

BILL NO. 8-9-18

ORDINANCE NO. 5452

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES KNOWN AS *THE BUILDING CODE* OF THE CITY OF WARRENSBURG, STATE OF MISSOURI

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

Section 1. That Section 6-16 of Article II of Chapter 6 of the Code of the City of Warrensburg, adopted by Ordinance Number 4845, being marked and designated as the International Building Code 2012, including appendix chapters B, C, E, F, G, H, I, J and K, as published by the International Code Council, Inc., are hereby repealed and a new Section 6-16 is enacted in lieu thereof, as follows:

SECTION 6-16. ADOPTION OF INTERNATIONAL BUILDING CODE.

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Warrensburg, being marked and designated as the International Building Code 2018, including Appendix Chapters B, C, E, F, G, H, I, J, and K as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of Warrensburg in the State of Missouri; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, conditions and terms of said International Building Code 2018, 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, if any, prescribed in Section 6-18 of the Warrensburg Code of Ordinances.

Section 2 That Section 6-18 of Article II of Chapter 6 of the Code of the City of Warrensburg, adopted by Ordinance Number 4845, and entitled, "Amendments" is hereby repealed and a new Section 6-18 is enacted in lieu thereof, as follows:

SECTION 6-18. ADDITIONS, INSERTIONS AND CHANGES.

The International Building Code adopted by Section 6-16 is hereby amended by substituting the following sections or portions of section for those sections or portions of sections with corresponding numbers of the International Building Code/2018, or where there is no corresponding section in the code the following sections shall be enacted as additions to the code.

1. Section 101.1 Insert; "The City of Warrensburg".
2. Delete Section 101.4.4 in its entirety.
3. In Section 102.6, after *International Fire Code*, add "or other ordinances".
4. Delete in its entirety, Section 103.2.
5. Delete in its entirety, Section 103.3.

6. Add in Section 104.6 after '--reasonable times', "pursuant to the requirements of Section 1-19 of the Code of Ordinances". Add at the end of this section, "Application for a permit shall constitute consent to entry by building department officials at all reasonable times for purposes of inspection. Any refusal to permit entry will justify an immediate Stop Work order."
7. Add new Section 105.1.3 Structure Moving Permit Required. No person, firm or corporation shall move any structure within the city without having first obtained a permit from the building official for each structure to be moved.
 - (a) *Application; exceptions.* The requirements of this section shall apply to the moving of any structure within, to and from the city, except as set out below.
 - (1) This section shall not apply to the moving of a detached accessory-type building, such as a tool shed, playhouse, or similar type building, which does not exceed 120 square feet.
 - (2) This section shall not apply to the moving of any structure when the structure being moved neither originates within the city, nor has a final destination within the city, and the movement of the structure within the city is solely along roadways controlled by the State of Missouri.
 - (b) *Permit requirements.* Application for a permit shall be on a form provided by the building official, and shall be accompanied by:
 - (1) Verification that all utilities have been properly disconnected from the structure, if the structure is originally located within the city.
 - (2) Verification that the contractor performing the move has a current license to do business within the city.
 - (3) Proof that the contractor performing the move has comprehensive general liability insurance covering the move issued by a company authorized to do business in the State of Missouri in an amount of not less than \$100,000.00. Said insurance shall name the city as an additional insured.
 - (4) A bond, or other evidence of security approved by the building official, in an amount not less than \$10,000.00, payable to the city, to cover any costs which the city might incur as a result of the mover's failure to complete the moving of the structure in a timely and professional manner, including, but not limited to, the cost of completing the move in the case of the mover abandoning the work.
 - (5) A copy of the permit for the move granted by the Missouri Highway and Transportation Department, if applicable.
 - (6) Verification that any site within the city to which the structure is being moved has been properly prepared to accommodate the structure.
 - (7) A map showing the proposed route for the moving of the structure upon the city streets.
 - (8) Verification that an escort has been arranged for moving the structure.
 - (9) A permit fee based on the current market value of the structure being moved, in accordance with the schedule established in this Code for building permit fees.
 - (10) A requirement to place the building on its foundation within 30 days of issuance of the permit, and to obtain a certificate of occupancy within 180 days of issuance of the permit.
 - (c) The application for a permit to move a structure shall be submitted to the building official at least 3 business days prior to the scheduled date of the move.

- (d) Every move of a structure within the city shall comply with the Overdimension and Overweight Permits Regulations of the Missouri Highway and Transportation Department, unless exempt.
 - (e) The application for a permit to move a structure must be approved by the city building Official.
 - (f) Once issued, the permit must be attached to the structure being moved so that it is in plain view during the move.
8. Add a new Section 105.1.4 Sidewalks and Driveways with the following:
Section 105.1.4 Driveways. In addition to any approval and inspection required by the Public Works Department for driveways within the public right-of-way, a permit is required for driveways on private property. Minimum design is as follows:
- a. Site preparation. The area within the driveway shall have all vegetation, top soil and foreign material removed.
 - b. Clean base rock shall be a minimum of four (4) inches deep, compacted.
 - c. The concrete shall be a minimum of six bag mix, with a minimum of four (4) inches of depth.
 - d. Reinforcement shall be a minimum of number four rebar, on two-foot centers, with the use of rebar chairs, or the use of fiber mesh at the rate of 3½ pounds per cubic yard of concrete.
 - e. The standard width of driveway shall be as specified in the City of Warrensburg Public Works Department standard details under Ordinance No. 2935.
9. Add new Section 105.1.5 Permits for Parking Lots only. Permits are required for parking lot construction, where that is the only work to be done. In a situation where a parking lot, exclusive of any other permitted construction at the site, is to be installed, a permit will be required to allow a plan review of the Planning and Zoning and Public Works Division, and inspections as required to assure compliance with parking and public works ordinances pertaining thereto. The minimum permit shall be \$30.00, plus the driveway and sidewalk fees normally charged on any project.
10. Section 105.2. Work exempt from permit.
- Electrical: Repairs and maintenance: Delete the statement entirely. Replace with the following statement. Any normal repair, or replacement, that does not alter its approval, add to the system, or make it unsafe.
- Mechanical: Item 5. Delete in its entirety. Replace with the following statement. Any normal repair, or replacement, that does not alter its approval, add to the system, or make it unsafe.
11. Section 105.4. Validity of permit. Change to read as follows: The issuance or granting of a permit, or the conducting of any inspection under the same, shall not --.
12. Add a new Section 109.2.1; Fee Schedule.
- (a) *Building Permit Fee.* A building permit fee shall be paid by each permit applicant. For new construction, this fee covers all trades (building, electric, plumbing, mechanical, etc.), only this one fee for the whole structure. The Building permit fee shall be calculated as follows:

Gross Area x Cost per Sq. Ft. x Permit Fee Modifier = Permit Fee,

Where:

Gross Area is the Actual Square footage of the structure.

Cost Per Square Foot is the average cost of construction per square foot established semi-annually by the *Building Safety Journal* magazine, furnished by ICC *Building Valuation Data*, a copy of which is kept on file in the Building Inspection Division of the Community Development Department.

Permit Fee Modifier is that figure established annually by the Building Official which reflects the City's expenses in providing Building Inspection services. The Permit Fee Modifier is based on the percent recovery of the expenses of the Building Inspection Division established by the City Council by resolution from time to time. Separate rates of recovery may be established for Industrial, Commercial, Multi-Family and Single Family Structures.

(b) *Penalties shall be Charged.* A Penalty will be charged when:

- (1) Construction is Begun before a Building Permit has Been Obtained. Where Construction is begun before a building permit has been obtained, a penalty equal to twice the permit fee, which would otherwise be applicable, will be charged.
- (2) Stop Work Order. When a stop work order has been issued, the builder will be charged a penalty for each inspection required as a result of the stop work order. This charge shall apply to each inspection required until the circumstances giving rise to the stop work order have been corrected. The amount of the penalty charged shall be equal to the actual cost to the City of the inspections required, pursuant to a schedule of hourly rates established by the City Annually.
- (3) Unusually Complex Construction. Where the proposed construction is of such a complexity that the cost to the City of obtaining the services of outside engineers, architects, or consultants to review construction plans or perform construction inspections exceeds 50% of the building permit fee, the City may charge the builder/developer/owner the additional costs required due to the complexity of the construction. The amount of the charge shall be no greater than the actual charges of the outside professional which exceed 50% of the building permit fee.
- (4) Mobile Homes. Minimum fee for placement of a mobile home on a designated lot or in a Mobile Home Park shall be Seventy-five dollars (\$75.00). This will include inspections of electric service, plumbing attachments, tie downs, and skirting.

(c) *Minimum Permit Fee.* The minimum fee for any permit, including demolition, electric, plumbing, mechanical, driveway, sidewalks, or any other permit shall be Thirty dollars (\$30.00).

13. Section 109.6 is amended to read as follows:

Fee Refunds: The code official shall authorize the refunding of fees as follows:

- (a) The full amount of any fee paid hereunder that was erroneously paid or collected.
- (b) Not more than ninety percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this code, and the application has been withdrawn or canceled before any plan review effort has been expended.
- (c) The code official shall not authorize the refunding of any fee paid except upon written application filed by the original applicant, or their agent, not later than 180 days after the date of fee payment.

14. Delete Section 111.3 in its entirety, and add new Section 111.3 as follows:

Section 111.3 Temporary occupancy. Upon the request of the holder of a permit, the code official shall issue a temporary *certificate of use and occupancy* for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided that the holder of the permit has requested and received prior approval from the Planning and Zoning, Fire, and Public Works Departments of the City of Warrensburg on a form provided by the City to the permit holder, and the Building Official determines that all such portion or portions can be occupied safely prior to full completion of the building, structure or project without endangering life or public welfare. Such temporary *certificate of use and occupancy* shall be issued with a stated expiration date. Renewals of such temporary *certificate of use and occupancy* shall be considered through the same process the original *certificate of use and occupancy* was allowed. Any fees for issuance of a temporary *certificate of use and occupancy* shall be set by resolution by the City Council.

15. Delete Section 113 in its entirety. See Appendix B for Board of Appeals.

16. Delete Section 114.4 in its entirety, and add new Section 114.4 as follows:

Section 114.4: Penalty provisions. Violation by any person of any provisions of any Codes adopted by Chapter 6 and 10 shall constitute an offense punishable under Section 1-15 of the Code of Ordinances of the City of Warrensburg, Missouri.

17. Delete Section 115.3 in its entirety, and add new Section 115.3 as follows:

Section 115.3: Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an offense and subject to a fine as provided in Section 1-15 of the Code of Ordinances of the City of Warrensburg, Missouri. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

18. Delete Section 116 in its entirety. Article VI of Chapter 6 of the Warrensburg Code of Ordinances shall apply.

19. 1008.1.9.3, item 2 replaced after 'equipped with' "locking devices that are readily openable from the egress side without the use of a key or special knowledge or effort."

20. Delete Chapter 13 in its entirety. Replace with International Energy Conservation Code, 2018.
21. Section 1612.3, Insert, "City of Warrensburg".
22. Section 1612.3, Insert, "July 16, 1990".
23. Delete Section 1809.5.3, Exception 2, and change to read "120 Square feet" instead of "400 square feet."
24. Chapter 34 of the IBC, 2018 Building Code is deleted entirely. Replaced with International Existing Building Code, 2018.
25. Amend Section B101.1 by adding a last sentence, which states; "A filing fee as set by Resolution of the City Council shall be paid when application is submitted".
26. Delete Section B101.2.2 in its entirety, and add new Section B101.2.2 which shall read, "The Board of Appeals shall consist of five members. Each member and alternate shall be a contractor or superintendent of building construction with at least ten years experience, five years of which have been in responsible charge of work; or an engineer, architect, construction engineering technician or construction engineering technologist and there shall not be more than one member of the board selected from any one business, firm, corporation or institution".
27. Delete Section B101.2.7 in its entirety.
28. Section B101.3: Add new last sentence which states, "The board shall meet at the earliest possible date that five qualified members or alternates can attend.
29. Add new Section B101.4.3 Court Review. Any person aggrieved by a decision of the board of appeals, or any officer or official board of the jurisdiction, may appeal to the appropriate court for a review of such decisions. Application for review shall be made to the proper court of jurisdiction within fifteen days after the filing of the board's decision in the office of the code official.
30. Section G102.2, Insert, "Date this Ordinance is adopted".
31. Add new last sentence to Section G103.3, item 2. Determination of design flood elevations. All new or substantially improved structures in a flood hazard area shall be elevated to one (1) foot above the design flood elevation.
32. Amend Section G501.1 Elevation. Add wording so that the last 2 lines read, "manufactured home is elevated to one (1) foot above the design flood elevation".
33. Add new Section H101.1.1.
Section H101.1.1: Precedence. Where differences occur between this code and Article IX of Chapter 27 of the Warrensburg Code of Ordinances, Article IX of Chapter 27 of the Warrensburg Code of Ordinances shall apply.

34. Add new Section 104.11. Alternative materials, designs and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. The City of Warrensburg recognizes the 2012 Green Construction Code and the 2012 National Green Building Standard as acceptable alternative materials and methods of construction. Where application is made for construction as described in this section, the building official may require the employment of one or more registered design professionals or one or more approved agencies to perform inspections.
35. Add new Section 1510.7.3 Engineered Construction Plans Required. All permit applications for commercial and residential solar photovoltaic system installations in the City of Warrensburg shall include site-specific plans and specifications sealed by a Missouri licensed electrical engineer for all electrical system components and a Missouri licensed structural engineer for all photovoltaic panels and panel support components.
36. Add New Section 1901.7 Pouring Concrete in Cold Weather. In accordance with the American Concrete Institute (ACI) construction specifications, no concrete shall be poured where the average daily air temperature drops below 40 degrees for a period of 3 successive days (72 hours) and stays below 50° for more than one-half of any 24-hour period without approved adequate protection and curing on hand and ready for use before concrete placement is started. Normal concreting practice can be resumed without protection once the ambient temperature is above 50 degrees for more than a half-day. During cold weather, preparations shall be made to protect the concrete with enclosures, windbreaks, portable heaters, insulated forms and blankets to maintain the concrete temperature.
37. Add new Section 1512.2 Engineered Construction Plans Required. All permit applications for commercial and residential solar photovoltaic system installations in the City of Warrensburg shall include site-specific plans and specifications sealed by a Missouri licensed electrical engineer for all electrical system components and a Missouri licensed structural engineer for all photovoltaic panels and panel support components.
38. Add new Section 3111.3.6 Engineered Construction Plans Required. All permit applications for commercial and residential solar photovoltaic system installations in the City of Warrensburg shall include site-specific plans and specifications sealed by a Missouri licensed electrical engineer for all electrical system components and a Missouri licensed structural engineer for all photovoltaic panels and panel support components.
39. Add new Section 2703 Exterior Service Disconnecting Means required. For all electric service installed for new construction and where changes to an existing service causes new installation of electric service wire or relocation of electric service wire, a means of disconnecting the electrical supply to the entire building shall be

provided on the exterior of the building in an approved location. The disconnecting means shall be installed such that it is separate from the electric meter. Switches, breakers, cabinets, and other appurtenances shall be installed and maintained in accordance with the electrical code and other applicable codes and standards and shall be protected against tampering or unauthorized use.

Section 3. SAVING CLAUSE. That nothing in this chapter or in the building code hereby adopted shall be construed 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 in this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter

Section 4. VALIDITY. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unlawful, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Warrensburg hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, clauses and phrases be declared unlawful. In the event any portion of this ordinance is declared invalid, the repeal of the corresponding prior code shall also be invalid to the same extent.

Section 5. INCORPORATION. It is intended that the provisions of this ordinance be incorporated into the Code of Ordinances.

Section 6. DATE OF EFFECT. That the Warrensburg City Clerk shall certify to the adoption of this ordinance, and this ordinance shall take effect and be in full force on October 1, 2018.

Read two times and passed by City Council in open session on 27th day of August, 2018.



Danielle Johnston
Danielle Johnston, Mayor

Cindy Gabel
Cindy Gabel, City Clerk