

AN ORDINANCE OF THE CITY OF AVA AMENDING AVA CODE OF ORDINANCE CHAPTER 18 BY REPEALING SECTIONS 18.48 AND 18.49 AND REPLACING WITH NEW SECTIONS 18.48 AND 18.49 ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PLUMBING CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF COLLECTION FEES THEREFORE; REPEALING ORDINANCE #716 OF THE CITY OF AVA, MISSOURI AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF AVA, MISSOURI AS FOLLOWS:

Section 1. That a certain document, three (3) copies of which are on file in the office of the **City Clerk** of the **City of Ava, Missouri** being marked and designated as the *International Plumbing Code*, 2012 edition, including Appendix Chapters **B, C, D, E, and F**, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the **City of Ava**, in the State of **Missouri** regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the **City of Ava, Missouri** are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: **City of Ava, Missouri**

Section 106.6.2. Insert: **Flat fee \$25.00**

Section 106.6.3. Insert: **100% / 100%**

Section 108.4. Insert: **[Violation, \$500.00, 90 days]**

Section 108.5. Insert: **\$50 / \$500**

Section 305.6.1. Insert: **[NUMBER OF INCHES IN TWO LOCATIONS]** *part of code*

Section 904.1. Insert: **[NUMBER OF INCHES]** *part of code*

Section 3. That **ORDINANCE** No. 716 of the **City of Ava, Missouri** entitled **Adoption of International Plumbing Code** and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The **City of Ava, Missouri hereby** declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending 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 Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the **City Clerk** is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **30 days** from and after the date of its final passage and adoption.

THAT SECTION 49 OF CHAPTER 18 OF THE CODE OF ORDINANCE, CITY OF AVA, MISSOURI, IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 8. Amendments to the 2012 edition of the International Building Code as follows:
Changes in **Bold**, Deletions in ~~strike-out~~

[A] SECTION 109 MEANS OF APPEAL

109.1 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 there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

109.2 Membership of board.

The board of appeals shall consist of ~~five members appointed by the chief appointing authority as follows: one for 5 years, one for 4 years, one for 3 years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~ **The board of Aldermen and mayor of the City of Ava.**

~~109.2.1 Qualifications.~~

~~The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:~~

- ~~1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.~~
- ~~2. Registered design professional with structural engineering or architectural experience.~~
- ~~3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical and plumbing contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.~~
- ~~4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.~~
- ~~5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, 5 years of which shall have been in responsible charge of work.~~

~~109.2.2 Alternate members.~~

~~The chief appointing authority shall appoint two alternate members who shall be~~

~~called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for 5 years or until a successor has been appointed.~~

~~109.2.3 Chairman.~~

~~The board shall annually select one of its members to serve as chairman.~~

109.2.4 Disqualification of member.

A member shall not hear an appeal in which that member has any personal, professional or financial interest.

~~109.2.5 Secretary.~~

~~The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

109.2.6 Compensation of members.

Compensation of members shall be determined by law.

109.3 Notice of meeting.

~~The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal or at stated periodic meetings.~~ **The board shall meet at the regularly scheduled city council meetings.**

109.4 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.

109.4.1 Procedure.

The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

109.5 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.

109.6 Board decision.

The board shall modify or reverse the decision of the code official by a concurring vote of three members.

[A] 109.6.1 Resolution.

The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

[A] 109.6.2 Administration.

The code official shall take immediate action in accordance with the decision of the board.

~~109.7 Court review.~~

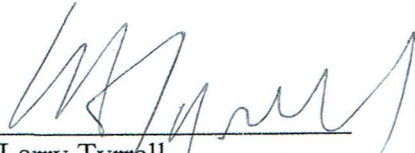
~~Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer. shall have the right to request a postponement of~~


[B] 100 year 1 hour rainfall shall be 3.75 inches

[C]	Heating Degree Days	4900
	Winter 97 ½%	9
	Summer Dry Bulb 2 ½%	93
	Summer Wet Bulb 2 ½%	77
	Degrees N Latitude	36°95'

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS APPROVAL AS REQUIRED BY LAW PASSED AND APPROVED THIS 10th DAY OF MARCH, 2015.

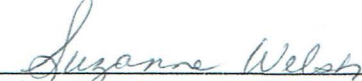
Reviewed and approved as to form by City Attorney:


Larry Tyrrell


Mayor David Norman



Attest:


City Clerk Suzanne Welsh