
Sponsored by: Mayor Hennessy

AN ORDINANCE AMENDING SECTIONS 500.330 AND 500.340 OF THE CITY OF O'FALLON, CITY CODE AND ADOPTING THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, AND CERTAIN AMENDMENTS THERETO, AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND PUNISHMENT FOR VIOLATION THEREOF.

WHEREAS, the City of O'Fallon wishes to do what it can to assure its new and existing residents a safe and stable housing stock and thereby protect and enhance the public health, safety and welfare; and

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 500.330 and 500.340 of Article X of Chapter 500 of Title V of the Code of Ordinances of the City of O'Fallon, Missouri are hereby repealed and new Sections 500.330, 500.340 and 500.345 are hereby enacted in lieu thereof to read as follows:

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

ARTICLE X. RESIDENTIAL CODE

Section 500.330: Adoption of Residential 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 Residential Code*, 2009 edition, including Appendix Chapters "A" "B" "C", "E", "G" "H" "I" "N" "P", as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of O'Fallon, in the State of Missouri, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress 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 Residential 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 ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.340.

Section 500.340: Additions, insertions and Changes

The following Sections of the Residential Code adopted in Section 500.330 are hereby revised:

Section R101.1 Title: Delete "[Name of Jurisdiction]" and insert "City of O'Fallon, Missouri."

Section R103.1 Creation of enforcement agency: Delete "building official" and insert "Director of Building Safety".

Section R103.2 Appointment: Delete "by the chief appointing authority of the jurisdiction" and insert "as approved by ordinance".

Section R105.2 Work exempt from permits: Under Building Delete:

- Item 1: One-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.48m²).
- Item 2: Fences not over 6 feet (1829 mm) high
- Item 3: 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.

- Item 4: Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- Item 5: Sidewalks and driveways.
- Item 10: Decks not exceeding 200 square feet (18.48 m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.

Add Section: Section R106.1.1.2 Sprinkler verification: All applications for permit for one- and two-family dwellings 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. If there is no purchaser at the time of the permit application is submitted, then said verification shall be made as soon as there is a purchaser and prior to the issuance of a certification of occupancy for the new residence.

Add Section: Section R106.2.1 Elevations Certified: Any building being erected or constructed in flood plain shall provide an elevation certificate from a Registered Engineer or Land Surveyor, licensed in the State of Missouri, before final approval of the foundation inspection will be given.

Section R108.2 Schedule of permit fees: Delete in its entirety and insert: "On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Section 500.470 of the city of O'Fallon municipal code".

Section R112 Board of Appeals: Delete in its entirety and insert: "Means of Appeal".

Add Section: Section R112.1 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 or better form of construction is to be used.

Add Section: Section R112.2 Board of Appeals: Whenever "Board of Appeal" is used in this Code, it shall mean Board of Adjustment.

Section R113.2 Notice of Violation: Delete in its entirety and insert: "When the Director of Building Safety determines that a violation of this Code exists, 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 to his last known address via 1st class U.S. mail. Any person having been notified that a violation other than 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."

Section R113.4 Violation Penalties: Delete in its entirety and insert: "Any person, firm or corporation who shall violate any provisions of this Ordinance, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair 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 who shall continue any work in or about a structure after having been served a stop work order, 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 R114.2 Unlawful Continuance: Delete in its entirety and insert: "Any person who shall continue 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 a violation or unsafe condition(s), shall be subject to penalties as prescribed by law liable to penalties as specified in Section 113.4 of this Ordinance."

Section R302.2 Town Houses: Exception. Delete in its entirety and insert: "If a fire sprinkler system is installed in accordance with NFPA 13 a common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4."

Add Section: Section 302.11.3 Required Fire Separation Enclosure: All prefabricated metal chimneys shall be enclosed in a fire-resistant shaft with one (1) layer of type "X" gypsum board five-eighths (5/8) inch (16 mm) thick, starting from the fireplace connection to the underside of the roof sheathing, securely attached with framing materials. When the chimney chase is located on an exterior wall of the structure, it need only be separated by lining the wall between the chimney chase and the exterior wall with type "X" gypsum board five-eighths (5/8) inch (16 mm) thick.

Add Section: Section R303.1.1 Basements and cellars: The glass window area in basements and cellars shall not be less than one percent (1%) of the floor area served and shall be operable for natural ventilation.

Section R303.4.2 Exhaust openings: Delete in its entirety and insert: "Exhaust air shall not be directed onto walkways except dryer and bathroom vents."

Add Section: Section R303.6.2 Controls: All switches that control interior stairway lights shall be illuminated switches.

Section 305.1 Ceiling height: Add exception "3. Beams, girders, ducts or other obstructions may project to within 6 feet 6 inches of the finished floor".

Add Section: Section R306.5 Hose Bibb: Every dwelling shall be equipped with one (1) outside frost proof hose bib which shall be protected from backflow in accordance with Section P2902.4.3 of this Code.

Add Section: Section R306.6 Floor drain: All basements shall be equipped with a floor drain within twenty (20) feet of heating/cooling system(s) and water heaters and which shall comply with Chapter 27, Sections P2701 of this Code.

Section R310.1 Emergency Escape and rescue Openings: Add Exception 2: Emergency escape and rescue openings are not required in basements (other than sleeping rooms) provided they were approved prior to the adoption of this ordinance

Section 311.3.2 Floor elevations for other exterior doors: Exception: Delete in its entirety and insert: A landing is not required where a stairway of three or fewer risers is located on the exterior side of the door, provided the door does not swing over the stairway.

Section R313 Sprinklers in residential Structures: Delete in its entirety and insert "Notwithstanding the provisions of the Building Code and International Residential Code, as amended and adopted by the city of O'Fallon, Missouri, a builder of one or two-family dwellings shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence, or unit. Notwithstanding any other provision of law to the contrary, no purchaser of such a one or two-family dwelling shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased."

Section R403.1.4.1 Frost Protection: Exception 1: Delete the wording (600 square feet (37 m2)) and insert "150 square feet (13.9 m2)".

Table R404.1.2(10) Alternate Concrete Foundation Walls _{a,b,c,d,e,f}

Max. Wall Height	Max. Depth of Unbalanced Backfill	Min. Nominal Wall Thickness
7'-0"	6'-0" or less 7'-0"	8" 10" Note a
8'-0"	6'-0" or less 7'-0" 8'-0"	8" Note a 8" Note a 8" Note a
9'-0"	6'-0" or less 7'-0" 8'-0" 9'-0"	10" 10" 10" Note b 10" Note b
10'-0"	9'-0"	12" Note c

Note a: Concrete foundation walls may be constructed a minimum of nominal 8" thick where the wall height from the top of the footing to the top of the wall does not exceed 8'. A minimum of (2) #4 reinforcing bars shall be placed horizontally in top and bottom of the foundation wall. A minimum of (2) #5 reinforcing bars shall be provided around all window and door openings in concrete foundation and basement walls; bars shall extend a minimum of 24" beyond the corners of the openings.

Note b: Concrete foundation walls may be constructed a minimum of nominal 10" thick. A minimum of (2) #5 reinforcing bars shall be placed horizontally in the top, middle and bottom of the foundation wall. A minimum of (2) #5 reinforcing bars shall be provided around all window and door openings in concrete foundation and basement walls; bars shall extend a minimum of 24" beyond the corners of the openings.

Note c: Concrete foundation walls may be constructed a minimum of nominal 12" thick. A minimum of (3) #5 reinforcing bars shall be placed horizontally in the top, middle and bottom of the foundation wall. A minimum of (2) #5 reinforcing bars shall be provided around all window and door openings in concrete foundation and basement walls; bars shall extend a minimum of 24" beyond the corners of the openings.

Note d: The concrete minimum nominal wall thickness shall be 8 inches for foundation walls in soil classes SC, MH, ML-MC and inorganic CL when the maximum wall height is 8 feet.

Note e: The concrete minimum wall thickness shall be 10 inches for foundation walls in soil classes SC, MH, ML-CL and inorganic CL when the maximum wall height is 9 feet.

Note f: The concrete minimum wall thickness shall be 12 inches for foundation walls in soil classes SC, MH, ML-CL and inorganic CL when the maximum wall height is 10 feet.

Section R404.1.2.2 Reinforcement for foundation walls: Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with Table R404.1.2(1). Vertical reinforcement shall be provided in accordance with Table R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(5), R404.1.2(6), R404.1.2(7), R404.1.2(8) or R404.1.2(10). Vertical reinforcement for flat basement walls retaining 4 feet (1219 mm) or more of unbalanced backfill is permitted to be determined in accordance with Table R404.1.2(9). For basement walls supporting above-grade concrete walls, vertical reinforcement shall be the greater of that required by Tables R404.1.2(2) through R404.1.2(8) or by Section R611.6 for the above-grade wall. In buildings assigned to Seismic Design Category D₀, D₁ or D₂, concrete foundation walls shall also comply with Section R404.1.4.2.

Section R1006.2 Exterior Air Intake: Delete in its entirety and insert: "The exterior air intake on masonry fireplaces shall be capable of supplying all *combustion air* from the exterior of the *dwelling* or from spaces within the *dwelling* ventilated with outside air such as non-mechanically ventilated crawl or *attic* spaces. The exterior air intake shall not be located within the garage or *basement* of the *dwelling* nor shall the air intake be located at an elevation higher than the firebox. The exterior air intake shall be covered with a corrosion-resistant screen of 1/4-inch. (6 mm) mesh."

Edit **Table N1102.1:** Insulation and fenestration requirements by component

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value And Depth	Crawl Space Wall R-Value
4 except Marine	0.40	0.60	NR	38	13	5/10	19	0	10, 2 ft	0

Delete **Section 1102.2.3 Access Hatches and Doors.**

Section N1102.4.1 Building Thermal Envelope: Delete in its entirety and insert: "The building thermal envelope shall be durable sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weather-stripped or otherwise sealed with an air barrier material, suitable file or solid material.

1. All joints, seams and penetrations.
2. Site-built windows, doors and skylights.

3. Openings between window and door assemblies and their respective jambs and framing.
4. Utility penetrations.
5. Dropped ceilings or chases adjacent to the thermal envelope.
6. Knee walls.
7. Walls and ceilings separating the garage from conditioned spaces.
8. Behind tubs and showers on exterior walls.
9. Common walls between dwelling units.
10. Rim joists junction.
11. Other sources of infiltration."

Section N1102.4.3 Fireplaces: Delete in its entirety and insert: "New wood-burning fireplaces shall have outdoor combustion air."

Section N1103.2.2 Sealing: Delete in its entirety and insert: Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed when located within an unconditioned space. Joints and seams shall comply with section M1601.4.

Section M1305.1.4.1 Ground Clearance: Delete in its entirety and insert: "Equipment and appliances supported from the ground shall be level and firmly supported on a concrete slab or other approved material extending not less than 2 inches above the adjoining ground. Such support shall be in accordance with the manufactures installation instructions. Appliances suspended from the floor shall have clearances of not less than 6 inches from ground."

Delete Section M1411.6 Locking Access Port Caps.

Table M1601.1.1(2) Gages of metal ducts and plenums used for heating and cooling. Delete in its entirety and insert.

Type of Duct	Size (inches)	Minimum Thickness (inch)	Equivalent Galvanized Sheet Gauge	Approximate Aluminum B & S Gauge
Round ducts and enclosed rectangular ducts	<u>14 or less</u>	<u>0.013</u>	<u>30</u>	<u>26</u>
	<u>Over 14</u>	<u>0.016</u>	<u>28</u>	<u>24</u>
Exposed rectangular ducts	<u>14 or less</u>	<u>0.016</u>	<u>28</u>	<u>24</u>
	<u>Over 14</u>	<u>0.019</u>	<u>26</u>	<u>22</u>

Section G2408.4 Clearance from Grade: Delete in its entirety and insert: "Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending not less than 2 inches above adjoining grade or shall be suspended not less than 6 inches

(152 mm) above adjoining grade. Such supports shall be installed in accordance with the manufacturer's installation instructions."

Delete Section P2503.6 Shower Liner test.

Section P2603.6.1 Sewer Depth: In first sentence delete "[number] inches (m)" and insert "18 Inches (453mm)". In second sentence delete "[number] inches (mm)" and insert "30 inches (762mm)".

Section 2903.5 Water Hammer Arresters: Add on "all quick closing valves".

Section P3103.1 Roof Extension: Delete "at least 6 inches above the roof or 6 inches above the anticipate snow accumulation" and insert "at least 12 inches (305 mm) above the roof or 4 inches (102 mm) above the anticipate snow accumulation".

Section E3902.2 Garage and Accessory Building Receptacles: Add Exceptions:

1. Receptacles that are not readily accessible.
2. A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that is normal use is not easily moved from one place to another, and that is cord- and plug-connected.

Section E3902.5 Unfinished Basement receptacles: Add Exceptions:

2. Receptacles that are not readily accessible.
3. A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that is normal use is not easily moved from one place to another, and that is cord- and plug-connected.

Section E3902.11 Arc-fault circuit-interrupter protection: Delete in its entirety and insert: All 120-volt, single phase, 15- and 20- ampere branch circuits supplying outlets installed in dwelling unit bedrooms, shall be protected by a listed arc-fault circuit interrupter, combination-type installed to provide protection of the branch circuit.

Section AE101.1 General: Delete in its entirety and insert: "These provisions shall be applied only to manufactured homes used as a single dwelling unit installed on all lots and shall apply to the following.

1. Construction, alteration and repair of any foundation system which is necessary to provide for the installation of a manufactured home unit.
2. Construction, installation, addition, alteration, repair or maintenance of the building service equipment which is

necessary for connecting manufactured homes to water, fuel or power supplies and sewage systems.

3. Alterations, additions or repairs to existing manufactured homes. The construction, alteration, moving, demolition, repair and use of accessory buildings and structures and their building service equipment shall comply with the requirements of the codes adopted by this jurisdiction.

These provisions shall not be applicable to the design and construction of manufactured homes and shall not be deemed to authorize either modifications or additions to manufactured homes where otherwise prohibited.

Exception: In addition to these provisions, new and replacement manufactured homes to be located in flood hazard areas as established in Table R301.2(1) of the International Residential Code shall meet the applicable requirements of Section R322 of the International Residential Code."

Section AE304.1 Fees: Delete in its entirety and insert "per section 500.470 of the city of O'Fallon municipal code".

SECTION 500.345: SAVING CLAUSE AND VALIDITY

A. Nothing in this Article or in the Residential 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 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.

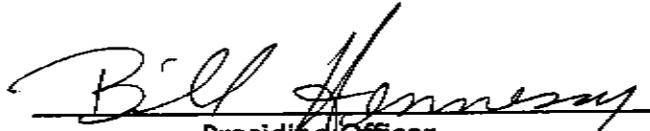
Section 3. Nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; 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:

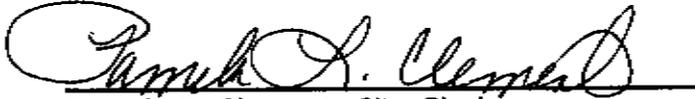

Pamela L. Clement, City Clerk



APPROVED 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

