

**AN ORDINANCE ADOPTING THE 2006 INTERNATIONAL CODES FOR THE CITY OF ST. MARY AND DESIGNATING WHEN THIS ORDINANCE SHALL TAKE EFFECT.**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI AS FOLLOWS:**

**SECTION 1: SHORT TITLE.** This Ordinance shall be known as the **Building Code Ordinance.**

**SECTION 2: PURPOSE.** The general purpose of this Ordinance is to protect the public health, safety, comfort, morals and the general welfare of the people of the city. These general objectives include, among others, the following specific purposes:

- (A) To protect the character and stability of commercial and residential areas within the city.
- (B) To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of buildings.
- (C) To provide facilities for light and ventilation, necessary to health and safety.
- (D) To prevent additions or alterations to existing commercial and residential dwellings that would be injurious to the life, health, safety or general welfare of the occupants of such dwellings or neighboring properties.
- (E) To prevent the overcrowding of dwellings by providing minimum space standards per occupant of each dwelling unit.
- (F) To provide minimum standards for the maintenance of existing commercial and residential buildings and to prohibit the spread of slums and blight.
- (G) To preserve the taxable value of land and buildings throughout the City.

**SECTION 3: DEFINITIONS**

Approved: Approved by the Code Official.

Building: Any real estate improvement, dwelling unit, accessory building, rooming unit, premise, commercial structure, and all other structures designed to be occupied or visited by people.

Building Code: The collection of codes set out in Section 4 of this Ordinance.

Building Commissioner: The Building Inspector appointed by the Board of Aldermen.

Board of Appeals: Three Members of the Board of Aldermen of the City of St. Mary.

Certificate of Occupancy: See Occupancy Permit.

City: The City of St. Mary, Missouri

Code Official: The Building Commissioner of the City of St. Mary.

Condemn: To judge unfit for use or occupancy.

Occupancy Permit: A certificate of occupancy issued under the provisions of this Code.

Occupant: Any person living or sleeping in a building; or having possession of a space within a building.

## **SECTION 4: CODES ADOPTED**

**A. International Building Code Adopted.** The Building Code of the City of St. Mary shall consist of the ICC International Building Code, 2006 Edition, published "by the International Code Council, Inc., (the "Building Code") which is incorporated herein by reference and made a part hereof.

**Section 1.** The following section is hereby revised to read:

One (1) copy of the International Building Code shall be kept on file with the City Clerk.

**Section 2.** The following sections are hereby revised:

**Section 101.1** —Name of the Jurisdiction is: City of St. Mary, Missouri

**Section 1612.3**— Name of the Jurisdiction is: City of St. Mary, Missouri

**Section 1612.3**—Date of Issuance: August 11, 1988

**Section 3410.2**—Passage of this ordinance

**Section 3.** Ordinance No. 325 of the City of St. Mary entitled Fire & Building Codes is hereby repealed.

**B. International Residential Code Adopted.** The Residential Code of the City of St. Mary shall consist of the ICC International Residential Code, 2006 Edition, published by the International Code Council, Inc., (the "Residential Code") which is incorporated herein by reference and made a part hereof.

**Section 1.** The following section is hereby revised to read:

One (1) copy of the International Residential Code shall be kept on file with the City Clerk.

**Section 2.** The following sections are hereby revised:

**Section R101.1**-- Name of the Jurisdiction is: City of St. Mary, Missouri

**Section R301.2 (1)**—As noted in text

**Section P2603.6.1**—Sewer Depth shall be a minimum of 37 inches below grade

**Section P3103.1**-- Vent pipes that extend through the roof must be 12 to 18 inches above the roof

**Section R602.3.1**—Wall construction to be on max width of 16" center

**Section 3.** Ordinance No. 325 of the City of St. Mary entitled Fire & Building Codes is hereby repealed.

**C. International Plumbing Code Adopted.** The Plumbing Code of the City of St. Mary shall consist of the ICC International Plumbing Code, 2006 Edition, published by the International Code Council, Inc., (the "Plumbing Code") which is incorporated herein by reference and made a part hereof.

**Section 1.** The following section is hereby revised to read:

One (1) copy of the International Plumbing Code shall be kept on file with the City Clerk.

**Section 2.** The following sections are hereby revised:

- Section 101.1** —Name of the Jurisdiction is: City of St. Mary, Missouri
- Section 106.6.2**— Section 34—Building Permit Fees shall apply
- Section 106.6.3**—Fee Refunds shall be deleted entirely
- Section 108.4**— Misdemeanor Offense, \$500.00 fine or 30 days in jail
- Section 108.5**—Misdemeanor Offense, \$500.00 fine or 30 days in jail
- Section 305.6.1**—Sewer depth shall be 37 inches deep
- Section 904.1**—Vent pipes that extend through the roof must be 12 to 18 inches above the roof

**Section 3.** Ordinance No. 325 of the City of St. Mary entitled Fire & Building Codes is hereby repealed.

**D. International Mechanical Code Adopted.** The Mechanical Code of the City of St. Mary shall consist of the ICC International Mechanical Code, 2006 Edition, published by the International Code Council, Inc., (the "Mechanical Code") which is incorporated herein by reference and made a part hereof.

**Section 1.** The following section is hereby revised to read:  
 One (1) copy of the International Mechanical Code shall be kept on file with the City Clerk.

**Section 2.** The following sections are hereby revised:  
**Section 101.1**-- Name of the Jurisdiction is: City of St. Mary, Missouri  
**Section 106.5.2**— Section 34—Building Permit Fees shall apply  
**Section 106.5.3**-- Fee Refunds shall be deleted entirely  
**Section 108.4**-- Misdemeanor Offense, 500.00 fine or 30 days in jail  
**Section 108.5**—\$100.00 not more than \$500.00

**Section 3.** Ordinance No. 325 of the City of St. Mary entitled Fire & Building Codes is hereby repealed.

**E. International Fire Code Adopted.** The Fire Code of the City of St. Mary shall consist of the ICC International Fire Code, 2006 Edition, published by the International Code Council, Inc., (the "Fire Code") which is incorporated herein by reference and made a part hereof

**Section 1.** The following section is hereby revised to read:  
 One (1) copy of the International Fire Code shall be kept on file with the City Clerk.

**Section 2.** That the following sections are hereby revised:  
**Section 101.1**-- Name of the Jurisdiction is: City of St. Mary, Missouri  
**Section 109.3**—Misdemeanor Offense, \$500.00 fine or 30 days in jail  
**Section 111.4**—Insert dollar amounts in two locations--\$100.00 not more than \$500.00

**Section 3.** Ordinance No. 325 of the City of St. Mary entitled Fire & Building Codes is hereby repealed.

**F. International Property Maintenance Code Adopted.** The Property Maintenance Code of the City of St. Mary shall consist of the ICC International Property Maintenance Code, 2006 Edition, published by the International Code Council, Inc., (the "Property Maintenance Code") which is incorporated herein by reference and made a part hereof.

**Section 1.** The following section is hereby revised to read:  
 One (1) copy of the International Property Maintenance Code shall be kept on file with the City Clerk.

**Section 2.** The following sections are hereby revised:

**Section 101.1** —Name of the Jurisdiction is: City of St. Mary, Missouri

**Section 103.5** – Section 34—Building Permit Fees shall apply

**Section 302.4**—12 inches in height

**Section 304.14**—Commercial Property year around

**Section 602.3**—November through March

**Section 602.4**—November through March

**Section 3.** Ordinance No. 325 of the City of St. Mary entitled Fire & Building Codes is hereby repealed.

**G. National Electrical Code Adopted.** The electrical code of the City of St. Mary shall consist of the ICC International Electrical Code, 2002 Edition, published by the International Code Council, Inc., (the "Electrical Code") which is incorporated herein by reference and made a part hereof.

**Section 1.** The following section is hereby revised to read:

One (1) copy of the National Electrical Code shall be kept on file with the City Clerk.

**Section 2.** The following sections are hereby revised:

**Section 101.1**— Name of the Jurisdiction is: City of St. Mary, Missouri

**Section 404.2**– Section 34—Building Permit Fees shall apply

**Section 3.** Ordinance No. 325 of the City of St. Mary entitled Fire & Building Codes is hereby repealed.

**SECTION 5: CITY CLERK TO MAINTAIN COPIES OF CODES.** The City Clerk shall keep and maintain a copy of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fire Code, International Electrical Code and the International Property Maintenance Code, cited in this ordinance, on file in the office of the City Clerk for public viewing during regular business hours.

**SECTION 6: ADMINISTRATION.** It shall be the responsibility of the Board of Aldermen to implement the provisions of the ordinance. The City is hereby authorized to employ a Building Inspector for the daily administration of this ordinance and for the inspection of buildings. The City is hereby directed to develop forms and procedures necessary to assure the equitable and efficient implementation of this ordinance. The Board of Aldermen, in addition to the fees set out herein, shall adopt a fee schedule to cover the actual cost of administering this Ordinance.

**SECTION 7: PROCEDURE FOR FILING APPEALS.**

(A) Any appeal under this Ordinance shall be taken within thirty (30) days after the decision is rendered by filing with the Building Commissioner a notice of appeal specifying the grounds therefore, and by depositing with the City Clerk the sum of Thirty Dollars (\$30.00) as a docket fee.

(B) The Building Commissioner shall forthwith submit to the board a copy of this notice of appeal together with all the papers constituting the record upon which the action appealed from is taken.

**SECTION 8: APPEAL TO STAY PROCEEDINGS OF ACTION APPEALED FROM EXCEPTION.**

An appeal pursuant to Section 7 shall stay all City enforcement proceedings in furtherance of the action appealed from, unless the Building Commissioner shall certify to the Board of Adjustment, subsequent to the filing of any notice of appeal, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, enforcement proceedings shall not be stayed otherwise than by the order of any court of competent jurisdiction.

**SECTION 9: INFORMATION TO BE FURNISHED TO BOARD OF APPEALS.** It shall be the duty of the Building Commissioner to furnish the Board of Appeals upon request, with copies of reports of any or all inspections made by such officers in the matter on appeal and to furnish such other information as may be available.

**SECTION 10: NOTICE AND HEARING.** The Board of Appeals shall fix a time and place for the hearing of appeal. Such hearing shall be had within a reasonable time after the filing of the notice of appeal. Notice of the time and place of hearing shall be sent by mail to the appellant or to his attorney of record, and such hearing shall not be less than ten (10) days after the mailing of the notice.

**SECTION 11: ACTION AND DECISION OF BOARD GENERALLY.**

(A) In exercising the powers enumerated in this Ordinance, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, and requirement, decision or determination as ought to be made.

(B) The Board of Appeals shall act by simple majority vote of members present and a quorum shall consist of at least three (3) members. The action of the board shall not become effective until after the resolution of the board setting forth the reason for its decision and the vote of each member participating therein has been spread upon the minutes. Such resolutions, immediately following the board's final decision, shall be filed in the office of the board and shall be open for public inspection.

(C) The Board of Appeals may seek the advice of professionals at the time of hearing.

**SECTION 12: REVIEW OF DECISIONS.**

(A) Any decision of the Board of Appeals under this Ordinance shall be subject to review by a court of competent jurisdiction.

(B) If a decision appealed from is affirmed, the docket fee previously deposited by appellant shall be forfeited, and the money shall be paid into the city treasury. If the decision appealed from shall be reversed or modified, then such docket fee shall be refunded to appellant.

**SECTION 13: CONFLICTING PROVISIONS.** This Ordinance establishes minimum standards buildings and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings except such as are in conflict with the provisions of this Ordinance.

**SECTION 14: CONSTRUCTION PERMITS.**

**(A) It is unlawful for any person, without first obtaining a construction permit, to:**

(a) install, alter or modify any electrical, plumbing or mechanical system of a building where the cost is in excess of Five Hundred Dollars (\$500.00); or

(b) where the result of proposed construction, modification or alteration is to enlarge a building's capacity, or affect the bearing wall or roof of any building.

**(B) Application.** Application for such permit shall be made to the Clerk, and shall be accompanied by plans and specifications in duplicate showing the work to be done; such plans shall be verified by the signature of either the owner of the building or by the architect or contractor in charge of the operations.

**(C) Approval of Plans.** Such applications with plans shall be referred to the Building Inspector, who shall examine the same to determine whether the proposed construction or alteration will comply with the ordinance provisions contained in Section 4. Upon approval one set of plans shall be returned to the applicant with a permit, and the other shall be retained by the Building Inspector. No permit shall be issued until after approval of the plans.

**(D) Variations.** It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted in an amended plan to the Building Inspector and approved by him.

**(E) Enforcement of Provisions.** The Building Inspector shall make or cause to be made such inspections as are necessary to see to the enforcement of the provisions of this Ordinance, and to make any tests or examinations of materials or methods to be used for the purpose of seeing that they comply with the provisions of this Ordinance.

**SECTION 15: CONFORMANCE TO ORDINANCE REQUIRED.** Every building shall conform to the requirements of this ordinance, irrespective of the class to which such building may otherwise belong, and irrespective of when such building may have been constructed, altered or repaired.

**SECTION 16: INSPECTION AUTHORIZED; ACCESS.** After 24-hour prior written notice to or with consent of the owner, the Building Commissioner is authorized and directed to make inspections to determine whether buildings located within the city conform to the requirements of this Ordinance. For the purpose of making such inspections, the Building Commissioner is authorized to enter, examine and survey at all reasonable times all buildings. The owner of every building shall give the Building Commissioner free access thereto at all reasonable times for the purpose of such inspection, examination and survey.

**SECTION 17: OCCUPANCY PERMIT REQUIRED: FEES.**

(A) It shall be unlawful for any person to occupy or for any owner or agent hereof to permit the occupation of any building, or addition thereto, or part thereof, until a certificate of occupancy has been issued by the Building Commissioner. Every owner, agent or manager of any building, or addition thereto, shall inform the Building Commissioner whether any portion of such building therein becomes vacant and request an inspection thereof under the provisions of this Ordinance. The certificate of occupancy so issued shall state that the occupant complies with all the provisions of this Ordinance. This section shall not apply to the occupancy in existence on the date this Ordinance is adopted unless there is a change in occupancy after this date. It shall be otherwise effective immediately upon adoption of this Ordinance.

(B) It shall be unlawful for any person to knowingly make any false statement in his application for an occupancy permit to the names, ages, relationship or number of occupants who will occupy the building.

**SECTION 18: NO WARRANTY BY CITY.** The inspections made hereunder are not warranties by the City as to the conditions of any private property. Some inspections may be simply visual outside inspections and the City assumes no liability for the safety of any person or property of any person relying on the adequacy on any inspection or report issued under this Ordinance.

**SECTION 19: INSPECTIONS AND CERTIFICATES OF COMPLIANCE.** If the inspected premises meet city code standards, a certificate of compliance shall be issued. The certificate shall be valid for a period of one year from the date of the last inspection performed.

**SECTION 20: NOTICE OF VIOLATION** Whenever the Building Commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, he shall give notice of such alleged violation to the person responsible therefore which shall:

- (A) Be in writing.
- (B) Contain a statement of the reason why it is being issued.
- (C) Allow a reasonable time for the performance of any act it requires (30 days maximum.)
- (D) Contain an outline of remedial action which if take will effect compliance with the provision of this Ordinance.
- (E) Be served upon the owner or his agent, or the occupant, as the case may require. Such

notice shall be deemed to be properly served upon such owner or agent, or on any such occupant, if a copy thereof is:

- (1) Served upon him personally;
- (2) Sent by certified mail to his last known address; or
- (3) Posted in a conspicuous place in or about the dwelling affected by the notice.

**SECTION 21: DESIGNATION OF BUILDINGS UNFIT FOR HABITATION.** The following may be designated as buildings unfit for human habitation:

- (A) One which is so damaged, decayed, dilapidated, unsanitary, and unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or the public;
- (B) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public;
- (C) One which because of its general condition is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public; or
- (D) One which does not substantially conform to this Ordinance or the Dangerous Building Ordinance.

**SECTION 22: PLACARDING.** Any building which shall be found to have any of the defects set out in this Ordinance shall be declared unfit for human habitation and shall be so designated and placarded by the Building Commissioner when the person responsible has failed to correct the condition set forth in a notice issued in accordance with Section 20.

**SECTION 23: REMOVAL OF PLACARDS.** No person shall deface or remove the placard from any building which has been condemned as unfit for human habitation and placarded as such, except as may be provided.

**SECTION 24: RIGHT OF APPEAL.** Any person affected by any notice or order relating to the condemning and placarding of a building as unfit for human habitation may request and shall be granted a hearing on the matter before the board of appeal under the procedure set forth in this Ordinance.

**SECTION 25: VACATION OF BUILDING**

- (A) Any building condemned as unfit for human habitation, and so designated and placarded by the Building Commissioner, shall be vacated within a reasonable time as ordered by the Building Commissioner.
- (B) No building, which has been condemned and placarded as unfit for human habitation, shall again be used for human habitation until written approval is secured from, and such placard is removed by the Building Commissioner. The Building Commissioner shall remove such placard whenever the defects upon which the condemnation and placarding were based have been eliminated.

**SECTION 26: VACATING STRUCTURES TO BE MADE SECURE**

If a building is vacated or unfit for human habitation, occupancy or use and is not in danger of structural collapse, the Building Commissioner may post a placard of condemnation on the premises and may order the structure closed up with plywood so as to prevent that structure from becoming a public nuisance. Upon failure of the owner to close up the condemned structure within the time specified in the order, the Building Commissioner may cause those premises to be closed up with plywood through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the condemned structure is located and shall thereafter become a lien upon that real estate. In addition, any structure which is ordered to be closed up shall have a least one (1) no trespassing sign posted in a prominent place on each of its outside walls. All closing up with plywood shall be done in accordance with regulations for such work kept on file in the office of the Building Commissioner.

**SECTION 27: REMEDY OF DEFECTS**

- A. The owner of any building shall have thirty (30) days from the issuance of the notice provided in Section 20 to remedy the condition therein specified: provided however, that the Building Commissioner may, at his/her discretion, extend the time for compliance with any such notice; and provided further, that no owner shall be held responsible for any condition that is not specifically described in such notice.

The failure of any owner to comply with any order of the Building Commissioner contained in the notice prescribed by Section 20 within the time specified shall make such owner subject to the penalties provided for such offense.

**SECTION 28: TRANSFER OF OWNERSHIP**

- A. It shall be unlawful for the owner of any building upon whom a notice of violation or compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose of the dwelling to another until the provisions of the notice of violation or compliance order have been complied with or until such owner shall first furnish to the grantee, lessee or mortgagee a true copy of any notice of violation or compliance order issued by the Building Commissioner. A transferee, lessee or mortgagee who has received actual or constructive notice as of the date of the transfer without further services or notice upon him/her.
- B. The owner to whom a building has been transferred may consent to make repairs which have been required by a notice of violation from the Building Commissioner by signing an agreement with the City Agreeing to make the repairs required by the violation notice on or before a date as determined by the Building Commissioner. Upon receipt of such agreement, the Building Commissioner may issue an occupancy permit to be held by the city until such time as the repairs are completed by the new owner of the building. The form of this agreement shall contain the following.

**SECTION 29--COMPLIANCE WITH THE ORDINANCE REQUIRED.** No person shall let or hold out to another for occupancy any building which is not safe, clean, sanitary and fit for human occupancy and which does not comply with the particular requirements of this Ordinance.

**SECTION 30—VIOLATIONS: PENALTIES.**

- (A) Any person violating any of the provisions of this Ordinance shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each day that such violation continues, but if the offense is willful, on conviction thereof the punishment shall be a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) for each day that such violation continues or imprisonment for ten (10) days for each day such violation shall continue, or both such fine and imprisonment at the discretion of the Court.
- (B) Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service, or shall continue to violate any provision of the regulations made under the authority of this Ordinance in the respect named in such order, shall also be subject to a civil penalty of Two Hundred Fifty Dollars (\$250.00).

**SECTION 31—EMERGENCY PASSAGE.** The Mayor and Board of Aldermen of the City of St. Mary Missouri hereby declare this ordinance to be an emergency ordinance in order to protect the health, safety and welfare of the citizens of the City of Ste. Genevieve.

**SECTION 32—REPEALER** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such inconsistency.



**SECTION 33—SEVERABILITY** The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

**SECTION 34—BUILDING PERMIT FEES** The following fees are necessary to cover the cost of administration of this ordinance.

<b>BUILDING PERMIT AND INSPECTION FEES</b>	
New Construction	Based on the following fees:
Up to \$5,000.00	\$25.00
\$5,000.00 to \$10,000.00	\$30.00
\$10,000.01 to \$25,000.00	\$40.00
\$25,000.01 TO \$50,000.00	\$50.00
\$50,000.01 TO \$75,000.00	\$60.00
\$75,000.01 TO \$100,000.00	\$70.00
\$100,000.01 TO \$250,000.00	\$75.00
\$250,000.01 TO \$500,000.00	\$90.00
MAXIMUM FEE	\$100.00
Other Construction Projects	
Storage Shed under 200 square ft.	\$10.00
Storage Shed over 200 square ft	\$25.00.
Mobile Home Installation	\$50.00
Swimming Pools	\$15.00
Signs (Permanent & Portable)	\$15.00
Residential Fence	\$5.00
Commercial Fence	\$25.00
Residential Driveway	\$5.00
Commercial Driveway	\$5.00
Commercial Parking Lot	\$30.00

Passed and approved this the 13<sup>th</sup> day of March, 2008.

ATTEST:

*JoAnn E. Donze*  
 CITY CLERK JOANN E. DONZE

*Jay T. Wilson*  
 MAYOR JAY T. WILSON

ALDERMEN	AYE	NAY	ABSTAIN	ABSENT
Robert Bequette	x			
Dennis Bovey	x			
Frank Gerardot	x			
Nate Odem				

x

I, JoAnn E. Donze, Clerk of the City of St. Mary, Missouri do hereby certify that the foregoing ordinance was duly read and adopted at a meeting of the Board of Aldermen so convened on this the 13<sup>th</sup> day of March, 2008.

*Jo Ann E. Donze*  
\_\_\_\_\_  
CITY CLERK JOANN E. DONZE