

BILL 10739

ORDINANCE 10582

AN ORDINANCE ADOPTING THE 2015 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,

WHEREAS, the Building Commissioner's Office reviewed the Building Codes and recommends adoption of the 2015 International Building Code with modification, and

WHEREAS, the Chief Administrative officer has approved the recommendation of the Public Services Department to update 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 "2015 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 2015 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 2015 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 2015 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 2015 International Building Code.

SECTION 4. The 2015 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.

Chapter 1 Scope and Administration

Section 101.1 – amended to read as follows; Title. These regulations shall be known as the Building Code of the City of Kirkwood herein referred to as “This code”. When the phrase “this code” is used throughout, it shall mean the appropriate “City of Kirkwood code”

Section 102.2.1 – added to read as follows; Compliance. 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”

Section 102.7 - added to read as follows, 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

Section 103.1 – amended to read as follows; 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.

Section 104.1.1 – added to read as follows; 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.

Section 104.2 – amended to read as follows; 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.

Section 104.2.1 – amended to read as follows; 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.

Section 104.6.1 – added to read as follows; Interference with Code Official. No person shall hinder, obstruct, resist, or fail to provide entry at reasonable times or otherwise interfere with the code official in the performance of his official duties.

Section 104.12 – added to read as follows; 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.

Section 105.1 – amended to read as follows, 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.

Section 105.1.1 amended to read as follows, Flood or Earthquake Damage. 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.

Section 105.1.2 amended to read as follows, Reroofing: Permits are required for the recovering or replacement of an existing roof covering when either of the following conditions apply.

1. 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. Permits, plans and specifications are required for all structural changes in a roof covering system regardless of the roof slope

Section 105.1.3 – added to read as follows; 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 chapter 31 Special Construction in the Kirkwood building code

Section 105.1.3.1 – added to read as follows: “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 set forth in the Chapter 5 Article VI “Various City Fees” of the Kirkwood Code of Ordinances 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) 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.
- (3) The City may perform the site restoration and deduct the cost for such work plus 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.

Section 105.2 is amended to read as follows; Work exempt from permit Exemption from permit requirements of this code shall not be deemed to grant authority for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following

Building:

1. Accessory buildings top use group R-3 (one or two 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 on roofs with a slope of 4.12 or greater 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 right-of-ways or easements, driveways, parking areas, and turnarounds require a permit. (The zoning code prohibits parking spaces in front of the building, therefore 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 wall opening.
8. Storm window or storm door 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 in height.
11. Swings and other playground equipment for private use. Note: The equipment shall meet all zoning district requirements including but not limited to set back lines, lot coverage and etc.

Electrical:

1. Repairs and maintenance Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment or temporary lighting, to approved permanently installed receptacles.
2. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

Gas:

- 1 Portable heating, cooking or clothes dryer appliances
- 2 Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliances
- 2 Portable ventilation devices
3. Portable cooling devices.
- 4 Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code .
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
- 8 Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code
- 2 The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section 105.6.1 – added to read as follows; 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

Section 105.8 – added to read as follows, 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 Services Engineering Office. The code official may issue a partial permit in accordance with Section 105.3 3 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

Section 105.9 – added to read as follows; “Sewage Disposal”: A building permit shall not be issued until an acceptable method of sewage disposal has been approved

Section 105.10 – added to read as follows, “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.

Section 105.11 – added to read as follows; “Integrated Permits”: The code official may issue integrated building, plumbing; electrical and/or mechanical permits on a single permit application.

Section 105.12 – added to read as follows; “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.

Section 105.13 – added to read as follows, 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.

Section 105.14 – added to read as follows, 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.

Section 107.1 – amended to read as follows, 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 Tenant finishes minor in scope and approved by the code official.

Section 107.2.7 is added to read as follows, Site Protection Requirements Site protection shall comply with Chapter 33- Safeguards During Construction of this code.

Section 107.6 – is added to read as follows; “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 services shall be the responsibility of the owner.

Section 107.6.1 – is added to read as follows, 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 Plan Ordinances.”

Section 109.2 is amended to read as follows, Schedule of permit fees. Fees shall be established as prescribed in Chapter 5, Article VI of the Code of Ordinances of the City of Kirkwood.

Section 109.4 is amended to read as follows, Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to a 100 percent increase of the usual total permit fee in addition to the required permit fees.

Section 110.3.4 –is amended to read as follows; Frame and masonry inspection. The inspection of framing and masonry construction shall be made after the boundary survey verifying the location of the structure per the approved plans is submitted and approved. This inspection is conducted after the completion of the roof, masonry; framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical inspections are approved.

Section 110.7 – is added to read as follows; **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 concrete forms, back fill, masonry, floors, floor slabs and site grading and other land disturbance or site development work.

Section 111.1 – is amended to read as follows: **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.

Section 111.1.1 – is amended to read as follows. **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.

Section 111.2 – is amended to read as follows, **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.

Section 111.3 – is amended to read as follows; **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

Section 113.1 is amended to read as follows; Appeals. The owner of a building or structure or any other person having interest in said building or structure may appeal from a decision of the code official to the Board of Appeals appointed under the provisions of the Kirkwood Building Code, Chapter 1- Scope and Administration, Section 113- Board of Appeals.

Application for appeal may be made when it is claimed that the true content of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of installation or construction can be used.

Section 113.2 and 113.3 delete in their entirety

Section 114.4 – is amended to read as follows; 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.

Section 115.3 – is amended to read as follows; **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

Section 116.1 – is amended to read as follows; 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

Section 116.2 – is amended to read as follows; **Unsafe structures defined:** All buildings or structures which have any or all of the following defects shall be deemed “unsafe structures”

Section 116.2.1 – is added to read as follows; 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

Section 116.2.2 – is added to read as follows, 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.

Section 116.2.3 – is added to read as follows; 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

Section 116.2.4 – is added to read as follows; 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.

Section 116.2.5 – is added to read as follows; 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.

Section 116.2.6 – is added to read as follows; 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.

Section 116.2.7 – is added to read as follows; 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.

Section 116.2.8 – is added to read as follows, Those which have parts thereof which are so attached that they may fall or injure members of the public or property.

Section 116.2.9 – is added to read as follows; Those which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city

Section 116.2.10 – is added to read as follows; Those structures which are partially constructed and the construction activities have been abandoned for a period of six months or longer.

Section 116.2.11 – is added to read as follows, Those which contain an illegal or improper occupancy.

Section 116.2.12 – is added to read as follows, Those which have inadequate maintenance

Section 116.2.13 –is added to read as follows; hose which are vacant structures that are not secured against entry.

Section 116.2.14 – is added to read as follows, Those which have an unstable foundation.

Section 116.2.15 – is added to read as follows; Those which are partially or completely collapsed.

Section 116.2.16 – is added to read as follows; Those which contain unsafe equipment or material

Section 116.3 – is amended to read as follows; 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.

Section 116.4 – is amended to read as follows; **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”:

Section 116.4.1 – is added to read as follows; 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

Section 116.4.2 – is added to read as follows, 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

Section 116.4.3 – is added to read as follows; 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

Section 116.4.4 – is added to read as follows, 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.

Section 116.5 – is amended to read as follows; Duties of building commissioner, procedure and notice: The building commissioner shall have the duty under this article to:

Section 116.5.1 – is added to read as follows; 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.

Section 116.5.2 – is added to read as follows; 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.

Section 116.5.3 – is added to read as follows; Inspect any building, wall or structure reported by fire or police departments of this city as probably existing in violation of this article.

Section 116.5.4 – is added to read as follows; 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 119.2 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.

Section 116.5.5 – is added to read as follows; 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

Section 116.5.6 - is added to read as follows, In the event the owner does not commence the work as required herein and pursuant to the notice set forth in Section 119.5 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.

Section 116.5.7 – is added to read as follows; 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.

Section 116.5.8 – is added to read as follows; Upon the issuance of an order, as set forth in subsection 119 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.

Section 116.6 – is added to read as follows, 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

Section 116.7 – is added to read as follows; 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 119.7.1, 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.

Section 116.7.1 – is added to read as follows; 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.

Section 116.8 – is added to read as follows; 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

Section 116.9 – is added to read as follows; 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 115.7, of this article.

Section 116.10 – is added to read as follows, 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

Chapter 2 Definitions

202. – is added to read as follows; to 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 5 General Building Heights and Areas

Table 508.4 is amended to read as follows;

TABLE 508 4 REQUIRED SEPARATION OF OCCUPANCIES (HOURS)

OCCUPANCY	A, E		I-1 ^a , I-3, I-4		I-2		R ^a		F-2, S-2 ^b , U		B ^e , F-1, M, S-1		H-1		H-2		H-3, H-4		H-5		
	S	NSS	NSS	NSS	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS	S	NS
A, E	N	N	1	2	2	NP	1	2	N	1	1	2	NP	NP	3	4	2	3	2	NP	
I-1 ^a , I-3, I-4	-	-	N	N	2	NP	1	NP	1	2	1	2	NP	NP	3	NP	2	NP	2	NP	
I-2	-	-	-	-	N	N	2	NP	2	NP	2	NP	NP	NP	3	NP	2	NP	2	NP	
R ^a	-	-	-	-	-	-	N	N	1 ^c	2 ^c	1	2	NP	NP	3	NP	2	NP	2	NP	
F-2, S-2 ^b , U	-	-	-	-	-	-	-	-	N	N	1	2	NP	NP	3	4	2	3	2	NP	
B ^e , F-1, M, S-1	-	-	-	-	-	-	-	-	-	N	1	NP	NP	2	3	1	2	1	NP		
H-1	-	-	-	-	-	-	-	-	-	-	-	N	NP	NP	NP	NP	NP	NP	NP	NP	
H-2	-	-	-	-	-	-	-	-	-	-	-	-	-	N	NP	1	NP	1	NP		
H-3, H-4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1 ^d	NP	1	NP		
H-5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	N	NP	

S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903 3 1 1

NS = Buildings not equipped throughout with an automatic sprinkler system installed in accordance with Section 903 3 1 1

N = No separation requirement

NP = Not permitted

a See Section 420

b The required separation from areas used only for private or pleasure vehicles shall be reduced by 1 hour but not to less than 1 hour

c See Section 406 3 4

d Separation is not required between occupancies of the same classification

e See Section 422 2 for ambulatory care facilities

CHAPTER 10 Means of Egress.

Section 1013.2.1 – is added to read as follows, 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

Section 1013.2.2 – is added to read as follows; R-2 and R-3 Occupancies used for a residential care facility The requirements of 1008 shall apply to R-2 and R-3 occupancies utilized for a residential care facility.

Section 1015.9 – is added to read as follows; Retaining walls. Guards shall be provided where retaining walls with differences in grade level on either side of the wall in excess of thirty (30) inches (762mm), are located closer than 2 feet (610 mm) to a walk, improved path, parking lot or driveway on the high side of the retaining wall.

CHAPTER 15 Roof Assemblies and Rooftop Structures

Section 1510.1 - is amended to read as follows; 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 unit's horizontal (2-percent slope) in Section 1507 for roofs that provide positive roof drainage.

Chapter 16 Structural Design

Section 1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Kirkwood" dated February 4, 2015 as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this Section.

CHAPTER 23 Wood.

Section 2304.11.3 – is added to read as follows; Roof framing. Every roof girder, truss or joist and beams shall be anchored to its supporting member and top plate of the wall with an approved mechanical device, (commonly referred to as a hurricane clip) or other approved method to resist vertical uplift of the roof

CHAPTER 31 Special Construction.

Section 3102.1 – Is amended to read as follows; 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

Section 3103.1 – Is amended to read as follows; 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

Section 3103.1.2 – is amended to read as follows; 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.

Section 3103.1.3 – is added to read as follows, Permit fees as prescribed by Kirkwood ordinance

Section 3103.2 – is amended to read as follows, 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

Section 3103.2.1 – is added to read as follows, 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.

Section 3103.2.2 – Is added to read as follows; 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.

Section 3103.2.3 – Is added to read as follows; 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.

Section 3103.2.4 – Is added to read as follows; 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

Section 3103.2.5 – Is added to read as follows; 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.

Section 3103.2.6 – Is added to read as follows; 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.

Section 3103.2.7 – Is added to read as follows, 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.

Section 3103.2.8 – Is added to read as follows, Setback from the Street: All temporary structures shall be located a minimum of 15 feet from the street right-of-way

Section 3103.2.9 – Is added to read as follows; 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.

Section 3103.2.10 – Is added to read as follows; Label Membrane structures, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type

Section 3103.2.11 – Is added to read as follows, 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.

Section 3103.2.12 – Is added to read as follows; 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.

Section 3103.2.13 – Is added to read as follows, 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

Section 3103.4 – Is added to read as follows; 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.

Section 3107.1 – is amended to read as follows; General Signs shall be designed, constructed, and maintained in accordance with this code and the Kirkwood Sign ordinance

SECTION 3112 added to read as follows, ANTENNAS

Section 3112.1 - added to read as follows; Permits not required A building permit is not required for roof installation of antenna 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 antenna structure mounted on the roof of a building shall not be erected nearer to the lot line than the total height of the antenna structure above the roof, nor shall such structure be erected near electric power lines or encroach upon any street or other public space.

Section 3112.2 - added to read as follows; Permits Required: Approval shall be secured for all roof-mounted antenna 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.

Section 3112.3 - added to read as follows, 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

Section 3112.3.1 – added to read as follows; Permits. The approval of the code official shall be secured for all dish antenna 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” type antennas not more than 2 feet (610 mm) in diameter erected and maintained on the roof of any building

Section 3112.3.2 - added to read as follows; 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 33 SAFEGUARDS DURING CONSTRUCTION

Section 3301.3 added to read as follows, Site Protection. Prior to commencement of any permitted work, the following safeguards shall be installed as required by the City of Kirkwood:

- (1) Siltation and/or Erosion control (approval of City Engineer) materials shall be in accordance with city policy

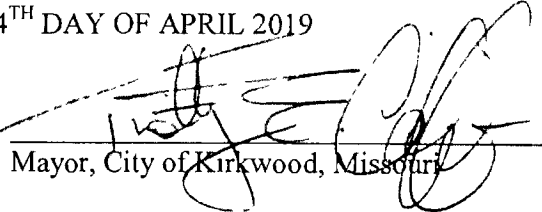
- (2) Site protective fencing (minimum 3 feet in height (per city policy)
- (3) Tree protection fencing and signage per Kirkwood Tree Ordinance
- (4) Sidewalk barricades and/or warning signage
- (5) Screening of portable restrooms (per city policy)

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 2015 International Building Code, Second 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 4TH DAY OF APRIL 2019



Mayor, City of Kirkwood, Missouri

ATTEST



City Clerk

City Clerk

1st Reading: March 21, 2019

2nd Reading April 4, 2019