENW W2SW NESW<br>(Note: Not to be used on legal documents) |                     |             |                      |                                |

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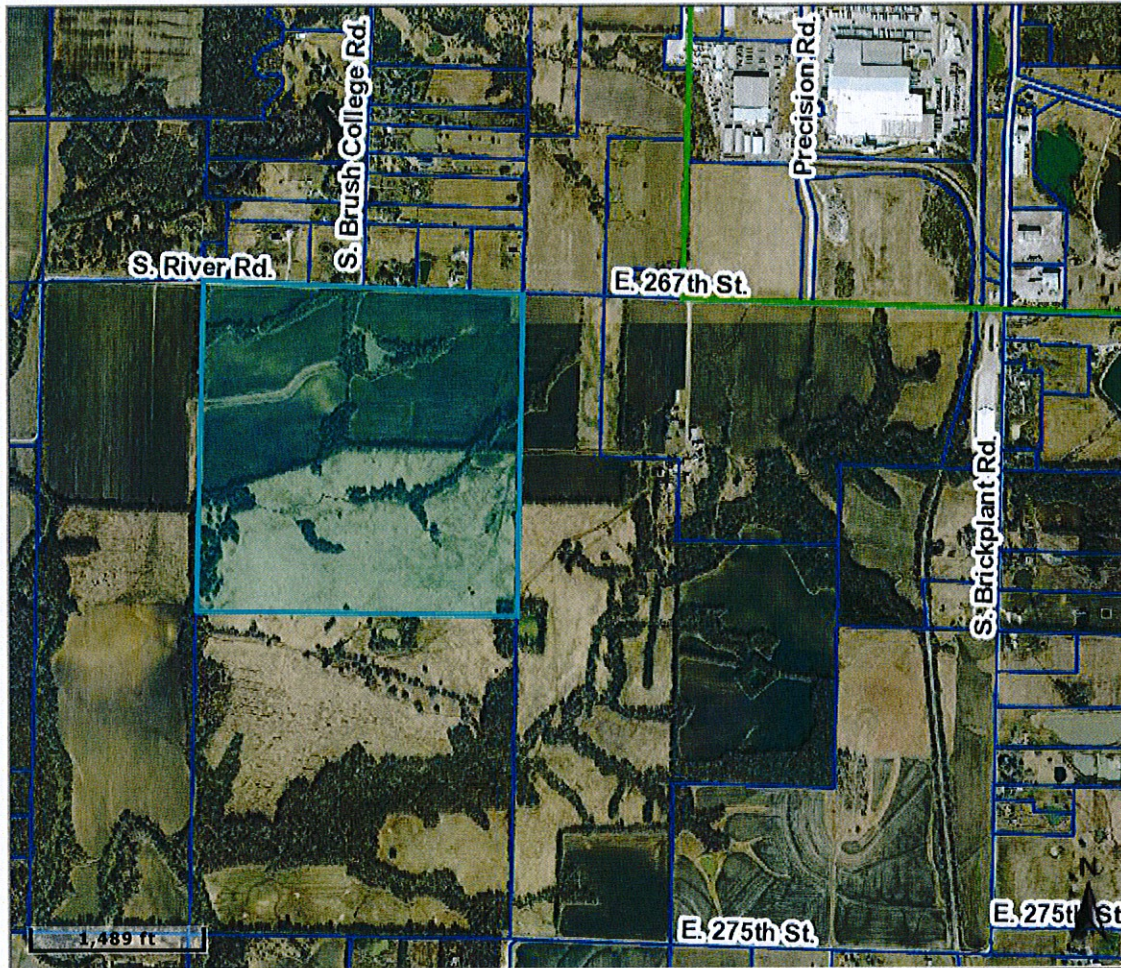
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Attachment: Warner Annexation and Rezoning Maps and Legal Descriptions (1108 : Warner Annexation Ordinance Tract 1)

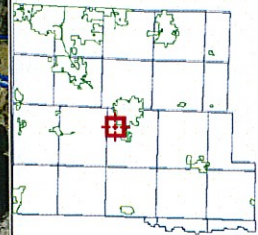
## Cass County, MO



Date Created: 7/12/2013



Overview



Legend

- Corporate Limits
- PLS Townships
- Parcels
- Roads

**Parcel ID** 133207000000001000  
**Sec/Twp/Rng** 7-44-31  
**Property Address** E 267TH ST  
 HARRISONVILLE

**Alternate ID** n/a  
**Class** Ag Land  
**Acreage** 160.00

**Owner Address** JEMOR FARMS INC % JEAN GROGGER  
 1704 S OAKLAND  
 HARRISONVILLE MO 647013009

**District** 5700003  
**Brief Tax Description** NE4

(Note: Not to be used on legal documents)

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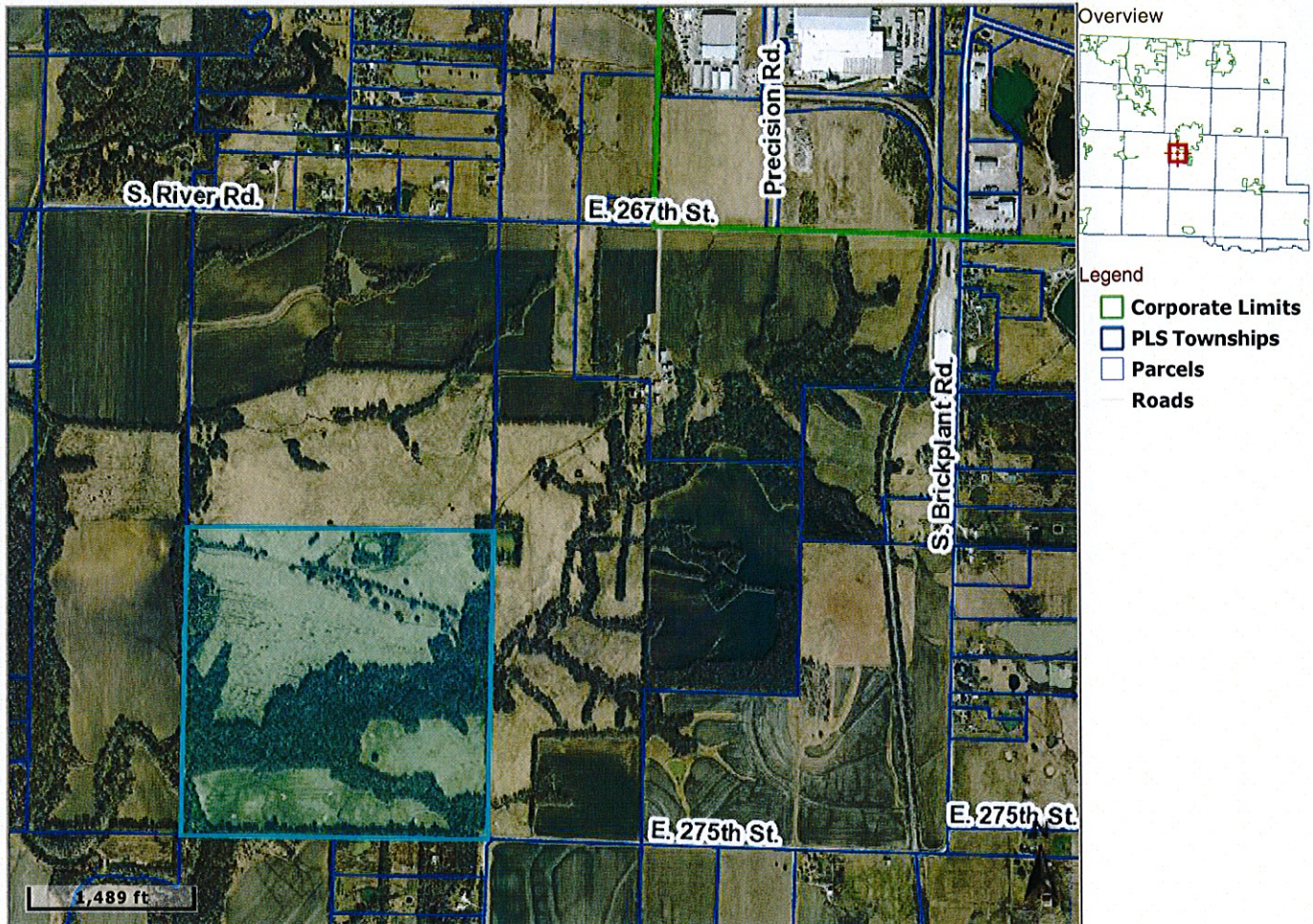


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## Cass County, MO



Date Created: 7/12/2013

**Parcel ID** 133207000000008000**Sec/Twp/Rng** 4-77-31**Property Address** E STATE ROUTE 2  
HARRISONVILLE**Alternate ID** n/a**Class** Ag Land**Acreage** 160.00**Owner Address** GROGGER, MARGARET JEAN TR  
1704 S OAKLAND  
HARRISONVILLE MO 647013009**District** 5700003**Brief Tax Description** SE

(Note: Not to be used on legal documents)

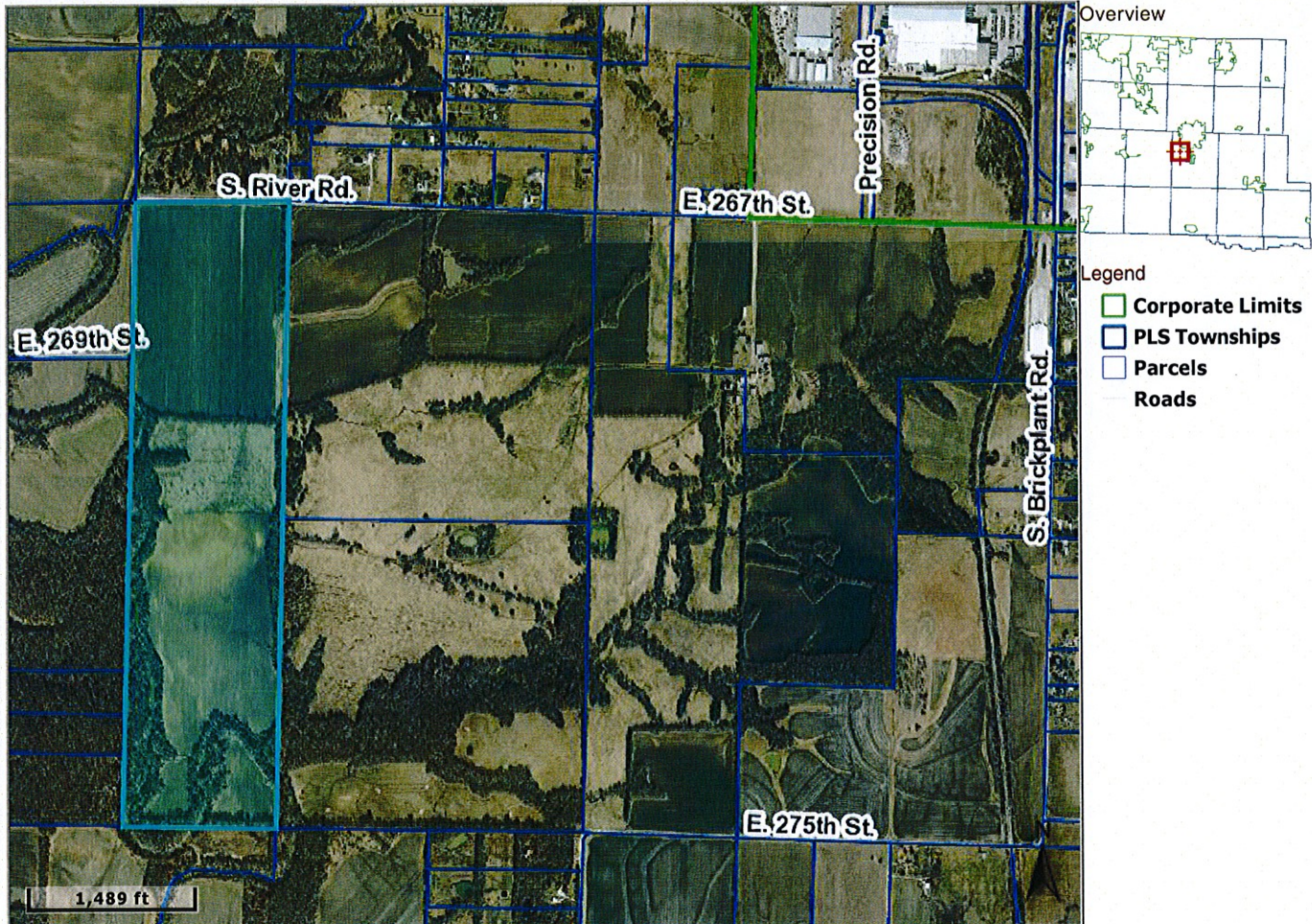
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## Cass County, MO



Date Created: 7/12/2013

**Parcel ID** 133207000000002000**Sec/Twp/Rng** 7-44-31**Property Address** E 267TH ST  
HARRISONVILLE**Alternate ID** n/a**Class** Ag Land**Acreage** 160.00**Owner Address** JEMOR FARMS INC  
1704 OAKLAND  
HARRISONVILLE MO 647010000**District** 5700003**Brief Tax Description** LOT 1 SW4 & LOT 1 NW4

(Note: Not to be used on legal documents)

Last Data Upload: 7/12/2013 2:10:47 AM

developed by  
The Schneider Corporation  
www.schneidercorp.com

## PETITION FOR ANNEXATION

We, the undersigned Stan and Cynthia Warner/Jemor Farms, Inc. hereinafter referred to as the Petitioners, for our petition to the Board of Aldermen  
Of the City of Harrisonville, Missouri state and allege as follows:

1. That we the owners of all fee interests of record in the real estate in Cass County, Missouri, described as follows, to wit:

TRACT 1:

ALL OF THE NORTHWEST QUARTER OF SECTION 8; AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF THE MISSOURI AND NORTHERN ARKANSAS RAILROAD AS NOW LOCATED, ALL IN TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI.

2. That the said real estate is not now a part of any incorporated municipality.
3. That the said real estate is contiguous to the existing corporate limits of the City of Harrisonville, Missouri.
4. That we request that the said real estate be annexed to, and be included within the corporate limits of, the City of Harrisonville, Missouri, as authorized by the provisions of Section 71.012 and 71.014, RSMo.
5. That we request the Board of Aldermen of the City of Harrisonville to cause the required notice to be published and to conduct the public hearing (if required by law) and include the above described real estate.

Dated this 15<sup>th</sup> day of July, 2013.

/s/ Stanley D. Warner  
Stanley D. Warner

/s/ Cynthia R. Warner  
Cynthia R. Warner

/s/ \_\_\_\_\_  
Name

STATE OF MISSOURI       )  
                                          ) ss.  
COUNTY OF CASS       )

On this 15<sup>th</sup> day of July, 2013, before me personally appeared Stanley D. Warner and Cynthia R. Warner to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Harrisonville, Missouri the day and year first above written.

My term expires: 5-13-16

/s/ Joeva L. Beckerdite  
Notary Public JOEVA L. BECKERDITE

**JOEVA L. BECKERDITE  
NOTARY PUBLIC-NOTARY SEAL  
STATE OF MISSOURI  
CASS COUNTY  
MY COMMISSION EXP. MAY 13, 2016  
COMMISSION # 12555639**

/s/ Stanley D. Warner, President  
 Stanley D. Warner, President

/s/ Cynthia R. Warner, Secretary  
 Cynthia R. Warner, Secretary

/s/ \_\_\_\_\_  
 Name

STATE OF MISSOURI       )  
                                       ) ss.  
 COUNTY OF CASS         )

On this 15<sup>th</sup> day of July, 2013, before me personally appeared Stanley D. Warner, President of Jemor Farms, Inc., and Cynthia R. Warner, Secretary of Jemor Farms, Inc., to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Harrisonville, Missouri the day and year first above written.

My term expires: 5-13-16

/s/ Joeva L. Beckerdite  
 Notary Public JOEVA L. BECKERDITE

JOEVA L. BECKERDITE  
 NOTARY PUBLIC-NOTARY SEAL  
 STATE OF MISSOURI  
 CASS COUNTY  
 MY COMMISSION EXP. MAY 13, 2016  
 COMMISSION # 12555639



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Rick Deluca, Director  
**DATE:** July 30, 2013  
**SUBJECT:** Warner Annexation Ordinance Tract 2

**Type of Item:** *Approval*

**Type of Item:** Action Item

**Issue:** The applicants have requested voluntary annexation of their properties into the City limits.

**Background:**

Application: Voluntary Annexation (2 petitions)  
Acres: Approximately 794+/- acres  
Applicant: Stan Warner, Cynthia Warner, Jean Grogger, Jemor Farms  
Owner: Stan Warner, Cynthia Warner, Jean Grogger, Jemor Farms  
Location: Generally west of the MNA railroad, south of 267<sup>th</sup> Street, north of 275<sup>th</sup> Street and east of the Grand River.



Annexation is the process of adding additional territory to an existing city. When previously unincorporated land is annexed into a city, the City extends its municipal services, regulations, voting privileges, and taxing authority to the annexed property. A voluntary annexation occurs when a property owner initiates the annexation procedure by asking the City to redraw their boundaries to include the land owner's property.

There are two procedures for a voluntary annexation: a full procedure and an abbreviated procedure. Both the full and abbreviated procedures require the applicant to send a signed and notarized petition for annexation to the Board of Aldermen. There is no fee to process an application for annexation. The City of Harrisonville qualifies for the abbreviated procedure as outlined in RSMo 71.014. The alternative abbreviated voluntary annexation procedure eliminates the requirement for a public hearing before the Board of Aldermen and does not allow for written objections to change the annexation petition into involuntary proceedings. Also, the only finding the Board of Aldermen needs to make is that the land to be annexed is contiguous and compact to the City limits.

This request consists of two (2) separate annexation petitions. The primary reason for doing this is to meet the 15% contiguous rule. It is necessary for the land to be annexed separately, to comply with this rule.

If the Board chooses to annex the property, the City will have to assign a zoning district to the subject property in the near future. An application for rezoning from "A" Agriculture District (zoning designation in unincorporated Cass County) to "M-1" Light Industrial District (zoning designation within the City Limits of Harrisonville) has been submitted. The proposed

annexation is necessary for the proper development of the City and is critical to our economic development efforts.

### **Summary of Available Utilities:**

The following is a summary of the existing utilities that are on, or near, the subject property. Although sufficient utilities are presently available for the present use of the property, the City will be looking at ways to extend and upgrade access and services to meet increased development needs.

Water. The property is currently in Water District #4. It is possible, in the interest of economic development, that the City may acquire a portion of the District #4 territory through an agreement. District #4 has limited infrastructure in the area. If District #4 cannot service industry, the City of Harrisonville has expressed interest with servicing industrial users. The City service area is located directly north of, and adjacent to, the site. The City has a 12" water line at 267<sup>th</sup> Street and Precision Drive. Harrisonville can treat 2.4 MGD at the water treatment plant.

Sanitary Sewer. The City has an 8" sanitary sewer line located adjacent to the property (north side of the 267<sup>th</sup> Street and Precision Drive). A pump will likely be necessary to get the sewage to gravity to the treatment facility. The treatment capacity for the City sewage treatment plant is 3 MGD.

Natural Gas. Missouri Gas Energy (MGE) has substantial amounts of natural gas in the area. A 6" high pressure line is located on the east side of the property in close proximity to the railroad tracks.

Electric. Both the City of Harrisonville and KCP&L have infrastructure in the area. KCP&L currently services the properties. The City may choose to serve future electric users on the subject property.

Transportation - Roadways. The site is within a mile of I-49 (US 71). The property also has frontage on 267<sup>th</sup> Street, 275<sup>th</sup> Street and has access to Precision Drive. Roadway infrastructure is present and adequate for the agricultural use of the site. However, if industrial users are introduced, additional roadway infrastructure will likely be necessary.

**Options:** The City may:

- Approve the annexation

- Deny the annexation

**Staff Recommendation:** Approval

**Council Bill No. 50**

**Ordinance No.**

**An Ordinance Providing for the Extension of the City Limits of the City of Harrisonville, Missouri, by Annexing Certain Adjacent Territory Owned by Jemor Farms, Inc. and Margaret Jean Grogger (Tract 2) into the City of Harrisonville, Missouri.**

WHEREAS, a verified Petition for voluntary annexation signed by all of the owners of the real estate, hereinafter described, requesting annexation of said territory into the City of Harrisonville, Missouri, was filed with the City Clerk; and

WHEREAS, said real estate, as hereinafter described, is adjacent and contiguous to the existing corporate limits of the City of Harrisonville, Missouri; and

WHEREAS, said real estate is within the City of Harrisonville's "Plan of Intent" to annex; and

WHEREAS, petitioners submitted an application for rezoning to "M-1" Light Industrial District which will be under consideration before the Board of Aldermen if the request for annexation petition is approved; and

WHEREAS, the Board of Aldermen of the City of Harrisonville, Missouri, does find and determine that said annexation is reasonable and necessary for the proper development of the City.

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

Section 1: That the corporate limits of the City of Harrisonville, in the County of Cass, State of Missouri, are annexed so as to embrace and include all that part of said County of Cass lying within the following boundary lines:

TRACT 2:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8; THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 8; THE NORTHEAST QUARTER OF SECTION 7; THE SOUTHEAST QUARTER OF SECTION 7; LOT 1 OF THE NORTHWEST

QUARTER OF SECTION 7; AND LOT 1 OF THE SOUTHWEST  
QUARTER OF SECTION 7, ALL IN THE TOWNSHIP 44, RANGE 31,  
CASS COUNTY MISSOURI.

Section 2: That the boundaries of the City of Harrisonville, Missouri, are hereby altered so as to encompass the above described tract of land lying adjacent and contiguous to the present corporate limits.

Section 3: That the City Clerk of the City of Harrisonville is hereby ordered to cause three certified copies of this ordinance to be filed with the Cass County Clerk.

Section 4: That this ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read two times by title only on August 5, 2013, and duly passed by the Board of Aldermen of the City of Harrisonville, Missouri, this 5<sup>th</sup> day of August, 2013.

---

Kevin W. Wood, Mayor and Ex Officio  
Chairman of the Board of Aldermen

ATTEST:

---

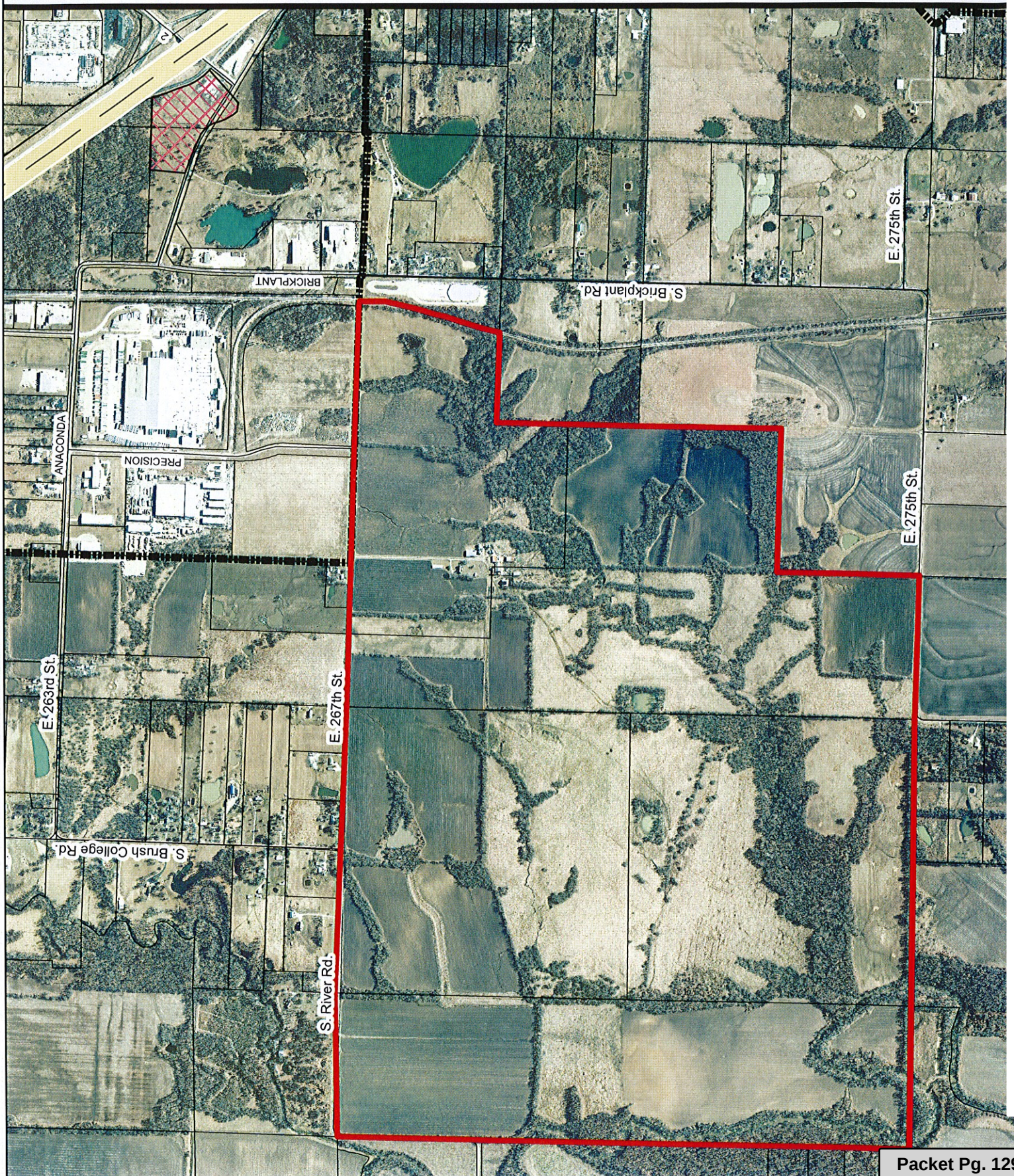
Kim Hubbard  
City Clerk

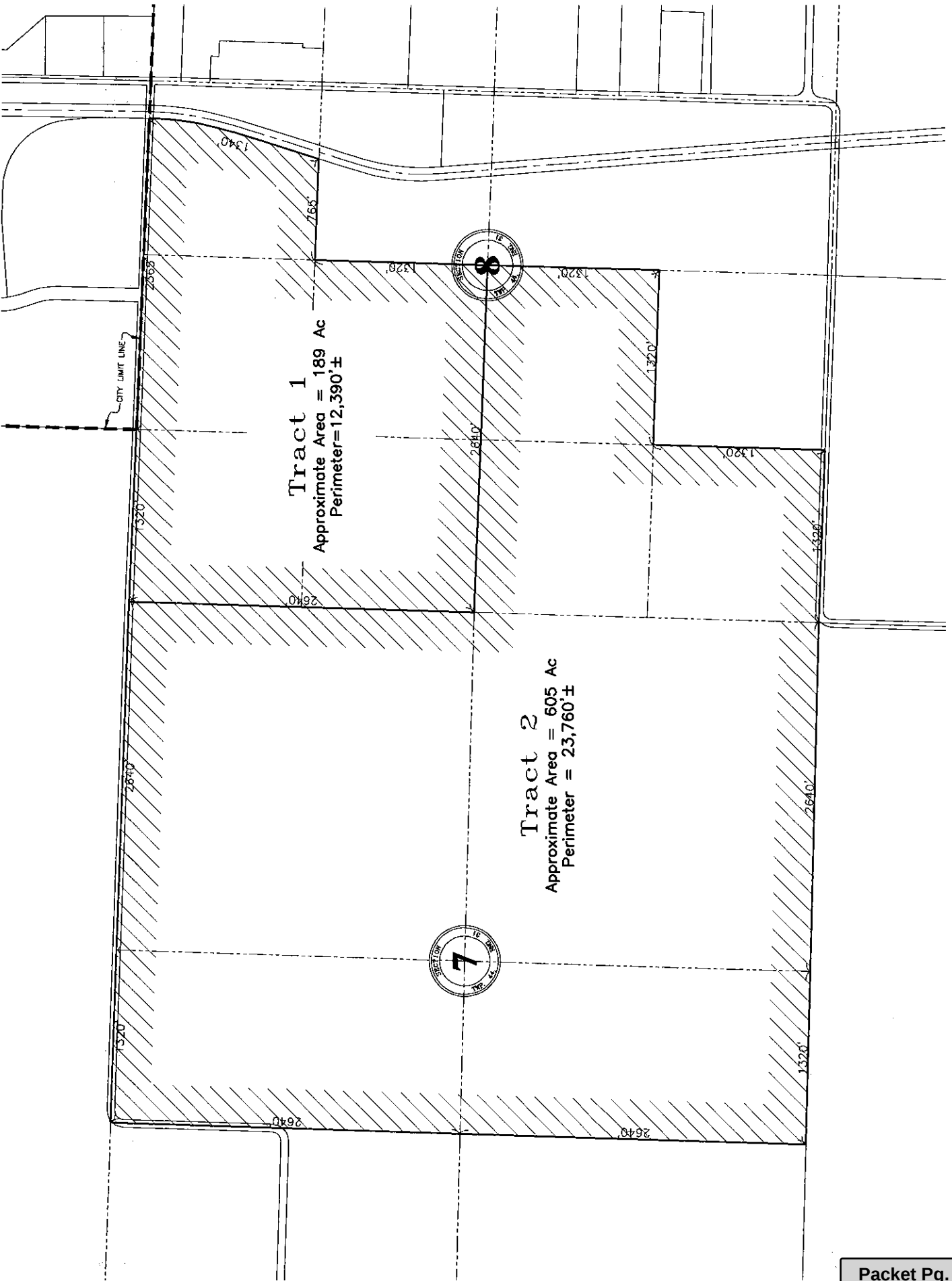
APPROVED by the Mayor this 5<sup>th</sup> day of August, 2013.



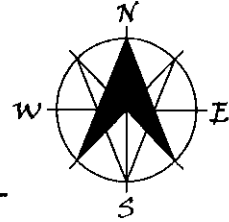
Legend

- City Limits
- Warner Property
- Ownership
- Roads\_Sp





## Bowers Survey LLC



PO Box 71  
110 S Independence  
Harrisonville, MO 64701  
816-380-4821

### Perimeter Calculations:

LENGTH OF PROPERTY ADJACENT TO HARRISONVILLE CITY LIMITS = 2,364.93' (2,365' ROUNDED).

*SEE SUBDIVISION PLATS OF ENTERPRISE BUSINESS PARK, LOTS 3 AND 4.*

TARGET PERIMETER FOR TRACT 1:  $2,365' / 0.15 = 15,766'$

ACTUAL PERIMETER OF TRACT 1 = 12,390'±

$2,365/12,390=0.19 = 19\%$

LENGTH OF TRACT 1 ADJACENT TO PROPOSED ANNEXATION = 5,280'±

TARGET PERIMETER OF TRACT 2:  $5,280/0.15=35,200'$

ACTUAL PERIMETER OF TRACT 2 = 23,760'

$5,280/23,760=0.22=22\%$

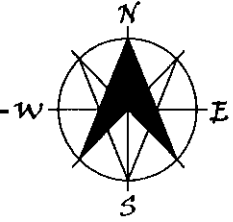
### Annexation Descriptions:

#### DESCRIPTION: TRACT 1

ALL OF THE NORTHWEST QUARTER OF SECTION 8; AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF THE MISSOURI AND NORTHERN ARKANSAS RAILROAD AS NOW LOCATED, ALL IN TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI.

#### DESCRIPTION: TRACT 2

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8; THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 8; THE NORTHEAST QUARTER OF SECTION 7; THE SOUTHEAST QUARTER OF SECTION 7; LOT 1 OF THE NORTHWEST QUARTER OF SECTION 7; AND LOT 1 OF THE SOUTHWEST QUARTER OF SECTION 7, ALL IN TOWNSHIP 44, RANGE 31, CASS COUNTY, MISSOURI.

*Bowers Survey LLC*

PO Box 71  
 110 S Independence  
 Harrisonville, MO 64701  
 816-380-4821

**Subject Property:**

BOOK 706, PAGE 124

JEMOR FARMS, INC.

THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 44, RANGE 31, AND THE WEST HALF OF THE SOUTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND ALL OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 8, TOWNSHIP 44, RANGE 31.

BOOK 1474, PAGE 202

MARGARET JEAN GROGGER, TRUSTEE UNDER TRUST AGREEMENT DATED 12/14/89.

THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 44, RANGE 31.

BOOK 2946, PAGE 164

JEMOR FARMS, INC.

ALL OF LOT 1 OF THE NORTHWEST QUARTER AND ALL OF LOT 1 OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 44, RANGE 31, CONTAINING 160 ACRES, MORE OR LESS.

BOOK 2959, PAGE 33

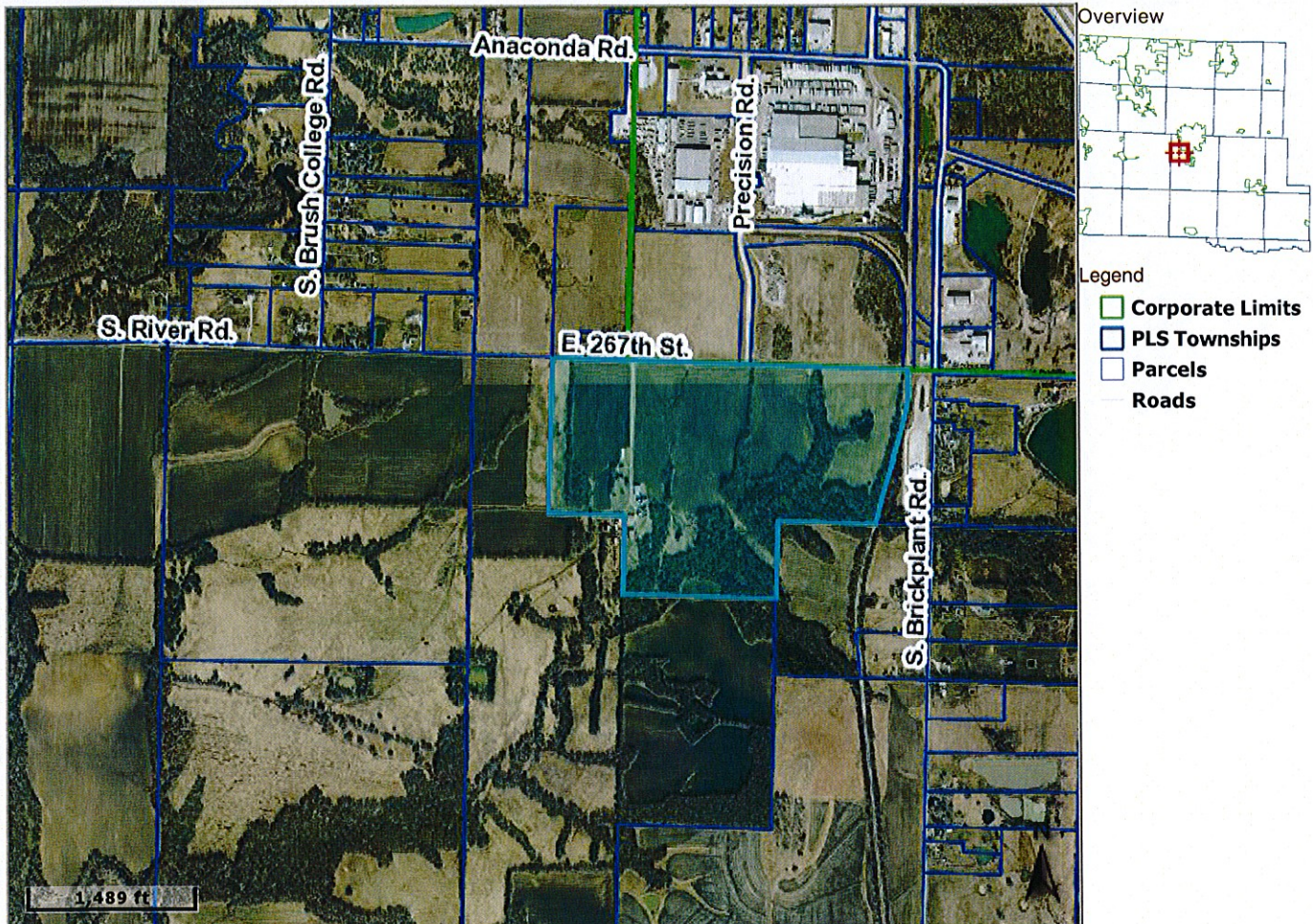
STANLEY D. WARNER AND CYNTHIA R. WARNER

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8; THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8; AND THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, ALL IN TOWNSHIP 44, RANGE 31.

## Cass County, MO



Date Created: 7/12/2013

**Parcel ID** 133208000000004001**Sec/Twp/Rng** 8-44-31**Property Address** 19701 E 267TH ST  
HARRISONVILLE**Alternate ID** n/a**Class** Ag Dwelling**Acreage** 110.00**Owner Address** WARNER, STANLEY D & CYNTHIA R  
19701 E 267TH ST  
HARRISONVILLE MO 647010000**District** 5700003**Brief Tax Description** NENW N2 SENW E2 NWNW NWNE EX 10AC E OF RR  
(Note: Not to be used on legal documents)

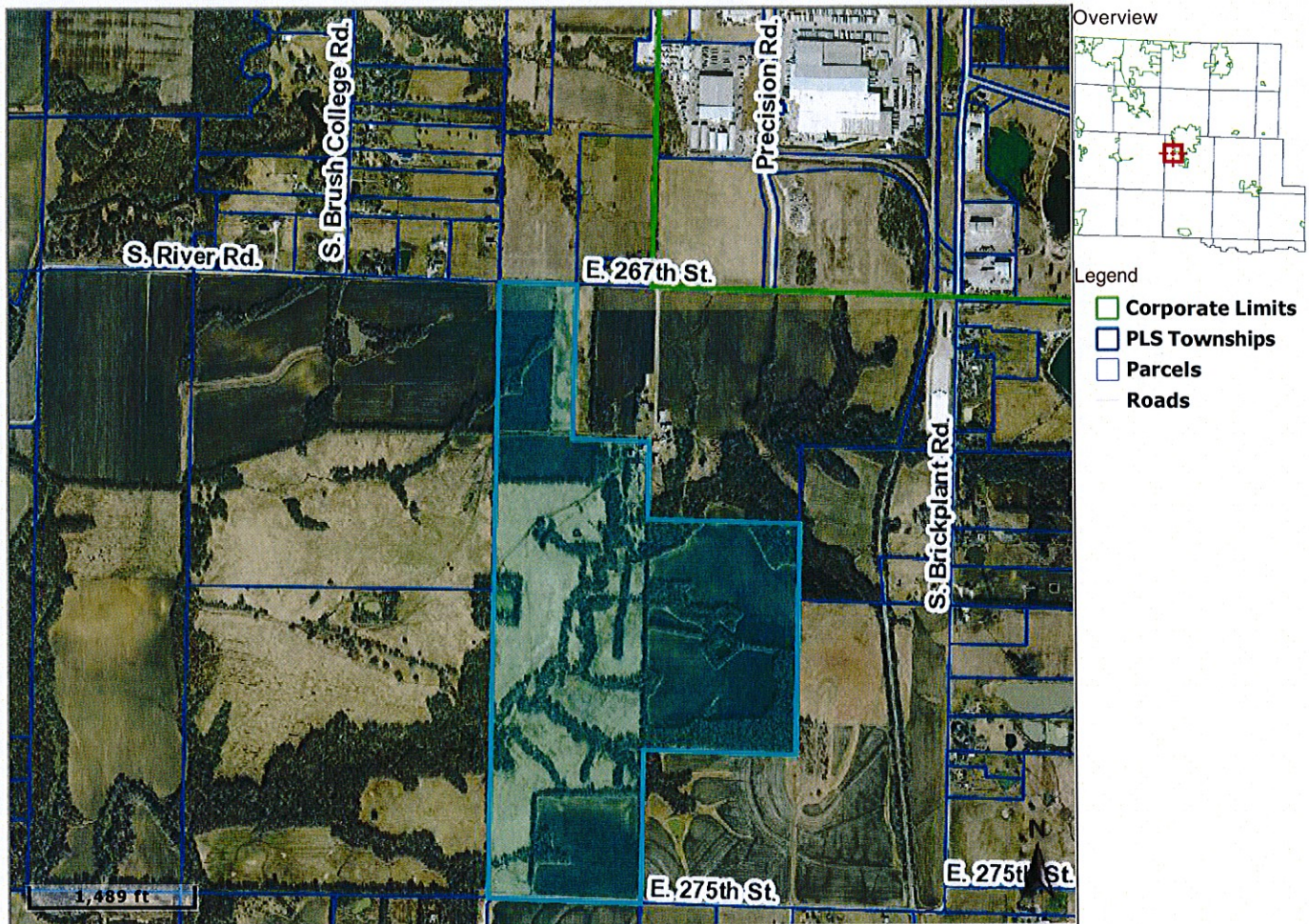
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## Cass County, MO



Date Created: 7/12/2013



|                              |                                                                             |                     |             |                      |                                |
|------------------------------|-----------------------------------------------------------------------------|---------------------|-------------|----------------------|--------------------------------|
| <b>Parcel ID</b>             | 133208000000004000                                                          | <b>Alternate ID</b> | n/a         | <b>Owner Address</b> | JEMOR FARMS INC % JEAN GROGGER |
| <b>Sec/Twp/Rng</b>           | 8-44-31                                                                     | <b>Class</b>        | Ag Dwelling |                      | 1704 S OAKLAND                 |
| <b>Property Address</b>      | E 267TH ST<br>HARRISONVILLE                                                 | <b>Acreage</b>      | 197.00      |                      | HARRISONVILLE MO 647010000     |
| <b>District</b>              | 5700003                                                                     |                     |             |                      |                                |
| <b>Brief Tax Description</b> | W2 NWNW SWNW S2 SENW W2SW NESW<br>(Note: Not to be used on legal documents) |                     |             |                      |                                |

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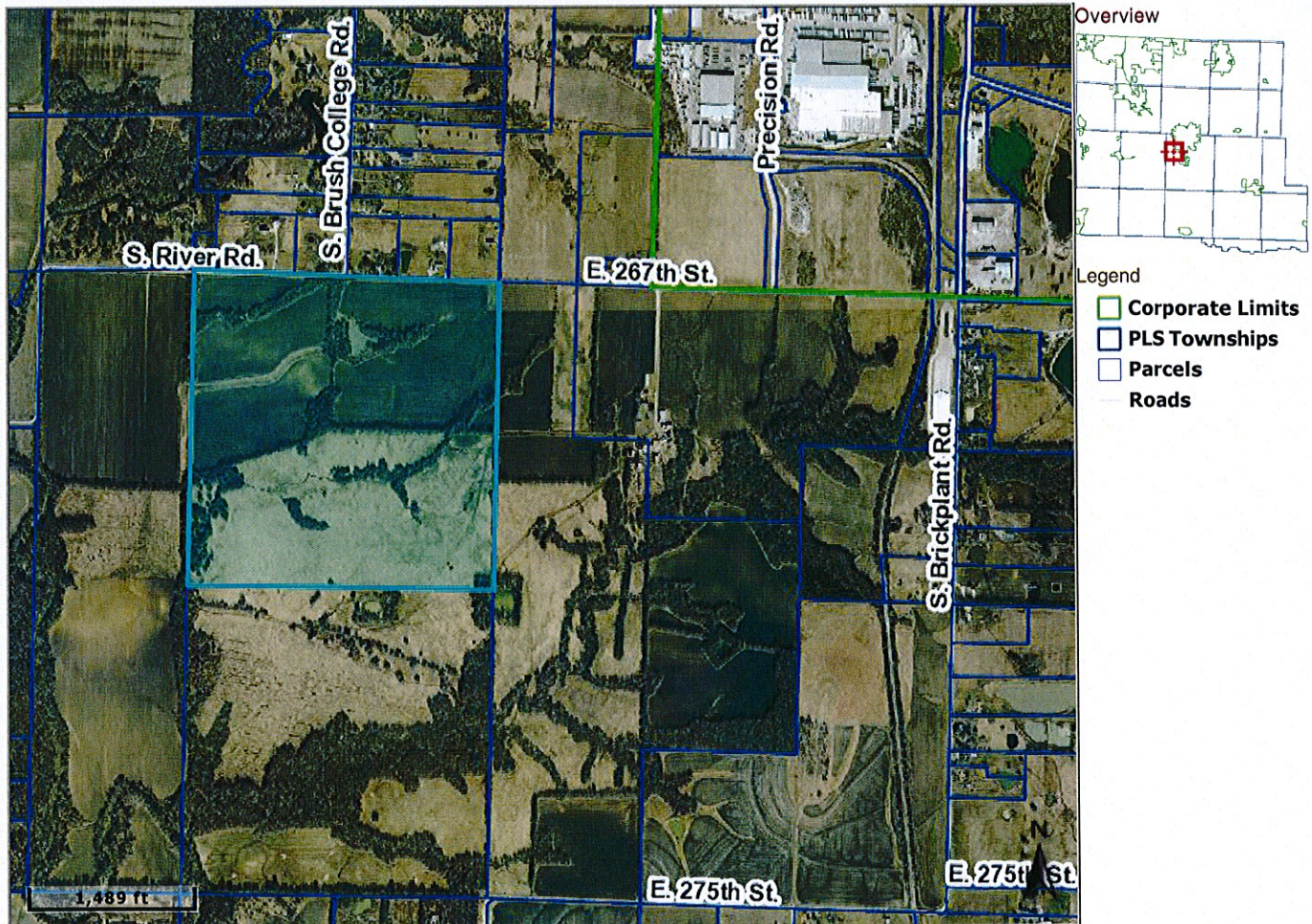
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Attachment: Warner Annexation and Rezoning Maps and Legal Descriptions (1109 : Warner Annexation Ordinance Tract 2)

## Cass County, MO



Date Created: 7/12/2013

**Parcel ID** 133207000000001000**Sec/Twp/Rng** 7-44-31**Property Address** E 267TH ST  
HARRISONVILLE**Alternate ID** n/a**Class** Ag Land**Acreage** 160.00**Owner Address** JEMOR FARMS INC % JEAN GROGGER

1704 S OAKLAND

HARRISONVILLE MO 647013009

**District** 5700003**Brief Tax Description** NE4

(Note: Not to be used on legal documents)

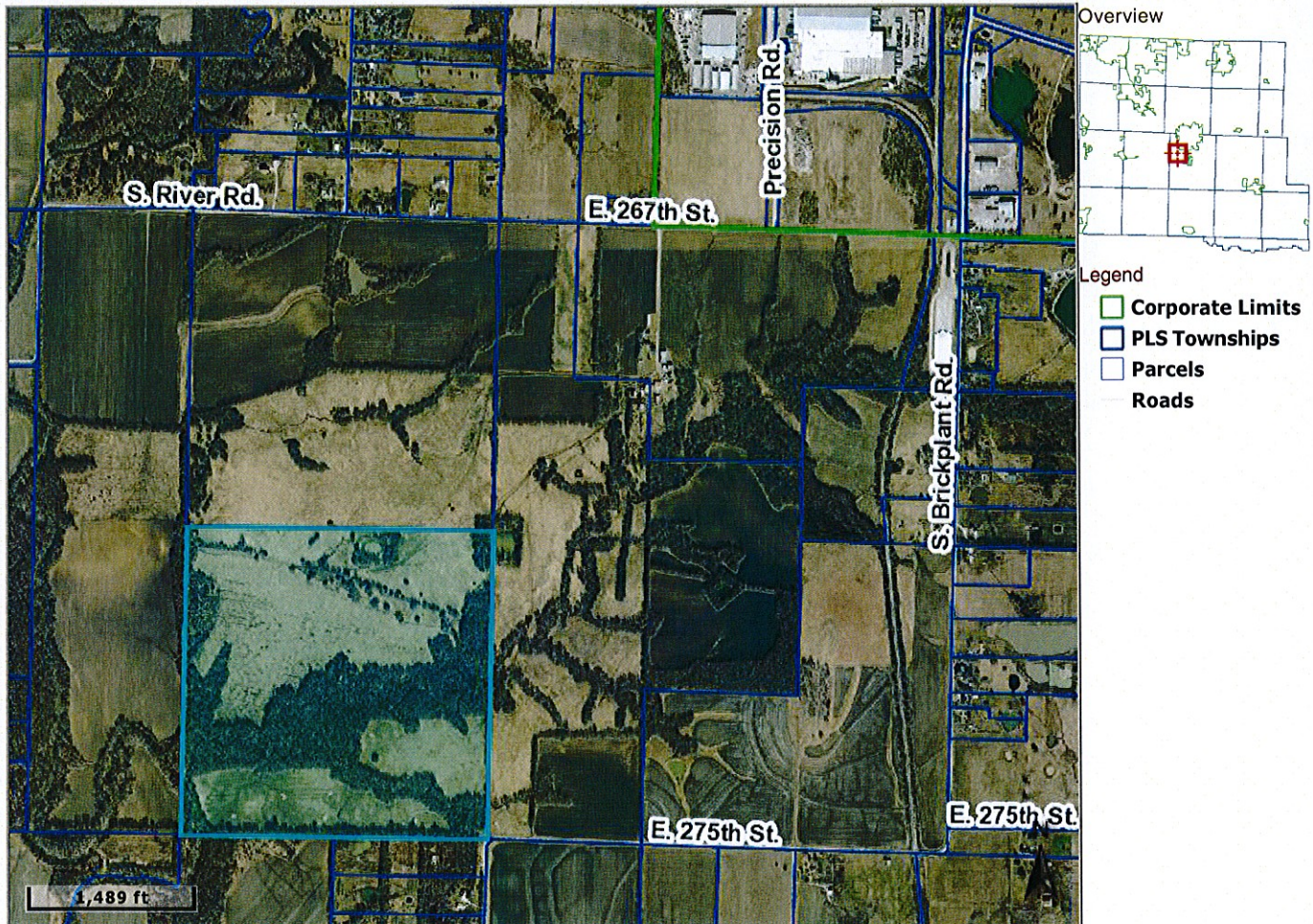
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## Cass County, MO



Date Created: 7/12/2013

**Parcel ID** 133207000000008000**Sec/Twp/Rng** 4-77-31**Property Address** E STATE ROUTE 2  
HARRISONVILLE**Alternate ID** n/a**Class** Ag Land**Acreage** 160.00**Owner Address** GROGGER, MARGARET JEAN TR  
1704 S OAKLAND  
HARRISONVILLE MO 647013009**District** 5700003**Brief Tax Description** SE

(Note: Not to be used on legal documents)

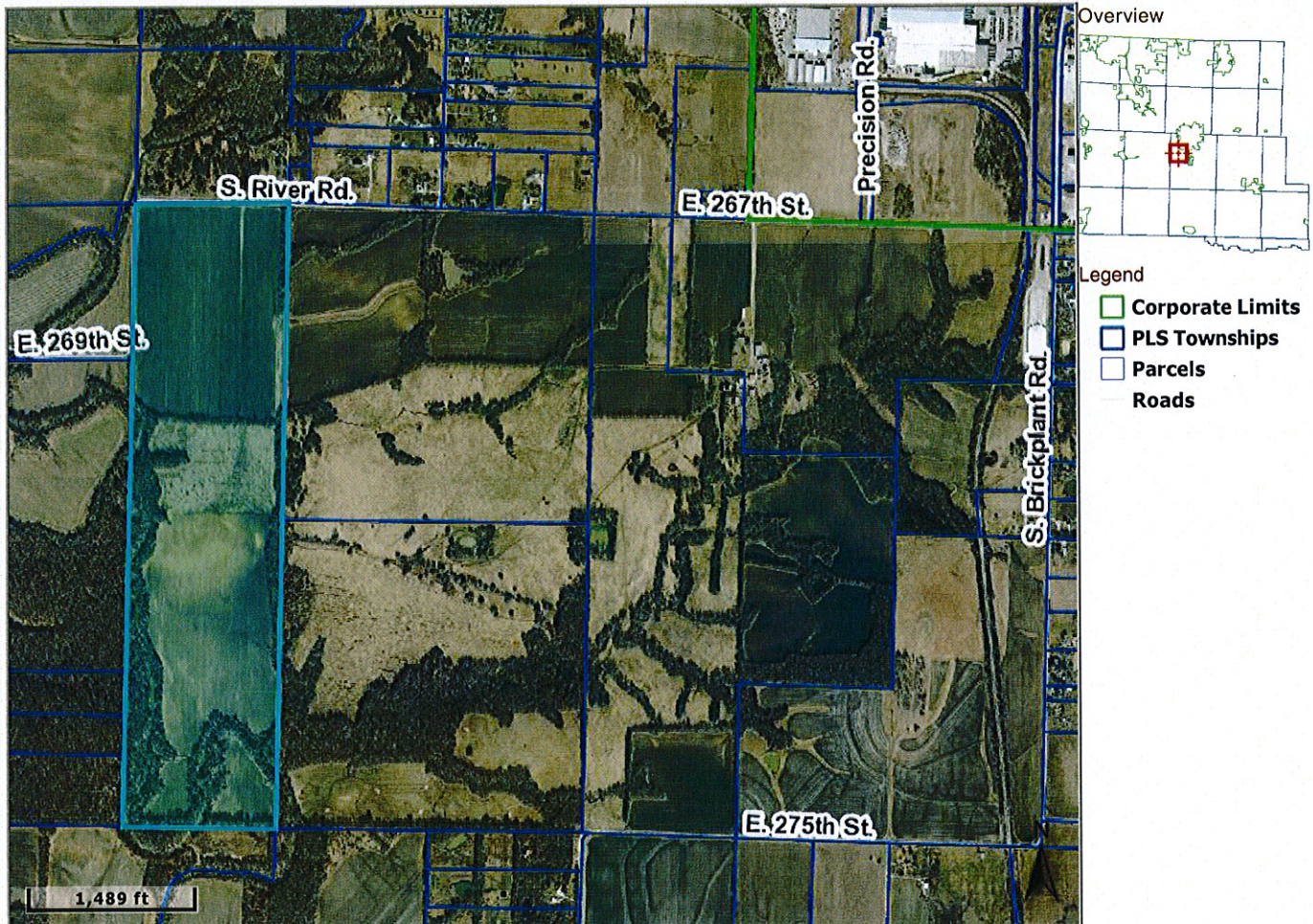
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## Cass County, MO



Date Created: 7/12/2013

**Parcel ID** 133207000000002000**Sec/Twp/Rng** 7-44-31**Property Address** E 267TH ST  
HARRISONVILLE**Alternate ID** n/a**Class** Ag Land**Acreage** 160.00**Owner Address** JEMOR FARMS INC1704 OAKLAND  
HARRISONVILLE MO 647010000**District** 5700003**Brief Tax Description** LOT 1 SW4 & LOT 1 NW4

(Note: Not to be used on legal documents)

Last Data Upload: 7/12/2013 2:10:47 AM

developed by  
The Schneider Corporation  
www.schneidercorp.com



## PETITION FOR ANNEXATION

We, the undersigned Jemor Farms/Margaret Jean Grogger, Trustee Under Trust Agreement dated 12/14/1989, Inc. hereinafter referred to as the Petitioners, for our petition to the Board of Aldermen  
Of the City of Harrisonville, Missouri state and allege as follows:

1. That we the owners of all fee interests of record in the real estate in Cass County, Missouri, described as follows, to wit:

### TRACT 2:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8; THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 8; THE NORTHEAST QUARTER OF SECTION 7; THE SOUTHEAST QUARTER OF SECTION 7; LOT 1 OF THE NORTHWEST QUARTER OF SECTION 7; AND LOT 1 OF THE SOUTHWEST QUARTER OF SECTION 7, ALL IN THE TOWNSHIP 44, RANGE 31, CASS COUNTY MISSOURI.

2. That the said real estate is not now a part of any incorporated municipality.
3. That the said real estate is contiguous to the existing corporate limits of the City of Harrisonville, Missouri.
4. That we request that the said real estate be annexed to, and be included within the corporate limits of, the City of Harrisonville, Missouri, as authorized by the provisions of Section 71.012 and 71.014, RSMo.
5. That we request the Board of Aldermen of the City of Harrisonville to cause the required notice to be published and to conduct the public hearing (if required by law) and include the above described real estate.

Dated this 15<sup>th</sup> day of July, 2013.

/s/ Stanley D. Warner, President  
 Stanley D. Warner, President

/s/ Cynthia R. Warner, Secretary  
 Cynthia R. Warner, Secretary

/s/ \_\_\_\_\_  
 Name

STATE OF MISSOURI        )  
                                       ) ss.  
 COUNTY OF CASS         )

On this 15<sup>th</sup> day of July, 2013, before me personally appeared Stanley D. Warner, President of Jemor Farms, Inc., and Cynthia R. Warner, Secretary of Jemor Farms, Inc., to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Harrisonville, Missouri the day and year first above written.

My term expires: 5-13-16

/s/ Joeva L. Beckerdite  
 Notary Public JOEVA L. BECKERDITE

**JOEVA L. BECKERDITE**  
**NOTARY PUBLIC-NOTARY SEAL**  
**STATE OF MISSOURI**  
**CASS COUNTY**  
**MY COMMISSION EXP. MAY 13, 2016**  
**COMMISSION # 12555639**

/s/ Margaret Jean Grogger  
Margaret Jean Grogger, Trustee

/s/ \_\_\_\_\_

/s/ \_\_\_\_\_  
Name

STATE OF MISSOURI       )  
                                          ) ss.  
COUNTY OF CASS        )

On this 15<sup>th</sup> day of July, 2013, before me personally appeared Margaret Jean Grogger, Trustee, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Harrisonville, Missouri the day and year first above written.

My term expires: 5-13-16

/s/ Joeva L. Beckerdite  
Notary Public JOEVA L. BECKERDITE

**JOEVA L. BECKERDITE**  
**NOTARY PUBLIC-NOTARY SEAL**  
**STATE OF MISSOURI**  
**CASS COUNTY**  
**MY COMMISSION EXP. MAY 13, 2016**  
**COMMISSION # 12555639**

Attachment: Warner Annexation Petition Tract 2 (1109 : Warner Annexation Ordinance Tract 2)



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Rick Deluca, Director  
**DATE:** July 26, 2013  
**SUBJECT:** Harrisonville Heights MHDC Resolution

**Type of Item:** *Approval*

**Type of Item:** Action Items

**Issue:**

Request for support for MHDC application - Letter of Support.

**Background:**

In November 2009, November of 2010, and August of 2012 the Board supported this application (Resolutions 047-09, 040-10, 032-12). The developer is requesting further support for this development. The developer provided a development narrative which is attached. A conceptual plan is also included with the narrative. Please note that if the Board chooses to endorse this project, modifications may be necessary to the layout of the development (conceptual plan).

**Council Bill No. 51**

**Resolution No.**

**A Resolution Supporting a Proposed Development to be Called Harrisonville Heights II by Turnberry Developers, LLC to be Located at the Corner of Lincoln & Elm Harrisonville, Missouri**

**WHEREAS**, Turnberry Developers, LLC, is proposing to develop up to thirty six (36) units of senior housing for seniors living on moderate to low fixed incomes; and

**WHEREAS**, the Federal and State tax credits and financing available through the Missouri Housing Development Commission and Missouri Department of Economic Development will provide the financial resources to construct the apartments, and

**WHEREAS**, the financing available through the Missouri Housing Development Commission and the Missouri Department of Economic Development is a limited and competitive resource, and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, AS FOLLOWS:

1. The City of Harrisonville recognizes the need for the affordable senior housing.
2. The City of Harrisonville supports the Turnberry Developers, LLC in their endeavor to design and construct up to thirty-six (36) apartment units for the exclusive use of seniors age 62 and over.
3. That the Harrisonville Board of Aldermen authorizes the Mayor to submit a letter of support for the Turnberry Developers, LLC to the Missouri Development Commission.

Passed and approved on this 5<sup>th</sup> day of August 2013, and approved by the Board of Aldermen and the Mayor of the City of Harrisonville, Missouri this 5<sup>th</sup> day of August 2013.

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Kevin W. Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

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Kim Hubbard, City Clerk

SET MY HAND AND SEAL this 5<sup>th</sup> day of August, 2013.



### SITE PLAN

DUPLEX BLDGS: 18  
 TOTAL UNITS: 36  
 SITE AREA: 6 +/- ACRES  
 PARKING: 75 SPACES  
 2 SPACES / UNIT



# Memo

Date: July 25, 2013

To: Mr. Rick DeLuca, Director, AICP  
City of Harrisonville

From: Donald E. Rosemann, NCARB, AIA

Re: Harrisonville Heights II  
Jesi Avenue and Matt Street

Cc: Mr. Jacob Engle



architecture

interior design

engineering

planning

I would like to thank you for taking time to meet and discuss our proposed senior development project to be located in Harrisonville. This project is the continuation of a senior development located off Jesi Avenue and Matt Street. This project is adjacent to the Crown Care Center, Harrisonville Heights Phase I and Harrisonville Meadows.

## Project Description

- Project Name: Harrisonville Heights II
- Developer Name: Turnberry Developers, LLC
- Project Type: Independent Living – Senior
- Construction Type: New Construction, Duplex structures, single story, mason Masonry/veneer with garage
- Unit Area: 1098 sq. ft. (not including garage)
- No. of Units/Buildings: 36 total Apartment Units – 18 buildings
- Community Building: One structure approximately 2,500 sq. ft.
- Parking: Two spaces/unit including garage attached
- Site Area: Approx. 10 gross acres, 6 acres useable
- Rents:
 

|         |                           |
|---------|---------------------------|
| 50% AMI | \$465.00/month (net rent) |
| 60% AMI | \$515.00/month (net rent) |
- Development Costs: Approximately \$6,700,000 (including reserves)

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Files\Content.Outlook\TQYKUBQH\MEMO Harrisonville 7-25-13.docx

# HARRISONVILLE HEIGHTS II

## DEVELOPMENT NARRATIVE

### Development Summary:

- Project Name: Harrisonville Heights II
- Project Type: Independent Living – Senior
- Construction Type: New Construction, Duplex structures
- Unit Area: 1,098 sq.ft. (not including garage)
- No. of Units/Buildings: 36 total Apartment Units - 18 buildings
- Community Building: One structure approximately 2,500 sq.ft.
- Parking: Two spaces/unit including garage attached
- Site Area: Approx. 10 gross acres, 6 acres useable
- Rents:
 

|         |                           |
|---------|---------------------------|
| 50% AMI | \$465.00/month (net rent) |
| 60% AMI | \$515.00/month (net rent) |
- Development Costs: \$6,695,000 (including reserves)
- Credit Request: \$460,957 Federal and State LIHTC
- Permanent Loan: \$800,000 MHDC
- Development Cost/Unit: \$181,620 (excluding reserves)

### Development Physical Characteristics

Harrisonville Heights II is a proposed thirty six (36) unit apartment community that will be located on approximately 6 useable acres (of a total 10 acres site) on currently vacant land adjacent to and south of Crown Care Center, Harrisonville Heights Phase I and Harrisonville Meadows. The project will be designed as a **senior community**, for the exclusive use of those 62 years of age and over.

The development will be laid out to minimize density and maximize green and open space, which will result in roughly 6 units to the useable acre. Residents will thus be able to enjoy more of a park-like setting within their community, which will consist of 36 two bedroom, two bath duplex apartment units.

The units will feature walk-up, individual exterior entrances with private porches and sitting areas, and a garage will be attached to each of the duplex units. The garage will be oversized to fit one vehicle plus interior storage, with entry to the apartment unit available from the garage through a separate “mud room” which will also contain the washer / dryer.

The 1,098 square foot duplex apartments feature two spacious bedrooms, two full bathrooms, fully applianced kitchens, washer / dryer, individually controlled heating and cooling system, generous closet space with built-in organizers, cabinet space, full floor covering and window blinds.

The separate community building will be strategically located within the development and will house the on-site property management office, where the manager will conduct business, greet and welcome prospective residents, speak with vendors and maintain files necessary for the management of the property. Additionally, generous open furnished areas will be suitable for community social events and a warming kitchen for serving prepared meals such as pot luck dinners or hosting family gatherings. Finally, the community building will include an equipped fitness area for use by the residents, which will also be adaptable for use in tai-chi and palates classes, and a business center.

The building exteriors will consist of approximately 70% masonry and 30% long lasting hardi plank siding, and architectural shingles on the roof. Generous amounts of parking will be available in the community, by way of garage spaces, driveway parking and street parking.

The green areas of the site will be designed to encourage socialization and interaction as evidenced by the generous open areas, picnic pavilions and walking paths, all of which are designed to capitalize on the extremely low density of this project. One walking path will loop the entire site, while others will meander throughout the community and lead to the amenity areas. The existing pond to the north will serve as a lovely amenity for this project, and a fountain will be installed to provide visual appeal.

The Development will also offer an abundance of service programs and community enrichment opportunities designed to enhance its residents' quality of life and to assist with their process of aging in place, which is consistent with virtually every other property developed and managed by this developer.

Harrisonville Heights II will invite a community home health agency to the property to provide services on site such as health screenings for blood pressure, diabetes, and osteoarthritis, and providing flu vaccines on an annual basis. Wellness Events will be scheduled at least monthly that cover a variety of topics related to good health from "Feeling Good about Aging" to "Living Healthy with Diabetes". The Home Health Partner is a good source of services if the resident would require any medical intervention after a hospitalization or illness.

Social Events will be planned with input from the resident community. Guest speakers from AARP have been popular at other communities, and will be offered at Harrisonville Heights II. The local Fire Marshall may be a frequent visitor to discuss fire safety. Our own security consultant provides information on creating and living in safe communities. Outside events will planned such as movies, theatre, art festivals and other community activities that residents voice an interest in attending.

### **Market Structure**

Harrisonville Heights II will serve the elderly population of Harrisonville and Cass County, which have a demonstrated an unfulfilled need for additional affordable senior housing. City government officials have frequently informed the developer and management company of the dearth of affordable senior housing in Harrisonville.

Rental rates for the two bedroom, two bath duplex apartments are expected to be \$465 per month, for the 50% AMI units and \$515 per month for the 60% AMI units. This rental rate is well below market and well below the rental rate allowed for both 50% and 60% units, and represents an incredible rental value for new product.

### **Development Team Experience**

The Development Team is led by Donald Rosemann, who has been actively involved in the development of rental housing for 35 years. **Turnberry Developers, LLC** and its predecessor entity have been actively involved in the development of Section 42 low income housing tax credit properties in Missouri since the inception of the LIHTC program. Mr. Rosemann has extensive experience as both owner/developer and architect for more than 20,000 housing units in the past 10 years. Mr. Rosemann has successfully completed both senior and family Section 42 housing developments in the State of Missouri.

The Financing/Syndication Team will be lead by JES Dev Co, who has been actively involved in the development of rental housing for 38 years. JES Dev Co and its predecessor entity have been actively involved in the development of Section 42 low income housing tax credit properties in Missouri. The syndicator of tax credits will be handled by Affordable Equity Partners, Inc. (AEP). Led by tax credit professionals Will Markel, Monica Swoboda and Brian Kimes, AEP has successfully syndicated historic, federal and state tax credits since 1990. AEP

has a perfect track record in the delivery of credit pricing per its letter of intent to its developer customers. Both JES Dev. Co. and AEP utilizes the services of a team of in-house underwriters and asset managers, whose responsibilities include helping formulate the economic business plan for the project, and monitoring adherence to the business plan through construction, lease up and stabilization.

Architect for the project is Rosemann & Associates, P.C. headed by Donald Rosemann, which has a long track record of successful projects both within and outside the Section 42 arena. Rosemann has extensive experience in the design and construction of multi-family housing and is well known to MHDC.

Construction of the project will be performed by Fairway Construction Company, Inc. (FWC). FWC has constructed over 130 projects during its 24 year history, aggregating over 4,500 living units with a completed value in excess of \$350,000,000. FWC has an impeccable reputation with subcontractors and suppliers in Missouri, and is in full compliance with Form I-9 Protocol with respect to its subcontractors and suppliers, and no undocumented workers have ever been employed on a FWC project. In addition, on all projects where HOME Funds were used, FWC has been in full compliance with the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended.

Property management services will be provided by Fairway Management, Inc. (FWM), which provides property management services to over 4,000 apartment units located in over 120 apartment communities. FWM is led by a team of professionals dedicated solely to the successful operation and maintenance of FWM properties on a daily basis. FWM relies on in-house human resource professionals, whose mission is to attract, recruit and train the highest qualified property management and maintenance team for each FWM property. A number of FWM properties are geographically combined to form the nucleus of one senior level FWM area manager, who reports to senior executives within FWM. Frequently presented professional training sessions, utilizing the industry's foremost names in employee motivation and training, are a hallmark of FWM's continued commitment to providing its first-line management team with the finest tools possible in order to execute each FWM property's individual business plan.

All members of the Development Team have a long and successful working relationship collectively over the past 15 years and with MHDC both collectively on projects and individually as well a history of proven performance in their respective spheres of influence.

### **Feasibility**

Harrisonville Heights II should receive favorable consideration for funding for the following reasons:

1. Construction can commence quickly. The architectural plans can be completed quickly, and engineering work has been substantially completed. Consequently, assuming an award of credits and funding in December, 2013, and closing in April, 2014, it is expected that the project would be substantially complete by April, 2015.
2. Fairway Construction Company, Inc. (FWC) has constructed this style building enough times as to enable the process to flow smoothly and without surprises. Moreover, FWC enjoys an outstanding working relationship with subcontractors in Cass County, resulting in no lost days to labor disputes or undocumented workers at any of its projects in recent years.
3. The site represents an ideal land buffer between the care center and single family residential.
4. The land is zoned and ready to permit.
5. Extraordinary rental value for the senior constituency. Rental rates at Harrisonville Heights II will average approximately \$.46 per square foot.
6. The City of Harrisonville's Board of Aldermen passed a resolution of support unanimously for the project in 2012.
7. The Developer has underwritten this application with a portion of its development fee deferred, in the interest of providing its own advancement toward the financial resources of the project.

As a Senior Community, Harrisonville Heights II will respond to the ever-growing need to provide quality, comfortable yet affordable housing to our elder population. Harrisonville Heights II will represent a distinct opportunity for seniors to age in place in an environment which most closely resembles the homes to which they had been accustomed throughout their adult lives. A clear preference for older adults is to live "at home", independently and still contributing to the quality of life of those within their social environments. Many of the older adults will still be active in the workforce, either through volunteer programs or through economic employment. An active lifestyle is the hallmark of so many "new" seniors, and Harrisonville Heights II will be designed to enhance and broaden its residents' active lifestyles.

It is important to note that Harrisonville Meadows, which is adjacent to the subject site and which was developed as a family duplex property, is fully leased at this writing by seniors whose average age is estimated to be 75 years old. This further demonstrates the pent up demand for senior housing in the area.



## STAFF REPORT

**TO:** Board of Aldermen  
**FROM:** Sheryl Stanley, Deputy City Clerk  
**DATE:** July 30, 2013  
**SUBJECT:** Conflict of Interest

**Type of Item:** *Policy*

This bill concerns a routine matter that is taken up by the Board of Aldermen on a biennial basis.

The current Conflict of Interest Ordinance, Ordinance 3172, was adopted in 2011 and will expire this year. If the board wishes to keep this policy in effect, a new ordinance must be adopted at an open meeting prior to September 15th and a certified copy sent to the Missouri Ethics Commission within 10 days of its adoption.

If the ordinance is not re-adopted, all elected, appointed, and decision making personnel, as well as candidates for public office, are required to file a Personal Financial Disclosure statement each year.

There has been no change to the language of this ordinance.

**Council Bill No. 52**

**Ordinance No.**

**An Ordinance to Repeal Ordinance 3172 and to Enact in Lieu Thereof a New Ordinance Regarding an Established Procedure to Disclose Potential Conflicts of Interest and Substantial Interests for Certain Officials and to Amend the Time in Which Candidates for Office Are Required to File Disclosure Statements with the City Clerk.**

WHEREAS, the City of Harrisonville believes that the proper operation of government requires that the public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government; and

WHEREAS, the City of Harrisonville believes a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city should be established to meet those goals;

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

Section 1: That Ordinance 3172, approved by the Board of Aldermen August 1, 2011, regarding an established procedure to disclose potential conflicts of interest and substantial interests for certain officials be and hereby is repealed and the following enacted in lieu thereof to amend the time in which candidates for office are required to file disclosure statements with the City Clerk.

1. Conflicts of Interest.
  - a. All elected and appointed officials of the City must comply with the applicable provisions of §§105.450-105.496 of the Revised Statutes of Missouri on conflicts of interest and financial disclosure, as well as any other state law governing official conduct, subject to the provisions of this ordinance.
  - b. The Mayor, any member of the Board of Aldermen, and any member of a Board or Commission who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such body must disclose that interest to the secretary or clerk of such body and such disclosure shall be recorded in the appropriate journal of the governing body. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly, of: (1) 10% or more of any business entity; or (2) an interest having a value of \$10,000 or more; or (3) the receipt of salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

2. Disclosure Reports. The Mayor, each Alderman, the City Administrator, and Finance Director shall disclose the following information by May 1 if any such transactions occurred during the previous calendar year:
- a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the City, other compensation received as an employee or payment of any tax, fee or penalty due to the City, and other transfers for no consideration to the City.
  - b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
  - c. The Mayor, each Alderman, City Administrator, and Finance Director also shall disclose by May 1 for the previous calendar year the following information:
    - (1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;
    - (2) The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;
    - (3) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

3. Filing of Reports.

- a. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:
  - 1) Every person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the preceding calendar year ending December 31; provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
  - 2) Each person appointed to office shall file the statement within thirty days of such appointment or employment
- b. Financial disclosure reports giving the financial information required in Section 3 shall be filed with the City Clerk and with the Secretary of State prior to January 1, of each year. After January 1, reports shall be filed with the City Clerk and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.
- c. The financial disclosure reports required of the Mayor and Aldermen shall be required of any candidate for such office no later than 14 days after the close of filing. Reports filed by candidates for office shall be filed with the Missouri Ethics Commission and the City Clerk, and shall be available for public inspection and copying during normal business hours.

Section 2: Filing of Ordinance. A certified copy of this Ordinance adopted on this date shall be sent within ten days of its adoption to the Secretary of State's office.

Section 3: Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval.

Vote taken as follows:

Ayes:

Nays:

Absent:

Abstain:

Read two times by title only on August 5, 2013, and passed by the Board of Aldermen of the City of Harrisonville, Missouri, and approved by the Mayor this 5th day of August 2013.

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Kevin Wood, Mayor and Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

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Kim Hubbard, Deputy City Clerk

APPROVED by the Mayor this 1<sup>st</sup> day of August 2011.