

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 220612

Amending Chapter 18, Code of Ordinances, by repealing Sections 18-10, Unsafe structures and equipment, 18-20, Fees, and 18-21, Inspections, and enacting in lieu thereof new sections of like number and subject matter to update the City's periodic building inspection protocols and conduct a one-time inspection of the structural adequacy of each building within the City greater than four stories in height as defined by the current building code and built prior to 1950.

WHEREAS, the City Council passed Resolution No. 210581 directing the City Manager to review Kansas City's current policies related to inspection of building structures owned or leased by the City and engage with stakeholders who could provide recommendations on appropriate safety protocols to ensure the structures are safe for occupancy on a regular basis; and

WHEREAS, the scope of this policy review was expanded to identify recommendations on current policies related to the inspections of privately owned structures in addition to City owned or leased structures; and

WHEREAS, City staff has engaged with stakeholders who provided recommendations on appropriate safety protocols to ensure the structures are safe for occupancy on a regular basis; and

WHEREAS, City staff also reviewed current City requirements for inspections of existing buildings, reviewed periodic building inspections requirements from other cities and identified time and cost factors associated with proposed revisions to current periodic inspection standards; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 18, Code of Ordinances, is hereby amended by repealing Sections 18-10, 18-20 and 18-21 and enacting, in lieu thereof, new sections of like number and subject matter to read as follows:

CHAPTER 18

**ARTICLE I.
IN GENERAL**

Sec. 18-10. Unsafe structures and equipment.

(a) *General.* No person, firm, corporation, partnership, association, organization or governmental agency properly regulated by the city shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, maintain or own any

building, building use, structure, sign, appendage or building service equipment in an unsafe manner.

(b) *Conditions.* Structures or equipment which are or hereafter become unsafe, unsanitary or deficient because of, but not limited to, incapability to carry the loads for which it was designed, inadequate means of egress facilities, inadequate light and ventilation, or inadequate life-safety systems; or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare due to inadequate maintenance, dilapidation, obsolescence, fire, disaster, damage, failure or abandonment; or which involve illegal or improper use or occupancy; or are defined as a dangerous building or structure by Chapter 56 of the City Code; or are defined as unsafe by any other City codes and ordinances; shall be deemed unsafe. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry may be deemed unsafe by the building official.

(c) *Notice.* If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

(d) *Method of service.* Such notice shall be deemed properly served if a copy thereof is: (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(e) *Restoration.* The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of section 18-4(b) of this chapter and *International Existing Building Code*, as amended. The preparation of a plan to restore a structure or equipment to a safe condition must be prepared by a licensed design professional and include at minimum the identification of structural deficiencies, required structural improvements and a timeline in which the required repairs are to take place. Once the required repairs or modifications have been completed, the licensed design professional that prepared the restoration plan shall certify all required repairs and alterations have been completed, and upon determination of the building official, the City shall then issue a letter of acceptance of repairs or modifications and the structure shall be allowed to be occupied.

(f) *Maintenance of signs.* All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all

signs shall be kept neatly painted or posted at all times. Signs which no longer advertise a bona fide business, product or service shall be removed by the owner, agent or person having the beneficial use of the premises upon which such sign may be found within 30 days after vacating the premises.

(g) *Unsafe underground spaces, buildings, structures.* All unsafe underground spaces, buildings, structures or portions thereof are regulated as provided in subsections (a) and (b) of this section.

(h) *Emergency measures.* Where it reasonably appears there is an immediate danger to the health, safety or welfare of any person, the building official may take emergency measures to vacate and repair or demolish an unsafe building, building use, structure, sign or appendage. The structure or that part of the structure that is ordered vacated shall remain unused and unoccupied by either persons or vehicles until the building official has determined that the requirements of subsection (e) are met.

Sec. 18-20. Fees.

(a) *Generally.* Fees relating to work regulated by this chapter shall be assessed in accordance with the provisions of this section and section 18-21. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(b) *Permit fees.*

(1) *Valuation of construction.* The determination of the value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued. Separate values or valuations shall be computed and separate permits shall be obtained and separate plan review fees shall be paid for each building or structure included in an application for permits. Fees may be waived at the discretion of the building official during times of declared emergency.

(2) *One- and two-family detached dwelling building, mechanical, plumbing, electrical, elevator and fire protection permit fees.* One- and two-family detached dwelling building, mechanical, plumbing, electrical, elevator and fire protection permit fees are as follows:

Total Valuation Fee	
\$0.00--\$1,000.00.....	\$ 52.00
\$1,001.00--\$2,000.00.....	\$58.00

\$2,001.00-\$100,000.00:

For the first \$2,000.00..... \$58.00

Plus, for each additional \$1,000.00 or fraction thereof,
to and including \$100,000.00 \$4.33

\$100,001.00 and over:

For the first \$100,000.00..... \$483.00

Plus, for each additional \$1,000.00 or fraction thereof..... \$1.41

In addition to the above fees, during the period of time beginning on October 1, 2012, and ending on September 30, 2013, a surcharge of \$50.00 will be applied to each building permit issued for the construction of a new one- or two-family detached dwelling. Proceeds from this fee will be applied to a sample testing program for building envelope and duct system leakage testing in accordance with Article III of this chapter.

- (3) *Building, mechanical, plumbing, electrical, elevator and fire protection permit fees for other than one- and two-family detached dwellings.* Building, mechanical, plumbing, electrical, elevator and fire protection permit fees for other than one- and two-family detached dwellings are as follows:

Total Valuation Fee

\$0.00-\$500.00..... \$ 52.00

\$501.00-\$2,000.00..... \$93.00

\$2,001.00-\$200,000.00:

For the first \$2,000.00..... \$93.00

Plus, for each additional \$1,000.00 or fraction thereof,
to and including \$200,000.00 \$14.00

\$200,001.00-\$1,000,000.00:

For the first \$200,000..... \$2,774.00

Plus, for each additional \$1,000.00 or fraction thereof,
to and including \$1,000,000.00..... \$9.00

\$1,000,001.00 and over:

For the first \$1,000,000.00 \$9,965.00

Plus, for each additional \$1,000.00 or fraction thereof..... \$3.90

(4) *Demolition permit fees.* Demolition permit fees are as follows:

a. One- and two-family dwellings and detached accessory buildings per building \$90.00

b. All other structures..... \$221.00

c. *Pre-demolition inspection fee.* A pre-demolition inspection fee shall be paid to the building official prior to a pre-demolition inspection being performed. The pre-demolition inspection fee shall not apply towards the demolition permit fee and shall be assessed as follows:

One and two family detached dwellings per building..... \$38.00

All other buildings per building:..... \$106.00

(5) *Sign permit fees.* Sign permit fees are as follows: Type of Sign Fee

a. Combination and freestanding signs:

1. Up to and including 20 square feet..... \$142.00

2. And for each additional 20 square feet or fraction thereof..... \$24.00

b. Flat wall signs:

1. Up to and including 300 square feet..... \$141.00

2. And for each additional 300 square feet or fraction thereof Amending Chapter 18, Code of Ordinances, by repealing Sections 18-10, Unsafe structures and equipment, 18-20, Fees, and 18-21, Inspections, and enacting in lieu thereof new sections of like number and subject matter to update the City's periodic building inspection protocols and conduct a one-time inspection of the structural adequacy of each building within the City greater than four stories in height as defined by the current building code and built prior to 1950. \$24.00

c. Marquees: Each marquee..... \$467.00

- d. Roof signs:
 - 1. For surface area not to exceed 300 square feet..... \$467.00
 - 2. And for each additional 300 square feet
or fraction thereof..... \$118.00

- e. Temporary signs (displayed not longer than 60 days):
 - Each sign..... \$54.00

- f. Outdoor Advertising Signs:

Fees shall be calculated as required for freestanding signs. Each face of such signs shall be calculated separately for permit fee calculations.

Outdoor advertising sign pre-permit inspection fee. An outdoor advertising sign pre-permit inspection fee shall be paid to the building official prior to an outdoor advertising sign pre-permit inspection being performed. The outdoor advertising sign pre-permit inspection fee shall not apply as part of the sign permit fee.

Each sign..... \$337.00

- (6) *Supplementary permit fees.* The fee for a supplementary permit to cover any additional value not included in the original permit shall be the difference between the fee paid for the original permit and the fee which would have been required had the original permit included the entire value. The minimum supplemental permit fee assessed shall be \$54.00.
- (7) *Partial permit fees.* When a permit for the construction of part of a building, structure, or building service equipment is requested by the applicant, fees shall be determined in accordance with section 18-20(b)(2) and (3), based on the valuation of work to be performed, as separate permit fees and not as supplementary fees. The minimum fee for a partial permit shall be \$83.00.
- (8) *Fast Track Permit Fees.* The fee for a fast track permit issued prior to approval of plans review shall be \$ 80.00. The Fast Track Permit Fee shall be in addition to all other fees due.
- (9) *Building moving permit fee.* The fee for a building moving permit shall be \$221.00.
- (10) *Building moving pre-permit inspection fee.* A building moving pre-permit inspection fee shall be paid to the building official prior to a building moving

pre-permit inspection being performed. The building moving pre-permit inspection fee shall be in addition to all other fees due.

Each building.....\$106.00

(c) Construction document review fees.

(1) Initial construction document review fee. For other than one- and two-family dwellings, when a construction document is required to be submitted, a construction document review fee shall be paid to the building official at the time of submitting the construction documents for review. Such construction document review fee shall be one-half of the permit fee and shall be a credit toward the total fee when the permit is issued.

(2) Resubmittal construction document review fees. When previously identified deficiencies remain uncorrected on subsequent submittals or when items certified on the Checklist for Building Permit Construction Document Submittal as being provided are omitted, a resubmittal construction document review fee shall be assessed at the time of resubmittal of the discipline. This fee shall be one eighth of the total permit fee for resubmittal deficiencies. The fee for certified checklist omissions shall be \$ 75.00. Such resubmittal construction document review fee shall not apply as a credit toward the total permit fee. Maximum resubmittal fee shall be as follows:

- a. One- and two-family dwelling construction document..... \$30.00
- b. Other than one- and two-family dwelling construction document..... \$295.00

(3) Changes to previously reviewed plans. Review of such changes shall be assessed a fee as follows:

- a. Minor reviews..... \$54.00
- b. Major reviews 1/2 of initial construction document review fee paid.

The director or designee shall have the authority to determine the extent of the changes requested and the fee which shall apply. This fee shall be in addition to any other fees required.

(4) Scheduled express review fees. When scheduled express review is requested by the applicant, a fee of \$ 30.00 for one- and two-family dwellings and a fee of \$ 75.00 for all other structures shall be assessed. Such fees shall be in addition to required permit fees. Eligibility for scheduled express review service shall be determined by the building official based on the complexity of the review and

availability of staff to perform the review.

- (5) *Priority Project review fee.* When priority status is requested by the applicant, a fee of 2 times the permit fee shall be assessed. Eligibility for priority status shall be determined by the building official based on the complexity of the project and availability of staff to perform the review.
- (6) *Master Plan Review without permit application.* When a Master Plan is submitted for review without a corresponding permit application, a fee of one-half the normal permit fee shall be assessed. This fee shall not be credited to future permit applications.
- (7) *Optional preliminary code review design meetings.* When requested by the applicant, preliminary code review meetings may be conducted and a fee shall be assessed for other than one- and two-family detached dwellings as follows:
 - a. One- and two-family dwellings..... no fee
 - b. Proposed design less than 20,000 square feet.....\$ 75.00
 - Proposed design 20,000 square feet to 40,000 square feet..... \$147.00
 - d. Proposed design more than 40,000 square feet..... \$222.00
- (8) *Re-review and stamping of lost construction documents to replace applicant's reviewed field set of construction documents.* Such review and stamping shall be assessed a fee of 25% of the initial construction document review fee paid with a minimum fee of \$ 50.00. The maximum fee paid shall be \$ 561.00. Such fees shall be in addition to other required permit fees.
- (9) *Stamping of additional sets of construction documents.* One set of reviewed construction documents shall be provided to the applicant upon permit issuance. Stamping of additional sets of construction documents at the applicant's request shall be assessed a fee of \$ 24.00 per set.
- (10) *Nighttime building permits.* The application fee for a nighttime building permit shall be \$ 68.00. Such fees shall be in addition to other required permit fees.
- (11) *Occupant load certificate fee.* When requested by the applicant, the occupant load of a building or portion of a building will be calculated and a fee shall be assessed of \$143.00.
- (12) *Replacement of occupant load certificate or certificate of occupancy.* When requested by the applicant, a replacement copy of a previously issued occupant load certificate or certificate of occupancy, if located, will be generated. A fee

shall be assessed of..... \$36.00 per request.

(13) *Floodplain certificate fee.* The application fee for a floodplain certificate shall be assessed as follows:

- a. One- and two-family dwelling floodplain certificate..... \$ 54.00
- b. Other than one- and two-family dwelling floodplain certificates..... \$ 112.00

(14) *Code compliance verification letter fee.* When requested by the applicant, information related to the status of property with regard to building code and land use regulations will be retrieved and transmitted to the applicant and a fee shall be assessed of \$143.00.

(15) *Address change processing fee.* When requested by the property owner, address changes in compliance with addressing standards shall be processed and a fee shall be assessed as follows:

- a. One and two family detached dwellings per building:.... \$36.00
- b. All other buildings per building:..... \$143.00

(d) *Expiration of permit.* The fee to renew an expired permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that any suspension or abandonment of the work has not exceeded one year.

(e) *Commencement of work without permit.*

(1) Wherever any work for which a permit is required by this article has been commenced without first obtaining a permit, a special investigation may be made before a permit is issued for such work.

(2) Where work for which any permit is required by this article is started prior to obtaining the permit, the fee specified for such permit shall be tripled. This provision shall not be construed as permission to begin work without the required permit except as follows:

- a. In case of an emergency as set forth in section 18-16(a)(1)b.; or
- b. In case the work is being done at a one-family dwelling by the person who owns and occupies such dwelling and the permit is applied for before the end of the workday following notification.

(f) *Fee refunds.* Where no portion of the plan review for an application has been

commenced, or where no portion of the work covered by a permit issued by the building official has been commenced, the applicant may request in writing that the application or permit be canceled and the plan review or permit fee be refunded. The applicant shall then be entitled to a refund of 90 percent of the applicable fee actually paid, except that a full refund will be made when the fee was paid or collected in error. Refunds will not be made for fees representing work having been done prior to the time the fee refund request is made. Under any circumstance, fee refund requests must be made within 180 days after the date of payment if no permit is obtained, or 30 days after the permit is canceled or expired.

(g) *Fee for certificate of occupancy.*

(1) *Fee for certificate of occupancy not related to work under a building permit.* Where a certificate of occupancy is required other than in connection with work under a building permit, the person applying for the certificate shall, at the time of filing application therefore, pay to the building official a fee as required for a team inspection in section 18-20 (h). If it is determined that work requiring a permit is necessary for issuance of the certificate, this fee shall be applied toward the permit fee.

(2) *Temporary certificate of occupancy fees.* When a temporary certificate of occupancy is requested by the applicant in connection with work under a building permit and conditions warrant issuance of a temporary certificate of occupancy pursuant to section 18-23(d) of this chapter, a fee shall be assessed according to the following schedule:

a. Residential one- and two-family dwellings, townhouses and associated accessory structures:

1st temporary certificate.....	\$ 0.00
2nd and subsequent certificates.....	\$222.00
2nd and subsequent certificates when certificate is over 5 working days expired.....	\$444.00

b. All other structures:

1st temporary certificate.....	\$0.00
2nd and subsequent certificates.....	\$444.00
2nd and subsequent certificates when certificate is over 5 working days expired.....	\$888.00

The Building Official is authorized to develop written procedures by which the renewal fee may be waived due to special circumstances.

(h) *Inspection fees.*

- (1) *Certificate of inspection for underground spaces.* Inspection and certification of underground space pursuant to section 18-21(g)(2) of this chapter shall be performed by the building official upon payment of a fee of \$ 368.00 payable upon application for certificate of inspection.
- (2) *Certificate of inspection for elevators.* The fee for the administration of and or inspections and testing of elevator equipment pursuant to section 18-21(g)(1) of this chapter shall be of \$ 135.00 for the first three floors, or 30 feet of travel, plus \$11.00 for each additional three floors, or 30 feet of travel or fraction thereof. The elevator equipment owner or maintainer shall remit these fees within 60 days of billing. The elevator equipment inspection and tests shall not be scheduled or performed until these fees have been received. Failure to remit these fees within the 60 days will result in a \$ 17.00 additional administrative fee associated with the cost of the re-billing process for each piece of elevator equipment being billed. All called-for inspections or tests to be performed by Department of City Planning and Development inspectors shall be subject to a minimum fee of \$ 34.00 per each piece of elevator equipment scheduled for inspection and test, if the inspection test is not made or is not completed and the Department of City Planning and Development inspector has appeared at the inspection test site, ready to inspect or observe the test, or the scheduled inspection and test is either canceled or rescheduled less than three working days prior to the scheduled date. Payment of fees associated with the failure to perform an inspection and test scheduled with Department of City planning and development inspectors is the responsibility of the registered elevator contractor who scheduled the elevator equipment inspection and test. All fees outlined above are due and payable to the Department of City planning and development even when the inspection and testing is performed by a qualified person authorized by the enforcing authority.
- (3) *Fee for follow-up inspection per state requirements.* The fee for a follow-up inspection of elevator equipment by city personnel pursuant to the Elevator Safety Act and Rules of the State of Missouri shall be \$ 73.00. The fee shall be waived if the inspection is performed at the same time as a follow-up inspection pursuant to section 18-21(g)(1) of this code. The fee, when required, shall be paid before the follow-up inspection is performed.
- (4) *Certificate of inspection for communication towers.* Inspection and certification of communication towers pursuant to section 18-21(g)(3) of this chapter shall be completed by the building official upon payment of a fee of \$ 147.00 payable upon application for certificate of inspection.
- (5) *Certificate of inspection for parking station structures, privately owned pedestrian bridges, and structure supported pools.* Inspection and certification of parking station structures, pedestrian bridges, and structure supported pools pursuant to section 18-21(g) of this chapter, shall be completed by the building official upon payment of a fee of \$ 295.00 payable upon application for certification of inspection. *Reinspection fees.* When work for which an inspection is requested is not complete (not ready when inspector arrives) or when deficiencies identified on two previous inspection events have not been completed a fee of \$ 75.00 shall be assessed and no further inspections shall be

completed until such fee is paid.

(6) *Inspections outside of normal business hour fees.* When the permit holder requests inspections outside of normal business hours, a fee of \$ 60.00 per hour, to include travel time, with a minimum fee of \$ 238.00 shall be assessed for such service. Eligibility for inspections outside of normal business hours shall be determined by the building official based upon the nature of inspections requested and the availability of staff to perform the inspections.

(7) *Team inspection fee.* When requested by the applicant, the building official may conduct a team inspection of a site/building for the purpose of providing the applicant a written assessment of code issues which may assist the applicant in planning a project or in problem solving. Eligibility for team inspections shall be determined by the building official based upon the nature of inspections requested and the availability of staff to perform the inspections. A fee, payable prior to the inspection being performed, shall be assessed as follows:

a. Buildings/projects less than 20,000 square feet..... \$299.00

Buildings/projects 20,000 square feet to 40,000 square feet \$396.00

c. Buildings/projects more than 40,000 square feet..... \$495.00

(8) *Electrical service reconnect fee:* When a request is made by a property owner for an inspection of an existing electrical service for the purpose of approving the electric utility connection, a fee of \$ 54.00 shall be assessed. If it is found that work requiring an electrical permit is required, this fee may be credited toward the permit fee.

Exception: Reconnection of a service due to a fire occurring within the 90 days prior to the request.

(i) *Code modification request fees.* Code modification requests (CMR) submitted pursuant to section 18-6 of this chapter shall be assessed the following fees:

(1) One- and two-family dwellings per dwelling unit..... \$53.00

(2) All other structures per building or tenant space,
whichever is greater..... \$ 112.00

(3) When multiple units of one and two-family dwellings are submitted for the same project in the same request, or when multiple buildings or tenant spaces for all other structures are submitted for the same project in the same request, the maximum fee will be... .. \$590.00

(4) Requirements contained in Article XII, contractors, division 3,

licensing..... \$53.00

(j) *Building and fire codes board of appeals fees.*

(1) One- and two-family dwellings per dwelling unit..... \$53.00

(2) All other structures per building or tenant space,
whichever is greater..... \$112.00

(3) When multiple units for one- and two-family dwellings are submitted for the same the same project, in the same request, or when multiple buildings or tenant spaces for all other structures are submitted for the same project in the same request, the maximum fee will be..... \$590.00

(4) Requirements contained in Article XII, contractors, division 3,
licensing..... \$53.00

(5) Continuance requested by appellant..... one half of original filing fee

(6) No filing fee will be charged for appeals of decisions on code modification requests.

(7) Special exception to issuance of floodplain certificate..... \$112.00

(k) *Contractor license application fee*..... \$60.00

(l) *Contractor license fees.* The quadrennial fees for contractor licenses shall be..... \$181.00

See Sec. 18-327 for list of applicable license classes.

Contractor license fees shall not be refundable.

(m) *Certificate of qualification application fee*..... \$60.00

(n) *Certificate of qualification renewal fee.* The quadrennial renewal fee for all certificates of qualification shall be \$ 181.00, except that the certificate fee shall be waived for employees of the city who work for the city as tradesmen or inspectors. Certificates of qualification shall be issued at no charge for the first four years and shall be renewed quadrennial thereafter at the rate established by this chapter.

(o) *Encroachment fees.*

(1) *Encroachment permit application fee.* Applications submitted pursuant to section 18-40 (Chapter 32 of the *International Building Code*, as amended) of

this chapter for approval of private use of public property shall be assessed an application fee of \$147.00. This fee is not intended to represent any rental or other payments that may also be required by the city.

- (2) *Encroachment license fee.* Encroachment into the right-of-way will be subject to the imposition of an annual license fee of \$ 63.00 plus \$0.63 per square foot of encroachment. Aerial (over seven feet above grade) or underground encroachments shall be charged \$ 63.00 plus \$0.31 per square foot. Encroachments granted to the State of Missouri and the United States will not require payment of an encroachment fee because it is in the public interest to permit such encroachments without additional costs to these public entities.

(p) *Adjustment of fees.* The city manager shall have the authority to adjust the fees listed above, except Sections 18-20(b)(2) and 18-20(b)(3), to reflect the change in the consumer price index (all items/all urban consumers/Kansas City, Missouri/Kansas) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments, if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

Sec. 18-21. Inspections.

(a) *Authority of building official; duties of permittee.*

- (1) All construction or work for which a permit is required under this chapter shall be subject to inspection by the building official, and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in section 18-22.
- (2) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of any other ordinances. Inspections presuming to give authority to violate or cancel the provisions of this chapter or any other ordinances shall not be valid.
- (3) It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- (4) A survey of the lot may be required by the building official to verify that the structure is located in accordance with approved plans.
- (5) It shall be the duty of the permit applicant to install and maintain effective erosion and sediment control measures as specified in section 3307 of the *International Building Code*, as adopted by Article II of this chapter. Should it be found that required erosion and sedimentation control measures have not been

installed, the building official may refuse any inspection requests for work requiring inspections until such time as the site complies with the requirements of this chapter. Should it be found that the installed erosion and sediment control measures are ineffective or are not being maintained properly, the building official shall give notice to the permit holder. Subsequent inspections may be refused if the erosion and siltation control measures are ineffective, or not being maintained.

- (6) Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(b) *Inspection requests.* It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

(c) *Approval of successive portions of work, final inspection.*

- (1) Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that the portion of the construction or demolition is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the construction or demolition fails to comply with this chapter. Any portions which do not comply shall not be covered or concealed until authorized by the building official.
- (2) There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

(d) *Required inspections.*

- (1) Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.
- (2) The building official, upon notification from the permit holder or permit holder's agent, shall make the following inspections and shall either approve that portion of the construction or demolition as completed or shall notify the permit holder or his agent wherein the construction fails to comply with this chapter:
 - a. *Footing or foundation inspection.* A footing and foundation inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any

required forms shall be in place prior to inspection. All materials for the foundation shall be on the job; except, where concrete is ready-mixed in accordance with ASTM C94, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

- b. *Concrete slab or under-floor inspection.* Concrete slab and under-floor inspections shall be made after all in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is poured or floor sheathing installed, including the subfloor.
- c. *Prebackfill.* A prebackfill inspection shall be made after the foundation drainage and damproofing systems are complete and prior to backfilling.
- d. *Rough-in inspection.* A rough-in inspection shall be made after such work as framing, fireblocking, roof, piping, vents, ductwork, chimneys, wiring, etc., are in place and prior to concealment.
- e. *Fire resistive rated assembly.* A fire resistive rated assembly inspection shall be made at such time so as to verify that the construction of each fire resistive rated assembly is in accordance with its listing.
- f. *Fire-resistant penetrations.* An inspection shall be made of the firestopping or fireblocking of all penetrations, joints, etc., prior to concealment.
- g. *Masonry throat inspection.* For masonry fireplaces only, a masonry throat inspection shall be made after the firebox is built and the 1st flue liner is in place. Construction of chimney may not continue until this inspection is approved.
- h. *Utility connection inspections.* Gas or electric service inspections shall be made prior to connection to the utility source. See Section 18-11 of this article.
- i. *Performance tests.* Performance tests shall be conducted by the permit holder as required by this chapter, or as otherwise required by the building official.
- j. *Demolition (basement and sewer) inspection.* A basement and sewer inspection shall be made prior to the filling of the excavation and/or final grading of the property.
- k. *Final inspection.* A final inspection shall be made after all work under permit has been completed for the building, tenant space or demolition.

(e) *Other inspections.* In addition to the inspections specified in subsection (d) of this section, the building official may make or require other inspections of any construction or demolition work to ascertain compliance with the provisions of this chapter or any other ordinances.

(f) *Building service equipment inspections.* The requirements of this section shall not be considered to prohibit the operation of any building service equipment installed to replace existing building service equipment serving an occupied portion of the building if a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after such replacement work is completed, and before any portion of such building service equipment is concealed by any permanent portion of the building.

(g) *Periodic inspections.*

(1) *Elevators.*

- a. *Generally.* All elevator equipment, vertical and inclined, shall be inspected as required by Article IX of this chapter.
- b. *Issuance of certificate of inspection.* Where the inspections and tests indicate that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this article, and the plans and specifications are filed, the building official shall issue a certificate of inspection to the owner of the elevator or the owner's agent. Such certificate shall be kept posted on the elevator. In the case of escalators and manlifts, such certificate shall be posted in a conspicuous place adjacent to the entrance of each escalator or manlift. No elevator, dumbwaiter, escalator, moving walk, workmen's hoist, manlift, chairlift or wheelchair lift which is covered by this chapter shall be used without such certificate. The owner, tenant, occupant or maintainer of property on which elevator equipment is being operated shall be responsible for the following use of such elevators: Freight elevators shall be ridden by the operator and freight handler persons only, and no-rider elevators shall not be ridden by persons.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the equipment is not in compliance with this chapter or that the fee for any required inspection or test has not been paid.
- d. *Fees for tests and inspections.* Fees for tests and inspections shall be as provided in section 18-20 of this chapter.
- e. *Limited certificates.* The building official may permit the temporary use of any equipment regulated by this chapter during the installation,

alteration or repair, under the authority of a limited certificate issued for each class of service. Such limited certificate shall not be issued until the equipment has been tested under contract load and the car or counterweight safeties, terminal-stopping devices and other safety equipment has been tested and found to be safe for the class of service. Equipment operating under the authority of a limited certificate may be shut down or be subject to a double inspection fee if repairs or other requirements have not been completed in a timely manner.

(2) *Underground space.*

- a. *Generally.* All new and existing underground spaces shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the underground space is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.
- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.

(3) *Communication towers for television and radio transmission or reception.*

- a. *Generally.* All new and existing structures shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.

- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.

(4) *Parking station structures.*

- a. *Generally.* Each owner of a structure that contains a parking station with occupiable spaces above them, including multilevel parking station structures and single level parking station structures with occupiable space above, in its 15th year of age and every five years thereafter shall cause it to be inspected for structural adequacy by a registered professional engineer licensed in the State of Missouri. A form known as the Parking Structure Periodic Inspection Report shall be completed, sealed by the professional engineer who performed the inspection, and submitted to the city planning and development director to verify the conditions found. The Parking Structure Periodic Inspection Report shall be submitted by June 1st of the sixteenth year and every five years thereafter.
- b. *Issuance of certificate of inspection.* If the Parking Structure Periodic Inspection Report certifies that all applicable structural elements are satisfactory or if the Parking Structure Periodic Inspection Report certifies that there are some limited concerns and the professional engineer certifies that the structure has sound structural integrity, and should be considered safe for occupancy, then the city planning and development director shall issue a letter of acceptance. Such letters of acceptance shall expire five years from the date they are issued. Letters of acceptance may be revoked before expiration by the city planning and development director if the condition of the structure becomes unsafe.
- c. *Revocation of certificate of inspection.* If the Parking Structure Periodic Inspection Report indicates that the parking structure or part of the structure is unsafe or incapable of carrying the loads for which it was designed without repairs or modifications, the city planning and development director may require the owner to immediately vacate the entire structure or that part of the structure which is deemed unsafe. The

structure or that part of the structure that is ordered vacated shall remain unused and unoccupied by either persons or vehicles until proper repairs or modifications render the structure safe and the opinion as required in (b) by the professional engineer is given. Once the required repairs or modifications have been completed and the professional engineer certifies that it has sound structural integrity and should be considered safe for occupancy, the city planning and development director shall issue a letter of acceptance as required in (b) and the structure shall be allowed to be occupied.

- d. *Fee for certificate of inspection.* Fees for the letter of acceptance shall be as provided in section 18-20 of this chapter.

(5) *Privately owned pedestrian bridges*

- a. *Generally.* All new and existing pedestrian bridges shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.
- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.

(6) *Non-ground supported swimming pools on or in a structure*

- a. *Generally.* All new and existing non-ground supported swimming pools that are on or in a structure shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer

registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.

- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.

(7) One-time structural adequacy inspection of certain existing structures

The City shall conduct a one-time inspection of the structural adequacy of each building within the City greater than four stories in height as defined by the current building code and built prior to 1950, based upon its type of construction. The criteria to identify the structures requiring such an inspection, and the manner and method of structural assessment to be performed, will be determined by the building official no later than 45 days after the effective date of this ordinance. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair or modification before such certification can be given. The report and a \$500.00 report certification fee must be submitted within six months of the effective date of this ordinance; failure to do so is a violation per section 18-13.

Approved as to form and legality:

Eluard Alegre Associate City Attorney