BILL NO. 1987

ORDINANCE NO. 1987

An ordinance of the CITY OF LADUE adopting the 2006 edition of the *International Residential Code,* regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than threes stories in height with separate means of egress in the CITY OF LADUE; providing for the issuance of permits and collection of fees therefor; repealing all ordinances and parts of the ordinances in conflict therewith.

WHEREAS, THE CITY'S BUILDING COMMISSIONER AND DEPUTY BUILDING COMMISSIONER HAVE RECOMMENDED THE CITY OF LADUE ADOPT THE INTERNATIONAL RESIDENTIAL CODE, AS THE BUILDING CODE OF THE CITY OF LADUE FOR DETACHED ONE AND TWO FAMILY DWELLINGS AND MULTIPLE SINGLE FAMILY; AND

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

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

WHEREAS, THIS BILL HAVING 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 amended by adding a new paragraph to Section 118-1 as follows:

118-1. Building code adopted.

The International Residential Code/2006, second printing: November 2006, as published by the International Code Council, Inc., is hereby adopted by reference for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than threes stories in height with separate means of egress in the CITY OF LADUE; providing for the issuance of permits and collection of fees therefor; repealing all ordinances and parts of the ordinances in conflict therewith; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential 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 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 anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4.

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

Section 5.

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"

Section 118-1a. Adoption of and Amendments to the 2006 International Residential Code for One- and Two- Family Dwellings. The 2006 International Residential Code for One- and Two-Family Dwellings, Second Printing: November 2006, adopted as provided for in Section 118-1a of the Municipal Code, is hereby amended as follows:

(a) Section R101.1 is hereby amended by substituting "City of Ladue" for the words "(name of jurisdiction)";

(b) Insert new Section R102.8 as follows:

R102.8 **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 R102.9 as follows:

R102.9 **Applicability**: Amended insert date of November 1, 2009

(d) Section R104.1 is hereby amended by including the following:

R104.1 **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";

(e) Section R105.2 is repealed. Sections R105.2.1 through R105.7 to remain.

(f) Add new Section R105.3.3 as follows:

R105.3.3 **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) Sections R105.8.1 and 105.8.2 to be inserted as follows:

R105.8.1 **Fencing**: All construction of structures open to unauthorized entry during construction shall be fenced at the perimeter of the construction area. 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.

R105.8.2 **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 therefore 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.

(h) Insert a new Section R105.9 as follows:

R105.9 **Permits Required.** No person, firm or corporations 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 wall, 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 for 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 12 months, 18 months for a new residence, from the date of issuance of said permit, 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.

Insert a new Section R105.9.1 as follows:

R105.9.1 Subdivision Trustee Review Notification. Any plans submitted to the Building official for permit approval or for plans that are required to receive Architectural Review Board approval shall bear the original signature, printed name, and date of signature from a minimum of two (2) trustees of the respective

subdivision certifying either compliance with the subdivision's restrictions or indentures or disapproval of such plans for failing to comply with the subdivision's restrictions or indentures. Provided, however, that if the applicant demonstrates to the satisfaction of the Building Official that the subdivision does not have a sufficient number of trustees to secure the signatures of two (2) trustees at the time an application is made, then the plans submitted shall bear the original signature, printed name, and date of signature of one (1) trustee, if possible, and if not possible, the requirement of this Section shall be deemed satisfied. Provided, further, that if the applicant demonstrates to the satisfaction of the Building Official that the plans submitted were submitted to the subdivision trustees and such trustees failed and/or refused to act upon such submission either by accepting such plans or rejecting them within thirty (30) business days of submission, the requirement of this Section shall be deemed satisfied. Plans shall not be accepted by the Building Official and/or submitted to the Architectural Review Board until the applicant satisfies the requirements of this Section. The trustees' rejection of such plans evidenced by their signatures shall not constitute a failure or refusal to act on such plans as set forth herein. The City does not assume the enforcement of any restrictions placed upon such plans by subdivision trustees and shall review and act on submitted plans in accordance with the City's regulations and requirements regardless of any disapproval or approval notification from the trustees.

(i) Insert a new Section R105.10 as follows:

R105.10 **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.

(j) Insert a new Section R105.11 as follows:

R105.11 **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	$5,000.00

residence	
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 (except fences)	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.

(k) Add to R106.2 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.

(l) Section R108.5 is hereby repealed and a new Section R108.5 is hereby adopted in lieu thereof as follows:

R108.5 **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.

(m) Insert a new Section R109.1.5.2 as follows:

R109.1.5.2 **Reports required prior to footing inspections**. As a part of the inspection process required in Section R109 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.

(n) Section R109.4 in IRC is renumbered as R109.5. Section R109.4 now reads as follows (insertion):

R109.4 **Extra Inspections**: In addition to the inspections normally provided, the code official may require that additional inspections or re-inspections 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.

(o) Section R112 is hereby repealed in its entirety and a new Section R112, "Means of Appeal", is hereby adopted in lieu thereof as follows:

Section R112 Means of Appeal

R112.1 **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 R112.2 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.

R112.2 **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.

R112.3 **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.

(p) Section R113.4 is hereby repealed in its entirety and a new Section R113.4 is hereby adopted in lieu thereof as follows:

R113.4 **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.

(q) Add new Section R114.3 as follows:

R114.3 **Refusal to comply**: The code official shall revoke a permit in the case of refusals to comply with stop work orders.

Section R309 – Garages and Carports

(r) Section R309.2 Separation Required is hereby amended as follows:

R309.2 Separation required. The garage shall be separated from the residence and its attic area by not less than 5/8-inch 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 5/8-inch Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch Type X gypsum board or equivalent. Garages located less than 3 feet from a dwelling on the same lot shall be protected with not less the 5/8-inch Type X gypsum board applied to the interior side of exterior walls that are within this area. Openings in these walls shall be regulated by Section R309.1. This provision does not apply to garage walls that are perpendicular to the adjacent dwelling unit wall.

(s) Section R310.1 is hereby repealed in its entirety and a new Section R310.1 is hereby adopted in lieu thereof as follows:

R310.1 **Emergency escape and rescue required**. Basements with a ceiling height greater than 80 inches and every sleeping room shall have at least one openable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground level elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

R310.1.5 **Openings into a Patio Structure**. Emergency escape openings shall be permitted to open into a patio structure, provided that the patio structure is unenclosed.

R310.6 **Alterations and Additions**. All unfinished areas and reconfigured space converted to sleeping rooms and/or unfinished basement spaces being converted

to habitable space, shall have emergency escape and rescue openings as listed in Section 310.1.

Exception:

Unfinished basement spaces being converted to habitable space other than sleeping rooms when smoke detectors, in addition to those required by section R313.1, are installed in each room/space of the basement. The smoke detectors shall be interconnected, hard wired and equipped with battery back-up. Power source shall be per Section R313.2.

(t) Section R401.3 to be renamed as "Site Grading and Drainage" with the following paragraph to be added to R401.3

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.

Section R311.2.2 – Under stair protection

(u) Section R311.2.2 is hereby amended as follows:

R311.2.2 Under stair protection. Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with 5/8" (13mm) gypsum board.

Section R313 – Smoke Alarms

(v) Section R313.1 is hereby amended as follows:

4. In media or theater rooms and in immediate area outside of room.

(w) A new Section R403.1.4.3 shall be inserted as follows:

R403.1.4.3 **Frost line**. The frost line is established at 30 inches below finished grade.

Section R602 – Wood Wall Framing

R602.8 – Fireblocking required

(x) Section R602.8, #1 – 1.2 is hereby amended as follows:

1.2 Horizontally at intervals not exceeding 8 feet.

(y) A new Section R704 shall be inserted as follows:

Section R704 Closing Existing Exterior Openings

R704.1 **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.

R704.2 **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.

R704.3 **Temporary closure, standards**: Temporary closures permitted under this Section 704 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 G2420 (409) – Gas Shutoff Valves

(z) Insert a new Section G2420.5 (409.5) – Equipment shutoff valve as follows (Replacing existing G2420.5 (409.5).

G2420.5 (409.5) Equipment shutoff valve. Each appliance shall be provided with a manual or automatic shutoff valve installed on the supply piping in an adjoining cabinet or drawer base at either side at the point of use for all cooking stoves and cook tops. Shutoffs may not be under or behind the cook stove nor located in the basement under the appliance.

(aa) Section G2420.5.1 (409.5.1) is hereby amended as follows:

G2420.5.1 (409.5.1) Shutoff valve in fireplace. Gas operated fireplaces and built-in outdoor grills shall have a keyed or valve shutoff located outside of the firebox in either the floor or wall not further than 6 feet from the firebox or appliance.

(bb) Section P2603.6.1 **Sewer depth** is hereby amended by substituting "36"" for the words "(number inches in two locations)";

cc) Section M1401.1 **Installation** is hereby amended by adding the following new sentence at the end of Section M1401.1: "Air Conditioning units shall be placed at grade. No hearing or cooling equipment may hang off the outside structure of a residence."

dd) Insert a new Section R404.1.6.1 as follows:

R404.1.6.1 **Concrete Foundation Exposure.** The height of exposed concrete or concrete block foundation walls shall not exceed 6" above the finished grade. (Ord. 1128)