

## ORDINANCE NO. 6923

AN ORDINANCE ADOPTING THE INTERNATIONAL CODE COUNCIL® 2015 INTERNATIONAL CODES® INTERNATIONAL BUILDING CODE® AND REPEALING SECTION 505.010 AND SECTION 505.040 OF CHAPTER 505: BUILDING CODE (NON-RESIDENTIAL) OF TITLE V: BUILDING CONSTRUCTION OF THE MUNICIPAL CODE OF THE CITY OF ST. PETERS AND ENACTING A NEW SECTION 505.010 AND A NEW SECTION 505.040, INCLUDING APPENDICES B, C, D, E AND F, AS AMENDED, IN LIEU THEREOF.

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri, does hereby find and determine that the International Code Council®, Inc. has published the 2015 International Codes®/International Building Code®; and

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri, deems it to be in the best interest of the City and its citizenry, and pursuant to its general police powers and in order to promote the health, safety, and general welfare of its citizens, that it adopt said 2015 International Codes®/International Building Code®, as the Building Code (non-residential) of the City of St. Peters, and to repeal Section 505.010 Building Code – Adopted. and Section 505.040 Building Code – Amendments of Chapter 505: Building Code (non-residential) of Title V: Building Construction of the Municipal Code of the City of St. Peters and enacting a new Section 505.010 and a new Section 505.040 in lieu thereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

**SECTION 1.** The Board of Aldermen of the City of St. Peters, Missouri, does hereby adopt the 2015 International Codes®/International Building Code® as published by the International Code Council®, as amended, and including Appendices B, C, D, E and F, as amended.

**SECTION 2.** That the Board of Aldermen of the City of St. Peters, Missouri, does hereby repeal Section 505.010 Building Code – Adopted of Chapter 505: Building Code (non-residential) of Title V: Building and Construction of the Municipal Code of the City of St. Peters, Missouri, in its entirety, and enact a new Section 505.010 Building Code – Adopted. of said Chapter 505 of said Title V, in lieu thereof, to wit:

**Section 505.010 Building Code – Adopted.**

The 2015 International Codes®/International Building Code® as published by the International Code Council®, as amended, is hereby adopted as the Building Code (non-

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residential) of the City; and all of the regulations, provisions, conditions and terms of the 2015 International Codes®/International Building Code® as published by the International Code Council®, as amended are hereby referred to, adopted and made a part hereof, as if fully set out in this Article, including Appendices, as amended under 505.040, with the additions, insertions, deletions and changes prescribed in this Chapter, except for the penalty provisions thereof.

**SECTION 3.** The Board of Aldermen of the City of St. Peters, Missouri, does hereby repeal Section 505.040 Building Code – Amendment of Chapter 505: Building Code (non-residential) of Title V: Building and Construction of the Municipal Code of the City of St. Peters, Missouri, in its entirety, and enact a new Section 505.040 Building Code – Amendments of said Chapter 505 of said Title V, in lieu thereof, to wit:

**Section 505.040 Building Code — Amendments.**

A. The Code adopted in Section 505.010 is amended as follows:

*101.1 Delete.*

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

Building:

2. Refer to Chapter 405 Zoning and Subdivision Regulations of Title IV: Land Use of the Municipal Code of the City of St. Peters, Missouri.

6. Delete.

*105.8 Integrated permits.* The Code Official may issue integrated building, plumbing, mechanical, electrical etc. permits on a single permit application.

*107.2.1.2* All applications for permit for multi-unit dwelling of four (4) or fewer units shall include a written verification by the builder affirming that a fire sprinkler system was offered to the purchaser prior to entering into the purchase contract in conformance with Section 903.1 of this code. If there is not purchaser at the time of the permit application submittal, then said verification shall be made as soon as there is a purchaser and prior to the issuance of a certificate of occupancy for the new residence.

*109.2 Schedule of permit fees.* (see Appendix A of Title V of the Municipal Code of the City of St. Peters, Missouri.

*109.6 Amount due or refunds.* The Code Official shall authorize the refunding of money. The collection of fees due and the refunding of money shall be as follows:

- a. The full amount of any fee paid hereunder which was erroneously paid or collected.
- b. Refund ninety percent (90%) or collect ten (10%) of the permit fee when no work has been done on the site and no plan review is required, or considered a “same as” permit.
- c. Refund eighty percent (80%) or collect twenty percent (20%) of the permit fee when no work has been done on the site and application required a plan review to process a permit.
- d. No refund if permit has been voided; if work has been stopped; or if any work has been done at the site.

The Code Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

*110.3.3 Lowest floor elevation.* In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Chapter 410 Floodplain Management of Title IV: Land Use of the Municipal Code of the City of St. Peters, Missouri, shall be submitted to the Building Commissioner.

*110.3.8 Other inspections.* In addition to the inspections specified above, the Code Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building department. A fee may be assessed for each additional inspection as stated in Appendix A of Title V of the Municipal Code of the City of St. Peters, Missouri.

*110.3.8.1 Supplemental inspection.* In addition to the required inspection heretofore specified, the Code Official may make other inspections, which in his/her judgment is reasonably necessary due to unusual construction or circumstances. The Code Official shall have the authority to inspect any construction work in order to ascertain whether compliance with the Building Code is being met and in order that he/she may properly enforce the rules promulgated by this code. These inspections may include, but are not limited to, examinations to determine whether zoning requirements are being met and may include all other phases of building construction. A fee may be assessed for each additional inspection as state in Appendix A of Title V of the Municipal Code of the City of St. Peters, Missouri.

*110.3.8.2 Extra inspection.* If by judgment of the Code Official an inspection requested is not ready or accessible for inspection or in the judgment of the Code Official the applicant has caused the City extra inspections other than typically required, a fee may be assessed for each additional inspection or re-inspection as stated in Appendix A of Title V of the Municipal Code of the City of St. Peters, Missouri.

*110.3.11 Billboard inspection.* The Code Official shall have the authority to inspect billboards in order to ascertain whether compliance with the Building Code is being met. Initial fee as state in Appendix A of Title V of the Municipal Code of the City of St. Peters, Missouri. A fee may be assessed for each additional inspection as stated in said Appendix A.

*111.1 Used and occupancy.* Except as provided for in Section 111.6, no building or structure hereafter erected, enlarged, diminished, extended or altered, in whole or in part, shall be occupied or used in whole or in part until a certificate of occupancy shall have been issued by the Code Official. Except for residential units, the owner/tenant shall post the certificate of occupancy so as to be viewable by the public. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

*111.1.1 Change in use, tenancy or occupancy.* Except for those buildings for which an exemption is granted below, no building, structure or any part thereof, after a change of use, tenancy or occupancy, shall be occupied or used in whole or in part until a certificate of occupancy has been issued by the Code Official. Except as provided for in Section 111.6 and except for residential units, the owner/tenant shall post the certificate of occupancy so as to be viewable by the public.

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| Exemption (1) | An owner-occupied residential building used exclusively for residential purposes, and wherein no home occupation is conducted.               |
| Exemption (2) | Any building used by any political subdivision, the State of Missouri, the United States of America or any office, agency or branch thereof. |
| Exemption (3) | Any building used for farm purposes.   |

*111.1.2 Temporary building, use or tent.* Temporary building, structure, tent, use or occupancy shall be subject to Section 111.1.1.

*111.4 Revocation.* The certificate of occupancy shall always be subject to the provisions of this code. Non-compliance with the regulations of this code shall be

deemed a violation subject to the penalties set forth herein, and in addition, the Code Official shall be empowered to revoke the certificate of occupancy permits issued for the building, unit or structure in quest, until such time the violations are corrected. All costs incurred in enforcing these provisions shall be assessed against the owner and shall constitute a lien against the real property in violation. A new certificate or permit shall not be issued until all costs or liens have been paid.

*111.5 Occupancy short duration minor in nature.* The Code Official may waive inspection for occupancy of a short duration of time and of a minor nature.

*111.6 Certificates of occupancy for commercial residential units.* It shall be unlawful for any owner, manager, or agent thereof to knowingly permit the occupation of any leased or rented residential dwelling unit, as hereinafter defined, or additions thereto, or any part thereof, for any purpose until a valid certificate of occupancy as required in Sections 111.1 and 111.1.1 herein has been issued by the Code Official and a St. Peters census form has been completed and signed by the prospective tenant. No certificate of occupancy shall be issued until all violations of this Chapter and all other applicable codes and ordinances of the City have been brought into compliance. The certificate of occupancy issued shall state that the premises and occupancy thereof comply with all the provisions of this Chapter.

*111.6.1 Applicability.* This Section shall be applicable to all residential properties in the City that are rented or leased, which shall be defined as any residential dwelling unit, rooming unit or such other residential building or structure wherein the owner or owner's agent allows an individual or individuals to occupy space while charging a monthly, quarterly or annual fee for the privilege of occupying said space. All areas of the residential dwelling unit to which the lessee or renter has the right of use or access shall be subject to inspection for compliance with the applicable codes and ordinances of the City. This Section shall not apply to any occupancy in existence at the time of the adoption of this Section until a change of occupancy occurs. Further, this Section shall not apply to any contract for sale or any other property transaction wherein the new occupant has legally committed to acquire legal title to the property and has occupied the premises within sixty (60) days of the date of the contract.

*111.6.2 Pre-inspection of commercial residential units.* The owner, agent or manager of a residential dwelling unit subject to the terms of this Section may request that the unit be inspected for code compliance even though there is not then prospective new tenant for the unit. Inspection shall remain valid for a period of ninety (90) days or until the residential dwelling unit is first reoccupied, whichever occurs later.

*111.6.3 Certified non-City inspections.* For the purpose of issuing a certificate of occupancy in compliance with Section 111.6, the City shall accept inspections performed by non-City employed inspectors approved in accordance with Section 111.6.4.1 when

utilizing verified City provided inspection forms. Random inspections may be performed by the City to verify the accuracy of inspections performed by non-City employed inspectors at no cost to the owner of the residential dwelling unit. The filing of a false, verified inspection form with the City by a non-City employed inspector shall be a misdemeanor punishable in accordance with the Code of the City of St. Peters.

*111.6.3.1 Approval of non-City inspectors.* The City shall recognize as an approved non-City employed inspector any person holding a current, valid certification, issued by International Code Council®, Inc., as a "one- and two-family dwelling combination inspector". The City may revoke approval of any non-City employed inspector who fails to comply with any Section of this code or who fails to perform accurate inspections.

*111.6.4 Issuance of certificate of occupancy.* A certificate of occupancy shall only be issued as a result of an actual rental or lease.

*111.6.5 Content of census form.* The St. Peters census form must be completed and signed by the tenant on or before the date of occupancy. The St. Peters census form will remain confidential. The St. Peters census form may be completed at the Code Official's office or may be completed in the presence of the landlord or the landlord's agent at or before the beginning of occupancy. A St. Peters census form completed in the presence of the landlord or the landlord's agent must contain the signature of the landlord or agent following a certification that the application form was completed in his/her presence and contains true and accurate information regarding the tenants who will be occupying the residential rental dwelling unit. All St. Peters census forms must be submitted to the Code Official no later than seven (7) days after completion. The St. Peters census form shall state the names, birth dates, relationships and the number of people who will occupy the residential rental dwelling unit. It shall be unlawful for any person to knowingly make any false statement in his/her application for a St. Peters census form as to the names, birth dates, relationships or number of occupants of the residential rental dwelling unit. No more than one (1) family, as defined in the City Zoning Code (Chapter 405), shall occupy each individual unit. All persons who occupy the premises of a residential rental dwelling unit, including persons who are added to the household following the initial occupancy of the residential rental dwelling unit, with the exception of minor children born to the family, must be listed on the St. Peters census form.

*111.6.6 Responsibilities of owner, agent and/or manager.* All owners of residential rental dwelling units, or their agents or managers, who are responsible for the renting or leasing of such dwelling units, shall schedule with the Code Official a compliance inspection at least two (2) working days prior to a change in occupancy, as defined in this Chapter, so that the Code Official may have the units inspected according to the provisions of this Chapter. The dwelling units to be rented or leased shall comply

with all Sections of this Chapter, and the owner, or his agent or manager responsible for the rent or lease of such dwelling units, shall have a valid occupancy permit in his/her/its possession prior to the occupancy of the dwelling unit. No certificate of occupancy shall be issued for an out-of-state owner, unless such owner designates in writing to the Code Official the name of his/her/its agent in the State of Missouri for the receipt of notice and the service of process pursuant to this Chapter.

*111.6.7 Fossil fueled equipment.* Whenever a certificate of occupancy is required by the provisions of this Chapter, owners, agents or managers of residential rental dwelling units who are responsible for renting or leasing the dwelling units shall have all fossil fueled equipment inspected by a qualified service person in order to insure safe operation of all appliances and appurtenances attached thereto; provided that, such inspection of fossil fueled equipment shall not be required when the equipment has been previously inspected and approved less than twelve (12) months prior to such compliance inspection of a unit. The owners, agents or managers of the residential rental dwelling unit shall submit documentation to the Code Official certifying that the fossil fueled equipment is in compliance, and a certificate of occupancy shall not be issued until such documentation is submitted. If any areas have been found to be deficient, a qualified service person shall repair the deficiency immediately or take such other action to make the condition safe. When this is not possible, the device's operation shall be terminated immediately. Where any action is taken under this Section, the Code Official shall be notified within twenty-four (24) hours of such occurrence.

*111.6.8 Responsibility of tenants.* Each tenant or lessee shall provide the Code Official with the information required on the St. Peters census form. The tenant shall complete a new census form if there is any change as to the names or number of tenants living in the residential unit, with the exception of minor children born to the tenant. Any falsification of the information on the St. Peters census form or failure to update the information on the form shall constitute a violation of this Chapter. Any person responsible for the falsification of information or failure to update information shall be subject to the penalties of this Chapter. Further, no tenant shall damage or cause to be damaged any unit or building leased, nor shall any damage be caused to the general premises of any building used by the tenants. Each tenant and the family of each tenant shall maintain his/their rental unit free of any litter, and tenants shall not litter any of the premises or the buildings provided for use by tenants.

*111.6.9 Commission of felonies on the premises.* In the event that the residential rental dwelling unit is allowed to be used by the tenant or lessee for activities which would constitute a felony under the laws of the State of Missouri or the laws of the United States, including but not limited to:

- a. The wrongful using, keeping or selling of controlled substances, or

- b. Use of the premises for obscene purposes or prostitution.

The lease shall, at the option of the lessor, become void and the lessor or owner shall have the right to recover possession thereof as against a tenant holding over after the expiration of his/her term.

*111.6.10 Revocation of occupancy permit.* A certificate of occupancy may be revoked at any time during the occupancy of the residential rental dwelling unit for which the permit has been issued, should the Code Official determine, following a reasonable investigation that the dwelling unit no longer complies with the provisions of this Chapter. Prior to revoking a certificate of occupancy, the City Administrator shall provide the owner, agent or manager and the tenant with a written report stating the defects noted during the investigation and providing a reasonable time for the correction of said defects, except when the conditions of the dwelling unit pose an immediate threat to the life and safety of the occupants, in which case the City Administrator shall issue a notice of revocation to the owner, agent or manager and the tenant immediately, and shall then cause the dwelling unit to be vacated without delay.

*111.6.11 Appeal of a certificate of occupancy denial or revocation.* Any person whose application for a certificate of occupancy has been denied or revoked or any person who is unable to comply with the provisions of this Chapter shall be granted an appeal to the City of St. Peters Board of Appeals. Such notice of appeal shall be filed within ten (10) days from the date of requirement to comply or denial or revocation of a certificate of occupancy. The City of St. Peters Board of Appeals may grant a variance from the requirements of this Chapter only when the owner or manager of a residential rental dwelling unit can prove that compliance with requirements of this Chapter will place an undue burden or hardship on the owner or manager of the dwelling unit or where physical conditions make compliance impossible.

*111.6.12 Penalty.* Any person violating any of the provisions of the code adopted in this Chapter shall be deemed guilty of an offense and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

*111.6.13 Validity and Severability.* If any Section, Subsection, paragraph, sentence, clause or phrase of this Chapter shall be declared invalid for any reason whatsoever, this decision shall not affect the remaining portions of this Code, which shall continue in full force and effect, and to this end the provisions of this Chapter are hereby declared to be severable.

*111.6.14 Savings clause.* This Chapter shall not affect violations of any other ordinance, code or regulation of the City existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

*113.4 Appendix B Board of Appeals.* Appendix B of the 2015 International Codes®/International Building Code®, as published by the International Code Council®, is adopted by this reference and amended as follows:

As established in Chapter 410 of the Municipal Code of the City of St. Peters.

*113.4.1 B101.2 Membership of Board.* The Board of Appeals shall consist of five (5) members, serving five (5) year terms appointed by the Mayor, by and with the consent of the Board of Aldermen, the present Board of Appeals shall remain. Thereafter, each new member shall serve for five (5) years or until a successor has been appointed. The Building Official shall be an ex officio member of said Board, but shall have no vote on any matter before the Board.

*113.4.2 B101.2.2 Qualifications.* Each member shall be a licensed professional engineer or architect; or builder or superintendent of building construction with at least ten (10) years experience, five (5) of which shall have been in responsible charge of work. Not more than two (2) members shall be from the same profession or occupation, and at least one (1) professional engineer shall be a structural or civil engineer with architectural engineering experience.

*113.4.3 B101.3 Notice of hearing.* The Board shall meet on a scheduled monthly basis only if an appeal is pending to be heard.

*114.4 Violations, penalties.* Any person who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense. Each day that a violation continues after due notice has been served shall constitute a separate offense.

*115.3 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 that person is directed to perform to remove a violation of unsafe condition, shall be guilty of an offense.

## **511: FACTORY BUILT STRUCTURE**

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*511.1 General.* Factory built structures, modular units or closed prefabricated assemblies shall not be acceptable unless they are built within the jurisdiction of the City of St. Peters and are subject to inspection by the Code Official, with the exceptions of permitted and inspected temporary or emergency uses, approved in accordance with Section 405.300 of the Municipal Code of the City of St. Peters, Missouri.

*1015.4 Opening limitations.* Required guards shall not have openings which allow passage of a sphere 4 inches (102 mm) in diameter from the walking surface to the required guard height. Guards shall not have an ornamental pattern or horizontal rails that would provide a ladder effect, as determined by the Code Official.

Exceptions:

1. From a height of 36 inches (914 mm) to 42 inches (1,067 mm), guards shall not have openings which allow passage of a sphere 4 3/8 inches (111 mm) in diameter.
2. The triangular openings at the open sides of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
3. At elevated walking surfaces for access to and use of electrical, mechanical or plumbing systems or equipment, guards shall not have openings which allow passage of a sphere 21 inches (533 mm) in diameter.
4. In areas that are not open to the public within occupancies in Group I-3, F, H or S, and for alternating tread devices and ship ladders, guards shall not have openings which allow passage of a sphere 21 inches (533 mm) in diameter.
5. In assembly seating areas, guards required at the end of aisles in accordance with Section 1029.16.4 shall not have openings that allow passage of a sphere 4 inches (102mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1,067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.
6. Within individual dwelling units and sleeping units in Group R-2 and R-3 occupancies, guards on the open sides of stairs shall not have openings which allow passage of a sphere 4 3/8 inches (111 mm) in diameter.

*Appendix A – Delete.*

*Appendix G – Delete.*

*Appendix H – Delete.*

*Appendix I – Delete.*

*Appendix J – Delete.*

*Appendix K – Delete.*

*Appendix L – Delete.*

*Appendix M – Delete.*

1612: *FLOOD LOADS* – Refer to Chapter 410 of the Municipal Code of the City of St. Peters, Missouri.

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

1. Extending below the frost line or thirty inches (30) below adjacent grade.
2. Constructing in accordance with ASCE 32; or
3. Erecting on solid rock.

Exception: Freestanding buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Occupancy Category 1, in accordance with Section 1604.5;
2. Area of 600 square feet (56 m<sup>2</sup>) or less for light-frame construction or 400 square feet (37 m<sup>2</sup>) or less for other than light-frame construction; and
3. Eave height of 10 feet (3,048 mm) or less.

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

SECTION 4. Savings Clause.

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

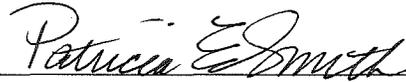
SECTION 5. Severability Clause.

If any term, condition, or provision of this Ordinance or of the 2015 International Codes®/International Building Code®, or if the Amendments to the 2015 International Codes®/International Building Code®, shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 6. This Ordinance shall be in force and take effect from and after the date of its final passage and approval.

Read two (2) times, passed, and approved this 8<sup>th</sup> day of March, 2018.

  
As Presiding Officer and as Mayor  
Len Pagano, Mayor

Attest:   
Patricia E. Smith, City Clerk

Approved this 8<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
Len Pagano, Mayor

Attest: \_\_\_\_\_  
Patricia E. Smith, City Clerk