

SECTION 11:

Four new sections, Sections 500.500, 500.510, 500.520, and 500.530, in a new Article XIV of Chapter 500 of Title V of the code of Ordinances of the City of O'Fallon, Missouri, to read as follows:

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

ARTICLE XIV: INTERNATIONAL EXISTING BUILDING CODE

SECTION 500.500: ADOPTION OF EXISTING 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 Existing Building Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the International Existing Building Code of the City of O'Fallon, in the State of Missouri, for regulating and governing existing buildings 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 Existing Building Code on file in the office of the City Clerk of the City of O'Fallon, Missouri, are 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 500.510 of this article.

SECTION 500.510: ADDITIONS, INSERTIONS AND CHANGES

The following numbered subsections of the International Existing Building Code, 2015 Edition, 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 SCOPE AND ADMINISTRATION)

(SECTION 101 GENERAL)

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

101.2 Scope. The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Exception:

Residential buildings and their accessory structures within the scope of the International Residential Code shall utilize the existing building provisions provided in appendix J of that code.

(SECTION 103 DEPARTMENT OF BUILDING SAFETY)

103.1 General. The Department of inspection is hereby created and the executive official in charge thereof shall be known as the building official. Where the term "code official" is used in this code, it shall mean the Building Official or his/her appointee.

103.2 Appointment. The building official shall be appointed as provided by ordinance.

(SECTION 105 PERMITS)

105.1 Required. Required permits shall comply with Section 105.1 of the Building Code of O'Fallon, Missouri.

105.2 Work exempt from permits. Work exempt from permits shall comply with Section 105.2 of the Building Code of O'Fallon, Missouri.

(SECTION 106 CONSTRUCTION DOCUMENTS)

106.2 Construction Documents. Construction documents shall be in accordance with all subsections of 106.2.

106.2.90 Professionally prepared plans. 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. Miscellaneous residential structures such as room additions, carports, garages, sheds, etc.

106.2.91 Elevations certified. Any building addition 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 108 FEES)

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

108.2.90 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 108.2.91.

108.2.91 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.

108.2.3 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 contract is defined.

#### (SECTION 109 INSPECTIONS)

109.90 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 112 MEANS OF APPEAL)

112.1 General. For the purposes of this code, all appeals shall be in accordance with the procedure established for the Building Code of the City of O'Fallon, Missouri.

112.2 Limitations on authority. Delete in its entirety.

112.3 Qualifications. Delete in its entirety.

(SECTION 113 VIOLATIONS)

113.2 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 113.4.

113.4 Violation penalties. Any person, firm or corporation who violates any provisions of this Ordinance, or fails to comply with any of the requirements thereof, or erects, constructs, alters or repair a structure in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of this Ordinance or previous ordinance, or who shall continue any work in our about a structure after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, or any owner or tenant of a building or premises in which such violation shall exist, shall upon conviction thereof be punishable by a fine of not more than \$500.00 dollars or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

(SECTION 114 STOP WORK ORDER)

114.3 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 113.4 of this Ordinance.

(CHAPTER 14 PERFORMANCE COMPLIANCE METHODS)

(SECTION 1401 GENERAL)

1401.2 Applicability. Structures existing prior to December 17, 1963, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 5 through 13. The provisions of Sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, I-2, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or I-1, I-3 or I-4.

SECTION 500.520: SAVING CLAUSE AND VALIDITY

- A. Nothing in this Article or in the Existing Building 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.
- B. If any Section, Subsection, sentence, clause or phrase of this Article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Article. The City of O'Fallon, Missouri, hereby declares that it would have passed this Article, and each Section, Subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more Sections, Subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 500.530: PENALTY

Any person, firm, or corporation violating any of the provisions of this Article or the code hereby adopted shall, upon conviction, for each offense be fined not more than five hundred dollars (\$500.00) or be punished by imprisonment in jail not to exceed three (3) months, or be punished by both fine and imprisonment. Each day's violation of, or refusal or neglect to comply with, any provision of this Article or the code hereby adopted shall constitute a separate and distinct offense.

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