

1 **ORDINANCE NO. 70797**

2 **BOARD BILL NO. 56CS INTRODUCED BY ALDERMAN TERRY KENNEDY**

3 **ALDERWOMAN CHRISTINE INGRASSIA**

4

5 An Ordinance adopting the 2018 International Existing Building Code with amendments,
6 including Appendices A, B, and C; repealing Ordinance 68790; and containing a penalty
7 clause, severability clause, savings clause, and emergency clause.

8 **BE IT ORDAINED BY THE CITY OF SAINT LOUIS AS FOLLOWS:**

9 **SECTION ONE. REPEAL.** Ordinance 68790, approved November 8, 2010,
10 which adopted the 2009 International Existing Building Code, is hereby repealed.

11 **SECTION TWO. ADOPTION.** The 2018 International Existing Building Code as
12 published by the International Code Council, Inc., one copy of which is on file in the Office
13 of the Register of the City of Saint Louis, being marked and designated as the International
14 Existing Building Code, including Appendices A, B, and C, is hereby adopted as the Existing
15 Building Code of the City of Saint Louis, in the State of Missouri, pursuant to this
16 Ordinance and in conformity with Section 71.943 RSMo for the control of buildings and
17 structures as herein provided; and that each and all of the regulations, provisions, penalties,
18 conditions, and terms of said Existing Building Code are hereby referred to, adopted, and
19 made a part hereto as if fully set out in this Ordinance with the amendments prescribed in
20 Section Three of this Ordinance. If differences occur between a provision modified by this

1 Ordinance and a provision adopted without modifications, then the modified provision shall
2 control.

3 **SECTION THREE. AMENDMENTS.** The 2018 International Existing
4 Building Code is amended and changed in the following respects:

5 **CHAPTER 1 IS AMENDED AS FOLLOWS:**

6 Delete Chapter 1 as published in its entirety.

7 Add new Chapter 1 to read as follows:

8 **CHAPTER 1**

9 **SCOPE AND ADMINISTRATION**

10 **SECTION 101**

11 **GENERAL**

12 **101.1 Title.** These regulations shall be known as the Existing Building Code of the City of
13 Saint Louis, hereinafter referred to herein as “this code.”

14 **101.2 Scope.** The provisions of this code shall apply to the repair, alteration, change of
15 occupancy, addition to, and relocation of existing buildings.

16 **Exceptions:**

17 1. Live/work units complying with the requirements of Section 419 of the Building
18 Code shall be permitted to be built as one- and two-family dwellings or

1 townhouses. Fire suppression required by Section 419.5 of the Building Code
2 when constructed under the Residential Code for One- and Two-family
3 Dwellings shall conform to Section 903.3.1.3 of the Building Code.

4 2. Owner-occupied lodging houses with five or fewer guest rooms shall be
5 permitted to be constructed in accordance with the Residential Code for One- and
6 Two-Family Dwellings when equipped with a fire sprinkler system in accordance
7 with Section 903.3.1.3 of the Building Code.

8 **101.3 Intent.** The purpose of this code is to establish the minimum requirements to
9 safeguard the public health, safety, and general welfare through structural strength, means of
10 egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and
11 safety to life and property from fire and other hazards attributed to the built environment and
12 to provide a reasonable level of safety to fire fighters and emergency responders during
13 emergency operations.

14 **101.4 Applicability.** This code shall apply to the repair, alteration, change of occupancy,
15 addition and relocation of existing buildings, regardless of occupancy, subject to the criteria
16 of Section 101.4.1 and 101.4.2.

17 **101.4.1 Buildings not previously occupied.** A building or portion of a building that has
18 not been previously occupied or used for its intended purpose, in accordance with the
19 laws in existence at the time of its completion, shall be permitted to comply with the
20 provisions of the laws in existence at the time of its original permit unless such permit
21 has expired. Subsequent permits shall comply with the International Building Code or

1 International Residential Code, as applicable, for new construction.

2 **101.4.2 Buildings previously occupied.** The legal occupancy of any building existing
3 on the date of adoption of this code shall be permitted to continue without change, except
4 as specifically covered in this code, the International Fire Code, or the International
5 Property Maintenance Code, or as deemed necessary by the code official for the general
6 safety and welfare of the occupants and the public.

7 **101.5 Safeguards during construction.** Construction work covered in this code, including
8 any related demolition, shall comply with the requirements of Chapter 15.

9 **101.6 Appendices.** The code official is authorized to require retrofit of buildings, structures
10 or individual structural members in accordance with the appendices of this code if such
11 appendices have been individually adopted. For purposes of this code, appendices A, B and
12 C are adopted.

13 **101.7 Correction of violations of other codes.** Repairs or alterations mandated by any
14 property, housing, or fire safety maintenance code or mandated by any licensing rule or
15 ordinance adopted pursuant to law shall conform only to the requirements of that code, rule
16 or ordinance and shall not be required to conform to this code unless the code requiring such
17 repair or alteration so provides.

1 instructions shall apply.

2 **102.4.1 Conflicts.** Where conflicts occur between provisions of this code and referenced
3 codes and standards, the provisions of this code shall apply.

4 **102.4.2 Provisions in referenced codes and standards.** Where the extent of the
5 reference to a referenced code or standard includes subject matter that is within the scope
6 of this code, the provisions of this code, as applicable, shall take precedence over the
7 provisions in the referenced code or standard.

8 **102.5 Appendices.** Provisions of the appendices shall not apply unless specifically
9 referenced in the adopting ordinance.

10 **102.6 Partial invalidity.** In the event any part or provision of this code is held to be illegal
11 or void, this shall not have the effect of making void or illegal any of the other parts or
12 provisions.

13 **102.7 Existing structures.** The legal occupancy of any structure existing on the date of the
14 adoption of this code shall be permitted to continue without change, except as is specifically
15 covered in this code, the Existing Building Code, the Property Maintenance Code, or the Fire
16 Code, or as deemed necessary by the building official for the general safety and welfare of
17 the occupants and the public.

18 **102.7.1 Additions, alterations, or repairs.** Additions, alterations, or repairs to any
19 structure shall conform to that required for a new structure without requiring the existing
20 structure to comply with all of the requirements of this code, unless otherwise stated.

1 Additions, alterations, repairs, and relocations shall not cause an existing structure to
2 become unsafe or adversely affect the performance of the building.

3 **102.7.2 Buildings not previously occupied.** A building or portion of a building that has
4 not been previously occupied or used for its intended purpose in accordance with the
5 laws in existence at the time of its completion shall comply with the provisions of the
6 this code for new construction or with any current permit for such occupancy.

7 **102.8 Matters not provided for.** Any requirements that are essential for structural, fire, or
8 sanitary safety of an existing or proposed building or structure, or for the safety of the
9 occupants thereof, and which are not specifically provided for by this code, shall be
10 determined by the building official.

11 The building official shall be permitted to delegate to the Department of the President,
12 Board of Public Service, responsibility for code compliance inspections on projects within
13 the City limits let by the Board of Public Service or let as an Emergency Agreement. If such
14 delegation is made, that office shall certify in writing to the building official at the completion
15 of the project that they did inspect and believe the project to comply with this code.

16 **102.9 Buildings, structures, or premises partly within city limits.** When a building,
17 structure, or premises is constructed partly within the City and partly within County Limits,
18 the Building Commissioner shall be authorized to enter into agreements with the adjoining
19 code jurisdictions to avoid duplications of inspections, fees, and permits.

20 **102.10 Restrictions.** No building or structure shall be constructed, extended, repaired,

1 removed, altered or occupied in violation of these provisions, except for repairs as defined in
2 Section 105.2.2, and except further that the raising, lowering or moving of a building or
3 structure as a unit necessitated by a change in legal grade or widening of a street shall be
4 permitted, provided the building or structure is not otherwise altered or its occupancy
5 changed. Political subdivisions of the State of Missouri, including but not limited to, the
6 Board of Education, Metropolitan Sewer District, Saint Louis Housing Authority, Saint Louis
7 Police Department, Metro Transit, Planned Industrial Expansion Authority, Land Clearance
8 for Redevelopment Authority, Land Reutilization Authority, Saint Louis Development
9 Corporation, and the Regional Convention and Sports Complex Authority are covered under
10 the provisions of this code for all property within the city limits.

11 **Exceptions:**

- 12 1. Structures owned and occupied by the United States of America or the State of
13 Missouri.
- 14 2. City of Saint Louis owned property located outside of the City Limits.
- 15 3. Existing building occupancies that are licensed by the State of Missouri as family
16 child care homes providing home day care, as specified in Section 310.3.
- 17 4. Structures located within cemetery boundaries which are less than 1,000 square
18 feet in area and less than 20 feet in height, measured from grade to the highest
19 point.
- 20 5. Laying or relaying of railroad trackage sidings and their appurtenant signals,
21 culverts and structures.
- 22 6. A construction project located in the public right-of-way (R.O.W.).

1 and as authorized by the building official in conformance with Civil Service qualifications
2 and regulations. The building official shall be permitted to delegate appropriate subordinates
3 to act in the exercise of the duties of this code, and they also shall be designated as building
4 officials. The building official is authorized to designate employees as needed who shall
5 exercise all the powers of the building official during the temporary absence or disability of
6 the building official.

7 **103.4 Restriction of employees.** An official or employee connected with the Division of
8 Building and Inspection, except one whose only connection is that of a member of the Board
9 of Building Appeals, shall not be engaged in or directly or indirectly connected with the
10 furnishing of labor, materials, or appliances for the construction, alteration, or maintenance
11 of a building, or the preparation of construction documents therefor, unless that person is the
12 owner of the building, or a first degree relative of the owner of the building; nor shall such
13 officer or employee engage in any work which conflicts with official duties or with the
14 interests of the Division of Building and Inspection.

15 Further, no Building Division employee shall be employed by or serve as an employee of
16 any other division within the city service unless a formal request is made by the Building
17 Commissioner to and approved by the appointing authority of that division.

18 SECTION 104

19 DUTIES AND POWERS OF THE BUILDING OFFICIAL

20 **104.1 General.** The building official is hereby authorized and directed to enforce the

1 provisions of this code. The building official shall have the authority to render
2 interpretations of this code and adopt policies and procedures in order to clarify the
3 application of its provisions. Such interpretations, policies, and procedures shall be in
4 conformance with the intent and purpose of this code. Such policies and procedures shall not
5 have the effect of waiving requirements specifically provided for in this code.

6 **104.1.1 Rule making authority.** The Building Commissioner shall have authority as
7 necessary in the interest of public health, safety, and general welfare to adopt and
8 promulgate rules and regulations to interpret and implement the provisions of this code,
9 to secure the intent thereof, and to designate requirements applicable because of local
10 climatic or other conditions. Such rules shall not have the effect of waiving structural or
11 fire performance requirements specifically provided for in this code or violating accepted
12 engineering practice involving public safety.

13 **104.1.2 Accepted engineering practice.** In the absence of provisions not specifically
14 contained in this code, the regulations, specifications, and standards listed under
15 Referenced Standards shall be deemed to represent accepted engineering practice in
16 respect to materials, equipment, systems, or methods of construction.

17 **104.2 Applications and permits.** The building official shall receive applications; review
18 construction documents; issue or deny permits for the erection, alteration, demolition,
19 moving, or occupancy of buildings, structures, or premises; inspect the premises for which
20 such permits have been issued; and enforce compliance with the provisions of this code.

1 **104.2.1 Preliminary meeting.** When requested by the permit applicant, the building
2 official shall meet with the permit applicant to discuss plans for the proposed work or
3 change of occupancy prior to the application for a permit in order to establish the specific
4 applicability of the provisions of this code.

5 **104.2.1.1 Building evaluation.** The building official is authorized to require an
6 existing building to be investigated and evaluated by a licensed design professional
7 based on the circumstances agreed upon at the preliminary meeting. The design
8 professional shall notify the building official if any potential nonconformance with
9 the provisions of this code is identified.

10 **104.3 Notices and orders.** The building official shall issue all necessary notices or orders to
11 ensure compliance with this code.

12 **104.4 Inspections.** The building official is authorized to make all of the required
13 inspections, or the building official shall have the authority to accept reports of inspection by
14 approved agencies or individuals. Reports of such inspections shall be in writing and
15 certified by a responsible officer of such approved agency or by the responsible individual.
16 The building official is authorized to engage such expert opinion as deemed necessary to
17 report upon unusual technical issues that arise, subject to the approval of the appointing
18 authority. The owner shall provide such special inspections as are required by the building
19 official.

20 **104.5 Identification.** The building official shall carry proper identification when inspecting

1 structures, or premises in the performance of duties under this code.

2 **104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions
3 of this code or where the building official has reasonable cause to believe that there exists in
4 a structure or upon a premises a condition which is contrary to or in violation of this code
5 which makes the structure or premises unsafe, dangerous, or hazardous, the building official
6 or designee is authorized to enter the structure or premises at reasonable times to inspect or
7 perform the duties imposed by this code, provided that if such structure be occupied that
8 credentials be presented to the occupant and entry requested. If such structure or premises be
9 unoccupied, the building official shall first make a reasonable effort to locate the owner,
10 owner's authorized agent, or other person having charge or control of the structure or
11 premises and request entry. If entry is refused, the building official shall have recourse to the
12 remedies provided by law to secure entry.

13 **104.6.1 Disasters.** In the event of a disaster such as windstorm, tornado, flood, fire,
14 earthquake, bomb blast, or explosion, the building official is hereby authorized to enter
15 and inspect structures within the affected area, subject to constitutional restrictions on
16 unreasonable searches and seizures. When, in the opinion of the building official, there
17 is imminent danger of an unsafe condition, the building official shall take emergency
18 measures in accordance with this code. If the building official determines, after
19 inspection, that a structure is unfit, the building official shall declare it a public nuisance,
20 cause a report to be prepared, and notify the affected parties in accordance with this code.

21 **104.6.1.1 Post-disaster inspections.** The building official is authorized to deputize

1 Missouri Structural Assessment and Visual Evaluation (SAVE) Volunteer Inspectors
2 certified by the Missouri State Emergency Management Agency (SEMA) to conduct
3 emergency post-disaster safety evaluations of buildings.

4 **104.7 Department Records.** An official record shall be kept of all business and activities of
5 the department specified in the provisions of this code, and all such records shall be open to
6 public inspection at all appropriate times.

7 A reasonable charge shall be established for making copies of documents. If staff time is
8 required to assemble requested data, an estimate shall be made of personnel charges,
9 including fringe benefits, and a signed agreement made prior to undertaking such projects.
10 The Division of Building and Inspection is not obligated to assemble data into formats that it
11 does not use or need in the ordinary prosecution of its work.

12 Further, whenever any person, firm, or corporation requests a comprehensive historical
13 investigation of the Division of Building and Inspection records relating to building or
14 occupancy permits, an application fee of \$25 shall be charged as specified in Section 108.2.1
15 in addition to all other fees as provided in other sections of this code.

16 **104.8 Liability.** The building official, member of the Board of Building Appeals, or
17 employee charged with the enforcement of this code, while acting for the City of Saint Louis
18 in good faith and without malice in the discharge of the duties required by this code or other
19 pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable
20 personally and is hereby relieved from personal liability for any damage accruing to persons

1 or property as a result of any act or by reason of an act or omission in the discharge of official
2 duties.

3 **104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or
4 employee because of an act performed by that officer or employee in the lawful discharge
5 of duties and under the provisions of this code shall be defended by the City of Saint
6 Louis City Counselor's Office until the final termination of the proceedings. The
7 building official or any subordinates shall not be liable for cost or judgment in any action,
8 suit or proceeding that is instituted in pursuance of the provisions of this code; and any
9 employee of the Division of Building and Inspection, acting in good faith and without
10 malice, shall be free from liability for acts performed under any of its provisions or by
11 reason of any act or omission in the performance of official duties in connection
12 therewith.

13 The above protection shall also extend to former employees for work performed during
14 their period of employment with the City of Saint Louis.

15 **104.9 Approved materials and equipment.** Materials, equipment, and devices approved by
16 the building official shall be constructed and installed in accordance with such approval.

17 **104.9.1 Used materials and equipment.** The use of used materials which meet the
18 requirements of this code for new materials is permitted. Used equipment and devices
19 shall not be reused unless they have been reconditioned, tested, and placed in good and
20 proper working condition and approved by the building official.

1 **104.10 Modifications.** Wherever there are practical difficulties involved in carrying out
2 provisions of this code, the building official shall have the authority to grant modifications
3 for individual cases, upon application of the owner or owner's representative, provided the
4 building official shall first find that special individual reason makes the strict letter of this
5 code impractical and the modification is in compliance with the intent and purpose of this
6 code and that such modification does not lessen health, life, and fire safety or structural
7 requirements. The details of action granting modifications shall be recorded and entered in
8 the files of the Division of Building and Inspection.

9 **104.10.1 Flood hazard areas.** The building official shall not grant modifications to any
10 provisions required in flood hazard areas unless a determination has been made that:

- 11 1. There is good and sufficient cause showing that the unique characteristics of the
12 size, configurations, or topography of the site render the elevation standards of
13 this code inappropriate.
- 14 2. Failure to grant the modification would result in exceptional hardship by
15 rendering the lot undevelopable.
- 16 3. The granting of modification will not result in increased flood heights, additional
17 threats to public safety, or extraordinary public expense; cause fraud on or
18 victimization of the public; or conflict with existing laws or ordinances.
- 19 4. The modification is the minimum necessary to afford relief considering the flood
20 hazard.
- 21 5. Written notice has been submitted to the applicant specifying the difference
22 between the design flood elevation and the elevation to which the building is to

1 be built, stating that the cost of flood insurance will be commensurate with the
2 increased risk resulting from the reduced floor elevation, and stating that
3 construction below the design flood elevation increases risks to life and property.

4 **104.11 Alternative materials, design, and methods of construction, and equipment.** The
5 provisions of this code are not intended to prevent the installation of any material or to
6 prohibit any design or method of construction not specifically prescribed by this code,
7 provided any such alternative has been approved. An alternative material, design or method
8 of construction shall be approved where the building official finds that the proposed design is
9 satisfactory and complies with the intent of the provisions of this code, and that the material,
10 method, or work offered is, for the purpose intended, at least the equivalent of that prescribed
11 in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

12 **104.11.1 Research reports.** Supporting data, where necessary to assist in the approval
13 of materials or assemblies not specifically provided for in this code, shall consist of valid
14 research reports from approved sources.

15 **104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the
16 provisions of this code, or evidence that a material or method does not conform to the
17 requirements of this code, or in order to substantiate claims for alternative materials or
18 methods, the building official shall have the authority to require tests as evidence of
19 compliance to be made at no expense to the jurisdiction. Test methods shall be as
20 specified in this code or by other recognized test standards. In the absence of recognized
21 and accepted test methods, the building official shall approve the testing procedures.

1 Tests shall be performed by an approved agency. Reports of such tests shall be retained
2 by the building official for the period required for the retention of public records.

3 **104.11.3 Research and investigations.** The building official shall require that sufficient
4 technical data be submitted to substantiate the proposed use of any material or assembly,
5 and if it is determined that the evidence submitted is satisfactory proof of performance
6 for the use intended, the building official shall approve its use subject to the requirements
7 of this code. The costs of all tests, reports and investigations required under these
8 provisions shall be paid by the applicant or owner.

9 **104.12 Annual report.** The Building Commissioner shall submit to the Director of Public
10 Safety a written annual report.

11 SECTION 105

12 PERMITS

13 **105.1 Required.** Any owner or owner's authorized agent who intends to perform site
14 grading or excavation; to construct, enlarge, alter, make non-ordinary repairs to, move, or
15 demolish a building or structure; to change the occupancy of a building, structure, or
16 premises from one use group to another or to change to a prohibited use; or to cause any such
17 work to be done; or to use explosives for blasting in connection with demolition, excavation,
18 construction, or other building operation shall first make application to the building official
19 and obtain the required permits.

20 **Exception:** No permit shall be issued to repair any building or structure condemned in

1 accordance with Section 119 or 120 if such building or structure is included in an
2 executed contract for demolition between the City of Saint Louis and a demolition
3 contractor.

4 **105.1.1 Preservation Board permit requirements.** When the ordinances of the
5 Cultural Resources Office (CRO) of the Planning and Urban Design Agency (PUDA)
6 require a permit for items for which this code does not require a permit, applications shall
7 be permitted to be taken by the Division of Building and Inspection and processed solely
8 to the Cultural Resources Office. Both the Building Commissioner and the Cultural
9 Resources Office Director are authorized to place stop work orders. Any appeals or court
10 actions resulting from such citations, applications, or permits shall have technical and
11 aesthetic testimony from the Preservation Board and the staff of the Cultural Resources
12 Office.

13 **105.1.2 Cultural Resources Office denial.** Unless overruled by the Building
14 Commissioner as a result of an emergency situation or the Planning and Urban Design
15 Commission, a denial from the Preservation Board shall be the final denial; no further
16 notice from the building official shall be required to any person.

17 **105.1.3 Aggregation of permits.** All permits issued within any twelve month period for
18 work to be performed on an existing building shall be included in the calculation of a
19 work area.

20 **105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall

1 not be deemed to grant authorization for any work to be done in any manner in violation of
2 the provisions of this code or any other laws or ordinances of the City of Saint Louis.

3 Permits shall not be required for the following:

- 4 1. Tuckpointing, ordinary or minor repair to exterior masonry, exterior painting, or
5 similar repair or finish work;
- 6 2. Repair or replacement of existing gutters or above-grade portions of downspouts;
- 7 3. Recovering or replacing roof covering with the same type of roof covering to a
8 maximum of two layers of roofing. Roofs having a pitch of ¼:12 or greater but less
9 than 4:12 (low slope roof) shall provide positive drainage. Replacement of 25% or
10 less of roof sheathing;
- 11 4. Resealing or restriping of an existing paved parking parking lot, provided the
12 restriping done matches the existing configuration and the number of spaces remain
13 the same. A permit is required to re-stripe a parking lot for a new parking space and
14 drive arrangement or configuration;
- 15 5. Miscellaneous site work, landscaping, gardens, shrubbery, or planting boxes;
16 excavation or fill that does not create a permanent change in property elevation of
17 more than six inches along property lines, block drainage, or create erosion or
18 damage to adjacent properties;
- 19 6. Replacement of existing fencing of the same height, material, and location except
20 when enclosing swimming pools, hot tubs, or spas;
- 21 7. Retaining walls eighteen inches or less in height above lowest adjacent grade;
- 22 8. Tents smaller than 1,000 square feet, or those used for private family events on the

- 1 same lot as the owner's residence;
- 2 9. Statues on private property, erected on grade, not attached to or part of a building or
3 structure;
- 4 10. Relining, repairing, patching or shotcreting existing swimming pool walls or floors
5 provided required minimum water depths under diving boards, if present, are
6 maintained;
- 7 11. Ordinary or minor repairs to exterior cantilevered balconies, decks, stairs, and fire
8 escapes such as patching or replacing small areas of treads, risers, and platform
9 surfaces; repairing or replacing components such as handrails, tread and riser,
10 guardrail balusters, etc. on existing balconies, stairs and decks with like-for-like
11 materials as long as it does not affect the structural components of the exterior
12 cantilevered balconies, decks, stairs, or fire escapes;
- 13 12. Interior painting, floor sanding and refinishing, floor tile or carpeting, replacement of
14 flooring with like material, application of wallpaper and other wall covering material,
15 moveable cases, counters and partitions, and cabinet installation, counter tops, and
16 similar finish work;
- 17 13. Plaster patching or gypsum board replacement not exceeding 25% of the total wall or
18 ceiling area of a room or space provided the fire rating and moisture resistance is
19 maintained and no modifications are made;
- 20 14. Wall paneling of any type when applied directly to existing room wall surfaces;
- 21 15. Installing or replacing ceiling tile of any type, other than foam plastic, when applied
22 directly to existing ceiling surfaces, except when within assembly rooms with more

1 than 300 occupants, institutional rooms or spaces, and corridors or exit stairways of
2 any use. Replacing damaged lay-in ceiling panels with like materials up to 25% of a
3 room or space and a maximum of 500 square feet;

4 16. Nonfixed or moveable fixtures, cases, racks, counters and partitions not over 5 feet
5 nine inches in height;

6 17. Foundation and floor slab repair such as patching/filling of cracks of up to ¼ inch in
7 walls and ⅜ inch in slabs, waterproofing, etc., provided the building is otherwise
8 structurally sound and plumb.

9 Additionally, for 1- and 2- family dwellings and multiple family properties with no more
10 than four units, permits shall not be required for the following:

11 18. Swings and other backyard playground equipment including basketball goals and
12 standards;

13 19. New aluminum, steel, fiber cement, hardboard, or vinyl exterior siding with no
14 change to existing openings. Replacement of 25% or less of the wall sheathing;

15 20. Application of pre-finished aluminum, steel, vinyl, or like materials on soffits, fascia
16 boards, rake boards, or overhangs;

17 21. Replacement or repair of exterior or interior doors or frames, provided the fire rating,
18 when applicable, is maintained, and no modification is made to the opening;

19 22. Replacement or repair of existing windows and frames, whenever no modification is
20 made to the opening; installation of storm windows and doors, whenever no
21 modification is made to the opening; glazing and glass replacement;

22 23. Awnings which do not project over property lines, and not over 40 square feet in

- 1 projected area;
- 2 24. Exterior ramps, stairs, or steps which are on grade and not more than twelve inches
3 above adjacent grade, not attached to the structure, and within property lines;
- 4 25. Sidewalks and driveways within property lines; paved areas on the same lot as the
5 primary structure, without roofs, covers, or enclosures; concrete patio slabs or
6 wooden patios/decks which rest directly on the ground or a rock base, provided that
7 they are not covered by a roof or canopy, not supported by any type of permanent
8 foundation, and a maximum of twelve inches above adjacent grade;
- 9 26. Small detached accessory buildings, such as utility/storage/tool sheds, cabanas, play
10 houses, etc., 120 square feet in area or less and less than twelve feet in height,
11 provided the utility shed is placed on and anchored to a minimum four inch thick
12 concrete slab and maintains the setbacks required by the Zoning Ordinance. This
13 does not include accessory buildings having unique uses such as barbeque or smoke
14 houses, storage of fuel or other hazardous material, structures containing fuel fired
15 equipment, and other uses that present an increased fire hazard or nuisance to
16 adjoining property. A permit is required for all buildings housing these types of uses
17 exceeding 50 square feet in area;
- 18 27. Residential accessory structures such as arbors, garden trellises, or other minor
19 structures, provided such structures maintain the setbacks required by the Zoning
20 Ordinance;
- 21 28. Non-dish radio or television antennae twelve feet or less in height, mounted on the
22 ground, not in the front yard area, attached to, or on the roof of a building. Dish

1 antennas two feet in diameter or less installed on grade or on the roof, provided such
2 antennae maintain the setbacks required by the Zoning Ordinance;

3 29. Above-ground swimming pools, or hot tubs or spas placed on a slab. Also, in-ground
4 swimming pools with less than 24 inches water depth with a surface area of less than
5 250 square feet. All pools, hot tubs, and spas shall maintain the setbacks required by
6 the Zoning Ordinance;

7 30. Installation of battery-operated smoke detectors.

8 **Exceptions:**

- 9 1. Work involving repair of flood, earthquake, or other natural disaster damage.
- 10 2. A Flood Plain Development Permit is still required to be obtained if the site is
11 located in the flood plain areas defined by FEMA.
- 12 3. Ordinary repairs or minor work to buildings and structures which fall under the
13 purview of the Cultural Resource Office requiring "Cultural Resource Office
14 Only" permits.

15 **105.2.1 Emergency repairs.** Where equipment replacements and repairs must be
16 performed in an emergency situation, the permit application shall be submitted within the
17 next working business day to the building official.

18 **105.2.2 Repairs.** Application or notice to the building official is not required for
19 ordinary repairs to structures, replacement of lamps, or the connection of approved
20 portable electrical equipment to approved permanently installed receptacles. Such
21 repairs shall not include the cutting away of any wall, partition, or portion thereof; the

1 removal or cutting of any structural beam or load bearing support; or the removal or
2 change of any required means of egress or rearrangement of parts of a structure affecting
3 the egress requirements. Ordinary repairs also shall not include addition to or alteration,
4 replacement, or relocation of any water supply, sewer, drainage, drain leader, gas, soil,
5 waste, vent, or similar piping; electric wiring; or mechanical or other work affecting
6 public health or general safety.

7 **105.2.3 Public service agencies.** A permit shall not be required for the installation,
8 alteration, or repair of generation, transmission, distribution, metering, or other related
9 equipment that is under the ownership and control of public service agencies by
10 established right.

11 **105.2.4 Damaged building repair.** Buildings that are determined by the building
12 official to have sustained light building damage due to fire, earthquake, wind, flood, or
13 other natural disasters shall require a building permit for repairs. The building permit
14 application will include construction drawings showing the scope of work and a report
15 prepared, sealed, signed, and dated by a Missouri licensed design professional stating that
16 the building damage is light with no structural damage. Construction drawings may be
17 prepared by a person who is not a Missouri licensed design professional.

18 Buildings that are determined by the building official to have sustained moderate or
19 serious building damage or structural damage due to fire, earthquake, wind, flood, or
20 other natural disasters shall require a building permit for repairs. The building permit
21 application will include construction documents prepared, sealed, signed, and dated by a

1 Missouri licensed design professional.

2 **105.2.4.1 Condemned for occupancy or condemned for demolition building**
3 **repair.** Repairs to buildings that are determined by the building official to be
4 condemned for occupancy or condemned for demolition shall require a building
5 permit with construction documents prepared, sealed, and signed by a Missouri
6 licensed design professional.

7 **105.2.5 Maintenance.** All buildings, structures, and premises and all parts thereof, both
8 existing and new, shall be maintained in a safe and sanitary condition. All service
9 equipment, means of egress, devices, and safeguards required by this code or a previous
10 code or ordinance at the time a building or structure was erected, altered, or repaired shall
11 be maintained in good working order.

12 **105.2.6 Owner responsibility.** The owner(s) or the owner's agent shall be responsible
13 for the safe and sanitary maintenance of the building, structure or premises and its means
14 of egress facilities at all times.

15 **105.3 By whom application is made.** Application for a permit shall be made by the owner
16 or lessee of the building or structure, or agent of either, or by the Missouri licensed design
17 professional employed in connection with the proposed work. The full names, addresses,
18 and telephone numbers of the owner, lessee, and applicant shall be stated in the application.
19 Every application shall have a local contact person listed. Demolition and occupancy permit
20 applications, when applied for by anyone other than the owner of record, shall be

1 accompanied by a notarized letter of authorization or other documentation from the owner of
2 record granting permission to apply.

3 **105.3.1 Application for permit.** To obtain a permit, the applicant shall first file an
4 application on a form furnished by the Division of Building and Inspection for that
5 purpose. Such application shall:

- 6 1. Identify and describe the work to be covered by the permit for which application
7 is made.
- 8 2. Describe the land on which the proposed work is to be done by legal description,
9 street address, or similar description that will readily identify and definitely locate
10 the proposed building or work.
- 11 3. Indicate the use and occupancy for which the proposed work is intended.
- 12 4. Be accompanied by construction documents and other information as required in
13 Section 107.
- 14 5. State the estimated cost of construction of the proposed work.
- 15 6. Be signed by the applicant, or the applicant's authorized agent.
- 16 7. Give such other data and information as required by the building official.

17 **105.3.2 Action on application.** The building official shall examine or cause to be
18 examined applications for permits and amendments thereto. If the application or the
19 construction documents do not conform to the requirements of all pertinent laws, the
20 building official shall reject such application in writing, stating the reasons therefor. If
21 the building official is satisfied that the proposed work conforms to the requirements of

1 this code and laws and ordinances applicable thereto, the building official shall issue a
2 permit. The building official shall rely upon other City agencies to review for
3 compliance with their ordinance requirements.

4 **105.3.2.1 Determination of substantially improved or substantially damaged**
5 **existing buildings in flood hazard areas.** For applications for reconstruction,
6 rehabilitation, addition, alteration, repair, or other improvement of existing buildings
7 or structures located in a flood hazard area, the building official shall examine the
8 construction documents and shall make a determination of the value of the proposed
9 work. For buildings that have sustained damage of any origin, the value of the
10 proposed work shall include the cost to repair the building or structure to its pre-
11 damage condition. If the building official finds that the value of the proposed work is
12 50% or more of the market value of the building or structure before the damage has
13 occurred or the improvement is started, the proposed work shall be considered a
14 substantial improvement or restoration of substantial damage and the building official
15 shall require existing portions of the entire building or structure to meet the
16 requirements of this code.

17 Where the building or structure has sustained substantial damage, repairs
18 necessary to restore the building or structure to its pre-damaged condition shall be
19 considered substantial improvements regardless of the actual repair work performed.

20 The term shall not include either of the following:

- 21 1. Improvements to a building or structure that are required to correct existing
22 health, sanitary, or safety code violations identified by the building official

1 and that are the minimum necessary to ensure safe living conditions.

2 2. Any alteration of a historic building or structure provided that the alteration
3 will not preclude the continued designation as a historic building or structure.

4 2.1 Listed or preliminarily determined to be eligible for listing in the National
5 Register of Historic Places; or

6 2.2 Determined by the Secretary of the U.S. Department of Interiors as
7 contributing to the historical significance of a registered historic district
8 or a district preliminarily determined to qualify as an historic district; or

9 2.3 Designated as historic under a state or local historic preservation program
10 that is approved by the Department of the Interior.

11 **105.3.3 Time limitation of application.** An application for a permit for any proposed
12 work shall be deemed to have been abandoned six months after the date of filing, unless
13 such application has been pursued in good faith or a permit has been issued; except that
14 the building official is authorized to grant one or more extensions of time for additional
15 periods not exceeding 90 days each if the building official deems that there is reasonable
16 cause and if a written request is received from the applicant for the extension prior to the
17 expiration date.

18 **105.3.4 Time limitation on approval.** When an application for a permit has been
19 approved by the building official and a permit has not been issued, the application shall
20 be deemed to have been abandoned three months after the approval date. A notice of
21 abandonment shall be sent to the applicant of record at least two weeks prior to the

1 abandonment of the application.

2 Applicants who have a record of abandoned permit applications shall be required on
3 all future permits to pay the application fee and the full permit fee upon application until
4 such time as the abandoned permits have been reapplied for and approved and all
5 applicable fees have been paid.

6 **105.3.5 Action on application for permit to use explosives.** When it is deemed proper,
7 safe and advisable, the building official shall, upon receipt of application, issue permits
8 for the use of explosives for blasting in connection with demolition, excavation,
9 construction or other building operations. Without such permit, the use of explosives for
10 the above-mentioned purposes is hereby prohibited. Additional permits shall be required
11 under the Fire Code.

12 ~~[105.3.7]~~ **105.3.6 Information on the permit.** The building official shall issue all
13 permits required by this code on an approved form furnished for that purpose. The
14 permit shall contain a general description of the operation or occupancy and its location
15 and any other information required by the building official. Issued permits shall bear the
16 signature of the building official or other approved legal authorization.

17 **105.4 Validity of permit.** The issuance or granting of a permit shall not be construed to be a
18 permit for, or an approval of, any violation of any of the provisions of this code or of any
19 other ordinance of the City of Saint Louis. Permits presuming to give authority to violate or
20 cancel the provisions of this code or other ordinances shall not be valid. The issuance of a
21 permit based on construction documents and other data shall not prevent the building official

1 from requiring the correction of errors in the construction documents and other data. The
2 building official is also authorized to prevent occupancy or use of a structure where in
3 violation of this code or any other ordinance of the City of Saint Louis.

4 **105.5 Expiration.** All permits shall be issued in the name of the property owner of record
5 for a period of six months unless noted otherwise. Permits shall be permitted to be extended
6 for additional six month periods if work is progressing and a written request from the owner
7 for the extension is received by the building official prior to the expiration of each permit.
8 Any permit issued shall become invalid if the authorized work is not commenced within six
9 months after issuance of the permit, or if the authorized work is suspended or abandoned for
10 a period of six months after the time of commencing the work; except that the building
11 official shall be permitted to grant one or more extensions of time for additional periods not
12 exceeding six months each if the building official deems that there is reasonable cause, and if
13 a written request is received from the owner for the extension prior to the expiration date.
14 No permit shall be extended if, after six months from issuance of said permit, no work has
15 begun and the Board of Aldermen has passed an ordinance that would make all or part of the
16 work thereon illegal or unlawful.

17 Permits shall also be abandoned upon written request from the property owner of record,
18 or if circumstances require, the Missouri licensed design professional.

19 **Exception:** Permits for demolition of buildings or structures or repair of buildings or
20 structures condemned in accordance with either Section 119 or Section 120 and other
21 work specifically identified by the building official, when in the best interests of the
22 public, shall become invalid after 30 days unless otherwise approved. The building

1 official shall be permitted to grant one or more extensions of time for additional periods
2 not exceeding 30 days each after receiving a written request from the owner explaining
3 the reasons for failing to commence or for suspending work.

4 **105.6 Suspension or revocation.** The building official is authorized to suspend or revoke a
5 permit issued under the provisions of this code whenever the permit is issued in error or on
6 the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance
7 or regulation or any of the provisions of this code.

8 **105.6.1 Revocation of permits.** The building official shall be permitted to revoke a
9 permit or approval issued under the provisions of this code in case of any false statement
10 or misrepresentation of fact in the application or construction documents on which the
11 permit or approval was based. The building official shall be permitted to revoke or
12 suspend a permit upon discovery of substantial non-compliance with this code or any
13 applicable city ordinance. Permits shall be revoked for non-payment of fees.

14 **105.6.2 Revocation of permits for repeat offenders.** The building official shall revoke
15 any permit or certificate associated with a building, structure or premises when an
16 owner(s) is convicted by a court of competent jurisdiction twice within a twelve month
17 period of being in violation of the same code provision on the same building, structure or
18 premises.

19 **105.7 Placement of permit.** A true copy of the building permit shall be kept on the site of
20 operations, open to inspection during the entire time of prosecution of the work and until the

1 completion of the same.

2 **105.8 Responsibility.** It shall be the duty of every person who performs work for the
3 installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems,
4 for which this code is applicable, to comply with this code.

5 **105.9 Notice of start.** At least 24 hours notice of start of work under a building permit shall
6 be given to the building official.

7 **105.10 Compliance with permit.** All work shall conform to the approved application and
8 the approved construction documents for which the permit has been issued and any approved
9 amendments to the approved application or the approved construction documents. Any
10 addition to or alteration of approved construction documents shall be approved in advance by
11 the building official, as evidenced by the issuance of a new or amended permit.

12

SECTION 106

13

FLOOR AND ROOF DESIGN LOADS

14 **106.1 Live loads posted.** Where the live loads for which each floor or portion thereof of a
15 commercial or industrial building is or has been designed to exceed 50 pounds per square
16 foot, such design live loads shall be conspicuously posted by the owner in that part of each
17 story in which they apply, using durable signs. It shall be unlawful to remove or deface such
18 notices.

19 **106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section

1 111 shall not be issued until the floor load signs required by Section 106.1 have been
2 installed.

3 **106.3 Restrictions on loading.** It shall be unlawful to place or cause or permit to be placed
4 on any floor or roof of a building, structure, or portion thereof a load greater than is permitted
5 by this code.

6 SECTION 107

7 CONSTRUCTION DOCUMENTS

8 **107.1 Submittal documents.** The application for the permit shall be accompanied by at
9 least five complete sets of construction drawings, one set of project specifications, one set of
10 structural calculations, one set of the geotechnical (soils) report, and one set of site or
11 building photographs with sufficient clarity and detailed dimensions to show the nature and
12 character of the work to be performed. The minimum size of any sheet shall be 8 ½” x 11”
13 and the maximum size of any sheet shall be 36” x 48”. When quality of materials is essential
14 for conformity to this code, specific information shall be given to establish such quality.
15 This code shall not be cited nor the term “legal” or its equivalent be used as a substitute for
16 specific information. Construction documents containing the words “not for construction”,
17 “preliminary”, “review set”, or their equivalent shall not be accepted for application.
18 Construction documents marked with contractors’ “take-off” notations shall not be accepted
19 for application.

20 If the construction documents for single family or multiple family dwelling units are

1 prepared by a Missouri licensed architect, that architect must seal, sign and date the
2 construction documents as required by Chapter 327 of the Revised Statutes of the State of
3 Missouri.

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

8 **107.1.1 Seals.** All construction documents submitted with an application for a building
9 permit shall be prepared by a Missouri licensed design professional as required by
10 Chapter 327 of the Revised Statutes of the State of Missouri. All construction documents
11 shall bear an original embossed or wet ink seal, original ink signature, and the date the
12 documents were sealed by the Missouri licensed design professional for each discipline
13 on the cover sheet of each set of construction documents or on the first sheet of each
14 discipline's drawings within each set of construction documents.

15 In addition, all other sheets of the construction documents other than project
16 specifications or calculations shall bear the original embossed, wet ink, electronic, or
17 mechanically reproduced seal, signature, and date of the Missouri licensed design
18 professional. Any addenda or modifications submitted for changes to the construction
19 documents shall also bear the original embossed or wet ink seal, original ink signature,
20 and date the documents were sealed.

21 All project specifications, calculations, reports, or other documents not considered to
22 be construction drawings shall bear an original wet ink or embossed seal, original ink

1 signature, and the date the documents were signed by the Missouri licensed design
2 professional for each discipline on the title or index sheet.

3 A Missouri licensed professional engineer cannot render architectural services or
4 seal, sign and date construction documents for any residential project. This could be
5 interpreted as the unlawful practice of architecture by a Missouri licensed professional
6 engineer. A Missouri licensed professional engineer may prepare seal, sign and date
7 architectural work which is incidental (insignificant, minor, etc.) to the engineering work
8 (and vice versa). This determination shall be made on a case by case basis depending
9 upon the full scope of the project.

10 **Exceptions:**

- 11 1. Construction documents for one- or two-family dwellings not prepared by a
12 Missouri licensed design professional, including name, address, and
13 telephone number of the author, .and indicating that they were not prepared
14 by a licensed architect.
- 15 2. Construction documents for non-structural alterations to multiple-family
16 dwellings with not more than four dwelling units not prepared by a Missouri
17 licensed design professional, including name, address, and telephone number
18 of the author, .and indicating that they were not prepared by a licensed
19 architect.
- 20 3. Construction documents for owner-occupied one- or two-family dwellings
21 prepared by the owner.

22 **107.2 Construction Documents.** Construction documents shall be in accordance with

1 Sections 107.2.1 through 107.2.9

2 **107.2.1 Information on construction documents.** Construction documents shall be
3 drawn and dimensioned upon suitable material. Construction documents shall be of
4 sufficient clarity to indicate the location, nature, and extent of the work proposed and
5 show in detail that it will conform to the provisions of this code and relevant laws,
6 ordinances, rules, and regulations as determined by the building official.

7 **107.2.2 Fire protection construction drawings.** Construction drawings for the fire
8 protection system(s) shall be submitted to show conformance with this code and the
9 construction documents and shall be approved prior to the start of system installation.
10 Shop drawings shall contain all information as required by the referenced installation
11 standards in Chapter 9 of the Building Code.

12 **107.2.3 Means of egress.** The construction documents shall show in sufficient detail the
13 location, construction, size, and character of all portions of the means of egress in
14 compliance with the provisions of this code.

15 **107.2.4 Exterior wall envelope.** Construction documents for all buildings shall describe
16 the exterior wall envelope in sufficient detail to determine compliance with this code.
17 The construction documents shall provide details of the exterior wall envelope as
18 required, including flashing, intersections with dissimilar materials, corners, end details,
19 control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive
20 membrane, and details around openings.

1 The construction drawings shall include manufacturing installation instructions that
2 provide supporting documentation that the proposed penetration and opening details
3 described in the construction documents maintain the weather resistance of the exterior
4 wall envelope. The supporting documentation shall fully describe the exterior wall
5 system which was tested, where applicable, as well as the test procedure used.

6 **107.2.5 Site plan.** The construction documents submitted with the application for permit
7 shall be accompanied by a site plan showing to scale the size and location of new
8 construction and existing structures on the site, distances from lot lines, the established
9 street grades and the proposed finished grades, and, as applicable, flood hazard areas,
10 floodways, and design flood elevations; and it shall be drawn in accordance with an
11 accurate boundary line survey. In the case of demolition, the site plan shall show
12 construction to be demolished and the location and size of existing structures and
13 construction that are to remain on the site or plot. The building official is authorized to
14 waive or modify the requirements for a site plan when the application for permit is for
15 alteration or repair or when otherwise warranted.

16 **107.2.5.1 Change in site plan.** A lot shall not be changed, increased, or diminished
17 in area from that shown on the official site plan until a revised site plan is
18 resubmitted showing such changes accompanied by proof that the documents have
19 been filed in the Recorder of Deeds Office and approved under the Zoning
20 Ordinance; except that such revised site plan will not be required if the change is
21 caused by reason of an official street or alley opening, street widening, or other public

1 improvement.

2 **107.2.6 Structural information.** For other than one- and two-family dwellings or
3 existing multiple-family dwellings with no more than four units, the construction
4 documents shall provide the information specified in Section 1603 of the Building Code.

5 **107.2.7 Manufacturer's installation instructions.** Manufacturer's installation
6 instructions, as required by this code, shall be available on the job site at the time of
7 inspection.

8 **107.2.8 Information of braced wall design.** For buildings and structures utilizing
9 braced wall design, and where required by the building official, braced wall lines shall be
10 identified on the construction documents. Pertinent information including, but not
11 limited to, bracing methods, location and length of braced wall panels, and foundation
12 requirements of braced wall panels at top and bottom shall be provided.

13 **107.2.9 Information for construction in flood hazard areas.** For buildings and
14 structures located in whole or in part in flood hazard areas, construction documents shall
15 include:

- 16 1. Delineation of flood hazard areas, floodway boundaries, and flood zones, and the
17 design flood elevation, as appropriate;
- 18 2. The elevation of the proposed lowest floor, including basement; in areas of
19 shallow flooding (AO zones), the height of the proposed lowest floor, including
20 basement, above the highest adjacent grade;

- 1 3. The elevation of the bottom of the lowest horizontal structural member in coastal
2 high hazard areas (V zone); and
- 3 4. If design flood elevations are not included on the community’s Flood Insurance
4 Rate Map (FIRM), the building official and the applicant shall obtain and
5 reasonably utilize any design flood elevation and floodway data available from
6 other sources.

7 **107.3 Examination of documents.** The building official shall examine or cause to be
8 examined the construction documents for code compliance.

9 **107.3.1 Approval of construction documents.** The building official shall stamp three
10 sets of construction documents “APPROVED”, and at least one set of such approved
11 construction documents shall be retained by the building official and one set shall be kept
12 at the building site, open to the inspection of the building official or an authorized
13 representative at all reasonable times. If additional “APPROVED” sets are required by
14 the applicant, a charge shall be made as listed in Table 109.3.1.

15 **107.3.2 Previous approvals.** This code shall not require changes in the construction
16 documents, construction or designated occupancy of a building or structure for which a
17 lawful permit has been heretofore issued or otherwise lawfully authorized, and the
18 construction of which has been actively prosecuted in good faith within 180 days after
19 the effective date of this ordinance and has not been abandoned. When the codes
20 adopted by the City of Saint Louis change from one edition to another, the work shall be
21 permitted to be completed under the codes in effect when the permit for said work was

1 originally issued.

2 **107.3.2.1 Code transition.** Unless requirements imposed by Federal law or State
3 statute have changed, permits applied for within six months of the effective date of
4 this ordinance shall be permitted to be reviewed and approved under the former code
5 if there is written evidence of a preliminary plan exam review of the project under the
6 former code. The cover sheet of the construction documents shall show under which
7 code the project was designed.

8 **107.3.3 Phased approval.** The building official is authorized to issue a permit for the
9 construction of foundations or any other part of a building or structure before the
10 construction documents for the whole building or structure have been submitted,
11 provided that adequate information and detailed statements have been filed complying
12 with pertinent requirements of this code. The holder of such permit for the foundation or
13 other parts of a building or structure shall proceed at the holder's own risk with the
14 building operation and without assurance that a permit for the entire structure will be
15 granted.

16 **107.3.4 Design professional in responsible charge.** When it is determined that
17 documents be prepared by a Missouri licensed design professional, the building official
18 shall be authorized to require the owner or the owner's authorized agent to engage and
19 designate on the building permit application a Missouri licensed design professional who
20 shall act as the Missouri licensed design professional in responsible charge. If the
21 circumstances require, the owner or the owner's authorized agent shall designate a

1 substitute Missouri licensed design professional in responsible charge who shall perform
2 the duties required of the original Missouri licensed design professional in responsible
3 charge. The building official shall be notified in writing by the owner or the owner's
4 authorized agent if the Missouri licensed design professional in responsible charge is
5 changed or is unable to continue to perform the duties.

6 The Missouri licensed design professional in responsible charge shall be responsible
7 for reviewing and coordinating submittal documents prepared by others, including
8 phased and deferred submittal items, for compatibility with the design of the building.

9 Where structural observation is required by Section 1710 of the Building Code, the
10 inspection program shall name the individual or firms who are to perform structural
11 observation and describe the stages of construction at which structural observation is to
12 occur. See also duties specified in Section 1704 of the Building Code.

13 **107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals
14 are defined as those portions of the design that are not submitted at the time of the
15 application and that are to be submitted to the building official within a specified
16 period.

17 Deferral of any submittal items shall have the prior approval of the building
18 official. The Missouri licensed design professional in responsible charge shall list
19 the deferred submittals on the construction documents for review by the building
20 official.

21 The Missouri licensed design professional in responsible charge shall review the
22 deferred submittal items and forward them to the building official with a notation

1 indicating that they have been reviewed and found to be in general conformance with
2 the design of the building. The deferred submittal items shall not be installed until
3 their design and submittal documents have been approved by the building official.

4 **107.3.4.2 Engineering details.** The building official shall require to be filed
5 adequate details of structural, plumbing, mechanical, and electrical work including
6 computations, loadings, and structural analysis and other essential technical data. All
7 construction documents shall bear an original embossed or wet ink seal, original ink
8 signature and the date the documents were sealed by the Missouri licensed design
9 professional responsible for the design as required by State Statute. Such
10 calculations shall be permitted to be accepted by the building official as complying
11 with the conditions of this code without the need to verify the calculations or their
12 engineering analysis.

13 **107.4 Amended construction documents.** Work shall be installed in accordance with the
14 approved construction documents. Any changes to the approved scope of work shall be
15 submitted for approval as an addendum to the approved construction documents.

16 SECTION 108

17 TEMPORARY STRUCTURES AND USES

18 **108.1 General.** The building official is authorized to issue a permit for temporary structures
19 and temporary uses. Such permits shall be limited as to time of service, but shall not be
20 permitted for more than 180 days. The building official is authorized to grant extensions for

1 demonstrated cause.

2 **108.2 Conformance.** Temporary construction and uses shall conform to the structural
3 strength, fire safety, means of egress, light, ventilation, and sanitary requirements of this code
4 as necessary to insure the public health, safety, and general welfare.

5 **108.3 Temporary power.** The building official is authorized to give permission to
6 temporarily supply and use power in part of an electric installation before such installation
7 has been fully completed and the final certificate of completion has been issued. The part
8 covered by the temporary certificate shall comply with the requirements specified for
9 temporary lighting, heat or power in the Electrical Code.

10 **108.4 Termination of approval.** The building official is hereby authorized to terminate
11 such permit for a temporary structure or use and to order the temporary structure or use to be
12 discontinued.

13 **SECTION 109**

14 **FEEES**

15 **109.1 General.** No permit, certificate, or inspection report required by the provisions of this
16 code shall be released or issued until the fees listed in this section have been paid to the City
17 of Saint Louis; nor shall an amendment to a permit be released until the additional fees have
18 been paid. In collecting said fees, the building official is authorized to accept personal
19 checks as payment; however, non-payment by said checking account shall be considered as a

1 violation of this code and is cause for suspension or revocation of permits, certificates, or
2 reports issued or released for such personal check payment. If a permit is suspended or
3 revoked for non-payment of a fee or for insufficient funds, an additional \$25 shall be
4 collected to cover administrative costs.

5 **109.1.1 Fees other than herein prescribed.** The payment of fees listed in this section
6 shall not relieve the applicant or holder of any permit or any certificate of occupancy
7 from the payment of other fees which shall be prescribed by law or ordinance for water
8 taps, sewer connections, plumbing permits, mechanical permits, electrical permits,
9 sprinkler permits, fire alarm permits, or fees for inspections or other privileges or
10 requirements, both within and without the jurisdiction of the Division of Building and
11 Inspection.

12 **109.2 Schedule of permit fees.** Fees for permits for construction shall be as established as
13 follows:

14 **109.2.1 Application fee.** An application fee is an administrative charge made for
15 processing permit applications, preparing a Certificate of Flood Plain Status, or
16 conducting a Building Line Survey and shall be as listed in Table 109.3.1.

17 **109.2.2 New construction and additions.** The building permit fee for new construction
18 and additions will be based on the total estimated cost of construction, and shall be
19 charged at the rate listed in Table 109.3.1 for new construction and additions. For the
20 purpose of determining a fee, total construction costs shall include all costs for normal

1 site preparation including grading, excavation, and backfill; structural work; interior and
2 exterior finishes; and plumbing, mechanical, and electrical work. The following shall be
3 permitted to be excluded from total construction costs: the cost to install sprinkler,
4 standpipe, and fire alarm systems; and signs.

5 **109.2.3 Miscellaneous structures and site work.** The fee for a permit for, including but
6 not limited to, retaining walls, fences and site-work (including parking lots) shall be
7 based on the estimated total cost of the construction at the rate listed in Table 109.3.1.

8 **109.2.4 Alterations and repairs.** The fee for a permit for alterations or repairs to a
9 building or structure shall be based on the estimated total cost of said alterations or
10 repairs and shall be charged at the rate listed in Table 109.3.1.

11 **109.2.5 Tanks, devices, etc.** The fee for a permit for the installation of a tank, device,
12 equipment, or other structure or facility shall be as listed in Table 109.3.1.

13 **109.2.6 Tents, amusement booths.** The fee for a permit for the construction,
14 installation, or erection of a tent or amusement booth shall be as listed in Table 109.3.1.
15 This shall include all those for private parties, picnics, carnivals, circuses, or traveling
16 exhibitions.

17 **109.2.7 Moving of buildings.** The fee for a permit to move a building or structure from
18 one lot to another, or to a new location on the same lot, shall be as listed in Table
19 109.3.1. In the event that a building or structure is to be moved from a point within the
20 City of Saint Louis to a point outside the city, the fee for the moving permit shall be

1 based on the estimated total cost of restoration of the original site to a safe and
2 satisfactory condition plus that portion of the moving cost which covers the journey to
3 the city limits. In the event that a building or structure is to be moved from the outside of
4 the City of Saint Louis to a point inside the city limits, the fee for the moving permit shall
5 be based on the estimated total cost of the portion of the journey from the city limits to
6 the site of re-erection.

7 **109.2.7.1 New foundations.** Before any building or structure is moved to a new
8 foundation, a separate building permit shall be obtained for the construction of said
9 new foundation; the fee for the permit for said foundation shall be as listed in Table
10 109.3.1. In addition, all additional electrical, mechanical, and plumbing permits shall
11 be obtained.

12 **109.2.8 Explosives.** The fee for a permit for the use of explosives for blasting in
13 connection with demolition, excavation, construction, or other building operations shall
14 be as listed in Table 109.3.1. When a blasting operation consists of a series of blasts at
15 intervals of distance, such as blasting a trench for the installation of utilities, and the
16 extent of the blasting operations exceeds 250 feet in length, the fee for a permit shall be
17 charged for the first 250 feet of the operation with an additional fee for each additional
18 250 feet or any portion thereof. The fee for a permit for the use of explosives shall cover
19 the issuance of the permit and shall also cover pre-blasting survey inspection and post-
20 blasting survey inspection of all property within 250 feet of the blasting operation. In
21 addition, a separate permit shall be required under the Fire Code for the transportation,

1 storage, or use of explosives.

2 **109.2.9 Addendum to permit.** Fees for addendums to issued permits shall be as
3 follows:

- 4 1. Where an addendum includes work that will increase the construction cost of the
5 complete project, the fee listed in Table 109.3.1 shall be calculated on the
6 additional cost incurred by the change in scope, and shall include application,
7 special demolition fund, and lead remediation fees.
- 8 2. Where an addendum does not include work that will increase the construction
9 cost of the complete project, or includes work or removal of work that decreases
10 the cost of the complete project, a minimum fee as listed in Table 109.3.1 and an
11 application fee shall apply.

12 **109.2.10 Special demolition fund.** There shall be an additional fee charged on all
13 building permits based on the total estimated cost of construction, and shall be charged at
14 the rate listed in Table 109.3.1 for the special demolition fund.

15 **109.2.11 Lead remediation fund.** There shall be an additional fee charged on all
16 building permits based on the total estimated cost of construction, and shall be charged at
17 the rate listed in Table 109.3.1 for the special lead remediation fund.

18 **109.2.12 Vacant building registration fee.** A semiannual registration fee of \$200 shall
19 be charged to the owner of any parcel of residential property improved by a residential
20 structure, or commercial property improved by a structure containing multiple dwelling

1 units, which is vacant and has been vacant for at least six months, and which is violation
2 of this code.

3 **109.2.13 Fee for duplicate copy.** Any person requesting a copy of a building permit,
4 occupancy permit, or certificate of inspection issued under this code, or the holder of any
5 permit for similar purpose issued by the building official under any previous code or
6 ordinance, can obtain a duplicate or re-issued copy of said permit for a fee of one dollar
7 per copy. This fee is listed in Table 109.3.1.

8 **109.2.14 Fee for occupancy permit.** Fees for the issuance of an occupancy permit shall
9 be as listed in Table 109.3.1. There shall be no charge for the issuance of the original
10 occupancy permit upon completion of construction in accordance with the building
11 permit for new buildings or buildings hereafter altered with construction costs exceeding
12 \$30,000.

13 **109.2.14.1 Fee for temporary or partial occupancy permit.** The fee for a partial
14 occupancy permit shall be as listed in Table 109.3.1.

15 **109.2.14.2 Fee for changing the name on an occupancy permit.** Any person
16 requesting a re-issuance of an occupancy permit issued under this code or under any
17 previous code or ordinance due to a change of name can obtain a re-issued copy of
18 said permit for a fee of five dollars per copy. This fee is listed in Table 109.3.1.

19 **109.2.15 Fee for approving additional sets of construction documents.** Any person
20 requesting additional sets of approved construction documents issued under this code or

1 under any previous code or ordinance shall be charged a fee of one dollar per page. This
2 fee is listed in Table 109.3.1.

3 **109.3 Fee tables.** The building official shall cause to be collected all fees as listed in Table
4 109.3.1 and elsewhere in this code.

5 **109.3.1 Fee schedule.** Table 109.3.1 contains fees for permits for new construction and
6 additions; miscellaneous structures; alterations and repairs to existing buildings; tanks;
7 moving of buildings; demolition of structures; blasting for demolition or construction
8 purposes; picnics, carnivals, and circuses or traveling exhibitions; tents; amusement park
9 devices; addendums to permit; the special demolition and lead remediation funds; special
10 inspections; and occupancy.

11 **109.3.2 Building permit valuations.** The applicant for a building permit shall provide a
12 total estimated cost of construction for the project at the time of application. For the
13 purpose of determining fees, total construction costs shall include all costs for normal site
14 preparation including grading, excavation, and backfill; structural work; interior and
15 exterior finishes; and plumbing, mechanical, and electrical work. The following shall be
16 permitted to be excluded from total construction costs: the cost to install sprinkler,
17 standpipe and fire alarm systems; and signs.

18 If, in the opinion of the building official, the valuation is underestimated on the
19 application, the permit shall be denied, unless the applicant can show detailed
20 construction estimates for the project to meet the approval of the building official. The
21 building official shall be permitted to require the submittal of signed and notarized

1 construction contracts when the total estimated cost of construction is questioned. Final
 2 building permit valuation shall be set by the building official.

3 Final costs shall be determined by the building official, if necessary, by multiplying
 4 the total floor area of the project in square feet by an appropriate square foot cost rate, or
 5 by using the current ICC Building Valuation Data Report for New Construction,
 6 Additions, Alterations, Repairs, or Rehabilitation.

Table 109.3.1
BUILDING PERMIT FEES FOR STRUCTURES; BLASTING AND INSPECTIONS FEES

| Item | Fee | Minimum Fee | Section | Remarks & Requirements |
|---|---|-------------|---------|--|
| APPLICATION FEE; or Building Line Survey | \$ 25.00 | | 109.2.1 | An administrative charge made for processing applications. |
| Certificate of Flood Plain Status | \$ 10.00 | | 109.2.1 | |
| PERMIT FOR NEW CONSTRUCTION AND ADDITIONS | \$6.00/\$1000 of estimated cost or fraction thereof | \$ 15.00 | 109.2.2 | |
| MISCELLANEOUS STRUCTURES PERMIT – Structures such as towers, retaining walls, floating structures, parking lots, fences, awnings, signs, etc. | \$6.00/\$1000 of estimated cost or fraction thereof | \$ 15.00 | 109.2.3 | For all structures, devices, appurtenances, and equipment requiring permits & not otherwise provided for by this code. |
| PERMIT FOR ALTERATIONS & REPAIRS TO AN EXISTING BUILDING | \$6.00/\$1000 of estimated cost or fraction thereof | \$ 15.00 | 109.2.4 | Permits for flammable and combustible liquids are required under the Fire Code. |
| TANK PERMIT For any purpose except flammable and combustible liquids | \$6.00/\$1000 of estimated cost or fraction thereof | \$ 15.00 | 109.2.5 | |
| TENT PERMIT | \$ 35.00 | | 109.2.6 | Section 3103 of the Fire Code. |
| MOVING OF BUILDING PERMIT Within City Limits | \$1.00/\$100 of estimated cost or fraction thereof | \$ 15.00 | 109.2.7 | Estimated cost of moving building to new location plus cost of restoring previous site to a safe condition. |
| To outside City Limits | \$1.00/\$100 of estimated cost or fraction thereof | \$ 15.00 | | Estimated cost of moving building to city limits plus cost of restoring previous site to a safe condition. |

Table 109.3.1
BUILDING PERMIT FEES FOR STRUCTURES; BLASTING AND INSPECTIONS FEES

| Item | Fee | Minimum Fee | Section | Remarks & Requirements |
|--|--|-------------|------------------------|---|
| From outside City Limits to within City Limits | \$1.00/\$100 of estimated cost or fraction thereof | \$ 15.00 | | Estimated cost of moving building from City Limits to a new site. |
| Foundation for building | \$6.00/\$1000 of estimated cost or fraction thereof | \$ 15.00 | 109.2.7.1 | |
| EXPLOSIVES PERMIT Blasting permit for trenching | \$6.00/250 lineal feet or fraction thereof | \$ 100.00 | 109.2.8 | For construction, excavation, or other building operation. |
| Blasting for demolition | \$ 100.00 | \$ 100.00 | 109.2.8 | Includes pre- and post-blast survey per building/per blast. |
| ADDENDUM PERMIT Amendment which involves additional dollars in project cost. | \$6.00/\$1000 of estimated increased cost or fraction thereof | \$ 25.00 | 109.2.9 | |
| Amendment which involves decrease or no increase in project cost. | \$ 25.00 | \$ 25.00 | | |
| SPECIAL DEMOLITION FUND | \$2.00/\$1,000 of estimated cost or fraction thereof | | 109.2.10 | Special fund approved by the voters. |
| LEAD REMEDIATION FUND | \$2.00/\$1,000 of estimated cost or fraction thereof | | 109.2.11 | Special fund approved by Ordinance 64699. |
| VACANT BUILDING REGISTRATION FEE | \$200.00 Semi-annually | | 109.2.12 | Special fee established by Ordinance 64678. |
| DUPLICATE COPY OF BUILDING PERMIT, OCCUPANCY PERMIT OR CERTIFICATE OF INSPECTION | \$ 1.00 per copy | | 109.2.13 | |
| APPLICANT REQUEST FOR OCCUPANCY PERMIT Residential | \$ 80.00 \$20.00/each additional unit in same structure | | 109.2.14 109.2.14.1 | Special inspection fees for occupancy permits. This fee is also applicable to partial occupancy permits. When units are inspected on the same site inspection. |

Table 109.3.1
BUILDING PERMIT FEES FOR STRUCTURES; BLASTING AND INSPECTIONS FEES

| Item | Fee | Minimum Fee | Section | Remarks & Requirements |
|---|--|-------------|------------|--|
| Commercial 3,500 sq. ft. or less | \$ 80.00 | | | |
| Commercial over 3,500 sq.ft. | \$ 160.00 | | | |
| RE-ISSUANCE OF OCCUPANCY PERMIT DUE TO NAME CHANGE | \$ 5.00 per copy | | 109.2.14.2 | |
| APPROVAL OF ADDITIONAL SETS OF CONSTRUCTION DOCUMENTS | \$1.00 per page | | 109.2.15 | |
| DEMOLITION PERMITS - Structure volume less than 10,000 cu. ft. | \$ 10.00 | \$ 10.00 | 123.1.5 | Based on volume of structure exclusive of basement or cellars. |
| 10,000 cu. ft. and over | \$15.00/10,000 cu. ft. or fraction thereof | \$ 25.00 | | Demolition permits shall be issued for a period not to exceed thirty days. |
| DEMOLITION INSPECTION FEE | | | | |
| Less than 10,000 cu. ft. | \$ 15.00 | \$ 15.00 | 123.1.5 | Per site |
| 10,000 cu. ft. or over | \$ 25.00 | \$ 25.00 | | Per site |
| Blasting for demolition | \$ 50.00 | \$ 50.00 | 109.2.8 | Per site |
| Applicant request | \$ 25.00 | | | Related to other occupancy and use permits requested by the applicant. |
| Emergency and specialty inspection | \$ 25.00 | | | Charge for inspection requested to be made beyond normal working hours - not to exceed \$25.00 per requested inspection. |

1 **109.3.3 Sign fee schedule.** Table 109.3.3 contains the basic building fees for signs
2 governed by this code.

Table 109.3.3 (a)
SIGN PERMIT FEES

| Item | Fee | Minimum Fee | Section |
|---------------------------------------|-----------|-------------|--------------|
| GROUND SIGNS Up to 100 square feet | \$ 100.00 | \$ 100.00 | IBC H101.3.1 |
| Over 100 square feet | \$ 160.00 | | |
| ROOF SIGNS Up to 100 square feet | \$ 100.00 | \$ 100.00 | IBC H101.3.1 |

| | | | |
|--|-----------|-----------|--------------|
| Over 100 square feet | \$ 160.00 | | |
| WALL SIGNS Up to 100 square feet | \$ 100.00 | \$ 100.00 | IBC H101.3.1 |
| Over 100 square feet | \$ 160.00 | | |
| PROJECTING SIGNS Up to 100 square feet | \$ 100.00 | \$ 100.00 | IBC H101.3.1 |
| Over 100 square feet | \$ 160.00 | | |
| SPECIAL OR TEMPORARY DISPLAY SIGNS REQUIRING PERMITS Fees for a special sign shall be the same as the one above which it most closely resembles. | | \$ 100.00 | IBC H101.3.1 |
| LETTERING OR GRAPHICS ON AWNINGS AND CANOPIES | \$ 50.00 | \$ 50.00 | |

Note a. When a question arises as to what type of sign is being constructed or placed, it shall be designated as that type of sign it most closely resembles as determined by the building official. (See also Chapter 29 of the Building Code and the Zoning Ordinance.)

- 1 **109.4 Work started surcharge fees schedule.** In case any work for which a permit is
- 2 required by this code is substantially started or proceeded with prior to obtaining said permit,
- 3 the total normal fees applicable shall be increased by the amount as listed in Table 109.4.
- 4 The payment of said surcharge fee shall not relieve any persons from fully complying with
- 5 the requirements of this code for performance or execution of the work, nor from other
- 6 penalties prescribed by law.

Table 109.4
SCHEDULE FOR SURCHARGE BUILDING PERMIT FEES

| Permit fee | Surcharge fee |
|---------------------|---------------|
| \$0 TO \$50 | \$30.00 |
| \$51 TO \$200 | \$90.00 |
| \$201 TO \$500 | \$240.00 |
| \$501 TO \$2,000 | \$360.00 |
| \$2,001 TO \$10,000 | \$480.00 |
| OVER \$10,000 | \$600.00 |

- 7 **109.5 Demolition work started surcharge fees schedule.** In case any work for which a

1 demolition permit is required by the code is substantially started or proceeded with prior to
2 obtaining said permit, the total normal fees applicable shall be increased by the amount as
3 listed in Table 109.5. The payment of said surcharge fee shall not relieve any persons from
4 fully complying with the requirements of this code for performance or execution of the work,
5 nor from other penalties prescribed by law.

Table 109.5
SCHEDULE FOR SURCHARGE DEMOLITION PERMIT FEES

| Permit fee | Surcharge fee |
|---------------------|----------------------|
| \$0 TO \$50 | \$30.00 |
| \$51 TO \$200 | \$90.00 |
| \$201 TO \$500 | \$240.00 |
| \$501 TO \$2,000 | \$360.00 |
| \$2,001 TO \$10,000 | \$480.00 |
| OVER \$10,000 | \$600.00 |

6 **109.6 Related fees.** The payment of fees for the construction, alteration, removal or
7 demolition for work done in connection with or concurrently with the work authorized by a
8 building permit shall not relieve the applicant or holder of the permit from the payment of
9 other fees that are prescribed by law.

10 **109.7 Fees non-refundable.** The fee for a permit based upon an estimated cost that is higher
11 than later claimed by the applicant shall not be a basis for refund. When construction does
12 not occur, or only partially occurs, fees collected are not refundable.

13 **109.8 Fees waived for disaster related permits.** In the event of a tornado, earthquake,
14 flood, or any other disaster of such magnitude to activate the City Emergency Management
15 Agency, the Building Commissioner is authorized to waive all permit fees normally collected

1 by the Division of Building and Inspection for repairs, reconstruction, demolition, plumbing,
2 mechanical, or electrical work or any other similar permits required by this Division to
3 correct the damage caused by such disaster. These permit fees shall be permitted to be
4 waived for a period not to exceed six months or as otherwise determined by the Building
5 Commissioner.

6 **SECTION 110**

7 **INSPECTIONS**

8 **110.1 General.** Construction or work for which a permit is required shall be subject to
9 inspection by the building official and such construction or work shall remain accessible and
10 exposed for inspection purposes until approved. Approval as a result of an inspection shall
11 not be construed to be an approval of a violation of the provisions of this code or of other
12 ordinances of the City of Saint Louis. Inspections presuming to give authority to violate or
13 cancel the provisions of this code or of other ordinances shall not be valid. It shall be the
14 duty of the permit applicant to cause the work to remain accessible and exposed for
15 inspection purposes. Neither the building official nor the City of Saint Louis shall be liable
16 for expenses entailed in the removal or replacement of any material required to allow
17 inspection.

18 **110.2 Preliminary inspection.** Before issuing a permit, the building official is authorized to
19 examine or cause to be examined buildings, structures and sites for which an application has
20 been filed.

1 **110.2.1 Notice to begin work.** It shall be the responsibility of the holder of a permit to
2 notify the building official when work is ready for the various inspections required by the
3 terms of the permit or the approved rules. Such notice shall be given within a reasonable
4 time before the inspection is desired, but in no event shall the notice be less than the
5 working day before. Notice given on a Friday or on a day prior to a legal holiday shall
6 not constitute notice for inspection on a Saturday, Sunday, or holiday unless
7 arrangements have been made under approved rules for overtime inspection on such
8 days. Before giving such notice the holder of the permit shall first test the work and
9 satisfy themselves that it conforms to the approved construction documents and the
10 requirements of this code.

11 **110.3 Required inspections.** The building official, upon notification, shall make the
12 inspections set forth in Sections 110.3.1 through 110.3.10. No work shall be done on any
13 part of the building or structure beyond the point indicated in each successive inspection
14 without first obtaining the approval of the building official or authorized representative.
15 Approval shall be given only after an inspection has been requested and made of each
16 successive step in the construction phase and all code requirements or corrections are
17 completed as indicated by each of the inspections required. A final inspection and approval
18 of all buildings shall be completed before occupancy as described in Section 111. Failure to
19 obtain a final inspection before occupancy will constitute a violation of the building code
20 subject to the penalties as set forth in Section Four of the adopting ordinance. Reinforcing
21 steel or structural framework of any part of a building or structure shall not be covered or
22 concealed in any manner without first obtaining the approval of the building official. The

1 building official, upon notification from a permit holder or agent, in accordance with the
2 rules of procedure listed on the permit and posted in the office of the building official, shall
3 make the following inspections and shall either approve that section or portion of the
4 construction as completed or shall notify the permit holder or agent that they have failed to
5 comply with the law.

6 **110.3.1 Footing or foundation inspection.** Footing and foundation inspections shall be
7 made after excavation for footings are complete and any required reinforcing steel is in
8 place. For concrete foundations, any required forms shall be in place prior to inspection.
9 Materials for the foundation shall be on the job, except where concrete is ready mixed in
10 accordance with ASTM C 94, the concrete need not be on the job. The owner is solely
11 responsible for the correct location of the foundation on the site.

12 **110.3.1.1 Soil inspection.** A soil inspection shall be made after excavation for the
13 building or structure is complete and trenches for footings, column pads, spread
14 footings, or other types of footings are ready for concrete. No concrete shall be
15 poured prior to this inspection.

16 **110.3.1.2 Pier inspection.** Where special foundations such as drilled and
17 poured-in-place concrete piers, driven piles of all types, caissons, and other
18 extraordinary types are required, the building official shall make at least one
19 inspection or more if the size of the job warrants it.

20 **110.3.2 Concrete slab or under-floor inspection.** Concrete slab and under-floor

1 inspections shall be made after in-slab or under-floor reinforcing steel and building
2 service equipment, conduit, piping accessories, and other ancillary equipment items are
3 in place, but before any concrete is placed or floor sheathing installed, including the
4 subfloor.

5 **110.3.3 Lowest floor elevation.** In flood hazard areas, upon placement of the lowest
6 floor, including basement, and prior to further vertical construction, the elevation
7 certificate required in Section 1612.5 of the Building Code shall be submitted to the
8 building official.

9 **110.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or
10 sheathing, all framing, fire blocking, and bracing are in place and pipes, chimneys, and
11 vents to be concealed are complete and the rough electrical, plumbing, heating wires,
12 pipes, and ducts are approved.

13 **110.3.5 Lath, gypsum board, and gypsum panel product inspection.** Lath, gypsum
14 board, and gypsum panel product inspections shall be made after lathing, gypsum board,
15 and gypsum panel products, interior and exterior, are in place, but before any plastering is
16 applied or gypsum board or gypsum panel product joints and fasteners are taped and
17 finished.

18 **Exception:** Gypsum board and gypsum panel products that are not part of a fire-
19 resistance-rated assembly or a shear assembly.

20 **110.3.5.1 Covering work.** It shall be a violation of this code to cover prior to

1 inspection any work required to be inspected under the provisions of a permit, the
2 approved rules, or this code, regardless of any penalties for such violation. The
3 building official shall be permitted to require the holder of the permit to uncover any
4 such work for inspection, and the cost of uncovering such work and of replacing the
5 cover after the work has been satisfactorily inspected, shall be borne by the holder of
6 the permit.

7 **110.3.6 Fire- and smoke-resistant penetrations.** Protection of joints and penetrations
8 in fire-resistance-rated assemblies, smoke barriers, and smoke partitions shall not be
9 concealed from view until inspected and approved.

10 **110.3.7 Energy efficiency inspections.** Inspections shall be made to determine
11 compliance with Chapter 13 of the Building Code or Chapter 11 of the Residential Code
12 for One- and Two-family Dwellings, as applicable, and shall include, but not be limited
13 to, inspections for: envelope insulation *R* and *U* value, fenestration *U* value, duct system
14 *R* value, and HVAC and water heating equipment efficiency.

15 **110.3.8 Other inspections.** In addition to the inspections specified above, the building
16 official is authorized to make or require other inspections of any construction work to
17 ascertain compliance with the provisions of this code and other laws that are enforced by
18 the Division of Building and Inspection.

19 **110.3.8.1 Plant inspection.** Where required by the provisions of this code or by the
20 approved rules, materials or assemblies shall be inspected at the point of manufacture

1 or fabrication.

2 **110.3.8.2 Evaluation and follow-up services.** Prior to the approval of a closed
3 prefabricated assembly and issuance of a building permit, the building official shall
4 require the submittal of an evaluation report of each prefabricated assembly
5 indicating the complete details of the assembly including a description of the
6 assembly and its components, the basis upon which the assembly is being evaluated,
7 test results and similar information, and other data as necessary for the building
8 official to determine conformance with this code. Acceptable reports shall be
9 permitted to come from the State of Missouri Public Service Commission or ICC
10 Evaluation Services.

11 **110.3.8.2.1 Evaluation service.** The building official shall designate the
12 evaluation service of an approved agency as the evaluation agency, and review
13 such agency's evaluation report for adequacy and conformance to this code.

14 **110.3.8.2.2 Follow-up inspection.** Except where all assemblies and
15 subassemblies, service equipment, and accessories are readily accessible for
16 complete inspection at the site without disassembly or dismantling, the building
17 official shall conduct the frequency of in-plant inspections as necessary to
18 reasonably assure conformance to the approved evaluation report or shall
19 designate an approved independent inspection agency to conduct such
20 inspections. The inspection agency shall furnish the building official with the
21 follow-up inspection manual and a written report of inspections upon request, and

1 the product shall have an identifying label permanently affixed to the product
2 indicating that factory inspections have been performed.

3 **110.3.8.2.3 Test and inspection records.** All required tests and inspection
4 records shall be accessible to the building official or quality assurance agency at
5 all times during the fabrication of the unit or subassembly and the erection of the
6 building; or such records as the building official designates shall be filed with the
7 building official.

8 **110.3.8.2.4 Inspection reports.** All inspection reports shall be in writing and
9 shall be certified by the licensed authority or responsible officer of the service, or
10 by the individual when expert inspection services are accepted. An identifying
11 label or stamp permanently fixed to the product indicating that factory inspection
12 has been made shall be accepted in lieu of the aforesaid inspection report in
13 writing if the intent or meaning of such identifying label or stamp is properly
14 substantiated.

15 **110.3.9 Special Inspections.** For special inspections, see Section 1704 of the Building
16 Code.

17 **110.3.10 Final inspection.** The final inspection shall be made after all work required by
18 the building permit is completed.

19 Upon completion of the building or structure, and before issuance of the occupancy
20 permit as required in Section 111, a final inspection shall be made. All violations of the

1 approved construction documents and permit shall be noted and the holder of the permit
2 shall be notified of the discrepancies. The building official shall be permitted to issue a
3 partial occupancy permit for a specific period of time. Failure to comply with the
4 conditions shall cause revocation of the permit.

5 **110.3.11 Blast survey inspections.** When a permit is issued for the use of explosives,
6 the building official shall cause to be conducted two survey inspections of all buildings
7 within 250 feet of the blasting, and a third inspection to be made after the blasting. These
8 inspections shall indicate any settlement, cracks or other deterioration; additional or
9 supplemental detailed survey work shall be permitted to be required by the building
10 official. Such inspections or survey work, as required by the building official, must be
11 conducted by a private individual or individuals technically competent to do such work
12 and acceptable to the building official. Such private surveys shall be conducted at the
13 expense of the permit applicant. The additional or supplemental survey work shall be
14 permitted to be accepted by the building official in lieu of the pre-blast or post-blast
15 survey if the survey(s) has included all areas within 250 feet of the blasting site and
16 contains the details required herein.

17 **110.4 Approved inspection agencies.** The building official is authorized to accept reports
18 of approved inspection agencies, provided such agencies satisfy the requirements as to
19 qualifications and reliability.

20 **110.5 Inspection requests.** It shall be the duty of the holder of the building permit or their
21 duly authorized agent to notify the building official when work is ready for inspection. It

1 shall be the duty of the permit holder to provide access to and means for inspection of such
2 work for any inspections that are required by this code.

3 **110.5.1 Action on notice.** Upon receipt of notice that work is ready for inspection, the
4 building official shall inspect, or cause to be inspected, the work as soon as reasonably
5 practicable. However, failure of the building official to make a prompt inspection shall
6 not be deemed justification for covering work without inspection when such work is
7 required under the terms of the permit to be inspected before being covered.

8 **110.6 Approval required.** Work shall not be done beyond the point indicated in each
9 successive inspection without first obtaining the approval of the building official. The
10 building official, upon notification, shall make the requested inspections and shall either
11 indicate the portion of the construction that is satisfactory as completed, or shall notify the
12 permit holder or an agent of the permit holder wherein the same fails to comply with this
13 code. Any portions that do not comply shall be corrected and such portion shall not be
14 covered or concealed until authorized by the building official.

15 **110.7 Periodic inspections.** The building official shall, if deemed necessary, make or cause
16 to be made such periodic inspections of buildings, structures, devices, appurtenances, and
17 uses as are required by and in the intervals prescribed by Table 110.7. In order to provide a
18 uniform workload throughout the year, the building official shall be permitted to alter the
19 intervals between periodic inspections as required to meet staffing levels.

TABLE 110.7
PERIODIC INSPECTION OF STRUCTURES, DEVICES, AND USES

| Item | Period between inspections |
|--|----------------------------|
| Cornices, entablatures, belt courses, trim, and similar decorative features; maintenance repair and safe condition thereof (for such items projecting from the face of buildings). See note a. | 3 years |
| Exterior Cantilevered Balconies, Stairways, and Fire Escapes. See note b. | 3 years |
| Other annual permits, certificates, and clearances through Board of Public Service action such as day care centers, nursing homes, homes for the aged, hospitals. See note c. | 1 year |
| Permanent amusement devices | 1 year |
| Auto lifts | 1 year |

Note a. Applies to all buildings over five stories or 60 feet in height. Owners to submit report bearing the seal, signature, and date of a Missouri licensed Professional Engineer or Architect to the building official every three years describing the condition and safety of cornices, entablatures, belt courses, etc. The building official shall waive inspection if feature does not encroach over a City of Saint Louis sidewalk, street, or alley.

Note b. Owners shall submit a report bearing the seal, signature, and date of a Missouri licensed Professional Engineer or Architect to the building official every three years describing the condition and safety of exterior cantilevered balconies, stairways, and fire escapes.

Note c. Applies to all other inspections of buildings or uses not otherwise provided for in this code or any City ordinance which are made annually per the Board of Public Service Permit, and which are assigned by BPS to the Building Division for permit verification, certification, re-certification, or clearances.

1 **110.7.1 Professional inspection.** The building official shall require owners to supply
2 inspection reports by Missouri licensed design professionals for any building, structure,
3 appurtenance, or device when, in the building official’s opinion, it is necessary to insure
4 proper public safety, health, and welfare.

5 **110.8 Authority to enter.** The building official shall have the authority to enter at any
6 reasonable hour any building, structure or premises in the City of Saint Louis for which a
7 permit has been issued but has not received a certificate of occupancy in accordance with
8 Section R110 to enforce the provisions of this code or any other code or ordinance of the
9 City of Saint Louis. No person shall accompany a building official onto a premises in the
10 performance of their duty unless otherwise invited onto said premises by the owner or the
11 owner’s representative.

12 For all other structures or premises, when the building official has reasonable cause to

1 believe that a code violation exists, the building official is authorized to enter the building,
2 structure, or premises at reasonable times to inspect subject to constitutional restrictions on
3 unreasonable searches and seizures. If entry is refused or not obtained, the building official
4 is authorized to pursue recourse as provided by law.

5 **110.9 Jurisdictional cooperation.** The assistance and cooperation of the Police, Fire,
6 Streets, Parks, and Health Departments and all other city officials shall be available as
7 required in the performance of the duties of the building official.

8 **110.10 Parking.** Division of Building and Inspection employees, when on official duty,
9 shall be allowed to park without payment of fees at any parking meter or contrary to posted
10 no parking zones. In no event will parking be allowed in front of fire plugs, mail boxes, bus
11 stops, or wheelchair ramps or within disabled parking spaces unless vehicle displays a
12 permanent Missouri placard or license plate for the disabled.

13 **110.10.1 Placards.** Each authorized individual shall display one placard approved by the
14 building official in either the front or rear window of private or city vehicles to indicate
15 that the individual is on official city business and is exempt from parking fees, citations,
16 and parking tickets in accordance with Section 110.10 during normal working hours.
17 The Building Commissioner shall not issue such placards to any person not on the
18 Division of Building and Inspection payroll. The Building Commissioner shall have the
19 authority to request cancellation of parking tickets issued contrary to this ordinance.

20 **SECTION 111**

1 **CERTIFICATE OF OCCUPANCY**

2 **111.1 Use and occupancy.** No building, structure, or premises shall be used or occupied and
3 no change in the existing occupancy classification of a building, structure, premise, or
4 portion thereof shall be made until the building official has issued an occupancy permit as
5 provided herein. Issuance of an occupancy permit shall not be construed as an approval of a
6 violation of the provisions of this code or of other ordinances of the jurisdiction. Failure to
7 have an occupancy permit approved and issued by the building official is a violation and both
8 the occupant and owner shall be subject to a penalty as set forth in Section Four of the
9 adopting ordinance. Each day that a violation continues shall constitute a separate offense.

10 **111.1.1 Posting notice.** It shall be the duty of the building official to post a notice on any
11 building, structure or portion thereof when it is found that an occupancy permit is
12 required before any occupancy shall be permitted to occur. This notice shall remain in
13 plain sight and removal of same shall constitute a separate offense and shall be subject to
14 a penalty as set forth in Section Four of the adopting ordinance.

15 **111.2 Partial occupancy permits.** Upon the request of an owner or an owner’s
16 representative, a partial occupancy permit shall be permitted to be issued for a building,
17 structure, or premises, provided that no conditions exist which endanger public life, safety, or
18 welfare. Partial occupancy permits shall be permitted to be subject to conditions.

19 **111.2.1 Accessible type A dwelling units when granting partial occupancy permit.**

20 Before a partial occupancy can be approved, an accessible Type A unit must be

1 completed in for sale multi-family residential buildings where 50% of the units are built
2 out. This must be an accessible Type A dwelling that was designated on the approved
3 building permit construction drawings or on an addendum. The unit must comply with
4 ICC A117.1-2009 Chapter 10: Dwelling Units, Section 1003, Type A units.

5 If the accessible Type A dwelling unit on the original building permit construction
6 drawings is not built out in the location shown, the architect of record shall submit
7 revised construction drawings indicating the location of the new accessible Type A
8 dwelling units within the building as an addendum to the original building permit
9 application.

10 **111.3 Certificate of substantial completion.** Upon the request of the design professional of
11 record, the building official shall be permitted to issue a Certificate of Substantial
12 Completion for a building, structure, or premises before the entire work covered by the
13 building permit has been completed provided there are no conditions existing which would
14 endanger public safety, health, or welfare. Certificates of Substantial Completion shall be
15 permitted to be subject to conditions. The owner can occupy or utilize the work or
16 designated portion thereof for the use for which it is intended provided a partial occupancy
17 permit has been applied for and issued by the building official.

18 **111.4 Contents of the occupancy permit.** When a building, structure, or premises is
19 entitled thereto, the building official shall issue an occupancy permit within a reasonable
20 period of time. The occupancy permit shall certify compliance with the provisions of this
21 code and the purpose for which the building, structure, or premises will be used. The

1 occupancy permit shall specify the use group in accordance with the provisions of Chapter 3
2 of the Building Code, the type of construction as defined in Chapter 6 of the Building Code,
3 and any special stipulations and conditions of the building permit. Any building, structure,
4 or premises for which an occupancy permit has been issued shall be permitted to be
5 reinspected to confirm compliance with this code and the Zoning Ordinance.

6 **111.5 By whom application is made.** An application for an occupancy permit shall be made
7 by the owner of record of the building, structure, or premises. If an occupancy permit
8 application is made by any person other than the owner of record, a notarized letter or some
9 other proof must be presented granting permission from the owner of record to the applicant
10 to apply for the occupancy permit for the stated use. The full names, addresses, and
11 telephone numbers of the owner, lessor, and applicant shall be stated. If the building is
12 owned by a corporation, said notarized permission letter or other proof shall be signed by an
13 officer or registered agent of that corporation. If the applicant for the occupancy permit is a
14 corporation, an officer, registered agent, or other responsible person of that corporation shall
15 sign the application stating their position with said corporation.

16 **111.6 Posting of occupancy permit; responsibilities.** It shall be the duty or responsibility
17 of the operator of every business to display a copy of a legally issued occupancy permit
18 pertaining to the actual business in effect on the premises. It shall be the duty of the Saint
19 Louis Police Department to enforce the provisions of this section. When the building official
20 is informed of or suspects any violation of this code, it shall be the duty of the holder of an
21 occupancy permit to allow the building official to inspect the building, structure, premises, or

1 any portion thereof. Violation of this section shall result in revocation of said occupancy
2 permit and shall be subject to penalties as set forth in Section Four of the adopting ordinance.

3 **111.7 Occupancy permit application abandonment.** Occupancy permit applications shall
4 be abandoned 60 days after initial application if, in the opinion of the building official, the
5 occupancy permit has not been diligently pursued.

6 **Exception:** Those buildings acquired from Land Reutilization Authority, in which case
7 said occupancy permit applications shall be abandoned 180 days after initial application
8 was filed.

9 **111.8 Revocation.** The building official is authorized to, in writing, suspend or revoke an
10 occupancy permit or certificate of substantial completion issued under the provisions of this
11 code whenever the permit is issued in error, on the basis of incorrect information supplied, or
12 where it is determined that the building or structure or portion thereof is in violation of any
13 ordinance or regulation or any of the provisions of this code.

14 **SECTION 112**

15 **SERVICE UTILITIES**

16 **112.1 Connection of service utilities.** No person shall make connections from a utility,
17 source of energy, fuel, or power to any building or system that is regulated by this code for
18 which a permit is required until released by the building official.

19 **112.2 Temporary connection.** The building official shall have the authority to authorize

1 and approve the temporary connection of the building or system to the utility, source of
2 energy, fuel, or power.

3 **112.3 Authority to disconnect service utilities.** The building official shall have the
4 authority to authorize disconnection of utility service to the building, structure, or system
5 regulated by this code and the referenced codes and standards set forth in Section 102.4 in
6 case of emergency where necessary to eliminate an immediate hazard to life or property or
7 when such utility connection has been made without the approval required by Section 112.1
8 or 112.2. The building official shall notify the serving utility and, wherever possible, the
9 owner and occupant of the building, structure, or service system of the decision to disconnect
10 prior to taking such action. If not notified prior to disconnection, the owner or occupant of
11 the building, structure, or service system shall be notified in writing as soon as practical
12 thereafter.

13 SECTION 113

14 BOARD OF BUILDING APPEALS

15 **113.1 Creation, members, and qualifications.** There is hereby established a Board of
16 Building Appeals consisting of seven members appointed by the Mayor, all of whom shall be
17 residents of the City of Saint Louis; at least one of whom shall be a person engaged in the
18 real estate business, one a Missouri licensed professional engineer, one a Missouri licensed
19 architect, one a building contractor or subcontractor, one a person affiliated with the building
20 and construction trades council, and two shall be citizens-at-large. There shall be four

1 alternates who shall be permitted to be called when it is expected there will not be a quorum
2 present. The alternates shall have all powers, protection, and stipends as the regular board
3 members in accordance with Civil Service provisions. The alternates shall be appointed by
4 the Mayor for four year terms. One alternate shall be a Missouri licensed professional
5 engineer or Missouri licensed architect; the other alternates shall be citizens-at-large.
6 Alternates shall not make up the majority of the Board at any hearing.

7 **113.1.1 Term of office.** New members shall possess the same qualifications as the
8 persons in whose place they are appointed. This is an existing board and no current
9 appointments shall be affected by this ordinance. All subsequent appointments shall be
10 for a term of four years and shall expire on an anniversary of the date of the original term,
11 except appointments to fill vacancies which shall be for the unexpired term. Members
12 whose appointed terms have expired shall be permitted to continue to serve until
13 reappointed or replaced by a new appointee.

14 **113.1.2 Procedures.** The board shall elect one of its members as chairman who shall
15 serve as such during the remainder of the calendar year and until a successor is elected.
16 The board shall from time to time adopt rules and regulations as shall be reasonably
17 necessary to govern its procedure and to carry into effect the provisions of this code.
18 These rules and regulations shall be available for review at the office of the Secretary to
19 the Board during normal working hours. It shall be unlawful for any appellant or
20 appellant's representative to contact any member of the board on any matter that is
21 pending or scheduled to be heard by the board. If a board member is contacted by an

1 appellant on a matter pending before the board other than during a board hearing, that
2 board member must abstain from hearing or voting on the matter, as all testimony must
3 be heard “sworn on the record.”

4 **113.1.3 Compensation.** The Board of Building Appeals members shall be compensated
5 for services rendered on a per meeting basis as established by ordinance and subject to
6 budgeted funds availability.

7 **113.2 Meetings; witnesses; minutes to be kept.** Meetings of the board shall be held at the
8 call of the chairman and at such other times as the board by its rules shall be permitted to
9 provide. The chairman, or in the chairman’s absence, the acting chairman shall administer
10 oaths. The Board shall act by a majority vote and a quorum shall consist of at least four
11 members. The board shall keep minutes of its proceedings showing the vote of each member
12 on each question, or if absent or failing to vote, indicating such fact, and shall keep records
13 of its examinations of witnesses and other official acts. Transcripts of hearings shall be
14 permitted to be kept in the custody of the court reporter and need not be transcribed unless
15 requested. The party requesting the transcripts shall pay all costs of such transcripts required
16 including a file copy for the board, one for the Building Division, and one for the board’s
17 legal staff.

18 **113.3 Types of appeals.** Any person, firm, or corporation aggrieved by a decision of the
19 building official, fire official, or any other board, commission, or other officer exercising
20 their powers under this code or any other code or ordinance assigned to the Division of
21 Building and Inspection shall be permitted to file an appeal when the appellant alleges:

- 1 1. That there is an error in an order, requirement, decision, or interpretation of the
2 building official, fire official, or of any other board, commission, or other officer in
3 the enforcement of this code;
- 4 2. That the mode, method, or manner to be followed in the erection or alteration of any
5 building or structure in any specific case before the board is equal to or superior to
6 the mode, method, or manner required by the provisions of this code;
- 7 3. That the material to be used in this specific case is equal to or superior to the
8 materials required by the provisions of this code;
- 9 4. That any other board or commission exercising powers under this code or any other
10 code or ordinance assigned to the Division of Building and Inspection wrongfully
11 interpreted the provisions of the code or refused to grant a license, certificate, or
12 permit under the provisions of such code.

13 **Exception:** The Board of Building Appeals has no jurisdiction or authority to hear and
14 decide appeals on matters covered under the Americans With Disabilities Act, the Zoning
15 Ordinance, and Cultural Resources Ordinance.

16 However, an application for occupancy, alteration, or repair of an existing building or
17 structure which involves a change of occupancy or change of use group whereupon
18 accessibility requirements apply, the building official's determination of change of
19 occupancy or use group shall be allowed to be appealed to the Board of Building
20 Appeals.

21 **113.3.1 Criteria for issuance of a variance for flood hazard areas.** A variance shall
22 only be issued upon:

- 1 1. A showing of good and sufficient cause that the unique characteristics of the size,
2 configuration, or topography of the site render the elevation standards
3 inappropriate.
- 4 2. A determination that failure to grant the variance would result in exceptional
5 hardship by rendering the lot undevelopable.
- 6 3. A determination that the granting of a variance will not result in increased flood
7 heights, additional threats to public safety, or extraordinary public expense or
8 create nuisances, cause fraud on or victimization of the public, or conflict with
9 existing local laws or ordinances.
- 10 4. A determination that the variance is the minimum necessary to afford relief
11 considering the flood hazard.
- 12 5. Submission to the applicant of written notice specifying the difference between
13 the design flood elevation and the elevation to which the building is to be built,
14 stating that the cost of flood insurance will be commensurate with the increased
15 risk resulting from the reduced floor elevation, and stating that construction
16 below the design flood elevation increases risks to life and property.

17 **113.4 Filing date.** Unless otherwise specified in other sections of this code, appeals shall be
18 filed within 30 calendar days after the decision of the building official, fire official, or any
19 other board, commission, or other officer exercising their powers under this code or any other
20 code or ordinance assigned to the Division of Building and Inspection is rendered; however,
21 no such appeal shall be taken from any order or ruling wherein responsibility lies with the
22 Board of Adjustment as established by the Zoning Ordinance or with any other board as

1 established by the Revised Code of the City of Saint Louis.

2 **Exception:** Condemnation appeals shall be filed within ten calendar days of the date on
3 the Notice of Condemnation as described in Section 119.8.

4 **113.5 Manner and fee for filing appeals.** Appeals shall be taken by filing with the
5 Secretary to the Board a notice of appeal on such forms as prescribed by the Board of
6 Building Appeals specifying the grounds thereof, and the secretary shall immediately
7 transmit to the board such notice and all papers constituting the record upon which the action
8 appealed from is taken. The notice of appeal shall be accompanied by a fee of \$150.00.

9 **113.5.1 Waiver of appeal fees.** In the event the Secretary to the Board receives a written
10 claim of indigence and a request for a fee waiver, the request shall be referred to the City
11 Counselor's Office for approval or denial and that decision shall be final. A copy of that
12 decision shall be kept on file.

13 **113.5.2 Multiple appeals.** In the event that more than one building, structure, or
14 premises owned by the same person, firm, or corporation has been cited for exactly the
15 same violation and the owner has filed an appeal with the board disputing the same
16 citation, the appellant shall be permitted to file one appeal covering all said buildings,
17 structures, or premises and be charged one appeal fee. The decision rendered by the
18 board shall apply to all buildings, structures, or premises involved in the appeal.

19 **113.5.3 Board hearings; notification.** After an appeal has been filed, the Secretary to
20 the Board shall place the appeal on a board hearing agenda and the appellant shall be

1 notified in writing by certified mail prescribing the time, date, and location of the hearing
2 not less than seven days prior to said hearing. Such hearing shall be held within a
3 reasonable time after the filing of the notice of appeal, depending on the scheduling of
4 other appeals.

5 **113.6 Appeals to stay proceedings; exceptions.** Appeals shall stay all proceedings in
6 furtherance of the action appealed from unless the building official or fire official certifies to
7 the Board of Building Appeals after the notice of appeal has been filed that, by reason of the
8 facts stated in the certificate, a stay would cause imminent peril to life or property.
9 Proceedings shall not otherwise be stayed except by restraining order.

10 **113.7 Jurisdiction of the board.** The Board of Building Appeals is hereby empowered to
11 hear and decide appeals in all matters described in Section 113.3

12 **113.7.1 Board decisions; notification.** The board shall enter its order and decision after
13 hearing, affirming, modifying, or reversing the order, requirement, interpretation, ruling,
14 or decision of the building official in whole or in part. The board shall be permitted to
15 require conditions or restrictions as necessary to assure that the activity complies with the
16 intent of this code or as the board deems appropriate. If the appellant fails to appear at
17 the prescribed time and location of the hearing and it has been determined that notice of
18 the hearing was received, the appeal shall be dismissed and the original order,
19 requirement, interpretation, ruling, or decision of the building official shall be affirmed.
20 A final decision, when used in this section, shall mean a decision rendered by the Board
21 of Building Appeals. The board shall, upon rendering its final decision, notify the

1 appellant of its order and final decision by mail. The appellant shall be deemed to have
2 received the final decision three days after the final decision has been deposited in the
3 United States mail with proper postage. The board shall forward its order and decision to
4 the building official, fire official, or any other board, commission, or officer exercising
5 their powers under this code in writing and place a copy of the decision in its files. There
6 shall be no rehearing or reopening of that file by the board except where the board has
7 required conditions or restrictions and it is to be determined whether the conditions or
8 restrictions have been met. No information concerning any decision reached by the board
9 shall be made public except to the appellant until that decision has been signed and the
10 appellant has first been formally notified.

11 **113.7.2 Generic decisions.** In the event that the Building Commissioner finds that a
12 specific decision of the Board of Building Appeals would be helpful in the continued
13 administration of this code if it were made to be generically applicable, the Building
14 Commissioner shall be permitted to petition the board in writing requesting that the
15 decision of a specific case be made generically applicable, in part or in whole, without
16 the need for individual appeals and shall become a part of the policy of the Division of
17 Building and Inspection. This request must be made within 180 calendar days of the
18 rendering of the decision. The board shall only affirm or deny such petition.

19 **113.7.3 Conditional decisions; method of rehearing.** When the Board of Building
20 Appeals enters a conditional decision modifying or reversing an order of the building
21 official and grants additional time to correct the violation(s), the board shall grant no

1 more than 90 days. Additional time shall be permitted to be granted if, in the opinion of
2 the building official, sufficient progress is being made to correct the violation(s). In the
3 event insufficient progress is being made to correct the violation(s) in the allotted time,
4 the case shall be referred back to the Board of Building Appeals to show cause why the
5 conditions set by the board have not been met and why the building official's original
6 order or decision should not be affirmed. In the event of such referral back to the board,
7 notification to the appellant prescribing the date, time, and location of said hearing shall
8 be the same as that described in Section 113.5.3.

9 **113.8 Appeals from decisions of the board.** Any person(s) jointly or severally aggrieved by
10 the decision of the Board of Building Appeals shall be entitled to a judicial review of the
11 decision rendered by the Board of Building Appeals as provided in the Administrative
12 Procedure and Review Act of the State of Missouri, being Sections 536.100 - 536.140 of the
13 Revised Statutes of Missouri.

14 **113.9 Hearing officer.** The Board of Building Appeals shall have the right to appoint a
15 hearing officer to hear and render a decision on any appeal filed with the Board of Building
16 Appeals.

17 **113.9.1 Qualification.** The hearing officer shall be an attorney and on an approved list
18 of attorneys who have administrative law experience. The Director of Public Safety shall
19 compile and maintain said list.

20 **113.9.2 Rights and duties.** The hearing officer shall have such rights, responsibilities,

1 and duties as the Board of Building Appeals and the appellants shall have the same rights
2 as an appellant appearing before the Board of Building Appeals, including the right to
3 appeal pursuant to Missouri’s Administrative Procedure and Review Act.

4 **SECTION 114**

5 **VIOLATIONS**

6 **114.1 Unlawful acts.** It shall be unlawful for any person, firm, or corporation to grade for,
7 excavate for, erect, construct, alter, extend, repair, move, remove, demolish, or occupy any
8 building, structure, premises, or equipment regulated by this code or cause same to be done
9 in conflict with or in violation of the provisions of this code or any decision or order of the
10 Board of Building Appeals.

11 **114.2 Notice of violation.** The building official is authorized to serve a notice of violation
12 or order on the owner as shown in the records of the City of Saint Louis Assessor’s Office or
13 on the person responsible for the grading, excavating, erection, construction, alteration,
14 extension, repair, moving, removal, demolition, or occupancy of a building, structure, or
15 premises in violation of the provisions of this code, or in violation of a detail statement or
16 construction documents approved hereunder, or in violation of a permit or certificate issued
17 under the provisions of this code. Such order shall direct the discontinuance of the illegal
18 action or condition and the abatement of the violation. Such notice shall be permitted to be
19 served by the United States mail. Posting of the premises shall also constitute notice. It shall
20 be a violation of this code for any person to remove any such notice lawfully posted pursuant

1 to this code unless otherwise ordered by the building official.

2 **114.2.1 Investigation of records.** Upon the receipt of a written request from the owner
3 of the property, or the real estate agent for the property, or the attorney, architect, or
4 engineer representing the owner of the property, the Permit Section Supervisor shall ask
5 the various Building Division sections for copies of any existing violation letters
6 concerning the property. If the request is not on the owner’s letterhead, a notarized
7 authorization from the owner must be submitted.

8 The response letter written by the permit section supervisor shall list any known
9 violations and must contain the following statement: “This letter does not certify that
10 there are no actual existing violations of the ordinances for which the Division of
11 Building and Inspection is responsible. To determine if there are any violations of any
12 ordinances, an application for an occupancy permit must be filed in accordance with
13 Section 111.5 and the subsequent inspections completed. This letter does certify there
14 are no existing letters of violation on record other than those attached herein. There will
15 be a \$25 fee charged for this service. Five working days will be allowed to respond to
16 this request.”

17 **114.3 Prosecution of violation.** If the notice of violation is not complied within the time
18 prescribed by such notice, the building official is authorized to request the legal counsel of
19 the City of Saint Louis to institute the appropriate proceeding at law or in equity to restrain,
20 correct, or abate such violation or to require the removal or termination of the unlawful

1 occupancy of the building, structure, or premises in violation of the provisions of this code or
2 of the order or direction made pursuant thereto.

3 **114.4 Violation penalties.** Any person who violates a provision of this code or fails to
4 comply with any of the requirements thereof or who erects, constructs, alters, or repairs a
5 building or structure in violation of the approved construction documents or directive of the
6 building official or of a permit or certificate issued under the provisions of this code shall be
7 subject to penalties as prescribed by law.

8 **114.5 Abatement of violation.** The imposition of penalties as set forth in Section Four of
9 the adopting ordinance shall not preclude the legal officer of the City of Saint Louis from
10 instituting appropriate action to prevent unlawful construction; to restrain, correct, or abate a
11 violation; to prevent illegal occupancy of a building, structure, or premises; or to stop an
12 illegal act, business, or use.

13 **SECTION 115**

14 **STOP WORK ORDER**

15 **115.1 Authority.** Whenever the building official finds any work regulated by this code
16 being performed in a manner contrary to the provisions of this code or in a dangerous or
17 unsafe manner, the building official is authorized to issue a stop work order.

18 **115.2 Issuance.** The work order shall be in writing and shall be given to the owner of the
19 property involved, or to the owner's agent, or to the person doing the work. Upon issuance of

1 a stop work order, the cited work shall immediately cease. The stop work order shall state
2 the reason for the order and the conditions under which the cited work will be permitted to
3 resume.

4 **115.3 Emergencies.** When an emergency exists, the fire official shall not be required to give
5 a written notice prior to stopping the work.

6 **115.4 Unlawful continuance.** Any person who shall continue any work in or about the
7 building, structure, or premises after having been served with a stop work order, except such
8 work as they are directed to perform to remove a violation or unsafe condition, shall, upon
9 conviction thereof, be subject to the penalties as set forth in Section Four of the adopting
10 ordinance. Each day that a violation continues shall constitute a separate and distinct
11 offense.

12 SECTION 116

13 UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT

14 **116.1 Conditions.** Buildings, structures, or equipment that are or hereafter become unsafe,
15 unsanitary, or deficient because of inadequate means of egress, facilities, or light and
16 ventilation; which constitute a fire hazard; are otherwise dangerous to human life or the
17 public welfare; or which involve illegal or improper occupancy or inadequate maintenance
18 shall be deemed unsafe. Unsafe buildings or structures shall be taken down and removed or
19 made safe as the building official deems necessary and as provided for in this section. A
20 vacant structure that is not secured against entry shall be deemed unsafe.

1 **116.2 Record.** The building official shall cause a report to be filed on an unsafe condition.
2 The report shall state the occupancy of the structure and the nature of the unsafe condition.

3 **116.3 Notice.** If an unsafe condition is found, the building official shall serve on the owner,
4 agent, or person in control of the building or structure a written notice that describes the
5 condition deemed unsafe and specifies the required repairs or improvements to be made to
6 abate the unsafe condition, or that requires the unsafe structure to be demolished within a
7 stipulated time. Such notice shall require the person thus notified to declare immediately to
8 the building official acceptance or rejection of the terms of the order.

9 **116.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is
10 (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the
11 owner at the last known address with the return receipt requested; or (c) delivered in any
12 other manner as prescribed by local law. If the certified or registered letter is returned
13 showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous
14 place in or about the structure affected by such notice. Service of such notice in the
15 foregoing manner upon the owner’s agent or upon the person responsible for the structure
16 shall constitute service of notice upon the owner.

17 **116.5 Restoration.** Where the building, structure, or equipment determined to be unsafe by
18 the building official is restored to a safe condition to the extent that repairs, alterations, or
19 additions are made or a change of occupancy occurs during the restoration of the structure,
20 such repairs, alterations, additions, or change of occupancy shall comply with the
21 requirements of Section 105.2.2 and the Existing Building Code.

1 original design professional not desire to provide such services.

2 **117.1.3 Application of seal, signature, and date.** All construction documents
3 submitted with an application for a building permit shall comply with Section 107.1.1.

4 **117.1.4 Reproduction of sealed documents.** Construction documents sealed by a
5 Missouri licensed design professional shall not be reproduced for anyone, other than the
6 owner, without the expressed written permission of Missouri licensed design professional
7 who sealed said documents, or as ordered by a court of law.

8 **117.2 Special professional services.** When applications are filed for unusual designs or
9 magnitude of construction which require construction document review or inspection
10 services beyond the capacity of the building official's staff or where Referenced Standards
11 require special architect or engineer inspections, the building official shall be permitted to
12 require the owner to retain a properly qualified Missouri licensed design professional to
13 perform the services necessary for code compliance in addition to that provided in Section
14 117.1.2. This project representative shall keep daily records and submit reports as required
15 by the building official. Upon completion of the work, the Missouri licensed design
16 professional shall file a final report indicating whether or not all required inspections were
17 performed and listing pertinent deviations from the building code requirements or from the
18 approved construction documents and the source of authority for such deviations.

19 **117.2.1 Building permit requirement.** The necessity for special professional services
20 shall be determined prior to issuance of the building permit unless waived to a later date

1 by the building official. Refusal by the applicant to provide such services as required by
2 the building official shall result in the denial of the permit.

3 **117.2.2 Fees and costs.** All fees and costs related to the performance of special
4 inspection services shall be borne by the owner.

5 **117.2.3 Visits to site.** When so directed by the building official or when required by the
6 special inspection provisions of this code, the Missouri licensed design professional shall
7 make visits to the site at intervals appropriate to the stage of the construction to observe
8 the progress and quality of the work; to observe construction components requiring
9 controlled materials or construction as specified in Chapter 44, Referenced Standards;
10 and to determine if the work is proceeding in accordance with the construction
11 documents approved for the building permit. The Missouri licensed design professional
12 shall periodically submit reports to the building official showing the results of such
13 periodic visits.

14

SECTION 118

15

WORKMANSHIP

16 **118.1 General.** All work shall be conducted, installed and completed in a neat, workmanlike
17 and acceptable manner so as to secure the results intended by this code.

18

SECTION 119

1 **CONDEMNATIONS**

2 **119.1 Notification.** If upon making an inspection and examination of any occupied or
3 unoccupied building, structure, or premises, the building official finds one or more of the
4 defects described below, the building official shall notify in writing, as provided in Section
5 119.2, the owner(s) of said building, structure, or premises as recorded most recently in the
6 City of Saint Louis Assessor’s Office of the defects found in said building, structure, or
7 premises and shall order them to proceed to properly demolish, repair and secure, or correct
8 all conditions causing condemnation of said building, structure, or premises within seven
9 days. This document is to be known as a Notice of Condemnation. If the conditions have
10 not been corrected by the date listed in the notice, the building, structure, premises, or portion
11 thereof or appurtenance thereto will be condemned and shall be required to be vacated, if
12 occupied, and secured. Possible defects shall be permitted to be one or more of the following:

- 13 1. The building or structure is in a condition which endangers either the lives or safety
14 of persons, whether occupants or otherwise, or other property;
- 15 2. The condition of the building or structure by reason of the making of an excavation
16 on the lot on which it is located, or any adjoining lot, endangers either the lives or
17 safety of persons, whether occupants or otherwise, or other property;
- 18 3. The building, structure or premises is a fire hazard for any reason, including without
19 limitation: obsolescence; dilapidation; deterioration; damage; lack of sufficient
20 fire-resisting qualities; poor sanitation; or faulty electrical wiring, gas connections, or
21 heating apparatus;
- 22 4. The building or structure lacks safe or adequate facilities for means of egress in case

- 1 of fire or panic;
- 2 5. The building or structure has any one or more of the following conditions:
- 3 A. Improperly distributed loads upon the floors or roof;
- 4 B. Overloaded floors or roofs;
- 5 C. Insufficient strength to be reasonably safe for its actual or intended use;
- 6 6. Any portion of the building or structure has been so damaged by fire, earthquake,
- 7 wind, flood, vandalism, malicious mischief, or any other cause, that the building or
- 8 structure is no longer safe or suitable for its actual or intended use;
- 9 7. Any interior or exterior portion, member, appurtenance, ornamentation, or any other
- 10 component of the building or structure is likely to fall or collapse, or become
- 11 detached or dislodged and thereby injure persons or damage property;
- 12 8. Any portion of the building or structure has racked, warped, buckled, or settled to
- 13 such an extent that its walls or other structural portions have insufficient resistance to
- 14 fire, earthquake, wind, flood, or similar perils;
- 15 9. Part or all of the building or structure is in danger of collapsing for any reason;
- 16 10. The building or structure has exterior walls or other vertical structural members
- 17 which list, lean, or buckle;
- 18 11. The building, structure, or premises or any portion thereof is, for any reason, unsafe
- 19 for its actual or intended use;
- 20 12. The building or structure has been so damaged by fire, earthquake, wind, flood,
- 21 vandalism, malicious mischief, or any other cause or has become so dilapidated,
- 22 deteriorated, or decayed as to come within any one or more of the following

1 categories:

2 A. The building or structure will attract and result in harm to children;

3 B. The building or structure is, or is likely to become, a harbor for vagrants or
4 criminals;

5 C. The building or structure enables persons to resort thereto for the purpose of
6 committing unlawful acts;

7 13. The building, structure, or premises has been constructed, exists, or is being
8 maintained in violation of any provisions of this code or of any law of the City of
9 Saint Louis;

10 14. The building or structure does not have the strength, fire-resisting qualities or
11 weather-resisting qualities required by this code for newly constructed buildings of
12 like area, height, and occupancy;

13 15. The building, structure, or premises is used or intended to be used for purposes that
14 are likely to injure the health, safety, or welfare of persons who occupy or could
15 occupy said building or structure by reason of any one or more of the following
16 conditions:

17 A. Inadequate maintenance, dilapidation, deterioration, decay, or damage;

18 B. Faulty construction;

19 C. Inadequate light, ventilation, or sanitation facilities;

20 D. The building, structure or premises is being used for any illegal purposes;

21 16. Any portion of the building or structure has been left remaining on a site after its
22 demolition or destruction;

1 17. The building or structure is vacant for a period in excess of six months and because
2 of its condition is unsafe, unsanitary, or endangers property or public health, safety,
3 or welfare;

4 18. The building or structure is vacant and has been ordered secure or has been secured
5 by order of the building official for a period in excess of twelve months and has been
6 condemned for occupancy or has been used in the commission of a crime subsequent
7 to being ordered secured or being secured.

8 19. The building or structure is only partly constructed and construction has stopped for a
9 period in excess of six months, and because of its condition, affects the health, safety
10 and welfare of the adjacent properties.

11 **119.1.1 Evacuation order; failure to comply.** Any person who refuses to leave,
12 interferes with the evacuation of other occupants, or continues any operation after having
13 been given an evacuation order by the building official, except such person(s) directed to
14 perform work to remove a violation or unsafe condition, shall be deemed in violation of
15 this section whereupon it shall be the duty of the Police Department to immediately
16 remove such person from said building, structure, or premises and prevent anyone from
17 re-entering the building, structure, or premises until such time that the Police Department
18 shall have been notified by the Division of Building and Inspection that the same is in a
19 safe condition. Any person who shall violate this section shall be guilty of a
20 misdemeanor and subject to the penalties as set forth in Section Four of the adopting
21 ordinance.

1 4. Publication in a newspaper of general circulation in the City of Saint Louis.

2 **119.2.1 Posting copy of notice.** In case such building, structure, or premises is in the
3 occupancy of a tenant(s), in addition to the above notice it shall be the duty of the
4 building official to post a copy of such notice upon said building, structure, or premises.
5 It shall be a violation of this code for any person to remove any notice or copy thereof
6 lawfully posted pursuant to this code unless otherwise ordered by the building official.

7 **119.3 Failure to comply; authority to enter into contracts.** If the owner(s) fail to comply
8 with the order of the building official by the date indicated in the Notice of Condemnation
9 and in such a manner that can be approved by the building official, then such owner(s) shall
10 have violated this code and the building official shall be permitted to forthwith proceed to
11 undertake and complete whatever work is necessary to eliminate the dangerous condition.
12 The Building Commissioner shall have the authority to enter into contracts with no other
13 review, signature, or approval (except for insurance) from any other City agency. Such
14 contracts shall be permitted to include, but not be limited to, demolition, environmental
15 investigation, remedial work, professional, or contractual services. Competitive bids shall
16 not be required for emergency situations where there is a danger to life or property. The cost
17 of such work performed by the building official under the provisions of Sections 119 or 120
18 shall be paid for by the City of Saint Louis. The building official shall certify to the
19 Comptroller the cost of such work including the administrative costs incurred by the Division
20 of Building and Inspection in performing said work, but in no event shall such administrative
21 costs exceed ten percent of the contract price incurred by the Division of Building and

1 Inspection in performing such work. The Comptroller, upon certification by the building
2 official of the cost expended for said work, shall prepare bills for such work against the
3 owner(s) of said building, structure, or premises. In case said bills are not paid upon
4 presentation, they shall be referred to the City Counselor, who shall proceed to collect same
5 by suit or lien if necessary, and the amounts when collected shall be credited to a special
6 revolving fund for the purposes herein designated.

7 **119.3.1 Secured buildings.** For a building or structure to be “secured” in those cases in
8 which securing is specifically required by this code, a covering shall be placed over all
9 doors, windows, or other openings at the first floor level; all doors and windows that are
10 accessible from any porch, service stair, or fire escape; and all basement or cellar
11 windows. This cover shall consist of not less than $\frac{3}{8}$ inch plywood or other such material
12 approved by the building official attached to the framing of all such doors and windows
13 by wood screws, or any other material approved by the building official, of a minimum
14 length of $1\frac{1}{2}$ inches, placed not more than twelve inches on center. Such plywood or
15 other such material approved by the building official shall be painted with a minimum of
16 two coats of exterior grade paint of a brick red or other color which is approved by the
17 building official. It shall be the duty and responsibility of the building official to re-enter
18 any premises or building or portion thereof that has previously been secured and boarded
19 either by the City of Saint Louis or any other party when, in the opinion of the building
20 official, there is reason to believe that there happens to be new or additional violations of
21 this code. The building official shall not be held responsible for any damage to the
22 building, structure, or premises caused by the act of securing.

1 **119.3.2 Reentry of secured buildings.** The occupancy of any building or structure
2 which has been ordered secured or has been secured by order of the building official shall
3 be prohibited until the owner of said building or structure obtains a certificate of
4 inspection or an occupancy permit from the building official. Work performed on any
5 building or structure as a prerequisite to a certificate of inspection shall not be considered
6 occupancy of said building or structure.

7 **119.4 Building not to be rented or leased.** No owner or agent of the owner of any building,
8 structure, or premises, after notice from the building official that such building, structure, or
9 premises is unsafe or dangerous, shall rent or lease the same or any part thereof or collect any
10 rent therefor until such building, structure, or premises has been placed in a safe and secure
11 condition. The building official shall be permitted to require an occupancy permit to be
12 issued prior to occupancy or re-occupancy. Any person found guilty of violating the
13 provisions of this section shall be subject to the penalties as set forth in Section Four of the
14 adopting ordinance regarding fine and imprisonment. Each day that a violation continues
15 constitutes a separate and distinct offense.

16 **119.5 Cost; method of payment; lien; penalty.** The building official shall have the
17 authority to require any violator of this code to correct, remove, or abate any condition
18 caused or permitted by them in violation of this code; and the building official shall be
19 permitted to correct, remove, or abate the same upon their failure to comply with the
20 requirements of this code when the public interest so requires. For all emergency condemned
21 buildings or structures, the building official shall have the authority to receive and publicly

1 open bids and award the contract to the lowest qualified bidder meeting the specifications
2 without first sending said contract to the Comptroller. These contracts shall be signed by the
3 Building Commissioner and countersigned by the Director of Public Safety and shall have
4 the full effect of a city contract. All costs attending such action in such cases shall be paid
5 from the appropriate fund as provided in Section 119.3 and then collected from the party
6 offending as therein provided. A lien for such costs shall be placed against the property
7 whereon such violation was permitted to exist. The cost shall also be certified to the
8 Collector of Revenue or other official collecting real estate taxes, who shall cause a special
9 tax bill against the property to be prepared and collected in the same manner and procedures
10 as other real estate tax bills. Said special tax bill shall be deemed a personal debt against the
11 property owner(s) and shall also be a lien on the property until paid. These bills or liens shall
12 not be forgiven except by the City Counselor, who shall, in writing, instruct the building
13 official to forgive such bills or liens. Further, board-up and demolition bills shall be
14 permitted to be waived when ownership of said property for which the bill or lien was issued
15 is accepted by Land Reutilization Authority, Saint Louis Development Corporation, or any
16 other City agency. Any person, firm or corporation who shall refuse or neglect to comply
17 with the provisions of this section or who shall violate any of the provisions thereof shall be
18 subject to the penalties as set forth in Section Four of the adopting ordinance. In addition,
19 any payments deemed to be in arrears shall be subject to interest charges at a rate set by the
20 Comptroller.

21 **119.5.1 Prohibited expenditures.** The building official shall not expend any monies for
22 demolition of buildings owned by Land Reutilization Authority, Operation Impact, Saint

1 Louis Development Corporation, Port Authority, or any other governmental agency
2 except in emergency situations where immediate action is required to preserve public
3 health, safety, and welfare.

4 **119.6 Vacation of buildings; duties of police; penalty.** Upon effecting condemnation of
5 any building, structure, or premises by the building official, it shall be unlawful for any
6 person to enter or remain in or on such building, structure, or premises until such time as the
7 Police Department shall have been notified in writing by the building official that the same is
8 in a safe condition. It shall be the duty of the Police to remove any person from such
9 building, structure, or premises so condemned and to prevent any person from entering same
10 until such time as the Police Department shall have been notified in writing by the building
11 official that such building, structure, or premises is in compliance with this code. The
12 provisions of this section shall not apply to licensed security guards or persons directly
13 employed in securing the building, structure, or premises or otherwise abating the conditions
14 causing the condemnation. Any violation of this section of the code shall be subject to the
15 penalties as set forth in Section Four of the adopting ordinance.

16 **119.7 Removal of decayed or unsafe trees.** Whenever it shall come to the knowledge of
17 the Forestry Commissioner that any tree on private property is in such a decayed or
18 dangerous condition as to endanger the lives of persons or is likely to cause immediate
19 damage to the property of others, the Forestry Commissioner shall cause said tree to be
20 removed or cause such dangerous conditions to be remedied by the owner of the property
21 whereon it is situated. The powers and duties of the Forestry Commissioner in respect to any

1 such tree, the notice to the owner of the property whereon it is located, the cost of its removal
2 or remedying the dangerous condition caused thereby, the lien of such cost, the method of its
3 collection, the penalties to be incurred by the owner, and the procedure to be followed by the
4 Forestry Commissioner shall, as nearly as practicable, be those prescribed by this section in
5 respect to the building official's procedures for buildings and other structures which are in a
6 dangerous condition.

7 If the Forestry Commissioner cannot secure removal of the dangerous tree by Forestry
8 Division forces or by response of the owner to the Forestry Division notice, the Forestry
9 Commissioner shall be permitted to request the assistance of the building official in
10 condemning the tree and securing removal after emergency or public bid by private
11 contractors resulting in a City of Saint Louis contract to remove the tree.

12 The condemnation, if appealed to the Board of Building Appeals, shall require the
13 defense testimony of Forestry Division personnel knowledgeable about trees.

14 The Building Division shall be permitted to make available for tree removal contracts on
15 private property a sum not to exceed five percent of the first two hundred thousand dollars of
16 general fund demolition monies appropriated in a fiscal year, in addition to not more than
17 three percent of any appropriated amount over \$200,000. The Forestry Division will prepare
18 bid specifications and receive, process, and award such contracts billable to the Building
19 Division demolition account subject to the dollar limits above. This procedure is for dead or
20 dangerous trees on private property only and is not for encroachments, trimming, pruning, or
21 other concerns.

22 **119.8 Appeal.** Any person aggrieved by the decision of the building official pursuant to

1 Sections 119.1 through 119.7 shall be permitted to appeal such decisions to the Board of
2 Building Appeals within ten calendar days of the date on the Notice of Condemnation. The
3 Condemnation Committee of the Board of Building Appeals, selected by the chairman, shall
4 hear said appeal and render its decision affirming, modifying, or reversing the decision of the
5 building official and, to such end, shall possess all the powers on appeal granted the building
6 official under Sections 119.1 through 119.7. Such decision shall be subject to the procedures
7 and review provided by the Administrative Procedure and Review Act of the State of
8 Missouri. Filing of an appeal of any portion of Sections 119.1 through 119.7 does not stay
9 any action provided in these sections.

10 **119.9 Penalties.** If the owner(s) fail to repair, demolish, or otherwise comply a building,
11 structure, or premises as ordered by the Notice of Condemnation of the building official
12 pursuant to Section 119.2 either within the seven day period specified in Section 119.1 or
13 within ten days after any appeal from said notice as provided in Section 119.8 is finally
14 adjudicated adversely to said owner(s), then said owner(s) shall be guilty of a violation of
15 this Section and shall, upon conviction thereof, be subject to penalties as set forth in Section
16 Four of the adopting ordinance. Each day that any violation continues shall constitute a
17 separate and distinct offense.

18 **119.10 Responsibility of ownership.**

19 1. Disclosure: It shall be unlawful for any seller or grantor to convey, give, or transfer
20 property to any buyer or grantee without first disclosing in writing to the buyer or
21 grantee the existence of all Notices of Condemnation or any other violations of this

1 code. The grantor shall keep and make available for inspection by the building
2 official such disclosure signed by the grantee for a period of one year from the
3 conveyance, gift, or transfer.

4 2. Liability to prosecution and conviction: Any person shall be permitted to be
5 prosecuted and convicted for violation of Section 119.1.1, notwithstanding that said
6 person has not been given the notice specified in Section 119.1, provided that the
7 building, structure, or premises in question had one or more of the defects described
8 in Section 119.1 during the period that said person was responsible for said building,
9 structure, or premises as owner, corporate officer, partner, or otherwise, and provided
10 further that said prosecution is commenced during the one year period after said
11 person ceased to be so responsible.

12 3. Liability to suit and judgment: Any person shall be permitted to be sued by and held
13 liable to the City of Saint Louis, as provided in Section 119.3, for funds expended by
14 the City of Saint Louis pursuant to said section, notwithstanding that said person has
15 not been given the notice specified in section 119.1, provided that the building,
16 structure, or premises in question had one or more of the defects described in said
17 section during the period that said person was responsible for said building, structure,
18 or premises as owner, corporate officer, partner, or otherwise, and provided further
19 that said suit is commenced during the one year period after said person ceased to be
20 so responsible.

21 Owner(s) are presumed by law to know the conditions of their property whether
22 or not such notice was given. Notices sent to the address of the owner(s) shown on

1 the City of Saint Louis Assessors Office records on the date sent shall constitute legal
2 notice in accord with Section 119.2.

3 **119.11 Dangerous, hazardous, unsanitary, or unapproved plumbing, mechanical, and**
4 **electrical installations.** The building official shall have the authority to seal out of service
5 the items listed below when, in the building official's opinion, any of these items are in an
6 unsafe, hazardous, or unsanitary condition; if a Certificate of Inspection has not been issued
7 by the building official; or if the installation was made without obtaining the necessary
8 permit(s):

- 9 1. Plumbing equipment, fixtures, piping, devices, and appurtenances covered by the
10 Building and Plumbing Codes;
- 11 2. Mechanical equipment, devices, and appurtenances covered by the Building and
12 Mechanical Codes.
- 13 3. Electrical equipment, fixtures, devices, wiring, and appurtenances covered by the
14 Building and Electrical Codes;

15 **119.11.1 Notice of sealing out of service.** Before sealing any device out of service, the
16 building official, except in cases of emergency, shall serve seven days written notice
17 upon the building owner(s) or occupant(s) by United States mail stating intention to seal
18 the equipment out of service and the reasons therefore. Notice shall be permitted to
19 alternately be served by posting upon or immediately adjacent to the device proposed to
20 be sealed.

21 **119.11.2 Unlawful to remove or tamper with seal.** Any device sealed out of service by

1 the building official shall be plainly marked with a sign or tag indicating such sealing and
2 any defacing or removal of the sign or tag, any tampering with or removal of the seal
3 without approval of the building official, or operation of the sealed unit shall constitute a
4 violation of this code and shall subject the violator to the penalties as set forth in Section
5 Four of the adopting ordinance.

6 **119.12 Cancellation of condemnation.** The building official shall have authority to cancel
7 prior condemnations either for defects or for occupancy. A condemnation shall be permitted
8 to be rescinded by the building official only after, in the official's opinion, all necessary
9 repairs are made to such building, structure, or premises or otherwise compliance is obtained
10 with the building official's orders to make such building, structure, or premises safe or
11 occupiable and defects noted have been corrected.

12 **119.12.1 Notice of cancellation of condemnations.** Upon cancellation of a
13 condemnation, a notice shall be directed to the owner(s) of the building, structure, or
14 premises stating that the condemnation has been canceled. The service of such notice
15 shall be done in the same manner as provided for in Section 119.2.

16 **119.13 Vacant building inspection.** The building official shall cause to be inspected any
17 property that potentially is subject to the registration fee as established in Section 109.2.12.
18 The inspecting officer shall report his findings and it shall be determined whether any such
19 property shall be subject to the registration fee by the city. Within five business days of such
20 determination, the building official shall notify by mail the owners of property on which the
21 registration fee has been levied at the last known address according to the records of the

1 Office of the Assessor. The property owner shall have the right to appeal the decision of the
2 building official to the municipal court within 30 days of such notification. Absent the
3 existence of any valid appeal or request for reconsideration the registration fee shall begin to
4 accrue on the beginning of the second calendar quarter after the decision of the building
5 official.

6 **119.13.1 Reconsideration.** Should the property owner, within 30 days of the building
7 official making such notification, complete any improvements to the property that would
8 be necessary to revoke the levy of the registration fee, they shall request a reinspection of
9 the property and a reconsideration of the levy of the registration fee by the city. If the
10 building official revokes the registration fee, no such assessment shall be made and the
11 matter shall be considered closed. If the building official affirms the assessment of the
12 registration fee, the property owner shall have the right to appeal the reconsideration
13 decision to the municipal court within thirty days of such decision. Absent the existence
14 of any valid appeal to the municipal court or other court of competent jurisdiction, the
15 registration fee shall begin to accrue on the beginning of the second calendar quarter after
16 the reconsideration decision of the building official.

17 **119.13.2 Payment and penalties.** The building official shall establish procedures for the
18 payment of the registration fee and penalties for delinquent payment of such fees. Any
19 registration fees which are delinquent for a period of one year shall become a lien on the
20 property and shall be subject to foreclosure proceedings in the same manner as
21 delinquent real property taxes. The owner of the property against which the assessment

1 was originally made shall be able to redeem only by presenting evidence that the
2 violations cited by the building official have been cured and presenting payment of all
3 registration fees and penalties. Upon bona fide sale of the property to an unrelated party
4 said lien shall be considered released and the delinquent registration fee forgiven.

5 **SECTION 120**

6 **EMERGENCY MEASURES**

7 **120.1 Procedure.** When, in the opinion of the building official, a building, structure, or
8 premises poses an immediate or imminent danger to the public health, safety, or welfare as
9 defined in Section 119.1, the building official shall order the immediate evacuation and
10 securing of said building, structure, or premises and shall be permitted to order all utilities to
11 be disconnected without sending a notice. Each principle entrance shall be posted with a
12 notice which reads as follows:

13 **DANGER**

14 **THIS PREMISES IS UNSAFE AND HAS BEEN**

15 **CONDEMNED**

16 **ALL PERSONS ARE WARNED TO**

17 **KEEP AWAY**

18 Any person who refuses to leave, interferes with the evacuation of other occupants,
19 occupiers, or continues any operation after the property has been posted pursuant to this
20 section, except such person(s) who is directed to perform work to remove a violation or

1 unsafe condition, shall be deemed in violation of this section and it shall be the duty of the
2 Police Department to immediately remove such person(s) from said building, structure, or
3 premises and prevent anyone, unless approved by the building official, from re-entering the
4 building, structure, or premises until such time that the Police Department shall have been
5 notified that the same is in a safe condition. The building official assumes no responsibility
6 for persons entering upon said property, and said persons proceed at their own risk and
7 assume all liability.

8 **120.2 Temporary safeguards.** When, in the opinion of the building official, there is actual
9 and immediate danger of collapse or failure of a building or structure or any part thereof
10 which would endanger life, the building official shall be permitted to cause the necessary
11 work to be done to render such building or structure or part thereof temporarily safe whether
12 or not the legal procedure herein described has been instituted.

13 **120.3 Closure.** When necessary for public safety, the building official shall temporarily
14 close sidewalks, streets, buildings, structures, and places adjacent to such unsafe building,
15 structure, or premises and prohibit the same from being used.

16 **120.3.1 Catchment enclosures.** If, in the opinion of the building official, it is
17 determined that there exists an imminent structural hazard, catchment enclosures shall be
18 erected protecting adjoining property and the public right-of-way. The cost for such
19 catchment enclosures shall be the responsibility of the owner of record immediately
20 adjacent to the catchment enclosure and the recovery of said costs will be as described in
21 Section 120.5.

1 **120.4 Emergency repairs; remedies.** For the purpose of this section, the building official
2 shall be permitted to employ the necessary labor and materials to perform the required work
3 as expeditiously as possible. Further, when it is found that potable water is running inside a
4 vacant building or structure and the owner or the owner's representative cannot be contacted,
5 and where severe structural or other damage can thus occur to adjacent properties, the
6 Building Commissioner or the Health Commissioner shall be permitted to order the Water
7 Division to cease the problem flow by whatever means the Water Division finds necessary.
8 The Water Division shall comply with any order issued pursuant to this section.

9 **120.5 Cost of emergency repairs or demolition.** Costs incurred in the performance of
10 emergency work shall be paid from the Treasury of the City of Saint Louis on certification of
11 the building official. The legal counsel of the City of Saint Louis shall institute appropriate
12 action against the owner(s) of the premises where the unsafe building or structure is or was
13 located for the recovery of such costs plus a ten percent administrative fee. If such cost is not
14 collected, a lien shall be requested to be placed upon the property by the Comptroller. The
15 costs shall also be certified by the Collector of Revenue or other official collecting real estate
16 taxes, who shall cause a special tax bill against the property to be prepared and collected in
17 the same manner and procedures as other real estate tax bills. Said special tax bill shall be
18 deemed a personal debt against the property owner(s) and shall also be a lien on the property
19 until paid.

20 **120.6 Emergency demolition or removal.** If, in the opinion of the building official, a
21 building, structure, tree, or premises, in whole or in part, poses an immediate and imminent

1 danger to the public health, safety, or welfare by virtue of its condition or conditions in
2 violation of this code, the building official shall be permitted to cause the immediate removal
3 of said building, structure, or tree without the notice set forth elsewhere in this code. Further,
4 the building official shall have the authority to award a sole source contract for demolition of
5 said dangerous building, structure, or tree.

6 SECTION 121

7 REGISTRATION OF VACANT BUILDINGS

8 **121.1 Vacant building registration fee.** The owner of any parcel of residential property
9 improved by a residential structure or of commercial property improved by a structure
10 containing multiple dwelling units which is vacant and has been vacant for at least six
11 months and which is in violation of this code shall pay a semiannual registration fee of two
12 hundred dollars.

13 **121.2 Inspection.** The Building Commissioner or his designee shall inspect any property
14 that may be subject to the registration fee established in Section 121.1. The inspecting
15 officer shall report his findings and recommendations and the Building Commissioner or his
16 designee shall determine whether any such property shall be subject to the registration fee.
17 Within five business days of such determination, the Building Commissioner or his designee
18 shall notify by mail the owners of property on which the registration fee has been levied at
19 their last known address according to the records of the office of the Assessor. The property
20 owner shall have the right to appeal the decision of the Building Commissioner to the

1 municipal court within thirty days of such notification. Absent the existence of any valid
2 appeal or request for reconsideration pursuant to Section 121.3, the registration fee shall
3 begin to accrue on the beginning of the second calendar quarter after the decision of the
4 Building Commissioner.

5 **121.3 Revocation of fees.** Within thirty days of the Building Commissioner making
6 notification pursuant to Section 121.2, the property owner may complete any improvements
7 to the property that may be necessary to revoke the levy of the registration fee and then may
8 request a reinspection of the property and a reconsideration of the levy of the registration fee
9 by the city. If the Building Commissioner or his designee revokes the registration fee, no
10 such assessment shall be made and the matter shall be considered closed. If the Building
11 Commissioner or his designee affirms the assessment of the registration fee, the property
12 owner shall have the right to appeal the reconsideration decision of the Building
13 Commissioner to the municipal court within thirty days of such decision. Absent the
14 existence of any valid appeal to the municipal court or other court of competent jurisdiction,
15 the registration fee shall begin to accrue on the beginning of the second calendar quarter after
16 the reconsideration decision of the Building Commissioner.

17 **121.4 Payment of fees.** The Building Commissioner is hereby authorized to establish
18 procedures for the payment of the registration fee and penalties for delinquent payments of
19 such fees. Any registration fees which are delinquent for a period of one year shall become a
20 lien on the property and shall be subject to foreclosure proceedings in the same manner as
21 delinquent real property taxes. The owner of the property against which the assessment was

1 originally made shall be able to redeem only by presenting evidence that the violations of the
2 applicable code cited by the Building Commissioner have been cured and presenting
3 payment of all registration fees and penalties. Upon bona fide sale of the property to an
4 unrelated party, said lien shall be considered released and the delinquent registration fee
5 forgiven.

6 **121.5 Registration.** The property owner shall provide their name, street address, phone
7 number, and email address to the Assessor's Office. If the property owner does not reside in
8 Missouri or Illinois, the property owner is required to provide the name, street address, and
9 telephone number of a natural person eighteen years of age or older designated by the
10 property owner as the authorized agent for receiving notices of code violations and for
11 receiving process in any court proceeding or administrative enforcement proceeding on
12 behalf of such owner or owners in connection with the enforcement of this code. This person
13 must maintain an office in either the State of Missouri or Illinois or must actually reside in
14 either the State of Missouri or Illinois. The Building Commissioner shall be responsible for
15 providing the information to the City Information Technology Services Agency and the
16 information shall be available through the Geo St. Louis website.

17 **121.6 Vacant Building Maintenance.** The owner of any building that has become vacant
18 shall, within thirty days, do the following:

- 19 1. Enclose and secure the building as defined under Section 119 of this code. All doors
20 must be properly secured and windows on all floors of the building shall be properly
21 secured.

1 2. Maintain the building in a secure and closed condition until the building is again
2 occupied or until repair or completion of the building has been undertaken.

3 **121.7 Collected Funds.** The Comptroller of the City of St. Louis is hereby authorized and
4 directed to establish a Special Account to be known as the Vacant Building Initiative Fund in
5 which all funds received pursuant to this section shall be deposited and such funds shall be
6 kept separate and apart from all other funds. Such funds are hereby appropriated for the costs
7 associated with this section. All interest generated on deposited funds shall be accrued to the
8 Vacant Building Initiative Fund Account.

9 **121.8 Penalties.** If an owner fails to pay the registration fee under Section 121.1 thirty days
10 after the registration fee is assessed, a penalty shall be assessed of \$250.00 per occurrence.
11 Any owner found to be in violation of provisions of Section 121.5 shall be subject to a fine
12 of not more than \$500.00, to a term of imprisonment of not more than ninety days, or to both
13 a fine and imprisonment. Any owner found to be in violation of provisions of Section 121.6
14 shall be subject to a fine of not more than \$500.00, to a term of imprisonment of not more
15 than ninety days, or to both a fine and imprisonment. Every day that a violation continues
16 shall constitute a separate and distinct offense.

17 **CHAPTER 2 IS AMENDED AS FOLLOWS:**

18 Modify Section 202 Definitions by the addition or changing of definitions to read as follows:

19 **ACCESSIBLE.** Describes a site, building, facility, or portion thereof that complies with this
20 code and ICC A117.1-09 *Accessible and Useable Buildings and Facilities* and that can be

1 approached, entered, and used by a person with a disability.

2 **ACCESSIBLE ROUTE.** A continuous unobstructed path connecting all accessible
3 elements and spaces in a building or facility which can be negotiated by a person with a
4 severe disability using a wheelchair and which is also safe for and useable by people with
5 other disabilities. Interior accessible routes include corridors, floors, ramps, elevators, lifts,
6 and clear floor space at fixtures. Exterior accessible routes include parking, access aisles,
7 curb ramps, walks, ramps, and lifts.

8 **ALTERATION.** Any construction or renovation to an existing building or structure other
9 than repair or addition. Alterations are classified as Level 1, Level 2 and Level 3.

10 **BALCONY.** A projecting platform on a building, sometimes supported from below,
11 sometimes cantilevered enclosed with a railing or balustrade.

12 **BUILDING.** Any structure occupied or intended for supporting or sheltering any
13 occupancy. For application of this code, each portion of a building which is completely
14 separated from other portions by fire walls complying with Section 706.0 of the Building
15 Code shall be considered as a separate building.

16 **BUILDING or CODE OFFICIAL.** The Building Commissioner of the City of Saint Louis
17 or any duly authorized representative.

18 **CHANGE OF OCCUPANCY.** A change in the purpose or level of activity within a
19 building or structure that involves a change in the application of the requirements of this
20 code. Change of occupancy requirements apply both to a change in which the use group

1 classification under Chapter 3 of the Building Code remains the same and one in which it
2 changes.

3 **CONSTRUCTION COST.** The cost of all construction portions of a project, generally
4 based upon the sum of the labor and materials used in the performance of the construction
5 contract and other direct construction cost; does not include the compensation paid to the
6 architect and consultants, the cost of the land, right-of-way, or other costs which are defined
7 in the construction documents as being the responsibility of the owner.

8 **DWELLING UNIT OR SLEEPING UNIT, TYPE A.** A dwelling unit or sleeping unit
9 designed and constructed for accessibility in accordance with Section 1002 of ICC A117.1
10 *Accessible and Useable Buildings and Facilities*. A Type A (accessible) dwelling unit has all
11 required knee and toe clearances, clear floor space requirements, door openings, turning
12 radius, approaches, accessible routes, grab bars, and accessible hardware. All bathrooms in a
13 Type A (accessible) dwelling unit shall be designed as fully accessible. All kitchens in a
14 Type A (accessible) dwelling unit shall be designed as fully accessible.

15 **DWELLING UNIT OR SLEEPING UNIT, TYPE B.** A dwelling unit or sleeping unit
16 designed and constructed for accessibility in accordance with Section 1002 of ICC A117.1
17 *Accessible and Useable Buildings and Facilities* and intended to be consistent with technical
18 requirements for fair housing required by Federal law. Dwelling units required to be Type B
19 (adaptable) shall be permitted to be designed and constructed as Type A (accessible) units. A
20 Type B (adaptable) dwelling unit has all required knee and toe clearances, clear floor space
21 requirements, door openings, turning radius, approaches, and accessible routes. Blocking for

1 grab bars in the bathroom is installed. Kitchen cabinets can be installed under the sink. Grab
2 bars and kitchen cabinets are removable for a person with a disability buying or renting the
3 unit. In Type B (adaptable) dwelling units with two or more bathrooms, only one common
4 use bathroom is required to be designed as fully accessible.

5 **HIGH RISE.** All buildings having occupied floors located more than 75 feet above the
6 lowest level of fire department vehicle access. This term shall not apply to structures that are
7 not buildings.

8 **LICENSED DESIGN PROFESSIONAL.** An individual who is licensed to practice their
9 respective design profession as defined by Chapter 327 of the Revised Statutes of the State of
10 Missouri.

11 **LICENSED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.** A licensed
12 design professional engaged by the owner to review and coordinate certain aspects of the
13 project as determined by the building official for compatibility with the design of the
14 building or structure, including submittal documents prepared by others, deferred submittal
15 documents, and phased submittal documents.

16 **PROJECT COST.** The total cost of a project including professional compensation, land
17 cost, furnishings and equipment , financing, and other charges as well as the construction
18 cost.

19 **REPAIR.** The restoration to good or sound condition any part of an existing building for the
20 purpose of its maintenance. Repair work shall not include the cutting away of any wall,

1 partition, or portion thereof; the removal or cutting away of any structural beam or load-
2 bearing support; or the removal or change of any required means of egress or rearrangement
3 of parts of a structure affecting the egress requirements; nor shall ordinary repairs include
4 addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer,
5 drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or
6 other work affecting public health or general safety.

7 **STRUCTURE, EXISTING.** A structure erected prior to the legal date of adoption of the
8 appropriate code or one for which a legal building permit has been issued.

9 **SUN DECK.** A roof area, balcony, open porch, etc. which is exposed to the sun.

10 **TECHNICALLY INFEASIBLE.** An alteration of a building or a facility that has little
11 likelihood of being accomplished because the existing structural conditions require the
12 removal or alteration of a load-bearing member that is an essential part of the structural
13 frame, or because other existing physical or site constraints prohibit modification or addition
14 of elements, spaces, or features which are in full and strict compliance with the minimum
15 requirements for new construction and which are necessary to provide accessibility.

16 **USE GROUP.** The classification of occupancy within a building or structure in accordance
17 with the Building Code.

18 **CHAPTER 3 IS AMENDED AS FOLLOWS:**

19 Change Section 302.3 to read as follows:

1 **302.3 Additional Codes.** Alterations, repairs, additions and changes of occupancy to, or
2 relocation of, existing buildings and structures shall comply with the provisions for
3 alterations, repairs, additions and changes of occupancy or relocation, respectively, in this
4 code and the Energy Conservation Code, Fire Code, Fuel Gas Code, Mechanical Code,
5 Plumbing Code, Property Maintenance Code, Residential Code and NFPA 70. Where
6 provisions of the other codes conflict with provisions of this code, the provisions of this code
7 shall take precedence.

8 Add Sections 301.5.1 thru 301.5.3 to read s follows

9 **301.5.1 Resolving issues of accessible design solutions.** Unresolved design issues
10 related to accessibility shall be resolved by the Commissioner on the Disabled. A letter
11 of agreement shall be drafted by the Commissioner on the Disabled to the design
12 professional outlining the accessibility requirements. The building permit shall be issued
13 contingent upon compliance with the letter of agreement.

14 **301.5.2 Waiver requirements.** In order to request a waiver from the requirements of
15 Chapter 11 of the Building Code, a property owner or design professional shall submit a
16 written request to the Commissioner on the Disabled outlining the specific reasons for
17 their request. The Commissioner on the Disabled shall consult with the Building
18 Inspector, Plan Exam Section, or other Building Division staff about the property. A
19 recommendation shall be made by the Commissioner on the Disabled to the Building
20 Commissioner. The Commissioner on the Disabled and Building Commissioner shall
21 agree to grant or deny the request for a waiver. The property owner or design

1 professional is informed in writing of the decision by the Commissioner on the Disabled.
2 This decision is not subject to appeal by the Board of Building Appeals. Permits for the
3 renovated or altered building shall only be issued contingent upon compliance with the
4 letter of agreement.

5 **301.5.3 Waiver criteria.** A waiver of accessibility requirements may be granted if any
6 or all of the following conditions exist:

- 7 1. It is technically infeasible to achieve accessibility as determined by the
8 Commissioner on the Disabled.
- 9 2. The type of business or work being performed at a property, i.e. physically
10 demanding or requiring a high level of strength and physical mobility, cannot be
11 reasonably performed by a person with a mobility impairment. This is determined by
12 the Commissioner on the Disabled.
- 13 3. In an existing multi-floor building with two or more floors, where the functions on
14 the second or other floors above grade are identical to all the functions on the first
15 floor, vertical accessibility can be waived if the first floor is fully accessible. This is
16 determined by the Commissioner on the Disabled on a case by case basis.

17 Change Sections 305.4.1 and 305.4.2 to read as follows:

18 **305.4.1 Partial change in occupancy.** Where a portion of the building is changed to a
19 new occupancy classification, any alterations shall comply with Sections 705 and 806 as
20 applicable.

21 **305.4.2 Complete change of occupancy.** Where an entire building undergoes a change

1 of occupancy, it shall comply with Section 1012.8.1 and shall have all of the following
2 accessible features:

- 3 1. At least one accessible building entrance.
- 4 2. At least one accessible route from an accessible building entrance to primary
5 function areas.
- 6 3. Signage complying with Section 1110 of the Building Code.
- 7 4. Accessible parking, where parking is being provided.
- 8 5. At least one accessible passenger loading zone, where loading zones are
9 provided.
- 10 6. At least one accessible route connecting accessible parking and accessible
11 passenger loading zones to an accessible entrance.
- 12 7. Accessible toilets shall be provided. Where full compliance is not possible, a
13 single-fixture unisex accessible toilet shall be permitted.

14 Where it is technically infeasible to comply with the new construction standards for any
15 of these requirements for a change of use group or occupancy, the above items shall
16 conform to the requirements to the maximum extent technically feasible. Changes of use
17 group or occupancy that incorporate any alterations or additions shall comply with this
18 Section and Sections 705.1 and 705.2 as applicable.

19 **Exceptions:**

- 20 1. Type B dwelling units required by Section 1107 of the Building Code are not
21 required to be provided in existing buildings and facilities undergoing a
22 change of occupancy in conjunction with less than a level 3 alteration.

1 2. Waivers as provided for in Section 705.4 and 705.5.

2 Change Section 305.8.7 to read as follows:

3 **305.8.7 Type A dwelling or sleeping units.** Where 12 or more Group R-2 dwelling or
4 sleeping units are being altered or added, the requirements of Section 1107 of the
5 Building Code for Type A units apply only to the quantity of the spaces being altered or
6 added.

7 Change Section 305.9 to read as follows:

8 **305.9 Accessibility requirements.** The provisions of Section 1012.8 shall apply to
9 buildings and facilities designated as historic structures that undergo a change of occupancy
10 unless technically infeasible. Where compliance with the requirements for accessible routes,
11 ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the
12 building or facility as determined by the authority having jurisdiction, the alternative
13 requirements of Sections 1204.1.1 through 1204.1.4 for that element shall be permitted.

14 **Exceptions:**

- 15 1. Type B dwelling or sleeping units required by Section 1107 of the Building Code
16 are not required to be provided in historic buildings.
- 17 2. Waivers as provided for in Section 301.5.2 and 301.5.3.

18 **CHAPTER 4 IS AMENDED AS FOLLOWS:**

19 Change Section 408.1 to read as follows:

1 **408.1 Materials.** Plumbing materials and supplies shall not be used for repairs that are
2 prohibited in the Plumbing Code.

3 **CHAPTER 7 IS AMENDED AS FOLLOWS:**

4 Change Section 702.6 to read as follows:

5 **702.6 Materials and methods.** New work shall comply with the materials and methods
6 requirements in the Building Code, Energy Conservation Code, Mechanical Code and
7 Plumbing Code, as applicable, that specify material standards, detail of installment
8 and connection, joints, penetrations, and continuity of any element, component, or
9 system in the building.

10 Add Sections 704.2 and 704.3 to read as follows:

11 **704.2 Alternate to Second Stair.** An existing building shall be allowed to have a single
12 stair provided it complies with all of the following conditions:

- 13 1. The entire building shall be fully sprinklered, all rooms and spaces with no
14 exceptions.
- 15 2. Floor area shall be 10,000 square feet or less per floor.
- 16 3. The window sill height on the top floor shall be 100 feet or less from the lowest level
17 of Fire Department vehicle access.
- 18 4. Standby power, light, and emergency systems are required in all buildings having
19 occupied floors located more than 75 feet above the lowest level of Fire Department
20 vehicle access.

- 1 5. Public corridors shall have a two hour fire rated construction in a straight line with no
- 2 turns. All tenant separation wall, partitions, and floor/ceiling assemblies shall be a
- 3 minimum of two hour fire rated construction.
- 4 6. The entire building shall have a complete fire alarm system.
- 5 7. Groups above the fifth floor shall be limited to B, M, R, S-1 and S-2. H Group
- 6 occupancies shall not be allowed in the building.
- 7 8. Atriums and communicating stairs are not allowed in the building.
- 8 9. Stair enclosure shall be a minimum two hour fire rated construction with mechanical
- 9 pressurization and automatic fire detection systems powered by an approved standby
- 10 power system and a standpipe and hose connections at each floor. Stair shall be
- 11 constructed of steel, steel pan, concrete or acceptable non-combustible construction.
- 12 10. All public corridors shall have emergency and exit lighting.
- 13 11. Stair shall discharge directly to the exterior or be connected to an exterior exit by a
- 14 two hour fire rated exit access corridor enclosure.
- 15 12. The basement, if used for any purpose other than mechanical equipment or storage,
- 16 must have two means of egress.

17 **704.3 Dual exits over two stories.** All habitable buildings over two stories in height

18 containing one or more dwelling units above the second floor shall provide two separate exits

19 from each floor above the second floor, accessible to each dwelling unit on said floor. All

20 required exit facilities shall lead to a public thoroughfare either directly or through a court or

21 yard, and passage to such exits shall not lead through any other dwelling unit. Dual means of

22 exit shall consist of two interior stairs discharging directly or through a rated exit enclosure

1 to the outside, or one interior and one exterior stair or existing fire escape accessible to all
2 dwelling units on each floor above the second floor and discharging directly or through a
3 court or yard to a public thoroughfare.

4 **Exceptions:**

- 5 1. Buildings permitted to have only one means of egress under the Building Code.
- 6 2. Single Family Dwelling Units of Use Group R-3, two and one-half or three
7 stories in height, of Type III (exterior masonry) construction, shall be exempt
8 from the requirements for two exits.
- 9 3. A single exit shall be permitted from townhouse dwelling units located on the
10 second and third floors, in buildings of Type III (exterior masonry) construction,
11 provided that the exit is from the second floor, with a minimum of forty percent
12 of the habitable space located on the second floor, and all of the following
13 requirements are met:
 - 14 A. Horizontal and vertical fire separation assemblies based on the Use Group
15 classification between the first and second floor, as determined under the
16 Building Code, are installed. A horizontal fire separation is not required
17 between a first floor commercial space and dwelling units above provided
18 that an AC-powered battery back-up interconnected smoke detection
19 system is installed in the commercial space and basement with remote
20 alarms in all dwelling units above or in the common stair and hall if audible
21 within all dwelling units.
 - 22 B. The building is limited to a maximum of six dwelling units and three

1 stories in height.

2 C. An AC-powered battery back-up interconnected smoke detection system is
3 installed for each dwelling unit throughout the building including the
4 basement. The location of the smoke detectors shall be sufficient to detect
5 smoke in any habitable room or basement.

6 **CHAPTER 8 IS AMENDED AS FOLLOWS:**

7 Change Section 803.2.2 to read as follows:

8 **803.2.2 Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1, and S-2.** In buildings with
9 occupancies in Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2, work areas that
10 have exits or corridors shared by more than one tenant or that have exits or corridors
11 serving an occupant load greater than 30 shall be provided with automatic sprinkler
12 protection where all of the following conditions occur:

- 13 1. The work area is required to be provided with automatic sprinkler protection in
14 accordance with the Building Code as applicable to new construction; and
- 15 2. The work area exceeds 50 percent of the floor area.

16 **Exceptions:**

- 17 1. If the building does not have sufficient municipal water supply for design of a
18 fire sprinkler system available to the floor without installation of a new fire
19 pump, work areas shall be protected by an automatic smoke detection system
20 throughout all occupiable spaces other than sleeping units or individual
21 dwelling units that activates the occupant notification system in accordance

1 with Sections 907.4, 907.5, and 907.6 of the Building Code.

2 2. Work areas in existing Group R occupancies three stories or less in height
3 when the building is equipped throughout with a hard-wired smoke detection
4 system.

5 Add Section 805.1.1 to read as follows:

6 **805.1.1 Entrance.** A building, facility, or element that is altered shall comply with
7 Section 704. An accessible entrance shall be provided when entrance steps are being
8 replaced in buildings required to be accessible. Vertical platform lifts can be used to
9 achieve vertical accessibility. In an existing multi-floor building with two or more floors
10 above grade where the functions on the second or other floors above grade are identical
11 to all the functions on the first floor and is the same tenant, vertical accessibility can be
12 waived by the Commissioner on the Disabled on a case-by-case basis if the first floor is
13 totally accessible.

14 In Level 2 alterations that involve a change of use or occupancy to Use Group R-2
15 and containing more than twenty dwelling units, at least two percent but not less than one
16 of the dwelling units shall be Type A dwelling units.

17 Change Sections 807, 808 and 809 to read as follows:

18 **SECTION 809**

19 **ELECTRICAL**

20
21 **809.1 Electrical.** In buildings undergoing Level 2 Alterations, the electrical system shall

1 meet NFPA 70.

2

3

4

SECTION 810

5

MECHANICAL

6

7 **810.1 Mechanical systems.** In buildings undergoing Level 2 Alterations, all mechanical

8 systems shall meet the Mechanical Code.

9

10

SECTION 811

11

PLUMBING

12

13 **811.1 Plumbing systems.** In buildings undergoing Level 2 Alterations, the plumbing system

14 shall meet the Plumbing Code.

15 **CHAPTER 10 IS AMENDED AS FOLLOWS:**

16 Change Sections 1009.1, 1009.2, 1009.3 and 1009.5 as follows

17 **1009.1 Increased demand.** Where the occupancy of an existing building or part of an

18 existing building is changed such that the new occupancy is subject to increased or different

19 fixture requirements or to increased water supply requirements in accordance with the

20 Plumbing Code, the new occupancy shall comply with the intent of the respective Plumbing

21 Code provisions.

1

2 **1009.2 Food-handling occupancies.** If the new occupancy is a food-handling
3 establishment, all existing sanitary waste lines above the food or drink preparation or storage
4 areas shall be panned or otherwise protected to prevent leaking pipes or condensation on
5 pipes from contaminating food or drink. New drainage lines shall not be installed above
6 such areas and shall be protected in accordance with the Plumbing Code.

7

8 **1009.3 Interceptor required.** If the new occupancy will produce grease or oil-laden
9 wastes, interceptors shall be provided as required in the Plumbing Code.

10 **1009.5 Group I-2.** If the occupancy group is changed to Group I-2, the plumbing system
11 shall comply with the applicable requirements of the Plumbing Code.

12 **CHAPTER 12 IS AMENDED AS FOLLOWS:**

13 Add Sections 1201.6 and 1201.6.1 to read as follows:

14 **1201.6 Cultural Resources Office permit requirements.** When the ordinances of the
15 Cultural Resources Office (CRO) require a permit for items for which this code does not
16 require a permit, applications shall be permitted to be taken by the Building Division and
17 processed solely to the Cultural Resources Office. Both the Building Commissioner and the
18 Cultural Resources Director are authorized to place stop work orders. Any appeals or court
19 actions resulting from such citations, applications, or permits shall have technical and
20 aesthetic testimony from the staff of the Cultural Resources Office.

1 or of a permit or certificate issued under the provisions of this code, and shall, upon
2 conviction thereof, be punished by a fine of not more than \$500, or by imprisonment not
3 exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues
4 shall constitute a separate and distinct offense.

5
6 **SECTION FIVE. SEVERABILITY.** If a section, subsection, sentence, clause,
7 or phrase of this code is for any reason held to be unconstitutional, such decision shall not
8 affect the validity of the remaining portions of this code.

9
10 **SECTION SIX. SAVINGS CLAUSE.** That nothing in this Ordinance or in the
11 Existing Building Code hereby adopted shall be construed to affect any suit or proceeding
12 impending in any court, or any rights acquired, or liability incurred, or any cause or causes of
13 action acquired or existing under any act or ordinance hereby repealed as cited in Section
14 Two of this Ordinance; nor shall any just or legal right or remedy of any character be lost,
15 impaired, or affected by this ordinance.

16
17 **SECTION SEVEN. EMERGENCY CLAUSE.** This being an ordinance
18 necessary for the immediate preservation of the public safety, it is hereby declared to be an
19 emergency measure and shall become effective immediately upon its approval by the Mayor.

20
21 **SECTION EIGHT. CODIFIED.** It is the intent of the Board of Aldermen that
22 Sections Two, Three, and Four of this ordinance be codified in the Revised Code of the City

1 of Saint Louis.