

**BILL NO. 2284**

**ORDINANCE NO. 2284**

AN ORDINANCE OF THE CITY OF LADUE REPEALING **CHAPTER 118** OF THE LADUE CODE AND ENACTING A NEW CHAPTER **118 ADOPTING THE 2021 INTERNATIONAL BUILDING CODE, FIRST PRINTING OCTOBER 2020, COPYRIGHT" 2020 BY THE INTERNATIONAL CODE COUNCIL, INC.**

WHEREAS, pursuant to Chapter 79 of the Revised Statutes of Missouri, inter alia, the City of Ladue is authorized to adopt ordinances to secure the general health of the inhabitants of the city, to pass ordinances for the prevention of nuisances and their abatement, and to maintain the peace, good government, and welfare of the City; and,

WHEREAS, pursuant to Section 67.280 of the Revised Statutes of Missouri, the City is authorized to adopt or repeal an ordinance which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full; and,

WHEREAS, the City of Ladue previously adopted the 2015 International Building Code, first edition, as the Building Code of the City of Ladue; and,

WHEREAS, the aforementioned 2021 International Building Code, first edition has been revised to address certain changes in building requirements, technologies, materials and techniques; and,

WHEREAS, the City's Building Commissioner has recommended the City of Ladue adopt the 2021 International Building Code first printing, as the Building Code of the City of Ladue; and,

WHEREAS, the City Council has duly considered the matter and the recommendation of the Building Commissioner and has concluded to adopt the 2021 International Building Code' first printing to promote the health, safety, and general welfare of its residents; and,

WHEREAS, in accordance with Section 67.280 RSMo., the 2021 International Building Code' first printing has been on file with the City Clerk for public use, inspection, and examination for a total period of ninety (90) days; and

WHEREAS, this bill has been made available for public inspection prior to its consideration by the City Council and 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. The Ladue Code is hereby amended by repealing Section 118, "Building code adopted," in its entirety and enacting a new Chapter 118, Building Code, to read as follows:

Chapter 118 — Building Code “

**Section 118 — 1. - Building Code Adopted; Penalty.**

- (a) The 2021 International Building Code‘ , first printing, October, 2020, 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 .
- (b) Anyone violating the provisions of said Code in the City shall be guilty of a misdemeanor.

Section 2. The 2021 International Building Code, first printing, October, 2020, as published by the International Code Council, Inc. adopted in Section 1 of this ordinance, is hereby amended by additions, deletions and changes, including the changing of Chapters, Sections, Subsections and the addition of new subsections and so that such amendments read as set forth in exhibit A, attached hereto and incorporated herein by reference as if fully set out in this ordinance.

Section 3. That Ordinance No. 1986 of the City of Ladue (commonly referenced as the Building Code) in effect at the present time and Ordinance Nos. 2135 and 2134 are hereby repealed.

Section 4. The recitals in the “Whereas” clauses above are incorporated herein as part of this ordinance. 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 twat 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.

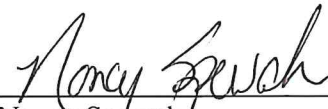
Section 5. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1 and 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 and the 2021 International Building Code" first printing shall be in full force and effect from and after the date of its passage and approval.

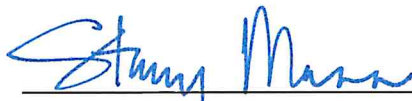
PASSED THIS **18TH** DAY OF OCTOBER 2021.

  
\_\_\_\_\_  
President, City Council

APPROVED AND ADOPTED **THIS 18TH** DAY OF October 2021.

  
\_\_\_\_\_  
Mayor, Nancy Spewak

ATTEST:

  
\_\_\_\_\_  
City Clerk, Stacey Mann

## EXHIBIT "A"

### Section 118 — 2. Building Code Amendments.

Section [A] 101.1 shall be removed and replaced as follows:

[A] **101.1 Title.** These regulations shall be known as the "*Building Code of the City of Ladue, Missouri*," hereinafter referred to as "this code."

Section [A] 102.7 shall be added as follows:

[A] **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 Building Official.

Section [A] 103.1 shall be removed and replaced as follows:

[A] **103.1 Creation of enforcement agency.** The Building Department is hereby created and the official in charge thereof shall be the Building Commissioner. For the purpose of this code the Building Commissioner shall be referred to as the "*Building Official*"

Section [A] 105.1 shall be removed and replaced as follows:

[A] **105.1 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 Official. All construction referred to in such building permit must be completed within a period of time to be specified by the

Building Official 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 such person shall be in violation of this code subjecting such person to the general penalty provision for ordinance violations. 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 may extend the date for such completion without penalty or renewal fees, for a period up to 3 months, if he finds that the delay in completion has resulted from causes beyond the control of the permit holder, such as inclement weather or custom material delay; provided however that monetary reasons shall not be considered as cause. Any request for an extension thereafter must be accompanied with a \$140.00 permit renewal fee to cover the costs of the City in reviewing, considering, and documenting a permit extension. All permit extensions shall be reported to the City Council.

Section [A] **105.2** Delete in its entirety.

Section [A] 105.3 shall be removed and replaced as follows:

[A] **105.3 Application for permit.** Shall be made in writing upon forms or blanks issued by the Building Official. 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 Official. 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 calendar 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 Official 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 Official 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.

Section [A] 105.3.3 shall be added as follows:

[A] **105.3.3 Rejected application.** Rejected applications will be held on file for sixty (60) calendar 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.

Section [A] 105.8 shall be added as follows:

[A] **105.8 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.

Section [A] 105.9 shall be added as follows:

[A] **105.9 Completion Deposits, 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 Official, 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. (See Chapter 114, Appendix A, Schedule of Fees, Escrows, Bonds).

Section [A] 105.9.1 shall be added as follows:

[A] **105.9.1 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: (a) 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 (b) 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) calendar 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) calendar 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.

(6) Any applicant aggrieved by the administration of this section shall file a written appeal to the Building Official within ten (10) calendar days of the decision appealed from. The Building Official 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.

(7) In the event the applicant believes that the Building Official 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) calendar days of the hearing. To the fullest extent permitted by law, said appeal procedure

shall be exhausted before an action may be filed in any court against the City or its officers, employees, boards, officials or commissions.

Section [A] 105.9.1.1 shall be added as follows:

**[A] 105.9.1.1 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.

Section [A] 107.2.6 shall be removed and replaced as follows:

**[A] 107.2.6 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 all new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finish grades and as, applicable, flood hazard areas, floodways, base flood elevations, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey, and shall provide sufficient detail to permit the Building 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. 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 plot. The Building Official is authorized to waive or modify the requirements for a site plan where the application for permit is for alteration or repair or where otherwise warranted consistent with the requirements of this code.

Section [A] 109.2 shall be removed and replaced as follows:

**[A] 109.2 Fee schedule.** See Chapter 114, Appendix A, Schedule of Fees, Escrows, Bonds.

**Residential construction permit fees.** The fee for a building permit and inspection of residential construction of new structures, *alterations*, additions, residential swimming pools and all other miscellaneous residential construction shall be determined by the Building Official. Permit processing, plan review and inspection charges are included in the fee rate.

**Construction cost estimate.** The Building Official is authorized to estimate the total cost of construction of a structure, building or project by multiplying the square footage of the structure by an appropriate square foot cost rate. Structures or projects for which it is impractical to estimate the total construction cost by square footage cost method shall be estimated by applying current, unit cost figures to various components. In lieu of determining the total cost of construction as outlined above, the Building Official may accept a bona fide contract or any affidavit of the owner of the building, structure or project, in which the total cost of construction, including site improvements related to the permit, is verified by the applicant and owner. The Building Official is further authorized to accept a bona fide cost amount of a subcontractor, for one (1) specialized trade or discipline of construction and determine the total assessable cost of construction.

In addition to the plan review and inspection fee, the City shall charge the permit applicant for additional costs incurred for professional storm water design review and other cost incurred as part of the review process. Said fees may be charged at the time of application.

Section [A] 109.6 shall be removed and replaced as follows:

**[A] 109.6 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.

Section [A] 109.6.1 shall be added as follows:

**[A] 109.6.1 Refunds without starting work.** Refund of 80% shall be made if no construction has been done and project is canceled in writing to the office of the Building Official.

Section [A] 110.3.1.1.1 shall be added as follows:

**[A] 110.3.1.1 Reports required** prior to footing inspections. As a part of the inspection process required in section 110.3.1 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.

Section [A] 110.3.10.1 shall be added as follows:

**[A] 110.3.10.1 Extra inspections.** In addition to the inspections normally provided, the Building 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.

Section [A] 113.1 shall be removed and replaced as follows:

**[AJ 113.1 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 113.2 of this code from a decision of the Building 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 (a) that the true intent of this code or the rules or regulations adopted pursuant to this code have been incorrectly interpreted, or (b) that the provisions of this code do not apply, or (c) 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 Building Official within twenty (20) calendar days after the rendering of the decision or from the date of service of the notice from which the appeal is taken.



To the fullest extent permitted by law, said appeal procedure shall be exhausted before an action may be filed in any court against the City or its officers, employees, boards, officials or commissions.

Section [A] 113.2 shall be removed and replaced as follows:

[A] **113.2 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.

Section [A] 113.3 shall be removed and replaced as follows:

[A] **113.3 Hearing on appeal.** The board shall meet to hear an appeal upon notice from the chair within sixty (60) calendar days of the filing of the appeal.

Section [A] 114.4 shall be removed and replaced as follows:

[A] **114.4 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 Building 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.

Section [A] 115.4 shall be removed and replaced as follows:

[A] **115.4 Refusal to comply.** The Building Official shall revoke a permit in the case of refusals to comply with stop work orders.

Section 406.3.2.1 shall be removed and replaced as follows:

**406.3.2.1 Dwelling unit separation.** The private garage shall be separated from the *dwelling unit* and its *attic* area by means of gypsum board, not less than 5/8-inch (12.7 mm) Type X gypsum board in thickness applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (12.7 mm) Type X gypsum board or equivalent. And 5/8-inch (12.7 mm) Type X gypsum board applied to structures supporting the separation from habitable rooms above the garage. 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) in thickness, or doors in compliance with Section 716.5.3 with a fire protection rating of not less than 20 minutes. Doors shall be *self-closing* and self-latching.

Section 705.1.1 shall be added as follows:

**705.1.1 Permanent closure, doors, windows, and other exterior wall openings.** Shall not be closed or infilled with permanent construction unless the new construction meets all requirements of the City Municipal Code and ordinances (such as sawtooth in masonry, remove archways, keystones and trim).

Section 1011.7.3 shall be removed and replaced as follows:

**1011.7.3 Enclosure under interior stairways.** The walls and soffits within enclosed usable spaces under enclosed and unenclosed stairways shall be protected by 1-hour fire-resistance-rated construction or the fire-resistance rating of the stairway enclosure, whichever is greater. Access to the enclosed space shall not be directly from within the stairway enclosure.

**Exception:** Spaces under stairways serving and contained within a single residential dwelling unit in Group R-2 or R-3 shall be protected on the enclosed side with 5/8-inch (12.7 mm) Type X gypsum board.

Section 1209.2 shall be removed and replaced as follows:

**1209.2 Attic Spaces.** An opening not less than 20 inches by 32 inches (508 mm by 812.8 mm) shall be provided to any *attic* area having a clear height of over 30 inches (762 mm). A 30-inch (762 mm) 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 (762 mm) minimum clear headroom in the *attic* space shall be provided at or above the additional access opening.

Section 1612.3 shall be removed and replaced as follows:

**1612.3 Establishment of flood hazard areas.** The City of Ladue has adopted Floodplain Management and established *Flood Hazard areas* as identified by the Federal Emergency Management Agency in an engineering report entitled The Flood Insurance Study (FIS) for St. Louis County, effective February 4, 2015 as amended, and any future revision thereto.

Section 1803.3 shall be removed and replaced as follows:

**1803.3 Site grading and drainage.** Soil classification shall be based on observation and any necessary test of the materials disclosed by borings, test pits or other subsurface exploration made in appropriate locations. Additional studies shall be made as necessary to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on soil-bearing capacity, compressibility, liquefaction and expansion characteristics. Storm water collected from roofs, paved areas, yard, courts and sub-soil drainage systems shall discharge to a point within the buildable lot area and not within the required yard setbacks, as established by the Ladue Zoning Code. Discharge at grade shall drain and not become standing water.

Section 1809.5 shall be removed and replaced as follows:

**1809.5 Frost protection.** Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of 30 inches (762 mm) below finished grade.
2. Constructing in accordance with ASCE 32.
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all the following conditions shall not be required to be protected:

1. Assigned to *Risk Category I*.
2. Area of 400 square feet (37 m<sup>2</sup>).
3. Eave height of 10 feet (3048 mm) or less

Shallow foundations shall not bear on frozen soil unless such frozen condition is a permanent character.

Section [P] 2901.2 shall be added as follows:

**[P] 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.

Section [P] 2901.3 shall be added as follows:

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

Section 3306.10 shall be added as follows:

**3306.10 Fencing.** All construction of structures unoccupied or open to unauthorized entry during construction shall be fenced at the perimeter of the lot or as designated by the Building Official. The fence shall be as required by the Building Official and the construction area shall be placarded with warning signs and or construction signage as so directed by the Building Official.

Section 3307.3 shall be added as follows:

**3307.3 Maintain survey corners.** 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.