

BILL NO. 12-132

ORDINANCE NO. 18011

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE 5, "BUILDING CODE", OF CHAPTER 4 OF THE INDEPENDENCE CITY CODE AND ADOPTING THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE.

WHEREAS, the City Council desires to amend the City Code to adopt the 2012 edition of the International Building Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Section 4.05.001 of the "Code of the City of Independence, Missouri," is hereby amended to read as follows:

"SEC. 4.05.001. ADOPTION OF BUILDING CODE AND APPENDICES.

The International Building Code, 2006~~12~~ Edition, as published by the International Code Council, be and hereby is adopted as the Building Code of the City of Independence, Jackson County, in the State of Missouri, for the control of buildings and structures as herein provided and each and all of the regulations, provisions, penalties, conditions, and terms of the International Building Code and adopted appendices ~~appendix~~, 2006 2012 Edition, are hereby referred to, adopted and made a part hereof as set out in this Article with the additions, insertions, deletions, and changes, if any, prescribed in the following sections of this Article."

SECTION 2. That Sections 4.05.002, 4.05.003 and 4.05.004, each titled, "Additions, Deletions, Insertions and Changes", of the "Code of the City of Independence, Missouri", are hereby amended to read as follows, and are combined and renumbered under Section 4.05.002:

"SEC. 4.05.002 ADDITIONS, INSERTIONS, DELETIONS, AND CHANGES.

The following numbered subsections and provisions of the approved edition of the Building Code, adopted by Section 4.05.001, are hereby amended to read as follows:

~~Section 109.4. Work Commencing before permit issued. Delete~~

~~Section 706.1 Amend to read as follows:~~

~~"Section 706.1. General. Each portion of a building separated by one or more fire walls that comply with the provisions of this section shall be considered a separate building. The extent and location of such fire walls shall provide a complete separation. Where a fire wall also separates occupancies that are required to be separated by a fire barrier wall, the most restrictive requirements of each separation shall apply."~~

Section 1301.1.1 Amend to read as follows:

"Section 1301.1.1 Criteria. Buildings ~~shall~~ may be designed and constructed in accordance with the International Energy Conservation Code 2012 Edition."

~~Chapter 29. Where the term International Plumbing Code is used in this code, this shall mean the Uniform Plumbing Code.~~

Chapter 30. Elevators and Conveying Systems. Delete

~~Section 3109. Swimming Pools. Delete~~

Chapter 32. Encroachments into Public Right-of-Way. Delete

Section 3303. Amend to read as follows:

“Section 3303 SITE WORK, DEMOLITION AND CONSTRUCTION.

A. General. The work of demolition or moving any building shall not commence until the structures required for protection of persons and property are in place.

The Building Official may require the permittee to submit plans and the complete schedule for demolition or moving work. Where such are required, no work shall be done until such plans and/or schedule ~~are~~ is approved by the Building Official.

1. Scope. In addition to the other requirements of this Article and the general ordinances, this chapter shall govern the demolition and moving of buildings, structures, and utilities.

a. Any device or equipment such as scaffolds, ladders, derricks, hoists, or similar devices or equipment, used in connection with demolition or moving shall be constructed, installed, maintained and operated in accordance with the regulations governing the construction, installation, maintenance, and operation of such device.

2. Loads. Structures, or parts of structures, or any floor or temporary support, or scaffold, sidewalk barricade, or bridge, or any device or equipment shall not be loaded in excess of the safe carrying capacity.

3. Warning Signs. Every demolition job shall be provided with danger signs, which shall be conspicuously posted around the property.

4. Lights. Between sunset and sunrise adequate lights shall be provided to properly protect persons and property from hazards of pits, excavations, fences, barriers, equipment, building materials, or rubbish in, upon, or near a sidewalk or street. All walkways shall be provided with lights as follows:

a. Amber lights, with a capacity of at least one hundred (100) watts, on the street side of the walkway at both ends and near the center.

b. Other lighting consisting of sixty (60) watt lights spaced every ten feet (10') along the walkway.

5. Dust. All material to be removed shall be wet sufficiently to lay the dust incidental to its removal.

6. Rubbish and Waste. All adjacent streets, alleys, and other public ways and places shall be kept free and clear of all rubbish, refuse, and loose material resulting from the moving, demolition, or demolition removal operations.

B. INDEMNITY. Every person, firm, or corporation to whom permission has been granted under the terms of this Article and the general ordinances to utilize public property for the demolition work or the moving of any building, structure, or utility, shall at all times assume full responsibility for such

demolition or moving. Such permission shall be further conditioned that any persons, firm, or corporation shall, as a consideration for the use of public property, at all times release, hold harmless and indemnify the City and all of their agents and employees from any and all responsibility, liability, loss, or damage resulting to any persons or property or caused by or incidental to the demolition or moving work.

C. **DAMAGE TO PUBLIC PROPERTY.** As a condition of obtaining a permit to wreck, remove, or move any building, structure, or utility, the permittee assumes liability for any damage to public property occasioned by such moving, demolition, or removal operations.

E. LICENSE REQUIRED

1. General. Every person, firm or corporation shall obtain a license as required in Article 2 of Chapter 4 of the City Code before engaging in the business of contracting for demolition of buildings. Such license shall be renewed annually.

EXCEPTION: The owner of record may demolish any one-story residential building. Such work must be done by the owner, or by a member of the owner's family or an employee.

2. Supervision Required. A licensed organization shall, at all times, have in its full-time employment a designated supervisor; said supervisor shall be either an owner, officer, or an employee of the organization. In any case, the supervisor shall be responsible for directing the work performed by the organization.

3. Wrecking Contractor License. A Wrecking Contractor License is required for those who contract with other persons or organizations to demolish any building, structure, or portion thereof without limitation of size of such building or structure.

F. DISCONNECTING SERVICE LINES.

1. Electric Service. The power to all electric service lines shall be shut off and all such lines cut or disconnected outside the property line before demolition or moving work is commenced. Prior to the cutting of such lines, the property owner or an authorized agent shall notify and obtain the approval of the franchised electric service company.

2. Other Service. All gas, water, steam, storm and sanitary sewers, or other service lines shall be shut off and capped outside the building line or curb before demolition or moving work is commenced. In each case, the property owner or an authorized agent shall obtain the approval of the utility service company or department involved.

3. Temporary Service. If it is necessary to maintain any power, water, or other lines during demolition or moving, such lines shall be temporarily relocated or protected to the satisfaction of the Department and utility company and in accordance with applicable ordinances.

G. DEMOLITION WORK.

1. Permit Required. The work of demolishing any building or structure shall not commence until a permit has been issued by the Building Official in accordance with the provisions set forth in other portions of this Article.

2. Application for Permit. All applications for permits to wreck, demolish, or raze a building or structure shall be made to the Building Official and every such application shall state:

- a. The location of the building or structure to be wrecked.
- b. The type of equipment to be used to wreck said building.
- c. The length, width, height, and principal materials of construction of the building.
- d. The length of time required to complete the proposed work.
- e. The name and address of the owner of the building.
- f. Proof of permission from the owner to do the proposed work.

3. Conditions of Permit. If the applicant complies with the provisions of this Code, the Building Official shall issue a permit for the proposed work. The permit holder shall notify the Department at least twenty-four (24) hours before starting the work.

4. Expiration of Permit. Permits for demolition work shall be subject to expiration in accordance with the provisions of Section 105.2.

H. METHODS OF DEMOLITION.

1. General. Except for the cutting of holes in floors for chutes and holes through which to drop materials, preparation of storage space, and other necessary preparatory work, demolition of exterior walls and floor construction shall begin at the top of the structure and proceed downward and each story of exterior wall and floor construction shall be removed and dropped into the storage space before commencing the removal of walls and floors in the story next below. This requirement shall not prohibit the demolition of a structure in sections if positive means are taken to prevent injury to persons or damage to property. The use of other methods are permitted when approved by the Building Official.

2. Protection of Openings. All floor openings and shafts not used for material chutes shall be floored over or enclosed with guardrails and toe boards.

I. REMOVAL OF MATERIALS.

1. Through Chutes. Materials shall not be dropped by gravity to any point lying outside the exterior walls of the building, except through enclosed wooden or metal chutes.

EXCEPTION: Where the distance from the property line or sidewalk is equal to or greater than the height of the demolition work, materials may be dropped by gravity to the ground, provided dust control is maintained in accordance with the provisions of other portions of this chapter.

2. Through Floor Openings. If debris is dropped through holes in the floor without the use of chutes, the total area of the hole cut in any intermediate floor (one which lies between the floor that is being demolished and the storage floor) shall not exceed twenty-five percent (25%) of such floor area.

3. Control of Dust. All dust caused by materials dropped through chutes, floor openings, or by other methods of removal, shall be controlled as required by the Building Official.

J. STAIRS AND LADDERS. All stairs and ladders shall be maintained in a safe condition and at least one stairway shall be accessible as each floor is demolished.

K. CONDITION OF SITE. Upon completion of the removal of the building, structure, or utility, by either demolition or moving, the ground shall be left in a clean, smooth condition. Holes in the ground, basements or cellars, shall be filled with inorganic material; provided, however, the top one foot (1') of fill shall be clean earth. The filling of such excavation may not be required when a building permit has been issued for a new building on the site and the construction thereof is to start within sixty (60) days after the completion of demolition or moving operations. The holder of the building permit shall provide such excavation with a temporary barricade protecting the excavation on all sides, as specified for safety by the Building Official. The temporary barricade may remain in position for a time not exceeding five (5) days, after which a solid barricade shall be provided or the excavation filled.

L. MOVING WORK.

1. Permit Required. No building or fixed structure shall be moved on or across a street or alley without a permit issued by the Building Official in accordance with the provisions set forth in other portions of this chapter. No building or major portion thereof shall be raised, shored, or held up without a permit from the Building Official.

2. Other Approvals Required. Prior to the issuance of a permit for moving a building, the applicant shall obtain written approval from the proper authority for the partial or complete removal of any shade tree or for the temporary moving of any lamp post, public utility installations, or other public property, and shall submit a moving route plan approved by the Director of Transportation.

3. License Required. Permits shall be issued only to a house mover or shorer holding a valid license issued by the License Division.

4. Excavations on Public Property. Where the permittee will be making excavations in or on public property, he/she shall comply with the applicable provisions as required in Chapter 17 of the City Code.

5. Inspection Required. A permit for moving a building or fixed structure shall be issued only if the proposed location within the City will not seriously increase the fire hazard to surrounding buildings. No building shall be moved into or within the City unless it has been inspected and approved by the Building Official for conformance with the minimum requirements of this chapter.

6. Application for Permit. Applications for permits to move, raise, or shore a building or structure shall be made to the Building Official and every such application shall state:

- a. The present location of the building to be moved.
- b. The proposed location of the building.
- c. The type of equipment to be used for the proposed work.
- d. The length, width, and height of the building.
- e. The principal materials of construction of the building.
- f. The length of time required to do the proposed work.
- g. The name and address of the owner of the proposed location of the building.
- h. The name and address of the owner of the building.

i. Proof of permission from the owner or owners to do the proposed work.

7. Conditions of Permit. If the applicant complies with the provisions of this Code, the Building Official shall issue a permit for the proposed work. The permit holder shall notify the Department at least twenty-four (24) hours before starting the work.

8. Foundation Required. A building for which a permit for moving, raising, or shoring has been issued shall be placed with full approved bearing on a permanent foundation prior to expiration of the permit.

9. Expiration of Permit. Permits for moving work shall be subject to expiration in accordance with the provisions of Section 105.2.”

Chapter 33. Section 3304. Delete

~~Appendix A. Delete~~

~~Appendix B. Delete~~

~~Appendix D. Delete~~

~~Appendix F. Delete~~

~~Appendix G. Delete~~

~~Appendix H. Delete~~

~~Appendix J. Delete See Article 5 of Chapter 20 and other applicable sections of the City Code.~~

~~Appendix K. Delete~~ Shall be adopted by this ordinance and amended as follows:

“Section K.102.4.1 added to read as follows:

Installation of alternative energy producing facilities and the associated components thereof shall be undertaken by qualified personnel as that is defined within NFPA 70E Article 110.6”

Section 101.1 Amend to read as follows:

"Title This Article shall be known as the 'Building Code' of the City of Independence, Missouri, may be cited as such, and will be referred to hereinafter as 'this Code'.

Where the term 'Department' is used in this Code, this shall mean the Building Inspection Division of the Community Development Department. Where the term 'Administrative Authority' or 'Building Official' is used in this Code, this shall mean the Building Official or his or her authorized representative. Where the term 'City' is used in the Code, this shall mean the City of Independence, Missouri.

There is hereby established in the City the 'Building Inspection Division' in the Community Development Department which shall be administered by the Building Inspection Supervisor."

EXCEPTIONS:

1. In case of real emergency as set forth in Section 301 of this Code.
2. In case the work is being done at a one-family dwelling by the person who owns and occupies such dwelling and the permit is applied for before the end of the work day following notification.

C. Supplementary Permit Fees. The fee for a supplementary permit to cover any additional value not included in the original permit shall be the difference between the fee paid for the original permit and the fee which would have been required had the original permit included the entire value.

D. Permit Fee Refunds. Where no portion of the work covered by a permit issued by the Building Official has been commenced, the permit holder may request in writing that the permit be canceled. The permittee shall then be entitled to a refund of ninety percent (90%) of the permit fee actually paid, except that a full refund will be made when the permit was issued in error by the City. In all cases, except as noted above, a minimum fee of Twenty-Five Dollars (\$25.00) shall be retained.

E. Permit Without Fees. The Government of the United States of America, the State of Missouri and its political subdivisions, the City of Independence, and all agencies and departments thereof, shall be exempt from the payment of fees for work performed on buildings, structures or utilities owned wholly by such agencies or departments and devoted exclusively to governmental use. All not-for-profit agencies engaged in the business of rehabilitating single family residential properties, or construction of single family residential structures, for the sole and exclusive benefit of low and moderate income individuals shall be exempt from payment of building permit fees for work performed on single family residential buildings and structures.

F. Plan-Checking Fees. When the total valuation of a proposed building exceeds One Hundred Thousand Dollars (\$100,000) and a plan is required to be submitted, a plan checking fee shall be paid to the Building Official at the time of submitting plans and specifications for checking. Such plan-checking fee shall be one-half of the building permit fee and shall be a credit toward the total fee when the building permit is issued. Plan-checking fees shall be non-refundable.

G. Expiration of Plan Check. Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan-check fee.

Section 110.1.1 Add to read as follows:

“Sec. 110.1.1 Penalties.

A. No builder, owner, or agent for the builder or owner shall allow any person or persons to occupy any newly constructed dwelling or building, any rental unit or apartment, or any alteration, reconstruction or conversion thereof which will allow occupancy of the altered, reconstructed or converted space prior to final inspection and the grant of a Certificate of Occupancy by the Building Official, which inspection shall be requested at least twenty-four (24) hours prior to time of final inspection. Any violation of this subsection shall cause a fine of Two Hundred Fifty Dollars (\$250.00) for each and every day that such violation continues to be assessed against and incurred by the offending party. This fine shall be assessed against the builder or owner of the violating premises.

B. Should the same builder, owner, or agent for the builder or owner be found guilty in a second instance, following the first violation of this section, of the offense described above in a twelve (12) month period, at the same or at a different building or premises, a fine of Five Hundred Dollars (\$500.00) for each and every day that such a violation continues shall be assessed against and incurred by the offending party. This fine shall be assessed against the builder or owner of the violating premises.

C. A builder, owner, or agent for the builder or owner may be prohibited from obtaining a building permit within the City of Independence for a period of one year from the date of the second

violation at the discretion of the Building Official. Said builder or owner may appeal the Building Official's decision to the Board of Building and Engineering Appeals.

D. No additional or new building permits shall be issued in the City of Independence to a builder, owner, or agent for the builder or owner who has violated any part of this subsection until such builder, owner, or agent for the builder or owner has obtained the required Certificate of Occupancy. Upon obtaining the required certificate, the building or owner shall again be eligible for further building permits. A One Hundred Dollar (\$100.00) re-inspection fee shall be charged to the builder, owner, or agent for the builder or owner of a structure which violates this subsection of the City Code if re-inspection is necessary prior to issuance of a Certificate of Occupancy.”

Section 110.1.2 Add to read as follows:

"Section 110.1.2 Facilities for Workmen.

A. Suitable approved toilet facilities shall be provided and maintained in sanitary condition for the use of workers during the construction or demolition of buildings.

B. Temporary Construction Site Office. A minimum 8' x 10' temporary construction site office, or storage building shall be placed on the job site without a building permit as an element incidental to construction for which a valid permit or permit application is made. All such buildings must be removed within 24 hours after construction is completed or if a permit application has expired or not approved according to codes herein."

Section 113.1 Amend to read as follows:

“Section 113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or allow occupancy of any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.”

Section 113.2 Amend to read as follows:

“Section 113.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, occupancy or allowing occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.”

Section 1805.2 Amend to read as follows:

"1805.2. Frost Line. Footings and foundations shall be constructed of masonry or concrete and in all cases extend below the frost line of thirty-six inches (36"). Footings shall be constructed of solid masonry or concrete. Where applied, the depth of footings shall also conform to Sections 1805.2.1 through 1805.2.3."

Section 2901.1. Add 2901.1 to read as follows:

“2901.1 Scope. The provisions of this chapter and the Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Plumbing systems and equipment shall be constructed, installed and

maintained in accordance with the Plumbing Code. Where the term 'International Plumbing Code' is used in Chapter 29, or elsewhere in this Code, this shall mean the Uniform Plumbing Code."

SECTION 3. That a new Section 4.05.003 of the "Code of the City of Independence, Missouri", is hereby added, to read as follows:

"SEC. 4.05.003 SCHEDULE OF FEES.

A. Fees, as set forth in the City's Schedule of Fees, shall be paid upon the issuance of a permit to any person for the installing, removing, altering or repairing electrical systems and equipment.

B. The minimum fee for any permit issued under the provisions of this section shall be set forth in the City's Schedule of Fees.

C. Any person who shall commence any Commercial building work for which a permit is required without first obtaining such permit shall be required to pay a permit fee that is equal to and in addition to the original permit fee as set forth in the City's Schedule of fees, except that emergency Commercial building work is exempt from this requirement.

D. The supplementary fee to cover any additional value not included in the original permit shall be the difference between the fee paid for the original permit and the fee which would have been required had the original permit included the entire value.

E. Permit fees provide for the customary inspections only. Where additional inspections are made necessary by incomplete or faulty work or because of incorrect address given or because the building is locked, no fee shall be charged for the first re-inspection; however, a fee as set forth in the City's Schedule of Fees, shall be charged for the second re-inspection and shall double for each additional re-inspection thereafter. All such re-inspection fees shall be paid by the permittee before another inspection can be requested."

SECTION 4. The effective date of this ordinance shall be January 1, 2013 and all previous mechanical codes shall remain in effect until that date.

SECTION 5. That the applicable provisions of Ordinance No. 17229 and any other ordinance or parts of ordinances in conflict herewith be and are hereby repealed.

SECTION 6. That all other parts and provisions of Article 5 of Chapter 4 not amended or repealed herein shall remain in full force and effect.

SECTION 7. That correction of any scrivener errors identified within Article 5 of Chapter 4 are hereby authorized by this ordinance.

PASSED THIS 3rd DAY OF DECEMBER, 2012, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.



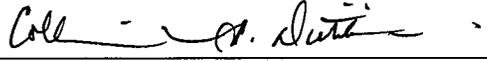
Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:



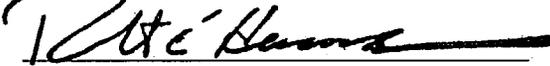
City Clerk

APPROVED AS TO FORM AND LEGALITY:



for City Counselor

REVIEWED BY:



City Manager

NOTE: Words struck through are being removed by this ordinance and words underscored and bolded are being added by this ordinance.