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Sponsored by: Mayor Hennessy

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AN ORDINANCE AMENDING CHAPTER 500 OF THE CITY OF O'FALLON CITY CODE AND ADOPTING THE 2015 EDITION OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL MECHANICAL CODE, NATIONAL ELECTRIC CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL EXISTING BUILDING CODE, AND INTERNATIONAL SWIMMING POOL AND SPA CODE, AND CERTAIN AMENDMENTS THERETO, AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND PUNISHMENT FOR VIOLATION THEREOF.

WHEREAS, the City believes it is important to periodically update its health and safety codes to take into account advances in technology, materials, and methods of construction; and

WHEREAS, Section 67.280, RSMo. authorizes the City of O'Fallon to adopt technical codes of the sort hereinafter referenced by adopting an ordinance which incorporates by reference the provisions of such code or portions thereof and any amendment thereto without setting forth the provisions of such code in full provided that one copy of such code to be so adopted shall be filed in the office of the City Clerk and there kept available for public use, inspection, and examination for a period of ninety days prior to the adoption of the ordinance which incorporates such code, portion, or amendment by reference; and

WHEREAS, a copy of the codes referenced and adopted below, has been filed in the office of the City Clerk and will be kept available for public use, inspection, and examination for a period of at least ninety (90) days prior to the effective date of this ordinance and will, following the adoption of this ordinance, be similarly filed and kept available in the office of the City Clerk;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

SECTION 1:

Sections 500.010, 500.020, and 500.030 of Article I of Chapter 500 of Title V of the code of Ordinances of the City of O'Fallon, Missouri, are hereby repealed and three new Sections initially to be designated as 500.010, 500.020, and 500.030, are hereby enacted in lieu thereof to read as follows:

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

ARTICLE I: BUILDING CODE

SECTION 500.010: ADOPTION OF BUILDING CODE

That certain document, a copy which is on file in the office of the City Clerk of the City of O'Fallon, Missouri, being marked and designated as the International Building Code, 2015 edition, including Appendix Chapters F, H, I and K, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of O'Fallon, in the State of Missouri, 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 therefore; and each and all of the regulations, provisions, conditions and terms of said Building Code on file in the office of the City Clerk of the City of O'Fallon, Missouri and hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.020 of this article.

Section 500.020: ADDITIONS, INSERTIONS AND CHANGES

The following numbered subsections of the International Building Code, 2015 Edition, including appendices F, H, I, and K, as published by the International Code Council, Inc., are hereby amended by additions, insertions, deletions and changes so that such section and subsections read as follows:

(CHAPTER 1 ADMINISTRATION)

(SECTION 101 GENERAL)

101.1 Title. These regulations shall be known as the Building Code of the City of O'Fallon, Missouri, hereinafter referred to as "this code."

101.4.90 Aquatic recreation facilities. The provisions of the International Swimming Pool and Spa Code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.

(SECTION 103 DEPARTMENT OF BUILDING SAFETY)

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the Building Official.

103.2 Appointment. The Building Official shall be appointed by the chief appointing authority of the jurisdiction.

(SECTION 105 PERMITS)

105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

[Note: For specific types of work that require a construction permit, please see Section 105.7 of the Fire Prevention Code.]

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:

1. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge, impounding Class I, II or IIIA liquids, or altering the channelized drainage of any drainage area or lot.
2. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2: 1.
3. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
4. Painting, papering, tiling, carpeting, cabinets, counter tops, tuckpointing, siding, and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
8. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

9. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
10. Flag poles less than 35 feet in height.
11. Replacement of doors and windows where the opening size is not increased or decreased.
12. Reroofing of asphalt shingle roofs.

#### Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

#### Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

#### Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Fixture replacement with similar fixtures where plumbing connections are not relocated.

(SECTION 107 SUBMITTAL DOCUMENTS)

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted as required by the Building Official with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception:

The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

107.2 Construction Documents. Construction documents shall be in accordance with all subsections of 107.2.

107.2.90 Professionally prepared plans. Where required, all plans and specifications shall be prepared, signed and sealed by an architect or engineer licensed and registered in the State of Missouri to render this service.

Exceptions:

The following exceptions are at the discretion of the Building Official:

1. Single-family dwelling plans prepared and designed for use by the owner of the proposed structure and built for his exclusive use and occupancy for a period of not less than one (1) year.
2. Miscellaneous residential structures such as room additions, carports, garages, sheds, etc.

107.2.91 Elevations certified. Any building being erected or constructed in the flood plain shall provide an elevation certificate by a Registered Engineer or Land Surveyor, licensed in the State of Missouri, before final approval of foundation.

#### (SECTION 109 FEES)

109.2 Schedule of permit fees. Fees related to administration of this Code shall be as set forth elsewhere in this Chapter of the Municipal Code.

109.2.90 Integrated permits. The Building Official, at his / her discretion, may issue integrated building, plumbing, electrical and / or mechanical permits shall be as described in Section 109.2.90.

109.2.91 Integrated permit fees. The total integrated permit fee and the portions applicable to the building, plumbing, electrical and / or mechanical permits shall be as described in Section 109.2.90.

109.2.3 Applicant responsibility. Integrated permit applications shall include the name, original signature and license number of the appropriate licensed sub-contractor.

Exception:

Online permit applications where a licensed contractor is defined.

#### (SECTION 110 INSPECTIONS)

110.90 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner in compliance with this Code, in accordance with industry standards, and in accordance with the manufacturer's installation instructions.

#### (SECTION 113 MEANS OF APPEALS)

113.1 Application for appeal. Any applicant shall have the right to appeal a decision of the Building Official to the Board of Adjustment. Application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent form of construction is to be used. The appellant shall have the burden to prove that an equivalent form of construction complies with the intent of the provisions of this code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

113.1.90 Board of appeals. Whenever "Board of Appeals" is used in this Code, it shall mean Board of Adjustment.

#### (SECTION 114 VIOLATIONS)

114.2 Notice of violation. When the Building Official determines that a violation of this Code exists, other than a violation of a stop work order, he shall immediately notify the violator. The notification shall be in writing and

shall be delivered to the violator or his legally authorized representative or mailed 1<sup>st</sup> class US Mail to his last known address. Any person having been notified that a violation, other than a violation of a stop work order, exists and who fails to abate the violation within ten (10) days after notification shall be subject to the penalties enumerated in Section 114.4.

(SECTION 115 STOP WORK ORDER)

115.3 Unlawful continuance. Any person who continues any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove said violation or unsafe conditions, shall be liable to penalties as specified in Section 114.4 of this Ordinance.

(CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS)

(SECTION 506 BUILDING AREA)

506.1.90 Minimum residential dwelling unit areas. The minimum residential dwelling unit area shall be in accordance with Section 500.030.

(CHAPTER 12 INTERIOR ENVIRONMENT)

(SECTION 1208 INTERIOR SPACE DIMENSIONS)

1208.90 Minimum residential dwelling unit areas. The minimum residential dwelling unit area shall be in accordance with Section 500.030.

(CHAPTER 16 STRUCTURAL DESIGN)

(SECTION 1612 FLOOD LOADS)

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of O'Fallon," dated January 20, 2016 as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto. The adopted flood hazard map supporting

data are hereby adopted by reference and declared to be part of this decision.

(CHAPTER 29 PLUMBING SYSTEMS)

(SECTION 2902 MINIMUM PLUMBING FACILITIES)

2902.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in structures or tenant spaces functioning solely as exercise facilities with a square footage less than 1500 square feet.

(CHAPTER 31 SPECIAL CONSTRUCTION)

(SECTION 3107 SIGNS)

3107.1 General. Signs shall be designed, constructed and maintained in accordance with this code and the Municipal Code of the City of O'Fallon, Missouri.

(SECTION 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES)

3109.1 General. Aquatic recreation facilities shall comply with the Swimming Pool and Spa Code of the City of O'Fallon, Missouri.

3109.2 Definition. Delete in its entirety.

3109.3 Public swimming pools. Delete in its entirety.

3109.4 Residential swimming pools. Delete in its entirety.

3109.4.1 Barrier height and clearances. Delete in its entirety.

3109.4.1.1 Openings. Delete in its entirety.

3109.4.1.2 Solid barrier surfaces. Delete in its entirety.

3109.4.1.3 Closely spaced horizontal members. Delete in its entirety.

3109.4.1.4 Widely spaced horizontal members. Delete in its entirety.

3109.4.1.5 Chain link dimensions. Delete in its entirety.

3109.4.1.6 Diagonal members. Delete in its entirety.

3109.4.1.7 Gates. Delete in its entirety.

3109.4.1.8 Dwelling wall as a barrier. Delete in its entirety.

3109.4.1.9 Pool structure as barrier. Delete in its entirety.

3109.4.2 Indoor swimming pools. Delete in its entirety.

3109.4.3 Prohibited locations. Delete in its entirety.

3109.5 Entrapment avoidance. Delete in its entirety.

(APPENDIX H SIGNS)

(SECTION H101 GENERAL)

H101 General. Delete in its entirety.

H101.2 Signs exempt from permits. Permits for signs shall comply with the applicable provisions of the sign code of the City of O'Fallon, Missouri.

(SECTION H101 DEFINITIONS)

H102.1 General. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

(SECTION H104 IDENTIFICATION)

H104.1 Identification. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

(SECTION H108 ANIMATED DEVICES)

H108.1 General. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

(SECTION H109 GROUND SIGNS)

H109.1 Height restrictions. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

H109.2 Required clearance. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

H109.3 Wood anchors and supports. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

(SECTION H112 PROJECTING SIGNS)

H112.1 General. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

H112.2 Attachment of supports. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

H112.3 Wall mounting details. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

H112.4 Height limitation. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

H112.5 Additional loads. Delete in its entirety. [Refer to the Sign Code of the City of O'Fallon, Missouri]

SECTION 500.030: MINIMUM SQUARE FEET

Residential dwelling units, excluding the garage and basement, shall have a minimum building area as defined below:

UNIT TYPE	MINIMUM SQUARE FEET PER DWELLING UNIT
Single-family	1,100
Two-family	1,000
Multi-family and Townhouses with 1 bedroom	750
Multi-family and Townhouses with 2 or more bedrooms	850

