
Sponsored by: Mayor Hennessy

AN ORDINANCE AMENDING SECTIONS 500.010 THRU 500.050 OF THE CITY OF O'FALLON CITY CODE AND ADOPTING THE 2009 EDITION OF THE INTERNATIONAL BUILDING 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. Supp. 2009, 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 code referenced and adopted below, has been filed in the office of the city clerk and kept available for public use, inspection, and examination for a period of at least ninety (90) days prior to the adoption 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, 500.030, 500.040 and 500.050 of Article I of Chapter 500 of Title V of the code of Ordinances of the City of O'Fallon, Missouri, are hereby repealed and five new Sections initially to be designated as 500.010, 500.020, 500.030, 500.040 and 500.050, are hereby enacted in lieu thereof to read as follows: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 BUILDING CODE ADOPTED

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*, 2009 edition, including Appendix Chapters C, F, I and K (see *International Building Code* Section 101.2.1, 2009 edition), 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, 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 500.020 of this article.

Section 500.020: ADDITIONS, INSERTIONS AND CHANGES.

The following sections of the Building Code adopted in Section 500.010 are hereby revised:

Section 101.1 Title: Delete "[Name of Jurisdiction]" and insert "the City of O'Fallon, Missouri".

Section 103.1 Creation of enforcement agency: Delete "building official" and insert "Director of Building Safety".

Section 103.2 Appointment: Delete "by the chief appointing authority of the jurisdiction" and insert "as provided by ordinance".

Add section: Section 107.2.6 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 Director of Building Safety:

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 structures such as room additions, carports, garages, sheds, etc.

Add section: Section 107.2.7 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 109.2 Schedule of permit fees: Delete in its entirety and insert. "Fees related to administration of this Code shall be as set forth elsewhere in this Chapter of the Municipal Code".

Add section: Section 109.2.1 Integrated Permits: The Director of Building Safety, at his/her discretion, may issue integrated building, plumbing, electrical and/or mechanical permits on a single permit application.

Add section: Section 109.2.2 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.

Add section: Section 109.2.3 Applicant Responsibility: Integrated permit applications shall include the name, original signature and license number of the appropriate licensed sub-contractor.

Section 113.0 Board of Appeals: Delete section title in its entirety and insert "Means of Appeal".

Section 113.1 General: Delete in its entirety and insert: **Application for Appeal**: Any applicant shall have the right to appeal a decision of the Director of Building Safety to the Board of Adjustment. Application for appeal shall be made in writing on a form provided by the Director of Building Safety and 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.

Add section: Section 113.1.1 Board of Appeals: Whenever "Board of Appeals" is used in this Code, it shall mean Board of Adjustment.

Section 114.2 Notice of Violation: Delete in its entirety and insert: When the Director of Building Safety 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 1st 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 114.4 Violation Penalties: Delete in its entirety and insert: 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 repairs a structure in violation of an approved plan or directive of the Director of Building Safety, or of a permit or certificate issued under the provisions of this Ordinance or previous ordinance, 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 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 115.3 Unlawful Continuance: Delete in its entirety and insert: 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.

Section 1612.3 Establishment of flood hazard areas: Delete "[Name of Jurisdiction]" and insert, "the City of O'Fallon."

Section 1612. 3 Establishment of flood hazard areas: Delete, "[Date of Issuance]" and insert "March 17, 2003".

Section 1809.5 Frost Protection: Exception 2: Delete in its entirety and insert: Area of 150 square feet or less; and

SECTION 500.030: MINIMUM SQUARE FEET

A. The minimum size for a one (1) story, one-family residential dwelling unit is one thousand one hundred (1,100) square feet of habitable space excluding garage and basement.

B. The minimum size for a two-family residential dwelling unit shall be one thousand (1,000) square feet of habitable space excluding garage and basement.

C. The minimum size for a one (1) bedroom multi-family residential dwelling unit shall be seven hundred fifty (750) square feet and eight hundred fifty (850) square feet for a two (2) bedroom multi-family residential dwelling unit of habitable space excluding garage and basement.

SECTION 500.040: SAVING CLAUSE AND VALIDITY

A. Nothing in this Article or in the 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 500.050: 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.

Section 2. 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 O'Fallon, Missouri hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

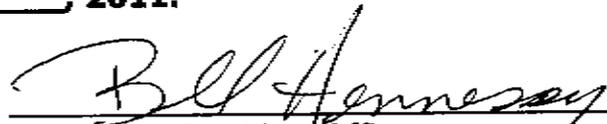
Section 3. Nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor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

Section 4. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption.

First Reading: 1-27-2011

Second Reading: 2-10-2011

PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI,
THIS 10 DAY OF February, 2011.

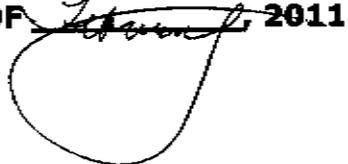

Presiding Officer

Attest:

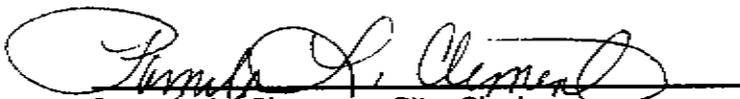

Pamela L. Clement, City Clerk



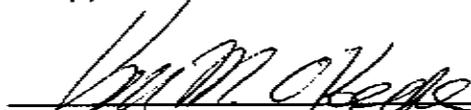
APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS
10 DAY OF February, 2011.


Bill Hennessy, Mayor

Attest:


Pamela L. Clement, City Clerk

Approved, as to Form:


Kevin M. O'Keefe, City Attorney

