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TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 501 □ □ *BUILDING CODE ADMINISTRATION*

SECTION 5.1 INTENT.

The purpose of this Title is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, property maintenance, and safety to life and property from fire and other hazards attributed to the built environment.

SECTION 5.2 APPLICABILITY.

Where, in any specific case, different sections of this Title specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

SECTION 5.3 OTHER LAWS.

The provisions of this Title shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 5.4 REFERENCED CODES AND STANDARDS.

The codes and standards referenced in this Title shall be considered part of the requirements of this Title to the prescribed extent of each such reference. Where differences occur between provisions of this Title and referenced codes and standards, the provisions of this Title shall apply.

SECTION 5.5 EXISTING STRUCTURES.

The legal occupancy of any structure existing on the date of adoption of this Title shall be permitted to continue without change, except as is specifically covered in this Title, the property maintenance code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

SECTION 5.6 DUTIES AND POWERS OF BUILDING OFFICIAL.

The building official is hereby authorized and directed to enforce the provisions of this Title. The building official shall have the authority to render interpretations of this Title and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall comply with the intent and purpose of this Title. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Title. The term building official shall include his/her authorized representatives. Further, whenever the term or title "administrative authority," "code enforcement officer," "responsible

official”, “codes administrator”, “director” or other similar designation is used in any of the codes adopted by reference by this Title, it shall be construed to mean the building official.

SECTION 5.7 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, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Title.

SECTION 5.8 NOTICES AND ORDERS.

The building official shall issue all necessary notices or orders to ensure compliance with this Title.

SECTION 5.9 INSPECTIONS.

The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

SECTION 5.10 RIGHT OF ENTRY.

Where it is necessary to make an inspection to enforce the provisions of this Title, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Title which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Title, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

SECTION 5.11 RECORDS.

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 5.12 LIABILITY.

The building official, member of the board of appeals or employee charged with the enforcement of this Title, while acting for the jurisdiction in good faith and without malice in the discharge of

the duties required by this Title or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an 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 Title shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action; suit or proceeding that is instituted in pursuance of the provisions of this Title.

SECTION 5.13 USED MATERIALS AND EQUIPMENT.

The use of used materials, which meet the requirements of this Title for new materials, is permitted. Used equipment and devices shall not be reused unless approved by the building official.

SECTION 5.14 SANITARY FACILITIES FOR CONSTRUCTION WORKERS.

The contractor, builder, or other person having the management and control of construction work shall, if necessary, provide temporary enclosed sanitary facilities on the premises connected therewith and it shall be properly maintained.

SECTION 5.15 BARBED WIRE, ELECTRIC FENCES AND DECKS

- A. It shall be unlawful to erect or maintain barbed wire or electric fences except in Agricultural zoning districts; provided, however, that not more than three (3) strands of barbed wire shall be permitted on top of a chain link or other type of fence not less than six (6) feet in height as outside security for storage of equipment or materials in any zoning district other than residential. Electric fences are only permitted in Agricultural and Rural Residential zoning districts. The provisions of this section shall not apply when a special use permit specifically authorizes a different type or method of fencing.
- B. Decks, attached to one and two family detached dwellings or side-by-side attached dwellings, which are four feet or more off the ground shall have stairs leading to the ground level. (Ordinance No. 339, § 1; 3-18-08).

SECTION 5.16 EXCAVATIONS.

Any excavation for foundations and/or footings of buildings and structures shall be backfilled within 28 days from the date of permit issuance unless otherwise approved by the building official.

SECTION 5.17 MODIFICATIONS.

Wherever there are practical difficulties involved in carrying out the provisions of this Title, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this Title impractical and the modification is in compliance with the intent and purpose of this Title and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files.

SECTION 5.18 ALTERNATIVE MATERIALS, DESIGN, AND METHODS OF CONSTRUCTION AND EQUIPMENT.

The provisions of this Title are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Title, 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 Title, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Title in quality, strength, effectiveness, fire resistance, durability and safety.

SECTION 5.19 TESTS.

Whenever there is insufficient evidence of compliance with the provisions of this Title, or evidence that a material or method does not conform to the requirements of this Title, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Title or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION 5.20 PERMITS.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, or elevator system, the installation of which is regulated by this Title, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. In addition, a hazardous materials permit may be required based upon the type and quantities of materials proposed to be used or stored. When required by the chief executive of the fire district, a hazardous materials permit application must be submitted prior to the issuance of the building permit.

SECTION 5.21 WORK EXEMPT FROM PERMIT.

Exemptions from permit requirements of this Title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Title or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. *BUILDING:*

- 1. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids. In addition, the building official may waive the requirements for a permit or engineered drawings for walls over four feet in height if it is deemed unnecessary to require such submittals due to the location and type of wall to be installed.**
- 2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.**
- 3. Temporary motion picture, television, and theater stage sets and scenery.**
- 4. Swings and other playground equipment.**
- 5. Window awnings supported by an exterior wall of Group R-3 and Group U occupancies.**
- 6. Movable cases, counters and partitions not over five feet nine inches in height.**
- 7. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.**
- 8. Fences not over six feet high.**
- 9. Prefabricated swimming pools accessory to residency uses, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above grade.**
- 10. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.**
- 11. Re-installing roof coverings on existing buildings when no structural elements are being repaired or replaced.**

B. *ELECTRICAL:*

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. **Radio and television transmitting stations:** The provisions of this Title shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply, the installations of towers and antennas.
3. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

C. *GAS:*

1. **Portable heating appliance.**
2. **Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.**

D. *MECHANICAL:*

1. **Portable heating appliance;**
2. **Portable ventilation equipment;**
3. **Portable cooling unit;**
4. **Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Title;**
5. **Replacement of any part which does not alter its approval or make it unsafe;**
6. **Portable evaporative cooler;**
7. **Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.**

E. *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 Title.**

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.**
 3. **The replacement of water heaters in one- and two-family dwellings.**
- F. **EMERGENCY REPAIRS.** Where equipment replacements and repairs must be performed in an emergency, the permit application shall be submitted within the next working business day to the building official.
- G. **REPAIRS.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- H. **PUBLIC SERVICE AGENCIES.** A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

SECTION 5.22 APPLICATION FOR PERMIT.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose.

SECTION 5.23 CONTRACTOR LICENSE REQUIREMENTS.

Permits shall be issued only to individuals or persons responsible to a company or organization who are the legal possessors of a valid occupation license in the City of Lone Jack, Missouri, as may be required in this Code.

SECTION 5.24 ACTION ON APPLICATION.

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this Title and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

SECTION 5.25 TIME LIMITATION ON APPLICATION.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and good cause demonstrated.

SECTION 5.26 VALIDITY OF PERMIT.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Title or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Title or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this Title or of any other ordinances of this jurisdiction.

SECTION 5.27 EXPIRATION.

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Permits for exterior work, i.e., walls, fences, decks, patios, patio covers and similar type work requiring permits, as well as permits for residential room additions and remodels shall be limited to 180 days duration. Permits for other new construction shall be limited to one-year duration. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated upon finding by same that substantial progress has been made toward completion. Substantial progress is to mean that the project is over 50 percent complete and, in the opinion of the building official; the project applicant has the capability to finish the work permitted within one time period extension. If questionable, the building official may require proof of performance, i.e., a list of contractors and subcontractors under contract for the completion of the project, before the granting of the time extension. Failure to complete a project in the time limits stated above or failure to maintain a valid permit constitutes a violation of this Title.

SECTION 5.28 SUSPENSION OR REVOCATION.

The building official is authorized to suspend or revoke a permit issued under the provisions of this Title wherever the permit is issued in error or based on incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Title.

SECTION 5.29 PLACEMENT OF PERMIT.

- A. All permits shall be posted to be visible from the street and kept on the site of the work until the completion of the project.
- B. **EXCEPTIONS:**
 - 1. **Permits for the construction of one- and two-family dwellings are not required to be posted on the site when the property address is clearly identified and visible from the street.**
 - 2. **Permits for other than one- and two-family dwellings are not required to be visible from the street when kept on the site in a location accessible to the building official.**
 - 3. **Whenever permits are not visible from the street, the property address must be clearly identified. Failure to clearly identify the address or display permits may result in inspections not being performed.**

SECTION 5.30 SUBMITTAL DOCUMENTS.

- A. Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for a permit. A registered design professional licensed by the State of Missouri shall prepare the construction documents. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional licensed by the State of Missouri.
- B. **EXCEPTION:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this Title.

SECTION 5.31 INFORMATION ON CONSTRUCTION DOCUMENTS.

Construction documents shall be dimensioned and drawn upon suitable material. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Title and relevant laws, ordinances, rules and regulations, as determined by the building official. The construction documents shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of this Title. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Title.

SECTION 5.32 FIRE PROTECTION SYSTEM SHOP DRAWINGS.

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this Title and the construction documents and shall be approved before the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in this Title.

SECTION 5.33 SITE PLAN.

There shall be a site plan showing to scale the size and location of all the new construction and all existing structures on the site including easements, distances from lot lines, established street grades, and proposed finished grades. All decks, balconies, overhangs, or other building protrusions shall be indicated and dimensioned. In the case of partial demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site of the plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair and does not affect the exterior features of the building.

SECTION 5.34 EXAMINATION OF DOCUMENTS.

The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Title and other pertinent laws or ordinances. Fees shall be assessed at the time the building permit is issued for such examination. Such fee shall be based on the City of Lone Jack Fee Schedule. The building official reserves the right to have such examination performed by a third party when deemed necessary. Plan review fees associated with a third party examination may be assessed to the cost of the permit.

SECTION 5.35 APPROVAL OF DOCUMENTS.

When the building official issues a permit, the construction documents shall marked "Approved," or something similar. The building official shall retain one set of construction documents so reviewed. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative. Failure

to maintain city marked construction documents on site may result in inspections not being performed.

SECTION 5.36 PREVIOUS APPROVALS.

This Title shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this Title and has not been abandoned.

SECTION 5.37 PHASED APPROVAL.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this Title. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

SECTION 5.38 DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the building official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by this Title, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

SECTION 5.39 DEFERRED SUBMITTALS.

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal

items shall not be installed until the building official has approved their design and submittal documents.

SECTION 5.40 AMENDED CONSTRUCTION DOCUMENTS.

Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

SECTION 5.41 TEMPORARY STRUCTURES AND USES.

- A. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service and in accordance with the requirements of the ordinances of the City of Lone Jack, Missouri. The building official is authorized to grant extensions for good cause.
- B. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Title as necessary to ensure the public health, safety and general welfare.

SECTION 5.42 TEMPORARY POWER.

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the National Electrical Code.

SECTION 5.43 TERMINATION OF APPROVAL.

The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 5.44 PAYMENT OF FEES.

- A. Building permit fees shall be paid at the time of permit application. A permit shall not be issued or otherwise considered valid until or unless the prescribed fees have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.
- B. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit

shall be paid prior to issuance of said permit, in accordance with the City's Fee Schedule.

- C. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If in the opinion of the building official, the valuation is underestimated on the application the valuation shall be determined by using the most current building valuation data table contained within the building safety journal published by the International Code Council as a guide.
- D. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.
- E. The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected.

SECTION 5.45 WORK COMMENCING BEFORE PERMIT ISSUED.

Any person who commences any work on a building, structure, electrical, gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits shall be subject to an additional fee equal to the amount of the permit as established by the City of Lone Jack Fee Schedule. The payment of such fee shall not exempt any person from compliance with all other provisions of this Title nor from any penalty prescribed by law. Work that has commenced on a building, structure, electrical, gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits constitutes a violation of this Title.

SECTION 5.46 INSPECTIONS.

- A. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval because of an inspection shall not be construed to be an approval of a violation of the provisions of this Title or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Title or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense

entailed in the removal or replacement of any material required to allow inspection.

- B. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION 5.47 REQUIRED INSPECTIONS.

The building official, upon notification, shall make the inspections set forth in this Title and the policies and procedures for required inspections.

- A. Footing or foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place before inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94; the concrete need not be on the job.
- B. Concrete slab or under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor.
- C. Elevations. Elevation certification may be required when determined necessary by the building official to confirm compliance with provisions prescribed by law.
- D. Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
- E. Lath or gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.
- F. Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

- G. Driveways and sidewalks.
- H. Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Title and other laws that are enforced by the building official.
- I. Special inspections. Special inspections as required by this Title and the building official.
- J. Fire protection inspections. Inspection of all fire protection systems.
- K. Final inspection. The final inspection shall be made after all work required by the building permit is completed.
- L. Re-inspections. A re-inspection fee may be assessed in accordance with the city's schedule of fees, for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this Title, but as controlling the practice of calling for inspection before the job is ready for such inspection or re-inspection. For the purpose of this section, re-inspection fees will be assessed on the second re-inspection if corrections have not been made or work is not ready for inspection. Re-inspection fees may be assessed for failure to comply with: the provision of section 5.29 Placement of permit, the approved plans are not available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. -A temporary certificate of occupancy may be issued with re-inspection fees outstanding; however, no permit will be finalized or receive a full certificate of occupancy without all associated fees being received.
- M. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

SECTION 5.48 INSPECTION REQUESTS.

- A. It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official in advance of when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this Title.
- B. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this Title. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

SECTION 5.49 CERTIFICATE OF OCCUPANCY AND CHANGE IN USE.

- A. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Title or of other ordinances of the City of Lone Jack.
- B. Changes in the character or use of an existing structure shall not be made except as specified in this Title. The building official may require a design professional registered within the State of Missouri perform a code analysis and submit plans and/or other information as deemed necessary to determine the proposed use will be in compliance with this Title.
- C. It shall be the responsibility of the permit holder to request a final inspection and to apply for a certificate of occupancy when required. The permit holder shall be excused from this responsibility only if the owner of property has applied for and secured a certificate of occupancy. After the building official inspects the building or structure and finds no violations of the provisions of this Title or other laws that are enforced by the

building official, the building official shall issue a certificate of occupancy.

- D. The certificate of occupancy, or a copy, shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

1. **EXCEPTION: R-1,R-2 and R-3 occupancies.**

- E. The building official is authorized to issue a temporary 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 temporary certificate of occupancy is valid.
- F. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Title wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Title.

SECTION 5.50 CONNECTION OF UTILITIES.

- A. No person shall make new connections from any source of energy, fuel, or power to any building or system that is regulated by this Title for which a permit is required, until released by the building official.
- B. The building official shall have the authority to authorize the temporary connection of the building or system to the source of energy, fuel, or power.
- C. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Title and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect before taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 5.51 BOARD OF APPEALS.

- A. There is hereby created a Building Board of Appeals ("Building Board") consisting of no less than three and no more than seven members, who shall be appointed by the Mayor with the consent of the Board of Aldermen. Members shall be appointed on an as-needed basis to hear a specific case, and their term shall end when the case ends. The Building Board shall designate one of its members as Chairperson, and the Building Board may adopt reasonable and necessary procedural rules to govern its proceedings. A member shall comply with all applicable conflict of interest state laws and city ordinances.
- B. Any decision of the building official in the enforcement of this section may be appealed to the Building Board by any person aggrieved by any decision of the building official. Such appeal must be taken within thirty (30) days from the date of the order or other ruling appealed by filing with the building official a written notice of appeal setting forth the grounds therefor. Before the Building Board is called, the appellant shall pay a fee in accordance with the City's Fee Schedule. The building official shall then transmit to the Building Board all papers constituting the record upon which action appealed from is taken. An appeal to the Building Board stays all enforcement of the determination from which the appeal is being taken.
- C. The Building Board shall have the power to hear and render decisions on all appeals from the interpretive decisions of the building official. The Building Board shall further be empowered to interpret the intent of this chapter in specific cases and to authorize responsible, minimum modification from the literal provisions of the code where it is determined that such modification is, for the purpose intended, at least the equivalent of that prescribed in the code with respect to strength, fire resistance or safety. All rulings and actions of the Board shall be consistent with the spirit and intent of this Title. The Building Board is not empowered to waive requirements of the building code.
- D. The Building Board shall fix a reasonable time for the public hearing of appeals, as well as for due notice to the parties in interest, and decide the matter within a reasonable time. Upon the hearing before the Building Board, any party may appear in person or by agent or by attorney. The proceedings of the Building Board shall

be recorded by a court reporter. A transcript may be obtained from the court reporter at the cost of the requesting party.

- E. All decisions of the Building Board shall be by a majority vote of the attending members or their alternates, provided that a quorum is present. All decisions of the Building Board shall be in writing and shall be filed with the City Clerk, with a copy to the appellant and the building official.

SECTION 5.52 UNLAWFUL ACTS.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this Title, or cause same to be done, in conflict with or in violation of any of the provisions of this Title.

SECTION 5.53 NOTICE OF VIOLATION.

- A. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Title, or in violation of a permit or certificate issued under the provisions of this Title. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- B. If the notice of violation is not complied with within the established abatement period, the code official is authorized to request the City Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Title or of the order or direction made pursuant thereto.
- C. Any person who shall violate a provision of this Title or fail to comply therewith or with any of the requirements of this Title or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official or fire chief, or acts in violation of a permit or certificate issued under the provisions of this Title, shall be punished pursuant to Section 1.8(F) of the City Code of the City of Lone Jack. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- D. Whenever the building official finds any work regulated by this Title being performed in a manner contrary to the provisions of this Title or other City Ordinances or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.
- E. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, to the person doing the work or posted upon the property. Upon issuance of a stop work order, the cited work shall immediately cease or as otherwise determined by the building official. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Any violation of a stop work order will constitute a violation of this Title.
- F. 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 subject to penalties as prescribed by law.

- SECTION 5.54 RESERVED.**
- SECTION 5.55 RESERVED.**
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- SECTION 5.57 RESERVED.**
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- SECTION 5.60 RESERVED.**
- SECTION 5.61 RESERVED.**
- SECTION 5.62 RESERVED.**
- SECTION 5.63 RESERVED.**
- SECTION 5.64 GENERALLY APPLICABLE LOCAL AMENDMENTS**

CHAPTER 502 □ □

CHAPTER 503 □ □ *BUILDING CODE ADOPTIONS*

A. *TECHNICAL CODES ADOPTED*

International Building Code. The 2009 edition of the International Building Code, including Appendices C and I, and it’s most current errata as published by the International Code Council, is hereby adopted and incorporated in this Chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as set forth below: Chapter 1, Administration is hereby deleted. See Chapter 501 of the City of Lone Jack, Missouri Code (“City Code”).

Section 501.2. Premises identification. Approved numbers or addresses shall be provided for new buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. In multi-tenant commercial buildings where tenants have multiple entrances located on different sides of the building, each door shall be addressed. Letters or numbers shall be a minimum 4 inches (76 mm) in height and stroke of minimum 0.5 inch (12.7 mm) of a contrasting color to the background itself.

Section 901.5. Acceptance Test. Fire Detection and alarm systems, fire extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service main and all other fire protection systems and appurtenances thereto shall be subject to acceptance test(s) as

contained in the installation standards and as approved by the building official. The building official shall be notified 48 hours before any required acceptance testing.

Section 903.2.1.3. Group A-3. An automatic sprinkler system shall be provided throughout a fire area containing a Group A-3 occupancy where one of the following conditions exist:

The fire area exceeds 12,000 square feet (1,115 m²).

The fire area has an occupant load of 300 or more.

The fire area is located on a floor other than the level of exit discharge.

Section 903.2.1.4. Group A-4. An automatic sprinkler system shall be provided throughout a fire area containing a Group 4-A occupancy where one of the following conditions exists:

The fire area exceeds 12,000 square feet (1,115 m²).

The fire area has an occupant load of 300 or more.

The fire area is located on a floor other than the level of exit discharge.

Section 903.2.2. Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

Throughout all Group E fire areas greater than 20,000 square feet (1858 m²) in area.

Throughout every portion of education buildings below the level of exit discharge.

Where a Group E fire area is located more than two stories above grade. Exception: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

Section 903.2.3. Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

Where a Group F-1 fire area exceeds 12,000 square feet (1,115 m²);

Where a Group F-1 fire area is located more than two stories above grade; or

Where the combined area of all Group F-1 fire area on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m²).

Section 903.2.6. Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:

Where a Group M fire area exceeds 12,000 square feet (1,115 m²);

Where a Group M fire area is located more than two stories above grade; or

Where the combined fire area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m²).

Section 903.2.9. Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

Where a Group S-1 fire area exceeds 12,000 square feet (1,115 m²);

Where a Group S-1 fire area is located more than two stories above grade; or

Where the combined fire area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2,230 m²).

Section 903.2.9.1. Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406, as shown:

Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 3,000 square feet;

Buildings with a fire area containing a repair garage exceeding 3,000 square feet;

Buildings with a repair garage in the basement.

Section 903.2.11.3. Building more than two stories in height. An automatic sprinkler system shall be installed throughout buildings greater than two stories above the lowest level of fire department vehicle access. Exceptions: Airport control towers, Open parking garage

Section 903.3.7. Fire department connection. The location of fire department connections shall be approved by the fire code official. Connections shall be 4 inch Storz type fittings and located within 100 feet of a fire hydrant, or as approved by the fire code official.

Section 903.4.2. Alarms. Approved audible and visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Listed alarm notification devices shall be provided on the exterior and interior of the building in an approved location. Actuation of the automatic sprinkler system shall actuate the building fire alarm system. Exception: Buildings protected by sprinkler heads connected to the domestic water service per Section 903.3.5.1.

Section 905.1. General. Standpipe systems shall be provided in new buildings and structures in accordance with this Section and as required by the fire code official. Fire hose threads used in connection with standpipe systems shall comply with NFPA 1963 or as otherwise approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 23 of the International Fire Code.

Section 905.3. Required installations. Standpipe systems shall be installed where required by Section 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems are permitted to be combined with automatic sprinkler systems. Exception: Standpipe systems are not required in Group R-3 occupancies.

Section 905.3.1. Building height. Class I standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than two stories above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than two stories below the highest level of fire department vehicle access.

Exceptions:

Class I standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (45,720 mm) above the lowest level of fire department vehicle access.

Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.

Class I standpipes are allowed in basements equipped throughout with an automatic sprinkler system.

Section 905.3.4.1. Hose and cabinet. This section is hereby deleted in its entirety.

Section 905.3.5. Underground buildings. No change.

Section 905.5. Location of Class II standpipe hose connections. This section is hereby deleted in its entirety.

Section 905.5.1. Groups A-1 and A-2. This section is hereby deleted in its entirety.

Section 905.5.2. Protection. This section is hereby deleted in its entirety.

Section 905.5.3. Class II system 1-inch hose. This section is hereby deleted in its entirety.

Section 907.2.7.1. Occupant notification. During times that the building is occupied, the initiation to activate the alarm notification appliances when an alarm signal is activated at a constantly attended location from which evacuation instructions shall be initiated over an emergency voice/alarm communication system installed in accordance with 907.2.12.2 and only when approved by the fire code official. The emergency voice/alarm communication system shall be allowed to be used for other announcements, provided the manual fire alarm use take precedence over any other use.

Section 907.2.9. Group R-2. A manual fire alarm system shall be installed in group R-2 occupancies where:

Any dwelling unit or sleeping unit is located two or more stories above the lowest level of exit discharge;

Any dwelling unit or sleeping unit is located more than one story below the highest level of exit serving the dwelling unit or sleeping unit; or

The building contains more than 16 dwelling units or sleeping units.

Exceptions:

A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and drawl spaces are separated from each other and public or common areas by at least 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public-way, exit court or yard.

Manual fire alarm boxes are not required throughout the building when the following conditions are met:

The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2;

The notification appliances will activate upon sprinkler water flow; and

A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2., provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1022.6, Exception 4.

Section 910.4. Mechanical smoke exhaust. Where approved by the fire code official, engineered mechanical smoke exhaust shall be an acceptable alternative to smoke and heat vents. The request for the alternate method shall be presented in such detail and with such supporting information as may be required by the fire code official or the building official to permit their evaluation of the effect of the alternate design.

Section 1007.6.2. Separation. Each area of refuge shall be separated from the remainder of the story by a smoke barrier complying with Section 709 or a horizontal exit complying with Section 1021. Each area of refuge shall be designed to minimize the intrusion of smoke. Exceptions:

Area of refuge located within a vertical exit enclosure.

B. Areas of refuge where the area of refuge and areas served by the area of refuge are equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

Section 1008.1.9.3. Locks and latches. Egress doors shall be readily open able from the egress side without the use of a key or special knowledge or effort. Exceptions:

A. Places of detention or restraint.

Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface-mounted hardware. The unlatching of any leaf shall not require more than one operation.

C. Doors from individual dwelling units and guestrooms of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are open able from the inside without the use of a key or tool.

Section 1013.1. Guards. Guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, ramps and landings which are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with Section 1607.7. Guards shall also be located along glazed sides or stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below where the glazing provided does not meet the strength and attachment requirements in Section 1607.7. In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

29. Table 1505.1 is amended by deleting footnotes a, b & c from the table.

Section 1505.5. Non-classified roofing. Non-classified roofing shall not be installed unless utilized for the repair of ten percent or less of the total roof covering in any three-year period. Exceptions: Any roof replaced due to a covered insured loss prior to March 2011 may be replaced with the same class and type of roofing material which were on the roof prior to the loss.

Section 1510.1. General. Materials and methods of application used for re-covering or replacing any existing roof covering shall comply with the requirements of Chapter 15 as amended. Re-roofing includes any repairs of more than 10% or less of the total roof covering in any three year period. A repair of 10% or less of the total roof covering in any three year period may utilize approved roofing materials comparable to the existing roofing materials. Exceptions: Re-roofing shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2- percent slope) in Section 1507 for roofs that provide positive roof drainage.

Any roof replaced due to a covered insured loss prior to March, 2011 may be replaced with the same class and type of roofing material which were on the roof prior to the loss.

National Electrical Code. The 2008 edition of the National Electrical Code as published by the National Fire Protection Association (NFPA NO. 70-2007) is hereby adopted and incorporated in this Chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as set forth below:

Section 210.12. Arc-fault circuit interrupter protection.

A. Definition: Arc-fault circuit interrupter. An arc-fault circuit interrupter is a device intended to provide protection from the effects of arc-faults by recognizing characteristics unique to arcing and by functioning to de-energize the circuit when an arc-fault is detected.

B. Dwelling unit bedrooms. All 120 volt, single-phase, 15- and 20- ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter.

C. FPN: For information of types of arc-fault circuit interrupters, see UL 1999-1999, Standard for Arc-Fault circuit interrupter. Exceptions: The location of the arc-fault circuit interrupter shall be permitted to be at other than the origination of the branch circuit in compliance with (a) and (b).

1. The arc-fault circuit interrupter installed within 1.8m (6 feet) of the branch circuit overcurrent device as measured along the branch circuit conduction.

2. The circuit conductors between the branch circuit overcurrent device and the arc-fault circuit interrupter shall be installed in a metal raceway or a cable with metallic sheath.

2. **Section 230.70(A)(1).** Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service entrance conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect must be installed at the service cable entrance to the building structure.

D. Plumbing Code. The 2009 edition of the International Plumbing Code, including Appendix F, and its most current errata as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as set forth below:

Chapter 1, Administration is hereby deleted.

Section 305.6.1. Sewer depth. Building sewers connected to public and private sewage disposal systems shall be installed a minimum of 12 inches below grade.

Section 410.1. Approval. Drinking fountains shall conform to ASME A112.19.1M, ASMEA112.19.2M or ASMEA112.19.9M, and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, bottled water dispensers or break rooms with a kitchen sink shall be permitted to be substituted for the required drinking fountains.

Section 604.9. Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. A water-hammer arrestor shall be installed where quick-closing valves are utilized, unless otherwise approved. Water-hammers arrestors shall be installed in accordance with the manufacturer's specifications. Water-hammer arrestors shall conform to ASSE 1010. Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

Section 715.1. Sewage backflow. A sewage backflow valve shall be installed per the City of Lone Jack Code of ordinances appendix on page 7.47.

Section 904.1. Roof extension. All open vent pipes that extend through a roof shall be terminated at least 6 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

Section 1002.4. Trap seals. Each fixture trap shall have a liquid seal of not less than 2 inches (51 mm) and not more than 4 inches (102 mm), or deeper for special designs relating to accessible fixtures. Where a trap seal is subject to loss by evaporation, a deep-seal trap consisting of a 4-inch (102 mm) seal or a trap seal primer valve shall be installed. A trap seal primer valve shall conform to ASSE 1018 or ASSE 1044.

Section 1101.3. Prohibited drainage. Storm water shall not be drained into sewers intended for sewage only. Sanitary sewer systems shall be designed, built and maintained in such a manner to prevent all storm or ground water from draining, discharging or entering into the sanitary sewer system. Connection of sump pumps, foundation drains, yard drains, gutter downspouts and any other storm water drainage receptacles(s) or system(s) are specifically prohibited from being connected to the sanitary sewer system.

E. Mechanical Code. The 2009 edition of the International Mechanical Code, and its most current errata as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein.

Fuel Gas Code. The 2009 edition of the International Fuel Gas Code, and its most current errata as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such parts or portions thereof as are specifically added or amended as set forth below:

Chapter 1, Administration is hereby deleted.

Section 403.4.3. Copper and brass. Copper and brass tubing shall not be utilized to distribute fuel gas.

Section 403.4.4. Aluminum. Aluminum or aluminum alloy tubing shall not be utilized for the distribution of fuel gas.

Section 403.5.1. Steel tubing. Steel tubing shall not be utilized to distribute natural gas nor shall it be utilized to distribute any other fuel gas within a building or structure.

Section 403.5.2. Copper and brass tubing. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it be utilized to distribute any other fuel gas within a building or structure.

Section 403.5.3. Aluminum tubing. Aluminum tubing shall not be utilized to distribute natural gas nor shall it be utilized to distribute any other fuel gas within a building or structure.

Section 406.4.1. Test pressure. The test pressure to be used shall not be less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (68.9 kPa) irrespective of design pressure. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure, the test pressure shall not be less than 60 psig. Where the test pressure shall not be less than 60 psig. Where the test pressure exceeds 125 psig (862 kPa), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

Section 406.4.2. Test duration. Test duration shall not be less than 30 minutes for welding pipe or each 500 cubic feet 914m³ of pipe volume or fraction thereof. When testing a system having a volume less than 10 cubic feet (0.28m³) or a single-family dwelling, the test shall not be less than 10 minutes.

Residential Code. The 2009 edition of the International Residential Code, including appendices E, H, and J, and its most current errata as published by the International Code Council is hereby adopted and incorporated in this chapter as fully as if set forth herein, excepting only such portions thereof as are specifically added or amended as set forth below.

Chapter 1. Administration is hereby deleted.

Table R301.2(1) Climatic and geographic design criteria shall include the following data:

Ground Snow Load: 20 pounds per square foot.

Wind Speed: 90 miles per hour.

Seismic Design Category: A.

Weathering: Severe.

Frost Line Depth: 36 inches.

Termite: Moderate to heavy.

Decay: Slight to moderate.

Winter Design Temperature: Six degrees Fahrenheit.

Ice Shield Underlayment Required: No.

Flood Hazards: See Article 6, Division 2 of the Unified Development Ordinance.

Air Freezing Index: 927.

Mean Annual Temperature: 55.5 degrees Fahrenheit

Table R301.5 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS (in pounds per square foot)

USE	LIVE LOAD
Attics with limited storage ^{b,g,h}	20
Attics without storage ^b	10
Decks ^e	40
Exterior balconies	60
Fire escapes	40
Guardrails and handrails ^d	200 ⁱ
Guardrails in-fill components ⁱ	50 ⁱ
Passenger vehicle garages ^a	50 ^a
Rooms other than sleeping rooms	40
Sleeping Rooms	30
Stairs	40 ^c

For SI: 1 pound per square foot = 0.0479kPa, 1 square inch = 645 mm², 1 pound = 4.45 N.

a. Elevated garage floors shall be capable of supporting a 2,000 pound load applied over a 20 square-inch area.

b. Attics without storage are those attic areas that are not accessed by a pull-down stair, or a scuttle with a dimension of less than or equal to 30 inches high by 24 inches wide.

c. Individual stair treads shall be designed for the uniformly distributed live load or a 300 pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.

A single concentrated load applied in any direction at any point along the top.

See Section R502.2.1 for decks attached to exterior walls.

Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.

For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are 2 or more adjacent trusses with the same web

configuration capable of containing a rectangle 42 inches high or greater by 24 inches wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member.

Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.

Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

Section R303.3. Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.279 m²), one-half of which must be open able. Exception: The glazed area shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (23.6 L/s) for intermittent ventilation or 20 cfm (9.4 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with Section R806. The point of discharge of the exhaust air shall be at least 3 feet from any opening into the building. Bathrooms which contain only a water closet or lavatory, or combination thereof, and similar rooms, may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

Section R303.4.2. Exhaust openings. Outside exhaust openings shall be located so that exhaust air is not directed onto public walkways.

Section R303.6. Stairway illumination. All interior stairways and any exterior stairways that are part of the required means of egress shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. For interior stairs the artificial light sources shall be capable of illuminating treads and landings to levels not less than one (1) foot-candle (11 lux) measured at the center of treads and landings. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway. Exception: An artificial light source is not required at the top and bottom landing, provided an artificial light source is located directly over each stairway section.

Section R305.1. Minimum height. Habitable rooms, hallways, corridors, the required bathroom and/or toilet room, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2,134 mm). The required height shall be measured from the finish floor to the lowest projection from the ceiling.

Exceptions:

Beams and girders spaced not less than 4 feet (1,219 mm) on center may project not more than 6 inches (152 mm) below the required ceiling height.

Ceilings in basements without habitable spaces may project to within 6 feet, 8 inches (2,032 mm) of the finished floor; and beams, girders, ducts or other obstructions may project to within 6 feet, 4 inches (1,931 mm) of the finished floor.

Not more than 50 percent of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet (2,134 mm) in height with no portion of the required floor area less than 5 feet (1,524 mm) in height.

The required bathroom and/or toilet room shall have a minimum ceiling height of 6 feet eight 8 inches (2,036 mm) over the fixtures and at the front clearance area for fixtures as shown in Figure R307.2. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet eight 8 inches (2,036 mm) above a minimum area 30 inches (762 mm) by 30 inches (762 mm) at the showerhead.

Section R302.6 Separation required. Also see Table 302.6. The garage shall be separated from the residence and its attic area by $\frac{5}{8}$ - inch, Type X gypsum board, or equivalent materials approved for one-hour fire-resistive construction, applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by $\frac{5}{8}$ - inch, Type X gypsum board, or materials approved for one-hour fire-resistive construction or equivalent, applied to the garage side. Pull down stairs located within garages shall be rated or be adequately protected with materials approved for one-hour fire-resistive construction. Attic access panels located within garages shall be of $\frac{5}{8}$ - inch, Type X gypsum board or materials approved for one-hour fire-resistive construction. Exception: Isolated concrete filled lolly columns supporting the separation shall not require a $\frac{5}{8}$ -inch, Type X gypsum board application or equivalent.

Section R310.1. Emergency escape and rescue. Any new basement or basement addition constructed on or after March 2011 and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1,118 mm) above the floor or adjacent interior standing surface. The adjacent interior standing surface shall be permanent in nature; the full width of the opening; consist of a minimum 10 inch tread; have a maximum rise of $7\frac{3}{4}$ inches. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way. Exception: Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).

Section R311.3 Landings at doors. There shall be a floor or landing on each side of each exterior door. The interior floor or landing at the exterior door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold, provided the door, other than an exterior storm or screen door does not swing over the landing. The exterior floor or landing shall be permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (two percent).

Exception:

Where a stairway of four (4) or fewer risers is located on the exterior side of a door, other than the required exit door, and the total rise measured from the threshold of the door to the exterior grade or finished surface is 30 inches or less, a landing is not required for the exterior side of the door provided the door, other than an exterior storm or screen door does not swing over the stairway.

The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

Section R311.7.7.2. Continuity. Handrails for stairways shall be provided for the full length of the flight, from a point directly above the top riser of the flight to a point directly above lowest riser of the flight. Handrail ends shall be returned into a wall or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1½ inches (38 mm) between the wall and the handrail.

Exceptions:

Handrails shall be permitted to be interrupted by a newel post.

The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

Section R311.7.7.3. Handrail grip size. All required handrails shall be of one of the following types or provide equivalent grasp ability.

A. Type I. Handrails with a circular cross section shall have an outside diameter of at least one and one-quarter (1¼) inches (32 mm) and not greater than two (2) inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least four (4) inches (102 mm) and not greater than six and one-quarter (6¼) inches (160 mm) with a maximum cross section of dimension of two and one-quarter (2¼) inches (57 mm).

B. Type II. Handrails with a perimeter greater than six and one-quarter (6¼) inches (160 mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of three-fourths (¾) inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least five-sixteenths (5/16) inch (8 mm) within seven-eighths (7/8) inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least three-eighths (¾) inch (10 mm) to a level that is not less than one and three-quarters (1¾) inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be one and one-quarter (1¼) inches (32 mm) to a maximum of two and three-

quarters ($2\frac{3}{4}$) inches (70 mm). Edges shall have a minimum radius of one-hundredth (0.01) inch (0.25 mm).

C. Exception: Handrails provided at other non-required exterior stairs may have a maximum horizontal cross-sectional dimension of three and one-half ($3\frac{1}{2}$) inches and shall be easily graspable.

Section R312.3. Guard opening limitations. Required guards on open sides of stairways, ramps, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (102 mm) or more in diameter.

Exceptions:

The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such size that a sphere 6 inches (152 mm) cannot pass through.

Openings for required guards on the sides of stair treads shall not allow a sphere $4\frac{3}{8}$ inches (107 mm) to pass through.

Section R313. Automatic fire sprinkler systems.

A builder of single family dwellings or residences or multi-unit dwellings of four (4) or fewer units shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence, or unit.

Notwithstanding any other provision of law to the contrary, no purchaser of such a single family dwelling, residence, or multi-unit dwelling shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased.

The provisions of this section, which are intended to mirror the requirements of §67.281, RSMo, shall expire on December 31, 2019.

Section R317.1.1. Field treatment is hereby deleted.

Section R318.1.2. Field treatment is hereby deleted.

Section R320.1. Scope. Where there are 4 or more dwelling units in a single structure, the provisions of Chapter 11 of the International Building Code for Group R-3 shall apply.

Section R323 Storm Shelters is hereby deleted.

Section 401.3. Minimum Standards. Drainage.

Minimum standards: All drainage facilities shall be designed to carry waters to the nearest drainage way, storm sewer conveyance, or other approved point of collection and conveyance. Erosion of ground in the area of discharge shall be prevented by installation of erosive control devices. Unless specified drainage ways and swales are specifically approved by the Building

Official, abutting property lines between structures shall be designed to function as drainage ways. The toe of slopes shall set back from the property line a minimum of one-foot. The area surrounding the building foundation shall have a drainage gradient as provided for in the International Residential Code, as amended from time to time with a drainage gradient thereafter of not less than 2 percent toward approved drainage facilities unless waived by the Building Official.

Prohibited conduct: No person shall allow or cause any:

Obstruction to be created, installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage. Fences may be erected in such areas provided they do not restrict the flow of water.

Water from intermittent sources such as discharges from sump pumps, down spouts, foundation drains, swimming pools, swimming pool back washes, or other similar sources excluding lawn sprinklers to be discharged closer than:

Five (5) feet to any adjoining side or rear property line(s).

The platted right-of-way line where no public sidewalk or paved pedestrian walk way exist.

Five (5) feet to any edge of a public sidewalk or paved public walkway.

Enforcement: Where such conditions exist and the Code Official has given written notice of the violation, the owner of the property shall take appropriate measures to eliminate the problems caused on the adjacent property, within the period stated in the notice, and failure to do so shall be a violation of this Chapter.

Section R403.1. General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Exception: One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 sq. ft., and the structure is associated with one- or two-family dwelling units or townhouses.

Section R403.1.1. Footing reinforcement. Footings for basement foundation walls shall have a minimum reinforcement consisting of not less than 2 No. 4 bars, uniformly spaced, located a minimum of 3 inches clear from the bottom and edges of the footing. Column pads shall be a minimum of 24 inches by 24 inches and 8 inches deep (24" x 24" x 8"). Reinforcement shall consist of a minimum of three (3) No. 4 bars each way, uniformly spaced, within each column pad.

Section R404.1.3. Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the following conditions exist:

Walls are subject to hydrostatic pressure from ground-water.

Walls supporting more than forty-eight (48) inches (1,219 mm) of unbalanced backfill that do not have permanent lateral support at the top and bottom.

Foundation Walls over ten (10) feet in height measured from the top of the footing to the top of the wall.

Section R404.1.7. Backfill placement. Backfill shall not be placed against the wall until the wall has sufficient strength or has been sufficiently braced to prevent damage by the backfill.

Exception: Such bracing is not required for walls supporting less than 4 feet (1,219 mm) of unbalanced backfill.

Section R405.1. Concrete or masonry foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. The top of open joints of drain tiles shall be protected with strips of building paper, and the drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.

Section R506.2.1. Fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to assure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches (610 mm) for clean sand or gravel and 8 inches (203 mm) for earth. Exception: Concrete floor slabs may be engineered to span soils not in compliance with the R506.2.1, however all fills under buildings shall be free from vegetation and foreign material.

Section R506.2.3. Vapor retarder. A six (6) mil (0.006 inch) polyethylene or approved vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the prepared sub-grade where no base course exists.

Exceptions: The vapor retarder may be omitted:

From garages, utility buildings and other unheated accessory structures.

From driveways, walks, patios and other flatwork not likely to be enclosed and heated at a later date.

Where approved by the Building Official, based on local site conditions.

Section R506.2.5. Interior under slab drains. Where foundations retain earth and enclose habitable or usable space located below grade, drains shall be provided below the floor slab. Drainage tiles, perforated pipe or other approved systems or materials shall be installed at or below the area(s) to be protected; shall be placed with positive or neutral slope to minimize the accumulation of deposits in the drainage system; and shall discharge by gravity or mechanical

means to an approved storm water drainage system. The under slab drainage system shall be installed around the inner perimeter of the area(s) to be protected, or, in a manner that will provide adequate drainage for all area(s) to be protected and is approved by the Building Official. Interior under slab drains installed on uncompact fill material shall be supported by mechanical means which are adequately tied into the concrete slab to ensure proper drainage throughout the under slab drain(s).

Section R612.5. Window sills is hereby deleted.

Section R703.6.2. Plaster. Plastering with Portland cement plaster shall be not less than 3 coats when applied over metal lath or wire lath and shall be not less than 2 coats when applied over masonry, concrete, pressure-preservative treated wood or decay-resistant wood as specified in Section R319.1 or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only 2 coats, provided the total thickness is as set forth in Table R702.1(1). Exception: Decorative coatings consisting of a cementitious material applied to a concrete or masonry surface for cosmetic purposes only shall be approved materials and installed in accordance with the manufacturer's installation instructions.

Section R801.3. Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

Section R902.1. Roof covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. Except where the Code requires greater protection, roof coverings for new buildings or structures or additions thereto, or roof coverings utilized for re-roofing shall be a minimum of Class C. Class A, B or C roofing shall be installed in areas designated by law as requiring their use or when the edge of the roof is less than 3 feet (914 mm) from a property line. Classes A, B and C roofing required to be listed by this section shall be tested in accordance with UL 790 or ASTM E 108. Roof assemblies with coverings of brick, masonry, slate, clay or concrete roof tile, exposed concrete roof deck, ferrous or copper shingles or sheets, and metal sheets and shingles, shall be considered Class A roof coverings.

Section R907.1. General. Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9 as amended. Re-roofing includes any repairs of more than 10 percent or less of the total roof covering in any three-year period. A repair of 10 percent or less of the total roof covering in any 3 year period may utilize approved roofing materials comparable to the existing roofing materials.

Exceptions:

Re-roofing shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (two (2) percent slope) in Section R905 for roofs that provide positive roof drainage.

Any roof replacement due to a covered insured loss prior to March 2011 may be replaced with the same class and type of roofing material which were on the roof prior to the loss.

Chapter 11 is hereby deleted.

Chapter 12. Mechanical administration is hereby deleted.

Section M1308.3. Foundations and supports. Supports and foundations for the outdoor mechanical systems shall be sufficiently raised above the finished grade to permit free drainage, and shall conform to the manufacturer's installation instructions.

Section M1403.2. Foundations and supports. Supports and foundations for the outdoor unit of a heat pump shall be sufficiently raised above the ground to permit free drainage of defrost water, and shall conform to the manufacturer's installation instructions.

Section M1413.1 General. Cooling equipment that utilizes evaporation of water for cooling shall be installed in accordance with the manufacturer's installation instructions. Evaporative coolers shall be installed on a level platform or base and shall be sufficiently raised above the adjoining ground. Openings in exterior walls shall be flashed in accordance with Section R703.8.

Section M1501.1. Outdoor discharge. The air removed by every mechanical exhaust system shall be discharged to the outdoors. Air shall not be exhausted into an attic, soffit, ridge vent or crawl space.

Exception:

Whole-house ventilation-type attic fans that discharge into the attic space of dwelling units having private attics shall be permitted.

Bathroom exhaust fans installed in accordance with amended Section R303.3.

Section M1507.2. Recirculation of air. Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another dwelling unit and shall be exhausted in accordance with amended Section R303.3.

Section M1601.3.1. Joints and seams. Joints of duct systems shall be made substantially airtight by means of tapes, mastics, gaskets or other approved closure systems. Closure systems used with rigid fibrous glass ducts shall comply with UL 181A and shall be marked "181A-P" for pressure-sensitive tape, "181 A-M" for mastic or "181 A-H" for heat-sensitive tape. Closure systems used with flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked "181B-FX" for pressure-sensitive tape or "181B-M" for mastic. Duct connections to flanges of air distribution system equipment or sheet metal fittings shall be mechanically fastened. Crimp joints for round ducts shall have a contact lap of at least one and one-half (1.5) inches (38 mm) and shall be mechanically fastened by means of at least 3 sheet metal screws or rivets equally spaced around the joint. Exception: Crimp joints for round ducts may have less than 3 screws or rivets, but shall in no case have less than one; providing the joint is supported or secured by approved means to prevent displacement of the joint.

Section 1602.2. Prohibited sources. Outside or return air for a forced-air heating or cooling system shall not be taken from the following locations:

Closer than 10 feet (3,048 mm) from an appliance vent outlet, a vent opening from a plumbing drainage system or the discharge outlet of an exhaust fan, unless the outlet is 3 feet (914 mm) above the outside air inlet.

Where there is the presence of flammable vapors; or where located less than 10 feet (3,048 mm) above the surface of any abutting public way or driveway; or where located at grade level by a sidewalk, street, alley or driveway.

A room or space, the volume of which is less than 25 percent of the entire volume served by such system. Where connected by a permanent opening having an area sized in accordance with ACCA Manual D, adjoining rooms or spaces shall be considered as a single room or space for the purpose of determining the volume of such rooms or spaces. Exception: The minimum volume requirement shall not apply where the amount of return air taken from a room or space is less than or equal to the amount of supply air delivered to such room or space.

A closet, bathroom, toilet room, kitchen, garage, mechanical room, furnace room or other dwelling unit.

Exception: Closets of such size that are provided with a supply duct(s) may have return air opening(s).

A room or space containing a fuel-burning appliance where such room or space serves as the sole source of return air.

Exceptions:

The fuel-burning appliance is a direct-vent appliance or an appliance not requiring a vent in accordance with Section M1801.1 or Chapter 24.

The room or space complies with the following requirements:

The return air shall be taken from a room or space having a volume exceeding 1 cubic foot for each 10 Btu/h (9.6 L/W) of combined input rating of all fuel-burning appliances therein.

The volume of supply air discharged back into the same space shall be approximately equal to the volume of return air taken from the space.

Return-air inlets shall not be located within 10 feet (3,048 mm) of any appliance firebox or draft hood in the same room or space.

Rooms or spaces containing solid-fuel burning appliances, provided that return-air inlets are located not less than 10 feet (3,048 mm) from the firebox of such appliances.

Section M1804.2.6. Mechanical draft systems. Mechanical draft systems shall be installed in accordance with their listing, the manufacturer's installation instructions and, except for direct vent appliances, the following requirements:

The vent terminal shall be located not less than 3 feet (914 mm) above a forced air inlet located within 10 feet (3,048 mm).

The vent terminal shall be located not less than 4 feet (1,219 mm) below, 4 feet (1,219 mm) horizontally from, or 1 foot (305 mm) above any door, window or gravity air inlet into a dwelling.

The vent termination point shall not be located closer than 3 feet (914 mm) to an interior corner formed by 2 walls perpendicular to each other.

The bottom of the vent terminal shall be located at least 12 inches (305 mm) above finished ground level.

The vent termination shall not be mounted directly above or within 3 feet (914 mm) horizontally from an oil tank vent or gas meter.

Power exhauster terminations shall be located not less than 10 feet (3,048 mm) from adjacent buildings.

The discharge shall be directed away from the building.

Section G2414.5. Metallic tubing. Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas. Exception: Corrugated stainless steel tubing as referenced in Section 2414.5.3.

Section G2414.5.2. Copper tubing. Copper tubing shall comply with standard Type K or L of ASTM B 88 or ASTM B 280. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it be utilized to distribute any other fuel gas within a building or structure.

Section G2417.4.1. Test pressure. The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (68.9 kPa) irrespective of design pressure. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure, the test pressure shall not be less than 60 psig. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

Section P2501. General is hereby deleted.

Section P2601.2.1. Prohibited drainage and connections. Sanitary sewer systems shall be designed, built and maintained in such a manner to prevent all storm or ground water from draining, discharging or entering into the sanitary sewer system. Connection of sump pumps, foundation drains, yard drains, gutter downspouts and any other storm water drainage receptacle(s) or system(s) are specifically prohibited from being connected to the sanitary sewer system.

Section P2603.6. Freezing. Water, soil or waste pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 42 inches in depth below grade.

Section P2603.6.1. Sewer depth. Building sewers shall be a minimum of 12 inches below grade.

Section P2604.5. Inspection. Excavations required for the installation of a building drainage system shall be open trench work and shall be kept open until the piping has been inspected and approved to cover.

Section P2902.5.3. Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Missouri Department of Natural Resources. Backflow devices installed within structures shall be installed a minimum of 6 inches away from any wall or vertical obstruction. The backflow device shall be installed between 12 inches and 48 inches above the floor and shall be accessible.

Section P2903.5. Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. A water-hammer arrestor shall be installed where quick-closing valves are utilized. Water-hammer arrestors shall be installed in accordance with manufacturer's specifications. Water-hammer arrestors shall conform to ASSE 1010. Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

Section P2904. Dwelling unit fire sprinkler system is hereby deleted.

Section P2903.5. Building sewer. Building sewer piping shall be as shown in Table P3002.2. Forced main sewer piping shall conform to one of the standards for ABS plastic pipe, cast-iron pipe, copper or copper-alloy tubing, PVC plastic pipe, or pressure-rated pipe listed in Table P3002.2. In addition, building sewer piping shall be a minimum of schedule 40 PVC/ABS or equivalent unless otherwise approved by the Building Official.

Section P3005.4.2. Building drain and sewer size and slope. Pipe sizes and slope shall be determined from Table P3005.4.2 on the basis of drainage load in fixture units (d.f.u.) computed from Table P3004.1. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

Section P3008.1. General is hereby deleted.

Section P3008.2. Construction is hereby deleted.

Section P3103.1. Roof extensions. All open vent pipes which extend through a roof shall be terminated at least 6 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2,134 mm) above the roof.

Section P3114.3. Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to an air admittance valve only when approved by the Administrative Authority.

Section E3501.6.2. Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect shall be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section E3802.12. Bedroom outlets. All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by a combination type or branch/feeder type arc-fault circuit interrupter installed to provide protection of the entire branch circuit.

Exception: The location of the arc-fault circuit interrupter shall be permitted to be at other than the origination of the branch circuit provided that:

The arc-fault circuit interrupter is installed within 6 feet (1.8 m) of the branch circuit overcurrent device as measured along the branch circuit conductors; and

The circuit conductors between the branch circuit overcurrent device and the arc-fault circuit interrupter are installed in a metal raceway of a cable with a metallic sheath.

SECTION 5.65 GENERALLY APPLICABLE LOCAL AMENDMENTS

Section 1, Administration, of the 2009 International Building, Residential, Fire, Mechanical and Plumbing Codes is hereby deleted. See Chapter 501 of this Title.

- SECTION 5.66 RESERVED.**
- SECTION 5.67 RESERVED.**
- SECTION 5.68 RESERVED.**
- SECTION 5.69 RESERVED.**
- SECTION 5.70 RESERVED.**
- SECTION 5.71 RESERVED.**
- SECTION 5.72 RESERVED.**
- SECTION 5.73 RESERVED.**
- SECTION 5.74 RESERVED.**
- SECTION 5.75 RESERVED.**
- SECTION 5.76 RESERVED.**
- SECTION 5.77 RESERVED.**
- SECTION 5.78 RESERVED.**
- SECTION 5.79 RESERVED.**
- SECTION 5.80 RESERVED.**
- SECTION 5.81 RESERVED.**

CHAPTER 504 □ □ *MOVING OF BUILDINGS*

SECTION 5.82 MOVING OF BUILDINGS—PERMIT, ETC.

- A. No person, firm or corporation shall move any building on, through or over any street, alley, sidewalk or other public place in the City without having obtained a permit therefor from the Building Official. Applications for such permits shall be made in writing to the Clerk and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of any street, alley, sidewalk or other public place.

- B. Upon approval of the intended route by the Director of Public Works, a fee in accordance with the City's Fee Schedule shall be paid to the Clerk and the permit issued.
- C. Every person, firm or corporation applying for a permit under this Chapter shall submit with his/her application a cash bond of two thousand dollars (\$2,000.00), or a bond with a corporate surety thereon, to be approved by the Building Official, conditioned on his/her compliance with all the provisions of this Chapter and agreeing to pay and holding the City harmless from any claim which may be made against it by reason of the occupation of any street, alley, sidewalk or other public place by the building or structure moved, and further conditioned upon the applicant repairing the surface of any street, alley or sidewalk caused to be broken or damaged by such moving thereon.
- D. Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the applicant so as to warn vehicles and persons from entering that portion of the street so blocked. The person, firm or corporation moving any building through the streets, shall keep warning signs and lanterns or lights at night on the building so as to guard against any person or vehicle from colliding with it.
- E. Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given. If no such terms apply, then the Director of Public Works shall estimate the expense of fixing the wires and the bond to be given to cover such expense.
- F. When any such moving building approaches any fire alarm wire or pole which shall be endangered by the removal of such building or structure, it shall be the duty of the mover to notify the Fire Marshal at least six (6) hours before reaching such wire or pole so that they may be removed or cared for by the City, at the expense of applicant.

SECTION 5.83 RESERVED.

SECTION 5.84 RESERVED.

SECTION 5.85 RESERVED.

CHAPTER 505 *BLASTING REGULATIONS*

SECTION 5.86 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

AIR BLAST: The airborne shockwave or acoustic transient generated by an explosion.

BLAST SITE (BLASTING SITE): That area within a three hundred (300) foot radius of any blast.

BLASTING: The act of causing an explosive to explode.

CITY: The City of Lone Jack.

DECIBEL: A unit of air over pressure commonly used to measure air blasts.

EXPLOSIVE: Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion other than "common fireworks" as defined by State law or Class C fireworks as defined by regulation of the United States Department of Transportation.

LICENSING OFFICER: The Director of Public Works or persons so designated by the Board of Aldermen to perform the duties provided for herein.

PARTICLE VELOCITY: A measure of the intensity of ground vibration, specifically the time rate of change of the displacement amplitude of ground vibration, commonly expressed in inches per second.

PERMIT AREA: The land upon which the permitted has rights under law to occupy and use and upon which blasting is to be done. This shall include all contiguous land under the control of the permittee or the person, company or persons for whom the permittee is blasting.

PERMITTEE: Any person who shall apply for and obtain a permit under the terms of this Chapter and in accordance therewith.

POWDER MAN/BLASTER: The qualified person in charge of, and responsible for, the loading and firing of a blast.

PRE-BLAST SURVEY: A documentation, consisting of thirty-five millimeter (35mm) photographs as a minimum or a video production of the existing condition of structures near an area where blasting is to be conducted.

STRUCTURE: Any permanent, manmade building or other constructed object of significant value or importance including, but not limited to, any dwelling, building, office, school, church, bridge, culvert, dam, tower, utility, roadway, etc.

SECTION 5.87 BLASTING PERMITS

A. Required.

1. **No person shall do or cause to be done any blasting within the City limits without first obtaining a permit therefor from the Director of Public Works subject to the provisions of this Chapter.**
2. **The Director of Public Works is authorized to deny a permit request if it is determined from the data provided that the issuance of a permit would result in a high probability of property damage.**
3. **In the event a permit request is denied by the Director of Public Works, the applicant may, within two (2) weeks following the denial, file an appeal to the Board of Aldermen.**

B. Permits/Time Limit. *All permits issued pursuant to the requirements of this Chapter shall be issued for a term not to exceed ninety (90) days and for a particular permit area.*

C. Renewals.

1. **Any valid permit issued pursuant to this Chapter shall carry with it the right of one (1) ninety (90) day renewal. The holder of the permit may apply for renewal and such renewal shall be issued at no cost to the permit holder provided the applicant seeking renewal has met the requirements and conditions of this Chapter.**
2. **Application for permit renewal shall be made at least ten (10) days prior to the expiration of the valid permit.**

D. Application Requirements.

1. **Each application for a blasting permit under the provisions of this Chapter shall be accompanied by a fee as provided in the City's Fee Schedule.**
2. **The permit application shall be submitted in a manner satisfactory to the Director of Public Works and shall contain the following:**
 - (a) **The name and address of the permit applicant.**

- (b) If the applicant is a corporation, the State of incorporation.
- (c) A statement of whether the applicant, a subsidiary, affiliate, or persons controlled by or under common control with the applicant has ever held a blasting permit in any State or political subdivision which in the five (5) year period prior to the date of submission of the application herein has been suspended or revoked.
- (d) A legal description of the permit area.
- (e) A description of the purpose for which the blasting is to be done.
- (f) A copy of the site blasting application shall be forwarded to the Fire Chief for the Lone Jack Fire Protection District.
- (g) Accurate maps of a scale not less than one (1) inch to one hundred (100) feet clearly showing:
 - (1) *The land boundaries and adjacent uses to the permit area.*
 - (2) *The location and type of the closest structures to the permit area in any direction for a distance of five hundred (500) feet from the boundaries of the permit area.*
 - (3) *All easements of record, public and private, which cross or border the permit area.*

E. Public Liability Insurance Required For Blasting.

1. **Before any permit, as required by this Chapter, is issued for the use and storage of explosives or blasting agents, every applicant for a permit shall procure public liability insurance which shall cover the blasting covered by the permit and fulfill the other requirements set forth herein.**
2. **The applicant shall file with the Director of Public Works a certificate of insurance issued by the carrier concerned as evidence that the public liability insurance requirements have been complied with and the City shall be named as an additional insured.**
3. **Liability insurance shall be provided by a responsible company, licensed to do business in the State of Missouri, and shall include the minimum coverage's:**

- (a) Two million dollars (\$2,000,000.00) per person.
 - (b) Two million dollars (\$2,000,000.00) per occurrence.
 - (c) Two million dollars (\$2,000,000.00) per property owner.
 - (d) Two million dollars (\$2,000,000.00) umbrella or excess liability policy.
4. **The insurance certificate, including a rider specifically covering the insured for doing blasting, shall be required with the permit application. In specific cases where blasting is being proposed within one thousand (1,000) feet of any dam, an additional rider for the endorsement of increased limits for a specific job shall be required at the discretion of the Director of Public Works.**

SECTION 5.88 REGULATIONS

A. Use Of Explosives.

1. **All blasting shall be conducted during the daylight hours between sunrise and sunset.**
- (a) The Director of Public Works may specify more restrictive time periods based on public requests or other relevant information according to the need to adequately protect the public from adverse noise.
 - (b) Blasting may, however, be conducted during the nighttime hours between sunset and sunrise, if:
 - (1) *A blast which has been prepared during the afternoon must be delayed due to the occurrence of an unavoidable hazardous condition and cannot be delayed until the next day because a potential safety hazard could result that cannot be adequately mitigated; and*
 - (2) *In addition to the required warning signals, oral notices are provided to persons within one-half (1/2) mile of the blasting site unless persons have requested in writing they not be notified; and*
 - (3) *A complete written report on the blasting at night is filed by the person conducting the blasting activities with the Director of Public Works not later than twenty-four (24) hours after the night blasting. The request shall include a description*

in detail of the reasons for the delay in blasting including why the blast was actually conducted, the warning notices given, and a copy of the blast report required by this Chapter.

2. **Blasting shall be conducted at times announced in a permittee's blasting schedule except in those unavoidable hazardous situations identified in the permit where operator safety or public safety requires unscheduled detonation. Where no schedule is provided, the Director of Public Works and Lone Jack Fire Protection District shall be notified prior to any blasting.**
3. **During blasting operations, warning and all clear signals of different character that are audible within a range of one-half (1/2) mile from the point of the blast shall be given. Each person within the permit area and each person who resides or regularly works within one-half (1/2) mile of the permit area shall be notified of the meaning of the signals through appropriate instructions. These instructions shall be periodically delivered or otherwise communicated in a manner which can be reasonably expected to inform such persons of the meaning of the signals.**
4. **Access to an area subject to fly rock from blasting shall be regulated to protect the public. Access to the area shall be controlled to prevent the presence of unauthorized persons during blasting and until the powder man/blaster who conducts the blasting activities has reasonably determined the following:**
 - (a) No unusual circumstances, such as eminent slides or undetonated charges exist; and
 - (b) Access to and travel in or through the area can be safely resumed.
5. **Except where lesser distances are approved by the Director of Public Works in the pre-blast survey or the permit, based on seismic investigation or other appropriate investigation, blasting shall not be conducted within the following:**
 - (a) Three hundred (300) feet of any building used as a dwelling, school, church, hospital or nursing facility; and
 - (b) Three hundred (300) feet of facilities including, but not limited to, petroleum or gas storage facilities, municipal water storage facilities, fluid transmission pipelines, gas or oil collection lines or water and sewage lines.

(c) Pre-blast surveys will be performed at the expense of the contractor/developer or the permittee. Minimum qualifications for the person performing a pre-blast survey shall be that the person has been employed in the blasting field for a minimum of two (2) years.

(d) Owners of properties within five hundred (500) feet of any blast shall be given written notice of the proposed blasting project and can accept or reject the offer of a survey. Pre-blast surveys shall consist of a minimum of thirty-five millimeters (35mm) photographs. However, in some cases, additional documentation such as technical reports and videotape may be required by the City.

6. **In all blasting operations, except as otherwise authorized in this Chapter, the maximum peak particle velocity shall not exceed one (1) inch per second at the location of any dwelling, public building, school building, church or commercial or institutional building. Peak particle velocities shall be recorded in three (3) mutually perpendicular directions. The maximum peak particle velocity shall be the largest of any of the three (3) measurements. The Director of Public Works may reduce the maximum peak particle velocity allowed if it is determined that a lower standard is required because of density of population, land use, age or type of structures in the area, or frequency of blasts or other factors.**

7. ***Equation for maximum weight.* The maximum weight of explosives to be detonated within any eight (8) millisecond period may be determined by the formula $W=(D)/50(2)$, where W equals the maximum weight of explosives in pounds that can be detonated in any eight (8) millisecond period and D equals the distance in feet from the blast to the nearest dwelling, school, church, or commercial or institutional building.**

B. ***Storage Of Explosives.*** All storage of explosives in excess of that amount required for one (1) days' use shall be stored in an approved magazine in accordance with Article 77 of the Uniform Fire Code. The day box storage of that amount required for one (1) days' use as approved in the blasting permit. Application shall be in accordance with all City, State and Federal regulations.

C. **Record Of Blasting Operations.** A record of each blast, including seismograph reports, shall be submitted to the Director of Public Works on the fifteenth (15th) day of each month for blasts occurring during the previous month. The record shall contain the following data:

1. **Name of the permittee conducting the blast.**
2. **Location, date and time of each blast.**
3. **Name, signature of qualified powder man/blaster conducting the blast.**
4. **Identification, direction and distance, in feet, from the nearest blast hole to the nearest dwelling, public building, school, church, community building or institutional building outside the permit area.**
5. **Weather conditions, including those which may cause possible adverse blasting effects.**
6. **Type of material blasted.**
7. **Sketches of the blast pattern, including number of holes, burden, spacing and delay pattern.**
8. **Diameter and depth of holes.**
9. **Types of explosive and detonator used.**
10. **Total weight of explosives used per hole.**
11. **Mats or other protection used.**
12. **Seismographs and air blast records which shall include:**
 - (a) Type of instrument, sensitivity, and calibration signed or certification of annual certificate.
 - (b) Exact location of instrument and date, time and distance from blast.
 - (c) Name of the person and firm taking the reading.
 - (d) Name of the person and firm analyzing the seismographic record.
 - (e) The vibration and/or air blast level recorded.
 - (f) Reason and condition for each unscheduled blast.

D. **Right Of Entry.** The City maintains the right of entry to premises where blasting operations are being conducted. This right of entry includes the purpose of determining the precise area being blasted

as of any one (1) day and whether the permittee was in compliance with this Chapter.

E. **Suspension Or Revocation Of Permit.** The Director of Public Works shall have the authority to suspend or revoke any permit granted under the terms and conditions of this Chapter for any of the following causes.

1. **Any fraud, misrepresentation or false statement contained in the application for permit.**
2. **Any violation of the Chapter.**
3. **Any violation of the Fire Code as adopted by the City.**
4. **Failure on the permittee's part to rectify any condition after notice.**

SECTION 5.89 RESERVED.

SECTION 5.90 RESERVED.

SECTION 5.91 RESERVED.

SECTION 5.92 RESERVED.

SECTION 5.93 RESERVED.

SECTION 5.94 RESERVED.

SECTION 5.95 RESERVED.

CHAPTER 506 □ □ *DANGEROUS BUILDINGS*

SECTION 5.96 DEFINITIONS.

All buildings, structures, premises or equipment that have any or all of the following defects shall be deemed “dangerous buildings”:

- A. The building, structure, premise or equipment is in a condition that poses an immediate danger to either:
 1. **the lives or safety of persons, whether occupants or otherwise, or other property.**
 2. **The building, structure, premise or equipment is a fire hazard for any reason, including without limitation, obsolescence, dilapidation, deterioration, damage, lack of sufficient fire**

resisting qualities, or faulty electrical wiring, gas connections or heating apparatus.

3. **The building, structure, or premise lacks safe or adequate facilities for means of egress in case of fire or panic.**
- B. The building, structure or premise has any one or more of the following conditions:
1. **improperly distributed loads upon the floors or roof;**
 2. **overloaded floors or roofs; or**
 3. **insufficient strength to be reasonably safe for actual or intended use.**
- C. Any portion of the building, structure, premise or equipment has been so damaged by any cause that the building, structure, premise or equipment is likely to fail or collapse, or become detached or dislodged and thereby injure persons or damage property.
- D. Any interior or exterior portion, member, appurtenance, ornamentation or other component of the building or structure is likely to fall or collapse, or become detached or dislodged and thereby injure persons or damage property.
- E. Any portion of the building, structure, or premise has racked, warped, buckled or settled to such an extent that walls or other structural portions have insufficient resistance to fire, earthquake, wind, flood or similar perils.
- F. Part or all of the building, structure, premise or equipment is in danger of collapsing as a result of any cause, including without limitation any one or more of the following causes:
1. **dilapidation, deterioration or decay;**
 2. **faulty construction;**
 3. **removal, movement or instability of any portion of the ground necessary to support such building, structure or equipment; or**
 4. **deterioration, decay or inadequacy of foundation.**
- G. The building, structure, or premise has exterior walls or other vertical structural members that list, lean or buckle to such an

extent that a plumb line passing through the center of gravity falls outside the middle one-third of the base.

- H. The building, structure, premise or equipment or any portion thereof is, for any reason, unsafe for actual or intended use.
- I. The building, structure or premise, exclusive of the foundation has either:
 - 1. **thirty-three percent or more damage or deterioration of supporting member or members; or**
 - 2. **fifty percent or more damage or deterioration of non-supporting members, enclosing or outside walls or coverings.**
- J. The building, structure, premise or equipment has been so damaged by any cause, or has become so dilapidated, deteriorated or decayed as to attract and result in harm to children, notwithstanding that the building, structure or premise is not an “attractive nuisance” as that term is defined by statute or decisional law; or is likely to become a harbor for vagrants, criminals or trespassers.
- K. The building, structure, premise or equipment has been constructed, exists or is being maintained in violation of any provision of the duly adopted building code, or of any law of the city pertaining to building, structure or equipment safety.
- L. The building, structure or premise has in any non-supporting part or portions less than fifty percent or in any supporting part member or portion less than sixty-six percent of the strength, fire resisting qualities, or weather resisting qualities required by the code for newly constructed buildings of like area, height and occupancy in the same location.
- M. The building or structure is used or intended to be used for dwelling purposes and is likely to injure or effect health, safety or welfare of persons who occupy or may occupy said building, structure or premise by reason of any one or more of the following conditions:
 - 1. **inadequate maintenance;**
 - 2. **dilapidation, deterioration or decay;**
 - 3. **damage;**

4. **faulty construction or arrangement;**
 5. **inadequate light, ventilation or sanitation facilities; or**
 6. **absence of the utilities essential to safe living.**
- N. The building, structure, premise or equipment is in such condition as to constitute a “public nuisance” as that term is defined by statute or common law.
- O. The building, structure or premise is vacant for a period in excess of six months and if because of the condition of the building, structure, premise or equipment:
1. **it is unsafe or insanitary; or**
 2. **it endangers property or the health, safety or welfare of persons.**

SECTION 5.97 DECLARATION OF PUBLIC NUISANCE

All dangerous buildings, structures, premises or equipment are hereby declared to be public nuisances, and shall be repaired, maintained, vacated or demolished as provided in the duly adopted building code.

SECTION 5.98 REPAIR, VACATION OR DEMOLITION

The following standards shall be followed by the Board of Aldermen in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the duly adopted building code, it shall be ordered repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- C. In any case where a dangerous building is partially destroyed by deterioration, decay or damage and cannot be restored or repaired so that it will no longer exist in violation of the duly adopted building code, or if the owner or other persons having an interest in it are unwilling to restore or repair it, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of the duly adopted building code or any statute of the state, it shall be demolished. The

determination of whether a building or structure cannot be restored or repaired shall rest with the Building Official.

SECTION 5.99 DUTIES OF BUILDING OFFICIAL

The Building Official shall:

- A. **Inspect any building, structure, premise or equipment about which complaints are filed by any person to the effect that the building, structure, premise or equipment is or may be existing in violation of the duly adopted building code.**
- B. **Serve notice of the declaration of nuisance as determined by the provisions of the duly adopted building code to the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building, structure, premise or equipment as shown by the land record of the Department of Records for Jackson County. Such notice shall be served either personally or by certified mail, return receipt requested, and by posting such notice on the premises. Such notice 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 or may have it repaired in accordance with the notice and the duly adopted building code;**
 2. **The occupant or lessee must vacate such building or may have it repaired in accordance with the notice and remain in possession; and**
 3. **The mortgagee, agent, or other persons having an interest in such building as shown by the land records of the Department of Records of the Jackson County, may, at his own risk, repair, vacate, or demolish or have such work or act done.**
 4. **Any person notified under this subsection to repair, vacate and repair, or vacate and demolish any building shall be given reasonable time not to exceed ten (10) days to commence the action required by the notice. The notice may include a reasonable time in which the required action shall be completed. If, in the judgment of the Building Official or his representative, it is determined to be necessary to extend the time to do or have done the work or act required by the notice provided herein, the Building Official shall specify the extension date in writing, and serve an additional notice of the date to which the extension is made.**

5. **If service cannot be had by the methods set forth above, a notice shall be inserted in a newspaper then doing the City printing, notifying the owner of the dangerous building. The notice shall state that the owner is responsible for the repair or demolition of the dangerous building within ten (10) days after the publication of the notice.**
- C. Report to the Board of Aldermen any noncompliance with the notice provided for in subsection 2 above, including either failure to vacate or to commence or failure to finish the work required by the notice.
- D. Appear at all hearings conducted by the Board of Aldermen and testify as to the condition of dangerous buildings.
- E. Place a notice on all dangerous buildings substantially reading as follows:

"This structure has been found to be a dangerous building by the Building Official. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice that has been given to the owner, occupant, lessee, mortgagee, or agent of this structure or building, and all other persons having an interest in said building as shown by the land records of the Department of Records of Jackson County. It is unlawful to remove this notice until such notice is complied with."

SECTION 5.100 DUTIES OF BOARD OF ALDERMEN

- A. Upon receipt of a report from the Building Official of failure to vacate or to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the Board of Aldermen shall call and have a full and adequate hearing upon the matter, giving at least fifteen (15) days written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the dangerous building as shown by the land records of the Department of Records of Jackson County to appear before it on the date specified in the notice to show cause why the building, structure, premises or equipment reported to be a dangerous building should not be repaired, vacated and repaired, or vacated and demolished in accordance with the statement of particulars set forth in notice of the Building Official. Any party may be represented by counsel, and all parties shall have an opportunity to be heard.

- B. After the hearing, if the evidence supports a finding that the building, structure, premise or equipment is a nuisance or detrimental to the health, safety or welfare of the residents of the city, the Board of Aldermen shall issue an order making specific findings of fact, based upon competent and substantial evidence, that shows the building, structure, premise or equipment to be a nuisance and detrimental to the health, safety or welfare of the residents of the city, and ordering the building, structure, premise or equipment to be demolished and removed, or repaired. If the evidence does not support a finding that the building, structure, premise or equipment is a nuisance or detrimental to the health, safety or welfare of the residents of the city, no order shall be issued.
- C. If the owner, occupant, mortgagee, or lessee fails to comply with the order, or extension thereof within the time specified, the Building Official shall cause the building, structure, premise or equipment to be repaired, vacated and repaired, or vacated and demolished as the facts may warrant; and the Building Official shall certify the charge for the repair, vacation or demolition to the city clerk who shall cause a special tax bill therefor against the property to be prepared and collected by the county collector, unless the building, structure, premise or equipment is demolished, secured or repaired by a Contractor, pursuant to an order issued by the city, and such Contractor has filed a mechanic's lien against the property. At the request of the taxpayer, the bill may be paid in installments over a period of not more than ten (10) years. The tax bill, from the date of issuance, shall be deemed a personal debt against the property owner and a lien on the property until paid.
- D. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, and if the covered claim payment is in excess of fifty (50) percent of the face value of the policy covering a building or other structure, premise or equipment, then the following procedure shall apply:
1. **The insurer shall withhold from the covered claim payment, ten percent (10%) of the covered claim payment, and shall pay that amount 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. If a special tax bill or assessment is issued by the city for the expenses of demolition**

of the building or structure as a dangerous building, the monies held by the city shall be applied toward payment of special tax bill or assessment. If there is any excess, it shall be paid by the city to the insured or as the terms of the policy, including any endorsements thereto, provide.

2. The city shall release the proceeds and any interest that has accrued on the proceeds received to the insured or, as the terms of the policy and endorsements thereto provide, within thirty (30) days after receipt of the insurance monies, unless the city has instituted legal proceedings under the provisions of sections IV and V. If the city has proceeded under the provisions of sections IV and V, all monies in excess of that necessary to comply with the provisions of sections IV and V for the removal of the building or structure, less salvage value, shall be paid to the insured.
3. The city may certify that, in lieu of payment of all or part of the covered claim payment under this section, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuilt or otherwise make the premises safe and secure. In this event the city shall issue a certificate within thirty (30) days after receipt of proof, to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this subsection.
4. No provision of this section shall be construed to make the city 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 5.101 EMERGENCIES

Where it reasonably appears there is an immediate danger to the health, safety or welfare of any person, the Building Official may take emergency measures to vacate, and repair or demolish a dangerous building or structure. Cost incurred in the performance of emergency work shall be paid by the city. The City Attorney may institute appropriate action against the owner of the premises where the dangerous building or structure is or was located for the recovery of such costs.

SECTION 5.102 NO PERSONAL LIABILITY

No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this ordinance shall be defended by the City Attorney or special counsel until the final determination of the proceedings therein.

SECTION 5.103 APPEAL

Interested parties may appeal from the determination of the Board of Aldermen to the circuit court having jurisdiction, as provided for and established in chapter 536 of the Revised Statutes of Missouri.