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ARTICLE I. IN GENERAL**Sec. 7-1. Miscellaneous ordinances not affected by Code.**

Nothing in this code or the ordinance adopting this code affects ordinances establishing local or national historic districts. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. (G.O. 2224, 5-7-07; G.O. 2321, 4-6-09)

Sec. 7-2. Disclosure of name of owner of rental property.

Every agent or other person having the charge, control or management or who collects or who receives the rents of any lands, premises or other property in the city shall disclose the name of the owner of such land, premises or property or the name of the person for whom such agent or other person is acting, upon request being made therefore by an inspector, agent or officer of the customer assistance department or the building development supervisor. (Code 1969, § 16-8; G.O. 2224, 5-7-07; G.O. 2321, 4-6-09)

Sec. 7-3. House moving.

(a) *Permit required.* No person shall be permitted to move any house or other building along or upon any street, alley, parkway, boulevard, sidewalk or public place without first obtaining a special permit from the director of customer assistance, and then only within such stated time and over such stated route as may be established by the code official.

(b) *Deposit required.* Every person obtaining a permit for the use of such street, alley, parkway, boulevard, sidewalk or public place or any portion thereof shall be required to deposit with the director of customer assistance a sum in lawful money of the United States or its equivalent as may be fixed by such director, in an amount sufficient to pay for the cost of damage, if any, to such street, alley, parkway, boulevard, sidewalk or public place caused by any work being done under the authority of the permit.

(c) *Use of deposit.* If necessary repairs and restoration are made under the supervision and to the satisfaction of the director of public works and transportation at the expiration of such permit and no damages have occurred to such street, alley, parkway, boulevard, sidewalk or public place, the deposit shall be returned in full. Upon the failure of

the person obtaining such permit to repair and restore conditions as provided in this subsection within five business days of the expiration of such permit, the city may proceed to make such repairs and deduct the cost of repairs from such deposit, the balance, if any, to be returned to the person obtaining the permit.

(d) *Availability of permit.* Any permit issued by the director of customer assistance under this section, shall be kept at the place where the work is being done, and if issued in connection with hauling, shall be kept by the driver of the vehicle doing the hauling.

(e) *Inspection of permit.* The director of public works and transportation or any authorized agent or any member of the police department shall have the right to inspect any such permit. It shall be the duty of any person upon demand by any person or officer as stated in this subsection, to allow such person or officer to inspect the permit. (Code 1969, §§ 19-24, 19-37; G.O. 2224, 5-7-07; G.O. 2321, 4-6-09)

Cross reference(s)--Streets, sidewalks, and miscellaneous public places, ch. 25.

Sec. 7-4. Definitions.

As used in this chapter, in the those building standard codes specifically adopted in this chapter, and elsewhere in this code, unless the context otherwise indicates, the terms used herein shall be defined as follows:

- (1) *Agent:* An individual that has the authority to act on behalf of another.
- (2) *Apprentice:* A person who is registered with the city and who is undergoing a formal or informal apprenticeship or course of training under the direct supervision of an electrical, mechanical or plumbing journeyman or master. Such person shall not perform any work governed by this article, except as an assistant to and under the direct supervision of a licensed master or journeyman plumber, electrician or mechanical.
- (3) *Appliance or utilization equipment installer:* An unlicensed person who

- installs or repairs appliances or utilization equipment including but not limited to alarm systems, gasoline dispensing pumps, manufacturing equipment, water irrigation systems, elevators, and garage door openers.
- (4) *Building*: Any structure used or intended for supporting or sheltering any use or occupancy.
- (5) *Building official*: The officer or other authority designated by the city manager charged with the administration and enforcement of this code, or the building official's duly authorized representative.
- (6) *Building specialty trade*: The performance of construction work requiring special skill such as mechanical installation.
- (7) *Building safety department*: This means the building development section of the customer assistance department.
- (8) *Certified*: An acknowledgment of a person's competency by this jurisdiction, issued pursuant to this article.
- (9) *Code Official, building official or administrative authority*: The chief building official.
- (10) *Commercial and industrial*: Any use group other than a one and two family dwelling or townhouse as defined by the latest adopted edition of the International Building Code, and the latest adopted edition of the International Residential Code or other nationally accepted building codes that the city may be operating under in the future.
- (11) *Common ownership*: Common ownership constitutes at least 51% ownership by a firm, business, corporation, partnership, co-partnership or other organization or combination thereof.
- (12) *Contractor*: Any person, which also means and includes a firm, co-partnership, corporation, association, or other organization, or any combination thereof, who:
- a. Undertakes, with or for another within the city, to build, construct, alter, remodel, repair, or demolish any building or structure, or any portion thereof, for which a permit from the city is required, and which work is to be done for a fixed sum price, fee percentage, or other compensation;
 - b. Builds, constructs, alters, or adds to another building or structure either upon his or her own or another's property; or
 - c. General contractor, building contractor, residential contractor, concrete contractor and framing contractor. Unless provided otherwise by this article, only a contractor licensed under the provisions of this article may obtain a building permit.
- (13) *Contractor, specialty*: A contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.
- (14) *Co-partner*: A joint partner, as in a business enterprise; an associate.
- (15) *Designated representative*: An individual that may obtain a license on behalf of a firm and will be the qualifying party of the firm if the individual meets the minimum requirements defined herein.
- (16) *Direct supervision*: In the immediate presence of a licensed journeyman or master, within the same trade. They shall be in the vicinity of the person being supervised for the purpose of giving information, direction, and demonstration while such person is doing work that requires a license. Further, the person under supervision shall have knowledge of the whereabouts of the supervising licensed person and shall provide accurate information concerning his or her direct supervisor's location upon request of any city inspector or enforcement authority.
- (17) *Experience*: Awarded to individuals that have worked within the specific license category for the requisite time period. Individuals must be experienced workers

- fully qualified and able to perform the trade without supervision.
- (18) *Fulltime employee*: A person who spends at least 32 hours a week carrying out the work of the firm in a paid status.
- (19) *His or him*: Unless the context clearly requires otherwise, all terms and words used throughout this chapter, regardless of the number and gender in which used, shall be construed to include any other number, singular or plural, or any other gender, masculine, feminine or neuter, the same as if such words had been fully and properly written in that number or gender.
- (20) *Install*: To furnish, assemble, relocate, or make ready for use any material, equipment, appliance, or apparatus.
- (21) *Inspector*: A qualified person who is employed by the city to inspect the various trades to ascertain whether or not those installations meet or exceed the accepted standards as set forth in the adopted model code(s) and this code.
- (22) *Intern*: A person who is registered with the city, who does not have a high school diploma or equivalent and is enrolled in a formal or informal program or course of training under the direct supervision of a mechanical journeyman or master. Such person shall not perform any work governed by this article, except as an assistant to and under the direct supervision of a licensed master or journeyman mechanical. Once they have obtained their high school diploma or equivalent, they must register with the city as an apprentice.
- (23) *Journeyman*: An individual who has completed an apprenticeship and has demonstrated to the code official, through testing and experience, their practical and theoretical knowledge and hold a license issued pursuant to this article evidencing such person to be qualified to layout, install, maintain and repair work in his/her area of expertise. A journeyman is responsible for the supervision of any apprentice assigned to work with him/her.
- (24) *Legally registered name*: The name under which the business is registered to operate as a business with the Missouri Secretary of State or a commonly known alias for a sole proprietorship or partnership.
- (25) *Licensed*: An acknowledgement by this jurisdiction that a person meets the licensing criteria and has paid the required fees to practice a trade.
- (26) *Maintenance*: The upkeep of property or equipment.
- (27) *Master*: An individual who has demonstrated his/her skill through testing and experience in comprehending the planning, superintending and installing of the specific trade and who has demonstrated their knowledge to the code official and holds a license issued pursuant to this article evidencing such person to be qualified to control and have *authority* of all technical work performed under the authority of the contractor's enterprise and assures quality control and is responsible for compliance with all applicable laws, codes and regulations.
- (28) *Mechanical apparatus*: Includes all fuel-burning equipment, heating and power equipment, air conditioning equipment, refrigeration equipment, ventilation and other mechanical equipment and apparatus.
- (29) *Owner Occupant*: The bona fide owner and occupant of a single family dwelling.
- (30) *Project*: All the work, to include all trade work, necessary to complete the construction, alteration, renovation or addition of a structure. Splitting or phasing of requirements to circumvent any licensing requirement is strictly forbidden and will be addressed as a violation of this article.
- (31) *Qualifying party*: An individual who meets the experience and examination requirements for a license. Every license must have a qualifying party.
- (32) *Residential*: The R-3 use group as defined by the latest adopted edition of the International Building Code, and the latest adopted edition of the International

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Residential Code or other nationally accepted building codes that the city may be operating under in the future.

(33) *Structure*: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(34) *This code*: The code of ordinances of the city of St. Joseph, Missouri.

(35) *Trade*: An occupation or craft requiring dexterity and/or artistic skills in relation to the construction of a building, structure or system and its related equipment specific to electrical, mechanical and plumbing.

(36) *Vicinity*: For the purposes of this article shall mean that the supervisor shall be on the same project or building site as the journeyman or master for both residential and non-residential projects.

(G.O. 2131, 10-24-05; G.O. 2224, 5-7-07; G.O. 2321, 4-6-09)

Sec. 7-5. Liability for damages.

The issuance of any permit or certificates of occupancy, as required by these codes or ordinances shall not be construed to persons or property in connection with the operation, control or installation of any equipment, structures or systems, and the city shall not be held as assuming any liability by reason of the issuance of permits or certificates of occupancy.

(G.O. 2131, 10-24-05; G.O. 2224, 5-7-07; G.O. 2321, 4-6-09)

Sec. 7-6. Violations and penalties.

(a) Any violation of any provision of this chapter during the same 12 month period, including the standards adopted by reference, shall be punishable as a misdemeanor and, upon conviction, punishment shall be assessed as follows except when specifically addressed otherwise:

- (1) For the first conviction, by a fine of not less than \$100.00.
- (2) For the second conviction, by a fine of not less than \$200.00.

(3) For the third conviction, by a fine of \$500.00.

(4) For subsequent convictions, by a fine of \$450.00.

(5) Nothing in this subsection shall be construed to prevent the imposition of a fine or imposition consistent with Section 1-14 of this code.

(b) Each day that a violation continues shall be deemed a separate offense.

(G.O. 2131, 10-24-05; G.O. 2224, 5-7-07; G.O. 2321, 4-6-09; G.O. 2893, 12-17-18)

Sec. 7-7. Exemption from fees.

The United States government or any of its agencies, State of Missouri, County of Buchanan or their agencies shall be exempt from payment of any fee for any permit or certificate of occupancy under this section for any buildings or structures owned by the above entities. Said exemption does not relieve the obligation to obtain applicable permits, unless otherwise provided under law.

(G.O. 2224, 5-7-07; G.O. 2321, 4-6-09)

Sec. 7-8. Permit expiration.

All permits expire one year from the date of issuance, except in those cases where arrangements have been made with the building development supervisor for an extension or the permit was specifically issued for a shorter or longer time period. Permit extensions shall be granted in 180 day increments at one-half the original fee for each extension granted. The extension shall be requested in writing and justifiable cause demonstrated.

(G.O. 2224, 5-7-07; G.O. 2321, 4-6-09)

Sec. 7-9. Responsibilities.

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code and to ensure all subcontractors under them also comply with this code to include obtaining the required licenses and permits and ensuring the required inspections are

performed. It shall be the responsibility of the permit holder through their registered master or designated agent to make arrangements for:

- (1) All field inspections at appropriate times for required inspections of permitted work.
- (2) A final inspection prior to occupancy.
- (3) The re-inspection of any work which failed an inspection. All re-inspections must be completed within 30 days of the original inspection failure.

(G.O. 2224, 5-7-07; G.O. 2321, 4-6-09)

Sec. 7-10. Severability.

If any section, clause, sentence, or phrase of this chapter is determined to be invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this chapter.

(G.O. 2321, 4-6-09)

Section 7-11. Limited temporary license exemption.

(a) *Temporary authority; expiration.* This section shall not apply to work performed after February 28, 2021.

(b) *Licensure exemption for voluntary work.* Notwithstanding any other requirement stated in this chapter, any person engaged in or working at the following businesses shall not be required to obtain a statewide or local license or registration to perform voluntary work on residential properties that have been substantially damaged by floodwaters, provided such person maintains a current, valid license to perform such work in another United States jurisdiction and the requirements to obtain and maintain that license meet generally-acceptable standards for the trade in which the person is engaged:

- (1) master electrician work;
- (2) plumbing;
- (3) contracting to install, repair, replace, alter, or remodel any mechanical system.

(c) *Proof of license and insurance.* Any person performing work without a local or statewide license under authority granted by this section, shall provide proof of licensure in a qualifying United

States jurisdiction and proof of liability insurance in amounts specified in this chapter before a permit for the work may be obtained.

(d) *Trade regulations applicable; insurance required; proof.* Any person performing work without a local or statewide license under authority granted by this section shall otherwise comply with all codes and regulations applicable to the work, including the requirements to provide liability insurance in amounts specified in this chapter. (G.O. 2957, 8-5-20)

Secs. 7-12--7-31. Reserved.

ARTICLE II. BUILDING CODE**Sec. 7-32. Building and residential codes adopted.**

(a) The International Building Code, 2018 edition (2018 IBC), including Appendix C, E, F, G, H, I, and J as published by the International Code Council, Inc., be, and hereby is, adopted as the building code for the City of St. Joseph, Missouri, of which two copies are on file in the office of the city clerk, for the purpose of regulating and governing the design, construction, alteration, enlargement, equipment, repair, demolition, removal, conversion, use or maintenance of all buildings and structures, including permits and penalties, and each and all of the regulations, provisions, penalties, conditions and terms of said building code 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 7-33 of this article.

(b) The International Residential Code for One- and Two-Family Dwellings, 2018 edition (2018 IRC), including Appendix B, C, D, E, F, G, H, J, K, M and N as published by the International Code Council, Inc., be and hereby is, adopted as the residential code for the City of St. Joseph, Missouri, of which two copies are on file in the office of the city clerk for the purpose of regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City of St. Joseph, Missouri, including permits, penalties and collection of fees therefore, save an except such portions that are hereinafter modified, deleted, added or amended, if any in Section 7-34 of this article.

(Gen. Ord. No. 1193, § 1(7-1), 7-18-94; G.O. 1866, 1-7-02; G.O. 2225, 5-7-07; G.O. 2660, 12-10-12; G.O. 2865, 7-2-18)

State law reference(s)--Adoption by reference, RSMo 67.280.

Sec. 7-33. Amendments and changes to the building code.

The International Building Code (IBC) as adopted in Section 7-32, is changed by the following insertions, additions and deletions:

(1) General: All references to “board of appeals” shall be replaced by “building and fire prevention code board of appeals”.

(2) *Section 101 General.* The IBC, Section 101, General, is amended by deleting Subsection 101.1 and substituting the following:

101.1. Title. These regulations shall be known as the building code of the City of St. Joseph, Missouri, hereinafter referred to as “this code.”

(3) *Section 105 Permits.* The IBC, Section 105, Permits, is amended by deleting Subsection 105.2.

(4) *Section 101 General.* The IBC, Section 101, General, is amended by deleting the following Subsections 101.4.1, 101.4.4 and 101.4.6 in their entireties.

(5) *Section 107 Submittal documents.* The IBC, Section 107, Submittal documents, is amended by adding the following:

107.3.4.2 Design professional. The construction documents for new

construction, alteration, repairs, expansion, addition or modification for buildings or structures shall be prepared by a Missouri registered design professional as required by the Missouri Board for Architects, Professional Engineers and Land Surveyors.

- (6) *Section 109 Fees.* The IBC, Section 109, Fees, is amended by deleting Subsections 109.2, 109.4 and 109.6 and substituting the following:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid in accordance with Chapter 7, Article VIII, schedule of fees, Sections 7-400 through 7-404 of the City of St. Joseph's Code of Ordinances.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before first obtaining the necessary permits may be charged double the normal required permit fee. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties presented herein.

109.6 Refunds. Fees collected under the above sections shall be refunded where such work has not been commenced prior to the abandonment thereof, and the permit has not expired by time limitations. However, if any such work has been commenced, and then abandoned, or where a permit has expired after work has commenced or where a permit has been revoked, no refund of any building fee shall be made.

- (7) *Section 113 Board of appeals.* The IBC, Section 113, Board of Appeals, is amended by deleting Section 113.0, in its entirety, and substituting the following:

Section 113 Appeals.

113.1 Appeals to the building and fire prevention code board of appeals. Any person aggrieved by a decision of the building official's or inspector's

interpretation of the building code, may appeal such decision to the building and fire prevention code board of appeals. The building and fire prevention code board of appeals shall thereupon make an independent determination on the question which the building official or inspector had to decide.

113.2 Appeals Procedure.

(a) The owner of a building or structure or any other person aggrieved by a decision of the building official or inspector may appeal to the building and fire prevention code board of appeals. Any such appeal shall be in writing and state the name and address of the appealing party and the nature of his appeal and shall be made within five days after the building official's or inspector's decision.

(b) The building and fire prevention code board of appeals shall hold a public hearing within five business days after notice of appeal is filed. Notice of hearing shall contain a time and date for the hearing and be directed to the appealing party at the address given on his appeal by certified mail. The appellant, his attorney, and any other persons whose interests may be affected by the matter on appeal shall be given an opportunity to be heard, present evidence and examine adverse witnesses.

(c) The building and fire prevention code board of appeals shall render its decision in writing within a reasonable time, however in no event later than five days after the conclusion of the hearing. A tape recorded transcript of the hearing shall be made and minutes shall be kept.

(d) Any person aggrieved by a decision of the building and fire prevention code board of appeals may appeal that determination to the Circuit Court of Buchanan County, Missouri, under the provisions of RSMo Ch. 536. The appeal shall be made within 30 days after the mailing or delivery of the decision.

- (8) *Section 114 Violations.* The IBC, Section 114, Violations, is amended by deleting

Subsection 114.4 and substituting the following:

114.4 Violation Penalties. Any person who shall violate a provision of the 2012 IBC, 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 building official, or a permit or certificate issued under the provisions of the basic code, may be issued a citation and, if found guilty, fined as defined under Section 7-6 of the Code of Ordinances of the City of St. Joseph, Missouri.

- (9) *Section 115 Stop Work order.* The IBC, Section 115, Stop Work Order, is amended by deleting Subsection 115.3 and substituting the following:

115.3 Unlawful Continuance. Any person who shall continue any work in or about the building after having been served with a stop-work order, verbally or in writing, except such work as that person is directed to perform to remove a violation or unsafe condition, may be issued a citation and, if found guilty, fined in accordance with Section 7-6 of the Code of Ordinances of the City of St. Joseph, Missouri.

- (10) *Section 116 Unsafe structures and equipment.* The IBC, Section 116, Unsafe Structures and Equipment, is amended by amending Subsection 116.1, and inserting a new Subsection 116.1.1, as follows:

116.1 Conditions. All structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. All unsafe structures shall be classified as habitable or uninhabitable, taken down and removed or made safe, as the code official deems necessary and as provided in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.1.1 Vacant Structures.

(a) A vacant structure or vacant portion of a structure shall be secured against entry by trespassers or animals (including birds) and put in a safe, stable condition. The owner shall cause all exterior doors and windows to be locked and secured at all times. If any exterior windows or doors of such building have broken glass or broken panels, then the owner shall cause such openings to be closed by repairing or replacing the damaged unit in a good and workmanlike manner or by boarding the opening. If the owner chooses to board up such openings, he/she shall use weather resistant plywood of at least three-eighths-inch thickness cut to fit the opening size and shall attach such plywood to the exterior of all such openings using wood screws of at least 1 1/2 inches long placed 12 inches on center. Such plywood shall be of a color or coated with a color which blends with the exterior of the building.

(b) If any other opening exists in the building envelope (walls, foundations, facia, soffit, roof or other) the owner shall cause such openings to be closed in a good and workmanlike manner using material approved for such purpose.

(c) The building must have a sound foundation and be free from excessive leaning, sagging or buckling members; and shall be secured to afford the building and its contents protection from the elements.

(d) Exterior porches, stairs, landings, retaining walls and other structures shall be put in good repair or removed.

(e) A building permit is not required of the owner for the performance of any or all of the above work for the securement of the vacant structure.

- (11) *Section 1612 Flood loads.* The IBC, Section 1612, Flood loads, is amended by deleting Subsection 1612.3, and substituting the following:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard

map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of St. Joseph, Buchanan County, Missouri," dated September 19, 1984, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

- (12) *Section 3202 Encroachments.* The IBC, Section 3202, Encroachments, is amended by inserting Subsection 3202.5 as follows:

3202.5 Jurisdictional Authority. For the purpose of this section, the authority having jurisdiction is the director of the customer assistance department.

- (13) *Section 3303 Demolition.* The IBC, Section 3303, Demolition, is amended by adding a new subsection to be known as Subsection 3303.8 to read as follows:

3303.8 Wrecking, Demolishing or Razing.

(a) No person, firm or corporation shall wreck, demolish, or raze a building or other structure within the corporate limits of St. Joseph without first obtaining a permit therefore from the customer assistance director. Such permit shall be issued only to an insured person, firm or corporation as hereinafter provided. A permit may be issued to an uninsured owner of record of land who desires to wreck or demolish or raze any building thereon, except that if such building shall be more than two stories high or shall be less than ten feet back from the street property line, such owner shall be required to give a certificate of insurance to the City of St. Joseph, as hereinafter provided and required from persons, firms, or corporations engaged in the business of wrecking, demolishing, or razing buildings.

(b) All applications for permits to wreck, demolish, or raze a building or other structure shall be made to the code official, and every such application shall state the

location of the building or structure to be wrecked, demolished or razed, its length, width, height, and the principal materials of its construction, the length of time that will be required to wreck, demolish, or raze such building or structure and showing the ownership and location thereof, and the proof of permission of the owner to demolish. If such application complies with the terms and provisions of this section, then the code official shall issue such permit; provided, however, that if such work is not begun within 60 days after issuance of the permit, such permit shall expire by limitation and be void.

(c) Every person, firm, partnership, corporation or joint venture shall provide evidence of contractor's general liability insurance with explosion, collapse and underground hazards specifically included, prior to the city's issuance of a permit for demolition, wrecking, or razing of any structure. Proof of such insurance shall be evidenced by a certificate of insurance signed by the insurer and/or the insurer's agent and shall certify the name of the insured and his/her address, the amounts and types of insurance actually in force, and limitation to the locality covered by the policy, the policy beginning and ending dates and an agreement to notify, in writing, the City of St. Joseph customer service manager, customer assistance department, 15 days prior to the termination of the policy. Such insurance shall be retained in force at all times during demolition, wrecking or razing of the structure or structures for which a permit is issued. Any permit issued in this section shall automatically terminate upon the lapse or termination of the required insurance coverage.

Minimum coverage shall be in the following amounts:

Death or injuries: \$100,000.00 per person; \$300,000.00 per occurrence.

Property damage: \$200,000.00 per occurrence.

The amounts stated above shall be deemed minimum coverage and shall not preclude the code official from

requiring greater coverage when, in his/her judgment, the means, scope, method, special conditions or circumstances of the demolition, wrecking or razing so dictate.

(d) The issuance of a permit hereunder shall be conditioned among other things mentioned that such person, firm or corporation will pay any and all damage which may be caused to any property, public or private, within St. Joseph and any and all claims for personal injury when injury is caused or inflicted by such person, firm or corporation or their agents, servants, employees, contractors or subcontractors and shall further condition that the City of St. Joseph shall be saved harmless from all costs, loss or expense arising out of the carrying on of such business.

(e) In the wrecking, demolishing or razing of any building or structure, the work shall be carried on in conformance with good engineering practice. Backfill material shall be clean earth free from organic matter. Use of any other type of backfill material shall require authorization of the code official and shall be stated on the permit. Should stone, brick or concrete be authorized as a supplement for a portion of the backfill, it must be a minimum of 12 inches below grade level. The supplement should not exceed 20 percent of the total backfill and should be thoroughly compacted.

- (14) *Section 3412 Compliance alternatives.* The IBC, Section 3412, Compliance alternatives, is amended by deleting Subsection 3412.2 and substituting the following:

3412.2 Applicability. Structures existing prior to February 7, 1966, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403.0 through 3409.0. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in use Group H or I.

- (15) The IBC is amended by adding a new chapter to be known as Chapter 36, entitled "Housing Numbering," to be read as follows:

Chapter 36. Housing numbering

Section 3601.0 House Numbering. The city planner shall assign all numbers and address to new and existing buildings and keep a record of the same according to streets. The code official shall furnish all owners and builders of buildings with said building numbers.

Section 3602.0 Duty of Contractor.

(a) The contractor or builder in charge of the greater part of the work of erecting or moving any building in the city shall report the location thereof to the code official and cause such number to be placed on the building as soon as practically possible.

(b) The contractor in charge of the greater part of the work remodeling, renovating or adding to any building or unit shall cause the number to be placed on the building or unit as soon as practically possible.

- (16) *Section H101 General.* The IBC, Section H101, General, is amended by adding Subsections H101.3 through H101.3.2 to be read as follows:

H101.3 Bonds and Liability Insurance. A person shall not erect, install, remove, re-hang or maintain over public property any sign for which a permit is required under the provisions of this code until an approved bond shall have been filed in the sum of \$100,000.00 per accident and for property damage in the amount of \$50,000.00 as herein required.

H101.3.1 Conditions. Such bond or insurance policy shall protect and save the jurisdiction of St. Joseph, Missouri, harmless from any and all claims or demands for damages by any reason of defects in the construction, or damages resulting from the collapse, failure or combustion of the sign or parts thereof. Insurance shall name the city as an additional insured.

H101.3.2 Notice of Cancellation. The obligation herein specified shall remain in force and effect during the life of every sign and shall not be cancelled by the principal or surety until after 30 days' notice to the code official.

(Gen. Ord. No. 1193, § 1(7-2), 7-18-94; G.O. 1866, 1-7-02; G.O. 1985, 11-10-03; G.O. 2225, 5-7-07; G.O. 2260, 10-22-07; G.O. 2660, 12-10-12; G.O. 2674, 3-4-13; G.O. 2865, 7-2-18)

Sec. 7-34. Amendments and changes to the residential code.

The International Residential Code (IRC), as adopted in Section 7-32, is changed by the following insertions, additions and deletions:

- (1) General: All references to “board of appeals” shall be replaced by “building and fire prevention code board of appeals”.

- (2) *Section R101 General.* The IRC, Section R101, General, is amended by deleting Subsection R101.1 and substituting the following:

R101.1 Title. These provisions shall be known as the *residential code of one-and two-family dwellings* of the City of St. Joseph, Missouri, and shall be cited as such and will be referred herein as “this code”.

- (3) *Section R105.Permits.* The IRC, Section R105, Permits is amended by deleting Subsection R105.2.

- (4) *Section R106 Construction Documents.* The IRC, Section R106, Construction Documents, is amended by deleting Subsection R106.1 and substituting the following:

R106.1 Submittal documents. Construction documents, special inspection and structural observation programs and other data shall be submitted in one or more set with each application for a permit. The construction documents shall be prepared by a Missouri registered design professional where required by the State of Missouri. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a Missouri registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a Missouri registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

- (5) *Section R108 Fees.* The IRC, Section R108, Fees, is amended by deleting Subsections R108.2 and R108.5 and substituting the following:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid in accordance with Chapter 7, Article VIII, schedule of fees, Sections 7-400 through 7-404 of the City of St. Joseph’s Code of Ordinances.

R108.5 Refunds. Fees collected under the above sections shall be refunded where such work has not been commenced prior to the abandonment thereof, and the permit has not expired by time limitations. However, if any such work has been commenced, and then abandoned, or where a permit has expired after work has commenced or where a permit has been revoked, no refund of any building fee shall be made.

- (6) *Section R108 Fees.* The IRC, Section R108, Fees, is amended by adding the following:

R108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before first obtaining the necessary permits may be charged double the normal required permit fee. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties presented herein.

- (7) *Section R112 Board of Appeals.* The IRC, Section R112, Board of Appeals, is amended by deleting Section R112.1 and substituting the following:

R112.1 Appeals to the building and fire prevention code board of appeals. Any person aggrieved by a decision of the building official's or inspector's interpretation of the residential code, may appeal such decision to the building and fire prevention code board of appeals. The building and fire prevention code board of appeals shall thereupon make an independent determination on the question which the building official or inspector had to decide.

R112.1.1 Appeals Procedure.

(a) The owner of a building or structure or any other person aggrieved by a decision of the building official or inspector may appeal to the building and fire prevention code board of appeals. Any such appeal shall be in writing and state the name and address of the appealing party and the nature of the appeal and shall be made within five days after the building official's or inspector's decision.

(b) The building and fire prevention code board of appeals shall hold a public hearing within five business days after notice of appeal is filed. Notice of hearing shall contain a time and date for the hearing and be directed to the appealing party at the address given on the appeal by certified mail. The appellant, his/her attorney, and any other persons whose interests may be affected by the matter on appeal shall be given an opportunity to be heard, present evidence, and examine adverse witnesses.

(c) The building and fire prevention code board of appeals shall render their decision in writing within a reasonable time, however in no event later than five days after the conclusion of the hearing. A tape recorded transcript of the hearing shall be made and minutes shall be kept.

(d) Any person aggrieved by a decision of the building and fire prevention codes board of appeals may appeal that determination to the Circuit Court of Buchanan County, Missouri, under the provisions of RSMo Ch. 536. The appeal shall be made within 30 days after the mailing or delivery of the decision.

(8) *Section R113 Violations.* The IRC, Section R113, Violations, is amended by deleting Subsection R113.4 and substituting the following:

R113.4 Violation Penalties. Any person who shall violate a provision of the 2018 IRC, 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 building official, or a permit or certificate issued under the provisions of the basic code, may be guilty of a misdemeanor, punishable by a fine under Section 7-6 of the Code of Ordinances of the City of St. Joseph, Missouri.

(9) *Section R114 Stop Work Order.* The IRC, Section R114, Stop Work Order, is amended by deleting Subsection R114.2 and substituting the following:

R114.2 Unlawful continuance. Any person who shall continue any work in or about the building after having been served with a stop work order, verbally or in writing, except such work as that person is directed to perform to remove a violation or unsafe condition, may be issued a citation and, if found guilty, fined in accordance with Section 7-6 of the Code of Ordinances of the City of St. Joseph, Missouri.

(10) *Section R301 Design Criteria.* The IRC, Section R301, Design Criteria, is amended by inserting the following into Table R301.2(1):

Wind speed = 90 mph; Seismic design category = B; Weathering = Severe; Frost Line Depth = 36 inches; Termite = Moderate to Heavy; Decay = slight to moderate; Winter Design Temp = 2 degrees; Flood hazard = September 19, 1984.

(11) *Section R313 Automatic Fire Sprinkler Systems.* The IRC, Section R313, Automatic Fire Sprinkler Systems, is amended by deleting Section R313 in its entirety.

(12) *Section E3902 Ground-Fault and Arc-Fault Circuit-Interrupter Protection.* The IRC, Section E3902, Ground-Fault and Arc-Fault

Circuit-Interrupter Protection, is amended by deleting Subsection E3902.2 and substituting the following:

E3902.2 Garage and accessory building receptacles. All 125-volt, single-phase, 15- or 20-ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel. Receptacles supplying garage door openers, sump pumps and freezers are not required to have ground-fault circuit-interrupter (GFCI). The freezer outlet shall be identified.

- (13) *Section E3902 Ground-Fault and Arc-Fault Circuit-Interrupter Protection.* The IRC, Section E3902, Ground-Fault and Arc-Fault Circuit-Interrupter Protection, is amended by deleting Subsection E3902.5 and substituting the following:

E3902.5. Unfinished basement receptacles. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like. Receptacles supplying sump pumps and freezers are not required to have ground-fault circuit-interrupter (GFCI). The freezer outlet shall be identified.

Exceptions: A receptacle supplying only a permanently installed fire alarm or burglar alarm system..

- (14) *Section E3902 Ground-Fault and Arc-Fault Circuit-Interrupter Protection.* The IRC, Section E3902, Ground-Fault and Arc-Fault Circuit-Interrupter Protection, is amended by deleting Subsection E3902.12 and substituting the following:

E3902.12 Arc-fault circuit-interrupter protection. All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by a combination type arc-fault

circuit interrupter installed to provide protection of the branch circuit.

Exceptions:

1. Where an outlet branch-circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet shall be installed with metal outlet and junction boxes and RMC, IMC, EMT, type MC, or steel armored type AC cables meeting the requirements of Section E3908.8.
2. Where an outlet branch-circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet shall be installed with metal or nonmetallic conduit or tubing that is encased in not less than 2 inches (51 mm) of concrete.
3. AFCI protection is not required for an individual branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT or steel-sheathed armored cable Type AC, or Type MC meeting the requirements of Section E3908.8.

- (15) *Section E4002 Receptacles.* The IRC, Section E4002, Receptacles, is amended by deleting Subsection E4002.14 in its entirety.

- (16) The IRC, is amended by deleting Chapters 12 through 33 in their entirety and Sections G2413, G2414, G2415, G2416, G2417, G2418, G2419, G2420, G2421, G2422, G2423 and G2424 in their entirety.

- (17) The IRC is amended by adding a new chapter to be known as Chapter 45, entitled "Housing Numbering," to be read as follows:

Chapter 45. Housing Numbering.

Section R4501 Housing numbering.

The city planner shall assign all numbers and addresses to new and existing buildings and keep a record of the same according to streets. The code official shall furnish all owners and builders of buildings with said building numbers.

Section R4502 Duty of Contractor.

(a) The contractor or builder in charge of the greater part of the work of erecting or moving any building in the city shall report the location thereof to the code official and procure a certificate of the number to be placed thereon, and shall cause such number to be placed on the building as soon as practically possible.

(b) The contractor in charge of the greater part of the work remodeling, renovating or adding to any building or unit shall cause the number to be placed on the building or unit as soon as practically possible.

(Gen. Ord. No. 1193, § 1(7-2), 7-18-94; G.O. 1866, 1-7-02; G.O. 2225, 5-7-07; G.O. 2260, 10-22-07; G.O. 2660, 12-10-12; G.O. 2674, 3-4-13; G.O. 2865, 7-2-18)

Sec. 7-35. Enforcement by administrative building citation.

Any violation of any section of this article may be enforced by the issuance of an administrative building citation in accordance with the provisions set forth in Chapter 2.

(G.O. 2832, 5-22-17)

Secs. 7-36--7-55. Reserved.

ARTICLE III. ELECTRICAL CODE*

DIVISION 1. GENERALLY

Sec. 7-56. Title.

This article shall be known and cited as the electrical code of the City of St. Joseph, Missouri. (Gen. Ord. No. 852, § 1(7-56), 2-4-91; G.O. 2216, 1-29-07)

Sec. 7-57. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Commercial and Industrial* means any use group to include all residential as defined by the latest adopted edition of the International Building Code, and the latest adopted edition of the International Residential Code.
- (2) *Residential* means the R-3 use group as defined by the latest adopted edition of the International Building Code, and the latest adopted edition of the International Residential Code.

(Code 1969, § 7-57; G.O. 1372, 1-2-96; G.O. 2216, 1-29-07; G.O. 2802, 1-4-16)

Sec. 7-58. Reserved.

Sec. 7-59. Reserved.

The NFPA 70, National Electrical Code, 2017 edition, (2017 NEC), as published by the National Fire Protection Association, Inc., with the exception of the section titled “Informative Annex H,” be and hereby is adopted as the electrical code for the city of St. Joseph, Missouri, of which two copies are on file in the office of the city clerk for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the city and providing for the issuance of permits and collection of fees therefore save and except such portions as are modified, added or amended in this article, with the additions, insertions and changes, if any, prescribed in Section 7-61 of this article.

Each section of the 2017 NEC designated “Informative Annex” with the exception of “Informative Annex H,” are fully adopted and not deemed merely informative in nature although they are titled as “Informative.”

(Gen. Ord. No. 1194, § 1(7-89), 7-18-94; G.O. 1860, 11-26-01; G.O. 2216, 1-29-07; G.O. 2226, 5-7-07; G.O. 2661, 12-10-12; G.O. 2675, 3-4-13; G.O. 2866, 7-2-18)

State law reference(s)--Adoption by reference, RSMo 67

Secs. 7-61--7-70. Reserved.

***Cross reference(s)**--Electrical standards and appeals board, § 2-741 et seq.

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 7-60. Electrical code adopted.

DIVISION 2. ADMINISTRATION AND
ENFORCEMENT

Subdivision I. General Provisions

Sec. 7-71. Administrator; personnel.

This article shall be administered by the building official, or his/her designee, who shall take such action as may be reasonable and necessary to secure compliance with it. Personnel shall be employed as may be required to administer this article, subject to the availability of funds.

(Gen. Ord. No. 852, § 1(7-56), 2-4-91; G.O. 2216, 1-29-07; G.O. 2661, 12-10-12)

Sec. 7-72. City electrical inspector.

(a) *Office created.* There is created within the building development services section, department of customer assistance, the office of electrical inspector.

(b) *Powers and duties.* The electrical inspector or his duly authorized representative shall have the right and power and it shall be his duty under the direction of the code official to inspect all electrical wires and all electrical apparatus in or on any building, street or alley in this city in order to ascertain whether the requirements of this article are being met. If any part of such electrical wires or electrical apparatus shall be found not to be in compliance with this article, the electrical inspector or his duly authorized representative shall institute such proceedings as may be necessary for the immediate abatement of all such noncompliance. No person shall refuse or fail to allow such inspections, provided such inspections by the electrical inspector or his duly authorized representative are being made for the purpose of ascertaining whether the requirements of this article are being met.

(c) *Employment qualifications.* The electrical inspector shall be a classified employee hired in accordance with the personnel manual of the city. The primary electrical inspector shall have been a journeyman electrician for a minimum of two years and/or have a master's license and shall, within two years of being hired, obtain a city journeyman or master electrician's license, and obtain and maintain a residential and commercial electrical inspector certification through a nationally recognized certifying agency.

(Gen. Ord. No. 852, § 1(7-58), 2-4-91; G.O. 2216, 1-29-07)

Cross reference(s)—Officers and employees, § 2-111 et seq.

Sec. 7-73. Appeals.

(a) The owner of a building or structure or any other person aggrieved by a decision of the building official's, or his/her designee's, interpretation of this article may appeal to the electrical standards and appeals board. Any such appeal shall be in writing and state the name and address of the appealing party and the nature of his appeal and shall be made within five days after the building official's, or his/her designee's, decision.

(b) The electrical standards and appeals board or its delegate shall hold a public hearing within five business days after notice of appeal is filed. Notice of hearing shall contain a time and date for the hearing and be directed to the appealing party at the address given on his appeal by certified mail. The appellant, his attorney and any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard, present evidence and examine adverse witnesses.

(c) The electrical standards and appeals board shall render their decision in writing within a reasonable time, however, not later than five business days after the conclusion of the hearing.

(d) Any person aggrieved by a decision of the electrical standards and appeals board may appeal that determination to the circuit court of the county under the provisions of RSMo Ch. 536. The appeal shall be made within 30 days after the mailing or delivery of the decision.

(Code 1969, § 7-59; G.O. 2216, 1-29-07; G.O. 2661, 12-10-12)

Sec. 7-74. Alternate materials, devices and methods of construction.

(a) The provisions of this article are not intended to prevent the use of materials, devices or methods of construction not specifically authorized or prescribed by this article, providing such alternate has been approved by the code official. The code official may grant such approval when he determines that such alternate materials, devices or methods of construction are of such design or quality or both as to be suitable and safe for the use intended and is, for the purpose intended, equivalent in quality, effectiveness, durability and safety to that prescribed by this article.

(b) To help him reach this decision, the code official may require evidence and tests to substantiate any claims that such alternate material, device or method of construction meet the standards described in subsection (a) of this section. The cost of any evidence or tests required to be submitted shall be paid by the person requesting such approval of the code official. Any test required shall be made in accordance with generally recognized standards where such exist, and where none exist, the code official shall specify the test procedures. Prior to making any such determination, the code official may submit the proposed material, device or method of construction to the electrical standards and appeals board for its recommendation.

(Code 1969, § 7-77; G.O. 2216, 1-29-07; G.O. 2661, 12-10-12)

Sec. 7-75. Approval of variances.

In specific cases where it clearly appears that undue hardship would result from a literal application of the provisions of this article, and where such undue hardship can be clearly demonstrated, the code official may approve the issuance of a permit for the proposed electrical work if such work will comply with the spirit and intent of this article with respect to hazards in fire and safety to life. Prior to issuing such permit the code official may first submit the application to the electrical standards and appeals board for their recommendation.

(Code 1969, § 7-79; G.O. 2216, 1-29-07)

Sec. 7-76. Liability for damages.

The issuance of permits or certificates of approval as required by this article shall not be construed as relieving any person from liability for damages to persons or property in connection with the operation, control or installation of any electrical equipment, and the city shall not be held as assuming any liability by reason of the issuance of permits or certificates of approval.

(Code 1969, § 7-81; G.O. 2216, 1-29-07)

Secs. 7-77–7-85. Reserved.

Subdivision II. Permits and Inspections

Sec. 7-86. Reserved.

Sec. 7-87. Application, issuance of permit.

(7/1/21)

(a) Application for a permit required in this subdivision shall be made to the code official and shall be made on a form furnished for that purpose. The application shall be accompanied by such plans, specifications or schedules as may be required by the code official to show whether the installation as described will be in conformity with the requirements of this article. If the proposed installation conforms to the provisions of this article and if the person seeking the permit is a person qualified to perform the proposed work, a permit for such installation shall be issued.

(b) The permit issued shall set forth the name of the person to whom it is issued and shall set forth the qualifications of such person which entitle him to receive a permit. In determining whether the proposed installation conforms to the provisions of this article or whether the person seeking the permit is a person qualified to perform the proposed work, the code official may seek the recommendation of the electrical standards and appeals board.

(Code 1969, § 7-71; G.O. 2216, 1-29-07)

Sec. 7-88. Permit restrictions.

No deviation shall be made from the work as described in the permit required and issued pursuant to this subdivision and no additional work other than that described in the permit shall be done without making an adjustment in the original permit. The code official shall allow such adjustment to be made when he finds that such adjustment conforms to the provisions of this article. In determining whether such adjustment conforms to the provisions of this article, the code official may seek the recommendation of the electrical standards and appeals board.

(Code 1969, § 7-72; G.O. 2216, 1-29-07)

Sec. 7-89. Effect of issuance of permit; correction of drawings, specifications.

(a) The issuance of an electrical permit and the approval of drawings and specifications shall not be construed to permit violation of this article. No permit presuming to give authority to violate or cancel provisions of this article shall be valid.

(b) The issuance of a permit based upon approval of plans and specifications shall not prevent the code official from requiring the correction of errors in such plans and specifications or from revoking the permit or prohibiting continuation of work, where found to

be in violation of this article or of any other ordinance.

(Code 1969, § 7-73; G.O. 2216, 1-29-07)

Sec. 7-90. Fees for permits and inspections.

Fees for electrical permits and inspections shall be in accordance with the fee schedule in Section 7-401.

(Code 1969, § 7-74; G.O. 2216, 1-29-07)

Sec. 7-91. Inspection and certification of work.

(a) *Generally.* Upon completion of an installation or alteration under an electrical permit, the person making the installation shall notify the code official who shall cause the electrical inspector to make an inspection of the installation or alteration within 24 hours of such notice or as soon thereafter as practicable. If the installation or alteration is in conformity with this article, the electrical inspector shall issue to the permit holder a certificate of approval, with a duplicate copy to the owner, and authorizing the use of the installation or alteration and connection to the source of the electricity, with a notice of such authorization to the agency supplying the electrical service.

(b) *Temporary approval.* A certificate of approval may be issued authorizing the connection and use of a temporary installation, but such certificate shall expire at the time stated thereon and shall be revocable for cause.

(c) *Concealing work.* When any electrical equipment is to be concealed from view by the construction of a building, the person making the installation shall notify the code official in writing, and such equipment shall not be concealed until it has been inspected and approved or until 24 hours, exclusive of Sunday and holidays, have elapsed from the time of such notification. In a large installation where the concealment of equipment proceeds continuously, the person installing the electrical equipment shall give due written notice thereof, and inspections shall be made periodically during the progress of the work.

(d) *Notice to correct defects.* If inspection indicates work is not in conformity with this article, the electrical inspector, at the direction of the code official, shall immediately notify the job site superintendent, master electrician who pulled the permit and the appropriate utility company. The utility company will then determine if the power shall be cut off and the use of electrical service

discontinued until the provisions of this article are complied with. If, in the opinion of the electrical inspector, there is an immediate threat to life or property, he/she, at the direction of the code official, will notify the utility company and order the electrical service shut off until the immediate hazard is corrected. In either case, a final inspection will not be completed until all the provisions of this article are complied with.

(Code 1969, § 7-75; G.O. 2216, 1-29-07)

Sec. 7-92. Connection of electrical supply to installation.

It shall be unlawful for any person to make connection to a supply of electricity or to supply electricity to any electrical equipment for which an installation permit is required or which has been condemned without authorization from the code official. Such authorization may be given orally but must be confirmed by written certificate of approval.

(Code 1969, § 7-76; G.O. 2216, 1-29-07)

Sec. 7-93. Meter testing and inspection.

(a) Any purchaser of electricity measured by a meter may have his meter tested upon application to the code official, who shall notify the vendor of electricity. The vendor of electricity shall then test the meter. Upon request of a consumer, the electrical inspector shall be present at such test.

(b) If the test shows that the accuracy of the meter is not within the limits prescribed by the state public service commission, adjustments shall be made in accordance with the rules and regulations of the commission.

(c) A consumer requesting the services of the electrical inspector at the testing of a meter shall pay an inspection fee in accordance with the fee schedule in Section 7-401.

(Code 1969, § 7-80; G.O. 2216, 1-29-07; G.O. 2227, 5-7-07)

Secs. 7-94–7-105. Reserved.

DIVISION 3. LICENSING OF ELECTRICIANS*

*Charter reference(s)—Licenses, art. XIV.

Cross reference(s)—Businesses, ch. 8.

Sec. 7-106. Purpose.

The purpose of this article is to ensure that all persons desiring to perform electrical work within the city of St. Joseph be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects, both public and private, through uniform compliance with the laws of this city, and protection of the public from unsafe construction practices. This article also establishes minimum skills and knowledge requirements for those wishing to perform electrical trade work, both public and private, through the uniform application of standards in compliance with the laws of this city, and protection of the public from unsafe operating practices.

(G.O. 2802, 1-4-16)

Sec. 7-107. License requirements and exceptions.

(a) Required:

- (1) Any person engaged in or working at the business of a master electrician within the corporate limits of the city shall first obtain a license for such work in accordance with the provisions of this article or obtain a statewide license for the purposes of performing contracting work and comply with requirements of the statewide license.
- (2) Anyone in the city established in business as a master electrician on July 24, 1989 shall be issued a license to carry on his business as such master electrician without an examination, provided such person makes application in writing for such a license to the code official. Such application shall set forth the information required by Section 7-110. When the code official has received all the information required of the applicant and is satisfied that the information set forth therein is true and when the applicant has obtained proof of the minimum liability insurance required of master electricians by Section 7-111, he/she shall certify such applicant for a master electrician's license. This certification for a license as a master electrician shall then be presented to the building official, or his/her designee, and, upon payment of the proper fee as set out in Subsection 7-111(b), the director of building official or his/her designee, shall issue a master electrician's license to the applicant.
- (3) All other persons shall receive a license as a master electrician only after successful

completion of the examination provided for in this division.

- (4) Any current master residential electrician, in good standing on January 1, 2007 shall be permitted to work on any R use group as defined by the currently adopted International Building Code, provided such person makes application in writing for such work to the code official.

(b) Exceptions:

- (1) *Maintenance and repair.* The provisions of this division shall not apply to maintenance or repair of existing installations or operation of equipment and accessories used for operations, production or processing by public utilities, governmental agencies, hospitals, manufacturing or processing plants or commercial enterprises that maintain a regular maintenance and operating staff for the purpose of maintaining and operating existing electrical installations.

- (2) *Home owners.* Any permit required by this article may be issued to any person to do any work regulated by this article in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such building, providing the person is the bona fide owner of such dwelling and that the dwelling will be occupied by the owner and that the owner shall personally purchase all material and perform all labor in connection therewith.

(Code 1969, § 7-60, 7-62, 7-69; G.O. 2216, 1-29-07; G.O. 2228, 5-7-07; G.O. 2324, 5-181-9; G.O. 2661, 12-10-12; G.O. 2845, 11-20-17)

Sec. 7-108. Class I, II, and III, electrical trade licenses.

The electrical trade license classes are: Class I-C, Class I-R, Class II-C, Class II-R, and Class III. Anyone wishing to perform electrical trade work

within the city must first obtain the appropriate license. Such electrical trade work includes the construction, alteration, addition, modification and demolition of electrical systems as provided in this article. Applicants for a trade license shall comply

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with the provisions of this article. The following details the electrical trade licenses:

- (1) *Class I-C.* A "master electrician - commercial & industrial" license, allows a person to perform electrical trade work on all use groups as defined by adopted codes. A person licensed as a master electrician by the city, prior to December 31, 1995, shall be considered to have a Class I-C license if their license has never been closed.
- (2) *Class I-R.* A "master electrician - residential" license allows, a person to perform electrical trade work on R3 use groups as defined by adopted codes.
- (3) *Class II-C.* A "journeyman electrician - commercial & industrial" license, allows a person perform electrical trade work on all use groups as defined by adopted codes.
- (4) *Class II-R.* A "journeyman electrician - residential" license, allows a person to perform electrical trade work on R3 use groups as defined by adopted codes.
- (5) *Class III.* An "apprentice electrician" license, allows a person to perform electrical trade work while being supervised by a person holding the appropriate Class I or Class II license.

(G.O. 1372, 1-2-96; G.O. 2216, 1-29-07; G.O. 2802, 1-4-16)

Sec. 7-109. License Administration.

(a) *Application for licensure.* Applications to the city must be filed at least 30 days prior to testing dates. Testing dates will be determined by the availability of an independent testing agency's test sites. Complete applications will be processed within 30 days of being received. The applicant's eligibility shall be determined by the chief building official or his/her designee. They may request the assistance of the electrical standards examining and appeals board during the review process. The following information is required:

- (1) A copy of a valid driver's license or state issued identification card;
- (2) (*Apprentice applicants*). Provide proof applicant is at least 18 years old and has

received a high school diploma or GED equivalent;

- (3) (*Reciprocating license applicants*). An original certificate of competency from an approved reciprocating community is required. The customer assistance department may verify the certificate with the issuing jurisdiction and may require the applicant to provide additional information. Applicant shall provide verifiable documentation of compliance with this article's experience and examination requirements, including test(s) score(s), which are all acceptable to the code official and city electrical inspector;
- (4) Name, address, phone number of applicant;
- (5) Name, address, phone number of employer or business;
- (6) Name, address and telephone number of all previous employers under which applicant worked as an intern, apprentice, journeyman or master;
- (7) (*Master and journeyman applicants*). Certification of experience with a properly executed affidavit from a properly licensed master electrician(s) or corporate officer's signature attested to by the corporate secretary or any other business entity member's notarized signature of an electrical contracting company or owner of an electrical contracting company or business, certifying that the experience is true and accurate. Each certification of experience shall be accompanied by a copy of the certifying master's valid photo identification card or driver's license, a copy of their current master license or a copy of the electrical contracting company's current business license;
- (8) (*Master and journeyman applicants*). Proof of compliance with examination requirements.
- (9) (*Master and journeyman applicants*). Submit a \$62.00, nonrefundable, application filing fee.

(b) *Reciprocity of licensure.* The following requirements provide the detail circumstances by

which a “master” and a “journeyman” electrician may receive a reciprocating license:

- (1) *Master*: The city of St. Joseph will not honor a license issued from other jurisdictional areas except all of the following conditions are met:
 - a. Applicant is a duly licensed and certified electrician of another jurisdiction on the same terms and under the same conditions, including the minimum test score, hours of experience;
 - b. Under the same conditions as such other jurisdiction will grant reciprocal licenses to a duly licensed electrician of the city;
 - c. Applicant has been licensed by the jurisdiction having adopted an equivalent electrical code and electrician examination equivalent to the 1993 or later edition of the electrical code and electrician examination of the city; and
 - d. The code official shall make the final decision.

- (2) *Journeyman*: The city of St. Joseph may accept reciprocal certification of an independent testing agency’s examination to:
 - a. Applicant is a duly licensed and certified electrician of another jurisdiction on the same terms and under the same conditions, including the minimum test score, hours of experience;
 - b. Under the same conditions as such other jurisdiction will grant reciprocal licenses to a duly certified electrician of the city;
 - c. Applicant has been licensed by the jurisdiction having adopted an equivalent electrical code and electrician examination equivalent to the 1993 or later edition of the electrical code and electrician examination of the city.

(c) *Processing*. Once an applicant’s package is complete, it will be submitted to the chief building official or his/her designee for review and approval. A complete application package consists of the applicant’s completed licensing application, verified test scores, a copy of his/her driver’s license or state identification card and documentation of required experience. Once all conditions for licensure have been satisfied by the applicant, they shall receive their license upon payment of all the required fees.

All master electricians licensed with the city as of December 31, 1995, shall be licensed as Class I-C electricians under this article. All journeyman electricians working within the city limits up through December 31, 1995, shall be given until April 1, 1998, in which to successfully pass an independent testing agency’s master or journeyman examination.

(d) *License fees*: Upon satisfying all requirements to obtain license, applicant shall pay a licensing fee, prior to the issuing of his/her license, as follows:

- (1) Class I-C master electrician.....\$148.00
- (2) Class I-R master electrician.....\$148.00
- (3) Class II-C journeyman electrician.....\$62.00
- (4) Class II-R journeyman electrician.....\$62.00
- (5) Class III apprentice.....\$31.00

A traveling journeyman electrician shall pay a \$100.00 license fee upon registration with the city.

(e) *Transferability prohibited*. No person who has obtained a Class I-C or Class I-R license shall allow his name to be used by another person for the purpose of obtaining permits or for doing business or work under his license. Every person licensed as a Class I-C or Class I-R electrician shall notify the code official of his place of business and the name under which such business is carried on and shall give immediate notice to the code official of any change in either.

(f) *Application appeal*. Any applicant, unable to comply with the application provisions set hereinbefore, shall have the right to request, in writing, to appear before the electrical standards and appeals board to have their case reviewed. Request shall clearly identify any discrepancies with a clear and concise description of each, and copies of the incomplete application with supporting documentation, and all other compliant documentation. Request shall be submitted a minimum of 15 days prior to a regularly scheduled board meeting so the documentation may be reviewed for completeness and added to the meeting’s agenda. Requests may be considered during any official board meeting if time is available but within a maximum of 90 days from receipt of the request.

(g) *Reapplication.* Any person, who fails to pass the examination, as prescribed by the board, may apply for reexamination after the expiration of 30 days. If the applicant fails the reexamination, he will be eligible to reapply again at the end of another 30 days. If this examination is failed, a waiting period of 60 days will be implemented. Should the third examination be failed, then reapplication approval will be determined by the electrical standards and appeals board. The \$62.00 filing fee will be required for each time an application is submitted.

Should a certified licensed electrician have his license revoked, he/she shall not be eligible for reapplication for at least six months from the date of the revocation. The \$62.00 application filing fee will be required for the reapplication.

(Code 1969, § 7-63, 7-64, 7-68; G.O. 1372, 1-2-96; G.O. 1803, 11-13-00; G.O. 2216, 1-29-07; G.O. 2228, 5-7-07; G.O. 2769, 3-16-15; G.O. 2802, 1-4-16)

Sec. 7-110. Examinations.

(a) Examination.

(1) Once an applicant's eligibility for licensing has been determined by the code official, city electrical inspector and a representative from the electrical standards and appeals board, an independent testing agency will provide the following:

- a. Test application forms and applicant information booklets;
- b. Test sites and required proctors;
- c. Test fee collection services;
- d. Notification to each candidate of the schedule, time, date and place by a "letter of admission;"
- e. Examination administration;
- f. Grading and notification of the results to each client;
- g. Diagnostics for each applicant failing the examination;
- h. Review procedures as required; and
- i. Security during all steps of the testing procedure.

(2) A grade of 75% or more on all examinations will be required to qualify for licensing. The independent testing agency will notify applicants of their scores.

(b) *Appeals.* Those applicants aggrieved with their test scores and the certification of the independent testing agency's examination shall appeal directly to the independent testing agency. Those aggrieved by any decisions for licensing by the code official or city electrical inspector shall appeal in writing to the electrical standards and appeals board within ten days of a rendered decision.

(Code 1969, § 7-65; G.O. 1372, 1-2-96; G.O. 1575, 11-17-97; G.O. 1627, 3-23-98; G.O. 1803, 11-13-00; G.O. 2216, 1-29-07; G.O. 2228, 5-7-07; G.O. 2769, 3-16-15; G.O. 2802, 1-4-16)

Sec. 7-111. Experience and continuing education.

(a) *Class I-C.* An applicant for the "master electrician - commercial & industrial" classification shall clearly document:

- (1) A minimum of 10,000 hours active employment as a Class II-C and/or Class II-R electrician or equivalent;
- (2) A minimum of 8,000 hours active employment as a Class III electrician or equivalent; and
- (3) A minimum of 4,000 hours of the required 10,000 hours of active employment as a Class II-C and/or Class II-R must be in the commercial and industrial field as defined by the International Building Code and this code to be any occupancy other than R-3. Up to 2,000 hours of the required 4,000 hours may be substituted with proof of graduation from an approved electrical training school or college of engineering or equivalent.

(b) *Class I-R.* An applicant for the "master electrician - residential" classification shall clearly document:

- (1) A minimum of 10,000 hours active employment as a Class II-C and/or Class II-R electrician or equivalent; and
- (2) A minimum of 4,000 hours active employment as a Class III electrician or equivalent.

(c) *Class II-C.* An applicant for the "journeyman electrician - commercial & industrial" classification shall clearly document:

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- (1) A minimum of 8,000 hours active employment as a Class III electrician (hours in an approved electrical apprenticeship program or trade school may be considered for credit toward the 8,000 hour requirement) or equivalent.

(d) *Class II-R.* An applicant for the "journeyman electrician - residential" classification shall clearly document:

- (1) A minimum of 4,000 hours active employment as a Class III electrician (hours in an approved electrical apprenticeship program or trade school may be considered for credit toward the 4,000 hour requirement) or equivalent.

(e) An applicant for the Class I-C and Class I-R classifications may establish the equivalent of the required hours of active employment as a Class II-C or Class II-R electrician by the presentation of substantial evidence before the electrical standards and appeals board and a finding by the board that the work performed by the applicant was to the appropriate journeyman standard.

(f) Maintenance hours will not be considered toward the required hours of employment for any licensing requirement. Maintenance hours are defined as any work not requiring an electrical permit and/or work not for hire and not under the direction of a master electrician.

(g) Continuing education. Continuing education requirements are for such persons seeking to renew their electrical trade licenses and do not apply to persons seeking to obtain a new license within the calendar year. They shall provide proof of the successful completion of eight hours of continuing education within the previous calendar year. The planning and community development department shall establish rules and regulations for the submission, processing, and approval of continuing education for those individuals licensed under this article. The director of the planning and community development department, with the assistance of the advisory boards, shall identify minimum course and education program requirements provided by governmental entities, trade associations, contractor education providers, and others on the codes adopted by the city which satisfy the continuing education requirements of this article. The planning and community development department shall

publish a list of approved programs by January 1st of each calendar year.

(Code 1969, § 7-65; G.O. 1372, 1-2-96; G.O. 1575, 11-17-97; G.O. 1627, 3-23-98; G.O. 1803, 11-13-00; G.O. 2216, 1-29-07; G.O. 2228, 5-7-07; G.O. 2769, 3-16-15; G.O. 2802, 1-4-16)

Sec. 7-112. Traveling electricians.

A traveling journeyman electrician must register with the city prior to performing electrical work in the city limits. This requirement will be the responsibility of the traveling electrician's employer. He/she will be required, on request, to show an active I.B.E.W. or A.B.C. card or proof of 8,000 hours of active employment as an electrician on a notarized affidavit the city provides. Traveling journeymen electricians may work in the city for a period of no more than six months in any given 12 month period and shall be job specific. There will be no extensions granted for this license. All requests will be reviewed by the electrical inspector and the chairman of the electrical standards and appeals board and decided by the code official. Any traveling electrician exceeding the allowable time limit will be required to obtain a Class II-C or Class II-R license and take the approved third party examination for their respective field. Traveling electricians will not be part of the ratio and cannot supervise apprentices. The traveling electrician will not be the first electrician on the job. All electrical work performed by a traveling electrician shall be under the immediate supervision of a current city licensed Class I-C, Class I-R, Class II-C or Class II-R electrician.

(Code 1969, § 7-63; G.O. 1372, 1-2-96; G.O. 2216, 1-29-07; G.O. 2769, 3-16-15; G.O. 2802, 1-4-16)

Sec. 7-113. Duration; renewal; suspension or revocation.

(a) All master electrician's licenses shall be good for one year or until December 31st of the issuing year and shall be renewed upon application of the license holder and payment of renewal fee to the director of city of St. Joseph at any time within 30 days before the expiration date thereof in accordance with the fee schedule in Section 7-401.

(b) Continuing education requirements shall be met before a renewal application is accepted.

(c) Renewal, late fee of \$75.00 to any electrician who did not renew their license by December 31st. All electrical licenses not renewed by March 31st shall be closed. Closed electrical licenses may only

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be renewed by retesting or by an appeal to the electrical standards and appeals board.

(d) The code official shall have the power to suspend for not more than 90 days or revoke a master electrician's license when he finds that such licensed master electrician has willfully violated any provision of this article.

(e) No master electrician's license shall be suspended or revoked except after a hearing at which both sides may present evidence and be represented by counsel. Ten days' written notice of such hearing shall be given to the licensed master electrician. Such hearing shall be attended by the code official and by the members of the electrical standards and appeals board. The director of code official shall make the final decision on such suspension or revocation, but prior to reaching such decision he may first seek the recommendation of the electrical standards and appeals board. All decisions shall be rendered within five days of the hearing and shall be in writing.

(Gen. Ord. No. 852, § 1(7-67), 2-4-91; G.O. 2216, 1-29-07; G.O. 2228, 5-7-07; G.O. 2769, 3-16-15; G.O. 2802, 1-4-16)

Charter reference(s)--Licensing period, § 14.1.

Sec. 7-114. Place of business.

Every holder of a master electrician's license must maintain a place of business or be employed by a business known to the code official. Any change of address of the place of business must be reported immediately to the code official. Prior to issuing any permit, the master electrician shall be required to provide proof of employment or proof of self-employment. If self-employed, they must have a current business license with the city.

(Code 1969, § 7-66; G.O. 2216, 1-29-07)

Sec. 7-115. Liability insurance.

Class I-C and Class I-R must provide proof that he/she has a minimum liability insurance coverage of \$100,000.00.

(Code 1969, § 7-65; G.O. 1372, 1-2-96; G.O. 1575, 11-17-97; G.O. 1627, 3-23-98; G.O. 1803, 11-13-00; G.O. 2216, 1-29-07; G.O. 2228, 5-7-07; G.O. 2769, 3-16-15; G.O. 2802, 1-4-16)

Sec. 7-116. Contractor's vehicles.

Any electrical trade licensed contractor under this article shall have displayed on both sides of their company service or delivery vehicle(s) the name of their company as registered under their business license and either their office phone number, contractor license number or city where they are from. Labeling is not required to be permanent. The name shall be legible from 50 feet away and have a minimum of two inch lettering. The company's logo may also accompany the name as long as it does not cover or obscure it. Any personal vehicle used at a job site shall not be required to be labeled. Any vehicle found on a construction site with a contractor's name on the side will be considered as working on said project and required to comply with the business licensing and permitting requirements as established in this article.

(G.O. 2769, 3-16-15; G.O. 2802, 1-4-16)

Sec. 7-117. Permit issuance.

No person other than a licensed master electrician shall be issued a permit required by Section 7-86 of this article.

(Code 1969, § 7-61; G.O. 2216, 1-29-07; G.O. 2802, 1-4-16)

Sec. 7-118. Supervision.

Supervision of Class III electricians' work by Class I-C, Class I-R, Class II-C or Class II-R electrician required. All electrical work performed by a Class III electrician under a permit issued to a Class I-C or Class I-R electrician shall be performed under the immediate supervision of a properly licensed Class I-C, Class I-R, Class II-C or Class II-R electrician. The master electrician who pulled the work permit shall be responsible for the registration of all Class III electricians on the job. Before a person not licensed to perform electrical work may be permitted to aid in such work, such person shall register with the city by providing his/her name, age and address, the name of his/her employer, his/her past employment record and the name of the Class I-C or Class I-R master electrician. Upon registration and issuance of a Class III license, such person shall be entitled to engage in and work as an apprentice under the direct supervision of a Class I-C, Class I-R, Class II-C or Class II-R electrician. The ratio shall not exceed three apprentices to one supervising electrician.

(Code 1969, § 7-63; G.O. 1372, 1-2-96; G.O. 2216, 1-29-07; G.O. 2769, 3-16-15; G.O. 2802, 1-4-16)

Secs. 7-119--7-215. Reserved.**ARTICLE IV. MECHANICAL CODE***

DIVISION 1. GENERALLY

Sec. 7-216. Title.

This article shall be known and cited as the mechanical code of the City of St. Joseph, Missouri. All references to “the article” include all standards adopted by reference in this article.

(Gen. Ord. No. 854, § 1(7-126), 2-4-91; G.O. 2229, 5-7-07; G.O. 2321, 4-6-09)

Sec. 7-217. Mechanical code adopted.

(a) The International Mechanical Code, 2018 edition (2018 IMC), including Appendix A, as published by the International Code Council, Inc. be, and hereby is, adopted as the mechanical code of the city of St. Joseph, Missouri, of which two copies are on file in the office of the city clerk for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of St. Joseph, Missouri including permits, penalties and collection of fees therefore save and except such portions that are hereinafter modified, deleted, added or amended, if any, prescribed in Section 7-218 of this article.

***Cross reference(s)**--Board of operating engineers, § 2-681 et seq.; mechanical standards board of appeals, § 2-726 et seq.

(b) The International Fuel Gas Code, 2018 edition (2018 IFGC), Chapters 5, 6, and 7 and Appendix B, C and D, as published by the International Code Council, Inc. be, and hereby is, adopted as the fuel gas code of the city of St. Joseph, Missouri, by the city of which, two copies of which are on file in the office of the city clerk, for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas systems in the City of St. Joseph, Missouri and providing for the issuance of permits, penalties and collection of fees therefore.

(Gen. Ord. No. 1195, § 1(7-130), 7-18-94; G.O. 1869, 1-22-02; G.O. 2229, 5-7-07; G.O. 2321, 4-6-09; G.O. 2662, 12-10-12; G.O. 2867, 7-2-18)

State law reference(s)--Adoption by reference, RSMo 67.280.

Sec. 7-218. Amendments to the mechanical code.

The International Mechanical Code (IMC), as adopted in Section 7-217, is changed by the following insertions, additions and deletions:

(1) **General:** All references to “board of appeals” shall be replaced by “Mechanical Standards Examining and Appeals Board”.

(2) *Section 101 General.* The IMC, Section 101, General, is amended by deleting Subsection 101.1 and substituting the following:

101.1. Title. These regulations shall be known as the mechanical code of the City of St. Joseph, Missouri, hereinafter referred to as “this code.”

(3) *Section 106 Permits.* The IMC, Section 106, Permits, is hereby amended by deleting Subsection 106.2.

(4) *Section 106 Permits.* The IMC, Section 106, Permits, is hereby amended by deleting Subsections 106.5.1, 106.5.2 and 106.5.3 and substituting the following:

106.5.1 Work commencing before permit issuance. Any person who commences any work on a mechanical system before first obtaining the necessary permits shall be charged double the normal required permit fee. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties presented herein.

106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in the fee schedule in Sections 7-400 and 7-402 of the Code of Ordinances of the City of St. Joseph, Missouri.

106.5.3 Fee refunds. Fees collected under the above sections shall be refunded where such work has not been commenced prior to

the abandonment thereof, and the permit has not expired by time limitations; however, if any such work has commenced, and then been abandoned, or where a permit has expired after work has commenced, or where a permit has been revoked, no refund of any mechanical or building fee shall be made.

- (5) *Section 108 Violations.* The IMC, Section 108, Violations, is amended by deleting Subsections 108.4 and 108.5 and substituting the following:

108.4 Violation penalties. Any person who shall violate a provision of the 2018 IMC or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a mechanical system or equipment in violation of an approved plan or directive of the building official, or a permit or certificate issued under the provisions of the basic code, shall be issued a citation and, if found guilty, fined as defined under Section 7-6 of the Code of Ordinances of the City of St. Joseph, Missouri.

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be verbal or in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 issued a citation and, if found guilty fined as defined under Section 7-6 of the Code of

Ordinances of the city of St. Joseph, Missouri.

- (6) *Section 109 Means of appeal.* The IMC, Section 109, Means of appeal, is amended by deleting Section 109.2 through 109.7 in its entirety, and substituting the following:

Section 109.2 Appeals.

109.2.1 Appeals to the mechanical standards examining and appeals board. Any person aggrieved by a decision of the building official's or mechanical inspector's interpretation of the mechanical code may appeal such decision to the mechanical standards examining and appeals board. The mechanical standards examining and appeals board shall thereupon make an independent determination on the question which the building official or mechanical inspector had to decide.

109.2.2 Appeals procedure.

(a) The owner of a building or structure or any other person aggrieved by a decision of the building official or mechanical inspector may appeal to the mechanical standards examining and appeals board. Any such appeal shall be in writing and state the name and address of the appealing party and the nature of his/her appeal and shall be made within five days after the building official's or mechanical inspector's decision.

(b) The mechanical standards examining and appeals board shall hold a public hearing within five business days after notice of appeal is filed. Notice of hearing shall contain a time and date for the hearing and be directed to the appealing party at the address given on the appeal by certified mail. The appellant, his/her attorney, and any other persons whose interests may be affected by the matter on appeal shall be given an opportunity to be heard, present evidence, and examine adverse witnesses.

(c) The mechanical standards examining and appeals board shall render its decision in writing within a reasonable time, however in no event later than five days after the conclusion of the hearing. A tape recorded

transcript of the hearing shall be made and minutes shall be kept.

(d) Any person aggrieved by a decision of the mechanical standards examining and appeals board may appeal that determination to the Circuit Court of Buchanan County, Missouri, under the provisions of RSMo Ch. 536. The appeal shall be made within 30 days after the mailing or delivery of the decision.

- (7) *Section 1001 General.* The IMC, Section 1001, General, is amended by adding the following exception to Subsection 1001.1 *Scope* as follows:

8. R-3 and R-4 residential boiler-type units with individual systems shall be exempt from periodic inspections, and are the responsibility of the owner to properly maintain.

- (8) *Chapter 12 Hydronic piping.* The IMC, Chapter 12, Hydronic piping, is amended by deleting Chapter 12 in its entirety. (Gen. Ord. No. 1195, § 1(7-131), 7-18-94; G.O. 1869, 1-22-02; G.O. 2229, 5-7-07; G.O. 2260, 10-22-07; G.O. 2321, 4-6-09; G.O. 2662, 12-10-12; G.O. 2867, 7-2-18)

Charter reference(s)--Licenses, art. XIV.

Cross reference(s)--Businesses, ch. 8.

Sec. 7-219. Boilers and pressure vessels.

All boilers, as defined under Article IV shall be ASME certified and stamped and installed, repaired and operated according to the ASME Code. All pressure vessels shall comply with and be governed by applicable state rules and regulations to include periodic inspections.

Exceptions: Domestic hot water heaters and residential boilers less than 15 psig and less than 10 boiler horsepower. (G.O. 2321, 4-6-09; G.O. 2726, 4-14-14; G.O. 2785, 8-17-15)

Secs. 7-220--7-230. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 7-231. Administrator; personnel.

This article shall be administered by the director of customer assistance, who shall take such action as may be reasonable and necessary to serve compliance with it. Personnel shall be employed as may be required to administer this article, subject to council approval.

(Gen. Ord. No. 854, § 1(7-126), 2-4-91; G.O. 2229, 5-7-07; G.O. 2321, 4-6-09)

Sec. 7-232. City mechanical inspector.

(a) *Office created.* There is created within the building development section, of the customer assistance department, the office of the mechanical inspector.

(b) *Powers and duties.* The primary mechanical inspector or his/her duly authorized representative shall have the right and power and it shall be his/her duty under the direction of the building development supervisor to inspect or cause to be inspected all mechanical systems in or on any building or other location in this city in order to ascertain whether the requirements of this code are being met. If after such inspection, the mechanical inspector(s) or their duly authorized representative finds such mechanical system to meet or exceed the accepted standards as set forth in this code, it will be his/her duty to furnish a certificate of final inspection of the mechanical system. If any part of such mechanical apparatus shall be found not to be in compliance with this code, the mechanical inspector or his/her duly authorized representative shall institute such proceedings as may be necessary for the immediate abatement of all such noncompliance. No person shall refuse or fail to allow such inspections, provided such inspections by the mechanical inspector or his/her duly authorized representative are being made for the purpose of ascertaining whether the requirements of this article are being met.

(c) *Employment qualifications.* The mechanical inspector shall be a classified employee hired in accordance with the merit system regulations of the city. The primary mechanical inspector shall have at least five years' training and experience in one or more of the following fields: mechanical systems and the installation of equipment relating to heating, ventilating, air conditioning and refrigeration. The primary mechanical inspector shall obtain and maintain a residential and commercial mechanical inspector certification through a nationally recognized certifying agency within one year of employment with the city.

(Gen. Ord. No. 854, § 1(7-128), 2-4-91; G.O. 2229, 5-7-07; G.O. 2321, 4-6-09)

Cross reference(s)—Officers and employees, § 2-111 et seq.

Secs. 7-233. Reserved.

DIVISION 3. MECHANICAL TRADE/PLANT OPERATOR LICENSING

Sec. 7-234. Purpose.

The purpose of this article is to ensure that all persons desiring to perform mechanical work within the city of St. Joseph be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects, both public and private, through uniform compliance with the laws of this city, and protection of the public from unsafe construction practices. This article also establishes minimum skills and knowledge requirements for those wishing to operate and maintain heating, air conditioning and refrigeration plants, both public and private, through the uniform application of standards in compliance with the laws of this city, and protection of the public from unsafe operating practices.

(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Sec. 7-235. License requirements and exceptions.

(a) *License required.*

- (1) Any person engaged in the business of contracting to install, repair, replace, alter, or remodel any mechanical system or portion thereof must possess a valid city of St. Joseph contractor's license pursuant to division 2 of this article.
- (2) Any person who installs, replaces, alters, or remodels any mechanical system or portion thereof must possess a valid city of St. Joseph license for such activity issued pursuant to this article. It shall be deemed unlawful for an individual who is not licensed to perform the work under the direct supervision of a licensee.
- (3) Any person who operates, repairs, or maintains a heating, cooling or refrigeration plant as defined under the operating engineers licensing must possess a valid city of St. Joseph plant operator's license

for such activity, pursuant to this article and as follows:

- a. It shall be unlawful for any person to operate a steam boiler of more than ten horsepower or a boiler designed to carry a steam pressure of more than 15 pounds per square inch, gauge (psig) without an applicable Class IO license from the planning and community development department. Boilers of less than 15 psig and less than ten boiler horsepower shall be exempted.
- b. It shall be unlawful for any person to operate an air conditioning or refrigeration system with a cooling output capacity over 100 tons without an applicable Class IO license from the planning and community development department unless it is a packaged unit used strictly for air conditioning purposes in other than industrial applications (occupancy classifications other than A, B, E, I, M, R or U) and does not utilize ammonia as its refrigerant or in any part of its process.
- c. Any air conditioning or refrigeration system as defined under item b above, between 100 and 500 tons of output cooling capacity may either provide proof of an annual service agreement with a licensed mechanical contractor with a 24 hour response requirement or provide an applicable Class IO license from the planning and community development department.
- d. The owner of any low pressure boiler with an operating pressure less than 15 psi and between ten and 35 boiler horsepower as defined under item Subsection (1)(3)a above, may either provide proof of an annual service agreement with a licensed mechanical contractor with a 24 hour response requirement or provide an applicable Class IO license from the planning and community development department.

(b) *License not required.*

- (1) A license is not required for work that is performed by the owner occupant of a property whose use is restricted to a single family residence used exclusively for living purposes, including the usual accessory

structures in connection with such building. The owner occupant shall agree to:

- a. Procure all of the required permits,
 - b. Conform to all applicable codes and ordinances,
 - c. Request all required inspections at the proper intervals,
 - d. Provide all the corrections as deemed necessary,
 - e. Personally purchase all material, and
 - f. Perform all labor in connection therewith.
- (2) A license is not required for maintenance work to the mechanical system(s) and/or equipment that is performed by the owner, the owner's full time maintenance staff on behalf of the owner, or the occupant of a business, multi-family dwelling complex, industrial, manufacturing, institutional, or governmental facility.
 - (3) For existing mechanical systems, a license is not required for the maintenance and repair of existing installations or operation of equipment and accessories used for operations, production or processing by public utilities, governmental agencies, hospitals, manufacturing, processing plants or commercial enterprises that maintain a regular maintenance and operating staff for the purpose of maintaining and operating existing mechanical installations. The installation of new or replacement of an entire mechanical unit does not constitute repair. Any new or altered work must be installed by a properly licensed mechanical tradesperson with the appropriate permit. A mechanical license is also not required for minor alterations of the existing mechanical systems by the above fulltime maintenance staff as long as there is no change in the load or capacity of the system. This provision does not exempt the requirement for a permit.
 - (4) *Equipment exempt.* Boilers, chillers and HVACR plants or other apparatus are exempt from the fees, but not the license, as defined under the fee schedule of Section 7-402 of this code, when used in buildings owned and operated by the federal government, state government, county government and the city government. Not

included in code, permit or fee schedule, are railroad locomotives; scientific laboratory equipment; industrial testing equipment except air tanks; or equipment covered under any other section of this code, state statute or federal law.

(5) *Licensed operator exempt.* The following boilers shall be exempt from the requirements of Section 7-237:

- a. Steam boilers used for heating purposes carrying a pressure of not more than 15 psig, and which are located in R2 or R3 family dwelling units of less than six single families and steam boilers used for heating purposes carrying a pressure of not more than ten psig and having a rating of not to exceed 1,200 square feet of radiation.;
- b. Hot water heating boilers carrying pressure of not more than 30 psig, and which are located in R2 or R3 family dwelling units of less than six single families, and hot water heating boilers carrying pressure of not more than 20 psig, and having a rating of not to exceed 2,000 square feet of radiation;
- c. Steam boilers of a miniature model locomotive or boat or tractor or stationary engine constructed and maintained as a hobby and not for commercial use, having an inside diameter not to exceed 12 inches and a grate area not to exceed one and one-half feet and that is equipped with a safety valve of adequate capacity, a water level indicator and a pressure gauge;
- d. Hot water supply boilers operated at pressures not exceeding 160 psig, or temperatures not exceeding 250 degrees Fahrenheit which are located in R2 or R3 family dwelling units of less than six single families; and
- e. Service water heaters or domestic type water heaters having a nominal water containing capacity not in excess of 120 gallons, a heat input not in excess of 200,000 British thermal units per hour and used exclusively for heating service water to a temperature not in excess of 210 degrees Fahrenheit.

(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Sec. 7-236. Class IM, mechanical trade licenses.

The mechanical trade licenses of class IM include master commercial, master small commercial, journeyman commercial, journeyman small commercial, apprentice, and intern. Anyone wishing to perform mechanical trade work within the corporate limits of the city must first obtain the appropriate license. Such mechanical trade work includes the construction, alteration, addition, modification and demolition of mechanical systems as provided in this article. Applicants for a trade license shall comply with the provisions of this article. The following details the class IM licenses:

- (1) *Master commercial mechanical.* This license allows a person to perform all mechanical trade work within any use group.
- (2) *Master small commercial mechanical.* This license allows a person to perform all residential or commercial mechanical trade work but not on air conditioning units greater than 25 tons or heating units greater than 400,000 Btu.
- (3) *Journeyman commercial mechanical.* This license allows a person to perform residential, commercial and industrial work within any use group under the direction of a master commercial mechanical.
- (4) *Journeyman small commercial mechanical.* This license allows a person to perform all mechanical trade work, residential or commercial, but not on air conditioning units greater than 25 tons or heating units greater than 400,000 Btu. All work must be performed under the direction of a master mechanical. A license holder shall be considered licensed as an apprentice when working on systems outside of the scope of this license category.
- (5) *Apprentice.* This license allows a person, who is supervised at all times by an appropriate mechanical master or journeyman, to perform mechanical trade work. No examination is required.
- (6) *Intern.* This license is for students who enter an on-the-job training or orientation program related to the mechanical trade. An intern shall be considered and offered all

the same benefits as an apprentice and shall be supervised at all times by an appropriate mechanical master or journeyman. This license cannot be held for more than four years. No examination is required. All requirements for an apprentice license must be met before application for a journeyman may be submitted.

(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Sec. 7-237. Class IO, individual plant operating engineer licenses.

The plant operating engineer license, class IO shall entitle the holder to operate a boiler and/or heating plant as defined below. All licenses are based on an approved nationally recognized certification and/or testing program and guidelines as published by the director of the planning and community development department and coordinated with the appropriate advisory board. A person holding the following licenses can operate the specified systems and equipment as listed in the Plant Operating Engineers Licenses Table, dated February 2011, located at the end of this chapter.

(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Sec. 7-238. License administration.

(a) *Application for licensure.* A person who seeks a class IM or IO license shall submit written application on forms provided by the planning and community development department. Applications shall identify all the information required as outlined in this article and identify the expected fees which the applicant will need to provide with their application. All applications shall be accompanied by the required application fee as defined under Section 7-408 which are non-refundable. Applications will not be processed without the required application fee. As a minimum, said application shall contain:

- (1) A copy of a valid driver's license or state issued identification card;
- (2) For reciprocating licenses only, an original certificate of competency from an approved reciprocating community. The planning and community development department may verify the contents with the issuing jurisdiction and may require the applicant to provide additional information;
- (3) Name and address of applicant;

- (4) Name and address of employer or business;
- (5) List name, address and telephone number of all previous employers under which applicant worked as an intern, apprentice, journeyman or master;
- (6) Provide proof of applicant's age;
- (7) For apprentice applicants, provide proof of a high school diploma or equivalent if 30 years of age or less.
- (8) For intern applicants, provide proof that they are enrolled in a formal or informal trade training program under the supervision of a licensed mechanical tradesperson.

(b) *Reciprocity of licensure.* The city of St. Joseph will not honor a master's and journeyman's license issued from other jurisdictional areas except one issued to a duly licensed and certified mechanical of another jurisdiction on the same terms, same classification and under the same conditions, including the minimum test score of 75%, hours/years of experience and under the same conditions as such other jurisdiction will grant reciprocal licenses to a duly licensed mechanical of the city, provided the applicant has been licensed by the jurisdiction having adopted an equivalent mechanical code equivalent to or more recent than our adopted mechanical codes. The examination shall be accepted as long as the applicant has provided proof that they have been working in the related trade and classification from the time they took the exam to the present. The applicant shall provide verifiable and acceptable documentation of compliance with the city's minimum requirements as defined hereinbefore and approved by the director of planning and community development department. The director of planning and community development department shall make the final decision.

(c) *Disclosure.* The applicant shall disclose, at the time of application, any current or previous license(s) held in Missouri or any other state and any disciplinary actions ever taken against them. No trade or operator's license shall be issued to any applicant who has had a license suspended or revoked for disciplinary reasons, or who has surrendered a license during any disciplinary proceeding or investigation, within the preceding five years. Any applicant denied a license under the provisions of this section may appeal such denial to

the respective advisory board for that trade or discipline.

(d) *Processing.* The planning and community development department may reject an applicant's application form if the information is illegible, incomplete or falsified. The normal processing time shall be no more than 30 days from the date that a complete application has been submitted. The planning and community development department shall provide notice to the applicant that his or her license has been accepted or rejected after receipt of a completed application form. Applicants who receive rejection notices may again make written application upon satisfactorily meeting the criteria set forth in this article for reapplications.

(e) *License issuance.* Once the planning and community development department receives confirmation that the licensing package is complete and all requirements met, the director of planning and community development department, or his/her designee, shall approve the journeyman's or master's license, and the city shall issue the license within 15 calendar days. A complete application package consists of the applicant's completed licensing application along with all the required supporting documentation, verified test scores, and payment of applicable fees in accordance with Section 7-408 for said license. License fees shall be paid without proration. No license under this section may be transferred or assigned.

(f) *Apprentice and intern licensing.* Apprentices and interns shall register annually with the planning and community development department by completing the required initial/renewal application form and pay an annual fee in accordance with the fee schedule in Section 7-408.

(g) *Display of license.* A person who is licensed under provisions of these regulations shall carry on their person the license card issued by the planning and community development department when performing work within the scope of these regulations. The person shall display the license card upon the request of the enforcing authority, government authority, general contractor, owner or owner's agent when the person is performing work within the scope of these regulations.

(h) *Multiple licenses.* An individual wishing to have more than one license may indicate that desire on their application. All the requirements for each license shall be met to include examination,

experience and employment. There will be an additional fee for the processing of a multiple trade application as noted under Section 7-408.

(i) *Transfer.* It is unlawful for any person to enter into a contract with another so as to bring himself under the classification of a licensed tradesman or operator as defined in this article, or to perform any work as a licensed tradesperson, or any work under a contract, without having first obtained the required trade license. It is unlawful for any person issued a license as required by this article to contract for any work other than specified by such license. All licenses under this chapter are non-transferable. Every person licensed under this article shall notify the planning and community development department of their place of business and the name under which such business is carried on and shall give immediate notice to the planning and community development department of any change in either.

(j) *Delinquency.* Any applicant who is delinquent in payment of their annual license fee, or whose license has been suspended or revoked by action of the director of the planning and community development department shall not be issued a license. An individual, who fails to maintain their trade license, shall have their trade license under this article deemed expired. An expired license becomes closed after March 31st, unless it is brought current by having all of its delinquencies and license requirements satisfied. Final notice for renewal, before license is closed, shall be sent out by regular and certified mail requiring a signature.

(k) *Reapplication.*

(1) *Test failure.* Applicants may retest as often as desired and as allowed by the testing organization. A separate application filing fee will be required for each reapplication as set forth under Section 7-408.

(2) *Expired license.* Expired licenses may be reinstated according to Subsection 7-238(j).

(3) *Revoked license.* Should a licensed tradesperson or plant operating engineer have their license revoked, they shall not be eligible for reapplication for at least six months from the date of the revocation. A separate application filing fee will be required for each reapplication as set forth under Section 7-408.

- (4) *Closed license.* The holder of a closed mechanical license may only have it renewed by re-testing or by an appeal to the appeals board governing the mechanical trade.

(l) *Grandfathering.*

(1) *Class IM mechanical trade license.* Upon the proper application of and approval by the director of the planning and community development department before March 1, 2010, any individual desiring a mechanical master or journeyman license shall be required to provide proof of at least 5 years or 4 years, respectively, of experience in the trade, notarized on company letterhead by a mechanical contractor, officer, owner or part owner, within the desired licensing classification. Master applicants shall also provide proof that they are full or part owner or corporate officer of their current mechanical business. Upon approval, applicants shall be exempt from the testing and experience requirements of this article for subject license. All other requirements of this article shall be complied with to include, but not be limited to obtaining and displaying the new individual license. When the planning and community development department has received all of the information required of the applicant and is satisfied that the information set forth therein is true, then the director of planning and community development department shall certify such applicant for the appropriate license and upon payment of the proper fee as set out in Section 7-408, shall issue the appropriate license to the applicant.

(2) *Class IO plant operating engineer's license.* Upon the proper application of and approval by the planning and community development director before March 1, 2010, any individual holding a current operating engineer's license shall not be required to meet the new testing or experience requirements. All other requirements of this article shall be complied with to include, but not be limited to obtaining and displaying the new individual license. Any person who is now operating or has at one time operated a specific class of equipment within the past five years which for the first time is subject to this code and for which a license is herein required may, upon payment of the required fee receive a license to allow such person to continue operating said equipment within said classification or any equipment with a lower classification based on the new licensing classifications as defined by this

article. When the planning and community development department has received all of the information required of the applicant and is satisfied that the information set forth therein is true, then the director of planning and community development department shall certify such applicant for the appropriate license and upon payment of the proper fee as set out in Section 7-408, shall issue the appropriate license to the applicant. (G.O. 2782, 7-6-15; G.O. 2785, 8-17-15; G.O. 2803, 1-4-16)

Sec. 7-239. Examination.

(a) *Independent testing agency.* All applicants shall make their own arrangements with one of the approved independent testing agencies to take the requisite examination. Applicants shall submit a complete application, less the testing, to the planning and community development department for approval if the testing agency requires that the applicant be sponsored before they will allow the individual to test. The approved independent testing agencies shall provide the following:

- (1) Test application forms and applicant information booklets;
- (2) Test sites and required proctors;
- (3) Test fee collection services;
- (4) Notification to each candidate of the schedule, time, date and place by a "letter of admission;"
- (5) Examination administration;
- (6) Grading and notification of the results to each client;
- (7) Diagnostics for each applicant failing the examination;
- (8) Review procedures as required; and

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- (9) Security during all steps of the testing procedure.

(b) *Examination.* Applicants must pass an appropriate exam from a nationally recognized testing institution as approved by the director of planning and community development department with a minimum score of 75% for any mechanical trade examination and 70% for any examination based operating engineer license or more to meet the examination requirement of this licensing. These approved exams shall be coordinated with the appropriate trade advisory board prior to their implementation on an as needed basis but not less than annually. The planning and community development department shall publish a list of approved certifications, tests and testing institutions annually or as often as may be necessary. The independent testing and/or certifying agency will notify applicants of their scores and provide the city with the necessary documentation to prove their testing results. Each of the following license classifications shall be approved tests as defined:

- (1) *Class IM examination.* An appropriate exam shall be one that determines the qualifications of a person seeking licensure as a master or journeyman and within the classification of the desired licensing classification in one of the following trades and classifications:
- a. Master commercial mechanical.
 - b. Journeyman commercial mechanical.
 - c. Master small commercial mechanical.
 - d. Journeyman small commercial mechanical.
- (2) *Class IO examination.* An appropriate certification and/or exam shall be one that determines the qualifications of a person seeking licensure as a plant operator and within the classification of the desired licensing as listed in the Plant Operating Engineers Licenses Table, dated February 2011, located at the end of this chapter. Each applicant shall have successfully passed the requirements of the approved national certification program or approved examination. Applicants shall comply with the published recurring examination and testing requirements of said national certification, as may be necessary.

(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Sec. 7-240. Experience and continuing education.

(a) *Requirements to obtain license.* Practical experience shall be verified through the submission of copies of trade or plant operator licenses and statements from present and past employers verifying their practical experience for the license specifically applied for. Employer statements shall be written on company letterhead and officially witnessed by a public notary. The evidence of practical experience shall accompany the application form for each of the following licensing classifications:

(1) *Mechanical applicants.*

- a. Master mechanical applicants shall have at least three years of experience as a journeyman in the mechanical trade.
- b. Journeyman mechanical applicants shall have at least four years of experience in the mechanical trade.

(2) *Plant operating engineer applicants.*

- a. *National certification based licenses.* All plant operator applicants must meet the published education and/or experience requirements of the approved national testing and certifying program for the requested license.
- b. *Examination based licenses.* All plant operator applicants shall meet the minimum age and experience requirements as outlined in the Plant Operating Engineers Licenses Table, dated February 2011, located at the end of this chapter.

(b) Continuing education requirements to renew license:

- (1) *Mechanical Trade Licensing.* Persons seeking to renew their licenses shall provide proof of the successful completion of eight hours of continuing education within the previous calendar year. The planning and community development department shall establish rules and regulations for the submission, processing, and approval of continuing education for those individuals licensed under this article. The director of the planning and community development department, with the assistance of the advisory boards, shall identify minimum

course and education program requirements provided by governmental entities, trade associations, contractor education providers, and others on the codes adopted by the city which satisfy the continuing education requirements of this article. The planning and community development department shall publish a list of approved programs by January 1st of each calendar year.

- (2) *Plant Operating Engineer Licensing.* Persons seeking to renew their plant operator’s licenses, whether grandfathered or not, shall provide the documentation necessary to prove that their required certification from the approved national agency remains current and in good standing or provide proof of the successful completion of eight hours of continuing education within the previous calendar year for those licenses not based on a certification. Each applicant is responsible for obtaining the continuing education and/or testing necessary to ensure their national certification or license does not expire or become delinquent. The planning and community development department shall establish rules and regulations for the submission, processing, and approval of continuing education for those individuals licensed under this article. The director of the planning and community development department, with the assistance of the appropriate advisory board, shall identify minimum course and education program requirements provided by governmental entities, trade associations, contractor education providers, and others on the codes adopted by the city which satisfy this continuing education requirement. The planning and community development department shall publish a list of approved programs by January 1st of each calendar year.
- (3) *Exception.* Persons seeking to obtain a new license within the calendar year as their application shall not be required to provide continuing education for that year.

(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Sec. 7-241. Duration and renewal of license.

(a) All licenses under this article shall be good for one year or until December 31st of the issuing year.

(b) All licenses shall be renewed upon application of the license holder to the director of planning and community development department at any time within 30 days before the expiration date thereof. Applications shall be submitted on the form provided by the planning and community development department and shall be accompanied by the following documentation:

- (1) Continuing education certificates – minimum of eight hours or appropriate certification showing that said certification remains in good standing.
- (2) The renewal fee in accordance with the fee schedule in Section 7-408.

(c) The fee for any renewal received after December 31st, shall be required to pay a late fee as defined in Section 7-408.

(d) No work requiring a license shall be performed until a current license has been secured. If not received by December 31st, a late penalty in addition to the regular fee shall be assessed as defined under Section 7-407.

(e) During the annual renewal period, a licensee that has completed the annual requirement for continuing education may, upon written request and the payment of the normal licensing fee, have their license declared inactive. The holder of an inactive license may annually renew the inactive license upon the completion of all continuing education requirements, and the payment of the annual renewal fee.

(f) Under special circumstances, licensing renewal requirements, deadlines and penalties may be waived by the director of the planning and community development department. Special circumstances include extended military deployments, family emergencies, etc. Requests for special consideration shall be in writing and be accompanied by proper documentation justifying the request. Requests may be submitted after the fact but before any licensing may be renewed.

(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Sec. 7-242. Registered master.

Under this article, a firm may obtain, in the firm's name, a trade contractor's license provided that such firm has at least one fulltime master tradesperson who is registered with their firm as its master. Whenever a mechanical permit is issued in the name of a firm, the firm and master shall be subject to these regulations. The registered master shall be properly licensed within the appropriate trade as required in this article. A master shall not be a registered master for more than one company or firm, unless they have a common owner. A company or firm may be issued multiple trade licenses as long as they have a properly registered master for each trade. When the master terminates employment with the licensee, the planning and community development department shall be notified in writing within ten calendar days of the disassociation and another properly licensed master shall register with said firm or company within ten days or all trade permits will be revoked.

(G.O. 2785, 8-17-15)

Sec. 7-243. Liability insurance.

Every contractor except a contractor who has an "inactive license" shall keep in force a policy of commercial general liability insurance including completed operations/products coverage. Such insurance policy shall be written with a properly licensed insurance company. The contractor shall maintain general liability coverage, written on an "Occurrence Form", in an amount not less than \$1,000,000 per occurrence single limit for bodily injury and property damage and \$2,000,000 aggregate for bodily injury and property damage. At the time of licensing, the contractor shall provide the city of St. Joseph, Missouri, planning and community development department with a certificate of insurance verifying the insurance coverage required under this section. The city of St. Joseph, Missouri, shall be added as a "Certificate Holder" to the insurance policy by the insurance company issuing the certificate of insurance, requiring the insurance company to notify the city of St. Joseph, Missouri, planning and community development department in writing of any change in coverage or cancellation of such policy at least ten calendar days prior to such changes. In addition, every contractor shall procure and maintain workers' compensation insurance, as required by law and provide the city a new certificate of insurance if the coverage changed or if cancelled, within ten calendar days of the change.

(G.O. 2785, 8-17-15)

Sec. 7-244 . Contractor's vehicles.

Any licensed contractor under this article shall have displayed on both sides of their company service or delivery vehicle(s) the name of their company as registered under their contractor license and either their office phone number, contractor license number or city where they are from. Labeling is not required to be permanent. The name shall be legible from 50 feet away and have a minimum of two inch lettering. The company's logo may also accompany the name as long as it does not cover or obscure it. Any personal vehicle used at a job site shall not be required to be labeled. Any vehicle found on a construction site with a contractor's name on the side will be considered as working on said project and required to comply with the contractor licensing requirements as established in this article.

(G.O. 2785, 8-17-15)

Sec. 7-245. Permit issuance.

Permits shall be issued to a master mechanical license holder or their designee. No permit shall be issued to any contractor who is delinquent in payment of annual license fee, does not have a current valid business license, or whose license has been suspended or revoked by action of the director of planning and community development. It is unlawful for any person issued a license as required by this article to contract for any work other than specified by such license..

(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Sec. 7-246. Supervision.

(a) *Mechanical trade.* Where a mechanical license is required to do work, an apprentice or intern as defined by this article may perform said work with the direct supervision of a licensed journeyman or master mechanical. Not more than three apprentices or interns shall work under the direct supervision of one licensed journeyman or master.

(b) *Plant operating engineer.* Where a plant operating engineer's license is required, adequate supervision shall be provided whenever said plant is in operation and the building or facility housing or serviced by this equipment is being occupied for either its normal intended purpose or by a fulltime maintenance staff.

(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Sec. 7-247. Unlawful acts.

It shall be unlawful for any person:

- (1) To perform or cause to be performed any work in the city of St. Joseph which requires a permit without having first secured the appropriate permit from the city.
- (2) For any person to employ any individual as an apprentice or intern, as defined in this article, to perform any work in the city of St. Joseph without providing direct supervision as defined in this article.
- (3) For a person to create an unsafe condition and/or allow an unsafe condition to exist.
- (4) For a person to create an unsafe mechanical condition and/or allow an unsafe mechanical condition to exist that may result in property damage or personal injury.
- (5) Operating or allowing a boiler, air conditioning or refrigeration plant to be operated without the proper licensing.
(G.O. 2782, 7-6-15; G.O. 2785, 8-17-15)

Secs. 7-248 – 7-255. Reserved.

All references to "this article" include all standards adopted by reference in this article.

(Gen. Ord. No. 853, § 1(7-102, 7-103(b)), 2-4-91; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Sec. 7-257. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Apprentice plumber* means a person who is registered with the city and who is undergoing an apprenticeship or course of training. Such person shall not perform any work governed by this article, except as an assistant to and under the direct supervision of a licensed master plumber or journeyman plumber.
- (2) *Direct supervision* means in the immediate presence thereof. In no instance shall there be more than two apprentice plumbers assigned or working with one per journeyman plumber or master plumber who must be physically present to directly supervise the work.
- (3) *Journeyman plumber* means a plumber who has completed an apprenticeship and has demonstrated to the code official, through

ARTICLE V. PLUMBING CODE*

DIVISION 1. GENERALLY

Sec. 7-256. Title; references.

This article shall be known and cited as the Plumbing Code of the City of St. Joseph, Missouri.

***Cross reference(s)**--Plumber's examining and appeals board, § 2-601 et seq.; health department regulation of plumbing, § 17-2; gas utilities, § 29-26 et seq.; water utilities, § 29-51 et seq.; sewers and sewage disposal, § 29-81 et seq.

testing, his practical and theoretical knowledge of plumbing installations and has been granted a license as a journeyman by the City of St. Joseph to install plumbing under the direction of a master plumber.

- (4) *Master plumber* means a person who has demonstrated his skill through testing and observation in comprehending the plumbing code, planning, superintending and installing plumbing and who has demonstrated this knowledge to the code official and has been granted a license by the City of St. Joseph as a master plumber.
- (5) *Plumbing inspector* means a qualified person who is employed by the city to inspect plumbing systems to ascertain whether or not those installations meet or exceed the accepted standards as set forth in the adopted model code(s) and ordinances. The plumbing inspector shall be a journeyman plumber or master plumber, obtain a city license for a journeyman plumber or master plumber within six months of the hiring date and within one year of the hiring date obtain and maintain a certification as a residential and commercial plumbing inspector through a nationally recognized certifying agency.

(Code 1969, § 7-103; Gen. Ord. No. 853, § 1(7-103), 2-4-91; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 7-258. Plumbing code adopted.

The Uniform Plumbing Code, 2018 edition (2018 UPC) including Appendices A, B, D, E, F, I and L, published by the International Association of Plumbing & Mechanical Officials, Inc. and Chapter 12 Hydronic Piping, of the International Mechanical Code (IMC), 2018 edition (2018 IMC), published by the International Code Council, Inc., be, and hereby is, adopted as the plumbing code for the city of St. Joseph, Missouri, of which two copies are on file in the office of the city clerk for the purpose of regulating and governing the design, construction, quality of materials, erection, installation alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city of St. Joseph, Missouri, including permits, penalties and collection of fees therefore, save and except such portions that are hereinafter modified,

deleted, added or amended if any, prescribed in Section 7-259 in this article. (Gen. Ord. No. 763, § 1(7-124), 3-5-90; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07; G.O. 2663, 12-10-12; G.O. 2868, 7-2-18)

State law reference(s)--Adoption by reference, RSMo 67.280.

Sec. 7-259. Amendments to the plumbing code.

The Uniform Plumbing Code (UPC), adopted in Section 7-258 is changed by the following insertions, additions and deletions:

- (1) *Section 104.0 Permits.* The UPC, Section 104.0, Permits, is amended by deleting Subsection 104.5 and substituting the following language:

104.5 Permit Fees. Permit fees for all plumbing work shall be calculated and assessed in accordance with the fee schedule in Section 7-403 of the Code of Ordinances of the City of St. Joseph, Missouri.

- (2) *Section 106.0 Violations and penalties.* The UPC, Section 106.0, Violations and penalties, is amended by adding the following subsections:

106.3.1 Penalty fees. Where work for which a permit is required by this code is started prior to obtaining said permit, the fee specified in the schedule of fees may be doubled but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in execution of the work nor from any other penalties presented herein.

Exception: When it is necessary for the public's health and safety to perform work of an emergency nature outside of empirically accepted working hours. All permits for said work shall be obtained on the next business day, without penalty.

106.4.1 Unlawful Continuance. Any person who shall continue any plumbing work in or about the structure after having been served with a stop work order, except such work that he is directed to perform to remove a violation or unsafe conditions, shall be subject to a fine in accordance with Section

7-6 of the Code of Ordinances of the City of St. Joseph, Missouri.

- (3) *Section 304.0 Connections to plumbing system required.* The UPC, Section 304.0, Connections to plumbing system required, is amended by adding the following subsection:

304.2 Public Sewer Available. A public sewer shall be deemed available if any sewer connections can be made within 200 feet of any existing or proposed structure from either an adjacent street, alley, or easement and a connection to a main sanitary sewer, combined sewer, a district sanitary sewer, or a joint district sanitary sewer can be made conforming with the standards set forth in this code and in accordance with city sewer standards on file.

- (4) *Chapter 5, Water Heaters.* The UPC, Chapter 5, Water Heaters, is amended by deleting Sections 510.0 in its entirety.
- (5) *Section 712.0 Testing.* The UPC, Section 712.0 Testing, is deleted in its entirety.
- (6) *Chapter 16, Alternate Water Sources for Nonpotable Applications.* The UPC, Chapter 16, Alternate Water Sources for Nonpotable Applications is deleted in its entirety.

(Gen. Ord. No. 763, § 1(7-125), 3-5-90; Gen. Ord. No. 818, § 1(7-125), 8-20-90; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2200, 10-23-06; G.O. 2230, 5-7-07; G.O. 2327, 6-1-09; G.O. 2384, 6-14-10; G.O. 2663, 12-10-12; G.O. 2868, 7-2-18)

Secs. 7-260--7-270. Reserved.

Sec. 7-271. Administrator; personnel.

This article shall be administered by the code official, who shall take such action as may be reasonable and necessary to secure compliance with it. Personnel shall be employed as may be required to administer this article, subject to availability of funds.

(Gen. Ord. No. 853, § 1(7-102), 2-4-91; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230- 5-7-07)

Sec. 7-272. Plumbing inspector.

(a) *Office created.* There is created within the planning and community development department, the position of plumbing inspector.

(b) *Duties.* It shall be the duty of the plumbing inspector to inspect all new plumbing installed. If after such inspection the plumbing inspector finds such plumbing to be in compliance with this article, it will be his duty to furnish a certificate of final inspection of the plumbing.

(c) *Qualifications.* The plumbing inspector shall be a journeyman plumber or master plumber, obtain a city plumbing license within six months of his hiring date and within one year of the hiring date obtain and maintain, as a condition of employment, a certification as a residential and commercial plumbing inspector through a nationally recognized certifying agency. The plumbing inspector shall not have a financial interest, either directly or indirectly, with any firm or corporation engaged in the plumbing business.

(Gen. Ord. No. 853, § 1(7-104), 2-4-91; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07; G.O. 2663, 12-10-12)

Cross reference(s)—Officers and employees, § 2-111.

(a) The owner of a building or structure or any other person aggrieved by a decision of the plumbing inspector or building official's interpretation of the plumbing code may appeal to the plumber's examining and appeals board. Any such appeal shall be in writing and state the name and address of the appealing party and the nature of the appeal and shall be made within five business days after the plumbing inspector's or building official's decision.

(b) The plumber's examining and appeals board shall hold a public hearing within a reasonable time after the notice of appeal by an aggrieved person is filed. Notice of hearing shall contain the time and date for the hearing and be directed to the appealing party at the address given on the appeal by certified mail. The appellant or the representing attorney and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard, present evidence and examine adverse witnesses.

(Code 1969, § 7-105(d), (e); G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Sec. 7-274. Appeals to circuit court.

Any person aggrieved by a decision of the plumber's examining and appeals board may appeal that determination to the circuit court of the county of Buchanan County, Missouri, under the provisions of RSMo Chapter 536. The appeal shall be made within 30 days after the mailing or delivery of the decision of the board or non-action by the board.

(Code 1969, § 7-105(f); G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Sec. 7-275. Permits issued to master plumbers.

(a) Except as provided in Section 7-276, no person other than a licensed master plumber shall be issued a permit for plumbing work. The master plumber shall be totally responsible for the work done on any permit which he procures and shall agree to indemnify and save harmless the city as a condition of the issuance of the permit.

(The next page is 37)

(b) Every application for a plumbing permit and every plumbing permit which may be issued pursuant thereto shall bear the name of the plumbing business entity with which the master plumber is affiliated, in addition to the name of the master plumber. No plumbing permit shall be issued to a master plumber who is not the sole owner of such plumbing business designated on the application, unless prior thereto such plumbing business entity shall first register such affiliation with the code official by causing an instrument, acknowledged in the same manner as deeds to real estate, to be filed with the director of public works and transportation. Such instrument shall evidence the agency status of the master plumber named therein.

(c) The issuance of a plumbing permit to a master plumber shall operate to automatically revoke any plumbing permit previously issued to the same master plumber which indicated affiliation with any other plumbing business entity, except that permits which have undergone final inspection and approval by the city's plumbing inspector or assistants shall not be revoked. Thereby provided further that the city shall charge a fee in accordance with the fee schedule in Section 7-403 for the reissuance of any permit so revoked.

(d) No master plumber shall apply and no permit shall be issued to a master plumber for work to be done by a journeyman or apprentice who is not the master plumber's employee or the employee of the master's employer.

(e) Existing registered apprentices who are not employees of the master plumber or the master plumber's employer will be "grandfathered in" and permitted to continue working under the original registration without being an employee of the master plumber or master plumber's employer. (Gen. Ord. No. 853, § 1(7-109), 2-4-91; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07; G.O. 2327, 6-1-09)

Sec. 7-276. Permit issuance to homeowners and utilities.

(a) *Homeowner.* Any plumbing permit required by this article may be issued to a person to do any work regulated by this article in a single-family dwelling used exclusively for his living purposes, including the usual accessory building and quarters in connection with such building, provided the person is the bona fide resident-owner and that the owner shall purchase all materials and personally

perform all the labor in connection therewith. Such person need not obtain a license as required in Section 7-291 to do such plumbing work; however, nothing in this subsection shall exempt such person from obtaining a permit for such plumbing work as described in this subsection and certifying to the conditions required for exception to the licensing requirement. The plumbing work shall be subject to final inspection by the plumbing inspector, and the person shall, as a condition of the issuance of the permit, agree to indemnify and save harmless the city and its employees from all loss or damage.

(b) *Utility.* Any plumbing permit required by this article pursuant to the Uniform Plumbing Code, as adopted in Section 101.0, Title, Scope and General, may be issued to a utility company to do outlet side meter connections in conjunction with renewal and/or reconnection of utility service that is regulated by this article for a general service customer, which shall be any customer utilizing 1-1/4 inch pipe or less. Any such work shall be performed by the utility and its employees only and shall not be assigned or transferred to any independent contractor and/or third party. Utility employees need not obtain a license as required in Section 7-291 to do such plumbing work; however, nothing in this subsection shall exempt such utility employees from obtaining a permit for such plumbing work as described in this subsection and certifying to the conditions required for exception to the licensing requirement. The plumbing work shall be subject to final inspection by the plumbing inspector, and the utility shall, as a condition of the issuance of the permit, agree to indemnify and save harmless the city and its employees from any and all loss or damage associated therewith.

(Gen. Ord. No. 769, § 1(7-110), 3-5-90; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Sec. 7-277. Inspections; unsatisfactory work or installations.

(a) Any temporary and/or permanent water services for any building, structure or facility shall be inspected and certified by the city plumbing inspector before a final inspection or certificate of occupancy is issued.

(b) On all plumbing work other than that installed in new buildings or structures, if upon inspection by the city plumbing inspector the work and installations do not comply with the requirements of this article and the ordinances of the city, the plumbing inspector shall notify in writing the person furnishing water supply for domestic or other uses in the city to shut off the water supply until the work, installation and facilities found to be unsatisfactory or inadequate have been corrected to comply with this article and the city ordinances. Upon receipt of such notice, a copy of which shall have also been served upon the occupant of the premises affected by such order, the person so furnishing the water supply for domestic or other uses in the city shall shut off the water supply which is connected with the unsatisfactory or inadequate installations or facilities and shall not turn on such supply until further notice in writing from the plumbing inspector directing such action.

(Code 1969, § 7-112; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Secs. 7-278--7-290. Reserved.

**DIVISION 3. LICENSING AND
REGISTRATION OF PLUMBERS***

Sec. 7-291. Required.

Except as provided in Section 7-276, any person engaging in or working at the business of plumbing within the corporate limits of the city shall first obtain either a master plumber's or journeyman plumber's license or registration as an apprentice, all in accordance with the provisions of this article.

(Code 1969, § 7-106; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Sec. 7-292. Examinations for licenses.

(a) Any person desiring to engage in or work at the business of plumbing, either as a master plumber or journeyman plumber, shall make application to the code official at least two weeks prior to the scheduled dates of examination, unless written waiver of the two-week requirement is obtained from the plumber's examining and appeals board upon good cause shown. Applicants for a master plumber's license shall have had four years of experience in the plumbing trade based on notarized, written references as proof of their

experience. Applicants for a journeyman plumber's license shall have had three years of experience in the plumbing trade based on notarized, written references as proof of their experience. All applicants, at such time and place as the plumber's examining and appeals board may designate, shall be required to pass an examination as to their qualifications for the respective license they are seeking. The examination shall be of two parts, one part being in written form and one part being of a practical nature. The journeyman applicant must make a grade of 70% overall to be granted a license. The master applicant must make a grade of 76% to be granted a license. The examination shall be sufficiently strict to test the qualifications of the applicant. Should an applicant fail the examination, there will be a six month waiting period before the test can be administered again. The examination shall be administered and judged by the plumbing inspector and at least one other member of the plumber's examining and appeals board, as designated by the chairman of the board. Once the code official approves a journeyman's or master plumber's license recommendation, the city will issue the license within five calendar days.

(b) There shall be an examination fee for a master plumber's license and for a journeyman plumber's license. The examination fee shall accompany the application. The fee shall be in accordance with the fee schedule in Section 7-403.

(c) Apprentices shall register annually with the plumbing inspection office and pay an annual fee in accordance with the fee schedule in Section 7-403.

(d) All fees shall be deposited with the department of finance.

(e) Examinations shall be scheduled for the second week of January, April, July and October and at such other times as deemed necessary by the plumber's examining and appeals board and/or the code official.

(Gen. Ord. No. 853, § 1(7-107), 2-4-91; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Sec. 7-293. Issuance, renewal, duration of license.

(a) After grading the examination of each applicant for a plumber's license, the plumbing inspector shall make a recommendation to the code official as to whether or not the license should be granted in each particular case. If the plumber's examining and appeals board and the plumbing

*Charter reference(s)—Licenses, art. XIV.

Cross reference(s)—Businesses, ch. 8.

inspector approve the issuance of a plumbing license to the applicant, then the license shall be issued within five working days.

(b) The fee for a license certificate for a master plumber or a journeyman plumber shall be in accordance with the fee schedule in Section 7-403.

(c) Licenses shall be renewed annually on or before December 31.

(d) All fees shall be deposited with the department of finance.

(e) Renewal applications are due by December 31 of each year. License fees for applications received after December 31 shall be doubled. No renewal application will be accepted after January 31. No work requiring a license shall be done until the license has been renewed.

(Gen. Ord. No. 853, § 1(7-108), 2-4-91; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Charter reference(s)--Licensing period, § 14.1.

Sec. 7-294. Misuse of license; suspension or revocation.

(a) No person shall send an unlicensed person or unregistered apprentice to perform plumbing work.

(b) The code official, with the concurrence of the plumber's examining and appeals board, shall have the power to suspend for not more than 90 days or revoke a master plumber's license when they find that such licensed master plumber has willfully violated any provision of this article.

(c) No master plumber's license shall be suspended or revoked except after a hearing at which both sides may present evidence and be represented by counsel. Ten days' written notice of such hearing shall be given to the licensed master plumber.

(d) Such hearing shall be attended by the code official and by a majority of the members of the plumber's examining and appeals board. The code official and the majority of the plumber's examining and appeals board shall make the final decision of such suspension or revocation. All decisions shall be rendered within five days of the hearing and shall be in writing.

(e) *Revocation of master plumber's license.* Should a licensed master plumber have his license revoked, he shall not be eligible for reapplication for

a master plumber's license for at least six months from the date of his last application or from the date of the revocation.

(Gen. Ord. No. 853, § 1(7-111), 2-4-91; G.O. 1242, 12-5-94; G.O. 2131, 10-24-05; G.O. 2230, 5-7-07)

Secs. 7-295--7-315. Reserved.

ARTICLE VI. MAINTENANCE OF BUILDINGS AND OTHER STRUCTURES

Sec. 7-316. Property maintenance code adopted.

That a certain document, two copies of which are on file in the office of the city clerk, being marked and designated as "The ICC International Property Maintenance Code, 2018 Edition," as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the City of St. Joseph, Missouri, for the administrative management of buildings and structures as herein provided; each and all of the regulations, provisions, penalties, conditions and terms of said ICC International Property Maintenance Code 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 7-317 of this article.

(G.O. 1577, 11-17-97; G.O. 1882, 6-10-02; G.O. 2679, 4-1-13; G.O. 2874, 7-30-18)

Sec. 7-317. Amendments and changes to the property maintenance code.

That the ICC International Property Maintenance Code (IPMC), as adopted in Section 7-316 is amended and revised by the following insertions, additions and deletions:

- (1) General: All references to the "code official" shall be replaced with "chief building official."
- (2) *Section 101.0 General.* The IPMC, Section 101.0, General, is amended by deleting Subsection 101.1 and substituting the following:

101.1. Title. These regulations shall be known as the property maintenance code of the City of St. Joseph, Missouri, hereinafter referred to as "this code."
- (3) *Section 106.0 Violations.* The IPMC, Section 106.0, Violations, is amended by deleting it in its entirety.
- (4) *Section 107.0 Notices and orders.* Except as otherwise explicitly adopted herein, the IPMC, Section 107.0, Notices and orders, is amended by deleting it in its entirety.

- (5) *Section 111.0 Means of appeal.* The IPMC, Section 111.0, Means of appeal, is amended by deleting it in its entirety.
- (6) *Section 302.0 Exterior property areas.* The IPMC, Section 302.0, Exterior property areas, is amended by deleting Subsections 302.1, 302.2, and 302.3 in their entirety
- (7) *Section 302.0 Exterior property areas.* The IPMC, Section 302.0, Exterior property areas, is amended by deleting Subsection 302.4 and substituting the following:

302.4 Weeds. Refer to Section 15-26 of the Code of Ordinances.
- (8) *Section 302.0 Exterior property areas.* The IPMC, Section 302.0, Exterior property areas, is amended by deleting Subsection 302.8 and substituting the following:

302.8 Motor vehicles. Refer to Section 15-29 of the Code of Ordinances.
- (9) *Section 308.0 Rubbish and garbage.* The IPMC, Section 308.0, Rubbish and garbage, is amended by deleting the section and substituting the following:

Rubbish and garbage. Refer to Chapter 15, Article III of the Code of Ordinances.
- (10) *Section 705.0 Carbon monoxide alarms and detection.* The IPMC, Section 705.0, Carbon monoxide alarms and detection, is amended by deleting Subsection 705.1 and substituting the following:

705.1. General. In any dwelling unit that contains a fuel-fired appliance and any dwelling unit that has an attached garage with an opening that communicates with the dwelling unit, the owner of the dwelling unit shall ensure that carbon monoxide alarms are properly installed and functional outside of each separate sleeping areas in the immediate vicinity of the bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, the owner of the dwelling unit shall ensure that a carbon monoxide alarm is properly installed and functional within the bedroom. Following proper installation of a carbon monoxide detector as required by

this section, the occupant of the dwelling unit shall ensure the required carbon monoxide detector remains functional by replacing batteries and, if the occupant is not the owner of the dwelling unit, notifying the owner that a carbon monoxide alarm has become inoperable. A lease agreement or statement signed by the primary occupant of a dwelling unit acknowledging the dwelling unit owner's compliance with this section shall serve as prima facie evidence that the owner complied at the time the lease agreement or statement was executed.

- (11) Section 705.0 *Carbon monoxide alarms and detection*. The IPMC, Section 705.0, Carbon monoxide alarms and detection, is amended by adding Subsection 705.3 as follows:

705.3. Enforcement. A dwelling unit that fails to comply with this section may be deemed a dangerous building and must comply with this section before a dangerous building designation is removed, but failure to comply with Subsection 705.1 shall not be enforced through the issuance of an administrative citation notice or be deemed an unlawful act that may be prosecuted as a misdemeanor or other criminal offense.

(G.O. 1577, 11-17-97; G.O. 1882, 6-10-02; G.O. 1936, 5-27-03; G.O. 2673, 2-19-13; G.O. 2679, 4-1-13; G.O. 2903, 3-11-19)

Sec. 7-318. Violations--Property maintenance code.

(a) *Unlawful Acts.* It shall be unlawful for a person or other legal entity, as an owner, occupant or other person or entity in possession, charge or control of premises within the city limits, to cause, maintain or permit any condition in violation of any provision of this article.

- (1) *Prima facie evidence of violation.* If the violation of this article is on private property, proof that a person owns the property, occupies the property or otherwise has possession or the right to possession of the property constitutes prima facie evidence for the purpose of this article that such person has caused, maintained or permitted the condition constituting the violation and such person will be

responsible for abatement or repair of such condition.

- (2) *Separate offenses.* A person or other legal entity must not fail, neglect or refuse to comply with a valid notice of violation issued pursuant to this article within the time specified in such notice. For every day from the time specified in a notice of violation that such person or other legal entity does so fail, neglect or refuse to comply with the same, and for every day thereafter that such person or other legal entity so fails, neglects or refuses, he/she/it may be charged with a separate offense under this article. If a notice of violation has validly been posted at the property, pursuant to this article, failure to give notice as set forth in this article shall neither invalidate a lien against the land for the costs associated with abatement or repair of a condition causing the property to be in violation of this article nor invalidate an administrative citation issued pursuant to this article.

- (3) *Violation penalties.*

- a. It shall be a misdemeanor for any person or other legal entity to commit an unlawful act under this article.
- b. Any person who has been found guilty of an unlawful act under this article by the municipal court shall be required to pay a minimum fine of \$100.00 for the first offense. Any person who has been found guilty of violating this article a second time, during the same 12 month period, shall be required to pay a minimum fine of \$200.00. Any person who is found guilty of violating this article a third time, during the

same 12 month period, shall be required to pay a minimum of \$300.00. Any person who is found guilty of violating this article four or more times during the same 12 month period shall be required to pay a minimum of \$450.00 for the fourth offense and each subsequent offense that occurs during the same 12 month period. If a person is charged and found guilty of more than one offense of the same provision of this article that occurs on the same day, then all such identical offenses on that day, for purposes of this article, shall be counted as one offense.

(G.O. 2673, 2-19-13; G.O. 2893, 12-17-18)

Sec. 7-319. Notice of violation.

(a) *When required.* Whenever an inspector determines that there has been a violation of this article, or has grounds to believe that such a violation has occurred, notice must be given to the person or other legal entity causing, maintaining or permitting the condition(s) that constitutes such a violation that he/she/it must abate the condition that is in violation of this article within a reasonable time, based upon the particular condition constituting a violation, or begin repairing the condition constituting the violation and continue making consistent progress in such repair until the condition no longer constitutes a violation of this article. Such notice is required in order to abate or repair the condition that is in violation of this article or to issue an administrative citation, but is not a prerequisite for a summons to municipal court.

At all times, the inspector issuing a notice of violation may give the recipient of such notice an extension of time to abate or make repairs required by such notice. Such extensions must be based upon progress in abating the condition constituting a violation or making such repairs.

(b) *Recipient(s).* The owner, occupant, lessee, mortgagee, agent and all other persons having a legal interest in the building or structure as shown by the land records of the recorder of deeds for the county shall receive copies of notices sent pursuant to this section.

(c) *Contents.* A notice of violation provided under this section must include the following:

- (1) Description of the property on which the alleged violation has occurred;

- (2) Statement of the alleged violation;
- (3) An order prohibiting the continuation or repeated occurrence of the alleged violation and requiring repair, improvement or removal of the condition constituting the alleged violation;
- (4) The name and signature of the citing inspector;
- (5) The date, time and location of a hearing, if any, regarding the notice.

(d) *Service of notice.* Notice of violation must be deemed properly served if a copy thereof is:

- (1) Delivered personally to the named recipient;
- (2) Sent by certified or first-class mail addressed to the last known address of the named recipient or to the mailing address on file with the county assessor's office associated with the property on which the violation is believed to exist;
- (3) If notice is returned showing that the notice was not delivered, a copy of said notice may be posted in a conspicuous place in or about the structure affected by such notice;
- (4) If the above-described methods of providing the notice of violation cannot be successfully completed, then a one-time publication in a daily newspaper within the city may be published. Notwithstanding other requirements of this section, such notice by publication must include a brief description of the violation and the location of the violation.

(e) *Penalties.* Section 107.4 of the property maintenance code, is incorporated as if fully stated here.

(f) *Transfer of ownership.* Section 107.5 of the property maintenance code, is incorporated as if fully stated here.

(G.O. 2673, 2-19-13)

Sec. 7-320. Administrative citation notice.

(a) *When allowed.* At any time after the passage of 30 days following the issuance of a notice of violation, but before the passage of 365 days from such issuance, an administrative citation notice may be issued to the recipient of the notice of violation.

(b) *Recipient.* The owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds for the county shall receive copies of notices sent pursuant to this section.

(c) *Contents.* Administrative citation notices provided under this section must include the following:

- (1) Description of the property on which the alleged violation has occurred;
- (2) Statement of the alleged violation and reason for issuance of an administrative citation notice;
- (3) Reference to notice of violation previously sent and statement that the notice of violation remains valid and enforceable;
- (4) Reference to the article provision containing the relevant penalty schedule;
- (5) Notice of the right to seek review of the administrative citation notice to the administrative violation review board;
- (6) The name and signature of the citing inspector.

(d) *Service of notice.* An administrative citation notice must be deemed properly served if a copy thereof is:

- (1) Delivered personally to the named recipient;
- (2) Sent by certified or first-class mail addressed to the last known address of the named recipient or to the mailing address on file with the county assessor's office associated with the property on which the alleged violation is believed to exist;
- (3) If notice is returned showing that the notice was not delivered, a copy of said notice may

be posted in a conspicuous place in or about the structure affected by such notice;

- (4) If the above-described methods of providing the administrative citation notice cannot be successfully completed, then a one-time publication in a daily newspaper within the city may be published. Notwithstanding other requirements of this section, such notice by publication must include a brief description of the violation and the location of the violation.

(G.O. 2673, 2-19-13)

Sec. 7-321. Administrative citation notice review.

(a) *Application for review.* Any person or entity directly affected by an administrative citation notice has the right to seek review of said notice by the administrative violation review board by filing a written application for review with the city manager or his or her designee within ten days after the day the administrative citation notice was served. An application for review must be based on a claim that the true intent of this article or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this article do not fully apply, the requirements of this article are adequately satisfied by other means or that the strict application of any requirement of this article would cause an undue hardship.

(b) *Review hearing.* Following receipt of an application for review, the administrative violation review board shall review the notice at the next regularly scheduled meeting at which such board may reasonably hear the review. The applicant must be notified of the date and approximate time during which his/her/its review will be heard at least ten days in advance of such date and time.

(c) *Open hearing.* All hearings conducted under this section must be open to the public. The person or entity directly affected by the subject administrative citation notice, his/her/its representative, city officials and any person whose interests are affected must be given an opportunity to be heard.

(d) *Stay of enforcement.* Applications for review of notices under this section (other than imminent danger notices) will stay the enforcement of the subject administrative citation notice until review is completed.

(e) *Recommendation.* At the conclusion of the administrative violation review board's review of an administrative citation notice, the administrative violation review board shall issue a recommendation to the city manager or his or her designee recommending any the following:

- (1) Enforcement of the administrative citation notice;
- (2) Vacation of the administrative citation notice;
- (3) Stay of enforcement allowing the recipient of an administrative citation notice a reasonable amount of time to remedy the violation for which the administrative citation notice was issued and, upon successful completion of such remedy, vacation of the administrative citation notice.

Any such recommendation must be approved by a quorum of the members of the board voting on the matter. If such quorum cannot reach a recommendation, the administrative violation review board will be deemed to have made no recommendation.

(f) *Determination.* Within ten working days of receipt of the administrative violation review board's recommendation, the city manager or his or her designee shall issue a determination regarding any enforcement of, modification to or vacation of the subject administrative citation notice taking into account the recommendation of the administrative violation review board. The city manager or his or her designee may modify the administrative citation notice in any manner in which said notice could have been originally issued; however, he or she is not bound by the administrative violation review board's recommendation. Such determination must be provided in written form to the applicant for review and in a manner reasonably calculated to notify the applicant of such determination.

(g) *Administrative violation review board access.* Upon request of the administrative violation review board, the city manager must provide a copy of the final written form of the administrative citation issued by the city manager, or his or her designee, to the administrative violation review board within seven days of such request.
(G.O. 2673, 2-19-13)

Sec. 7-322. Enforcement of administrative citation.

(a) *First administrative citation.* At any time after 30 days have passed since the issuance of an administrative citation notice, or if a request for review by the administrative violation review board has been properly filed, then following completion of such review and issuance of determination, and subject to vacation and any amendments to the administrative citation notice, administrative citations may be issued for each day that the violation(s) identified in the administrative citation notice continue to exist.

(b) *Subsequent administrative citations.* Following issuance of an administrative citation pursuant to an administrative citation notice, another such citation may only be issued pursuant to this article for the same condition constituting a violation on the same property if no more than 45 days lapse since the last issuance of a prior administrative citation issued for such violation or within 15 days of the expiration of any written extension of time for correcting such violation.
(G.O. 2673, 2-19-13; G.O. 2711, 11-25-13)

Sec. 7-323. Appeals of administrative citations.

(a) *Request for hearing.* Any recipient of an administrative citation may contest that there was or is a violation of this article or that he/she/it was or is not the responsible party, by completing a request for administrative hearing petition and returning it to the city manager or his or her designee within 30 calendar days from the later of either: (1) the date upon which the administrative citation was issued; or (2) the date upon which a final determination was issued by the city manager or his or her designee, if any, following review of the administrative citation by the administrative violation review board in accordance with the guidelines set forth in Chapter 2, Article XIII, Division 2.

(b) *Hearing officer.* Upon receipt of a properly filed request for hearing pursuant to this section, the city manager or his or her designee shall designate a hearing officer to hear the appeal.

(c) *Notice of hearing.* The party requesting the hearing must be notified of the time and place set for the hearing at least ten calendar days prior to the date of said hearing. If an inspector submits an additional written report concerning the administrative citation to the hearing officer for his

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or her consideration at the hearing, then a copy of the report shall also be served on the person requesting the hearing at least five business days prior to the date of said hearing.

(d) *Hearing.* The designated hearing officer shall set a hearing date that is not less than 15 business days, but not more than 60 business days, from the date upon which any request for hearing was properly filed. The hearing shall be conducted in accordance with the guidelines set forth in Chapter 2, Article XIII, Division 1 and the party contesting the administrative citation shall be given the opportunity to testify and present evidence concerning the citation. The failure of any recipient of an administrative citation to appear at the administrative hearing shall constitute a failure to exhaust his/her/its administrative remedies. The notice of violation, property record and related documentation in the proper form, or a copy thereof, shall be prima facie evidence of a violation of this article.

(e) *Administrative violation review board access.* Upon request of the administrative violation review board, the hearing officer must provide a copy of the final written decision to the administrative violation review board within seven calendar days of such request.
(G.O. 2673, 2-19-13; G.O. 2747, 8-18-14)

Sec. 7-324. Administrative citation penalty schedule.

(a) Penalties for the first administrative citation issued to a recipient for a violation of this article will be \$100.00 for each violation identified in the administrative citation. Thereafter, for every subsequent administrative citation issued to the same recipient for the same violation on the same property within any 12 month period, the penalty for every such violation shall be \$200.00 a second violation, \$300.00 for a third violation, and \$450.00 for all subsequent violations.

(b) No administrative citation issued for a violation of this article more than 12 months prior to the issuance of a subsequent administrative citation may be deemed a prior violation for the purposes of calculating the penalty amount of any violation for which an administrative citation is issued pursuant to this section.

(c) The issuance of any administrative citation does not invalidate or otherwise modify any

administrative citation that has been previously issued.

(d) No inspector, hearing officer or other official may impose incarceration or any penalty in excess of the amount allowed by the penalty schedule.
(G.O. 2673, 2-19-13, G.O. 2893, 12-17-18)

Sec. 7-325. Collection of penalty.

(a) *When due.* All sanctions, penalties or costs, and all parts thereof, are due 30 days after issuance of an administrative citation. In the event of an appeal of an administrative citation, the penalty must be deposited with the city and, if overturned on appeal, refunded to the recipient of the associated administrative citation.

(b) *Collection.* All sanctions, penalties or costs, and all parts thereof, remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under Chapter 536, RSMo, shall be a debt due and owing the city, and may be collected in accordance with applicable law.

(c) *Lien status.* After expiration of the judicial review period under Chapter 536, RSMo, unless stayed by a court of competent jurisdiction, all citations, decisions, rules and orders may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by state law, a lien may be imposed on the real or personal property of any recipient of an administrative citation in the amount of any debt due the city

under this article and enforced in the same manner as a judgment lien under a judgment of a court of competent jurisdiction.
(G.O. 2673, 2-19-13)

Sec. 7-326. Concurrent enforcement prohibited.

Consistent with other provisions of this article, any person or other legal entity that violates any provision of this article may, within the discretion of the citing inspector, be required to pay an

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administrative penalty or may be issued a summons to appear in municipal court; however, no person or other legal entity may be required to pay an administrative penalty for the same condition constituting a violation occurring on the same property and on the same day that said person or other legal entity is also issued a summons to appear in municipal court.

(G.O. 2673, 2-19-13)

Sec. 7-327. Boarded up vacant buildings.

(a) *Applicability-vacant buildings.* This section applies to all buildings in which neither an owner nor person authorized by the owner resides or regularly operates a business.

(b) *Boarded up.* For the purposes of this section, a building or other structure will be deemed to be boarded up if a fixed panel of wood, metal, non-translucent fiberglass or plastic, or other similar opaque material covers a door, window, vent, or other similar opening on any exterior wall of such building unless the placement of such material covers the opening in a manner in which the material would comply with the building code as a permanent wall.

(c) *Duration-rebuttable presumption.* For the purposes of this section, a building that is boarded up shall be presumed to have been boarded up for all days in between periods during which such building was actually boarded up unless the person alleged to have violated this section proves that such building (i) was not boarded up and (ii) a certificate of occupancy was issued to allow the building to serve as a residence or business for substantial periods of time in between the days during which the building was actually boarded up.

(d) *Prohibitions.*

(1) *General.* No building to which this section applies may be boarded up for more than 60 days unless a mothballing permit that remains valid has been obtained for the building pursuant to this section or the person alleged to have violated this section proves that consistent and material construction, repairs, or rehabilitation are being made to make the building suitable for habitation.

(2) *Boarded up doors.* No building to which this section applies may have a door

opening in an exterior wall boarded up for more than 60 days with any material other than material designed to be used as a door unless such material is constructed in a manner in which it complies with the building code as a permanent wall.

(e) *Mothballing permits.* A mothballing permit that is valid for one year shall be issued if none of the limitations set forth below apply and if the requirements set forth below are met.

(1) *Requirements.* The following requirements must be met before a mothballing permit may be issued:

- a. The applicant must submit an application and inspection fee of \$100.00 to the city.
- b. An inspection of the building for which the mothballing permit is sought has been completed by the issuer of the mothballing permit or someone acting on his or her behalf and such person has determined that the building:
 - i. Shows no signs of continuing water leaks or significant unrepaired roof deterioration,
 - ii. Has no significant missing protective treatment on exterior wood surfaces,
 - iii. Has tuckpointing and masonry maintained in accordance with the most recently issued ASTM tuckpointing standards,
 - iv. Has all positive roof drainage, including gutters and downspouts, in place and
 - v. Contains no combustible materials that are not reasonably necessary for planned construction or renovation of the building.

(2) *Limitation.* No mothballing permit may be issued for a building to which any of the following apply:

- a. The building or structure for which a mothballing permit is sought is not subject to the certificate of appropriateness requirements stated in Chapter 31 and windows, doors or vents facing streets which are immediately adjacent to the open land

on which the building or structure is located have been boarded up for more than three years following the issuance of any mothballing permit issued for the building or structure.

- b. The building or structure for which a mothballing permit is sought is subject to the certificate of appropriateness requirements stated in Chapter 31 and windows, doors or vents facing streets which are immediately adjacent to the open land on which the building or structure is located have been boarded up for more than five years following the issuance of any mothballing permit issued for the building or structure.
 - c. The building or structure for which a mothballing permit is sought was purchased following the effective date of this ordinance by a person or other entity with an ownership interest or substantial management control of another building or structure that continues to be boarded up and for which a mothballing permit has been issued.
- (3) *Revocation.* Mothballing permits issued pursuant to this section may be revoked if:
- a. The condition of the building for which they were issued constitutes a risk to the public health or safety, or
 - b. If two violations relating to the exterior maintenance of the property on which the building that is the subject of the mothballing permit is located result in convictions or the imposition of administrative penalties.

(f) *Trespass notice.* The owner of any boarded up building to which this section applies shall post at least one "No Trespassing" sign on or near the building and sign a letter with the city police department authorizing the department to enforce no trespassing on the premises.

(G.O. 2679, 4-1-13)

Sec. 7-328. Vacant residential building registration.

(a) *Director definition.* As used in this section, director shall be deemed to mean the director of planning and community development or his or her designee.

(b) *Registration and fee applicability.* The owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, which is vacant, has been vacant for at least six months, and is characterized by violations of this chapter shall register such property with the director and shall pay a \$200.00 registration fee. Such registration shall be renewed, and an additional registration fee in the amount of \$200.00 shall be paid, on a semiannual basis.

(c) *Investigation; levy of registration and fee requirement; appeal.* The director may investigate any property that may be subject to the registration and fee required by this section. The director shall report findings and recommendations and shall determine whether any investigated property shall be subject to the registration and fee. Within five business days of submission of such report, the city clerk, or his or her designee, shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and Buchanan County.

(d) *Appeals.* The property owner may appeal the decision that the registration and fee apply by either filing such appeal with the city manager, or his or her designee, or by appealing to the municipal court. Either appeal must occur within thirty days of the issuance of such decision that the registration and fee apply. Absent the filing of such an appeal, or the request for reconsideration pursuant to Subsection (e) of this section, the registration and fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the director.

(e) *Reinspection and reconsideration; appeal.* Within thirty days of the decision that the registration and fee apply, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration and fee requirement, and then may request a reinspection of the property and a reconsideration of the levy of the registration and fee. If the registration and fee requirement is revoked by the director, no registration shall be required and the notification that registration and the fee were required shall be deemed closed. If the director affirms the registration and fee requirement, the property owner may appeal the decision to the city manager, or his or her designee, or to the municipal court. Either appeal must occur within thirty days of the issuance of such decision

that the registration and fee apply. Absent the filing of such an appeal, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the issuance of the decision of the director.

(f) *Payment of fees; lien and foreclosure.* The registration fee and penalties for delinquent payments of such fees required by this section shall be paid to the director of administrative services or his or her designee. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes, in accordance with RSMo 67.399. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of this chapter have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.

(g) *Violations.* Property owners failing to comply with the requirements of this section may be subject to enforcement in accordance with Section 7-6 of this chapter.

(G.O. 2894, 12-17-18)

Secs. 7-329--7-350. Reserved.

ARTICLE VII. DANGEROUS BUILDINGS***DIVISION 2. DETERMINATION AND PENALTY PROCEDURES****Sec. 7-351. Dangerous buildings designated.**

All buildings or structures which have any or all the following defects shall be deemed dangerous buildings, declared to be a public nuisance and shall be repaired, vacated and repaired or vacated and demolished as provided in this article:

- (1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumbline passing through the center of gravity falls outside of the middle third of its base.
- (2) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members, or 50% of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (3) Those which have improperly distributed loads upon the floors or roofs or in which the floors or roofs are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the city.
- (5) Those which are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those occupying the building.
- (6) Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

- (7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
- (8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

*Cross reference(s)--Nuisances, § 15-26 et seq.

State law reference(s)--Demolition or repair of structures constituting a public nuisance, RSMo 67.400 et seq.

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- (9) Those which because of inadequate construction, deterioration or damages or for any reason are unsafe, unsanitary or dangerous for the purpose for which it is being used.

- (10) Those buildings existing in violation of any provisions of the building code, the fire prevention code or other ordinances of this city.

(Code 1969, § 7-8; G.O. 1580, 12-1-97)

Sec. 7-352. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building inspector in ordering repairs, vacation or demolition of dangerous buildings:

- (1) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated.
- (3) In any case where a dangerous building is 50% damaged, decayed or deteriorated, it shall be repaired or demolished. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this article or any ordinance of this city or statute of the state, it shall be repaired or demolished.

(Code 1969, § 7-10; G.O. 1580, 12-1-97)

Sec. 7-353. Duties of inspector(s).

In the enforcement of this article, inspector(s) shall:

- (1) Inspect or cause to be inspected annually all public buildings, schools, halls, churches, theaters, hotels, tenements and commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of this article. Whenever the chief building official

shall deem it necessary, he/she may request such inspections as are needed to be made by the community services, fire, health, police and/or public works and transportation departments or by any architect or engineer furnished by the department of public works and transportation or employed for such purpose.

- (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- (3) Inspect any building, wall or structure reported, as provided in this article, by the fire, police or health and community services departments as probably existing in violation of the terms of this article.
- (4) Inspect buildings in the city to determine whether they are dangerous buildings within the terms of this article.
- (5) Serve notice of the declaration of nuisance whenever he/she determines that a building or structure is dangerous, which notice shall specify that the property is to be vacated, if such be the case, reconditioned or removed and listing a reasonable time, not exceeding 30 days, to commence the work of reconditioning or demolishing. The notice of declaration of nuisance shall contain a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the building or structure to be put in such condition as to comply with the terms of this article within the time provided for in the notice.
- (6) Report to the chief building official any noncompliance with the notices presented pursuant to this article.
- (7) Appear at all hearings conducted by the chief building official and testify as to the condition of any dangerous buildings.

If an inspector completes an inspection of a building and finds it to be dangerous and in his/her opinion constituting a nuisance, upon approval of such finding ex parte by the chief building official,

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he/she shall place a notice on such building forthwith, reading as follows:

NOTICE

"This building or structure has been found to be a nuisance and a DANGEROUS BUILDING pursuant to the St. Joseph, Missouri, Code of Ordinances Sec. 7-351. This NOTICE is to remain on this building or structure until it is repaired, vacated and repaired or vacated and demolished in accordance with the notice which has been provided the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building or structure, as shown by the records of the Recorder of Deeds of this county.

IT IS UNLAWFUL to remove this NOTICE until such notice is complied with or otherwise ordered removed by the City of St. Joseph, Missouri.

IT IS UNLAWFUL to enter this building or structure without the express written consent of the City of St. Joseph, Missouri, and any person entering shall have in his or her possession a valid right-of-entry form."

However, the approval of the chief building official and the posting of the notice shall not be construed to deprive all persons entitled thereto, by this article, to the notice and hearing prescribed in this subsection.

(Gen. Ord. No. 851, § 1(7-12), 2-4-91, G.O. 1580, 12-1-97)

State law reference(s)—Mandatory provisions, RSMo 67.410(2).

Sec. 7-354. Duties of chief building official.

In the enforcement of this article, the chief building official shall:

- (1) Supervise all inspections required by this article and cause the inspector(s) to make inspections and perform all the duties required of them by this article. Upon receiving a complaint or a report from any source that a dangerous building or structure exists in this city, he/she shall cause an inspection to be made forthwith. If he/she deems it necessary to the performance of his/her duties and responsibilities imposed in this article, he/she may request that an inspection and report be made to him/her by

any other city department or he/she may retain the services of an expert whenever he/she deems such services necessary.

- (2) Upon receipt of a report of an inspector that a notice of declaration of nuisance has not been complied with, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building, as shown by the land records of the recorder of deeds of the county where the land is located, to appear before him in not less than ten days in a full and adequate hearing on the matter, in particular to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated and repaired or vacated and demolished, in accordance with the statement of particulars set forth in the inspector's notice of declaration of nuisance.
- (3) Hold a hearing and hear such testimony as the inspector(s) or the owner, occupant, mortgagee, lessee or any other person having an interest in the building, as shown by the land records of the recorder of deeds of the county where the land is located, shall offer relative to the dangerous building or structure. Any party may be represented by counsel, and all parties shall have an opportunity to be heard.
- (4) After the hearing, if the evidence supports a finding that the building or structure is a nuisance and detrimental to the health, safety or welfare of the residents of the city, issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the city and ordering the building or structure to be demolished and removed or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety or welfare of the residents of the city, no order shall be issued.
- (5) If the owner, occupant, mortgagee or lessee or any other person having an interest in the building, as shown by the land records of the recorder of deeds, fails to comply with the order, cause such building or structure to be

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repaired, vacated and repaired or vacated and demolished as the facts may warrant.

- (6) Report to the city attorney the names of all persons not complying with the declaration of nuisance or order of the chief building official.

(Code 1969, § 7-13; G.O. 1580, 12-1-97; G.O. 1842, 9-4-01)

State law reference(s)—Mandatory provisions, RSMo 67.410(1), (3).

Sec. 7-355. Violation, penalties for disregarding notices or orders.

(a) The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish the building given by any person authorized by this article to give such notice or order shall be guilty of a misdemeanor and upon

conviction thereof shall be fined not less than \$100.00 and not to exceed \$500.00 for each offense and a further sum of not less than \$100.00 and not to exceed \$500.00 for each day such failure to comply continues beyond the date fixed for compliance.

(b) The occupant or lessee in possession who fails to comply with any notice to vacate and anyone having an interest in the building, as shown by the land records of the recorder of deeds of the county where the land lies and under a legal duty to repair, who fails to repair the building in accordance with any notice given as provided for in this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 and not to exceed \$500.00 for each offense and a further sum of not less than \$100.00 and not to exceed \$500.00 for each and every day such failure to comply continues beyond the date fixed for compliance.

(c) Any person removing any notice provided for in Section 7-354 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 and not to exceed \$500.00.

(Gen. Ord. No. 728, § 1(7-14), 10-30-89; G.O. 1580, 12-1-97)

State law reference(s)—Authority to provide penalties for noncompliance or delay, RSMo 67.420.

Sec. 7-356. Entry into dangerous buildings.

(a) No person may enter a building or structure which has been ordered to be vacated without the consent of the chief building official. Such consent shall be shown by a form prepared and executed by the chief building official.

(b) A person may only enter a dangerous building which has been ordered vacated at such times and to take such actions as may be specified by the chief building official in the right of entry form. A person may not perform activities which are not authorized by the chief building official.

(c) A person entering a dangerous building pursuant to a right of entry form executed by the chief building official shall keep that form on his/her person while in the building or structure. Upon request, the person shall present that form to any city official for inspection.

(d) The chief building official shall include a right of entry form with notices of declaration of nuisance sent by the inspector(s) pursuant to Section 7-353. A copy of a right of entry form shall carry the same force and effect as the original. The holder of a right of entry form may assign his or her interest by so designating on the form. A valid building permit issued by the city shall also act as a right of entry form for the particular dangerous building or structure for which it was issued.

(Code 1969, § 7-15; G.O. 1580, 12-1-97)

Sec. 7-357. Notice.

The notice of declaration of nuisance or order of the chief building official shall be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, service may be had by publication. The notice shall inform the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the recorder of deeds of the county wherein the land is located, that they are and shall be made parties to the notice.

(Code 1969, § 7-16; G.O. 1580, 12-1-97)

Sec. 7-358. Administrative liability.

No officer, agent or employee of the city shall render himself/herself personally liable for any damage that may accrue to any person or property

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as a result of any act required or permitted in the discharge of his/her duties under this article. Any suit brought against any officer, agent or employee of the city as a result of any act required in a discharge of his/her duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.

(Code 1969, § 7-17; G.O. 1580, 12-1-97)

Sec. 7-359. Reserved.

Sec. 7-360. Emergency repair, vacation or demolition.

If it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building is immediately repaired, vacated and repaired or vacated and demolished, an inspector shall report such facts to the chief building official, who may cause the immediate repair, vacation or demolition of such dangerous building.

(Code 1969, § 7-19; G.O. 1580, 12-1-97; G.O. 2801, 12-7-15)

State law reference(s)--Authority to so provide, RSMo 67.440.

Sec. 7-361. Authority to close sidewalks, streets, other places.

(a) When necessary for the public safety, the director of public works and transportation may temporarily close sidewalks, streets and places adjacent to such unsafe and dangerous buildings or structures and prohibit the sidewalks, streets and places from being used upon request of the chief building official.

(b) When necessary for the public safety or for occupants, the chief building official may temporarily close buildings and structures adjacent to dangerous buildings.

(Code 1969, § 7-20; G.O. 1580, 12-1-97)

Sec. 7-362. Appeals.

Interested parties may appeal the determination of the chief building official under the provisions of this article to the appropriate circuit court as established in RSMo Chapter 536.

(Code 1969, § 7-21; G.O. 1580, 12-1-97)

State law reference(s)--Authority to authorize appeals, RSMo 67.430.

Sec. 7-363. Cost of performance.

Where the chief building official has issued an order whereby the dangerous building or structure is demolished or repaired, the cost of performance shall be certified to the director of finance, who shall cause a special tax bill therefor against the property to be prepared and collected as in the manner of collecting taxes. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

(Gen. Ord. No. 830, § 1(7-22), 10-15-90; G.O. 1580, 12-1-97)

State law reference(s)--Mandatory provisions, RSMo 67.410(5), (7).

Sec. 7-364. Insurance proceeds used for demolition.

If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss and if the covered claim payment is in excess of 50% of the face value of the policy covering a building or other structure, the following procedure shall apply:

- (1) The insurer shall withhold from the covered claim payment 25% of the covered claim payment and shall pay that amount to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this section. If a special tax bill or assessment is issued by the city for the expenses of demolition of such building as a dangerous building, the monies held by the city shall be applied toward payment of the special tax bill or assessment. If there is any excess, it shall be paid by the city to the insured or as the terms of the policy, including any endorsements thereto, provide.
- (3) The city shall release the proceeds and any interest which has accrued on such proceeds received under Subsection (1) of this section to the insured or as the terms of the policy and endorsements thereto provide within 30 days after receipt of such insurance monies, unless the city has

instituted legal proceedings under the provisions of Sections 7-354 and 7-355. If the city has proceeded under the provisions of Sections 7-354 and 7-355, all monies in excess of that necessary to comply with the provisions of Sections 7-354 and 7-355 for the removal of the building or structure, less salvage value, shall be paid to the insured.

- (3) The city may certify that, in lieu of payment of all or part of the covered claim payment under this section, it has obtained satisfactory proof that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the city shall issue a certificate within 30 days after receipt of proof to permit covered claim payment to the insured without deduction. It shall be the obligation of the insured or other person making claim to provide the insurance company with the written certificate provided for in this subsection.

- (4) No provision in this section shall be construed to make the city a party to any insurance contract.

(Code 1969, § 7-23; G.O. 1414, 6-3-96; G.O. 1580, 12-1-97)

State law reference(s)—Similar provisions, RSMo 67.410.2.

Sec. 7-365. Salvage of historic significant contents and other contents.

(a) Whenever the chief building official has issued an order whereby a dangerous building is to be demolished pursuant to this article, he/she shall request a consent to demolition from the owner of the building. On the consent to demolish, he/she shall include language whereby the owner relinquishes all rights to the contents of the structure, allowing the city to salvage historic significant contents and other contents having salvage value.

(b) After the signing of the consent to demolish, the chief building official shall use whatever sources which are available to him/her to determine the historically significant contents and other contents having salvage value of those buildings to be demolished. The chief building official shall then use whatever means available to him/her to oversee the removal of such historically significant contents and other contents having salvage value and store

them at a facility designated by the chief building official. The chief building official shall then prepare a detailed list of such property and send it to the city purchasing agent.

(c) The city purchasing agent shall determine when it is necessary to sell property, as required pursuant to this section. The purchasing agent shall prepare a complete and detailed list of all property to be included in a notice of sale. The notice of sale shall be published at least one time five days prior to the sale in a newspaper published in the city. The sale of all such property shall be by public auction at the time and place set out in the notice of sale. The purchasing agent, as agent of the director of finance, shall reserve the right to reject any and all bids submitted at the auction.

(d) The proceeds from such sale shall be deposited in the general fund; account number 001-9797-98988-5075, "salvage/historic," to be appropriated solely for long range planning historic preservation. (Code 1969, § 7-24; G.O. 1580, 12-1-97)

Sec. 7-366. Legal vacant dangerous buildings - permits.

(a) The owner of a dangerous building which has been ordered repaired or demolished due to an existing violation of the city's building code or any other applicable provision of this code may apply to the chief building official for a permit to allow the building to remain vacant without pending action to repair or demolish it. If the chief building official, after inspection, determines that allowing the dangerous building to remain vacant, subject to the conditions of this section, and such permit, will not jeopardize the public health, safety and welfare, he/she may issue said permit to the applicant for a period not to exceed six months, subject to renewal.

(b) A permit for a legal vacant dangerous building may be issued only when the building is fully secured and, as such, represents no threat to the public health, safety and welfare.

(c) Should the condition of any permitted legal vacant building change such that, in the sole opinion of the chief building official, the building jeopardizes the public health, safety and welfare, the chief building official shall revoke the permit and order the dangerous building repaired or demolished. If the permit holder violates any condition of the permit, the chief building official

may revoke the permit and order the dangerous building repaired or demolished.

(d) Permits for legal vacant dangerous buildings issued by the chief building official shall have a \$200.00 semi-annual permit fee. The semi-annual permit fee shall be prorated for applications of less than six months, with the minimum fee being \$100.00.

(G.O. 1580, 12-1-97; G.O. 1787, 9-5-00)

Sec. 7-367. Enforcement by administrative building citation.

Any violation of any section of this article may be enforced by the issuance of an administrative building citation in accordance with the provisions set forth in Chapter 2.

(G.O. 2832, 5-22-17)

Secs. 7-368--7-379. Reserved.

DIVISION 2. HISTORIC REVIEW OF BUILDINGS OR STRUCTURES

Sec. 7-380. Intent and Purpose.

This ordinance is adopted for the purpose of protecting the historic and aesthetic character of the city by preserving, rehabilitating, or restoring – when possible, buildings, structures, and archeological sites which constitute the distinctive character of the city, thereby promoting the public welfare and preserving the cultural heritage of the city and limiting the detrimental effect of demolition on the character of the town.

The intent of this ordinance is to establish a waiting period to provide an opportunity to develop preservation solutions for properties facing demolition; to provide the public an opportunity to comment on the demolition of a particular building; and to minimize the number and extent of building demolitions where no immediate re-use of the site is planned.

Through this ordinance, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate, or restore such buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods this ordinance promotes the public welfare by making the city a more attractive and desirable place in which to live and work.

(G.O. 2987, 6-14-21)

Sec. 7-381. Definitions.

As used in this article, in the those building standard codes specifically adopted in this chapter and elsewhere in this code, unless the context otherwise indicates, the terms used herein shall be defined as follows:

- (1) *Applicant*. Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application her/his assent to the filing of the application.
- (2) *Application*: An application for the demolition of a building.
- (3) *Building*: Any combination of materials forming a shelter for persons, animals or property. Use the defined term “structure”.
- (4) *Chief Building Official*: The person occupying the office of chief building official or otherwise authorized to issue demolition permits.
- (5) *Demolition*: Any act of pulling down, destroying, removing, dismantling, or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.
- (6) *Demolition Permit*: The building permit issued by the chief building official for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.
- (7) *Historic Preservation Planner*: The person occupying the office of the historic preservation planner or otherwise authorized to carry out the responsibilities of that office.
- (8) *Preferably Preserved*: Any building over 100 years of age which the historic preservation planner has determined to be in the public interest to preserve rather than demolished. A preferably preserved building is subject to the 12-month demolition delay period of this ordinance.

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- (9) *Regulated Buildings, Structures, and Sites:*
 The provisions of this ordinance shall apply to buildings, structures, or sites which are 100 or more years old as determined by extant documentation including, but not limited to: building permits, city directories and Sanborn Maps. Any structure where the date of construction is unknown shall be assumed to be 100 years old for the purposes of the demolition delay ordinance.

(G.O. 2987, 6-14-21)

Sec. 7-382. Historic Permit Process.

The historic preservation planner shall be notified of each demolition permit application for a building, structure or site in the city. Within five business days of notification the historic preservation planner shall determine if the permit pertains to a building identified in the regulated buildings, structures and sites section of this ordinance. If the building is not covered by the regulated buildings section, the permit shall be issued. If the historic preservation planner determines that the building is covered by the regulated buildings section, the historic preservation planner shall notify the applicant in writing within ten business days of the filing of the application of this action. No demolition permit shall be issued at this time. If the historic preservation planner does not make the determination within ten business days, the chief building official may proceed to issue the demolition permit.

(G.O. 2987, 6-14-21)

Sec. 7-383. Public Notice.

The historic preservation planner shall provide public notice of the demolition delay and provide opportunity for public comment on the delay.

(G.O. 2987, 6-14-21)

Sec. 7-384. Process.

Within 60 days of the notification to the applicant, the application for the demolition permit shall submit to the historic preservation planner a demolition plan containing the following information:

- (1) The owner’s name, address, telephone and email. This shall include principals of the applicant submitting the application (ie.

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trustees and beneficiaries of realty trusts, officers and stockholders of corporations).

- (2) A map showing the location of the building, structure or site to be demolished with reference to lot lines and clearly indicating neighboring buildings and structures; and
- (3) Photographs of the building, structure or site clearly showing all elevations; and
- (4) The justification for the proposed demolition; and
- (5) A reuse plan for the parcel on which the building, structure, or site to be demolished is located.

(G.O. 2987, 6-14-21)

Sec. 7-385. Historic Preservation Planner Review.

Upon receipt of the demolition plan, the historic preservation planner shall confer with appropriate members of city staff and/or boards and commissions to determine if the demolition of the structure will have an adverse effect on the historic character of the city. The historic preservation planner shall notify the applicant of that determination no later than 30 days following the receipt of the plan. If the historic preservation planner determines that the demolition of the property or any part thereof, would be detrimental to the historic character of the city, such building, structure, or site shall be considered a preferably preserved building and the historic preservation planner shall produce a written report that shall include:

- (1) A description and history of the property; and
- (2) Justification for the designation as a preferably preserved building; and
- (3) A preservation plan for the building.

(G.O. 2987, 6-14-21)

Sec. 7-386. Possible Stay of Issuance of Demolition Permit.

If, following the demolition plan review, the historic preservation planner determines that the building, structure or site is a preferably preserved building, then no demolition permit shall be issued

for a period of 12 months from the date of the filing of the historic preservation planner's report unless the historic preservation planner informs the chief building official that it is satisfied that the applicant has made a bona fide, reasonable, and unsuccessful effort to locate a purchaser for the preferably preserved building who is willing to preserve, rehabilitate or restore the building.
(G.O. 2987, 6-14-21)

Sec. 7-387. Preferably Preserved Building Owner Responsibility.

Once a building, structure or site is designated as a preferably preserved building, the owner shall be responsible for properly securing the building or structure in compliance with city code. Should the owner fail to secure the building or structure, the loss of such through fire or other cause shall be considered voluntary demolition and all non-compliance penalties shall apply.
(G.O. 2987, 6-14-21)

Sec. 7-388. Emergency Demolition.

If the chief building official determines that the building for which a demolition permit has been requested poses a serious and imminent threat to the public health or safety, the chief building official shall notify the historic preservation planner and the applicant in writing of this determination and the currently established city protocols for emergency demolition shall be followed.
(G.O. 2987, 6-14-21)

Sec. 7-389. Non-Compliance by Owner.

Anyone who demolishes a building, structure or site that has been designated a preferably preserved building or who demolishes a building, structure or site without first applying for and complying with a city issued demolition permit shall be subject to a fine of \$400.00. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished preferably preserved building is completed or unless otherwise agreed to by the historic preservation planner. In addition, unless a demolition permit was obtained for such demolition, and unless such a permit was fully complied with, no building permit shall be issued pertaining to any parcel on which a building or structure identified in the regulated buildings section of this ordinance has been demolished for a period of five years after the date of demolition.

Notwithstanding the foregoing, when the historic preservation planner shall, on its own initiative, or on an application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this ordinance better serves the intent and purpose of this ordinance, it may, prior to the expiration of said five year period, authorize the chief building official in writing to issue a permit upon such conditions as the historic preservation planner deems necessary or appropriate to effectuate the purposes of this ordinance. Upon issuance of such written authorization by the historic preservation planner to the chief building official, and compliance of the landowner with the conditions, if any, of such authorization, the building permit moratorium shall cease, provided that future permit applications for the premises shall be subject to applicable provisions of this ordinance.
(G.O. 2987, 6-14-21)

Sec. 7-390. Appeals.

Any person aggrieved by the determination of the historic preservation planner may, within 30 days, appeal to the landmark commission. The landmark commission shall conduct an on the record hearing within 30 days taking into consideration all relevant evidence and shall make an on the record decision of the historic preservation planner determination. The landmark commission may affirm the determination of historic preservation planner, affirm in part and modify in part the determination of the historic preservation planner or rescind the determination of the historic preservation planner if it finds the decision to be unsupported by substantial and competent evidence or if it determined the historic preservation planner exceeded his/her authority as the historic preservation planner.
(G.O. 2987, 6-14-21)

ARTICLE VIII. SCHEDULE OF FEES AND PERMITS

Sec. 7-400. Building fee schedule.

The following is a schedule of the building permit fees (permits are required for each address and unit or apartment):

- (1) *New buildings in excess of 120 square feet:*

- a. Commercial:
- \$63.00 application fee, plus permit fee calculated using BOCA formula:
- Gross area square footage x gross area modifier (80.85 for average cost per square foot as defined by BOCA) x Type of Construction (a factor provided in the most recent BOCA table) x Permit Fee Modifier (the amount calculated to take into account total annual city construction value divided into total expenditures for property development) (sq ft x 80.85 x [cf] x .002) (see Table 1A [on file in the office of the city clerk]).
- b. Residential:
- \$31.50 application fee, plus permit fee calculated using BOCA formula (sq ft x 80.85 x [cf] x .0021) (see Table 1A [on file in the office of the city clerk]).
- (2) *Repairs or alterations to buildings.*
- a. Commercial: \$63.00 permit application fee plus square feet x 80.85 x Type of Construction Factor x \$0.002 (see Table 1A [on file in the office of the city clerk]).
- b. Residential: \$31.50 permit application fee plus square feet x 80.85 x Type of Construction Factor x \$0.0021 (see Table 1A [on file in the office of the city clerk]).
- c. Residential roofing: \$63.00 permit fee.
- d. Commercial roofing: \$63.00 permit fee. Permit fee plus square feet x 80.85 x 0.40 x 0.0008 when over 400 sf.
- (3) *Moving building.*
- a. On or across a public thoroughfare, except as provided in subsections (4)b. and c. of this section, \$115.00.
- b. Not exceeding 12 feet in width, 24 feet in length and 10 feet in height, \$34.13.
- c. From one lot to another, without moving over a public thoroughfare or from one location on a lot to another location on the same lot, \$27.30.
- (4) *Wrecking and demolitions (commercial and residential).*
- a. One-story structures, \$63.00.
1. Each additional story, \$26.25.
 2. Accessory garages, \$26.25.
 3. Other accessory structures, \$26.25.
- b. Miscellaneous/partial demolition work, or structures other than buildings, \$26.25.
- c. A separate permit shall be required for each building or structure located on the same property.
- (5) *Certificate of occupancy.*
- a. Where required by this code, or requested by owner, a certificate of occupancy shall be issued prior to the occupancy of a structure as follows. This fee includes a walk-through inspection by the fire and building inspectors if required. Additional fees may be required when health inspections are necessary.
1. Residential, \$26.25.
 2. Commercial, \$52.50.
- b. When required by this code or requested by owner a certificate of completion will be issued as follows:
1. Residential, \$26.25.
 2. Commercial, \$52.50.
- (6) *Plan review.*
- a. Where a plan review is required for any reason, fees shall be collected for such plan review as follows:
1. Where plans must be examined or structural analysis made to determine the suitability of the construction for the proposed occupancy.
 - i. Residential - \$31.50 base fee only.
 - ii. Commercial - \$63.00 base fee, plus commercial buildings in excess of 1,200 square feet and the following if applicable:

- a) Structural review: Square feet x 80.85 x Construction Factor x .001 (see Table 1A [on file in the office of the city clerk]).
 Plus for each foot of height, per foot, \$1.05.
- b) Electrical review: .2625 of structural review amount.
- c) Plumbing review: .2625 of structural review amount.
- d) Mechanical review: .2625 of structural review amount.
- e) Accessibility review: .1575 of structural review amount.
- f) Fire suppression review: .1575 of structural review amount.
- c. Other miscellaneous structures, parking lots, not classified elsewhere:
 - 1. Permit application fee: \$63.00.
 - 2. Plus, square foot x .007875.

(8) *Other fees.*

- a. Elevators:
 - 1. Inspection of new shaft, \$63.00 base fee, plus:

(Additional plan review fees to cover health permits may apply. See Chapter 17 of this code.)

(7) *Miscellaneous construction permit fees.*

- a. Retaining walls:
 - 1. Walls four feet high measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquid, but less than 60 inches high, first 100 lineal feet or fraction thereof, \$26.25.

 Each additional lineal foot in excess of 100 lineal feet, per foot, \$0.525.
 - 2. Walls over 60 inches high above grade on low side, first 100 lineal feet or fraction thereof, \$52.50.

 Each additional lineal foot in excess of 100 lineal feet, per foot, \$0.7875.

 Note: All walls are treated as line segments. The segment division is conducted at the height differential plus or minus 60 inches above grade. You will be charged a base fee for each segment, if applicable.
- b. Commercial towers and structures, antennas:
 - 1. \$63.00 permit application fee.

- i. Contract or cost amounts \$0 through \$40,000, \$69.82.
- ii. Contract or cost amounts \$40,001 through \$80,000, \$2.31 per \$1,000 valuation.
- iii. Contract or cost amounts \$80,001.00 and above, or part thereof, \$1.155 per \$1,000 valuation.

b. The fees to be charged for work not listed in this section and for plumbing, electrical work, boilers and other mechanical work are set forth in the provisions of this Code applying to such work.

(9) *Signs.* The fees for signs and similar structures shall be as follows:

- a. Ground signs, pole or pylon sign, \$78.75.*
- b. Roof signs, \$78.75.
- c. Fascia signs, \$78.75.
- d. Commercial signs, projecting over public property, \$78.75.

For the construction/erection of structures involved with signage, permit issuance fee of \$63.00.

- e. Commercial billboards:
 - 1. Equal to or less than 200 square feet, \$78.75.
 - 2. Over 200 square feet, \$315.00.

For the construction/erection of structures involved with signage, permit issuance fee of \$63.00.

f. Temporary signs, \$40.00.

*Exemption for payment of fees for neighborhood watch groups: Neighborhood watch groups, defined as a self-help crime prevention program operated by volunteering citizens in a specific neighborhood, shall be exempt from payment of a fee for the issuance of a permit to erect a pole and/or sign indicating that the posted area is participating in the neighborhood watch group program. Said permit shall be issued only after the chief of police has verified, in writing to the chief building official, that the

applicant for said permit represents a neighborhood watch group.

(10) *Fences.* The fee for fences shall be as follows:

- a. Residential - \$31.50.
- b. Commercial - \$63.00.

(11) *Swimming pools and spas.* The fees for swimming pools and spas shall be as follows:

- a. One- and two-family dwellings (residential) \$47.25 each.
- b. Multiple-family dwellings, motels and hotels (commercial):

- 1. Pools - \$63.00.
- 2. Spas - \$63.00.

(Additional permit fees to cover health permits may apply. See Chapter 17 of this code.)

(12) *Archiving fees.* The fees for archiving permit-ready plans shall be as follows:

- a. Residential new home - \$10.00 base fee.
- b. Commercial - \$20.00 base fee plus \$1.00 per page for plans in excess of ten pages.

Archiving fees may be waived by the chief building official upon a determination that an electronic version of the building plan review and inspection file contains sufficient documentation to satisfy the record retention policy of the State of Missouri.

(G.O. 1940, 6-9-03; G.O. 1970, 9-29-03; G.O. 2144, 12-5-05; G.O. 2262, 11-19-07; G.O. 2725, 3-17-14; G.O. 2830, 4-24-17)

Sec. 7-401. Electrical fee schedule.

The following is a schedule of the electrical fees (permits are required for each address and unit or apartment):

- (1) *Examination and license fees for master electrician.*
 - a. With application for examination, \$62.00.
 - b. License, \$148.00.

- c. Renewal, \$148.00 (all licenses are good for one year and will expire on December 31st of each year).
- d. License photo identification card. All electricians shall have a city issued license on their person while working under said license. Licensee shall present this identification card upon request by any city officer, inspector or official. Failure to present said license shall constitute a violation, be subject to the penalties outlined under Section 7-6 of this chapter and constitute grounds for suspension or revocation of said license by the building official. The fee for said license photo identification card shall be:

- 1. New issue: \$12.00
- 2. Replacement card: \$10.00

(2) *Fees for permits and inspections.* The following schedule of fees for permits and inspections of electrical work shall be in effect:

- a. New and existing construction /additions/upgrades/alterations:
 - 1. Commercial/industrial: \$63.00 base fee plus \$0.52/ampere - new construction and \$0.315/ampere - existing construction.
 - 2. Residential (R3 residential, each apartment or house): \$31.50 base fee plus \$0.42/ampere - new construction and \$0.315/ampere - existing construction.
- b. Signs and outline lighting, each, \$31.50 base fee plus, \$0.525/ampere. All signs must be inspected before installation.
- c. Temporary service. For construction purposes, fairs, carnivals, exhibitions and similar purposes, \$63.00.
- d. For relocation of existing electrical equipment, a flat fee of \$31.50 will be applied. Where multiple relocations are required at the same address, an additional \$5.25/panel, meter, section, etc. will be applied.

(G.O. 1940, 6-9-03; G.O. 1970, 9-29-03; G.O. 2144, 12-5-05; G.O. 2262, 11-19-07; G.O. 2315, 12-15-08)

Sec. 7-402. Mechanical fee schedule.

The following is a schedule of the mechanical fees (permits are required for each address and/structure or apartment):

- (1) *Mechanical permits* (both subsections a and b below apply).
 - a. A permit base fee shall apply as follows:
 - 1. All commercial/industrial - \$63.00 issuance fee per permit, plus Subsection c below.
 - 2. All residential - \$31.50 issuance fee per permit, plus Subsection b below.
 - b. For the installation or replacement of residential AC units, furnaces (gas or electric), heat pumps (count as one unit) and fireplaces, the fee will be \$26.25 per unit.
 - c. For the installation of commercial and mechanical systems/equipment as follows:

Heating and cooling combination units will be charged both 1 and 2 below.

 - 1. Heating - \$0.000315 per BTU
 - 2. HVAC (air conditioning) - \$5.25 per ton.
 - 3. Boiler - \$0.525 per HP (horsepower).
 - 4. Fireplace construction - \$31.50 flat fee.
 - 5. Electric furnace/boiler - \$1.05/KW.
 - d. Periodic inspections:
 - 1. Low pressure vessels - \$78.75/inspection (biannually).
 - 2. High pressure vessels - \$105.00/inspection (annually)
 - e. Air handlers, ducts, fans:
 - 1. Commercial - \$63.00 base fee only, plus Subsection (c) above, if applicable.
 - 2. Residential - \$31.50 base fee only.

(G.O. 1940, 6-9-03; G.O. 1970, 9-29-03; G.O. 2144, 12-5-05; G.O. 2262, 11-19-07; G.O. 2315, 12-15-08; G.O. 2321, 4-6-09)

Sec. 7-403. Plumbing fee schedule.

The following is a schedule of the plumbing fees (permits are required for each address and unit or apartment):

(1) *Examinations for licenses.*

- a. Examination fee, master plumber's license, \$100.00.
- b. Examination fee, journeyman plumber's license, \$62.00.

(2) *Plumber's license.*

- a. License certificate, master plumber, \$148.00.
- b. License certificate, journeyman plumber, \$37.00.
- c. Registration fee for apprentices, \$25.00 (all licenses are good for one year and will expire on December 31st of each year).
- d. License photo identification card. All plumbers shall have a city issued license on their person while working under said license. Licensee shall present this identification card upon request by any city officer, inspector or official. Failure to present said license shall constitute a violation, be subject to the penalties outlined under Section 7-6 of this chapter and constitute grounds for suspension or revocation of said license by the building official. The fee for said license photo identification card shall be:

- 1. New issue: \$12.00
- 2. Replacement card: \$10.00

(3) *Other fees; permits and inspections* (both subsections a and b below apply).

- a. Permit issuance base fee:
 - 1. Commercial - \$63.00.
 - 2. Residential - \$31.50.
 - 3. Residential hot water heater replacement - \$15.00.

This reduced flat fee is for the replacement of an identical hot water heater in any residential unit, either a single family dwelling or residential apartment unit, when no other work

is involved. This does not apply to tankless hot water heater replacements.

b. Plus applicable items below:

- 1. Each plumbing fixture, appliance and waste discharging device:
 - i) Commercial - \$7.87/each.
 - ii) Residential - \$6.82/each
- 2. Sewer (new or repair):
 - i) Commercial - \$26.25.
 - ii) Residential - \$21.00.
- 3. Water service (new or repair):
 - i) Commercial - \$26.25.
 - ii) Residential - \$21.00.
 - iii) Temporary - \$52.50.
- 4. Back flow prevention devices:
 - i) Commercial - base fee \$63.00 plus \$5.25 per diameter inch.
 - ii) Residential - base fee \$31.50.

(4) *Gas piping issuance fees* (applies to each service and/or each permit issued):

- a. Commercial: \$63.00.
- b. Residential: \$31.50.
- c. Residential hot water heater replacement: \$15.00.

This reduced flat fee is for the replacement of an identical hot water heater in any residential unit, either a single family dwelling or residential apartment unit, when no other work is involved. This does not apply to tankless hot water heater replacements.

Plus for each of the following appliances: furnace (floor, wall, force air, or circulator), boiler, unit heater, range, fireplace, refrigeration unit, water heater, clothes dryer, gas air conditioner, barbecue grill, gas lights:

- a. Commercial: \$4.20.
- b. Residential: \$3.15.

(5) Residential boiler installation permit fee: base fee plus \$21.00

(G.O. 1940, 6-9-03; G.O. 1970, 9-29-03; G.O. 2144, 12-5-05; G.O. 2262, 11-19-07; G.O. 2315, 12-15-08; G.O. 2726, 4-14-14)

Sec. 7-404. Other fees for plumbing, electrical, mechanical and building work.

(a) A re-inspection fee of \$26.25 for each trip for residential and \$52.50 for each trip for commercial/industrial is required when extra inspections are necessary due to any of the following reasons:

- (1) When wrong address is given.
- (2) When work is not ready for inspection when called.
- (3) When work is not installed in compliance with this article.

(b) Fees for inspections required by this article other than outlined in this section, \$52.50.

(c) Complete walk-through inspections (building, plumbing, mechanical and electrical), \$105.00.

(d) *Special inspections.* Inspections made anytime other than normal working hours, 8:00 a.m. - 5:00 p.m., Monday through Friday, will result in an additional fee of \$26.25 per quarter hour of inspection time with a minimum charge of one hour of labor in addition to the permit cost. The minimum fee must be prepaid at the time the inspection is scheduled. If the inspection exceeds one hour, permittee will be billed by mail for the difference. If the inspection is not canceled within 24 hours of the scheduled time, there will be no refunds.

(e) *Fire suppression systems permits and inspections.* For the installation, alteration or replacement of any fire suppression systems - \$63.00 flat fee, plus

- (1) 11-500 heads x .42 each.
- (2) 501 + heads x .21 each.

(f) *Lawn and irrigation systems.* Lawn irrigation permit of \$31.50 plus a plumbing permit (see Section 7-403(3)b.4).

(G.O. 1940, 6-9-03; G.O. 1970, 9-29-03; G.O. 2144, 12-5-05; G.O. 2262, 11-19-07; G.O. 2262, 11-19-07; G.O. 2321, 4-6-09; G.O. 2727, 4-14-14)

Sec. 7-405. Penalties.

(a) Any person who commences any permit required work on a building, structure, electrical, gas, mechanical or plumbing system before first obtaining the necessary permits shall be charged double the normal required permit fee. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties presented herein. Citations in accordance with Section 7-6 may also be issued.

(b) If a permit application is found to be willfully fraudulent, the permit fees will be doubled. Citations in accordance with Section 7-6 may also be issued.

(G.O. 2262, 11-19-07)

Sec. 7-406. Permit exempt work

Work exempt from permit. Exemptions from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter, its sections, the adopted codes or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

- (1) Residential and commercial buildings:
 - a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
 - b. Oil derricks.
 - c. 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 over its entire length, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
 - d. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
 - e. Sidewalks, driveways and residential patios not more than 30 inches (762 mm) above adjacent grade, not constructed over any basement or story below, are not part of an accessible route and not within the public or city right of way.

- f. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- g. Replacement of existing windows and doors with identically sized units as long as they are not fire rated or adversely affect the building's egress systems.
- h. Temporary motion picture, television and theater stage sets and scenery.
- i. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
- j. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- k. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- l. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall, do not extend over the public right-of-way and do not require additional support of Group R-3 and U occupancies.
- m. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- n. Residential roof repairs or alterations when affecting less than 25% of the roof.

(2) *Electrical systems:*

- a. Listed cord and plug connected temporary decorative lighting.
- b. Reinstallation of attachment plug receptacles, but not the outlets therefore.
- c. Repair or replacement of branch circuit over-current devices of the required capacity in the same location.
- d. Temporary wiring for experimental purposes in suitable experimental laboratories.
- e. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- f. Minor repair work, including the replacement of lamps, light fixtures,

switches, receptacles for R-3 occupancies or one or two family dwellings, or the connection of approved portable electrical equipment to approved permanently installed receptacles as long as replacements are identical in general design and capacity and existing electrical system is not modified or rendered unsafe. For anything other than R-3 occupancies or one and two family dwellings, the replacement of light fixtures, switches and receptacles are only exempt when performed by the building and/or business owner's full-time, competent maintenance staff and light fixture replacements shall not exceed 10% of each floor's total light fixtures per year.

- g. Installation of Ground Fault Current Interceptors (GFCIs) within existing electrical outlet boxes as long as they do not render the system unsafe nor modify the design capacity of the electrical circuit.
- h. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- i. Signals and Control Systems: A permit shall not be required for the installation, alteration or repair of electrical equipment for the operation of signals or the transmission of intelligence by wire.
- j. Temporary testing systems: No permit is required for any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus; but this exception shall not include any permanent wiring which is not required for the testing purposes.

(3) *Gas systems:*

- a. Portable heating appliance.
- b. Replacement of any minor part or component that does not alter approval of equipment or make such equipment unsafe.

(4) *Mechanical systems:*

- a. Portable heating appliance.
- b. Portable ventilation appliances and equipment.
- c. Portable cooling unit.
- d. Steam, hot or chilled water piping within any heating or cooling equipment or appliances regulated by this code.
- e. Replacement of any minor part that does not alter its approval or make it unsafe to include motors of one horsepower and less, humidifiers and dehumidifiers with units of like size and type.
- f. Portable evaporative cooler.
- g. Self-contained refrigeration system containing ten pounds (5 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- h. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- i. Replacement of ductwork with the same size and type ductwork for units five tons and less.
- j. Flue pipe repairs to include single section replacements of like size and type.
- k. Replacement of condensate units, with like size and capacity as long as there are no modifications to any plumbing systems.
- l. Replacement of pressure and temperature valves and controls with like type units for R3 – one and two family dwellings.

(5) *Plumbing systems:*

- a. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of non-pressurized tank-

type toilets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

- c. Replacement of faucets, showerheads, sinks and non-pressurized tank-type toilets with like units in the exact same location without having to modify any of the existing plumbing system.
- d. Subsoil drains around the perimeter of one & two family homes.

(G.O. 2262, 11-19-07; G.O. 2401, 8-23-10; G.O. 2435, 7-25-11; G.O. 2775, 6-8-15)

Sec. 7-407. Reserved.

Sec. 7-408. Individual trade licensing fees.

(a) *Individual licenses:*

(1) Class IM - mechanical trade licenses:

a. Master's license:

- i. New..... \$50.00
- ii. Renewal..... \$50.00

b. Journeyman's license:

- i. New..... \$40.00
- ii. Renewal..... \$40.00

c. Apprentice/intern registration:

- i. New..... \$30.00
- ii. Renewal..... \$30.00

(2) Class IO - plant operating engineer's licenses:

a. Power engineer (chief, 1st, 2nd, 3rd & 4th class) license:

- i. New..... \$50.00
- ii. Renewal..... \$50.00

b. Boiler and HVAC plant operator (high pressure, 1st & 2nd class) license:

- i. New..... \$40.00
- ii. Renewal..... \$40.00

c. Ammonia refrigeration plant operator (1st, 2nd & 3rd class) license:

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- i. New\$40.00
 - ii. Renewal.....\$40.00
- d. Power engineer (5th class) and boiler plant operator (low pressure) license:
- i. New\$30.00
 - ii. Renewal.....\$30.00

(b) *Multiple license applications.* The highest trade fee plus a \$25.00 fee for each new additional license shall be paid. For renewals, the highest trade fee plus a \$25.00 fee for each additional license shall be paid.

For example: An individual desires to keep their master mechanical license and get a Class IO, high pressure steam license. They would be charged \$50.00 for the highest base fee which is for the Class IM license and \$25.00 for the Class IO license or a total fee of \$75.00.

(c) Late renewal penalty.....\$75.00

(d) The grandfathering application fee will be the same as the renewal fee for each license requested. Multiple license provisions will apply to grandfathering as well.
(G.O. 2321, 4-6-09)

Sec. 7-409. No permits for contractors with violations.

No new permits shall be issued to a contractor where the contractor has any outstanding written violation notices which have not been corrected or appealed to the appropriate board as defined in this chapter. A contractor shall have ten days to appeal a violation notice. In the event of an appeal, action by the customer assistance department shall be stayed pending the outcome of the board's decision. If a commercial or multifamily building is occupied while there are outstanding violations against the premises, the customer assistance department may cause the discontinuance of utility services thereto.
(G.O. 2321, 4-6-09)

ARTICLE IX. EXISTING BUILDING CODE

Sec. 7-410. Existing building code adopted.

(7/1/21)

The International Existing Building Code, 2018 edition (2018 IEBC), including Appendix B as published by the International Code Council, Inc., be, and hereby is, adopted as the Existing Building Code for the City of St. Joseph, Missouri, of which two copies are on file in the office of the city clerk, for the purpose of regulating and governing the design, repair, alteration, equipment, demolition, removal, conversion, change of occupancy or use, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and the collection of fees therefore; and each and all regulations, provisions, penalties, conditions and terms of said Existing Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in Section 7-411 of this article.
(G.O. 1986, 11-10-03; G.O. 2231, 5-7-07; G.O. 2664, 12-10-12; G.O. 2869, 7-2-18)

Sec. 7-411. Amendments and changes to the existing building code.

The International Existing Building Code (IEBC), as adopted in Section 7-410, is changed by the following insertions, additions and deletions:

(1) *Section 101 General.* The IEBC, Section 101, General, is amended by deleting Subsection 101.1 and substituting the following:

101.1. Title. These regulations shall be known as the existing building code of the City of St. Joseph, Missouri, hereinafter referred to as “this code.”

(2) *Section 105. Permits.* The IEBC, Section 105, Permits, is amended by deleting Subsection 105.2.

(3) *Section 106 Construction Documents.* The IEBC, Section 106, Construction Documents, is amended by adding the following:

106.7 Design professional. The construction documents for new construction, alteration, repairs, expansion, addition or modification for buildings or structures shall be prepared by a Missouri registered design professional as required by the Missouri Board for

Architects, Professional Engineers and Land Surveyors.

- (4) *Section 108 Fees.* The IEBC, Section 108, Fees, is amended by deleting Subsections 108.2, 108.4 and 108.6 and substituting the following:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid in accordance with Article VIII, schedule of fees, Sections 7-400 through 7-404 of the Code of Ordinances of the City of St. Joseph, Missouri.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before first obtaining the necessary permits shall be charged double the normal required permit fee. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties presented herein.

108.6 Refunds. Fees collected under the above sections shall be refunded where such work has not been commenced prior to the abandonment thereof, and the permit has not expired by time limitations; however, if any such work has been commenced, and then abandoned, or where a permit has expired after work has commenced or where a permit has been revoked, no refund of any building fee shall be made.

- (5) *Section 112 Board of appeals.* The IEBC, Section 112, Board of appeals, is amended by deleting Section 112.0 in its entirety and substituting the following:

112.1 Appeals to the building and fire prevention code board of appeals. Any person aggrieved by a decision of the building official's or inspector's interpretation of 2018 IEBC may appeal such decision to the building and fire prevention code board of appeals. The building and fire prevention code board of appeals shall thereupon make an independent determination on the question

which the building official or inspector had to decide.

112.2 Appeals Procedure.

(a) The owner of a building or structure or any other person aggrieved by a decision of the building official or inspector may appeal to the building and fire prevention code board of appeals. Any such appeal shall be in writing and state the name and address of the appealing party and the nature of his appeal and shall be made within five days after the building official's or inspector's decision.

(b) The building and fire prevention code board of appeals shall hold a public hearing within five business days after notice of appeal is filed. Notice of hearing shall contain a time and date for the hearing and be directed to the appealing party at the address given on his appeal by certified mail. The appellant, his attorney, and any other persons whose interests may be affected by the matter on appeal shall be given an opportunity to be heard, present evidence and examine adverse witnesses.

(c) The building and fire prevention code board of appeals shall render its decision in writing within a reasonable time, however in no event later than five days after the conclusion of the hearing. A tape recorded transcript of the hearing shall be made and minutes shall be kept.

(d) Any person aggrieved by a decision of the building and fire prevention code board of appeals may appeal that determination to the Circuit Court of Buchanan County, Missouri, under the provisions of RSMo Ch. 536. The appeal shall be made within 30 days after the mailing or delivery of the decision.

- (6) *Section 113 Violations.* The IEBC, Section 113, Violations, is amended by deleting Subsection 113.4 and substituting the following:

113.4 Violation penalties. Any person who shall violate a provision of the 2018 IEBC 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 building official, or a permit or certificate issued under the provisions of the basic code, shall be issued a citation and, if found guilty, fined as defined under Section 7-6 of the Code of Ordinances of the City of St. Joseph, Missouri.

- (7) *Section 114.0 Stop work order.* The IEBC, Section 114.0, Stop work order, is amended by deleting Subsection 114.3 and substituting the following:

114.3 Unlawful continuance. Any person who shall continue any work in or about the building after having been served with a stop-work order, verbally or in writing, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be issued a citation and, if found guilty, fined in accordance with Section 7-6 of the Code of Ordinances of the City of St. Joseph, Missouri.

- (8) *Section 115 Unsafe buildings and equipment.* The IEBC, Section 115, Unsafe buildings and equipment, is amended by deleting Subsection 115.1 and substituting the following:

115.1 Conditions. All structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. All unsafe structures shall be classified as habitable or uninhabitable, taken down and removed or made safe, as the code official deems necessary and as provided in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

115.1.1 Vacant Structures. A vacant structure or vacant portion of a structure shall be secured against entry by trespassers or animals (including birds) and put in a safe, stable condition. The owner shall cause all exterior doors and windows to be locked and secured at all times. If any exterior windows or doors of such building have broken glass

or broken panels, then the owner shall cause such openings to be closed by repairing or replacing the damaged unit in a good and workmanlike manner or by boarding the opening. If the owner chooses to board up such openings, they shall use weather resistant plywood of at least three-eighths-inch thickness, cut to fit the opening size and shall attach such plywood to the exterior of all such openings using wood screws of at least 1 1/2 inches long placed 12 inches on center. Such plywood shall be of a color or coated with a color which blends with the exterior of the building. Vacant structures shall comply with the following requirements:

- a. If any other opening exists in the building envelope (walls, foundations, fascia, soffit, roof or other) the owner shall cause such openings to be closed in a good and workmanlike manner using material approved for such purpose.

- b. The building must have a sound foundation and be free from excessive leaning, sagging or buckling members; and shall be secured to afford the building and its contents protection from the elements.
- c. Exterior porches, stairs, landings, retaining walls and other structures shall be put in good repair or removed.
- d. A building permit is not required of the owner for the performance of any or all of the above work for the securing of the vacant structure.

(9) *Appendix B, Section B101 Qualified Historical Buildings and Facilities.* The IEBC, Appendix B, Section B101, Qualified Historical Buildings and Facilities, is amended by deleting Section B101.4 and Subsections B101.4.1 and B101.4.2 and substituting the following:

B101.4 Qualified historic buildings and facilities not subject to Section 106 of the National Historic Preservation Act. All projects shall be reviewed and approved by the city of St. Joseph historic preservation planner and the code official.

(G.O. 1986, 11-10-03; G.O. 2231, 5-7-07; G.O. 2260, 10-22-07; G.O. 2664, 12-10-12; G.O. 2676, 3-4-13; G.O. 2778, 6-22-15; G.O. 2869, 7-2-18)

Secs. 7-412--7-449. Reserved.

Article X. MISCELLANEOUS BUILDING REGULATIONS

Sec. 7-450. Miscellaneous building regulations.

(a) *Tower structures.* Unless otherwise provided by law or variance, the following additional requirements shall apply to the construction, alteration or maintenance of towers:

- (1) *Definition.* For purposes of this section, the term “tower” shall mean a permanent structure, having a total height in excess of 50 feet measured from the ground and having one or more legs designed for the support of one or more sign, antenna, light, wind turbine, solar array or other object but excluding buildings serving other purposes

and meeting the building requirements for all purposes. A tower shall not include existing electric utility poles installed by a provider holding a certificate of convenience from the Missouri PSC and installed consistent with industry practice and in conformance with all otherwise applicable federal, state, local requirements.

- (2) *Safety fall zone required.* All new towers and extensions or attachments shall be separated by a safety fall zone from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building (except for parking and buildings dedicated solely for access to or maintenance of the tower), and from any property line, a distance equal to the height of the tower. Towers shall be reasonably designed to reduce the potential damage to persons or property from falling ice or equipment from the tower or from wind damage or structural failure.
- (3) *Security fencing.* In addition to other applicable requirements, the tower and any appurtenances shall be safely maintained and fenced or otherwise secured to prevent unauthorized access or climbing of the tower. Barbed, electrified or razor wire is prohibited. Tower legs shall be of monopole design without use of lattice or guy wire support and be engineered and designed with sufficient depth, counterweight and other mechanisms to address wind-loading and other failure risks under all reasonably anticipated conditions and circumstances.
- (4) *Lighting.* Towers shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or modify the tower. Lighting may also be approved as a consistent component of a disguised support structure.
- (5) *Structural analysis.* Before any modifications or alterations to an existing tower may be approved, a sealed structural analysis from a certified engineer must be submitted to the city demonstrating that the

modifications or alterations will not negatively affect the structural integrity of such tower.

- (6) *Incorporation.* All requirements concerning wireless communications facilities within the code shall apply to the construction, modification, and maintenance of each tower and are reincorporated herein as building code requirements to the extent permitted by law.
- (7) *Abandonment bond.* Any tower not operated for a period of six months or more, shall be deemed abandoned and the chief building official shall send notice of such determination and request for removal within a reasonable time not to exceed 90 days. If a tower is abandoned, it shall be removed at the owner's expense. Failure to comply with this provision shall constitute a public nuisance and building code violation that may be remedied by the city at the tower or property owner's expense. Any applicant for a new tower shall place a bond or other security with the city prior to any final approval to ensure abandoned Towers can be removed. The bond or security shall be in the form and amount approved by the chief building official. The amount of the bond shall be determined by the chief building official to satisfy the requirements hereof with regard to the specific tower to which it would apply based on the estimated total cost of removal of that tower.

(b) *Appeals.* Any person aggrieved by any decision of the chief building official under this section shall have the right to appeal such decision under Article XIII of Chapter 2. To the fullest extent permitted by law, the review procedures under Article XIII of Chapter 2 shall be exhausted before any action may be filed in any court against the city or its officers, employees, boards, officials or commissions.

(G.O. 2836, 6-19-17)

Secs. 7-451--7-499. Reserved.

ARTICLE XI. RESIDENTIAL RENTAL PROPERTY

DIVISION 1. RENTAL UNIT CERTIFICATION

(7/1/21)

Sec. 7-500. Definitions.

(a) *Applicant* means a person applying for a rental unit certificate.

(b) *Application* means an application for a rental unit certificate.

(c) *City inspector* means an inspector (as defined by this section) employed by the city or working under a contract with the city.

(d) *Director* means the director of planning and community development or his or her designee.

(e) *Inspector* means a person charged by the director with conducting an inspection required by this article.

(f) *Rental unit certificate* means a certificate issued pursuant to this article certifying compliance with this article.

(g) *Residential dwelling unit* means any residential property, whether occupied or unoccupied, which is offered or used for residential occupancy by persons other than the owners, immediate family members of the owners, or others under the care of the owners, for continuous durations exceeding 30 days and in exchange for financial consideration.

(h) *Third-party inspectors* means an inspector who is not a city inspector who has been certified by the director to complete inspections required by this article.

(G.O. 2905, 3-25-19)

Sec. 7-501. Rental unit certificates; duration.

(a) *Generally; duration.* Any person may obtain a rental unit certificate from the director by filing an application for such rental unit certificate, passing required inspections, and complying with all other requirements stated in this article. Such rental unit certificate shall remain valid for five years unless otherwise terminated by the director.

(b) *Required—new occupancies.* On and after July 1, 2020, residential dwelling units may be rented or leased to a tenant who has not had continuous lawful occupancy of the residential dwelling unit for at least 60 days only if a rental unit certificate that remains valid has been issued for the residential dwelling unit.

(c) *Temporary rental unit certificate.* The director may issue temporary rental unit certificates which, in his or her discretion, are necessary to provide time to review applications and conduct inspections, provided the tenant grants consent to enter the residential dwelling unit for the purpose of conducting an inspection. A temporary rental unit certificate may contain conditions applicable to the residential dwelling unit for which the certificate is issued and may be terminated upon the issuance or denial of a rental unit certificate or at any other time when a rental unit certificate could be terminated.

(d) *Termination.* The director may terminate a rental unit certificate if, after the issuance of such certificate, a violation of this chapter is identified on the residential dwelling unit for which the rental unit certificate is issued. A rental unit certificate may not be terminated until final adjudication of a violation or the expiration of appeals processes for an administratively-issued violation unless the violation constitutes an immediate risk to occupants of a residential dwelling unit for which a certificate has been issued.

(G.O. 2905, 3-25-19)

Sec. 7-502. Application; fees.

(a) *Application form.* The director may require applicants for rental unit certificates to submit forms and information as may be reasonably necessary to determine the location of the residential dwelling units for which an application is filed, the time and manner in which such residential dwelling units may be accessed by an inspector, and the time and manner in which the applicant may be contacted. An application form may be submitted for multiple residential dwelling units.

(b) *Applicants.* Applications shall be filed by owners of the residential dwelling units for which rental unit certificates are sought or by any other person authorized by such owners, provided such application includes only residential dwelling units sharing common ownership.

(c) *Business license.* To submit an application, an applicant must submit a copy of its business license authorizing an apartment house business for all residential dwelling units listed on an application.

(d) *Withdrawal.* An application may be withdrawn by the applicant at any time prior to the issuance or denial of a rental unit certificate.

(e) *Fees; before July 1, 2020.* Until June 30, 2020, applicants for rental unit certificates may submit applications and pay no fee for submission of the application.

(f) *Fees; beginning July 1, 2020.* From and after July 1, 2020, the applicant for a rental unit certificate shall submit an application and processing fee for each residential dwelling unit listed on the application at the time an application is submitted. The fee shall be no more than \$5.00 for each residential dwelling unit listed on the application. The applicant shall also submit an inspection fee in the amount of \$50.00 for each inspection performed by a city inspector. The director shall have the authority to reduce the fees required by this section in the event fees received exceed the costs of administering this article. The fees will not be refunded upon denial or withdrawal of an application.

(G.O. 2905, 3-25-19)

Sec. 7-503. Inspections.

(a) *Inspection methods.* Unless a residential dwelling unit is exempt from the inspection requirements of this article, then prior to the issuance of a rental unit certificate, a residential dwelling unit must pass an inspection conducted by a city inspector (Section 7-505) or a third-party inspector in accordance with this article (Section 7-506) or a self-certified inspection must be conducted, and an inspection reported filed, in accordance with this article (Section 7-507).

(b) *Inspection exceptions.* Residential dwelling units meeting the following requirements are exempt from the inspection requirements stated in this article, but must still obtain a rental unit certificate when required by this article:

- (1) Residential dwelling units that are inspected at least one time every five years by an authorized state or federal agency, provided the applicant can provide proof of such inspection.
- (2) Residential dwelling units that are managed by a nonprofit, charitable organization which are subject to affordable housing land use restrictions and are routinely inspected by the Missouri Housing Development Commission.

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- (3) Residential dwelling units that were originally constructed less than 5 years before the issuance of a rental unit certificate.

(c) *Inspection areas and criteria-mandatory compliance.* The following areas and criteria shall be inspected for compliance with the International Property Maintenance Code as adopted by this chapter before a residential dwelling unit may be deemed to have passed an inspection and be eligible for a rental unit certificate:

- (1) Exterior inspection criteria.
- a. Stairways, decks, and porches.
 - b. Foundation and overhang extensions.
 - c. Exterior walls and foundation walls.
 - d. Roofs.
- (2) Interior inspection criteria.
- a. Structural members
 - b. Stairs.
 - c. Water heater facilities.
 - d. Electrical system: properly installed, in working order (including receptacles), and without hazards.
 - e. Heating system installation.
 - f. Mechanical equipment and appliances.
 - g. Egress: unobstructed.

(d) *Inspection areas and criteria-pending compliance.* The following areas and criteria shall be inspected for compliance with the International Property Maintenance Code as adopted by this chapter and shall be brought into compliance with the International Property Maintenance Code within 30 days following inspection:

- (1) Exterior inspection criteria.
- a. Balconies, handrails, and guards.
 - b. Decorative features and premises identification.
 - c. Protective treatment and siding.
 - d. Drainage.
 - e. Exterior doors, basement hatchways, windows, skylights, and door frames.
 - f. Chimneys and towers.
 - g. Accessory structures, including but not limited to detached garages, fences, and retaining walls.
- (2) Interior inspection criteria.

- a. Interior surfaces: sanitary/clean windows, doors, ceilings, floors, walls; lack of peeling or chipping paint.
- b. Basement, walking surfaces, handrails, and guards.
- c. Windows: properly glazed, operable, and insect screens in place.
- d. Building security: doors/windows/hatchways are operable and lockable.
- e. Plumbing: fixtures are properly installed, connected, and in working order; general maintenance drains operate properly, are unobstructed, and secure from leaks and defects.
- f. General sanitary condition: properly maintained; waste properly disposed of.
- h. Safety systems: Smoke and carbon monoxide detectors properly placed and operational.
- i. Pest control: Extermination of insects, vermin, and other infestations has properly occurred

(e) *Non-compliance; consent required.* In the event any criteria inspected under this section is found to be noncompliant with the requirements of this article, the tenant must grant advanced consent for entry by a city inspector for the purpose of conducting a reinspection of the residential dwelling unit in order for a rental unit certificate to be issued. Consent must be granted using consent forms provided by the director. Refusal to provide such consent may be a basis for denying the issuance of a rental unit certificate.

(f) *Multiple residential dwelling units.* When multiple residential dwelling units are listed on an application and all are at the same location, only the following quantities of inspections will be required:

- (1) *Three or fewer units.* When three or fewer residential dwelling units are listed on an application at the same location, each one must be inspected;
- (2) *Four to nine units.* When more than three, but fewer than ten, residential dwelling units are listed on an application at the same location, three of the residential dwelling units must be inspected;
- (3) *Ten or more units.* When ten or more residential dwelling units are listed on an

application at the same location, the lesser of either three or 20% of the residential dwelling units listed on the application must be inspected.

(G.O. 2905, 3-25-19)

Sec. 7-504. Rental unit certificate issuance and denial; appeals.

(a) *Rental unit certificate issuance; denial.* If an applicant submits a completed application and all required information, and if a residential dwelling unit satisfies the inspection requirements of this article, a rental unit certificate shall be issued for that residential dwelling unit. If a residential dwelling unit does not meet the requirements for the issuance of a rental unit certificate, a notice of denial and a copy of any inspection report that resulted in the denial must be provided to the applicant.

(b) *Appeals.* Appeals of any denial of a rental unit certificate (including denials for a failed inspection) may be made in accordance with the procedures set forth in Article XIII, Division 1 of Chapter 2. The hearing officer for appeals shall be the chief building official or an individual who is similarly qualified to hear an appeal of compliance with building regulations.

(G.O. 2905, 3-25-19)

Sec. 7-505. City inspections; reinspections.

(a) *Inspections authorized.* A city inspector may conduct an inspection of any residential dwelling unit before a tenant moves into the residential dwelling unit or with the consent of a tenant of the residential dwelling unit, unless the applicant has applied for third-party inspection or self-certification inspection for the residential dwelling unit.

(b) *Facilitation of access.* The applicant for a rental unit certificate shall provide access to the residential dwelling units for inspection.

(c) *Inspection report.* An inspection report shall be prepared identifying the criteria with which the inspected residential dwelling unit has both complied and failed to comply.

(d) *Inspection not a warranty.* No inspection or rental unit certificate shall be deemed a warranty or guarantee that any residential dwelling unit is fully compliant with applicable building, property maintenance, or other code requirements.

Completed inspections merely verify likely compliance or non-compliance with elements inspected at the time the inspection was performed.

(e) *Reinspection.* Following denial of a rental unit certificate as a result of non-compliance during an inspection conducted by a city inspector, the applicant may request a reinspection, which shall be completed at no charge. Upon receipt of a second denial, the applicant must submit a new application and the required fees before a rental unit certificate may be issued.

(G.O. 2905, 3-25-19)

Sec. 7-506. Third-party inspections.

(a) *Permitted.* Applicants may have inspections that are required by this article performed by third-party inspectors, provided such inspections and processes comply with the following requirements:

- (1) *Criteria and standards.* Inspections shall apply the criteria and standards applicable to inspection by city inspectors.
- (2) *Inspected residential dwelling units.* Applicants shall identify, on their applications, the intent to have a third-party inspector complete the inspection. If less than all residential dwelling units listed on an application must be inspected, the director shall identify the residential dwelling unit addresses that must be inspected.
- (3) *Inspection reports.* Within 60 days of completion of an inspection on which all mandatory compliance criteria complied with the requirements of this article, the applicant must submit an inspection report identifying all criteria with which the inspected residential dwelling unit has both complied and failed to comply. The inspection report shall be signed by the third-party inspector certifying that the inspection occurred and identifying the residential dwelling unit as having passed or failed to comply with the mandatory criteria portion of the inspection.
- (4) *Reinspection.* Reinspection by third-party inspectors shall be governed by the terms of the agreement between the applicant and the third-party inspector completing the inspection.

- (5) *Third-party inspector fees.* Fees paid for inspections by third-party inspectors shall be paid directly by the applicant and shall be in standard amounts established by each third-party inspector.
- (6) *Third-party inspector audits.* Audits of third-party inspectors' compliance with this article may be conducted by the director in accordance with the following:
- Upon filing an application stating the intent to have a third-party inspector complete inspections, the applicant must provide a valid consent to enter the residential dwelling unit for the purpose of conducting an audit.
 - Audits must be conducted within 7 days following the submission of an inspection report to the city.
 - The director shall define up to five districts, with every area of the city being included in a district, and conduct random audits of not more than 20% of inspections completed by third-party inspectors in each district.
 - An audit may not be used as a basis for issuing or denying the issuance of a rental unit certificate; but rather, may only be used for verification of third-party inspectors' compliance with this article.
- (7) *Tenant consent to audit.* An applicant must obtain advanced consent for entry to the residential dwelling unit by a city inspector for the purpose of conducting an audit of third-party inspections in order for a rental unit certificate to be issued following a third-party inspection. Consent must be granted using consent forms provided by the director. Refusal to provide such consent may be a basis for denying the issuance of a rental unit certificate.

(b) *Third-party inspector certification; revocation; appeals.* Third-party inspectors may be certified to conduct inspections only if they attend meetings at which they are trained to complete inspections, are qualified to complete building inspections, and agree to comply with this article and other reasonable requirements established by the director. A third-party inspector's inspection report may not be accepted at any time during which the third-party inspector has failed to maintain his

or her certification. Upon determining that a third-party inspector has not complied with this article, including a determination resulting from the completion of an audit on a third-party inspector's inspection, the director may revoke the third-party inspector's certification. Appeals of any denial or revocation of certification may be made in accordance with the procedures set forth in Article XIII, Division 1 of Chapter 2. The hearing officer for appeals shall be the chief building official or an individual who is similarly qualified to hear an appeal of compliance with building regulations. (G.O. 2905, 3-25-19)

Sec. 7-507. Self-certification inspections.

(a) *Self-certification inspection.* For the purpose of this section, the term self-certification inspection shall mean an inspection completed by an owner of a residential dwelling unit or by a member, shareholder, manager, or other person having an ownership interest in a business entity that is an owner of a residential dwelling unit.

(b) *Eligibility.* A self-certification inspection may be performed to satisfy the inspection requirements of this article, provided all the following apply:

- (1) *Certified inspector.* The self-certification inspection is completed by a person certified to, and not disqualified from, completing self-certification inspections pursuant to this section.
- (2) *Consent to audit.* The person performing the self-certification inspection must consent to a city inspector entering and conducting an audit inspection of all residential dwelling units that are inspected through self-certification inspection. An applicant must obtain advanced consent for entry to the residential dwelling unit by a city inspector for the purpose of conducting an audit of self-certification inspections in order for a rental unit certificate to be issued following a self-certification inspection. Consent must be granted using consent forms provided by the director. Refusal to provide such consent may be a basis for denying the issuance of a rental unit certificate.
- (3) *Inspection-all units.* All residential dwelling units listed on a single application must receive self-certification inspections.

Section 7-503(d) shall not be deemed to allow fewer than all residential dwelling units listed on an application to receive self-certification inspections.

- (4) *Application.* Applicants shall identify, on their applications, the intent to complete self-certification inspections.

(c) *Inspection report.* Within 60 days of completion of a self-certification inspection on which all mandatory compliance criteria met the requirements of this article, the applicant must submit an inspection report identifying all criteria with which the inspected residential dwelling unit has both complied and failed to comply. The inspection report shall certify that the inspection occurred and identify the residential dwelling unit as having passed or failed to comply with the mandatory criteria portion of the inspection. The inspection report shall be made on forms required by the director and shall include the following:

- (1) Certification that self-certification inspection was performed on every residential dwelling unit listed on the application using the criteria and standards required by this article.
- (2) Completed inspection checklist on a form provided by the director.
- (3) The date on which each self-certification inspection occurred.
- (4) Certification that the self-certification inspection was performed by the individual executing the report.
- (5) Notarized attestation to the truth, accuracy, and completeness of the inspection report.

(d) *Two-year report renewal.* If a rental unit certificate is issued based upon a self-certification inspection, a new self-certification inspection must be performed and a new inspection report must be submitted, together with a \$5.00 processing fee, every two years. In the event a self-certification inspection is not performed or an inspection report is not submitted as required by this subsection, the rental unit certificate for the residential dwelling unit may be terminated.

(e) *Inspector certification requirements.* Persons performing self-certification inspections shall be

certified to perform an inspection at the time it is performed, in accordance with the following:

- (1) *Inspector certification.* A person may be certified to conduct self-certification inspections only if the person:
 - a. files an application to be certified to complete self-certification inspections; and
 - b. is not the owner of any residential dwelling unit that has been out of compliance with the mandatory compliance criteria listed in Section 7-503(c) in the immediately preceding two years; and
 - c. is not a member, shareholder, manager, or other person having an ownership interest in a business entity that is the owner of any residential dwelling unit that has been out of compliance with the mandatory compliance criteria listed in Section 7-503(c) in the immediately preceding two years; and
 - d. attends meetings at which he or she is trained to complete self-certification inspections; and
 - e. agrees to comply with this article; and
 - f. agrees to comply with other requirements established by the director.

- (2) *Certification duration.* Certifications to complete self-certification inspections shall remain valid for 2 years, unless otherwise revoked, and may only be renewed by applying for a new certification.

- (3) *Revocation of certification.* The director may revoke a certification to conduct self-certification inspections upon determining that the person has not complied with this article, owns or controls property in violation of this chapter, or has improperly conducted an inspection required by this article. Following revocation of a certification to conduct self-certifications, a person may not be certified again for two years.

- (4) *Certification appeals.* Appeals of any denial or revocation of certification to conduct self-certification inspections may be made in accordance with the procedures set forth in Article XIII, Division 1 of Chapter 2.

(f) *Self-certification inspection audits.* Audits of compliance with this article may be conducted by the director in accordance with the following:

- (1) Audits must be conducted within 60 days following the submission of an inspection report to the city.
- (2) The director shall define up to five districts, with every area of the city being included in a district, and conduct random audits of not more than 20% of residential dwelling units inspected by self-certification inspections.
- (3) The director may conduct an audit inspection of any residential dwelling unit when he or she has a reasonable belief that the person conducting a self-certification inspection did not properly conduct the inspection or the report filed for a residential dwelling unit was inaccurate.
- (4) The director may conduct an audit inspection of any residential dwelling unit by contacting the occupant and inquiring about the condition of criteria inspected as part of the self-certification inspection.
- (5) A person conducting a self-certification inspection shall retain necessary documents and photographic evidence that the self-certification inspection was conducted in accordance with this article. Failure to produce such evidence during a self-certification audit shall provide grounds for disqualification from conducting future self-certification inspections if the condition of the residential dwelling unit does not comply with the most-recently submitted inspection report at the time the audit inspection is conducted.

(g) *Disqualification.* In the event a false or misleading inspection report has been filed, the person filing the report shall not be authorized to complete self-certification inspections for 2 years following the finding of a false or misleading report and no residential dwelling unit which is owned by that person, or which is owned by an entity for which that person is an owner, member, shareholder, manager, or other person having an ownership interest, may receive a rental unit certificate based on a self-certification inspection for one year.

(G.O. 2905, 3-25-19)

Sec. 7-508. Search warrant.

Nothing in this Ordinance shall be construed to limit the authority of a City inspector or other authorized official to seek a warrant to search or inspect a residential dwelling unit or other applicable property, nor shall it limit the authority of a municipal judge to issue such warrant, provided such warrant is sought and issued in conformance with all applicable constitutional and other legal requirements thereto and as may be further set forth in Article XIII, Division 1 of Chapter 2 for searches or inspections of such residential dwelling unit to determine whether the residential dwelling unit complies with the requirements of Section 7-503(c) and Section 7-503(d), including compliance with Section 7-316 and 7-317 of this code. No provision or requirement in this ordinance shall be interpreted or applied in such circumstance as to violate the legal rights of any person, including but not limited to any rights existing as to protection against the unreasonable search of private property.

(G.O. 2905, 3-25-19)

[The next page is CD7:72.1.]

(Note: Please contact the City Clerk's Office to obtain copies of the tables referred to in this chapter.)