

**BILL 10132**

**ORDINANCE 10000**

AN ORDINANCE AMENDING THE KIRKWOOD CODE OF ORDINANCES, CHAPTER 5, SECTION 5-2(A) AND ADOPTING THE 2009 INTERNATIONAL BUILDING CODE WITH MODIFICATIONS AS THE CITY OF KIRKWOOD BUILDING CODE, ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, QUALITY OF MATERIALS, ERECTION, LOCATION, RELOCATION, REPLACEMENT, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES; AND REPEALING THE EXISTING BUILDING CODE.

WHEREAS, the ISO has recommended the City update its Building Codes to the latest codes, and

WHEREAS, the Building Commissioner's Office reviewed the latest Building Codes and recommends adoption with modification, and

WHEREAS, the Chief Administrative officer has approved the recommendation of the Public Works Department in updating of the Building Code.

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

SECTION 1. That Section 5-2(a) of the Kirkwood Code of Ordinance is hereby deleted and the following inserted in lieu thereof:

(a) Adoption of International Building Code: The provisions of the "2009 International Building Code" as modified, is hereby adopted as the City of Kirkwood Building Code. See separate publication and adopting modification ordinance on file in the office of the City Clerk.

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

SECTION 3. That throughout the 2009 International Building Code, wherever the terms "Name of Jurisdiction" or "Local Jurisdiction" appear, it shall be deemed to mean the City of Kirkwood, Missouri. Likewise, wherever the term "Department of Building Inspection" appears, it shall be deemed to mean City of Kirkwood Building Commissioner's Office. Wherever the "Code" appears, it shall mean the 2009 International Building Code.

SECTION 4. The 2009 International Building Code is amended by the following provisions. Each chapter, section, subsection or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to

read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the Code is hereby enacted and added thereto.

**101.1** – Title: These regulations shall be known as the Building Code of the City of Kirkwood herein referred to as “This code”.

**101.2** – Add to Exceptions: Existing buildings undergoing repair, alterations of addition, and changes of occupancy shall be permitted to comply with the City of Kirkwood building codes ordinances, and administrative orders.

**101.5** – When the phrase “this code” is used in sections 102 thru 118, the phrase shall mean the appropriate “City of Kirkwood code”.

**102.2.1** – Add: Compliance with Kirkwood codes and ordinances: Subject to the provisions of this code, neither the granting of a permit, nor approval of construction documents, nor inspections made by the code official, or the code officials authorized representative, during the erection, movement, or demolition of a building or structure, or any alteration of addition thereto, shall in anyway relieve the owner or tenant of such building, structure of property from complying with the requirements of this code and all “City of Kirkwood ordinances”.

**102.4.1** – Add: Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer’s instructions shall apply.

**102.6.1** – Add: Additions, Alterations or Repairs: Additions, alterations or repairs to any structure shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

**102.7** - Add: Matters not provided for: Any requirements that are essential for the structural, fire or sanitary safety of an existing or proposed building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the code official.

**103.1** – Delete in its entirety and add, “Creation of Building Department”: The Kirkwood Building Department is hereby created and the official in charge shall be the Building Commissioner of the City of Kirkwood or his duly authorized representative.

**104.1.1** – Add: “Disasters”: In the event of a disaster, such as wind storm, tornado, flood, fire, earthquake, bomb blast, or explosion, the code official is hereby authorized to enter and inspect structures in the affected areas, subject to constitutional restrictions or unreasonable search and seizure. If the code official determines, after inspection, that a structure is unfit, he shall declare it a public nuisance, cause a report to be prepared and notify the affected parties in accordance with this code. When, in the sole opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall take emergency measures in accordance with this code.

**104.2** – Delete in its entirety and add: Applications and Permits: The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, change of occupancy and inspect

the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.2.1** – Add: Building Evaluation: The code official is authorized to require an existing building to be investigated and evaluated by a registered design professional to determine the existence of any potential nonconformance with the provisions of this code.

**104.6.1** – Add “Interference with Code Official”: no person shall hinder, obstruct, resist, fail to provide entry at reasonable times or otherwise interfere with the code official in the performance of his official duties.

**104.12** – Add: Rule-making authority: The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

**104.12.1** – Add: “Authorization To Proceed”: The code official may authorize the commencement of construction prior to issuance of a building permit when it can be shown that: a) the project is in compliance with the applicable regulations of the City of Kirkwood for that portion of the work to be performed; and b) the applicant agrees to proceed at his own risk without assurance that outstanding reviewing department agency final approvals may be obtained or that a permit for the entire structure will be granted. All necessary inspections shall be performed as required by this code.

**105.1** - Delete in its entirety and add: Required: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or install or alter a ground level paved parking lot other than those lots serving a single-family dwelling, or establish a new or relocated lot line that affects an existing structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**105.1.1** - Delete in its entirety and add: Flood or earthquake damage repair permit required: It shall be unlawful to repair a structure when such repair is due to flood or earthquake without first registering and filing an application with the code official in writing and obtaining a Flood or Earthquake Damage Repair Permit. Flood or Earthquake Damage Repair Permits shall be issued at no cost if applied for within 90 days after the end of a flood or earthquake, where such date is determined by the code official, and shall authorize the work indicated therein to be completed within one year of the date of issuance. For the purpose of this section, the cost of flood or earthquake damage repair shall be defined in accordance with the Federal Emergency Management Agency (FEMA) regulations and definitions.

**105.1.2** - Delete in its entirety and add: Reroofing: Permits are required for the recovering or replacement of an existing roof covering when either of the following conditions apply.

1. [a] Permits are required for reroofing of roofs with a slope of less than 4:12. Plans and specifications are only required when reroofing a slope less than ¼ unit vertical in 12 units horizontal.
2. [b] Permits, plans and specifications are required for all structural changes in a roof covering system regardless of the roof slope.

**105.1.3** – Add: Temporary Buildings and Structures: No temporary building or structure, either mobile or stationary, shall be erected, operated, used or maintained for any purpose without first obtaining a temporary structures permit. All temporary buildings and structures shall meet the requirements of section 3103 Temporary Structures in the Building code.

**105.1.3.1** – Add: “Demolition Permit”: Demolition work shall start within thirty (30) days after issuance of a demolition permit and shall be completed within sixty (60) of such issuance date. The code official may, after receiving a written request from the applicant, extend the permit for one or more additional thirty (30) day period if, in his opinion, conditions such as weather may have prevented the completion of the work within the time allotted.

The Building Commissioner may establish a deposit in an amount not to exceed \$2000 to guarantee completion and site restoration including grading, seeding/strawing and/or sodding is completed in a reasonable time.

- (1) The performance guarantee shall be provided to the City before the issuance of the demolition permit.
- (2) Before acceptance of the performance guarantee by the City, the developer shall pay to the City of Kirkwood a fee of \$100.
- (3) Failure to complete the work and restore the site including grading, seeding/strawing and/or sodding and abate any code violations thereon, shall result in the performance guarantee being forfeited to the City of Kirkwood. The forfeiting of the performance guarantee does not relieve the developer or any other responsible party from completing all work and site restoration and the City assumes no responsibility to complete such improvements.
- (4) The City may perform the site restoration and deduct the cost for such work plus \$500 administrative fee from the deposit.

Exception: Performance guarantees are not required for demolitions in an approved subdivision that has been reviewed by Planning and Zoning Commission and there is a valid performance guarantee on file with the City.

**105.2** – Work Exempt from Permit. Delete Building: item 1 thru 13 and insert:

Building:

1. Accessory buildings to use group R-3 (One or two single family dwellings) not greater than 120 square feet in area and not greater than 12 feet in height and the building or structure does not contain any plumbing or electrical fixtures or devices. The building shall meet all Zoning District requirements including but not limited to set back lines, lot coverage and etc.

2. Retaining walls, garden walls, planter boxes less than 24 inches in height.
3. Roof covering replacement when done with like material, including replacement of 25% or less of the roof sheathing, or gutter repair or replacement. Unless required by section 105.1.2.
4. Walks, patios or other paving *within* property lines. NOTE: Sidewalks on public rights-of-way or easements, driveways, parking areas, and turnarounds require a permit. (The Zoning Code prohibits parking spaces in front of the building, and thus paving for this purpose is prohibited.) (Driveways shall be paved in accordance with the Kirkwood Code of Ordinances).
5. Painting, interior or exterior, and wallpapering.
6. Siding, exterior, new or replacement metal, wood, or vinyl installed over existing walls, soffits, fascia boards, overhangs, with no change to the size or location of existing wall openings.
7. Window and door replacement or repair in an existing opening without modifications to the size or location of the existing rough-framed opening.
8. Storm window or storm doors installation or replacement without modifications to the size or location of the wall opening.
9. Tuck-pointing.
10. Portable or moveable cases, counters, partitions not over 69 inches high.
11. Interior plaster or drywall replacement or repair.
12. Ordinary repairs that as a generally accepted building practice may be performed by a reasonable and prudent homeowner: IE, replace GFCI outlet, repair leaking sink valve, repair/replace toilet, etc.

**105.8** – Add: “Transfer Prohibited”: The transfer of an application for building permits from one lot to another shall be prohibited. When a relocation of the structure or building is necessary, the original application shall be canceled and a new application submitted.

**105.9** – Add: “Revocation For Lack Of Occupancy Permit”: The code official shall be authorized to revoke any permit for any project which an occupancy permit has not been issued after one year of issuance of said building permit.

**105.10** – Add: “Additional Approval Requirements”: Prior to issuing any permit, approvals shall be obtained from the following agencies when applicable: The St. Louis County Department of Highways and Traffic, the St. Louis County Department of Health, Metropolitan St. Louis Sewer District (MSD), Missouri Department of Transportation (MoDot), Missouri Department of Natural Resources (DNR), and the City of Kirkwood Department of Public Works Engineering Office. The code official may issue a partial permit in accordance with Section 104.12.1 when clearances pertaining to the scope of the work are required from the applicable reviewing

department/agencies listed above. The holder of such partial permit shall proceed at the owner's risk without assurance that outstanding reviewing department/agency final approvals can be obtained or that a permit for the entire structure be granted.

**105.11** – Add: “Sewage Disposal”: A building permit shall not be issued until an acceptable method of sewage disposal has been approved.

**105.12** – Add: “Addendums to Permits”: Once a permit is issued, all addendums submitted as an amendment to the approved construction documents shall be charged an additional review fee.

**105.13** – Add: “Integrated Permits”: The code official may issue integrated building, plumbing; electrical and/or mechanical permits on a single permit application.

**105.14** – Add: “Applicant Responsibility”: The integrated permit applicant shall be responsible for the return to the code official copies of the plumbing, electrical and/or mechanical permit form with the name, signature and license number of the appropriate sub contractor.

**105.15** – Add: “Fee Schedule”: A fee for each permit shall be paid in accordance with Chapter 5 Article VI “Code Enforcement Fees” of the Kirkwood Code of Ordinances

**105.16** – Add: “Investigation Fee For Work Performed Without A Permit”: Whenever any work for which a permit required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit is issued. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. Payment of the investigation fee shall not exempt any person from compliance with all the provisions of this code nor from any penalty prescribed by law.

**105.17** – Add: “Duty to Request Final Inspection”: Upon completion of the work described in the permit application, the permit holder shall request and obtain a final inspection before any occupancy of the structure except as provided in Section 110.3 of this code. Failure of the permit holder to request and obtain a final inspection before occupancy will constitute a violation of this code.

**107.1** - Delete in its entirety and add: General – Submittal Documents. The application for permit shall be accompanied by not less than three sets of construction documents. The construction documents and site plans for new construction, alteration, repairs, expansion, addition or modification for structures shall be prepared by a registered design professional. All construction documents and site plans shall be prepared by the appropriate registered design professional consistent with the professional registration laws of the State of Missouri. All construction documents submitted with an application for a building permit shall bear an original embossed or wet ink seal, the date and original ink signature of the registered design professional for each discipline on the front sheet of each discipline within each set of construction documents; or, on the cover sheet of each set of construction documents. In addition, all other sheets of the construction documents other than specifications or calculations shall bear the original embossed, wet ink, or mechanically reproduced seals of the registered design professional. Any addenda or modifications submitted for changes to the construction documents shall also bear an original seal and signature of the registered design professional. Such changes shall be clearly indicated. The construction documents shall include the name and

address of the design professional and shall be signed, sealed, and dated by the registered design professional.

Exception:

1. Miscellaneous structures accessory to one – and two-family dwellings and townhouses, such as room addition, carports, garages, sheds and other similar structures.
2. Room additions or an aggregation of additions to one-and two- family dwellings and townhouses where the total floor area of the addition does not exceed 50 percent of the existing total floor area or 1,000 square feet (92.9 m<sup>2</sup>). The total floor areas shall include all finished space.

**107.2.5** - Delete in its entirety and add: Site Plan Review

Under authority of Section A-22 of the Kirkwood Zoning Code, the Public Works Director shall review all site plans for construction requiring a building permit.

**107.2.5.1** - Delete in its entirety and add: Review Criteria

The director of Public Works shall review all site plans in accordance with the applicable provisions of the Building Code, Zoning Code and Code of Ordinances of the City of Kirkwood.

**Section 107.2.5.2 Site Plan Review Application and Review required for New Single-Family Residences**

Add: Prior to issuing a building permit for new single-family residences, an application for a separate site plan review shall be submitted and approved by the Director of Public Works. The sit plan review application shall include a site plan drawn to scale with the signature and original seal of an architect, engineer or surveyor licensed in the State of Missouri containing the following information. The Director of Public Works may waive or modify the information required as site condition warrant in his/her discretion.

1. Boundary survey signed and sealed by a licensed surveyor;
2. Size and Location of all proposed and existing structures on the site;
3. Distance of all proposed and existing buildings from lot lines;
4. First floor elevation of all existing and proposed buildings;
5. Zoning setback lines;
6. Driveway layout including all parking areas;
7. Site topography with two-foot contour intervals and spot elevations;
8. Existing street grades and proposed finished grades of lot;
9. Storm water flow on the property after construction is complete, including discharge location of all pipes and downspouts;
10. Easements, existing and/or proposed;
11. Abutting rights-of-way;
12. Existing and proposed landscaping
13. A tree study prepared and endorsed by an arborist certified by the International Society of Arboriculture or forester certified by The Society of American Foresters when the subdivision contains a significant tree or trees (significant trees shall be live trees of a species suitable for the urban environment having a diameter of eight inches or greater).

The study shall provide a professional opinion regarding the survivability of significant trees existing on the site and the tree protection methods for each tree and the dollar value of each tree designated to be saved.

### **Section 107.2.5.3 Required Public Improvements**

Add: The Director of Public Works may require the following items as a condition of the site plan approval for new single-family residences:

1. Existing sidewalks repaired to City standards
2. Installation of accessible curb ramps
3. Installation of new sidewalks
4. Repair of existing curbs
5. Installation of new concrete curbs
6. Staked boundary survey
7. Consolidation plat of the property
8. Landscaping along street frontage and yard areas of the site
9. Repair or installation of driveways to City standards
10. Storm water drainage facilities
11. Existing significant trees to be saved

### **Section 107.2.5.4 Performance Guarantees**

Add: The Public Works Director shall require a performance guarantee in the form a cash deposit to insure compliance with the conditions of approval and site restoration including the requirements for drives, walks, utilities, parking, public improvements, landscaping, screening, significant trees, and other items.

- (1) The performance guarantee shall be provided to the City before the issuance of the permit authorizing the project or activity.
- (3) Before acceptance of the performance guarantee by the City, the developer shall pay to the City of Kirkwood a fee of \$100.
- (3) The Public Works Director may require the value of trees to be preserved to be included in the performance guarantee. Should the designated trees be lost due to the willful action or neglect of the developer, the developer shall provide landscaping and trees in the site area equal to the performance guarantee amount or forfeit the amount to the General Revenues of the City of Kirkwood. The dollar value of the tree(s) shall be based on data contained in the International Society of Arboriculture's "*Guide for Tree Appraisal*".
- (4) Failure to satisfy the conditions of the site plan review approval shall result in the performance guarantee being forfeited to the City of Kirkwood. The forfeiting of the performance guarantee does not relieve the developer or any other responsible party from completing all work and site restoration and the City assumes no responsibility to complete such improvements.



Exception: Single-family residences which are in an approved subdivision that has been reviewed by Planning and Zoning Commission and there is a valid Performance Guarantee on file with the City.

### **Section 107.2.5.5 Site Protection Requirements**

Add: The Director of Public Works may require at his/her discretion site protection prior to approval of the single-family site plan. These requirements may include but are not limited to:

- (1) Siltation and/or Erosion control
- (2) Site protective fencing including tree fencing
- (3) Sidewalk barricades and/or warning signage

### **Section 107.2.5.6 Appeals**

Add: Any applicant may appeal the requirements of the Public Works Director pertaining to this section to the Planning and Zoning Commission for a site plan review of the property in accordance with Section A-22 of the Kirkwood Zoning Code.

**107.6** – Add: “Special Professional Services”: When applications are filed for unusual designs, seismic design or a magnitude of construction which require construction review or inspection services beyond the capacity of the code official’s staff, the code official may require the owner to retain a properly qualified registered design professional to perform the services necessary for code compliance. The code official may request and authorize a design professional to make inspections and keep daily records and submit reports as required. Upon completion the design professional shall file a final report endorsed with his/her signature and seal indicating inspections that were performed and listing pertinent deviations for the building code and approved construction documents. All costs and fees related to the performance of special professional serviced shall be the responsibility of the owner.

**107.6.1** – Elevations Certified: Any building being erected or constructed in a flood plain shall provide an elevation certificate by a Registered Engineer or Land Surveyor, licensed by the State of Missouri, before final approval of foundation, building must also comply with Kirkwood City Flood Plain Ordinances.”

**107.6.2** – Add: Residential Structures: All site plans for residential structures shall indicate the following.

- a) The finish grade at the foundation walls shall be at least eight inches below the top of all foundations below the top of all foundations and at least four inches below basement doors when they open onto grade. Such measurement shall be noted on the plans.
- b) The finish grade must provide surface slope downward away from the foundation at least one inch per foot for a distance of ten feet, except where restricted by the property line, to ensure proper drainage away from the building.

**110.3** – Add: “Provided a survey has been submitted and approved verifying location of structure on site per approved plans; if required of the project by the Kirkwood building department”.

**110.7** – Add: Additional Inspections: In addition to the required inspections specified above, the code official may make other inspections, which in his judgment are reasonably necessary to enforce this code and the Zoning and Land Disturbance codes. The code official shall have the authority to inspect any construction work to verify compliance with this code and to properly enforce the rules promulgated pursuant to this code. These inspections may include, but are not limited to, examinations to determine whether zoning and land disturbance code requirements are being met and may include all other phases of building construction including forms, back fill, masonry, floors, floor slabs and site grading and other land disturbance or site development work.

**111.1** – Delete in its entirety and add: Use and Occupancy: No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of the Building Code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use, except work exempt from permits under section 105.2.

**111.1.1** – Change of Occupant or Tenant: A change of occupant or tenant shall not be made to any structure or portion thereof without the approval of the code official and the issuance of an associated certificate of occupancy. Prior to issuance of the certificate of occupancy, the code official shall verify that:

- a. The structure containing the new occupant or tenant complies with applicable provisions of this code regarding maintenance of all equipment, systems, devices and safeguards required by this code for the applicable use and occupancy classification of the new occupant or tenant as well as applicable provisions of Property maintenance Code and the Zoning Ordinance; and
- b. Where the proposed change of occupancy or tenant also involves a change of use and occupancy classification as defined by this code, a permit application has been filed as prescribed by Section 105 of the Building Code and the structure shall meet the applicable requirements of this code with regard to the newly proposed use and occupancy classification.

**111.2** – Delete in its entirety and add: Certificate Issued: After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the City of Kirkwood, the building official shall issue a Certificate of Occupancy.

**111.3** – Delete in its entirety and add: Conditional Occupancy: The building official is authorized to issue a Conditional Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the Conditional Certificate of Occupancy is valid.

**113.4** – Add: Administration: The building official shall take immediate action in accordance with the decision of board.

**113.4.1** – Application for Appeal: Any person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

**113.4.2** – Membership of Board: The City Council shall establish the membership of the Board.

**113.4.3** – Qualifications of the Members of the Board: The City Council shall determine the qualifications of the members of the Board.

**113.4.4** – Meetings of the Board: The Board shall meet upon Notice from the Chairman of the Board within 30 days of the filing of an appeal or at stated periodic meetings.

**113.4.5** – Postponed Hearing: When five members are not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

**113.4.6** – Open Hearing: All hearings before the Board shall be open to the public. The appellant, the appellant’s representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.

**113.4.7** – Board Decision: The Board shall modify or reverse the decision of the code official by a concurring vote of three members. The decision of the Board shall be by resolution.

**113.4.8** – Court Review: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.

**114.4** – Delete in its entirety and add: “Violations, Penalties”: Any person, firm or corporation who shall violate any provision of this ordinance, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this ordinance, or shall start any work requiring a permit without first obtaining a permit therefore, or who shall continue any work in or about a structure after having been served a stop work order, except for such work that person, firm or corporation has been directed to perform or remove a violation or unsafe condition, or any owner or tenant of a building or premises or any other person who commits, takes or assists in any violations of this code or who maintains any building or premises in which such violation shall exist, shall be guilty of a misdemeanor, punishable by a fine as prescribed in Section 1.8 of the Code of Ordinances of the City of Kirkwood.

**115.3** – Delete in its entirety and add: “Unlawful Continuance”: Any person who shall continue any work in or about a structure after having been served with a stop work order, except such work as he/she is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor punishable by a fine as prescribed in Section 1.8 of the Code of Ordinances of the City of Kirkwood.

**116** – Delete in its entirety and add: Unsafe structures and equipment.

**116.1** – Purpose and scope: It is the purpose of this article to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures which may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or to the general public, and this article shall apply to all unsafe structures, as herein defined, which are now in existence or which may hereafter exist in the City of Kirkwood, Missouri.

**116.2** – Unsafe structures defined: All buildings or structures which have any or all of the following defects shall be deemed “unsafe structures”

**116.2.1** – Those whose interior walls or other vertical structural members lift, lean, or buckle to such an extent that a plumb line passing through the center gravity falls outside the middle third of its base.

**116.2.2** – Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

**116.2.3** – Those which have improperly distributed loads upon the floor or roofs, or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purposes used.

**116.2.4** – Those which have been damaged by fire, wind or other causes or as to become dangerous to life, safety, or the general health and welfare of the occupants or the people of the City of Kirkwood, Missouri.

**116.2.5** – Those which are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness, disease, or as injury to the health, safety or welfare of those occupying such building.

**116.2.6** – Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live herein.

**116.2.7** – Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

**116.2.8** – Those which have parts thereof which are so attached that they may fall or injure members of the public or property.

**116.2.9** – Those which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city.

**116.2.10** – Those structures which are partially constructed and the construction activities have been abandoned for a period of six months or longer.

**116.2.11** – Those which contain an illegal or improper occupancy.

**116.2.12** – Those which have inadequate maintenance.

**116.2.13** – Those which are vacant structures that are not secured against entry.

**116.2.14** – Those which have an unstable foundation.

**116.2.15** – Those which are partially or completely collapsed.

**116.2.16** – Those which contain unsafe equipment or material.

**116.3** – Unsafe structures declared a public nuisance: All “unsafe structures,” within the terms of Section of this article, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein.

**116.4** – Standards for repair, vacation or demolition: The following standard shall be followed in substance by the building commissioner in ordering repair, vacation or demolition of any “unsafe structure”:

**116.4.1** – If the “unsafe structure” can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.

**116.4.2** – If the “unsafe structure” is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.

**116.4.3** – In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished.

**116.4.4** – In all cases where an “unsafe structure” is a fire hazard existing or erected in violation of the terms of this article or any ordinance of this city or statute of the State of Missouri, it shall be repaired or demolished.

**116.5** – Duties of building commissioner; procedure and notice: The building commissioner shall have the duty under this article to:

**116.5.1** – Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist which render such places as “unsafe structures” when he/she has reasonable grounds to believe that any such building is dangerous.

**116.5.2** – Inspect any building, wall or structure about which complaints are filed by any person to the effect that violation of this article, and the building commissioner shall determine if there are reasonable grounds to believe that such building is unsafe.

**116.5.3** – Inspect any building, wall or structure reported by fire or police departments of this city as probably existing in violation of this article.

**116.5.4** – Notify in writing, either by personal services or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service (it) may be had by publication in a newspaper qualified to public legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said

building as shown by the land records of the Recorder of Deeds of St. Louis County of any building found by him be an “unsafe structure” within the standards set forth in Section 116.2 of this article.

The notice required shall state that: (1) the owner must vacate, vacate and repair, or vacate and demolish such building in accordance with the terms of the notice and this article; (2) the occupant or lessee must vacate said structure or have it repaired in accordance with the notice; (3) the mortgagee, agent or other persons having an interest in said structure as shown by the land records of the recorder of deeds of the county wherein the land is located, may, at his/her own risk, repair, vacate or demolish or have such work done; provided, that any person notified under this subsection to repair, vacate or demolish any structures shall be given such reasonable time not exceeding thirty (30) days to commence the required work unless in the judgment of the building commissioner it is determined to be necessary to extend such time to commence the work.

**116.5.5** – The notice provided for in this section shall state a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure an “unsafe structure” and an order requiring the designated work to commenced within the time or extension thereof, provided for in the above subsection.

**116.5.6** - In the event the owner does not commence the work as required herein and pursuant to the notice set forth in Section 116.5.4, the building commissioner shall give additional notice to those persons, in the manner specified herein, that he/she shall conduct a hearing upon the matter. Such notice shall specify that a hearing shall be held at the place specified therein, that any party may be represented by counsel and that all parties shall have an opportunity to be heard. Such notice must be mailed at least twenty-one (21) days prior to such hearing.

**116.5.7** – After the hearing, if the evidence supports the finding that the building or structure is unsafe or detrimental to the health, safety or welfare of the residents, as defined herein, the building commissioner shall issue an order, making specific findings of fact based upon competent and substantial evidence ordering the building or structure to be vacated, repaired, or demolished and removed.

**116.5.8** – Upon the issuance of an order, as set forth in subsection 116.5.7 above, the building commissioner shall notify the affected parties of their rights to appeal such decision to the board of Building Appeals within 30 days of the issuance of the Order.

**116.6** – Duties of the Board of Building Appeals: Any owner, occupant, lessee, mortgage agent, or other person having an interest in the property may, within thirty days from the issuance of the Order of the Building Commissioner, appeal the decisions of the Building Commissioner. Such appeal shall be in accordance with the procedures set forth in Article IV of the Kirkwood Code of Ordinances, Section 5-65 through 5-68.

**116.7** – If the owner, occupant, mortgagee or lessee fails to comply with a final order of demolition, as provided herein, within thirty (30) days, the building commissioner shall cause the building or structure to be repaired, vacated or demolished, and shall certify the charge for such repair, vacation or demolition to the City Clerk as a special assessment, represented by a special tax bill, against the real property affected; said tax bill shall be a lien upon said property and be enforced to the same extent and in the same manner as all the special tax bills. Except as provided in Subsection 116.7.1, at the request of the taxpayer, this special tax bill may be paid in

installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of eight (8) percent per annum until paid.

**116.7.1** – As to damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, if any order is issued by the building commissioner or his designee, as provided in this section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner as well as a tax lien on the property until paid. If there are proceeds of any insurance policy based upon a covered claim payment in excess of 50% of the face value of the policy covering a building or structure and the proceeds of such policy are made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the insurer shall withhold from the covered claim payment up to ten percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this section.

The City shall release the proceeds and any interest which has accrued on such received proceeds to the insured or as the terms of the policy and endorsements thereto provide within thirty days after receipt of such insurance moneys, unless the city has instituted legal proceedings, under the provisions of this section. If the city has proceeded under the provisions of this section, all moneys in excess of that necessary to comply with the provisions of this section for the removal of the building or structure, less salvage value, shall be paid to the insured.

This subsection shall not make the city or county a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

**116.8** – Appeal: Any owner, occupant, lessee, mortgagee, agent or any other person having an interest in an “unsafe structure” as shown by the land records of the recorder of deeds of the county wherein the land is located, may, within thirty (30) days from the order of the Board of Building Appeals, appeal such decision pursuant to the procedures established in Chapter 536 of the Revised Statutes of Missouri.

**116.9** – Emergencies: In case where it reasonably appears that there is immediate danger to the health, life or safety of any person unless an “unsafe structure” as defined herein is immediately repaired, vacated or demolished, the building commissioner may cause the immediate boarding up of all openings, or otherwise take such action as may be necessary to prevent hazardous conditions, including the vacation of such unsafe structures. The costs of such emergency boarding up, repair, vacation or demolition of such unsafe structure shall be collected in the same manner as provided in Section 116.7, of this article.

**116.10** – Violations: disregarding or removing notices or orders: The owner, occupant or lessee in possession of any unsafe structure who shall fail to comply with a final order to repair, vacate or demolish said structure given pursuant to this section, shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth in Section 114 of this article.

**202.** – Add the following definitions:

**STRUCTURES.** That which is built or constructed or a portion thereof. Whenever the term “structure” appears in this code it shall be deemed to mean both structures and buildings.

**WORKMANSHIP.** Work executed in a skilled manner by an individual to impart quality to anything in the process of being made, produced, constructed, altered, repaired, installed, or assembled.

### **Chapter 3 Use and Occupancy Classification.**

**305.2** - Delete in its entirety and add: Day Care: The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 ½ years of age, shall be classified as a Group E occupancy. Exception: Child Day Care Homes shall be classified as Group R-4.

**308.5.1** - Add: Add to exceptions: “Adult day care homes shall be classified as Use Group R-4”

**308.5.2** – Delete in its entirety and add: Child Care Facility: A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2 ½ years of age or less shall be classified as Group I-4.

Exceptions:

1. A child day care facility that provides care for more than five but no more than 100 children 2 ½ years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
2. Child Day Care Homes shall be classified as Group R-4

**310.1** - Residential Group R-4 Delete in its entirety and add:

R-4 Residential occupancies shall include the following:

Buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

Buildings arranged as an Adult Day Care Home

Buildings arranged as a Child Day Care Home

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the International Residential Code provided the building is protected by an automatic sprinkler system installed in accordance with Section 903.2.8 unless the occupancy is an Adult Day Care Home or Child Day Care Home.

**310.2** Add: To Definitions.

**ADULT DAY CARE HOME.** A family home, occupied as a permanent residence by the adult day care home provider, in which care is given to no more than eight (8) adults for any part of the twenty-four hour day.



**CHILD DAY CARE HOME.** A family home, occupied as a permanent residence by the child day care home provider, in which care is given to no more than ten (10) children, including children related to the day care provider for any part of the twenty-four hour period.

**Table 601** Add: Footnote e. Insert: Tenant separation walls and walls defining separation of fire area not less than 1 hour or the fire-resistance rating required by other sections of this code, whichever is greater.

**709.1** Add: 6. The minimum tenant separation in all use groups shall be one hour rated.

**903.3.1.2** Delete in its entirety and add: NFPA 13 or NFPA 13R Sprinkler systems: Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13 or NFPA 13R.

**903.3.5.3** – Add: Water flow tests: Water flow tests for fire sprinkle system shall be conducted between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

**903.3.5.4** – Add: Water flow safety factor: A safety factor shall be applied to all flow tests for fire sprinkler systems. A parallel curve shall be drawn to the actual flow test curve that has been reduced by 10% percent of the static pressure. A sprinkler system design shall not exceed the 10% percent curve.

**905.3** - Delete in its entirety and add: Required installations: Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.7 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are allowed to be combined with automatic sprinkler systems.

Exceptions:

1. Standpipe systems are not required in Group R-3 occupancies.
2. Where Group R-2 and R-4 occupancies, up to and including four stories in height, required to have a standpipe system in accordance with Section 905, are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or Section 903.3.1.2 and a Class 1 standpipe is installed in accordance with NFPA 14, the automatic water supply is not required to exceed the requirements of NFPA 13 or NFPA 13R as applicable.

## **CHAPTER 10 Means of Egress.**

**1011.1.2** – Add: Floor-level Exit signs: Where exit signs are required in Use Groups A-1, A-2 Banquet halls and Night clubs, I-2, and R-1, additional approved low-level exit signs are required. Signs shall be provided in all corridors, exit access, and exits. The bottom of the sign shall not be less than 6 inches (152mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the signs shall be on the door or adjacent to the door with the closest edge of the sign within 4 inches (102 mm) of the door frame. Signs may be internally or externally illuminated, photo-luminescent, or self-luminous.

**1011.1.3** – Add: R-2 and R-3 Occupancies: The requirements of 1011 shall apply to R-2 and R-3 occupancies utilized for a residential care facility.

**1011.1.4** – Add: R-2 and R-3 Occupancies used for a residential care facility: The requirements of 1006 shall apply to R-2 and R-3 occupancies utilized for a residential care facility.

**1011.1.5** – Add: Color: The color of the letters shall be red.

**1013.3** – Add: Guards shall not have an ornamental pattern that would provide a ladder effect.

**1013.7** – Add: Retaining walls: Guards shall be provided where retaining walls with differences in grade level on either side of the wall in excess of 4 feet (1219mm) are located closer than 2 feet (610 mm) to a walk, path, parking lot or driveway on the high side on retaining walls

**1301.1.1** – Criteria add exception: Buildings of residential groups R-2, R-3, and R-4 shall be permitted to be designed and constructed in accordance with the International Residential Code.

### **CHAPTER 15 Roof Assemblies and Rooftop Structures.**

**1510.1** - Delete in its entirety and add: General. Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15. Structural calculations are required when the roof structure supporting elements result in a five percent (5%) or more increase in force in any of the roof structure supporting elements in accordance with Section 3403.2, unless the increased force on the structural element is still in compliance with the code for new structures. The calculations shall include verification of the prevention of ponding instability.

Exception:

Re-roofing shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2-percent slope) in Section 1507 for roofs that provide positive roof drainage.

### **CHAPTER 16 Structural Design.**

**1607.1** – Modify table 1607.1 as follows:

<b>OCCUPANCY OR USE</b>	<b>UNIFORM (psf)</b>	<b>CONCENTRATED (lbs.)</b>
5. Balconies (exterior)	100	----
Balconies on one-and two-family residences only, and not exceeding 100 ft. <sup>2</sup>	60	----
Decks h	Same as occupancy served	----

**1613.5.1** - Delete in its entirety and add: Acceleration Parameters: The earthquake spectral response acceleration at short periods (S<sub>s</sub>) shall be 0.54g. The earthquake spectral response acceleration at 1-second periods (S<sub>1</sub>) shall be 0.18g.

## **CHAPTER 18 Soils and Foundations.**

**1805.1** – Delete in its entirety and add: Where Required: Walls or portions thereof that retain earth and enclose interior spaces and floors below grade shall be waterproofed and dampproofed in accordance with this section, with the exception of those spaces containing groups other than residential and institutional where such omission is not detrimental to the building or occupancy.

Exception: Building of Residential Groups R-2, R-3, and R-4 complying with Section R405 Foundation and Drainage and Section R406 Foundation waterproofing and Dampproofing in the Residential Code.

Ventilation for crawl spaces shall comply with Section 1203.4.

**1808.1** – Add: “Minimum foundation wall thickness shall be eight (8) inches”

**1809.5** – Delete in its entirety and add: Frost Protection: except where otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of 30 inches below grade. Grade is considered a point that is 6 feet out from the edge of the footing.
2. Constructed in accordance with ASCE-32
3. Erected on solid rock

Exceptions:

1. Buildings with an area of 200 square feet or less

Buildings shall not bear on frozen soil unless such frozen condition is of a permanent character.

## **CHAPTER 23 Wood.**

**2304.7.2** – Add: “The minimum allowable thickness of wood structural panel sheathing roof decking shall be one-half (1/2) inch”.

**2304.9.4** – Add: “Roof deck and framing shall be anchored to supporting construction at the top plate of the wall with an approved mechanical device, commonly referred to as a hurricane clip”.

## **CHAPTER 27 Electrical.**

**2703.1** – Add: “Split-Buss Electrical Service”: Alteration or repair of a split-bus panel shall cause such panel to be replaced and such service shall be made to comply with the Kirkwood Electric Code as adopted and approved by the City of Kirkwood.

## **CHAPTER 31 Special Construction.**

**3102.1** – Delete in its entirety and add: General: The provisions of this section shall apply to air-supported, air-inflated, membrane-covered cable and membrane-covered frame structures, collectively known as membrane structures, erected for a period of 90 days or longer. Those erected for a shorter period of time shall comply with the Kirkwood Fire Code. Membrane structures covering water storage facilities, water clarifiers, water treatment plants, sewage treatment plants, greenhouses and similar facilities not used for human occupancy, are required to meet only the requirements of Sections 3102.3.1 and 3102.7

**3103.1** – Delete in its entirety and add: General: The provisions of this section shall apply to all types of temporary structures that are to remain at a location for a limited period of time. Temporary structures such as membrane structures, trailers, food stands, portable buildings, greenhouses and unoccupied display structures may be erected and remain in place for the duration of a specific event or season. The duration of the event or season shall not exceed a six-month period except as otherwise provided in this section. Membrane structures erected for a period of 90 days or longer shall comply with Section 3102 of this code. All other structures erected for a period of more than six months shall comply with all applicable sections of this code for permanent buildings and structures. In addition to the requirements of this section, special amusement buildings and structures shall also comply with Section 411 of this code.

Exceptions:

1. The following types of buildings and structures may be erected for a period of up to one year:
  - a. Unoccupied display structures
  - b. Subdivision sales offices
  - c. Unoccupied trailers or portable buildings used only to house equipment for monitoring air quality, soil and/or water contamination clean-up operations, or other similar uses related to the betterment of public safety, health, and welfare.
2. Temporary structures occupied as classrooms may be erected for a maximum of 10 months.

**3103.1.1** – Delete in its entirety and add: Permitted Uses: Temporary structure permits shall only be issued for the following types of structures and occupancies:

1. Membrane structures erected for a period of less than 90 days.
2. Unoccupied display structures.
3. Outdoor sales facilities.
4. Structures to be occupied on a seasonal basis only, such as fruit stands, greenhouses, sno-cone stands, special amusement buildings, etc.
5. Temporary structures to be used while awaiting completion of construction of a permanent building on the same site such as temporary offices, clinics, or classrooms.
6. Subdivision sales offices.
7. Trailers to be used as temporary shelter or operations center in an emergency due to a disaster such as a flood, earthquake, or a tornado.
8. Entertainment or assembly uses.
9. Unoccupied trailers or portable buildings used only to house equipment.

**3103.1.2** - Permit required. No temporary structure shall be erected, operated or maintained for any purpose without obtaining a temporary structure permit.

Exceptions:

1. Tents used exclusively for recreational camping purposes, not greater than 120 sq. ft. in area.

**3103.2.1** – Add: Permit fees as prescribed by Kirkwood ordinance

**3103.2.2** – Add: Inspection Fees. In addition to the permit fees the required number of extra monthly inspections necessary shall be determined and the fee paid at the time of permit issue.

**3103.2.3** – Add: Extension of Permits. The Board of Appeals may grant permit extensions for temporary structures used for unoccupied sales display purposes and for air-supported structures. The code official may grant permit extensions of up to one-year periods for all types of structures and occupancies allowed by this code.

The code official may grant permit extensions for six-month periods on temporary structures that are used while awaiting completion of construction of a permanent building on the same site (such as temporary offices, clinics, or classrooms) provided that the temporary structure is removed within thirty (30) days after the occupancy permit for the permanent building is granted. Fees for a permit extension shall be in accordance with Kirkwood ordinances.

**3103.2.4** – Add: Multiple Permits Prohibited: Not more than one temporary structure permit shall be issued for the same structure at the same location, within a twelve-month period.

**3103.2.5** – Add: Termination of Approval: The code official is hereby authorized to terminate approval for cause and to order the demolition or removal of any such temporary structure at his discretion, or as directed by a decision of the Board of Appeals.

**3103.2.6** – Add: Other Approvals: The code official shall require the applicant to obtain the approval of the local fire code official prior to the issuance of any temporary structure permit.

**3103.2.7** – Add: Bond: The code official may, in the exercise of discretion, require a permit applicant to post a perpetual performance bond, prior to issuance of the permit, to guarantee removal of the structure upon expiration of the permit or as directed by the code official and/or the Board of Appeals. The amount of the bond shall be set by the code official based on the provisions of Kirkwood ordinances.

**3103.2.8** – Add: Construction Documents: A permit application and construction documents shall be submitted for each installation of a temporary structure. The construction documents shall include a site plan indicating the location of the temporary structure and information delineating the means of egress and the occupant load.

**3103.2.9** – Add: Design Features: All temporary structures shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to insure the public health, safety and general welfare.

**3103.2.10** – Add: Setback from the Street: All temporary structures shall be located a minimum of 15 feet from the street right-of-way.

**3103.2.11** – Add: Flame-resistant Treatment: Before a permit is granted, the owner or agent shall file with the code official a certificate executed by an approved testing laboratory, certifying that the tents, canopies, and membrane structures and their appurtenances, sidewalks, drops, and tarpaulins, bunting, shall be composed of flame-resistant material or shall be treated with a flame retardant in an approved manner and meet the requirements for flame resistance as determined in accordance with NFPA 701, and that such flame resistance is effective for the period specified by the permit.

**3103.2.12** – Add: Label: Membrane structures, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type.

**3103.2.13** – Add: Certification: An affidavit or affirmation shall be submitted to the code official and a copy retained on the premises on which the tent or sir-supported structure is located. The affidavit shall attest to the following information relative to the flame resistance of the fabric:

1. Names and address of the owners of the tent, canopy or air-supported structure.
2. Date the fabric was last treated with flame-resistant solution.
2. Trade name of kind of chemical used in treatment
3. Name of person or firm treating the material
4. Name of testing agency and test standard by which the fabric was tested.

**3103.2.14** – Add: Anchorage: All temporary structures shall be anchored to the ground to resist the wind loads prescribed by section 1609 of this code. At the discretion of the code official, the anchorage system shall be designed by a registered design professional.

**3103.2.15** – Add: Monthly Inspections: All temporary structures that serve food shall be inspected monthly by the Departments of Health and Building Dept. to verify that the scope and the menu of the food service facility remains consistent with the permitted activity.

**3107.1** – Add “And the Kirkwood Sign Code”.

## **SECTION 3111**

### **ANTENNAS** - Add:

**3111.1** - Permits not Required: A building permit is not required for roof installation of antennal structures not more than 12 feet (3658 mm) in height for private reception. Such a structure shall not be erected so as to injure the roof covering, and when removed from the roof, the roof covering shall be repaired to maintain weather and water tightness. The installation of any antennal structure mounted on the roof of a building shall not be erected nearer to the lot line than the total height of the antennal structure above the roof, nor shall such structure be erected near electric power lines or encroach upon any street or other public space.

**3111.2** - Permits Required: Approval shall be secured for all roof-mounted antennal structures more than 12 feet (3658 mm) in height above the roof. The application shall be accompanied by detailed drawings of the structure and methods of anchorage. All connections to the roof structure shall be properly flashed to maintain water tightness.

**3111.3** - Dish Antennas: An antenna consisting of a radiation element, which transmits or receives radiation signals generated as electrical, light or sound energy, and supported by a

structure with or without a reflective component to the radiating dish, usually in a circular shape with a parabolic curve design constructed of a solid or open mesh surface, shall be known as a dish antenna.

**3111.3.1 – Permits:** The approval of the code official shall be secured for all dish antennal structures more than 2 feet (610 mm) in diameter erected on the roof of or attached to any building or structure. A permit is not required for dish antennas not more than 2 feet (610 mm) in diameter erected and maintained on the roof of any building.

**3111.3.2 - Structural Provisions:** Dish antennas larger than 2 feet (610 mm) in diameter shall be subject to the structural provisions of Sections 1608 and 1609. The snow load provisions of Section 1608 shall not apply where the antenna has a heater to melt falling snow.

## **CHAPTER 34 Existing Structures.**

**3404.7 – Add: Damaged Structures:** If a structure is damaged by high wind, fire, or flood, the renovation shall be considered an alteration and comply with Sections 3404.7.1 through 3404.7.5

**3407.1 – Add: Alterations Exceeding 50 Percent:** If alterations or repairs are to be made within any period of twelve (12) consecutive months, costing in excess of fifty percent (50%) of the physical value of the structure, the requirements of this code for new structures shall apply. At the discretion of the Code Official, alterations required to resist earthquake loads may be phased as renovations to different portions of a structure occur.

**3407.2 – Add: Damages Exceeding 50 Percent:** If the structure is damaged by fire or any other cause to an extent in excess of fifty percent (50%) of the physical value of the structure before the damage was incurred, this code’s requirements for new structures shall apply

**3407.3 – Add: Alterations Under 50 Percent:** If the cost of alterations or repairs to be made within any period of twelve (12) consecutive months, is between five and fifty percent (5% - 50%) of the physical value of the structure, the Code Official shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements for new structures to insure the safety, health and general welfare of the occupants and the public.

**3407.4 – Add: Alterations Under 5 Percent.:** If the cost of alterations or repairs to be made within twelve (12) consecutive months is five (5%) or less of the physical value of the structure, the Code Official shall permit the restoration of the structure to its condition previous to damage or deterioration with the same kind of materials as those of which the structure was previously constructed; provided that such construction does not endanger the general safety and public welfare and maintains the life safety provisions of the code.

**3407.5 – Add: Physical Value:** In applying the provisions of this section, the physical value of the structure shall be determined by the Code Official.

**3412.2 – Delete in its entirety and add: Applicability:** Structures existing prior to October 18, 1926, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.2.1 through 3412.2.2.5 shall apply to existing

occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.

**3600.1** – Add: International Energy Conservation Code: The IECC-09 International Energy Conservation Code (Year 2009 edition) referenced in Chapter 35 of this code is amended as set forth below. Each section, sub-section, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, sub-section, or clause number in the code is hereby enacted and added thereto.

**IECC – 09: 101.1** – Title: These regulations shall be known as the Energy Conservation Code of the City of Kirkwood, and shall be cited as such.

SECTION 5. Nothing in this ordinance or in the code hereby adopted shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited herein.

SECTION 6. If any section, subsection provision, sentence, clause or phrase of this ordinance or of the 2009 International Building Code, Fifth Printing, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or of said code, and the City Of Kirkwood hereby declares that it would have passed the same, even though such portion so held to be unconstitutional had not been included therein, and to this end the provisions of this ordinance declared to be severable.

SECTION 7. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 21<sup>ST</sup> DAY OF APRIL 2011.

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Mayor, City Of Kirkwood

ATTEST:

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City Clerk

1<sup>st</sup> Reading: April 7, 2011

2<sup>nd</sup> Reading: April 21, 2011