

BILL NO. 1986

ORDINANCE NO. 1986

An Ordinance of the City of Ladue adopting the 2006 edition of the *International Building Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the CITY OF LADUE; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 1054 and Ordinance 1912, Section 118-1, of the CITY OF LADUE, and all other ordinances and parts of the ordinances in conflict therewith.

WHEREAS, THE CITY OF LADUE PREVIOUSLY ADOPTED THE B.O.C.A. BASIC BUILDING CODE, 1999, FOURTEENTH EDITION, AS THE BUILDING CODE OF THE CITY OF LADUE; AND,

WHEREAS, THE AFOREMENTIONED FOURTEENTH EDITION OF THE B.O.C.A. CODE HAS BEEN REVISED TO ADDRESS CERTAIN CHANGES IN BUILDING REQUIREMENTS, TECHNOLOGIES, MATERIALS AND TECHNIQUES; AND,

WHEREAS, THE CITY'S BUILDING COMMISSIONER AND DEPUTY BUILDING COMMISSIONER HAVE RECOMMENDED THE CITY OF LADUE ADOPT THE INTERNATIONAL BUILDING CODE, AS THE BUILDING CODE OF THE CITY OF LADUE; AND

WHEREAS, THE CITY COUNCIL HAS DULY CONSIDERED THE MATTER AND THE RECOMMENDATIONS OF THE BUILDING COMMISSIONER AND DEPUTY BUILDING COMMISSIONER AND HAS CONCLUDED TO ADOPT THE 2006 INTERNATIONAL BUILDING CODE; AND,

WHEREAS, THIS BILL HAS BEEN MADE AVAILABLE FOR PUBLIC INSPECTION PRIOR TO ITS CONSIDERATION BY THE CITY COUNCIL; AND,

WHEREAS, THIS BILL HAS BEEN READ BY TITLE TWO TIMES IN OPEN MEETING PRIOR TO ITS PASSAGE.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1.

Section 118-1 of Ordinance 1912, the City Code of Ordinances, is hereby repealed in its entirety and replaced with a new Section 118-1 as follows:

118-1. Building code adopted.

The International Building Code/2006, third printing: March 2007, as published by the International Code Council, Inc., is hereby adopted by

reference for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance

Section 2. The following sections are hereby added, deleted, or revised:

(See exhibit A)

Section 3.

That Ordinance No. 1054 of the City of Ladue (commonly referenced as the Building Code) in effect at the present time and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4.

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

Section 5.

That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6.

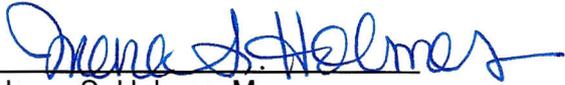
This ordinance shall take effect and be in force from and after its adoption and approval of the Mayor on March 1, 2010.

PASSED THIS 11th DAY OF JANUARY 2010.



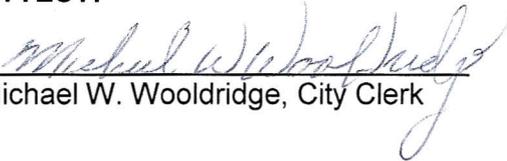
President, City Council

APPROVED AND ADOPTED THIS 11th DAY OF JANUARY 2010.



Irene S. Holmes, Mayor

ATTEST:



Michael W. Wooldridge, City Clerk



EXHIBIT "A"

118-1b. Adoption of and Amendments to the 2006 International Building Code. The 2006 International Building Code, Third Printing: March 2007, adopted as provided for in Section 118-1b of the Municipal Code, is hereby amended as follows:

- (a) Section 101.1 is hereby amended by substituting "City of Ladue" for the words "(name of jurisdiction)",
- (b) Insert new Section 102.7 as follows:

102.7 Matters not provided for: Any requirements that are essential for the structural, fire or sanitary safety of an existing or proposed building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the code official.

- (c) Insert a new Section 104.1.1 as follows:

104.1.1 Department of building inspection, code official defined: The term "department of building inspection" as used in this code shall mean the Building Department of the City of Ladue and the Building Commissioner of the City of Ladue and authorized designees shall be known as the "code official.";

- (d) Section 105.2 is repealed. Sections 105.2.1 through 105.2.7 to remain.
- (e) Insert a new Section 105.3.3 as follows:

105.3.3 Form of Application. Application for permits shall be made in writing upon forms or blanks issued by the Building Commissioner. All applications shall state clearly and fully the work proposed to be done, the cost thereof, a reasonable time for the completion of such work, and shall be signed by the owner or his agent and filed in the office of the Commissioner. No application will be accepted or permit issued if any City of Ladue taxes or fees are in arrears on any property owned in Ladue by the applicant. All applications for a permit involving building or alterations with an estimated cost in excess of \$1,000.00 shall be accompanied by a deposit in the sum of \$100.00. This deposit shall be credited against the total fee for such building or alterations permit which is to be paid when the permit is issued; provided, however, that in the event the permit is issued but is not called for or accepted by the applicant within thirty days from the date of issuance, such permit shall be canceled and said deposit shall be forfeited. In the event the permit is applied for is not issued for any reason, said deposit shall be forfeited by the applicant. The Building Commissioner may require that said application shall contain or be accompanied by a statement in writing, sworn to before a notary public, giving the full name and residence of the owner, or

owners, of the ground and structure, building, or shed upon which it is proposed to do any work, or, if the work is proposed to be done or executed by any person other than the owner or owners of the ground, then the Building Commissioner may require a statement in writing, sworn to as aforesaid, giving the full name and the residence of such person or persons so acting as agent, lessee, or in any representative capacity, and that he or they are duly authorized by the owner or owners to perform said work

(f) Insert a new Section 105.3.4 as follows:

105.3.4 Rejected application: Rejected applications will be held on file for sixty (60) days after the date of rejection. If the required information or corrections are not received within this period of time, the application shall be deemed to have been abandoned.

(g) Insert a new Section 105.8 as follows:

105.8 Permits Required. No person, firm or corporation shall erect, alter, enlarge, or repair (except minor repairs) any building or structure intended to be used for the shelter, support, or enclosure of persons, animals, or chattels; nor wreck, move or remove any such buildings; nor erect any retaining walls or fence walls, constructed of masonry, tile, or concrete; nor enclose any open shed or pavilion, within the City of Ladue, without first obtaining a permit authorizing same from the Building Commissioner. All construction referred to in such building permit must be completed within a period of time to be specified by the Building Commissioner at time of issuance of permit, but not longer than 12 months, 18 months for a new residence, from the date of issuance of the permit, and if not completed within the permitted time the applicant shall pay to the City of Ladue a penalty of \$25.00 per day for each day thereafter which is required to complete such construction. Completion shall include finished grading, seeding or sodding, and a finished driveway or vehicle area where included in plans. It is provided, however, that the Building Commissioner, with the approval of the City Council, may extend the date for such completion without penalty, if he finds that the delay in completion has resulted from causes beyond the control of the builder.

(h) Insert a new Section 105.9 as follows:

105.9 Work Performed Without Permit. Where any work for which a permit is required by this code is started, or proceeded with, prior to obtaining said permit, the normal applicable fees shall be doubled. The payment of said doubled fee shall not relieve any persons from fully complying with the requirements of this code or from other penalties prescribed herein.

(i) Insert a new Section 105.10 as follows:

105.10 Completion Deposits.

(a) Deposit Required. Each applicant for a building permit for the construction, alteration or repair of any building or structure shall be required by the Building Commissioner, before such permit is issued, to make a cash deposit with the City with respect to the proposed work to insure completion of the work and compliance with all codes, approved plans, and other building requirements as provided herein. The amount of said deposit shall be:

TABLE INSET:

New single-family and attached single-family residence	\$5,000.00
Multifamily and nonresidential buildings	\$5,000.00
Single-family room addition, garage or carport	\$1,000.00
Swimming pool	\$1,000.00
Single-family or attached single-family basement finish or interior remodel	\$500.00
Single-family or attached single-family retaining wall or deck	\$500.00
Single-family residential projects less than \$7,500	waived
Single-family residential fence	waived

(b) Use and Release of Deposit.

(1) All such funds shall be deposited by the City, and the City shall document the use, replacement, or release of such funds, as deposited by each applicant, according to generally accepted accounting principles.

(2) The City may use an applicant's deposited funds to ensure compliance with all codes, approved plans, or building or other legal requirements applicable to the applicant, the owner, or the property, including but not limited to: (i) when a residential

construction site has been substantially inactive for a period of thirty (30) consecutive days, then the deposited funds may be used to secure the structure, to remove debris and construction materials from the exterior of the structure, and to remediate any threat to public health or safety, and (ii) to pay any outstanding obligations, taxes, or special assessments owed to the City. Prior to using such funds, the City shall provide the applicant with written notice identifying the deficiency and the City's intent to correct or address the deficiency through the use of the deposited funds, and the City shall allow the applicant a minimum of seven (7) days within which to cure the deficiency. If the City so utilizes the deposited funds, the applicant shall be obligated to deposit a sum equal to the amount so used so as to maintain full funding of the required deposit.

(3) Upon final inspection by the City and satisfactory completion of all required work by the applicant, the deposit shall be released in favor of the applicant.

(4) Failure of the applicant to make a timely request for a final inspection and obtain final approval shall result in forfeiture to the City of any funds deposited in escrow in connection with the permit if the failure continues after thirty (30) days' written notice sent by certified mail to the last known address of the applicant.

(5) Unless the applicant applies in writing for segregated investment of a completion deposit at the time of permit application, an escrow deposit may be invested by the City with other municipal funds and any income derived therefrom may be used for general revenue purposes at any time. If the applicant applies by timely signed writing for segregated investment of its escrow deposit, the City shall segregate such funds and invest them in the same manner as allowed for municipal funds, to the extent practicable given the amount of the escrow; however, no return is assured and the City shall have no liability whatsoever other than to pay any income actually derived from such investment in the event of return of such escrow deposit. In the event of a forfeiture of an escrowed completion deposit, any income from the segregated investment shall also be forfeited.

(c) Appeals.

(1) Any applicant aggrieved by the administration of this program shall file a written appeal to the Building Commissioner within ten (10) days of the decision appealed from. The Building Commissioner shall issue a written determination of the appeal within five (5) business days of the applicant's appeal, unless

circumstances prevent a timely determination, in which case the determination shall be made as soon as reasonably possible.

(2) In the event the applicant believes that the Building Commissioner improperly denied such an appeal, the applicant must make a written notice of appeal to the City Council. The Council shall hold a hearing, affording the applicant notice and an opportunity to be heard and to offer evidence. The City Council shall determine the merits of the appeal, in writing, within thirty (30) days of the hearing.

(d) **Additional Remedies.** If an applicant fails to comply with any obligation of this Section, the code enforcement official may withhold or withdraw any grading, building, occupancy, or other permit until such noncompliance is cured.

(j) Add to 106.2 as follows:

The site plan shall provide sufficient detail to permit the code official to determine compliance with site grading and storm water drainage provisions of this code and of all applicable ordinances for the control of drainage and discharge of storm water.

(k) Section 108.6 is hereby repealed and a new Section 108.6 is hereby adopted in lieu thereof as follows:

108.6 Refunds: No portion of any fee shall be returned to a permit holder in the case of a revocation of a building permit or a suspension, discontinuance, or abandonment of work.

(l) Insert a new Section 109.3.1.1 as follows:

109.3.1.1 Reports required prior to footing inspections. As a part of the inspection process required in Section 109.3.1 and prior to the placement of footing concrete, the following conditions shall be met:

(1) A soils report from a Missouri licensed civil engineer shall be submitted prior to the scheduling of the footing inspection;

(2) The top of footing form height and setbacks from property lines shall be verified and identified in a report from a Missouri licensed professional land surveyor prior to placement of concrete.

(m) Insert a new Section 109.5.1.1 as follows:

109.5.1.1 Extra Inspections: In addition to the inspections normally provided, the code official may require that additional inspections or reinspections be conducted due to noncompliance with code requirements or due to work which is not ready for inspection or not accessible for inspection at the time of a scheduled inspection. Fees for such additional inspections shall be assessed when such inspections are conducted.

(n) Section 112.0 is hereby repealed in its entirety and a new Section 112.0, "Means of Appeal", is hereby adopted in lieu thereof as follows:

112.0 Means of Appeal

112.1 Application for appeal: Any owner or holder of a permit issued subject to this code shall have the right to appeal to the Board of Building Appeals established in Section 112.2 of this code from a decision of the code official in connection with such permit or from any notice issued in connection with this enforcement of this code. Appeals shall be based solely upon and shall state a claim: either (i) that the true intent of this code or the rules or regulations adopted pursuant to this code have been incorrectly interpreted, or (ii) that the provisions of this code do not apply, or (iii) that an equivalent form of construction can be used. Any appeal under this section shall be in writing, shall contain a statement of the grounds for the appeal and shall be filed in the office of the code official within twenty (20) days after the rendering of the decision or from the date of service of the notice from which the appeal is taken.

112.2 Membership of board: The Ladue Board of Building Appeals is hereby established and shall consist of the membership of the Ladue Zoning Board of Adjustment.

112.3 Hearing on appeal: The board shall meet to hear an appeal upon notice from the chair within sixty (60) days of the filing of the appeal.;

(o) Section 113.4 is hereby repealed in its entirety and a new Section 113.4 is hereby adopted in lieu thereof as follows:

113.4 Violation penalties: Any person who shall violate a provision of this code, or who shall fail to comply with any of the requirements thereof, or who shall erect, move, construct, alter, remove demolish or repair a structure in a manner that is not in compliance with an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, or who shall start any work requiring a permit without first obtaining the permit thereof, or who shall continue any work in or about a structure after having been served a stop work order, except such work as that person has been directed to perform to remove a violation or unsafe condition; or any owner or tenant of a building or premises, or any other person, who takes part or assists in any violation of this code or who has charge of any building, premises, or part thereof in which such violation shall exist, shall be guilty of a misdemeanor, punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.

(p) Insert a new Section 114.4 as follows:

114.4 Refusal to comply: The code official shall revoke a permit in the case of refusals to comply with stop work orders.

Section 406 – Motor-Vehicle-Related Occupancies

(q) Section 406.1.4, #1 is hereby amended as follows:

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum of 5/8" Type X gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8" Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8" (34.9 mm) thick, or doors in compliance with Section 715.4.3. Openings from a private garage directly into a room used for sleeping purposes shall be permitted. Doors shall be self-closing and self-latching.

(r) Insert a new Section 510.0 as follows:

Section 510.0 Closing Existing Exterior Openings

510.1 Permanent closure: Doors, windows and other exterior wall openings shall not be closed up with permanent construction unless the new construction meets all requirements of this code for exterior wall construction.

510.2 Temporary closure, restricted: Doors, windows and other exterior wall openings shall not be closed up or boarded up with temporary construction unless the code official makes a finding that such temporary closure is necessary to protect the public health, safety or welfare.

510.3 Temporary closure, standards: Temporary closures permitted under this section 510 shall consist of not less than 1/2 inch thick weather resistant plywood coated with approved paint or protective coating to prevent deterioration, cut to fit within openings, securely nailed or screwed in place and securely braced.

Section 1009 – Stairways

(s) Section 1009.5.3, Enclosures under stairway, Exception shall hereby be amended as follows:

Exception: Spaces under stairways serving and contained within a single residential dwelling unit in Group R-2 or R-3 shall be protected by 1-hour fire resistant-rated construction or the fire-resistance rating of the stairway.

Section 1026 – Emergency Escape and Rescue

(t) Section 1026.1, Exception #4 is hereby replaced with the following:

4. Unfinished basement spaces being converted to habitable space other than sleeping rooms when smoke detectors, in addition to those required by Section 907.2.10.1.1, are installed in each room/space of the basement.

Section 1209 – Access to Unoccupied Spaces.

(u) Section 1209.2 is hereby amended as follows:

1209.2 Attic Spaces. An opening not less than 20 inches by 32 inches (559mm by 762mm) shall be provided to any attic area having a clear height of over 30 inches (762mm). A 30-inch (762mm) minimum clear headroom in the attic space shall be provided at or above the access opening. For buildings over 3000 square feet in size, a second opening shall be provided at the opposite end of the structure. A 30-inch (762mm) minimum clear headroom in the attic space shall be provided at or above the additional access opening.

(v) Section 1803.3 to be renamed as “**Site grading and drainage**” with the following paragraph to be added to 1803.3: Storm water collected from roofs, paved areas, yard, courts and sub-soil drainage systems shall not be permitted to discharge onto flat areas of the site with the discharge point being within a Required Yard as established by the Ladue Zoning Code.

(w) **Section 1612.3 Establishment of flood hazard areas** is hereby amended by substituting "City of Ladue" for the words "(name of jurisdiction)", and “May 29, 2009” for the words “(date of issuance)”.

(x) Section 1805.2.1.1 is hereby amended by adding thereto a new Subsection 1805.2.1.1 as follows:

1805.2.1.1 **Frost line.** The frost line is established at 30 inches below finished grade.

(y) New Sections 2901.2 and 2901.3 added as follows:

2901.2 **Public water supply:** The water distribution system of any building in which plumbing fixtures are installed shall be connected to a public water supply.

2901.3 **Sewer connection:** The water drainage system of any building in which plumbing fixtures are installed shall be connected to a public sewer system.

(z) Repeal 3306.5 and 3306.6 and insert a new Section 3306.5 as follows:

3306.5 **Fencing:** All construction of structures open to unauthorized entry during construction shall be fenced at the perimeter of the lot or as designated by the Building Commissioner. The fence shall be as required by the code official and the construction area shall be placarded with warning signs and or construction signage as so directed by the code official.

(aa) Insert a new Section 3307.2 as follows:

3307.2 **Protection.** All adjoining public and private property shall be protected from damage caused by construction. For any property on which site grading, excavation or demolition will occur during or incident to any construction, alteration, or demolition activity, the owner, contractor or permit holder before initiating any work under a permit

issued therefor shall cause to be clearly demarcated with survey stakes or similar devices placed by a Land Surveyor licensed to practice by the State of Missouri each boundary corner of such property and shall maintain the survey stakes or similar devices for the duration of work authorized under the permit.

(bb) Section 3410.2 to be amended as follows:

3410.2 **Applicability:** Amended insert date of March 1, 2010.