Introduced by Treece

First Reading 8-19-19 Second Reading 9-3-19

Ordinance No. 024004 Council Bill No. B 260-19

024004 Permanent Record Filed in Clerk's Office

AN ORDINANCE

repealing Article X of Chapter 6 of the City Code relating to the 2015 Edition of the Energy Conservation Code, and enacting in lieu thereof a new Article X adopting the 2018 Edition of the International Energy Conservation Code; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Article X of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri, relating to the 2015 Edition of the Energy Conservation Code, is hereby repealed and in lieu thereof a new Article X, relating to the 2018 Edition of the International Energy Conservation Code, is hereby enacted reading in words and figures as follows:

CHAPTER 6. BUILDINGS AND BUILDING REGULATIONS

. . .

ARTICLE X. ENERGY CONSERVATION CODE

Sec. 6-235. Adopted.

The 2018 Edition of the International Energy Conservation Code, published by the International Code Council, Inc., including Appendices RA and CA (Solar-Ready Provisions, Residential and Commercial), one copy of which has been on file with the city clerk for a period of ninety (90) days prior to the adoption of this article, is hereby adopted by reference and made a part of the Code of Ordinances, City of Columbia, Missouri as fully as if set forth in its entirety. At least one (1) copy of the 2018 Edition of the International Energy Conservation Code shall remain on file in the office of the city clerk and shall be kept available for public use, inspection and examination.

Sec. 6-236. Amendments.

The code adopted by this article is hereby amended by substituting the following sections in lieu of those sections with corresponding numbers in the code, or, where there is no corresponding section in the code, the following sections shall be enacted as additions to the code:

INTERNATIONAL ENERGY CONSERVATION CODE – COMMERCIAL PROVISIONS

C101.1 Title. These regulations shall be known as the Energy Conservation Code of the City of Columbia, Missouri, hereinafter referred to as "this code."

C101.6 Director. The administration and enforcement of this ordinance shall be the duty of the director of community development, who is designated the code official for purposes of this code. The code official is hereby authorized to take such action as may be reasonably necessary to enforce the provisions of this code. Such persons may be appointed and authorized as assistants or representatives of the director as may be necessary to carry out the provisions of this code.

C101.7 Liability. Any officer or employee charged with the enforcement of this code, while acting on behalf of the city, shall not thereby render such individual liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act performed in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The officer or employee shall not be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of this code; and any officer or employee acting within the scope of employment and in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. Nothing contained herein shall be deemed a waiver of the immunities and protection afforded to the city or officers and employees pursuant to state and federal law.

C101.8 Restrictions of employees. An employee connected with the division of building and site development shall not be engaged in, or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such employee engage in any work that conflicts with official duties or with the interests of the division.

C108.4 Failure to comply. 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 liable to a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00).

C108.5 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

C109.1 Appeals. The owner of a building or structure or any person directly affected by a

decision of the code official may appeal to the building construction codes commission from a decision of the official refusing to grant modifications of the provisions of this code covering the manner of installation, or materials to be used in the installation. The procedure for appeal shall be governed by Section 113.0 of the Building Code of Columbia, Missouri.

C109.2 Limitations on authority. Delete in its entirety.

C109.3 Qualifications. Delete in its entirety.

INTERNATIONAL ENERGY CONSERVATION CODE – RESIDENTIAL PROVISIONS

R101.1 Title. These regulations shall be known as the Energy Conservation Code of the City of Columbia, Missouri, hereinafter referred to as "this code."

R101.6 Director. The administration and enforcement of this ordinance shall be the duty of the director of community development, who is designated the code official for purposes of this code. The code official is hereby authorized to take such action as may be reasonably necessary to enforce the provisions of this code. Such persons may be appointed and authorized as assistants or representatives of the director as may be necessary to carry out the provisions of this code.

R101.7 Liability. Any officer or employee charged with the enforcement of this code, while acting on behalf of the city, shall not thereby render such individual liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act performed in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The officer or employee shall not be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of this code; and any officer or employee acting within the scope of employment and in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. Nothing contained herein shall be deemed a waiver of the immunities and protection afforded to the city or officers and employees pursuant to state and federal law.

R101.8 Restrictions of employees. An employee connected with the division of building and site development shall not be engaged in, or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such employee engage in any work that conflicts with official duties or with the interests of the division.

R108.4 Failure to comply. 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 liable to a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00).

R108.5 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

R109.1 Appeals. The owner of a building or structure or any person directly affected by a decision of the code official may appeal to the building construction codes commission from a decision of the official refusing to grant modifications of the provisions of this code covering the manner of installation, or materials to be used in the installation. The procedure for appeal shall be governed by Section 113.0 of the Building Code of Columbia, Missouri.

R109.2 Limitations on authority. Delete in its entirety.

R109.3 Qualifications. Delete in its entirety.

SECTION 2. The repeal of Article X of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri, relating to the 2015 Edition of the International Energy Conservation Code shall not affect any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after October 1, 2019.

PASSED this 3rd day of September, 2019.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor