

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL RESIDENTIAL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, AND FIXING PENALTIES FOR VIOLATIONS, SAID REGULATIONS TO BE KNOWN AS THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS; AND AMENDING ORDINANCE NO. 4788, " MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI", BY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS/2012, ALONG WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE ERRATA FIRST PRINTING DATED MAY 2011, WITH SPECIFIC AMENDMENTS THERETO, AS SET OUT BELOW, AS THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS OF THE CITY OF RICHMOND HEIGHTS; AND REPEALING ALL INCONSISTENT OR CONFLICTING PROVISIONS OR ORDINANCES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. The International Residential Code for One and Two family Dwellings/2012, along with the 2012 International Residential Code Errata first printing dated May 2011, published by the International Code Council, Inc., hereafter 2012 IRC, one (1) copy of which is filed in the office of the City Clerk and Building Commissioner of the City of Richmond Heights, attached hereto as Exhibit "A", is hereby adopted as The One and Two Family Dwelling Code of the City of Richmond Heights, Missouri.

SECTION 2. Section 500.090 No. 4788, "Municipal Code of the City of Richmond Heights, Missouri", is hereby adopted as follows:

ARTICLE IV: THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS:

(A) The International Residential Code for One and Two Family Dwellings/2012, along with the 2012 International Residential Code Errata first printing dated May 2011, published by the International Code Council, Inc., is hereby adopted and by this reference made a part of this Chapter as though set out in full herein.

(B) General Administrative Definitions. Throughout the International Residential Code for One and Two Family Dwellings, 2012 edition, whenever the terms "jurisdiction" or "local jurisdiction" appear it shall be deemed to mean "The City of Richmond Heights", likewise whenever the term "department of building safety"

appears it shall be deemed to mean "The City of Richmond Heights Building Department," wherever the terms "code official" or "building official" appear it shall mean the Building Commissioner of The City of Richmond Heights Building Department or the Director's duly authorized representative and whenever the terms "code," or "this code," appear it shall be deemed to mean the International Residential Code for One and Two Family Dwellings, 2012 edition, likewise whenever the terms International Plumbing Code, International Electrical Code, International Property Maintenance Code appears it shall be deemed to mean, 2009 Uniform Plumbing Code Section 500.070, 2008 National Electrical Code Section 500.060 and 2009 International Property Maintenance Code Section 500.030, of The Recompiled Municipal Code of The City of Richmond Heights, as adopted herein with the additions, deletions and changes as prescribed in this ordinance.

SECTION 3. The International Residential Code for One and Two Family Dwellings/2012, adopted in Section 1 above, is hereby amended in the following respects:

- 1) **Subsection R101.1**, (page 1), : Insert "Richmond Heights, Missouri".
- 2) **Subsection R102.7**, (page 1): Item #1 is added thereto to read as follows:

R102.7 Existing structures: The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, and Article II of Chapter 500 of Ordinance #4788 The Recompiled Municipal Code of the City of Richmond Heights, Missouri or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

- 3) **Subsection R105.2**, (page 3): Building #1. Is amended to read as follows:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 100 square feet.

- 4) **Subsection R105.2**, (page 3) Building #2 and #3 are hereby deleted without substitution.

- 5) **Subsection R105.3.1.1** (page 4) is hereby deleted and a new section enacted to read as follows:

R105.3.1.1 (page 4) Determination of substantially improved or substantially damaged existing buildings.

1. Requirements: An alteration to any structure shall conform to the code requirements for a new structure and shall not result in an increase in hazard to the occupants. Portions of the structure not altered and not affected by the alteration are

not required to comply with the code requirements for a new structure except as specified in this code.

2. Damaged structures: If a structure is damaged by fire or any other cause, the renovation shall be considered an alteration and comply with this code.

3. Alterations exceeding 50 percent: If alterations or repairs are to be made within any period of twelve (12) consecutive months, costing in excess of fifty percent (50%) of the estimated value of the structure, the requirements of this code for new structures shall apply. At the discretion of the code official, alterations required to resist earthquake loads may be phased as renovations to different portions of a structure occur.

4. Damages exceeding 50 percent: If the structure is damaged by fire or any other cause to an extent in excess of fifty percent (50%) of the estimated value of the structure before the damage was incurred, this code's requirements for new structures shall apply.

5. Alterations under 50 percent: If the cost of alterations or repairs to be made within any period of twelve (12) consecutive months is between twenty-five and fifty percent (25% - 50%) of the estimated value of the structure, the code official shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements for new structures to insure the safety, health and general welfare of the occupants and the public.

6. Alterations under 25 percent: If the cost of alterations or repairs to be made within twelve (12) consecutive months is twenty-five percent (25%) or less of the estimated value of the structure, the code official shall permit the restoration of the structure to its condition previous to damage or deterioration with the same kind of materials as those of which the structure was previously constructed, provided that such construction does not endanger the general safety and public welfare and complies with the provisions of Chapter 9 for existing roofs.

6) Subsection R106.1 Submittal documents (page 5) is deleted and replaced with a new Subsection 106.1 to read as follows:

R106.1 General: The construction documents for new construction, alteration, repairs, expansion, addition or modification for buildings or structures shall be prepared by a registered design professional. All construction documents shall be prepared by the appropriate registered design professional consistent with the professional registration laws of the State of Missouri. The construction documents shall include the name and address of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with Section 106.1.A.

Exceptions:

(1) Construction documents for single family dwellings that are designed by and signed by the owner of the proposed building, unless the code official determines that a regis-

tered design professional is needed to assure a safe construction design. Such buildings shall be built for the exclusive occupancy by the owner for a period of at least one (1) year.

(2) Miscellaneous structures related to buildings of One and Two Family Dwellings such as room additions, carports, garages, sheds and other similar structures unless the code official determines a registered design professional is needed to assure a safe construction design.

7) Subsection R106.1.A Application of Seals is added to read as follows:

Application of Seals: When construction documents are submitted in accordance with Subsection R106.1.A, the application of seals and signatures to those documents shall be required as follows:

All construction documents submitted with an application for a building permit shall bear an original embossed or wet ink seal and original signature on the front sheet of each discipline within each set of construction documents;

or

(2) The registered design professional for each discipline shall place his original seal and signature upon the cover sheet of each set of construction documents.

In addition, all other sheets of the construction documents, other than specifications or calculations, shall bear the original embossed, wet ink, or mechanically reproduced seals of the registered design professional. Any addenda or modifications submitted for changes to the construction documents shall also bear an original seal and signature by the registered design professional. Such changes shall be clearly indicated.

8) Subsection R108.2 Schedule of permit fees (page 6): 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 the schedule as established by **Section 505.100 of Ordinance # 4877**.

9) Subsection R109.1, (page 6) add the following to section R 109.1:

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the code official or his authorized representative. Written approval shall be given only after an inspection has been made of each successive step in the construction and all code requirements or corrections are completed as indicated by each of the inspections required. There shall be a final inspection and approval of all buildings to be completed before occupancy as described in Section R110.0 of The International Residential code for One and Two Family Dwellings. Failure

to obtain a final inspection before occupancy will constitute a violation of the building code, subject to the penalties as described in Section R113.4. Reinforcing steel or structural framework of any part of a building or structure shall not be covered or concealed in any manner without first obtaining the approval of the code official. The code official, upon notification from the permit holder or his agent, in accordance with rules of procedure posted in the office of the code official, and described on the permit placard, shall make the following inspections and shall either approve that Section or portion of the construction as completed, or shall notify the permit holder or his agent that he has failed to comply with the code. Minimum number of inspections required are as follows:

10) Subsection R109.1.4, (page 7) add the following to subsection R109.1.4:

A framing or rough-in inspection shall be made after all framing, masonry walls, or fireplace vents and chimneys are completed, including the roof structure, firestopping, wall bracing, sheathing, heating and cooling ductwork, or other appurtenances and accessories which may be concealed, and after plumbing, electrical, and fire rough-in inspections have been posted by those inspection departments. No mechanical, electrical or plumbing systems which are to be concealed shall be covered before this inspection has been made and approved by the code official. The code official shall be notified not less than 24 hours in advance of all plaster work or installation of gypsum board or any other process which would conceal the framing system.

11) Subsection R109.3, (page 7) add the following to subsection R109.3:

A soil inspection is to be made after excavation for the structure is complete and trenches for footings, column pads, piers, spread footings, or other types of footings are ready for concrete. No concrete is to be poured without this inspection.

A pier inspection shall be performed where special foundations are required such as drilled and poured-in-place concrete piers, caisson and driven piles of all types, the code official shall make at least one inspection and more if the size of the job warrants it.

Reinforcing materials required in the above cases shall be placed to allow adequate inspections.

12) Subsection R109.4.1, (page 7) is added to read as follows:

R109.4.1 Final Building Inspection: A final building inspection shall be made after the prior inspections required have been completed and the final mechanical, plumbing, and electrical inspections have been made and approved.

13) Section R110 (pages 7) Residential Occupancy is hereby deleted and replaced with the following:

Section R110 Residential Occupancy Permits are required as per Section 500.040 of Ordinance No. 4788 The Recompiled Municipal Code of the City of Richmond Heights.

Subsection R110.1 Revocation (page 7) The building official shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

14) Section R112 Board of Appeals (page 8) is hereby deleted in its entirety and new Subsection R112 **Board of Appeals** is added to read as follows:

R112.1 Application for appeal: Any person shall have the right to appeal a decision of the code official of the board of appeals. An application for appeal shall be based on claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction can and should be used.

R121.2 Membership of Board: The Board of Appeals shall consist of three (3) members, one member appointed by the city, one member chosen by the appellant, and a third member mutually chosen by the city and the appellant.

R112.3 Qualifications: Each member of the Board must be a design professional registered with the State of Missouri as an architect or engineer or as a builder or superintendent of building construction with at least ten (10) years of experience, five (5) of which will have been in responsible charge of work. The design professional, builder or superintendent of construction must have experience in designing, building or installing the systems, equipment or types of construction which the appeal concerns.

R112.4 Chairman: The board shall select one of its members to serve as chairman.

R112.5 Disqualification of member: A member shall not hear an appeal in which that member has any personal, professional or financial interest.

R112.6 Secretary: The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

R112.7 Compensation of members: Compensation of members shall be determined by law.

R112.8 Meetings: The board members shall be appointed within thirty (30) days of an appeal being filed with the Building Commissioner. Credentials of the chosen members shall be exchanged between the city and the applicant within the thirty (30) day period. If within the thirty (30) day period the city and applicant have been unable to agree upon the third (3rd) board member, the two chosen members shall choose a qualified third member. If the two board members are unable to reach agreement upon a third member, the city manager shall appoint the third qualified member. In the case where the city manager appoints the third member, such appointed member must be a registered design professional with at least ten (10) years experience in the design and construction of the system, equipment or type of construction upon which the appeal is based..

R112.9 Open hearings: The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

R112.10 Procedure: The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

R112.11 Postponed hearing: When three members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

R112.12 Board decision: The board shall only modify or reverse the decision of the code official by a concurring vote of at least two members.

R112.13 Decision: Certified copies of the boards decision shall be furnished to the appellant and the Code official.

R112.14 Administration: The code official shall take immediate action in accordance with the decision of the board.

R112.15 Court review: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the chief administrative officer.

15) Subsection R113.4 Violation penalties (page 9) is hereby deleted and new Subsection 113.4 added, to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties set forth in Section 100.150 of Ordinance #4788, the Richmond Heights Municipal Code.

16) Subsection R114.2 Unlawful continuance (page 9) is amended to read as follows:

Any person who shall continue to 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, shall be liable to a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1000.00).

17) Subsection Table R301.2 (1) (page 26) is hereby amended to read as follows:

**TABLE R301.2 (1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load 20, Wind Speed (mph) 90, Topographic Effects NO, Seismic Design Category C, Weathering Severe, Frost Line Depth 30", Termite Moderate to Heavy, Winter Design Temp 20°F, Ice Barrier Underlayment Required YES, Flood Hazards May 1985, Air Freezing Index 1500 days, Mean Annual Temp 54°F.

18) Subsection R310.1 Emergency escape and rescue required (page 58) is hereby amended by adding the following: **Exception:** Unfinished basement spaces being converted to habitable space other than sleeping rooms when smoke alarms, in addition to those required by R314.3 are installed in each room/space of the basement and an alarm is installed on the level above, if not already existing, along the path of egress between the basement stair and the egress door to the exterior. The smoke alarms shall be interconnected, hard-wired and equipped with battery back-up.

19) Subsection R312.1.3 Opening limitations (page 62) is hereby amended by adding the following: **Guards shall not have an ornamental pattern that will in effect provide a climbable ladder.**

20) Subsection R313.1 Townhouse automatic fire sprinkler systems (page 62) is hereby amended by deleting the word *shall* and replacing with *may*.

21) Subsection R313.1.1 Design and installation (page 62) is hereby amended by replacing *Section P2904* with *NFPA 13D*.

22) Subsection R313.2 One and two-family dwellings automatic fire systems (page 62 & 63) is hereby amended by deleting the word *shall* and replacing with *may*.

23) Subsection R313.2.1 Design and installation (page 63) is hereby amended by deleting *Section P2904*.

24) Subsection R401.3 Drainage (page 73) is hereby amended by deleting it in its entirety and inserting a new section to read as follows:

R401.3 Site grading: The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in twelve (12) units horizontal (1:12) for a minimum distance of eight (8) feet (2438 mm) measured perpendicular to the face of the wall or an approved alternate method of diverting water away from the foundation shall be used. The procedure utilized to establish the final ground level adjacent to the foundation shall account for all additional settlement of the backfill.

R401.3.1 Erosion protection: Where water impacts the ground from the edge of the roof, downspout, scupper or other rainwater collection or diversion device, provisions shall be made to prevent soil erosion and direct the water away from the foundation.

R401.3.1.1 Enclosure of surface water run-off: Surface water run-off concentrated into an enclosed pipe system shall not be discharged closer than ten (10) feet from a property line without prior approval of the code official.

Exception: This section shall not apply to enclosed pipe storm sewer systems twelve (12) inches or greater in diameter that are under the jurisdiction of the St. Louis County Department of Highways and Traffic.

25) Section R703 EXTERIOR COVERING (page 363) is hereby amended by adding Subsections R703.13 and R703.14 to read as follows:

R703.13 Metal exteriors (page 375): Buildings with metal exterior walls are required to have a minimum of forty-five percent (45%) glazed area per floor.

Exception: Small storage buildings when used as an accessory use in residential dwelling districts.

R703.14 Wall finishes: (page 375) Exposed unpainted concrete masonry units, or blocks are not permitted for exterior wall finish.

26) Chapters 12 through 43 (pages 493 through 760) are hereby deleted in their entirety.

27) Appendix G (pages 829-831) is hereby adopted in its entirety.

SECTION 4. Nothing in this Ordinance nor in The International Residential Code for One and Two Family Dwellings hereby adopted shall be construed to affect any suit or proceeding pending 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 5. If any section, subsection, provision, sentence, clause or phrase of this Ordinance or of The INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS/2012 is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or of said Code, and the City Council hereby declares that it would have passed the same even though such portion so held to be unconstitutional had not been included therein and, to this end, the provisions of this Ordinance are declared to be severable.

SECTION 6. This Ordinance shall take effect and be in full force on the thirty-first day following its passage and being signed as provided by law.

PASSED and SIGNED this 6th day of February, 2012.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER,
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ,
CITY ATTORNEY

First reading: January 17, 2012
Second reading: February 6, 2012