

PROPOSED BY: Mayor and Board of Aldermen BILL NO. 20-2886

INTRODUCED BY: ALDERMAN SANSONE ORDINANCE NO. 2873

AN ORDINANCE AMENDING CHAPTER 6. BUILDING AND BUILDING REGULATIONS TO ADOPT THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL BUILDING CODE, THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE, THE 2018 INTERNATIONAL EXISTING BUILDING CODE, THE 2018 INTERNATIONAL FIRE CODE, AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE TOGETHER WITH CERTAIN AMENDMENTS THERETO AS THE BUILDING CODE FOR THE CITY OF DES PERES AND EFFECTIVE DATE

WHEREAS, the Board of Aldermen are desirous of adopting certain minimum requirements and standards for the construction, alteration, use and occupancy of buildings and structures to protect the health, safety and welfare of the citizens of the City of Des Peres; and

WHEREAS, Section 67.280, RSMo as amended, provides that local governments may adopt certain technical codes by reference provided that at least one (1) copy of said codes and all amendments thereto are filed with the Office of the City Clerk for a period of not less than ninety (90) days prior to the date of adoption by reference and the City of Des Peres gave such notice by adoption on June 8, 2020 by Resolution #20-3405;

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DES PERES, MISSOURI, AS FOLLOWS:

Section One: Building Code

Section 6-36. *Building Codes Adopted* of the Municipal Code of the City of Des Peres, is hereby amended by the repeal of Section 6-36 and adoption of a new section in lieu thereof to read as follows:

Chapter 6. Buildings and Building Regulations
Article III. Building Code
Sec 6.36. Building Code Adopted

The Building Code of the City of Des Peres shall include the 2018 Editions of the International Building Code, the International Residential Code, the International Swimming Pool and Spa Code, the International Existing Building Code, the International Fire Code, and the International Property Maintenance Code as published by the International Code Council (ICC) together with all amendments thereto adopted herein and shall collectively be referred to as "The Building Code"

(a) Definitions

- 1. Throughout the Building Code wherever the terms "Name of Jurisdiction" or "Local Jurisdiction" appears it shall be deemed to mean "City of Des Peres, Missouri".*

2. Throughout the Building Code, wherever the term "Department of Building Safety" appears, it shall be deemed to mean the Department of Public Works of the City.
3. Throughout the Building Code wherever the term "building official" or "code official" appears, it shall be deemed to mean the Director of Public Works of the City of Des Peres or his authorized representatives.
4. Throughout this code, wherever the terms NFPA 70 (Electrical), International Plumbing Code or International Mechanical Code appears, it shall be deemed to mean the Electrical, Plumbing and Mechanical Codes adopted by St Louis County with all amendments thereto.
5. Throughout this code, wherever the term "Board of Building Appeals" or "Board of Appeals" appears, it shall mean the Board of Adjustment of the City of Des Peres.
6. Throughout this code, wherever permitting, inspection and enforcement of Mechanical, Electrical or Plumbing Codes are referenced, enforcement of such codes shall be by the St Louis County Department of Highways, Traffic and Public Works under contract with the City.

(b) International Building Code, 2018 Edition:

Certain documents, a copy of which is on file in the Office of the City Clerk of Des Peres, being marked and designated as the International Building Code, 2018 edition as published by the International Code Council (ICC) is hereby adopted as the Building Code of the City for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the Office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set forth in this ordinance, with the additions, insertions, deletions and changes set forth herein.

1. Amendments to the International Building Code (IBC), 2018 Edition are hereby adopted as follows:

- a. The following sections and subsections of the International Building Code are deleted:

- i. 101.4.1 Gas

- ii. 101.4.2 Mechanical
- iii. 101.4.3 Plumbing
- iv. 107.2.4 Exterior Walls – delete paragraph 2
- v. 109.2 Schedule of Permit Fees
- vi. 109.6 Refunds

b. Amend Section 105.2.

- i. delete the following language from work exempt from permits – Building:
 - 1. Item #2 Fences Not Over 7 feet
 - 2. Item #3 Oil Derricks
 - 3. Item #10 Shade, cloth structures constructed for nursery or agricultural purposes, not including service systems
- ii. Amend the following language from work exempt from permits – Buildings
- iii. Delete language in Section 105.5 Expiration and insert new language in lieu thereof to read “Permits shall expire in accordance with Section 6.3 of the Municipal Code”.
- iv. Amend Section 107.3.1 to delete the phrase “Reviewed for Code Compliance” and insert in lieu thereof the word “Approved”
- v. Delete the language in Section 109.2 Schedule of Permit Fees and insert new language in lieu thereof to read “Permit fees shall be paid in accordance with Section 6.-37 of the Municipal Code
- vi. Section 111.2 Certificate Issued. Delete all language in the section following the phrase “Certificate of Occupancy”.
- vii. Section 903.3.1.2 NFPA 13R Sprinkler Systems: retitle as “NFPA 13 or NFPA 13R Sprinkler Systems” and add the following language at the end of the paragraph “with NFPA 13
- viii. Section 1006.1 Illumination Required: add text at the end of the paragraph to read “including the exit discharge”.
- ix. Add a new Section 1013.7 Retaining Walls to read as follows: “Guards shall be provided where retaining walls have differences in grade level on either side of the wall in

excess of 4 feet are located closer than 2 feet to a walk, path, parking lot or driveway on the high side of retaining walls."

- x. *Add a new Section 1612.3 establishment of Flood Hazard Areas: Include the following words "as established in Article XI of this chapter" following the words "adopted flood hazard map and supporting data as established in Article XI of this chapter and are hereby adopted by reference and declared a part of this section."*

(c) International Residential Code, 2018 Edition

Certain documents, a copy of which is on file in the Office of the City Clerk of Des Peres, being marked and designated as the International Residential Code, 2018 Edition, including Appendix Chapters H and J as published by the International Code Council (ICC) is hereby adopted as the Residential Code of the City for regulating and governing the construction, alternation, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the Office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set forth in this ordinance, with the additions

1. *The following sections or subsections of the International Residential Building Code are hereby deleted:*
 - a. *Section N1103.3.5 Building Cavities (Mandatory)*
2. *The following sections or subsections of the International Residential Code are hereby amended*
 - a. *Amend Section 105.2. to delete the following language from work exempt from permits – Buildings:*
 - i. *Item #2 Fences Not Over 6 feet*
 - ii. *Item #10 Decks Not Exceeding 200 sq ft*
 - b. *Delete language in Section 105.5 Expiration – and insert in lieu thereof the following language: "Permits shall expire in accordance with section 6.3 of this Code*
 - c. *Amend Section 106.3.1 to delete the words "Reviewed for Compliance" and insert the words "Approved".*

- d. Amend Section 301.2.1 Wind Limitations by adoption of the following Table R201.2(1)

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

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ¹	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ²	ICE BARRIER UNDERLAYMENT REQUIRED ³	FLOOD HAZARDS ⁴	AIR FREEZING INDEX ⁵	MEAN ANNUAL TEMP ⁶
	Speed ⁷ (mph)	Topographic effects ⁸		Weathering ⁹	Frost line depth ¹⁰	Termites ¹¹					
20psf	115	NO	C	Severe	30 inches	Slight to moderate	2°F	NO	6/11/79	1500	54°F

- e. Amend Section 302.2 Townhouses Exceptions: Add additional exception (#2) to read as follows: "A common 2-hour fire resistance rated wall assembly tested in accordance with ASTM E119 or UL 263 is permitted for townhouses not protected by an automatic residential fire sprinkler system if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. The common wall may also be two independent 1-hour fire-resistance- rated walls.
- f. Amend Section R306. Sanitation by adoption of a new Sections identified as Sections R306.5, and R306.6 to read as follows:
- R306.5 Hose Bibs.** Every dwelling shall provide at least one outside frost proof hose bib. Hose bibs shall be protected from backflow in accordance with the provision of the Plumbing Code.
- R306.6 Floor Drain.** A floor drain shall be installed within 15 feet of and in the same room as the water heater(s), heating and cooling systems.
- g. Amend Section R311.3.2 Floor Elevations for Exterior doors to delete the word "two" and insert in lieu thereof the word "four" in the paragraph on exceptions.
- h. Amend Section R313.2 One and Two Family Automatic Fire Sprinkler Systems to delete all language and to adopt in lieu thereof the following: "On or before the date of entering into a purchase contract, any builder of a single family dwelling or residences or multifamily buildings of four or fewer units shall offer to any purchaser the option to install or equip such dwellings or residences with a fire sprinkler system at the purchasers cost."

[Footnote: The 2018 IRC mandates automatic residential fire sprinkler systems to be installed in all one and two family

dwellings. Section 67.281, RSMO, prohibits political subdivisions from requiring such sprinklers prior to December 31, 2024.]

- i. Section R313.2.1 Design and Installation. Delete all language therein and adopt in lieu thereof the following language: "Automatic residential fire sprinkler systems shall be designed and installed in accordance with the Plumbing Code and NFPA 13R."*
- j. Section R322.1.7 delete the phrase "and Chapter 3 of the International Private Sewage Disposal Code".*
- k. Section R403.1.4.1 Frost Protection.
 - i. Amend Exception #1 to delete the words "six hundred square feet" and insert in lieu there the words "Two hundred fifty Square Feet"*
 - ii. Delete the exceptions #2 and #3 of this section.**
- l. Amend section R405. Foundation Drainage to add additional subsections to read as follows:
 - i. R405.1.2 If ground water is present, provide drain tile, perforated pipe, or other approved drainage systems such as a water channel system around the perimeter of the outside of the foundation and inside the foundation. Drain discharge shall be by gravity to daylight or connected to a basement floor sump."*
 - ii. R405.1.3 If no ground water is present, provide drain tile, perforated pipe or other approved drainage systems such as a water channel system around the perimeter of the outside of the foundation or inside the foundation. Drain discharge shall be by gravity to daylight or connected to a basement floor sump."*
 - iii. R405.1.4 Approved filter membranes shall be placed over the top of the joints/pipe perforations. The tile/pipe shall be placed on a minimum of 2 inches of gravel or crushed stone and have a minimum of 6 inches of cover.*
 - iv. R405.1.5 The drainage system shall discharge by gravity to daylight or be connected to an approved sump. The sump shall be a minimum of 18 inches deep and be provided with a fitted cover. A sump pump shall be provided if the basement is finished or partially finished with pump discharge by an approved method.**

- m. Amend Section R509.2 Deck lateral load connection. To add additional language to read as follows: "except for decks that are 100 square feet or less.
- n. Add a New Section R1005.9 entitled "Required Fire Separation Enclosure" and to read as follows: "All prefabricated "wood burning" metal chimneys shall be enclosed in a fire resistant shaft with one layer of type-x ½ inch gypsum board or equivalent, starting from the firebox connection to the underside of the roof sheathing and fastened at a maximum 6 inches on center by a minimum 1 7/8 inches 6d coated nails or equivalent drywall screws. Except a chimney chase located on an exterior wall of a structure need only be separated by lining the walls between the chimney chase and the exterior wall of the structure as specified in this section."
- o. Amend Section N1101.13 (R401.2) Compliance. Projects shall comply with one of the following:
- 1) Sections N1101.14 through N1104 as amended.
 - 2) Section N1105 and the provisions of Section N1101.14 through N1104 labeled "Mandatory."
 - 3) An energy rating index (ERI) approach in N1106.
- p. Amend Section N1101.14 (R401.3) Certificate (Mandatory). Add Exception:
- i. Exception: All new Homes to be built shall include a code block outlining the basic energy elements (R-values) of the home listed above and a copy of this information will be provided by the builder to the buyer of the new home.
- q. Amend Table N1102.1.2 and add the following additional footnote:
- Climate Zone 4
 - Fenestration U-Factor 0.35
 - Skylight U-Factor 0.60 See Note b
 - Glazed Fenestration SHGC 0.40 See Note b&e
 - Ceiling R-Value 38
 - Wood Frame R-Value 13
 - Mass Wall R-Value 8/13 See Note I
 - Floor R-Value 19
 - Basement Wall R-Value O See Note J
 - Slab R-Value and Depth 10, 2Ft' See Note D
- ii. (j): Unfinished basements may have a total of 20% of the total basement wall area exposed above the outside finished grade/ground level as un-insulated concrete foundation walls. The foundation wall area above the outside grade/ground level that may be un-insulated is determined by the formal 0.20 times the basement wall height of all walls (including insulated exterior frame walls

for walkout basements and walls common to both basement and attached garages) times the perimeter of these basement walls. Where basement wall insulation is provided, it shall extend down to the basement floor slab or to a minimum of 24" below the outside finished grade when the grade is above the floor slab elevation."

- r. Amend Section 1103.1.1 Programmable thermostat (Optional)

(d) *The International Swimming Pool and Spa Code, 2018 Edition*

Certain documents, a copy of which is on file in the Office of the City Clerk of Des Peres, being marked and designated as *The International Swimming Pool and Spa Code, 2018 Edition* as published by the International Code Council (ICC) is hereby adopted as the Residential Code of the City for regulating and governing the construction, alternation, movement, enlargement, replacement, repair, equipment, and location of swimming pools and spas; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said *Swimming Pool and Spa Code* on file in the Office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set forth in this ordinance, with the additions

1. *The Swimming Pool and Spa Code* is hereby amended as follows:

- a. Throughout the swimming pool and spa code, wherever the terms *NFPA 70 (Electrical)*, *International Plumbing Code* or *International Mechanical Code* appears, it shall be deemed to mean the *Electrical, Plumbing and Mechanical Codes* adopted by St Louis County with all amendments thereto.
- b. Section 305.2.1.1 *Barrier height and clearances* – delete “48 inches (1219 mm)” and insert in lieu thereof the “72 inches (1829 mm).” and Add Exception:
 - a. Exception: For residential swimming pools the top of the barrier shall not be less than 48 inches (1219mm) above grade where measured on the side of the barrier that faces away from the pool or spa.
- c. Section 305.2.10 *Poolside barrier setbacks* – delete “20 inches (508 mm)” and insert in lieu thereof the “60 inches (1524 mm).” and Add Exception:
 - a. Exception: For residential swimming pools the required barrier shall not be less than 20 inches (508 mm) from the water’s edge.

- d. *Section 306.9.1 Hose Bibs - Hose Bibs shall be provided for rinsing the entire deck and installed in accordance with the Plumbing Code.*
- e. *Delete language in Section 311.4 Piping and Fittings – and insert in lieu thereof the following language: “311.4 Piping, fittings, joints, piping subject to freezing, suction outlet fittings, system draining, hydrostatic pressure test, and protection of potable water supply. All piping, fittings, joints, piping subject to freezing, suction outlet fittings, and system draining, shall be installed in accordance with the Plumbing Code. Circulation piping, other than that integrally included in the pool or spa shall be subject to hydrostatic pressure testing in accordance with the Plumbing Code. Potable water supply systems shall be designed, installed, and maintained in accordance with the Plumbing Code ”*
- f. *Delete Sections 311.4.1 Fittings, 311.4.2 Joints, 311.4.3 Piping subject to freezing, 311.4.4 Suction outlet fitting assemblies, 311.5 System draining, 311.9 Hydrostatic pressure test, and 318.2 Protection of potable water supply.*

(e) The International Property Maintenance Code (IPMC), 2018 Edition

Certain documents, a copy of which is on file in the Office of the City Clerk, being marked and designated as the International Property Maintenance Code, 2018 Edition, as published by the International Code Council (ICC), be and is hereby adopted as the Property Maintenance Code of the City for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe , sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance with the additions, insertions, deletions and changes, if any, prescribed herein.

1. *The Property Maintenance Code is hereby amended as follows:*
 - a. *Section 103.5 Fees- delete all language and adopt new language in lieu thereof to read as follows: “The city shall be entitled to collect administrative and inspection fees in amounts established in the Municipal Code*

- b. *Section 112.4 Failure to Comply – delete the word “a fine of not less than (amount) and more than (amount) dollars” and insert in lieu thereof the words “a fine in accordance with the general penalty provisions of the Municipal Code”.*
- c. *Section 302.4 Weeds – insert the number eight (8”) inches*
- d. *Section 304.14 Insect Screens – delete in its entirety*
- e. *Section 602.3 Heat Supply – insert the dates “October 1st thru March 31st”*
- f. *Section 602.4 Occupiable Work Spaces – insert the dates October 1st thru March 31st.*

Section Two: It is the intention of the Board of Aldermen that no other Articles, Sections or Subsections of Chapter 6. Buildings and Building Regulations are altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these definitions are not set forth here in full. In the event of a conflict between the provisions of the Building Codes adopted herein and any other ordinances of the city, the more restrictive standard shall apply.

Section Three: Permit applications submitted prior to September 1, 2020 2020 and designed in accordance with the 2009 codes will be reviewed to completion in accordance with the 2009 codes as long as the applications are diligently pursued by the applicant and a permit is obtained by October 1, 2020. It will not be acceptable to utilize a combination of the 2009 and 2018 editions of the codes during this transition implementation period.

Section Four: Nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any case or caused of action required or existing under any act or ordinance otherwise repealed by this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section Five: Each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section, subsection hereof. In the vent that any part of this Ordinance shall be determined to be unlawful or unconstitutional, the remaining parts, sections and subsections, shall be and remain in full force and effect.

Section Six: The provisions contained herein shall remain in full force and effect in the event the City or the third party Municipal Code codification company the City engages makes non-substantive changes to the language herein contained or section numbers herein referenced.

Section Seven: This ordinance shall be in full force and effect from and after the October 1, 2020.

This Ordinance passed this 14th day of September, 2020.

Voting in Favor: Pound, Sansone, Fitzpatrick, Kleinschmidt, Concagh, Barrett

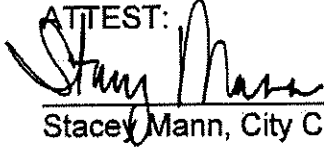
Voting Against:

Absent:



Mark Becker, Mayor

ATTEST:



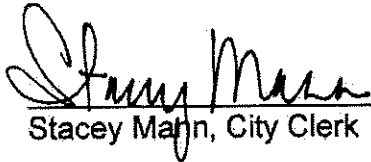
Stacey Mann, City Clerk

This ordinance approved this 14th day of September, 2020.



Mayor Mark Becker

ATTEST



Stacey Mann, City Clerk

1st Reading 06/08/2020

2nd Reading 09/14/2020