

# CODE OF ORDINANCES

## CHAPTER 18

### ARTICLE I. IN GENERAL

#### **Sec. 18-1. Title of chapter; designation of building official.**

(a) This chapter shall be known as the Building and Rehabilitation Code. Unless otherwise indicated by its use and context, the term “this chapter” shall refer to this chapter 18 including all provisions incorporated by reference herein.

(b) The building official shall be known as the director of city development, and such term shall include his authorized representatives. Further, whenever the term or title “administrative authority,” “code enforcement officer,” “responsible official,” “building official,” “director” or other similar designation is used in any of the codes adopted by reference by this chapter, it shall be construed to mean the director of city planning and development, or his designee and authorized representatives.

(Code of Gen. Ords. 1967, § 9.1.101; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 981053, § 1, 10-1-98; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 050465, § 1, 4-28-05; Ord. 071193, § 1, 1-3-08)

#### **Sec. 18-2. Purpose and scope of chapter; referenced codes.**

(a) *Purpose.* This chapter shall be construed to secure its expressed intent, which is to provide minimum requirements to safeguard the public safety, health and general welfare, insofar as they are affected by building construction, through structural strength, adequate means of egress facilities, stability, sanitary equipment, light and ventilation, energy conservation, erosion and sediment control and fire safety; and in general to promote safety to life and property from fire and other hazards incident to the construction, design, erection, installation, alteration, addition, removal, demolition, replacement, location, relocation, moving, quality of materials or use and occupancy, operation and maintenance of buildings, structures or premises, and to provide safety to fire fighters and emergency responders during emergency operations.

The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

(b) *Scope.* Article I of this chapter provides the administrative procedures to be followed by all persons engaged in the construction, design, erection, installation, alteration, addition, removal, demolition, replacement, location, relocation, land disturbance, moving, quality of materials, or use and occupancy, operation and maintenance of buildings, structures or premises, as regulated by this chapter. All references to any provisions in the administrative chapters of the referenced model codes shall be construed to be a reference to the provisions of article I.

(c) *Referenced codes.* The other codes listed in sections (1) through (8) and referenced elsewhere in this chapter shall be considered part of the requirements of this chapter to the prescribed extent of each such reference. All references within the model codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator or energy conservation code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator or energy conservation code specifically adopted by reference in articles II through XIV of this chapter.

- (1) *Building.* The provisions of the *International Building Code*, as amended, shall apply to the construction, design, erection, installation, alteration, addition, removal, demolition, replacement, location, maintenance, land disturbance, moving, quality of materials, or use and occupancy of every building or structure or any appurtenances connected or attached to such buildings or structures. See article II of this chapter.

*Exceptions:*

- (a) Detached one- and two-family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code*, as amended. See article III of this chapter.
- (b) Existing buildings and structures undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the *International Existing Building Code*, as amended. See article XIII of this chapter.
- (2) *Electrical.* The provisions of the *National Electrical Code*, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. See article IV of this chapter.
- (3) *Gas.* The provisions of the *International Fuel Gas Code*, as amended, shall apply to the installation of gas appliances and related accessories as covered in this code. These requirements apply to the installation and operation of residential and commercial gas appliances and related accessories. See article V of this chapter. For requirements regarding the installation of gas piping from the point of delivery to the inlet connections of appliances, see article VII, *Uniform Plumbing Code*.
- (4) *Mechanical.* The provisions of the *International Mechanical Code*, as amended, shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems. See article VI of this chapter.

- (5) *Plumbing.* The provisions of the *Uniform Plumbing Code*, as amended, shall apply to the installation, alteration, repair and replacement of plumbing and fuel gas piping systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. See article VII of this chapter. The provisions of the *International Private Sewage Disposal Code*, as amended, shall apply to private sewage disposal systems for one- and two-family dwellings only. See article VIII of this chapter.
- (6) *Property maintenance.* The provisions of the property maintenance code shall apply to existing structures and premises; equipment, and facilities; light, ventilation, space heating, sanitation, life and fire safety, hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. See chapter 56, property maintenance code, of the Code of Ordinances.
- (7) *Fire prevention.* The provisions of the fire code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and, from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premise from occupancy or operation. See chapter 26 of the Code of Ordinances.
- (8) *Energy.* The provisions of the *International Energy Conservation Code*, as amended, shall apply to all matters governing the design and construction of buildings for energy efficiency. See article XIV of this chapter.

(d) *Process.* The building official shall have the responsibility to make timely recommendations to update this chapter, upon the publication of nationally recognized model codes. Technical committees shall be established to assist the building official in determining recommendations for the adoption of any model code.

(Code of Gen. Ords. 1967, § 9.1.102; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 981053, § 1, 10-1-98; Ord. No. 981135, § C, 2-22-99; Ord. No. 010783, 8-23-01; Ord. No. 040477, 8-12-04; Ord. 071193, § 1, 1-3-08)

**Sec. 18-3. Conflicting provisions.**

(a) Wherever conflicting provisions or requirements occur between this chapter and the model codes adopted by this chapter, this chapter shall apply.

(b) Wherever conflicting provisions or requirements occur between this chapter and any other municipal codes or laws, the most restrictive shall govern. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

(c) Where in any specific case different sections within this chapter 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.

(d) Where conflicts occur between any specific provisions of this article and any administrative provisions in the remaining articles of this chapter which are then applicable, those provisions becoming the law last in time shall prevail.

(e) Wherever in this chapter reference is made to the appendix, the provisions in the appendix shall not apply unless specifically adopted.

(f) References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this chapter.

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

(h) In the event that any part or provision of this chapter is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(Code of Gen. Ords. 1967, § 9.1.103; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 981053, § 1, 10-1-98; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

#### **Sec. 18-4. Applicability of chapter to existing buildings and building service equipment.**

(a) *Generally.* The legal use and occupancy of any structure existing on the date of adoption of this chapter shall be permitted to continue without change provided such continued use is not dangerous to life, and as may be specifically covered in this chapter, the fire code or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(b) *Ordinary 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.

(c) *Exit enclosures for existing buildings.*

- (1) *Scope.* The provisions of this subsection (c) shall apply to existing Group R-1 and R-2 occupancies, that is, apartments and hotels three stories or more in height.
- (2) *Enclosures required.* Unless otherwise excepted by subsection (c)(6)f of this section, every interior stairway, ramp or escalator shall be enclosed as specified in this section.
- (3) *Enclosure construction.* Every interior stairway, ramp or escalator shall be enclosed with walls of not less than one-hour fire resistive construction. Where existing partitions form part of a stairwell enclosure, wood lath and plaster in good condition or one-half-inch gypsum wallboard in good condition, or an equivalent approved by the building official, may be substituted for one-hour fire resistive construction.
- (4) *Openings into enclosures.* There shall be no openings into exit enclosures except exit doorways and openings in exterior walls. Doors in stairway, ramp and escalator enclosures shall be protected by a self-closing solid wood door not less than 1 3/4 inches thick, or an equivalent approved by the building official. Enclosures shall include landings between flights and corridors, passageways or public rooms necessary for continuous exit to the exterior of the building.
- (5) *Approval by building official.* When presented with a request for permission to substitute construction type or material under the provisions of this section, the building official shall consider, but is not limited to, similar provisions of this code and related standards, the fire code, the use of requested substitution in common construction practice, federal and state recommendations, and the level of safety afforded inhabitants of the building by the substitution.
- (6) *Exceptions.* The provisions of subsections (c)(1) through (5) of this section shall not apply to the following situations:
  - a. The stairway, ramp or escalator need not be enclosed in a continuous shaft if cut off at each story by the fire resistive construction required by this section for stairway, ramp and escalator enclosures.
  - b. An enclosure shall not be required for a stairway, ramp or escalator serving only one adjacent floor and not connected with corridors or stairways serving other floors.
  - c. Stairs within individual apartments and hotel rooms need not be enclosed.
  - d. Buildings with at least one functional interior enclosed stairwell providing access from each apartment or hotel room may have unprotected secondary exits.

- e. Stairwells, ramps and escalator enclosures in buildings five or fewer stories in height with an exterior stairway or fire escape serving as a secondary exit from each apartment or hotel room need not be enclosed, provided access from each apartment or hotel room is directly onto the exterior stairway or fire escape.
  - f. An enclosure shall not be required for stairways, ramps or escalators in lobby or mezzanine areas not leading to sleeping areas.
  - g. Enclosures shall not be required if an automatic sprinkler system is provided for the stairway, ramp or escalator area.
- (7) *Alternative standards.* In addition to the powers and duties of the building and fire codes board of appeals as set forth in section 18-12, the board may consider the cost of proposed retrospective requirements if raised by the appellant. In cases of gross economic hardship, determined by considering but not being limited to any of the following elements, it may require alternative fire prevention and safety measures: sale value of the building, value of the building less present encumbrances, availability of financing, appellant's net worth, effect on tenants and public, and the degree of additional protection fire resistant material and enclosed stairwells would provide.
- (d) *Underground space.*
- (1) *Generally.* Underground space to which additions, alterations or repairs are made shall comply with all the requirements for new space except as specifically provided in this section. Improvements such as building construction within such existing underground space shall be regulated as applicable by requirements of this chapter including modifications in article XI of this chapter.
  - (2) *Additions, alterations and repairs of more than 50 percent.* When additions, alterations or repairs of underground space within any 12-month period exceed 50 percent of the area of an existing underground space, such space shall be made to conform to the requirements for new underground space.
  - (3) *Additions alterations and repairs of 25 to 50 percent.* Additions, alterations and repairs exceeding 25 percent but not exceeding 50 percent of the area of an existing underground space and complying with the requirements for new space may be made to such space within any 12-month period, without making the entire space comply.
  - (4) *Additions, alterations and repairs of 25 percent or less.* Structural additions, alterations and repairs to any portion of an existing underground space, within any 12-month period, not exceeding 25 percent of the area of the space shall comply with all the requirements for new space; except that minor structural additions,

alterations or repairs, when approved by the building official, may be made with the same materials of which the space is constructed.

- (5) *Continuation of existing occupancy.* Underground space in existence on December 16, 1982, may have its existing use or occupancy continued, if such use or occupancy was legal at that time, providing such continued use is not dangerous to life.
- (6) *Maintenance.* All underground space, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this article in a space when developed, altered or repaired shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of underground space.

(e) *Construction in floodplain.* The provisions of chapter 28 of the Code of Ordinances must be met for any alteration, encroachment or substantial improvement accomplished in a regulatory floodplain as designated on the official floodplain document.

(Code of Gen. Ords. 1967, § 9.1.104; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 981053, § 1, 10-1-98; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

**Sec. 18-5. Approved materials, alternate materials, design and methods of construction and equipment.**

(a) The provisions of this chapter are not intended to prevent the installation of any material or method of construction not specifically prescribed by this chapter, provided that any such alternative has been approved.

(b) The building official shall approve any alternative material, design or method of construction that he finds to be satisfactory and in compliance with the provisions of this chapter and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability, safety and sanitation.

(c) The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of any alternative material, design or method of construction. The details of any action granting approval shall be recorded and entered into the files of the department of city planning and development.

(d) Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval. The use of used materials which meet the requirements of this chapter for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

(Code of Gen. Ords. 1967, § 9.1.105; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

**Sec. 18-6. Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this chapter, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative. The building official shall first find that a special individual reason makes the strict letter of this chapter impractical and that the modification is in conformity with the intent and purpose of this chapter, and that such modification does not lessen health, life and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the department of city planning and development.

(Code of Gen. Ords. 1967, § 9.1.106; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

**Sec. 18-7. Tests.**

(a) Whenever there is insufficient evidence of compliance with any of the provisions of this chapter, or evidence that materials or construction do not conform to the requirements of this chapter, 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 city.

(b) Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods for the proposed alternate, the building official shall approve the test procedures.

(c) All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(Code of Gen. Ords. 1967, § 9.1.107; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

**Sec. 18-8. Enforcement agency.**

The department of City Planning and Development is charged with the enforcement of this chapter.

(Code of Gen. Ords. 1967, § 9.1.201; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

**Sec. 18-9. Duties and powers of the building official.**

(a) *General.* The building official is hereby authorized and directed to enforce the provisions of this chapter. For such purposes, the building official shall have the powers of a law enforcement officer to issue written orders in the enforcement of this chapter and deem unsafe conditions as prescribed in section 18-10. The building official shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this chapter. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter.

(b) *Applications and permits.* The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter.

(c) *Notices and orders.* The building official shall issue all necessary notices or orders to ensure compliance with this chapter.

(d) *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.

(e) *Identification.* The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter.

(f) *Right of entry.* When it is necessary to make an inspection or to enforce the provisions of this chapter, or any other code, ordinance, law, regulation or administrative order within the authority of the building official to enforce, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building any condition which is contrary to or in violation of this chapter, or any other code, ordinance, law, regulation or administrative order within the authority of the building official to enforce, or makes the building or premises unsafe, dangerous or hazardous the building official or his authorized representative may enter the building or premises during normal work hours or, in the case of an emergency at any reasonable time to inspect or to perform any duty imposed upon the building official by the Code of Ordinances; provided, if such property be occupied, the building official or his authorized representative shall first present proper credentials and request and obtain permission to enter before entering the building or premises. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

- (1) If no consent has been given to enter or inspect any building or premises, no entry or inspection shall be made without the procurement of a warrant from the judge presiding in the Ninth Division or, if that judge is not available, from any other judge presiding in the municipal division, Kansas City, 16th Judicial Circuit Court of Missouri. The court may consider of the following factors in its decision as to whether a warrant shall issue:
  - a. Eyewitness account of violation.
  - b. Citizen complaint(s).
  - c. Tenant complaint(s).
  - d. Plain view violations.
  - e. Violations apparent from city records.
  - f. Nature of alleged violation, the threat to life or safety and imminent risk of significant property damage.
  - g. Previous unabated violations in the building or on the premises.
- (2) Cause supporting issuance of a warrant shall be deemed to exist in light of reasonable legislative and administrative standards which show that there is

reason to believe that a condition of nonconformity exists with respect to a building or premises in violation of the provisions of the Code of Ordinances and based upon at least two of the factors set forth in subsection (f)(1).

- (3) The building official or his authorized representative may enter the premises without consent or a search warrant to make an inspection or enforce any of the provisions of the Code of Ordinances only when an emergency exists as prescribed in section 18-10(h) of this chapter, or when the premises are abandoned.
  - (4) If a complaint in writing is filed by the building official or an authorized representative, any police officer, deputy, or city attorney of the city, with the municipal division judge of the circuit court, stating that there is probable cause to believe there exists in a building or structure more particularly described therein, a violation or violations of provisions of the Code of Ordinances, and is within the territorial jurisdiction of the city, and if such complaint is verified by the oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to the authorized person to search the structure or premises therein described for the purposes requested. Such search warrant may be executed and returned only within ten days after the date of its issuance. The person authorized to search shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this code discovered pursuant to such search. Refusal to honor a search warrant and permit inspection of the premises shall constitute an ordinance violation. Execution of a search warrant, under this section, shall not be by forcible entry.
  - (5) Unless emergency conditions exist, or until a notice of violation and a reasonable opportunity to correct the violation is afforded the person, a summons shall not be served upon a resident, property owner, or other responsible person, which alleges a violation of this code based upon conditions discovered incidental to, and solely as a result of, conducting an investigation pursuant to the authority of a search warrant, but which is not the subject of the search warrant.
- (g) *Stop work orders.*
- (1) *Notice.* Upon notice from the building official that work on any building or structure is being pursued contrary to the provisions of the Code of Ordinances, or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to any persons owning, leasing, maintaining or occupying premises where work is being done; and shall state the conditions under which work will be permitted to resume.
  - (2) *Unlawful continuance.* Any person who shall continue any work in or about the structure 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 in violation of this code.

(h) *Occupancy violations.* Whenever any building or structure or building service equipment therein regulated by the code is being used contrary to the provisions of the code, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the code. Failing to discontinue such use when ordered is a violation of this chapter. Unless authorized by the building official, removing a posted notice or sign indicating that a structure is not to be occupied is a violation of this chapter.

(i) *Department 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.

(j) *Liability.* The building official or an authorized representative charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, shall not be rendered personally liable for damages that may accrue to persons or property as a result of any such official act or by reason of any act or omission in the discharge of such official duties. Any suit brought against the building official or employee because of such act or omission, performed in the enforcement of any provision of this chapter or other pertinent laws or ordinances implemented through the enforcement of this chapter or enforced by the department of city planning and development, shall be defended, under the terms of the cumulative claim reserve fund, by the city until final termination of such proceedings. Any judgment resulting therefrom shall be assumed by the city, under the terms of the cumulative claim reserve fund. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure or building service equipment therein for any damages to persons or property caused by defects, nor shall the department of city planning and development or the city be held as assuming any such liability by reason of the inspections authorized by this chapter or approvals issued under this chapter.

(k) *Cooperation of other officials and officers.* The building official may request, and shall receive, the assistance and cooperation of other city officials so far as is required in the discharge of the duties required by this chapter or other pertinent law or ordinance.

(l) *Building numbers.* The building official is authorized to promulgate standards by which buildings are numbered and to assign or reassign numbers and addresses according to those standards.

(m) *Rules and regulations.* The building official is authorized to make and promulgate reasonable and necessary rules and regulations to provide for the efficient administration of this chapter, and to implement the substantive and procedural requirements of this chapter. A copy of rules and regulations shall be filed in the office of the director of records.

(Code of Gen. Ords. 1967, § 9.1.202; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 931301, 4-14-94; Ord. No. 950388, § 1, 6-15-95; Ord. No. 981053, § 1, 10-1-98; Ord. No. 981135, § C, 2-22-99; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

## **Sec. 18-10. Unsafe structures and equipment.**

(a) *General.* No person, firm, corporation, partnership, association, organization or governmental agency properly regulated by the city shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, maintain or own any building, building use, structure, sign, appendage or building service equipment in an unsafe manner.

(b) *Conditions.* Structures or equipment which are or hereafter become unsafe, unsanitary or deficient because of, but not limited to, inadequate means of egress facilities, inadequate light and ventilation, or inadequate life-safety systems; or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare due to inadequate maintenance, dilapidation, obsolescence, fire, disaster, damage, failure or abandonment; or which involve illegal or improper use or occupancy; shall be deemed unsafe. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry may be deemed unsafe by the building official.

(c) *Notice.* If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

(d) *Method of service.* Such notice shall be deemed properly served if a copy thereof is: (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(e) *Restoration.* The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of section 18-4(b) of this chapter and Chapter 34 of the *International Building Code*, as amended.

(f) *Maintenance of signs.* All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Signs which no longer advertise a bona fide business, product or service shall be removed by the owner, agent or person having the

beneficial use of the premises upon which such sign may be found within 30 days after vacating the premises.

(g) *Unsafe underground spaces, buildings, structures.* All unsafe underground spaces, buildings, structures or portions thereof are regulated as provided in subsections (a) and (b) of this section.

(h) *Emergency measures.* 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 an unsafe building, building use, structure, sign or appendage.

(Code of Gen. Ords. 1967, § 9.1.203; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 981053, § 1, 10-1-98; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

### **Sec. 18-11. Service utilities.**

(a) *Connection of service utilities.* No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by this chapter for which a permit is required, until approved and released by the building official.

(b) *Temporary connection.* The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power. See 18-16(a)(4) for permit requirements and limitations.

(c) *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes 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 prior to 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.

(d) *Connection after order to disconnect.* No person shall make connections from any energy, fuel or power supply or supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

(Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

### **Sec. 18-12. Building and fire codes board of appeals.**

(a) *Purpose; general powers and duties.*

(1) In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this chapter,

and of orders, decisions or determinations made by the fire director relative to the application and interpretation of the fire code, there shall be and is hereby created the building and fire codes board of appeals, referred to in this section as “the board.”

- (2) The board shall adopt reasonable rules and regulations for its conduct as it may deem necessary.
- (3) The board may recommend to the building official and the fire director such new legislation as is consistent with the board's decisions.

(b) *Procedure for appeal of decisions relating to building code.*

- (1) Except in emergencies, any decision of the building official in the enforcement of this chapter may be appealed to the board by any person aggrieved by any decision of the building official. Such appeal must be taken within thirty 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 board is called, the appellant shall pay a fee required by section 18-20 of this chapter, payable to the city treasurer. The building official shall then transmit to the board all papers constituting the record upon which action appealed from is taken.
- (2) Except in cases designated as emergencies, an appeal to the board stays all enforcement of the determination from which the appeal is being taken.

(c) *Procedure for appeal of decisions relating to fire code.* Except in emergencies, any decision of the fire director in the enforcement of the fire code may be appealed to the board by any person aggrieved in accordance with the provisions of articles II and V of chapter 26 of the Code of Ordinances.

(d) *Membership; appointment of members.*

(1) *Membership.*

- a. The board shall consist of 12 members and 12 alternates. Each member and alternate shall be qualified by experience and training to pass upon matters pertaining to building construction. Members and alternates shall not be employees of the city.
- b. Two members and two alternates shall be professional engineers registered by the state, one member and one alternate shall be architects registered by the state, one member and one alternate shall be building contractors, one member and one alternate shall be homebuilders, one member and one alternate shall be representatives of labor, one member and one alternate shall be licensed mechanical contractors, one member

and one alternate shall be licensed electrical contractors, one member and one alternate shall be licensed plumbing contractors, one member and one alternate shall be licensed heating and ventilating contractors, one member and one alternate shall be licensed fire protection contractors, and one member and one alternate shall have permits to operate protective signaling systems.

c. The building official, or his representative, shall serve as secretary to the board. The city counselor or his representative shall attend all meetings held by the board. The fire director or his representative shall attend at least all meetings which are pertinent to the enforcement of the fire code.

(2) *Appointment of members.* Members and their alternates shall be appointed by the mayor and shall serve for a term of four years; however, all members shall continue in office until their respective successors shall have been appointed. The mayor may remove members and alternates for just cause upon written notice.

(e) *Powers and duties with respect to building code.*

(1) The board shall have the power to approve the use of alternate materials, equipment and types of construction whenever in any specific case the board shall find and determine that the application of a general rule or regulation governing such use will, by reason of exceptional circumstances or conditions, constitute a practical hardship; and to hear and render decisions on all appeals from the decisions of the building official. The 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 this chapter where it is determined that such modification is, for the purpose intended, at least the equivalent of that prescribed in this chapter 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 chapter.

(2) The board shall have no authority relative to interpretation of the administrative provisions of this chapter, nor shall the board be empowered to waive requirements of this chapter.

(f) *Powers and duties with respect to fire code.* The board shall have the powers and duties as set forth in articles II and V of chapter 26 of the Code of Ordinances, for the purpose of determining questions of fact as to the acceptability and adequacy of alternate materials, equipment, methods of preventing fires and promoting fire safety, and for providing for the review of the decisions of the fire director in the interpretation of the fire code of the city.

(g) *Meetings.* The 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 board, any party may appear in person or by agent or by attorney.

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

(h) *Conflict of interest.* Members of the board shall conduct themselves in accordance with the Code of Ordinances, section 2-1015.

(i) *Decisions.* All decisions of the board shall be by a majority vote of the attending members or their alternates, provided that a quorum is present. The attendance of five members or their alternates shall be considered a quorum. All decisions of the board shall be in writing and shall be filed with the director of records, with a copy to the appellant, the building official and the fire director.

(Code of Gen. Ords. 1967, § 9.1.204; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 960149, § 1, 3-7-96; Ord. No. 960363, § 1, 4-18-96; Ord. No. 981053, § 1, 10-1-98; Ord. No. 991187, § 1, 9-23-99; Ord. No. 010783, 8-23-01; Ord. No. 020732, 7-2-02; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

### **Sec. 18-13. Violations.**

(a) *Unlawful acts.* It shall be unlawful for any person, firm, corporation, partnership, association, organization or governmental agency properly regulated by the city to erect, construct, enlarge, alter, repair, move, improve, remove, grade, excavate or add any fill material, convert or demolish, equip, use, occupy, maintain or own or cause land disturbance activities for any building, land, real estate premises, sign, structure or building service equipment or cause or permit the same to be done in violation of this chapter, or fail to obey any order issued under the authority of the building official, or fail to maintain a valid certificate of inspection for elevator equipment, underground spaces, communication towers, or parking structures as required in this chapter, or fail to comply with the duties and responsibilities of a licensed or registered contractor or licensed or registered supervisor.

(b) *Separate offense.* Any person, firm, corporation, partnership, association, organization or governmental agency properly regulated by the city violating any of the provisions of this chapter shall be deemed guilty of an ordinance violation. Each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted shall be a separate offense.

(c) *Responsible individual.* The responsible individual(s) of a corporation shall include any officer of a corporation or the person in charge of the local office of such corporation.

(Code of Gen. Ords. 1967, § 9.1.205; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 931301, 4-14-94; Ord. No. 981053, § 1, 10-1-98; Ord. 981135, § C, 2-22-99; Ord. No. 010783, 8-23-01; Ord. No. 020732, 7-2-02, Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

### **Sec. 18-14. Required licenses; exceptions.**

(a) *Heating and ventilating work.* Any person, firm or organization doing heating or ventilating work or causing such work to be done shall first be licensed as a heating and ventilating contractor or shall be doing such work as a direct employee of a licensed heating and ventilating contractor and under the supervision of that licensed heating and ventilating contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(b) *Refrigeration work.* Any person, firm or organization doing refrigeration work or causing such work to be done shall first be licensed as a refrigeration contractor or a pipe fitting contractor or shall be doing such work as a direct employee of a licensed refrigeration or pipe fitting contractor and under the supervision of that licensed refrigeration contractor's or licensed pipe fitting contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(c) *Pipe fitting work.* Any person, firm or organization doing pipe fitting work or causing such work to be done shall first be licensed as a pipe fitting contractor or shall be doing such work as a direct employee of a licensed pipe fitting contractor and under the supervision of

that licensed pipe fitting contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(d) *Plumbing work.* Any person, firm or organization doing plumbing work or causing such work to be done shall first be licensed as a plumbing contractor, or shall be a certified journeyman or master plumber doing such work as a direct employee of a licensed plumbing contractor or other direct plumbing employee with on-site supervision by a certified journeyman or master plumber. All plumbing work shall be performed under the supervision of that licensed plumbing contractor's qualified supervisor. Certification and licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(e) *Installation or servicing of gas-fired appliances.* Any person, firm or organization installing or servicing gas-fired appliances shall first be licensed as a gas-fired appliance contractor or as a plumbing contractor or shall be doing such work as a direct employee of a licensed gas-fired appliance or plumbing contractor and under the supervision of that licensed gas-fired appliance contractor's or licensed plumbing contractor's qualified supervisor. Certification and licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(f) *Electrical work.* Any person, firm or organization doing electrical work or causing such work to be done shall first be licensed as an electrical contractor or shall be doing such work as a direct employee of a licensed electrical contractor and under the supervision of that licensed electrical contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(g) *Installation or servicing of automatic sprinkler systems, non-water based fire extinguishing systems, or standpipe and hose systems.* Any person, firm or organization who engages in the installation, alteration, modernization, repair, maintenance, or service of automatic sprinkler systems, non-water based fire extinguishing systems, or standpipe and hose systems regulated by chapter 9 of the *International Building Code* and article II of this chapter shall first be licensed as a fire protection contractor or shall be doing such work as a direct employee of a licensed fire protection contractor and under the supervision of that licensed fire protection contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(h) *Installation or servicing of elevators, escalators, walks, lifts, and hoists.* Any person, firm or organization who engages in the installation, alteration, modernization, repair, maintenance, testing, inspection, or service of elevators, escalators, walks, lifts, or hoists shall first be licensed as an elevator contractor or shall be doing such work as a direct employee of a licensed elevator contractor and under the supervision of that licensed elevator contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(i) *Erection or maintenance of signs.* Any person, firm or organization who engages in the business of maintaining, erecting, painting, or removing signs or marquees shall first be licensed as a sign contractor or shall be doing such work as a direct employee of a licensed sign contractor and under the supervision of that licensed sign contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(j) *Demolition of buildings.* Any person, firm, or organization who contracts to demolish any building for another shall first be licensed in the appropriate class of demolition contractors or shall be doing such work as a direct employee of a licensed demolition contractor and under the supervision of that licensed demolition contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(k) *Residential building.* Any person, firm, or organization who contracts to construct, structurally alter or enlarge any one- or two-family detached dwelling or townhouse including detached accessory buildings in excess of 400 square feet in area thereto as regulated by article III of this chapter shall first be licensed as a residential building contractor or shall be doing such work as a direct employee of a licensed residential building contractor under the supervision of that licensed residential building contractor's qualified supervisor or as a building trades subcontractor, not otherwise required to be licensed under this section, to a licensed residential building contractor holding a valid building permit and under the direction of that licensed residential building contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(l) *Exceptions to license requirements.*

(1) Permits for work as required by this chapter may be issued to any person to do any work regulated by this chapter in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided that such person is the bona fide owner of any such dwelling and accessory buildings and quarters, provided that the dwelling and accessory buildings are occupied by the owner, and provided that the owner and his or her immediate relatives shall personally purchase all material and perform all labor in connection therewith; where the work is included in a building permit issued according to this exception, the owner may contract and direct the work of building trades subcontractor(s), not otherwise required to be licensed under section 18-14.

(2) Public utility companies will not be required to obtain licenses for their firms or corporations or for their employees when engaged in the installation, operation, and maintenance of equipment which will be used for the production, generation, transmission, or distribution of the product or service from the source of the product or service through the facilities owned or operated by such utility company to the point of the customer service, including the metering.

- (3) Provisions of this chapter requiring employment of certified or licensed mechanics, craftsmen, or engineers shall not apply to maintenance or operation of equipment and accessories used for operations, production, or processing by public utilities, government agencies, manufacturing or processing plants, or commercial enterprises which maintain a regular maintenance and operating staff supervised by a professional engineer registered by the state. However, work under such supervision shall be performed to comply in all respects with all applicable provisions of this chapter, including provisions for permits and inspections.
- (4) The property owner or owner of the business on the property may install a temporary sign, as defined in this chapter, after obtaining the required permit.
- (5) The owner of record may demolish any one-story building which is at least ten feet from all property lines or any two-story building which is at least 15 feet from all property lines. Such work must be done by the owner or by members of the owner's immediate family.
- (6) Licensing as a sign contractor is not required for the issuance of permits to construct a residential subdivision entry sign provided such sign contains no electrical components, is constructed as an integral part of a monument or wall and identifies only the name of the subdivision. Such sign may also identify the name of the developer of the subdivision.

(Code of Gen. Ords. 1967, § 9.1.207; Ord. No. 61386, 8-10-89; Ord. No. 910110, 2-14-91; Ord. No. 911125, 4-23-92; Ord. No. 981053, § 1, 10-1-98; Ord. No. 010783, 8-23-01, Ord. No. 020025, 1-31-02; Ord. No. 021154, 10-31-2002; Ord. No. 040477, § 1, 8-12-04; Ord. No. 040580, § 2, 12-16-04; Ord. No. 071193, § 1, 1-3-08)

**Sec. 18-15. Penalties; additional remedies.**

(a) *General penalty.* Conviction of any violation of this chapter, except those listed in subsection (b) of this section, shall be punished by a fine of not more than \$500.00, by imprisonment of not more than 180 days, or by both such fine and imprisonment.

(b) *Penalties for offenses against enforcement system.*

- (1) Persons convicted of certain repeat violations as set forth in subsection (b)(2) of this section at any premises shall be punished as set forth in subsection (b)(3) of this section.
- (2) Persons convicted of violating any of the following provisions of this chapter shall be punished as set forth in subsection (b)(3) of this section:
  - a. Violating an order to stop work issued pursuant to section 18-9(g).

- b. Making any connection after a disconnection pursuant to section 18-11(c).
  - c. Failure to obtain a permit, or working without a permit, when required by this chapter.
  - d. Failure to obtain an inspection when required by this chapter.
  - e. Failure to obtain a certificate of occupancy when required by this chapter.
  - f. Failure to comply with all responsibilities of a licensed contractor, as set forth in section 18-332(a).
  - g. Failure to comply with all responsibilities of a holder of a certificate of qualification, as set forth in section 18-341.
  - h. Providing false information to the building official when submitting an application for a license, certificate of qualification, or permit.
  - i. Permitting occupancy of any structure for which a temporary certificate of occupancy has been issued and such temporary certificate of occupancy has expired.
- (3) Conviction of any violation enumerated in subsection (b)(2) of this section shall be punished by a fine as set forth in the following minimum punishment schedule, but not more than \$500.00, or by imprisonment of not more than 180 days, or by both such fine and imprisonment:
- a. First conviction: a fine of not more than \$500.00; imprisonment for not more than 180 days may also be adjudged.
  - b. Second conviction: a fine of not less than \$250.00 and not more than \$500.00; imprisonment for not more than 180 days may also be adjudged.
  - c. Third conviction: a fine of \$500.00; imprisonment for not more than 180 days may also be adjudged.
  - d. Fourth and subsequent convictions: a fine of \$500.00 and imprisonment for not less than ten days and not more than 180 days.
- (4) For purposes of this section, only convictions within the prior three years before the date of the offense alleged shall be considered.

(c) *Other remedies.* The imposition of penalties prescribed in this section shall not preclude the city counselor from instituting appropriate action, including equitable and extraordinary remedies, to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent

the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct of business or use in or about the premises.

(Code of Gen. Ords. 1967, § 9.1.208; Ord. No. 61386, 8-10-89; Ord. No. 910110, 2-14-91; Ord. No. 911125, 4-23-92; Ord. No. 931301, 4-14-94; Ord. No. 010783, 8-23-01; Ord. No. 020025, 1-31-02; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

**Sec. 18-16. Permit required; exceptions.**

(a) *Required permits; permit conditions; annual permits.*

(1) *Generally; emergency work.*

a. *General.* It shall be unlawful to construct, enlarge, alter, move, raise, shore, demolish, wreck or raze a structure or change the occupancy of a building or structure requiring additional strength, exit or sanitary provisions; or to change to another use; or to grade or excavate any land or real estate; or to install or alter any equipment or sign for which provision is made or the installation of which is regulated by this code, unless a separate permit for each building, premise or structure has first been obtained; provided, however, that repairs, as defined in section 18-4(b), which do not involve any violation of this code, and work as specified in subsection (b) of this section, shall be exempted from this provision.

b. *Emergency work.* In cases of emergency, the person or other entity doing work or causing work to be done may proceed with the work and file application for a permit within 72 hours after commencement of emergency work. Emergency shall be considered to exist only in those situations wherein life, health and safety would be adversely affected if work were not commenced immediately, and the burden shall be upon the person claiming such emergency to exist to prove the existence of such emergency by clear and convincing evidence.

(2) *Moved buildings and building systems.*

a. *Moving, raising or shoring buildings.* No building or fixed structure shall be moved in or within the city on or across a street or alley without a permit issued by the building official in accordance with the provisions set forth in other portions of this section and in the *International Building Code* section 3408. No building or major portion thereof shall be raised or shored without a permit from the building official.

b. *Building systems.* A permit shall be obtained for all heating, ventilating, comfort cooling and refrigeration systems, electrical service equipment, pipe fitting, incinerators and miscellaneous heat-producing appliances, moved with or installed in any moved building. A separate permit shall be obtained for the equipment installed in each separate building or structure.

c. *Conditions of permit.*

1. *Insurance.* The permit holder shall keep in force insurance, issued by a company approved by the director of finance, meeting the following conditions:
  - i. The policy shall provide for liability insurance with a minimum aggregate limit of \$1,000,000.00 per occurrence.
  - ii. The city shall be listed as an additional insured to such policy by separate endorsement.
  - iii. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least 30 days prior thereto, or ten days in the event of cancellation due to nonpayment of premium.
  - iv. The insurance certificate shall be produced by a company having a current A.M. Best rating of B+ V or better and licensed to do business in the state of Missouri.
  - v. Before the permit is issued, the permit holder shall deposit with the city a certificate of insurance evidencing that the endorsements required in subsections (a)(2)c.1.ii and iii of this section are in effect.
2. *Indemnity.* Every person, firm, or corporation to whom permission has been granted under the terms of this article and other ordinances to utilize public property for the moving of any building or structure shall at all times assume full responsibility for such work. Permission shall be further conditioned that any person, firm, or corporation shall release, hold harmless, and indemnify the city and all of the agents and employees from any and all responsibility, liability, loss, or damage resulting to any persons or property caused by or incidental to the moving of the building or structure.
3. *Commencement and completion of work.* See section 18-19(c)(3), pertaining to expiration of building moving permits.

(3) *Conditions of permit for demolition work.* Conditions of permits for demolition work are as follows:

- a. *Insurance.* The permit holder shall keep in force insurance, issued by a company approved by the director of finance, meeting the following conditions:
  - 1. The policy shall provide for liability insurance with a minimum aggregate limit of \$1,000,000.00 per occurrence.
  - 2. The city shall be listed as an additional insured to such policy by separate endorsement.
  - 3. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least 30 days prior thereto, or ten days in the event of cancellation due to nonpayment of premium.
  - 4. The insurance certificate shall be produced by a company having a current A.M. Best rating of B+ V or better and licensed to do business in the state of Missouri.
  - 5. Before the permit is issued, the permit holder shall deposit with the city a certificate of insurance evidencing that the endorsements required by subsections (a)(3)a.2 and 3 of this section are in effect.
- b. *Indemnity.* Every person, firm, or corporation to whom permission has been granted under the terms of this article and other ordinances to utilize public property for the demolition work of any building, structure, or utility shall at all times assume full responsibility for such demolition and shall hold harmless and indemnify the city and the building official from any and all responsibility, liability, loss, or damage resulting to any persons or property or caused by or incidental to the demolition work.
- c. *Commencement and completion of work.* See section 18-19(c)(4), pertaining to expiration of permits for demolition work.
- d. *Damage to public property.* The permit holder assumes liability for any incurred damage to public property.

(4) *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, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.
- b. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary

requirements of the code as necessary to ensure the public health, safety and general welfare.

- c. Permits for temporary electrical service installations not to exceed 90 days' duration may be granted for fairs, carnivals, exhibitions, exterior lighting for decorative display and similar purposes. Permits for temporary electrical service installations not to exceed 180 days' duration may be granted for construction jobs. The time limit shall be subject to renewal, if requested in writing and if the building official determines that the temporary permit is not being used to evade the requirements of permanent electrical service installation, will not adversely affect the public safety, or is justified because of circumstances not within the control of the permit holder.
  - d. 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.
- (5) *Conditional permits.* Upon written application, the building official may issue conditional permits, which shall not be considered a building permit for the purpose of chapter 66 of the Code of Ordinances, pertaining to subdivisions.
- (6) *Special nighttime building permits.*
- a. Notwithstanding any other provision of this chapter or of any other provision of the Code of Ordinances, no construction work, including excavation, demolition, hauling, dumping or filling, may be performed between the hours of 9:00 p.m. and 7:00 a.m. within 500 feet of an occupied residential structure located in an area zoned residential unless the building official issues a special building permit authorizing the work. The following types of construction work are exempted from the requirement of obtaining a special nighttime building permit:
    - 1. Emergency work authorized pursuant to subsection (a)(1) of this section.
    - 2. Construction work being completely conducted inside a closed-in structure whenever such construction work does not involve the use of jackhammers, air compressors or other heavy equipment or continuing truck operations.
    - 3. Roofing during the months of June through September, both inclusive.
    - 4. Framing activities for conventional, wood-framed residential structures during the months of June through September, both inclusive.

- b. The building official shall address in each special building permit issued authorizing nighttime work the following items:
  - 1. Traffic routes to be used by construction equipment and trucks;
  - 2. Means of lighting the construction site or place of operation;
  - 3. Whether the noise level shall be a provision of the permit;
  - 4. The type of work to be done and the nature of the project; and
  - 5. Density of the residential area potentially affected by the nighttime work.
- c. The director of health and director of public works are authorized to assist the building official in establishing criteria for the issuance of a special building permit authorizing nighttime work.

(7) *Annual permits.* In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permits. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

(b) *Exempted work.* A permit shall not be required for the types of work in each of the separate classes of permit as listed in this subsection. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of the city.

(1) *Building permits.* A building permit shall not be required for the following:

- a. One-story detached accessory buildings used as tool and storage sheds, playhouses, garages, carports, and similar uses, provided the projected roof area does not exceed 200 square feet (18.58 m<sup>2</sup>).
- b. Oil derricks.
- c. Movable cases, counters and partitions not over five feet nine inches (1753 mm) in height.

- d. Retaining walls which are not over 4 feet (1219 mm) in height measured from grade on the low side of the wall, unless supporting a surcharge or impounding flammable liquids or when adjacent to a public right-of-way.
- e. Fences.
- f. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- g. Platforms and decks not more than 30 (762 mm) inches above grade at any point and not over any basement or story below.
- h. Temporary motion picture, television and theater stage sets and scenery.
- i. Window awnings supported by an exterior wall of a Group R-3 and Group U occupancies when projecting not more than 54 inches (1372 mm).
- j. Prefabricated swimming pools accessory to a Group R-3 occupancy, which are less than 24 inches (610 mm) deep, in which the pool walls are entirely above the adjacent grade and which do not exceed 5,000 gallons (18,927 L).
- k. Reroofing (replacement of roof coverings) one- and two-family residences with light roof covering or reroofing other structures in accordance with the requirements of this code pertaining to materials and installation methods. Exempted reroofing work does not include replacement of roof sheathing/deck or structural modifications or alterations to the building or structure.
- l. Construction or alteration of public utility generation, communication, transmission and distribution facilities used by such utilities duly franchised or authorized as such in the city. Administrative office buildings for such franchised utilities shall require building permits as described in subsection (a)(1) of this section.
- m. Replacement of exterior wall covering for detached one- and two-family dwellings.
- n. Replacement of doors and windows in existing openings where fire resistance, smoke control and opening protection are not required by article II.
- o. Repairs of holes in plaster or gypsum board walls.

- p. Installation or replacement of wall or floor mounted cabinets (kitchen, bath, etc.).
- q. Painting, papering, installation of carpeting/floor coverings and similar finish work.
- r. Installation or replacement of exterior gutters and downspouts.
- s. Tuckpointing brick and/or stone masonry.
- t. Replacement of soffits and wall or roof sheathing less than 32 square feet (2.97 m<sup>2</sup>) in area for one- and two-family dwellings.
- u. Replacement of interior or exterior trimwork.
- v. Boarding up vacant buildings.
- w. Walks, patios and driveways constructed on existing grade.
- x. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- y. Swings and other playground equipment accessory to one- and two-family dwellings.
- z. Grading or excavation of any land or premises under at least one of the following conditions:
  1. When approved by the building official, grading in an isolated, self-contained area provided there is no danger to private or public property;
  2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit;
  3. Cemetery graves;
  4. Refuse disposal sites authorized and controlled by other regulations;
  5. Excavations for wells, or trenches for utilities.
  6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support

or increase the stresses in or pressure upon any adjacent or contiguous property;

7. Exploratory excavations under the direction of soils engineers or engineering geologists;
8. An excavation which (1) is less than 2 feet in depth, or (2) which does not create a cut slope greater than 5 feet in height and steeper than 1-1/2 horizontal to 1 vertical;
9. A fill, placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, and which does not obstruct a drainage course, provided that such fill is either: less than 1 foot in depth; or, is less than 3 feet in depth, does not exceed 50 cubic yards on any one lot or parcel, and is not intended to support structures.

(2) *Mechanical permits.* A mechanical permit shall not be required for the following:

- a. Any portable heating appliance.
- b. Any portable ventilating equipment.
- c. Any portable cooling unit.
- d. Any portable evaporative cooler.
- e. Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this code.
- f. Any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of this code.
- g. Replacement of grills and diffusers on existing mechanical ductwork.
- h. Any self-contained refrigeration system that contains 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less.
- i. Construction or alteration of public utility generation, communication, transmission and distribution facilities used by such utilities duly franchised or authorized as such in the city, as it pertains to mechanical work. Administrative office buildings for such franchised utilities shall require mechanical permits as described in subsection (a)(1) of this section.

(3) *Plumbing permits.* A plumbing permit shall not be required for the following:

- a. Repairs which involve only the working parts of a faucet or valve.
  - b. Clearance of stoppages.
  - c. Repairing or replacement of defective fixtures or valves provided alterations or extensions of piping systems are not made.
  - d. Replacement and repair of lavatory and sink traps.
  - e. Construction or alteration of public utility generation, communication, transmission and distribution facilities used by such utilities duly franchised or authorized as such in the city, as it pertains to plumbing work. Administrative office buildings for such franchised utilities shall require plumbing permits as described in subsection (a)(1) of this section.
- (4) *Elevator permits.* An elevator permit shall not be required for the following:
- a. Material hoists within the scope of ANSI A10.5.
  - b. Mobile scaffolds, towers and platforms within the scope of ANSI A92.
  - c. Powered platform and equipment for exterior and interior building maintenance within the scope of ANSI A120.1.
  - d. Conveyors and related equipment within the scope of ASME B20.1.
  - e. Cranes, derricks, hoists, hooks, jacks and slings within the scope of ASME B30.
  - f. Industrial trucks within the scope of ASME B56.
  - g. Portable equipment, except for portable escalators, which are covered by article IX of this chapter.
  - h. Tiering or piling machines used to move material to and from storage located and operating entirely within one story.
  - i. Equipment for feeding or positioning material at machine tools, printing presses, etc.
  - j. Skip or furnace hoists.
  - k. Wharf ramps.
  - l. Amusement devices.

- m. Stage and orchestra lifts.
- n. Lift bridges.
- o. Railroad car lifts or dumpers.
- p. Mechanized parking garage equipment.
- q. Line jacks, false cars, shafters, moving platforms and similar equipment used for installing an elevator.
- r. Mine elevators not located in or adjacent to a building or structure.
- s. Manlifts within the scope of ASME 90.1.
- t. Platform elevators installed in a ship or offshore drilling rig and used for the purpose of loading and unloading cargo, equipment and personnel.
- u. Shipboard elevators.
- v. Construction or alteration of public utility generation, communication, transmission and distribution facilities used by such utilities duly franchised or authorized as such in the city, as it pertains to elevator work. Administrative office buildings for such franchised utilities shall require elevator permits as described in subsection (a)(1) of this section.

(5) *Electrical permits.* An electrical permit shall not be required for the following:

- a. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- b. Construction or alteration of public utility generation, communication, transmission and distribution facilities used by such utilities duly franchised or authorized as such in the city, as it pertains to electrical work. Administrative office buildings for such franchised utilities shall require electrical permits as described in subsection (a)(1) of this section.
- c. The installation, alteration or repair of electrical equipment of a power or public service company for its use in the generation, transmission, distribution or metering of electricity.
- d. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

- e. Replacement of snap switches, receptacles and fixtures (other than ceiling fans) where no alteration or extension of an existing circuit is required.
- (6) *Sign permits.* A sign permit shall not be required for the following:
- a. The advertising copy or message, on a painted or printed sign only. Except for theater marquees and similar signs specifically designed for the use of replaceable copy, electric signs shall not be included in this exemption.
  - b. Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
  - c. Any sign placed or painted on the inside of a building or on the inside or outside of any bus, taxicab or other vehicle.
  - d. Any sign painted or lettered directly on the wall of any building or structure which advertises the name of the owner or lessee or sublessee of the building, or the products manufactured, sold or stored in such building; or any sign painted on the surface of any window or door of a building.
  - e. Miscellaneous traffic or other municipal signs, danger signs, railroad crossing signs, legal notices or trespassing signs, or signs of public service companies indicating danger or aids to service or safety.
  - f. Emergency, nonadvertising signs.
  - g. Bulletin boards for public, charitable or religious institutions when such bulletin boards are located on the premises of the institution.
  - h. Real estate signs advertising the sale, rental or lease of the premises on which they are maintained; provided that there is not more than one such sign for any street frontage and the total gross area does not exceed 32 square feet (2.97m<sup>2</sup>).
  - i. Tablets constructed of bronze, brass, stone or other noncombustible materials, when built or attached to the walls of a building or other structure, provided that such tablets bear only the name of the owner, the name or use of the building, the date of erection of the building or commemorative matter.
  - j. Signs announcing the name of the architect, engineer and contractors of a building under construction, alteration or repair, and announcing the character of the building enterprise or the purpose for which the building is intended.

- k. Signs of public service companies indicating danger, ownership of property, offices, or places where their service is available to the public, when the signs are placed flat against the wall of a building or other structure.
- l. Signs less than ten square feet in area in residential zoning districts.

(Code of Gen. Ords. 1967, § 9.1.301; Ord. No. 61386, 8-10-89; Ord. No. 910110, 2-14-91; Ord. No. 911125, 4-23-92; Ord. No. 960371, § A, 4-18-96; Ord. No. 981053, § 1, 10-1-98; Ord. No. 010783, 8-23-01; Ord. No. 020025, 1-31-02; Ord. No. 020732, 7-2-02; Ord. No. 040477, § 1, 8-12-04; Ord. No. 061292, § B, 6-14-07; Ord. 071193, § 1, 1-3-08)

**Sec. 18-17. Application for permit; responsibilities of permittee.**

(a) *Filing; contents.* To obtain a permit required by this chapter, the applicant shall first file an application therefor in writing on a form furnished by the building official for that purpose. Every such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Describe the land on which the proposed work is to be done, by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (3) Indicate the use or occupancy for which the proposed work is intended.
- (4) State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
- (5) Be signed by the permittee, or the permittee's authorized agent, who may be required to submit evidence to indicate such authority. It shall be presumed that a person obtaining a permit for work on property for which the person is not the owner, obtains the permit with the knowledge and consent of the owner or other person in control or in charge of the property.
- (6) Be accompanied by construction documents and other information as required in Sec. 18-18.
- (7) Give such other data and information as may be required by the building official.

(b) Application for permits to move, raise or shore a structure shall be made to the building official. Every such application shall indicate:

- (1) The present location of the structure to be moved.

- (2) The proposed location of the structure.
  - (3) Evidence that all public utilities have been properly disconnected.
  - (4) The length, width and height of the structure.
  - (5) The principal materials of construction of the structure.
  - (6) The length of time required to do the proposed work. Note that structure moving permits are valid for five days only.
  - (7) The name and address of the owner of the property where the structure is to be moved.
  - (8) The name and address of the owner of the structure.
  - (9) The name and address of a contact person during the move.
  - (10) Proof of permission from the owner to move, raise or shore the structure.
  - (11) Approval by the director of public works of a moving route plan.
  - (12) A satisfactory pre-move inspection report from the department of city planning and development on general code conformance of the structure to be moved.
  - (13) A satisfactory foundation inspection report from the department of city planning and development for the proposed location. A satisfactory pre-move inspection report from the department of city planning and development is required to obtain a foundation permit for the proposed location.
  - (14) A brief description of proposed condition the present site is to be left in upon completion of removal of the structure (when the site is in the city only).
- (c) Applications for permits for demolition work shall include the following:
- (1) A site plan showing the location of the building or structure to be demolished and of all existing buildings on the property. The plan shall additionally show any necessary means of pedestrian protection as required in article II of this chapter.
  - (2) The location where the demolition debris will be deposited.
  - (3) The height and the total square footage of the building.
  - (4) Evidence of required street closure permit.
  - (5) The length of time required to complete the proposed work.

- (6) The name and address of the owner of the building.
- (7) The type of equipment or method used to demolish the building.
- (8) Evidence that all public utilities have been disconnected.
- (9) Proof of rat-abating of any building at least ten days before the demolition may be required.
- (10) Proof of permission from the owner to demolish the building.

(d) The permittee, also referred to as the permit holder, shall be responsible for the following conditions and restrictions:

- (1) To provide minimum safety measures and equipment to protect the public as prescribed by this chapter.
- (2) To observe any other city ordinances prescribing measures for the safety of the public.
- (3) To observe and comply with any other city ordinances or regulations.
- (4) To faithfully construct without departure from or disregard of drawings and specifications, when such drawings and specifications have been filed with and reviewed for code compliance by the director of city planning and development and a permit has been issued for such construction.
- (5) To obtain inspections required by this chapter
- (6) To pay any fee assessed under the authority of this chapter.
- (7) To obey any order issued under the authority of this chapter.
- (8) To maintain satisfactory levels of competence, integrity, workmanship, and recognized practice.
- (9) To maintain a valid business license(s) in the appropriate classification(s), company name, and ownership, per the requirements of the finance department.
- (10) To maintain an active fictitious name registration with the State of Missouri, Office of the Secretary of State, under the business name in which the permittee is obtaining permits when conducting business under a name other than the licensee's given name.

- (11) To cause, permit or allow any work authorized by the permit to be performed in violation of the licensing, certification and/or supervision requirements of section 18-14 shall be a violation of this chapter.

(Code of Gen. Ords. 1967, § 9.1.302; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 981053, § 1, 10-1-98; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. 071193, § 1, 1-3-08)

### **Sec. 18-18. Construction documents.**

(a) *Submittal documents.* Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more sets with each application for a permit. When such construction documents are not prepared by a registered design professional, the building official may require any applicant submitting such documents to demonstrate that state law does not require them to be prepared by a registered design professional. The building official may require plans, computations and specifications to be prepared and designed by a registered design professional licensed by the state to practice as such, even if not required by state law. The building official may waive the submission of plans, calculations, diagrams or other data, if he finds that the nature of the work applied for is such that reviewing the documents is not necessary to obtain compliance with this code.

(b) *Information on construction documents.*

(1) *Generally.* Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. 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 code and relevant laws, ordinances, rules and regulations, as determined by the building official.

(2) *Identification.* The first substantive sheet of construction documents shall list the address and legal description of the project and the name, addresses, and telephone number of the owner and the preparer of the plans.

(3) *Site plan.* The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, the existing grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plat. The building official is permitted to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

(4) *Engineering data.* One set of adequate details of structural, mechanical, electrical and fire protection work involving computations, stress diagrams and other

essential technical data shall accompany submitted construction documents. Construction documents for buildings of other than Group R-3 or Group U occupancies shall indicate how required structural and fire resistive integrity will be maintained where penetrations are made for electrical, mechanical, plumbing and communications conduits, pipes and similar systems.

- (5) *Design certification.* Submitted construction documents for each applicable discipline shall be certified in writing as being prepared in conformance with this code and the zoning ordinance. Such certification shall include the name, signature, state registration number and telephone number for each designer on the project.
- (6) *Regulatory floodplain data.* Permit applications for buildings or structures within any area designated as a regulatory floodplain in the official floodplain document shall include floor elevations and floodproofing details, as required, in conformance with section 28-6. Where floodproofing construction techniques are required, the building or structure, together with attendant utility and sanitary facilities, shall be designed so that below the level specified in section 28-4(6) the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and the permit applicant shall provide certification by a professional engineer or architect registered to practice as such in the state that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.
- (7) *Means of egress.* 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 code. In other than occupancies in Groups R-2, R-3, as applicable in Section 101.2, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
- (8) *Exterior wall envelope.* Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

(c) *Previous approvals.* This code 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 chapter and has not been abandoned.

(d) *Design professional in responsible charge.* When it is required that documents be prepared by a registered design professional, the building official shall 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, and when approved by the building official, the owner shall be permitted to 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 building official shall be notified in writing by the owner 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 section 1709 of the *International Building Code*, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structure is to occur. See also duties specified in section 1704.

(e) *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 their design and submittal documents have been approved by the building official.

(f) *Amended construction documents.* Work shall be installed in accordance with the reviewed construction documents, and changes which are not in substantial compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents prior to construction.

(g) *Retention of construction documents.* One set of construction documents shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress. One set of construction documents shall be

retained by the building official until after final inspection when it is concluded that the work complies with the provisions of this code.

(Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. 071193, § 1, 1-3-08)

**Sec. 18-19. Issuance of permits; expiration of permits and applications; suspension or revocation of permits; review of application.**

- (a) *Generally.*
- (1) *Application examined.* The building official shall examine or cause to be examined the application and accompanying construction documents filed by an applicant for a permit under this chapter. Such construction documents may be reviewed by other departments of the city to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the construction documents filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in section 18-20 have been paid, he shall issue a permit therefor to the applicant.
- (2) *Time limitation of application.* An application for a permit for any proposed work shall expire by limitation and 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 justifiable cause demonstrated. Plans and other data submitted for review, but deemed to have been abandoned, may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee in accordance with Section 18-20(c)1.
- (3) *Stamped Documents.* When the building official issues a permit where construction documents are required, he shall endorse in writing or stamp the construction documents "Reviewed for Code Compliance." Such stamped construction documents shall not be changed, modified or altered without authorizations from the building official, and all work regulated by this chapter shall be done in accordance with the endorsed/stamped construction documents.
- (4) *Phased review for code compliance.* The building official may issue a permit for the construction of part of a building, structure or building service equipment before all of the construction documents for the entire building, structure or building service equipment have been submitted or reviewed for code compliance, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this chapter. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service will be granted.

- (5) *Dangerous Buildings.* No permit shall be issued to any party, other than the city's demolition contractor, for the repair, reconstruction, enlargement, alteration, moving, raising, shoring, demolition, wrecking, or razing of a structure that has been declared a dangerous building under chapter 56 of the code, provided the structure has been scheduled for demolition by the city and a notice to proceed has been issued to the city's demolition contractor.
- (b) *Validity of permit.*
- (1) The issuance of a permit or the stamping of construction documents with "Reviewed for Code Compliance" shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other ordinance. No permit presuming to give authority to violate or cancel the provisions of this chapter or other ordinances shall be valid.
- (2) The issuance of a permit based upon reviewed construction documents shall not prevent the building official from thereafter requiring the correction of errors in the construction documents, or from preventing building operations being carried on there under when in violation of this chapter or of any other ordinances or laws. The building official is also authorized to prevent occupancy or use of a structure where in violation of this chapter or of any other ordinances of the city.
- (c) *Expiration of permits.*
- (1) *Generally.* Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or, if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefore shall be in accordance with Section 18-20(d). A permit may be extended by the building official for a period not to exceed six months upon written request from the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.
- (2) *Sign permit.* An erection permit shall authorize erection or relocation of the sign or sign structure for a period of six months. If the work authorized under a permit has not been completed within six months after the date of issuance, the permit shall become null and void.
- (3) *Building moving permits.* The work authorized by a moving permit shall be commenced within three calendar days from the date of issuance of such permit. If the work is suspended or abandoned more than two consecutive calendar days after the work is commenced, the permit shall expire. The length of time permitted for moving any building and placing on a permanent foundation shall

not exceed five calendar days from the date of permit issuance. A permit may be renewed or extended by the building official upon request of the permit holder if the building official concludes that work could not be completed within the allotted time or that work was suspended as a result of circumstances not reasonably within the control of the permit holder, such as weather, mechanical failures and other unanticipated difficulties.

(4) *Demolition work.* The work authorized by a demolition permit shall be continuous until the work is completed. For the purpose of this article, the term "continuous" shall mean the normal rate of progress in keeping with good demolition practices. If the work is suspended for more than five calendar days after the work is commenced, the job shall be deemed abandoned and the permit shall expire. The building official may allow the work to be suspended longer than five calendar days should it be found that weather or other conditions beyond the control of the permit holder exist. The time for demolition of a one- or two-story dwelling shall not exceed 30 days from the date the demolition work commences.

(d) *Suspension or revocation.*

(1) *Generally.* The building official may, in writing, suspend or revoke any permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provisions of this chapter, or other pertinent laws or ordinances within the Code of Ordinances. The building official may also suspend or revoke any permit issued upon failure of the holder thereof to comply with any of the provisions of this chapter or requirements of the permit.

(2) *Traffic Control Obstruction.* The building official may revoke a permit for the erection of any sign or other structure which, by reason of its position, shape or color, may obstruct or interfere with the view of or be confused with any authorized traffic sign, signal or device.

(3) *Hearings.* The holder of a permit may request a hearing before the building official to consider the suspension or revocation of a permit.

(e) *Placement of permit.* The building permit or copy shall be kept on the site of the work until the completion of the project.

(Code of Gen. Ords. 1967, § 9.1.303; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 931301, 4-14-94; Ord. No. 981053, § 1, 10-1-98; Ord. No. 010783, 8-23-01; Ord. No. 021292, 11-7-02; Ord. No. 040477, § 1, 8-12-04; Ord. 071193, § 1, 1-3-08)

#### **Sec. 18-20. Fees.**

(a) *Generally.* Fees relating to work regulated by this chapter shall be assessed in accordance with the provisions of this section. A permit shall not be valid until the fees prescribed by law have

been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to 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.

(b) *Permit fees.*

(1) *Valuation of construction.* The determination of the value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued. Separate values or valuations shall be computed and separate permits shall be obtained and separate plan review fees shall be paid for each building or structure included in an application for permits. Fees may be waived at the discretion of the building official during times of declared emergency.

(2) *One- and two-family detached dwelling building, mechanical, plumbing, electrical, elevator and fire protection permit fees.* One- and two-family detached dwelling building, mechanical, plumbing, electrical, elevator and fire protection permit fees are as follows:

Total Valuation Fee	
\$0.00--\$1,000.00.....	\$48.00
\$1,001.00--\$2,000.00.....	54.00
\$2,001.00--\$100,000.00:	
For the first \$2,000.00.....	54.00
Plus, for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00 .....	4.00
\$100,001.00 and over:	
For the first \$100,000.00.....	446.00
Plus, for each additional \$1,000.00 or fraction thereof.....	1.30

(3) *Building, mechanical, plumbing, electrical, elevator and fire protection permit fees for other than one- and two-family detached dwellings.* Building, mechanical, plumbing, electrical, elevator and fire protection permit fees for other than one- and two-family detached dwellings are as follows:

Total Valuation Fee	
\$0.00--\$500.00.....	\$ 48.00

\$501.00--\$2,000.00.....	86.00
\$2,001.00--\$200,000.00:	
For the first \$2,000.00.....	86.00
Plus, for each additional \$1,000.00 or fraction thereof, to and including \$200,000.00 .....	12.50
\$200,001.00--\$1,000,000.00:	
For the first \$200,000.....	2,561.00
Plus, for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.....	8.30
\$1,000,001.00 and over:	
For the first \$1,000,000.00 .....	9,201.00
Plus, for each additional \$1,000.00 or fraction thereof.....	3.60

(4) *Demolition permit fees.* Demolition permit fees are as follows:

- a. One- and two-family dwellings and detached accessory buildings per building .....\$ 80.00
- b. All other structures..... 197.00
- c. *Pre-demolition inspection fee.* A pre-demolition inspection fee shall be paid to the building official prior to a pre-demolition inspection being performed. The pre-demolition inspection fee shall not apply towards the demolition permit fee and shall be assessed as follows:
  - One and two family detached dwellings per building: 34.00
  - All other buildings per building: .... 95.00

(5) *Sign permit fees.* Sign permit fees are as follows:

- Type of Sign Fee
- a. Combination and freestanding signs:
    - 1. Up to and including 20 square feet..... \$ 126.00
    - 2. And for each additional 20 square feet  
or fraction thereof..... 21.00
  - b. Flat wall signs:

1. Up to and including 300 square feet.....	125.00
2. And for each additional 300 square feet or fraction thereof.....	21.00
c. Marquees: Each marquee.....	416.00
d. Roof signs:	
1. For surface area not to exceed 300 square feet.....	416.00
2. And for each additional 300 square feet or fraction thereof.....	105.00
e. Temporary signs (displayed not longer than 60 days):	
Each sign.....	48.00

f. Outdoor Advertising Signs:

Fees shall be calculated as required for freestanding signs. Each face of such signs shall be calculated separately for permit fee calculations.

*Outdoor advertising sign pre-permit inspection fee.* An outdoor advertising sign pre-permit inspection fee shall be paid to the building official prior to an outdoor advertising sign pre-permit inspection being performed. The outdoor advertising sign pre-permit inspection fee shall not apply as part of the sign permit fee.

Each sign.....	300.00
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(6) *Supplementary permit fees.* The fee for a supplementary permit to cover any additional value not included in the original permit shall be the difference between the fee paid for the original permit and the fee which would have been required had the original permit included the entire value. The minimum supplemental permit fee assessed shall be \$48.00.

(7) *Partial permit fees.* When a permit for the construction of part of a building, structure, or building service equipment is requested by the applicant, fees shall be determined in accordance with section 18-20(b)(2) and (3), based on the valuation of work to be performed, as separate permit fees and not as supplementary fees. The minimum fee for a partial permit shall be \$74.00.

(8) *Fast Track Permit Fees.* The fee for a fast track permit issued prior to approval of plans review shall be \$71.00. The Fast Track Permit Fee shall be in addition to all other fees due.

(9) *Building moving permit fee.* The fee for a building moving permit shall be \$197.00.

(10) *Building moving pre-permit inspection fee.* A building moving pre-permit inspection fee shall be paid to the building official prior to a building moving pre-permit inspection being performed. The building moving pre-permit inspection fee shall be in addition to all other fees due.

Each building ..... 95.00

(c) *Construction document review fees.*

(1) *Initial construction document review fee.* For other than one- and two-family dwellings, when a construction document is required to be submitted, a construction document review fee shall be paid to the building official at the time of submitting the construction documents for review. Such construction document review fee shall be one-half of the permit fee and shall be a credit toward the total fee when the permit is issued.

(2) *Resubmittal construction document review fees.* When previously identified deficiencies remain uncorrected on subsequent submittals or when items certified on the Checklist for Building Permit Construction Document Submittal as being provided are omitted, a resubmittal construction document review fee shall be assessed at the time of resubmittal of the discipline. This fee shall be one eighth of the total permit fee for resubmittal deficiencies. The fee for certified checklist omissions shall be \$67.00. Such resubmittal construction document review fee shall not apply as a credit toward the total permit fee. Maximum resubmittal fee shall be as follows:

a. One- and two-family dwelling construction document..... \$ 27.00

b. Other than one- and two-family dwelling construction document. ....\$ 263.00

(3) *Changes to previously reviewed plans.* Review of such changes shall be assessed a fee as follows:

a. Minor reviews ..... \$48.00

b. Major reviews . . . . 1/2 of initial construction document review fee paid.

The director or designee shall have the authority to determine the extent of the changes requested and the fee which shall apply. This fee shall be in addition to any other fees required.

(4) *Scheduled express review fees.* When scheduled express review is requested by the applicant, a fee of \$27.00 for one- and two-family dwellings and a fee of \$67.00 for all other structures shall be assessed. Such fees shall be in addition to required permit fees. Eligibility for scheduled express review service shall be determined by the building official based on the complexity of the review and availability of staff to perform the review.

- (5) *Priority Project review fee.* When priority status is requested by the applicant, a fee of 2 times the permit fee shall be assessed. Eligibility for priority status shall be determined by the building official based on the complexity of the project and availability of staff to perform the review.
- (6) *Master Plan Review without permit application.* When a Master Plan is submitted for review without a corresponding permit application, a fee of one-half the normal permit fee shall be assessed. This fee shall not be applicable to future permit applications.
- (7) *Optional preliminary code review design meetings.* When requested by the applicant, preliminary code review meetings may be conducted and a fee shall be assessed for other than one- and two-family detached dwellings as follows:
- a. One- and two-family dwellings ..... no fee
  - b. Proposed design less than 20,000 square feet..... \$ 67.00
  - c. Proposed design 20,000 square feet  
to 40,000 square feet..... 131.00
  - d. Proposed design more than 40,000 square feet..... 198.00
- (8) *Re-review and stamping of lost construction documents to replace applicant's reviewed field set of construction documents.* Such review and stamping shall be assessed a fee of 25% of the initial construction document review fee paid with a minimum fee of \$48.00. The maximum fee paid shall be \$500.00. Such fees shall be in addition to other required permit fees.
- (9) *Stamping of additional sets of construction documents.* One set of reviewed construction documents shall be provided to the applicant upon permit issuance. Stamping of additional sets of construction documents at the applicant's request shall be assessed a fee of \$21.00 per set.
- (10) *Nighttime building permits.* The application fee for a nighttime building permit shall be \$61.00. Such fees shall be in addition to other required permit fees.
- (11) *Occupant load certificate fee.* When requested by the applicant, the occupant load of a building or portion of a building will be calculated and a fee shall be assessed of \$127.00.
- (12) *Replacement of occupant load certificate or certificate of occupancy.* When requested by the applicant, a replacement copy of a previously issued occupant load certificate or certificate of occupancy, if located, will be generated. A fee shall be assessed of \$32.00 per request.
- (13) *Floodplain certificate fee.* The application fee for a floodplain certificate shall be assessed as follows:

- a. One- and two-family dwelling floodplain certificate..... \$48.00
- b. Other than one- and two-family dwelling floodplain certificates ..... \$99.00

(14) *Code compliance verification letter fee.* When requested by the applicant, information related to the status of property with regard to building code and land use regulations will be retrieved and transmitted to the applicant and a fee shall be assessed of \$127.00.

(15) *Address change processing fee.* When requested by the property owner, address changes in compliance with addressing standards shall be processed and a fee shall be assessed as follows:

- a. One and two family detached dwellings per building: ..... 32.00
- b. All other buildings per building: ..... 127.00

(d) *Expiration of permit.* The fee to renew an expired permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that any suspension or abandonment of the work has not exceeded one year.

(e) *Commencement of work without permit.*

(1) Wherever any work for which a permit is required by this article has been commenced without first obtaining a permit, a special investigation may be made before a permit is issued for such work.

(2) Where work for which any permit is required by this article is started prior to obtaining the permit, the fee specified for such permit shall be tripled. This provision shall not be construed as permission to begin work without the required permit except as follows:

- a. In case of an emergency as set forth in section 18-16(a)(1)b.; or
- b. In case the work is being done at a one-family dwelling by the person who owns and occupies such dwelling and the permit is applied for before the end of the workday following notification.

(f) *Fee refunds.* Where no portion of the plan review for an application has been commenced, or where no portion of the work covered by a permit issued by the building official has been commenced, the applicant may request in writing that the application or permit be canceled and the plan review or permit fee be refunded. The applicant shall then be entitled to a refund of 90 percent of the applicable fee actually paid, except that a full refund will be made when the fee was paid or collected in error. Refunds will not be made for fees representing work having been done prior to the time the fee refund request is made. Under any circumstance, fee refund requests must be made within 180 days after the date of payment if no permit is obtained, or 30 days after the permit is canceled or expired.

(g) *Fee for certificate of occupancy.*

(1) *Fee for certificate of occupancy not related to work under a building permit.* Where a certificate of occupancy is required other than in connection with work under a building permit, the person applying for the certificate shall, at the time of filing application therefore, pay to the building official a fee as required for a team inspection in section 18-20 (h). If it is determined that work requiring a permit is necessary for issuance of the certificate, this fee shall be applied toward the permit fee.

(2) *Temporary certificate of occupancy fees.* When a temporary certificate of occupancy is requested by the applicant in connection with work under a building permit and conditions warrant issuance of a temporary certificate of occupancy pursuant to section 18-23(d) of this chapter, a fee shall be assessed according to the following schedule:

a. Residential one- and two-family dwellings, townhouses and associated accessory structures:

1st temporary certificate.....	\$ 0.00
2nd and subsequent certificates.....	198.00
2nd and subsequent certificates when certificate is over 5 working days expired.....	396.00

b. All other structures:

1st temporary certificate.....	0.00
2nd and subsequent certificates.....	396.00
2nd and subsequent certificates when certificate is over 5 working days expired.....	792.00

The Building Official is authorized to develop written procedures by which the renewal fee may be waived due to special circumstances.

(h) *Inspection fees.*

(1) *Certificate of inspection for underground spaces.* Inspection and certification of underground space pursuant to section 18-21(g)(2) of this chapter shall be performed by the building official upon payment of a fee of \$328.00 payable upon application for certificate of inspection.

(2) *Certificate of inspection for elevators.* The fee for the administration of and or inspections and testing of elevator equipment pursuant to section 18-21(g)(1) of this chapter shall be of \$120.00 for the first three floors, or 30 feet of travel, plus \$9.00 for each additional three floors, or 30 feet of travel or fraction thereof. The elevator equipment

owner or maintainer shall remit these fees within 60 days of billing. The elevator equipment inspection and tests shall not be scheduled or performed until these fees have been received. Failure to remit these fees within the 60 days will result in a \$15.00 additional administrative fee associated with the cost of the re-billing process for each piece of elevator equipment being billed. All called-for inspections or tests to be performed by Department of City Planning and Development inspectors shall be subject to a minimum fee of \$32.00 per each piece of elevator equipment scheduled for inspection and test, if the inspection test is not made or is not completed and the Department of City Planning and Development inspector has appeared at the inspection test site, ready to inspect or observe the test, or the scheduled inspection and test is either canceled or rescheduled less than three working days prior to the scheduled date. Payment of fees associated with the failure to perform an inspection and test scheduled with Department of City planning and development inspectors is the responsibility of the registered elevator contractor who scheduled the elevator equipment inspection and test. All fees outlined above are due and payable to the Department of City planning and development even when the inspection and testing is performed by a qualified person authorized by the enforcing authority.

- (3) *Fee for follow-up inspection per state requirements.* The fee for a follow-up inspection of elevator equipment by city personnel pursuant to the Elevator Safety Act and Rules of the State of Missouri shall be \$65.00. The fee shall be waived if the inspection is performed at the same time as a follow-up inspection pursuant to section 18-21(g)(1) of this code. The fee, when required, shall be paid before the follow-up inspection is performed.
- (4) *Certificate of inspection for communication towers.* Inspection and certification of communication towers pursuant to section 18-21(g)(3) of this chapter shall be completed by the building official upon payment of a fee of \$131.00 payable upon application for certificate of inspection.
- (5) *Certificate of inspection for multilevel parking station structures.* Inspection and certification of multilevel parking station structures pursuant to section 52-31 of chapter 52, parking stations, shall be completed by the building official upon payment of a fee of \$263.00 payable upon application for certification of inspection.
- (6) *Reinspection fees.* When work for which an inspection is requested is not complete (not ready when inspector arrives) or when deficiencies identified on two previous inspection events have not been completed a fee of \$67.00 shall be assessed and no further inspections shall be completed until such fee is paid.
- (7) *Inspections outside of normal business hour fees.* When the permit holder requests inspections outside of normal business hours, a fee of \$53.00 per hour, to include travel time, with a minimum fee of \$212.00 shall be assessed for such service. Eligibility for inspections outside of normal business hours shall be determined by the building official based upon the nature of inspections requested and the availability of staff to perform the inspections.
- (8) *Team inspection fee.* When requested by the applicant, the building official may conduct a team inspection of a site/building for the purpose of providing the applicant a written

assessment of code issues which may assist the applicant in planning a project or in problem solving. Eligibility for team inspections shall be determined by the building official based upon the nature of inspections requested and the availability of staff to perform the inspections. A fee, payable prior to the inspection being performed, shall be assessed as follows:

- a. Buildings/projects less than 20,000 square feet..... \$266.00
- b. Buildings/projects 20,000 square feet to 40,000 square feet..... 353.00
- c. Buildings/projects more than 40,000 square feet..... 441.00

(9) *Electrical service reconnect fee:* When a request is made by a property owner for an inspection of an existing electrical service for the purpose of approving the electric utility connection, a fee of \$48.00 shall be assessed. If it is found that work requiring an electrical permit is required, this fee may be credited toward the permit fee.  
 Exception: Reconnection of a service due to a fire occurring within the 90 days prior to the request.

(i) *Code modification request fees.* Code modification requests (CMR) submitted pursuant to section 18-6 of this chapter shall be assessed the following fees:

- (1) One- and two-family dwellings per dwelling unit..... \$ 47.00
- (2) All other structures per building or tenant space, whichever is greater..... 99.00
- (3) When multiple units of one and two-family dwellings are submitted for the same project in the same request, or when multiple buildings or tenant spaces for all other structures are submitted for the same project in the same request, the maximum fee will be... 526.00
- (4) Requirements contained in article XII, contractors, division 3, licensing..... 47.00

(j) *Building and fire codes board of appeals fees.*

- (1) One- and two-family dwellings per dwelling unit..... \$ 47.00
- (2) All other structures per building or tenant space, whichever is greater..... 99.00
- (3) When multiple units for one- and two-family dwellings are submitted for the same the same project, in the same request, or when multiple buildings or tenant spaces for all other structures are submitted for the same project in the same request, the maximum fee will be..... 526.00
- (4) Requirements contained in article XII, contractors, division 3,

licensing..... 47.00

(5) Continuance requested by appellant..... one half of original filing fee

(6) No filing fee will be charged for appeals of decisions on code modification requests.

(7) Special exception to issuance of floodplain certificate..... \$99.00

(k) *Contractor license application fee*..... \$53.00

(l) *Contractor license fees*. The quadrennial fees for contractor licenses shall be..... \$161.00

See Sec. 18-327 for list of applicable license classes.

Contractor license fees shall not be refundable.

(m) *Certificate of qualification application fee*..... \$53.00

(n) *Certificate of qualification renewal fee*. The quadrennial renewal fee for all certificates of qualification shall be \$161.00, except that the certificate fee shall be waived for employees of the city who work for the city as tradesmen or inspectors. Certificates of qualification shall be issued at no charge for the first four years and shall be renewed quadrennial thereafter at the rate established by this chapter.

(o) *Encroachment fees*.

(1) *Encroachment permit application fee*. Applications submitted pursuant to section 18-40 (Chapter 32 of the *International Building Code*, as amended) of this chapter for approval of private use of public property shall be assessed an application fee of \$131.00. This fee is not intended to represent any rental or other payments that may also be required by the city.

(2) *Encroachment license fee*. Encroachment into the right-of-way will be subject to the imposition of an annual license fee of \$56.00 plus \$.56 per square foot of encroachment. Aerial (over seven feet above grade) or underground encroachments shall be charged \$56.00 plus \$.28 per square foot. Encroachments granted to the State of Missouri and the United States will not require payment of an encroachment fee because it is in the public interest to permit such encroachments without additional costs to these public entities.

(p) *Adjustment of fees*. The city manager shall have the authority to adjust the fees listed above, except Sections 18-20(b)(2) and 18-20(b)(3), to reflect the change in the consumer price index (all items/all urban consumers/Kansas City, Missouri/Kansas) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments, if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

(Code of Gen. Ords. 1967, § 9.1.304; Ord. No. 61386, 8-10-89; Ord. No. 910110, 2-14-91; Ord. No. 911125, 4-23-92; Ord. No. 960149, § 1, 3-7-96; Ord. No. 960363, § 1, 4-18-96; Ord. No. 961418, § A, 11-14-96; Ord. No. 981053, § 1, 10-1-98, Ord. No. 981269, § A, 11-5-98; Ord. No. 010783, 8-23-01; Ord. No. 020025, 1-31-02; Ord. No. 020038, 3-21-02; Ord. No. 020732, 7-2-02; Ord. No. 020900, 8-22-02; 021383, 12-19-02; Ord. No. 040477, § 1, 8-12-04; Ord. 071193, § 1, 1-3-08; Ord. No. 080766, § 1, 8-14-08; Ord. No. 090063, § 1, 2-12-09)

**Cross references:** Exemption from building permit fee for property located in municipal disaster assistance zone, § 2-6.

### **Sec. 18-21. Inspections.**

- (a) *Authority of building official; duties of permittee.*
  - (1) All construction or work for which a permit is required under this chapter shall be subject to inspection by the building official, and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in section 18-22.
  - (2) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of any other ordinances. Inspections presuming to give authority to violate or cancel the provisions of this chapter or any other ordinances shall not be valid.
  - (3) 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 city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
  - (4) A survey of the lot may be required by the building official to verify that the structure is located in accordance with approved plans.
  - (5) It shall be the duty of the permit applicant to install and maintain effective erosion and sediment control measures as specified in section 3307 of the *International Building Code*. Should it be found that required erosion and sedimentation control measures have not been installed, the building official may refuse any inspection requests for work requiring inspections until such time as the site complies with the requirements of this chapter. Should it be found that the installed erosion and sediment control measures are ineffective or are not being maintained properly, the building official shall give notice to the permit holder. Subsequent inspections may be refused if the erosion and siltation control measures are ineffective, or not being maintained.
  - (6) 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.

(b) *Inspection requests.* It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

(c) *Approval of successive portions of work, final inspection.*

(1) 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 that the portion of the construction or demolition is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the construction or demolition fails to comply with this chapter. Any portions which do not comply shall not be covered or concealed until authorized by the building official.

(2) There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

(d) *Required inspections.*

(1) Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

(2) The building official, upon notification from the permit holder or permit holder's agent, shall make the following inspections and shall either approve that portion of the construction or demolition as completed or shall notify the permit holder or his agent wherein the construction fails to comply with this chapter:

a. *Footing or foundation inspection.* A footing and foundation inspection 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 prior to inspection. All materials for the foundation shall be on the job; except, where concrete is ready-mixed in accordance with ASTM C94, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

b. *Concrete slab or under-floor inspection.* Concrete slab and under-floor inspections shall be made after all 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 poured or floor sheathing installed, including the subfloor.

c. *Prebackfill.* A prebackfill inspection shall be made after the foundation drainage and damproofing systems are complete and prior to backfilling.

- d. *Rough-in inspection.* A rough-in inspection shall be made after such work as framing, fireblocking, roof, piping, vents, ductwork, chimneys, wiring, etc., are in place and prior to concealment.
- e. *Fire resistive rated assembly.* A fire resistive rated assembly inspection shall be made at such time so as to verify that the construction of each fire resistive rated assembly is in accordance with its listing.
- f. *Fire-resistant penetrations.* An inspection shall be made of the firestopping or fireblocking of all penetrations, joints, etc., prior to concealment.
- g. *Masonry throat inspection.* For masonry fireplaces only, a masonry throat inspection shall be made after the firebox is built and the 1<sup>st</sup> flue liner is in place. Construction of chimney may not continue until this inspection is approved.
- h. *Utility connection inspections.* Gas or electric service inspections shall be made prior to connection to the utility source. See Section 18-11 of this article.
- i. *Performance tests.* Performance tests shall be conducted by the permit holder as required by this chapter, or as otherwise required by the building official.
- j. *Demolition (basement and sewer) inspection.* A basement and sewer inspection shall be made prior to the filling of the excavation and/or final grading of the property.
- k. *Final inspection.* A final inspection shall be made after all work under permit has been completed for the building, tenant space or demolition.

(e) *Other inspections.* In addition to the inspections specified in subsection (d) of this section, the building official may make or require other inspections of any construction or demolition work to ascertain compliance with the provisions of this chapter or any other ordinances.

(f) *Building service equipment inspections.* The requirements of this section shall not be considered to prohibit the operation of any building service equipment installed to replace existing building service equipment serving an occupied portion of the building if a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after such replacement work is completed, and before any portion of such building service equipment is concealed by any permanent portion of the building.

(g) *Periodic inspections.*

(1) *Elevators.*

- a. *Generally.* All elevator equipment, vertical and inclined, shall be inspected as required by article IX of this chapter.
  - b. *Issuance of certificate of inspection.* Where the inspections and tests indicate that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this article, and the plans and specifications are filed, the building official shall issue a certificate of inspection to the owner of the elevator or the owner's agent. Such certificate shall be kept posted on the elevator. In the case of escalators and manlifts, such certificate shall be posted in a conspicuous place adjacent to the entrance of each escalator or manlift. No elevator, dumbwaiter, escalator, moving walk, workmen's hoist, manlift, chairlift or wheelchair lift which is covered by this chapter shall be used without such certificate. The owner, tenant, occupant or maintainer of property on which elevator equipment is being operated shall be responsible for the following use of such elevators: Freight elevators shall be ridden by the operator and freight handler persons only, and no-rider elevators shall not be ridden by persons.
  - c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the equipment is not in compliance with this chapter or that the fee for any required inspection or test has not been paid.
  - d. *Fees for tests and inspections.* Fees for tests and inspections shall be as provided in section 18-20 of this chapter.
  - e. *Limited certificates.* The building official may permit the temporary use of any equipment regulated by this chapter during the installation, alteration or repair, under the authority of a limited certificate issued for each class of service. Such limited certificate shall not be issued until the equipment has been tested under contract load and the car or counterweight safeties, terminal-stopping devices and other safety equipment has been tested and found to be safe for the class of service. Equipment operating under the authority of a limited certificate may be shut down or be subject to a double inspection fee if repairs or other requirements have not been completed in a timely manner.
- (2) *Underground space.*
- a. *Generally.* All new and existing underground spaces shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report

shall state that, in the opinion of the professional engineer, the underground space is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.

- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.

(3) *Communication towers for television and radio transmission or reception.*

- a. *Generally.* All new and existing structures shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.
- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.

(Code of Gen. Ords. 1967, § 9.1.305; Ord. No. 61386, 8-10-89; Ord. No. 910110, 2-14-91; Ord. No. 911125, 4-23-92; Ord. No. 960149, § 1, 3-7-96; Ord. No. 960363, § 1, 4-18-96; Ord. No. 981053, § 1, 10-

1-98, Ord. 981135, § C, 2-22-99; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

### **Sec. 18-22. Special inspections.**

When required by the building official and in addition to the inspections required by section 18-21, the owner or the engineer or architect of record acting as the owner's agent shall employ one or more special inspectors, who shall provide inspections during construction on the types of work listed in Chapter 17 of the *International Building Code*. All special inspection activities shall be in accordance with the policies established and published by the building official in the DCA Special Inspections Manual.

(Code of Gen. Ords. 1967, § 9.1.306; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 981053, § 1, 10-1-98; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

### **Sec. 18-23. Certificate of occupancy.**

(a) *Required.* No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building, structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided in this section. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this chapter or of any other ordinances. Certificates presuming to give authority to violate or cancel the provisions of this chapter or any other ordinances shall not be valid.

(b) *Change in use.* Changes in the character or use of a building shall not be made except as specified in either Chapter 34 of the *International Building Code* or the *International Existing Building Code*.

(c) *Issuance; contents.* 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 or his authorized representative inspects the building or structure and finds no violations of the provisions of this chapter or other laws which are enforced by the code enforcement agency, the building official shall issue a certificate of occupancy, which shall contain the following:

- (1) The building permit number.
- (2) The address of the structure.
- (3) A description of that portion of the structure for which the certificate is issued.
- (4) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and the use for which the proposed occupancy is classified.

- (5) The name of the building official.
- (6) The edition of the code under which the permit was issued.
- (7) The use and occupancy, in accordance with the provisions of chapter 3 of the *International Building Code*.
- (8) The type of construction as defined in chapter 6 of the *International Building Code*.
- (9) Any special stipulations and conditions of the building permit.
- (10) Whether an automatic sprinkler system is provided throughout the building.

(d) *Temporary certificate of occupancy.* If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the building is completed, a temporary certificate of occupancy may be issued for the use of a portion of a building or structure prior to the completion of the entire building or structure.

(e) *Violations.* It shall be unlawful for:

- (1) A permit holder or building owner to permit occupancy of a structure before a certificate of occupancy is issued.
- (2) A permit holder or building owner to permit occupancy of any structure for which a temporary certificate of occupancy has been issued and the temporary certificate has expired.
- (3) Any person to occupy any structure for which a certificate of occupancy has not been issued.
- (4) Any person to occupy any structure for which a temporary certificate of occupancy has been issued and the temporary certificate has expired.

(f) *Suspension or revocation.* The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any provisions of this code, or other pertinent laws or ordinances within this code. The holder of a certificate of occupancy may request a hearing before the building official to consider the suspension or revocation of a certificate of occupancy.

(Code of Gen. Ords. 1967, § 9.1.308; Ord. No. 61386, 8-10-89; Ord. No. 911125, 4-23-92; Ord. No. 931301, 4-14-94; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

**Sec. 18-24. Prefabricated construction.**

A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. Placement of prefabricated assemblies at the building site shall be inspected by the building official to determine compliance with this chapter, and a final inspection shall be provided in accordance with subsection 18-21(d)(2)g.

(Ord. No. 931301, 4-14-94; Ord. No. 010783, 8-23-01; Ord. No. 040477, § 1, 8-12-04; Ord. No. 071193, § 1, 1-3-08)

**Secs. 18-25--18-39. Reserved.**