

CHAPTER 39

39.000 2006 ICC INTERNATIONAL BUILDING CODE, FIRST EDITION.

Section 1. That a certain document, (1) one copy of which are on file in the office of the City Clerk of the City of Moscow Mills, being marked and designated as the International Residential Code, 2006 edition, including Appendix Chapters A, B, C and I, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Moscow Mills, in the State of Missouri, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations provisions, penalties, conditions and terms of said Residential Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part thereof, as fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

101.1 Title: Insert in the space provided: “the City of Moscow Mills, Missouri”. Wherever the term “Name of Jurisdiction” or “Local Jurisdiction” appears, it shall be deemed to mean the City of Moscow Mills, Missouri.

101.2.1 Appendices: Delete text and add the following: Appendix sections A, B, C, and I shall hereby be adopted as referenced in this ordinance.

105.1.1 Annual Permit: Delete in entirety

105.1.2 Annual Permit Records: Delete in entirety

105.7 Integrated Permits: The building code official may issue integrated building, plumbing, mechanical, electrical and occupancy permits as one unit.

108.4 Work commencing before permit issuance: Delete in entirety and insert: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a maximum fine of (\$500) per day per occurrence continues. This fine shall be in addition to any fees established for the permit sought.

110 Certificate of Occupancy: Delete in entirety.

112.4 Filing Fee: The filing fee for an application to appeal the Board of Appeals shall be two hundred dollars (\$200.00).

113.4 Violation Penalties: Delete in entirety and insert: Penalties for violating this code shall be as directed in Chapter 39, Subchapter 1 - Residential Code Ordinance.

114.3 Unlawful Continuance: Delete in entirety and insert the following: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to an administrative fine of (\$500) Five Hundred Dollars per consecutive calendar day, per occurrence as ordered by the Building Commissioner or duly appointed representative of the City of Moscow Mills.

Add: SECTION 116

116.1 Workmanship: Add text: All work shall be executed in a workmanlike and skilled manner so that, for example, floors are level, walls are plumb and square, windows and doors are plumb, square and easily operable, exterior building envelopes are weather-tight and exclude the elements, building materials are undamaged and surfaces are unmarred. Materials and workmanship are subject to inspection by the City. Unless specified elsewhere in this code, all materials shall be installed in accordance with the manufacturer's recommendation.

Table 508.3.3 (F) Required Separation: The minimum fire separation between all tenants and occupants shall be one hour. Exception: Incidental use areas shall be separated per Table 508.2.

910.1.1 Smoke and Heat Vents, Where required: Smoke and heat vents shall be installed in the roofs of all one story buildings of unlimited area in Type II, III or IV construction and as required in Section 910.2.

910.2.4 Group M or B: Buildings and portions thereof used as a Group M or B occupancy. Exception: Buildings that are subdivided to 5,000 square feet or less with walls containing a fire separation of 1 hour or more that are extended to the underside of the roof deck.

1612.3 Establishment of Flood Hazard Areas: Delete in entirety. Inset text: Established flood hazard areas shall be designated per Planning and Zoning regulations and shall be shown on all site plans submitted for permit.

2901.1 Scope: Delete last sentence and insert. Private sewage and disposal systems shall conform to the laws and ordinances in Chapter 113 – Gravity Sewers, Lift Station Force Mains and S.T.E.P. System and Chapter 117 – General Pretreatment Program Regulating Use of Sewers.

2902.2 (2) Separate Facilities: Delete “15 or less” and insert: “35 or less”.

3410.2 Applicability: Insert in the space provided: Effective Date of this Ordinance.

Section 3. Fees and Charges:

A. Building Permit Fees: Fees shall be applied as referenced in the currently adopted Building Code. Permit fees shall be calculated using the estimated construction cost table as published by the International Code Council based upon the estimated cost of construction. Estimated construction costs which exceed the calculated table amount will be charged according to the fee multiplier. The building permit fee multiplier shall be applied at a rate of .0015 for plan review and 0.0040 for inspection/permit fees.

B. Miscellaneous Permit Fees:

1. Miscellaneous permit fees shall include permits to alter, repair, demolish, relocate or construct pools, decks, fences, signs, finished-basements, room additions, electrical, plumbing or mechanical.
2. Miscellaneous permit fees will be charged a minimum of thirty-five dollars (\$35.00) for the first nine thousand dollars (\$9,000.00) worth of work for residential buildings and fifty dollars (\$50.00) for commercial/industrial buildings. Additional fees will be calculated based upon the estimated cost of construction multiplied by .0015 for plan review and 0.0040 for inspection/permit fees.
3. **Exception:** Work of a minor nature in residential occupancies such as the replacement of faucets or light fixtures is not required to be permitted or charged a fee in accordance with the adopted Building Code.

C. Minimum Permit Fee. The minimum permit fee charged for any building department permit shall be thirty-five dollars (\$35.00) for residential projects and fifty dollars (\$50.00) for commercial projects.

D. Commercial Plan Review Fee. All commercial projects to be reviewed within the City shall require a minimum plan review fee of fifty dollars (\$50.00). Projects forwarded to a third party for review will be charged according to Subsection (A) of this Section plus the additional fees from the contracted party. Commercial projects suspended, voided or canceled prior to permit issuance shall be responsible for the minimum permit fee and/or any related charges from a third party for plan review.

E. Extra Inspection Fee. Extra inspection fees will be applied at a rate of fifty dollars (\$50.00) when a third (3rd) re-inspection is required. Additional inspection fees may also be applied to projects that have been scheduled for inspection but are not ready or are inaccessible for inspection.

F. Violation—Penalties. Any person who shall violate a provision of the adopted Building, Electrical, Plumbing, Mechanical, Fuel and Gas or other construction related codes or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Code Official, or of a

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permit or certificate issued under the provisions of this Code shall be guilty of an offense, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice shall be deemed a separate offense.

G. Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order or a structure posted as uninhabitable, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Subsection F of this Section.

39.100 INTERNATIONAL RESIDENTIAL CODE – ADOPTED

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Moscow Mills, Missouri being marked and designated as the Residential Code for one and two family dwellings of the City of Moscow Mills, Missouri.

39.101 INTERNATIONAL RESIDENTIAL CODE - AMENDMENTS

The International Residential Code is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto. Deleted items are shown with strikethrough and added items are shown with italics:

SECTION R101 TITLE, SCOPE, PURPOSE AND ADMINISTRATION

R101.0 Title: These regulations shall be known as the International Residential Code for One and Two Family Dwellings for the City of Moscow Mills, Missouri, the “IRC”, or the International Residential Code, hereinafter referred to as “this code.”

R101.2 Scope: These regulations shall control all matters concerning the construction, alternation, addition, repair, removal demolition, location, occupancy and maintenance of all structures, one and two family dwellings including townhouses as defined herein and shall apply to existing or proposed buildings and structures, except as such matters are otherwise provided for in other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of this code.

R101.3 Intent: The purpose of this code is to provide minimum requirements to safeguard the public safety, health and general welfare through substantial enforcement of structural strength, means of egress facilities, sanitation, light and ventilation and safety to life and property from fire and other hazards attributed to the built environment.

SECTION R102.0 APPLICABILITY

R102.1 General: The provisions of this code shall apply to all matters affecting or relating to structures, as set forth in Section 101.0. The construction, alternation, repair, addition and removal of all structures shall comply with this code.

R102.2 Existing Structures: The legal occupancy of any structure existing on the date of adoption of this code, or for which it has been heretofore approved, shall be permitted to continue without change, except as is specifically covered in this code, the Property Maintenance or Fire Prevention codes listed in Sub-Chapter 6 or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

R102.3 Matters Not Provided For: Any requirements that are essential for the structural, fire or sanitary safety of an existing or proposed building or structure or for the occupants thereof, which are not specifically provided for by this code, shall be determined by the code official.

R102.4 Referenced Standards: The standards referenced in this code and listed in Sub-Chapter 6 shall be considered part of the requirements of this code to the prescribed extent of each such reference where specifically adopted. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply. The validity of specific code sections shall be open to interpretation by the Building Code Official.

R102.5 Appendices. Sections G H, J and M of the International Residential Code are hereby adopted and made a part of this code with the following amendments;

Appendix AG105.2 Delete exception 10.1 and add: All pools shall require protective bending as a barrier. Fences shall be installed as required by this code.

Appendix AG104. Amend text to include: Patio covers may not be attached to rafter or truss tails unless designed by a registered design professional.

Sections A, B, C, G, and J of the International Building Code shall be made a part of this code.

R102.6 Partial Invalidity: In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which are determined to be legal; and it shall be presumed that this code would have been passed without such illegal or invalid parts or provisions.

R102.6.1 Segregation of Invalid Provisions: Any invalid part of this code shall be segregated from the remainder of this code by the court holding such part invalid, and the remainder shall remain effective.

R102.6.2 Administrative Sections Referenced: Where sections of this code reference administrative sections which may not be numerically equivalent, the code official shall determine the appropriate reference.

SECTION R105.0 APPLICATION FOR PERMIT

R105.1 Permit Application: An application shall be submitted to the code official for the following activities, and these activities shall not commence without a permit being issued in accordance with Section 108.0.

1. Construct or alter a structure.
2. Construct an addition.
3. Demolish or move a structure.
4. Make a change of occupancy.
5. Install or alter any equipment which is regulated by this code.
6. Move a lot line which affects an existing structure.

R105.1.1 Repairs: Application or notice to the code official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocations of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting health or general safety.

R105.2 Form of Application: The code official shall promulgate an official application which shall be completed by the applicant in entirety.

R105.3 By Whom Application is Made: Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either or by the registered design professional employed in connection with proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the qualified applicant or a signed statement of the qualified applicant witnessed by the code official or his designee to the effect that the proposed work is authorized by the owner in fee and that the applicant or a signed statement of the qualified applicant witnessed by the code official or his designee to the effect that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and the responsible officers, if the owner lessee is a corporate body, shall be stated in the application.

R105.4 Description of Work: The application shall contain a general description of the proposed work, the location of the proposed work, the occupancy of all parts of the building or structure and all portions of the site or lot not covered by the building or structure, provisions for special inspections including the verification of the registered design professional, and such additional information as required by the code official.

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R105.5 Construction Documents: The application for permit shall be accompanied by not less than two sets of construction documents. The code official is permitted to waive the requirements for filing construction documents when the scope of the work is of a minor nature. When the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent used as a substitute for specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent used as a substitute for specific information.

R105.6 Site Plan: The application for permit shall be accompanied by a site plan showing to scale the size and location of all new construction and all existing structures on the site, utilities, easements, sidewalks, setback distances from lot lines, the established street grades and the proposed finished grades, identify flood plains if any, and it shall be drawn in accordance with an accurate boundary line survey prepared by a registered design professional. Site plans must not be faxed or reduced in any way. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures and construction that remain on the site or plot.

R105.6.1 Private Sewage Disposal System: The site plan shall indicate the location of private sewage disposal system where a public sewer is not available. All technical data and soil data required by the private sewage disposal code listed in Chapter 113 shall be submitted with the site plan. Private Sewage projects shall be further regulated by MODNR (Missouri Department of Natural Resources).

R105.7 Registered Design Professional Details: The code official shall require to be filed adequate details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. All construction documents and engineering computations shall bear the date issued as well as the signature and seal of the registered design professional responsible for the design as required by Section 114.1.

R105.8 Amendments to Application: Subject to the limitations of Section 107.9, amendments to a plan, application or other records accompanying the same shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendments shall be deemed part of the original application and shall be filed therewith.

R105.9 Time Limitation of Application: An application for a permit for any proposed work shall be deemed to have been abandoned 3 months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the code official shall grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

R105.10 Action on Application: The code official shall examine or cause to be examined all applications for permits and amendments thereto within a

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reasonable time after filing. If the application or the construction documents do not conform to the requirements of all pertinent laws, the code official shall reject such application in writing, stating the reasons therefore. If the code official is satisfied that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, the code official shall issue a permit therefore as soon as practicable.

R105.11 Suspension of Permit: Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

R105.12 Previous Approvals: This code shall not require changes in the construction documents, construction or designated use group of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and that construction of which has been actively prosecuted within 90 days after the effective date of this code and is completed with dispatch.

R105.13 Signature to Permit: The code official's signature shall be attached to every permit. In the absence of the code official, his/her duly authorized representative may affix their signature to validate the permit.

R106.0 Approved Construction Documents: The code official shall stamp or endorse in writing both sets of construction documents "Approved," and one set of the approved construction documents shall be retained by the code official and the other set shall be kept at the building site, open to inspection of the code official or an authorized representative at all reasonable times.

R106.1 Revocation of Permit: The code official shall revoke a permit or approval issued under the provisions of this code in case on any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

R106.2 Approval of Part: The code official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with all of the pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

R106.3 Posting of Permit: A true copy of the building permit shall be kept on the site of operations, open to public inspection during the entire time of prosecution to the work and until the completion of the same.

R106.4 Notice of Start: At least 24-hour notice of start of work under a building permit shall be given to the code official or his/her duly authorized representative.

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R106.6 Construction Hours: The erection, excavating, demolition, alteration or repair of any building other than between the hours of 7:00 AM and 9:00 PM, Monday through Friday and the hours of 9:00 AM and 6:00 PM on Saturday or Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 PM and 7:00 AM, and if the Inspector shall further determine that loss or inconvenience would result to any party in interest, the inspector may grant permission for such work to be done within the hours of 6:00 PM and 7:00 AM, upon application being made at the time the permit for the work is awarded or during the progress of the work.

SECTION R109.0 INSPECTION

R109.1 Preliminary Inspection: Before issuing a permit, the code official shall, if deemed necessary, examine or cause to be examined all buildings, structures and site for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the occupancy thereof.

R109.1.1 Delete

R109.1.2 Delete

R109.1.3 Delete

R109.1.4 Delete

R109.1.5 Delete

R109.1.5.1 Delete

R109.1.5.2 Delete

R109.2 Required Inspections: After issuing a building permit, the code official shall conduct inspections from time to time during and upon completion of the work for which a permit has been issued. A record of all such examinations and inspections and of all violations of this code shall be maintained by the code official. The owner shall provide for special inspections in accordance with this code.

R109.3 Approved Inspection Agencies: The code official may accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability, ICC certified inspectors will be considered equivalent.

R109.5 Plant Inspection: Where required by the provisions of this code or by the approved rules, materials or assemblies shall be inspected at the point of manufacture or fabrication where modular or manufactured homes are installed in accordance with this code.

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109.6 Final Inspection: Upon completion of the building or structure, and before issuance of the certificate of occupancy required by Section 118.0, a final inspection shall be made. All violations of the approved construction documents and permit shall be noted and the holder of the permit shall be notified of the discrepancies.

R109.7 Right of Entry: The code official shall have the authority to enter at any reasonable time any structure or premises for which a permit has been issued but has not received a certificate of occupancy in accordance with Section 118.0. For all other structures or premises, when the code official has reasonable cause to believe that a code violation exists, the code official is authorized to enter the structure or premises at reasonable times to inspect therein subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

R109.8 Coordination of Inspections: Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official or the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

R110.0 Delete

SECTION R113.0 WORKMANSHIP

R113.1 General: All work shall be conducted, installed and completed in a workmanlike and acceptable manner so as to secure the results intended by this code. Manufacturer's installation instruction for specific components shall be followed and maintained where not prescribed in this code.

R113.2 Violation Penalties: Delete in entirety and insert: Penalties for violating this code shall be as directed in the Municipal Code.

SECTION R114.0 VIOLATIONS

R114.1 Unlawful Acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

R114.2 Notice of Violation: The code official shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition or occupancy of a building or structure in

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violation of the provisions of this code, or in violation of a detailed statement or a plan approved there under, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

R114.3 Prosecution of Violation: If the notice of violation is not complied with in accordance with the date specified, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

R114.4 Violation Penalties: any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than \$500.00, or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

R114.5 Abatement of Violation: The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or occupancy of a building of structure on or about any premises.

SECTION R115.0 STOP WORK ORDER

R115.1 Notice to Owner: Upon notice from the code official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

R115.2 Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of up to \$500.00. Fines shall be imposed after due process by the Municipal Court for each day that a violation continues to exist.

Section R116.0 Delete in entirety

SECTION R117.0 UNSAFE STRUCTURES AND EQUIPMENT

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R117.1 Conditions: All structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. All unsafe structures shall be taken down and removed or made safe, as the code official deems necessary and as provided for in the adopted International Property Maintenance Code. A vacant structure that is not secured against entry shall be deemed unsafe.

R117.2 Record: The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure, the nature of the unsafe condition.

R117.3 Notice: If an unsafe condition is found, the code official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of the order.

R117.4 Method of Service: Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

R117.5 Restoration: The structure or equipment determined to be unsafe by the code official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 107.1.1.

R117.6 Disregard of Notice: Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the legal counsel of the jurisdiction shall be advised of all the facts in order to pursue recourse provided by law.

SECTION R118.0 EMERGENCY MEASURES

118.1 Imminent Danger: When, in the opinion of the code official, there is imminent danger or failure or collapse of a building or structure or any part thereof which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the code official is hereby authorized and empowered to order and require the

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occupants to vacate the same forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "Keep Out – This Structure shall remain Unoccupied". It shall be unlawful for any person to enter such structure except for the purpose of making the required repairs or of demolishing the same.

R118.2 Temporary Safeguards: When, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall cause the necessary work to be done to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted.

R118.3 Closing Streets: When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being used.

R118.4 Emergency Repairs: For the purpose of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

R118.5 Costs of Emergency Repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located to recapture the expenses incurred.

R118.6 Unsafe Equipment: Equipment deemed unsafe by the code official shall not be operated after the date stated in the notice unless the required repairs or changes have been made and the equipment has been approved, or unless an extension of time has been secured from the code official in writing.

R118.6.1 Authority to Seal Equipment: In the case of an emergency, the code official shall have the authority to seal out of service immediately any unsafe device or equipment regulated by this code.

R118.6.2 Unlawful to Remove Seal: Any device or equipment sealed out of service by the code official shall be plainly identified in an approved manner. The identification shall not be tempered with, defaced or removed except by the code official and shall indicate the reason for such sealing.

SECTION R119.0 DEMOLITION OF STRUCTURES

R119.1 Service Connections: Before a structure is demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

R119.2 Notice to Adjoining Owners: Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal is necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.

R119.3 Lot Regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of this code.

R120.0 Board of Appeals: *The Moscow Mills Board of Appeals procedures and policies are located in the 2006 International Building Code.*

R121 Refunds. The Building Code Official shall authorize the refunding of money as follows for both residential and commercial structures:

- a. The full amount of any fee paid hereunder which was erroneously paid or collected for a permit.
- b. Not more than ninety percent (90%) of the permit fee paid when no work has been done and is considered a "same-as" permit.
- c. Not more than eighty percent (80%) of the permit fee paid when no work has been done and required a plan review to process the permit.
- d. No refund if permit has been voided; if work has been stopped by the building code official; or if any work requiring an inspection has been done at the site.

R122 Permit Fee Penalty. *Work that has been completed prior to the issuance of a permit shall be subject to double the regular permit fee.*

R202.0 DEFINITIONS

The following definitions are hereby amended.

Accessory Structure: A subordinate building or structure having a use customarily incidental and located on the same lot as the principal structure. A lot containing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building or is under an extension of the main roof and designed as an integral part of the main building.

The following definitions are hereby added:

Occupancy: The purpose for which a building or portion is used.

Occupancy, change of: A change in the purpose or level of activity within a structure that involves a change in application of the requirements of this code. A change in occupancy from a residence to any other use shall require the complete review of the structure under the International Building Code.

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Ground Snow Load	Wind Speed (MPH)	Seismic Design Category	Damage from Weather- ing A b	Frost Line Depth	Damage from Termites	Winter Design Temperature	Ice Barrier Underlayment Required h	Flood Hazards g	Air Freezing Index l	Mean Annual Temp j
20	90	C	Severe	30°	Mod	8	No	5/8/06	900	50

R303.1 Habitable Rooms and Basements. Exception 4. 1% natural ventilation and 1% natural light shall be required where artificial light is capable of producing an average of 6 foot candles over the area of the room at a height of 30 inches above the floor level. A minimum of 3 openable windows within a basement is required regardless of the size of the space. 1% mechanical ventilation may be substituted for natural ventilation at the discretion of the building official. A minimum of 2 openable windows shall be required for multifamily buildings with basements.

R306.5 Hose Bibb. Every dwelling unit shall provide a minimum of one exterior, frost proof hose bibb which shall be protected from backflow per this code.

R310.3 Window Well Location. Window wells shall not encroach into a side yard set back or easement.

R311.4.3 Landings at Doors. There shall be a floor or landing on one side of exterior doors. Doors for future decks or additions may be blocked from access with an approved guardrail. Exception 4. Landings are required at the top and bottom of stairs in garages and exterior doors.

R311.5.3 Riser Height. The maximum riser height shall be 8¼ inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest be more than ¾ inch.

R311.5.3.2 Tread Depth. The minimum tread depth shall be 9 inches.

R317.1 Two Family Dwellings. Delete exception 2

R319.1 Protection Against Decay-Location Required.

(5) Siding, sheathing, and wall framing on the exterior of a building having a clearance of less than 6 inches from ground. In no case shall wood of any type serving as sill plate, stud, girder or joist be located closer than 6" to the adjacent ground.

R401.4.3 High Plasticity. All footings and foundations shall be evaluated for high plastic soil. Where found, high plastic soils shall be removed and certified per the recommendation of the professional geotechnical engineer. For each lot constructed, builders shall provide one of the following remedies following an initial certification:

1. Verification by a licensed geotechnical engineer that the remediation methods prescribed at the initial excavation had been completed.

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2. Submission of warranty document covering structural damage from footing and foundation problems associated with high plastic soils for a period of 10 years.

3. Submission of a completed "Soil and Footing Compliance Certification". Initial remediation shall include the methods and materials used for the placement of footings. All professional geotechnical engineers evaluating soils shall be licensed and insured in the State of Missouri and shall produce evidence of such insurance when required to do so. Follow-up remediation reports listed under item 1 shall be identified by lot, address, subdivision, and builder, sealed by the engineer and forwarded to the department prior to the footing inspection. Warranty and Compliance letters shall be submitted at time of permit issuance.

R311.4.3 Landings at doors. There shall be a floor or landing on one side of exterior doors. Doors for future decks or additions may be blocked from access with an approved guardrail. Exception 4. Landings are required at the top and bottom of stairs in garages and exterior doors.

R317.1 Two Family Dwellings. Delete exception 2

R319.1 Protection Against Decay-Location Required.

(5) Siding, sheathing, and wall framing on the exterior of a building having a clearance of less than 6 inches from ground. In no case shall wood of any type serving as sill plate, stud, girder or joist be located closer than 6" to the adjacent ground.

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1. Verification by a licensed geotechnical engineer that the remediation methods prescribed at the initial excavation had been completed.
2. Submission of warranty document covering structural damage from footing and foundation problems associated with high plastic soils for a period of 10 years.
3. Submission of a completed "Soil and Footing Compliance Certification".

R401.4.4 Soil Classification. All projects proposed within a subdivision or lot shall be classified per section 1615.1.1 of the 2003 International Building Code. Soil identification shall be submitted to the building department prior to the start of each phase of the development and shall bear the site class present. If the geotechnical engineer of record for a particular site inside the city limits of Moscow Mills determines that the site class for a specific property is something other than "D", then the seismic design category must be calculated as outlined in Section R301.2.2.1.1. The information to calculate the appropriate seismic

design category, such as the short period design spectral response acceleration and other relevant information should be provided by the geotechnical engineer.

R403.1.3 Seismic Reinforcing. Exception: delete exception

R403.1.4.3 Clearance to Exterior Ground. Foundations shall be installed to provide a 6" clearance from sole plate to exterior ground. This may be accomplished by stem walls, ledges or raised footings for walkout lots. Hardware in contact with the "ACQ" treated lumber shall be triple dip hot galvanized or an approved equal.

R403.6.1 Foundation Deadmen. Foundation walls longer than 40 feet (40;) will require an interior deadman or offset when subjected to unbalanced fill conditions of heights greater than 4'. Deadmen are not required for wall that are 10" thick or are designed by a licensed professional engineer to be installed on the exterior side of the foundation. The Building Code Professional may accept engineering calculations to support the contrary.

Table R404.1(1) Table Note c. Nailing schedule per type "A: shall be utilized for all walls backfilled to the limitation of 7, 8 and up to 9 feet if of a site class "D". *If soils are other than a site class "D", table values shall be adhered for all limitations. 9' walls shall be 10" thick with 3 rows of #5 reinforcing bars.*

Table R404.1(3) Delete

Table R404.1.1(5) Table note h. 10" foundation walls within a SC, ML-CL and inorganic CL class do not require reinforcement unless specified by design or by soils engineer. **Table note i.** 8" thick foundation walls in excess of 7' in height will require 2 rows of #5. *Horizontal at top and bottom of wall. 9' walls shall be 10" thick with 3 rows of #5 reinforcing bars.*

Table note j. Edge nailing or bearing stiffeners for floor joists are not required for nominal lumber.

R404.5 Retaining Walls. Retaining walls that are not laterally supported at the top and that retain in excess of more than 48 inches of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning. **Retaining and landscaper walls less than 36 inches in height do not require permit but must not be located within a recorded easement or right-of-way.**

R404.4.6.4 Concrete Window Openings. Concrete window openings shall be reinforced per figure 404.4.6.4(1). Reinforcement shall be made with (2) #5 Bars, 24 inches past the edge of each side of the window.

R602.10.6.1 (3) Alternate Braced Wall Panels. Exterior walls shall be sheathed over the entire structure with minimum 7/16 APA exterior exposure rated plywood or Oriented Strand Board (OSB). Panels shall be fastened per table R602.3(1) and R602.3(2). *Panels and inside corner details shall apply to figure 602.10.5.*

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Anchor bolts shall be placed at 3 feet on center. A minimum of 3 anchor bolts per plate shall apply. Anchor bolts shall be placed within 12" from each end and one in the middle for an 8' plate. A minimum of a 2" x 2" x 3/16" hot dipped

galvanized plate washer is required per bolt. Anchor bolts shall be installed per section 403.1.6.

R602.10.6.2(3) Alternate Braced Wall Panels for Door or Window Openings.

Exterior walls shall be sheathed over the entire structure with minimum 7/16 APA exterior exposure rated plywood or Oriented Strand Board (OSB). Panels shall be fastened per table R602.3(1) and R602.3(2). *Panels and inside corner details shall apply to figure 602.10.5.* Anchor bolts shall be placed at 3 feet on center. A minimum of 3 anchor bolts per plate shall apply.

R613.2 Delete Window Sill Height. *Replace with section 2406 of the BOCA Building Code for safety glazing.*

R613.2.1 Window Heights. Windows shall be installed with a minimum clearance of 12 inches (12") from the subfloor measured to the operable portion or glazing of the window.

R613.3.1 Window Walls. A registered design professional shall calculate the loads imposed from wind and seismic forces for *all atriums 10' wide by 16' high or larger.* Design calculations shall meet the requirements of Section 613.9. The building official shall determine the need for exterior wall calculations where this may occur or where unusual configurations are proposed that may not meet the wind and seismic provisions of this code.

R703.2 Water Resistive Barrier. One layer of No. 15 lb felt or an approved equivalent water resistive barrier shall be applied over sheathing of all exterior walls. Such felt or material shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches. Where joints occur, felt shall be lapped not less than 6 inches. The felt or other approved material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope as described in Section R703.1.

Exception: Omission of the water-resistive barrier is permitted in the following situations: 1. In detached accessory buildings, 2. As specified in R703.4.

TABLE N1102.1 Insulation and Fenestration by Component.

Note c: Delete language and replace with: Unfinished basement walls do not apply to the table. Finished basement walls require an R-value of 13.

Note h: Glass in exterior windows and doors shall have a maximum fenestration u-factor of .55

Note i: Ceiling r-value shall be a minimum of R30. Projects receiving federal financing will follow the energy standards as required.

N1102.2.6 Basement Walls- Delete

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M1507.6.2 Recirculation of Air. Exception: Exhaust air from bathrooms may terminate 12" above the insulation within the attic for one and two family dwellings. Multiple family dwellings of 3 or more units shall be ventilated directly to the exterior.

G2439.5.1 Maximum Length of Dryer Exhaust (FUEL GAS CODE)
Exception2: Clothes dryer exhaust may extend 35 feet to the outlet terminal if it contains only one 90 degree bend.

P2603.5.1 Pipes Passing Under Footings. Pipes passing under footings must be protected by relieving arches or steel sleeves. Piping under footings shall have no fittings.

P26030502 Pipes in Concealed Locations. Drain, waste or vent piping shall not be installed within or pass through a cold air return.

P2706.2.1 Laundry Tray Connection – Exception: A slop sink is permitted to connect to a laundry tray if the following conditions are met: (1) The slop sink is within 5 feet of the laundry standpipe. (2) The slop sink is individually vented to the plumbing system.

P3005.1.6 Provisions for Future Fixtures. Where basement rough-in bathrooms are installed, vent terminations must be complete and water service piping drops serving the future bathroom shall be located within the space.

P3114.3 Air Admittance Valves-Where Permitted. Air admittance valves may be installed per the direction and approval of the Building Commissioner where it is demonstrated that no other method of venting can be achieved.

E3802.12 Arc Fault Protection of Bedroom Outlets. Add language: exception: GFCI protectors may be installed in lieu of arc fault protectors.

Section 2. Penalty

Any person violating any of the provisions of the codes adopted in this Chapter shall be deemed guilty of an offense and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation *continues* or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

39.200 ELECTRICAL CODE – ADOPTED

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Moscow Mills, Missouri being marked and designated as the National Electrical Code, 2005 Edition, as published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of the City of Moscow Mills, Missouri.

39.201 ELECTRICAL CODE - AMENDMENTS

The 2005 National Electrical Code is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one of

the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto. Deleted items are shown with strikethrough and added items are shown with italics:

90.5 Title: These regulations shall be known as the Electrical Code of the City of Moscow Mills, Missouri hereinafter referred to as “this code”.

90.6 Administrative Provisions Referenced: Administrative provisions shall be referred to the International Building Code.

90.7 Licensing: Any contractor providing electrical contracting service within the corporate limits of the City of Moscow Mills, Missouri shall be duly examined and licensed by Lincoln County. St. Charles County and St. Louis County licenses shall be accepted when accompanied by a performance bond covering the work proposed.

90.7.1 Use of License by others: No person having obtained a license under the provisions of this Code shall allow their license to be used by another person either for the purpose of obtaining permits or for doing business or work under the license.

Exception: Work of a minor nature within single family dwellings may be exempt from the licensing requirement. All work within dwellings shall be subject to inspection at which time a licensed electrical contractor may be required.

90.8 Connections to Fixtures: Connections to all current carrying assemblies shall be performed by a licensed contractor unless permitted elsewhere in this code.

39.300 INTERNATIONAL PLUMBING CODE – ADOPTED

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Moscow Mills, Missouri being marked and designated as the 2006 International Plumbing, first edition including Appendix Chapters B, D, E, F and G as published by the International Code Council and is hereby adopted as the Plumbing Code of the City of Moscow Mills, Missouri.

39.301 INTERNATIONAL PLUMBING CODE - AMENDMENTS

The International Plumbing Code is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a

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corresponding section, subsection or clause number in the code is hereby enacted and added thereto. Deleted items are shown with strikethrough and added items are shown with italics:

101.1 Title: Amend: These regulations shall be known as the International Plumbing Code of the City of Moscow Mills, Missouri hereinafter referred to as “this code”.

106.3.2 Licensing: Any contractor providing plumbing contracting service within the corporate limits of the City of Moscow Mills, Missouri, shall first be duly examined and licensed by the Lincoln County. St. Charles County and St. Louis County licenses shall be accepted when accompanied by a performance bond covering the plumbing work proposed.

106.3.3 Use of License by Others: No person having obtained a license under the provisions of this Code shall allow their license to be used by another person either for the purpose of obtaining permits or for doing business or work under the license.

Exception: Work of a minor nature within single family dwellings may be exempt from the licensing requirement. All work within dwellings shall be subject to inspection at which time a licensed plumber may be required.

106.6.2 Fee Schedule. Delete in entirety and insert: Fee refunds shall be in accordance with the adopted fee ordinance established by the City of Moscow Mills.

108.4 Violation Penalties. Delete in entirety and insert: Penalties for violating this code shall be as directed in Section 039.100 Residential Building Code.

108.5 Stop Work Orders. Insert in the space provided: “\$50.00”, “\$500.00”.

403.2 Separate Facilities. Delete: “15 or less” and insert: “35 or less”.

917.3 Air Admittance Valves. Where permitted: insert: All air admittance valves shall be installed at the discretion of the building code official where unusual structural conditions exist.

39.400 MECHANICAL CODE – ADOPTED

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Moscow Mills, Missouri being marked and designated as the International Mechanical Code, 2006 Edition, first printing be and is hereby adopted as the Mechanical Code of the City of Moscow Mills, Missouri.

39.401 INTERNATIONAL MECHANICAL CODE - AMENDMENTS

The International Mechanical Code, 2006 edition, first printing is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one of the following numbered provisions is hereby

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deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto. Deleted items are shown with strikethrough and added items are shown with italics:

101.1 Title: Amend: These regulations shall be known as the Mechanical Code of the City of Moscow Mills, Missouri hereinafter referred to as “this code”.

106.3.2 Licensing: Any contractor providing electrical contracting service within the corporate limits of the City of Moscow Mills, Missouri, shall first be duly examined and licensed by Lincoln County. St. Charles County and St. Louis County licenses shall be accepted when accompanied by a performance bond covering the work proposed.

106.3.3 Use of License by others: No person having obtained a license under the provisions of this Code shall allow their license to be used by another person either for the purpose of obtaining permits or for doing business or work under the license.

Exception: Work of a minor nature within single family dwellings may be exempt from the licensing requirement. All work within dwellings shall be subject to inspection at which time a licensed electrician may be required.

106.5.2 Fees. Delete in entirety and insert: New construction, alteration and miscellaneous work shall be charged a fee in accordance with the adopted fee ordinance.

106.5.3 Refunds. Delete in entirety and insert: Fees shall be refunded in accordance with the adopted fee ordinance.

108.4 Violation Penalties. Delete in entirety and insert: Penalties for violating this code shall be as directed in Section 039.101-R114.4 Violation Penalties.

108.5 Stop Work Orders. Insert in the space provided: “\$50.00”, “\$500.00”

801.21 Fireplace Shaft Separation. All prefabricated fireplaces inserted into shafts shall be enclosed with one layer of five-eighth (5/8) inch type “X” gypsum board from the fireplace connector to the underside of the roof sheathing securely attached to the framing material. The enclosed shaft will not require further fire or draft-stopping at the floor or ceiling. Fireplaces located on an exterior wall may elect to separate the fireplace chase from the structure by the same method as described herein. All joints shall be taped and all clearances to combustibles required elsewhere in this code shall be met.

39.500 FUEL GAS CODE – ADOPTED

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Moscow Mills, Missouri being marked and designated as the International Fuel Gas Code, 2006 Edition, first printing be and is hereby adopted as the Fuel Gas Code of the City of Moscow Mills, Missouri.

39.501 INTERNATIONAL FUEL GAS CODE - AMENDMENTS

The International Fuel Gas Code, 2006 edition, first printing is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto. Deleted items are shown with strikethrough and added items are shown with italics:

101.1 Title: These regulations shall be known as the Fuel Gas Code of the City of Moscow Mills, Missouri hereinafter referred to as “this code”.

106.3.2 Licensing: Any contractor providing mechanical or HVAC contracting service within the corporate limits of the City of Moscow Mills, Missouri shall be duly examined and licensed by Lincoln County. St. Charles County and St. Louis County licenses shall be accepted when accompanied by a performance bond covering the work proposed.

106.3.3 Use of License by others: No person having obtained a license under the provisions of this Code shall allow their license to be used by another person either for the purpose of obtaining permits or for doing business or work under the license.

Exception: Work of a minor nature within single family dwellings may be exempt from the licensing requirement. All work within dwellings shall be subject to inspection at which time a licensed mechanical contractor may be required.

106.5.2 Fees. Delete in entirety and insert: New construction, alteration and miscellaneous work shall be charged a fee in accordance with the adopted fee ordinance.

106.5.3 Refunds. Delete in entirety and insert: Fees shall be refunded in accordance with the adopted fee ordinance.

108.4 Violation Penalties. Delete in entirety and insert: Penalties for violating this code shall be as directed in Section 039.101 R114.4 Violation Penalties.

108.5 Stop Work Orders. Insert in the space provided: “\$50.00”, “\$500.00”

602.4 Fireplace Shaft Separation. All prefabricated fireplaces inserted into shafts shall be enclosed with one layer of five-eighth (5/8) inch type “X” gypsum board from the fireplace connector to the underside of the roof sheathing securely attached to the framing material. The enclosed shaft will not require further fire or draft-stopping at the floor or ceiling. Fireplaces located on an exterior wall may elect to separate the fireplace chase from the structure by the same method as described herein. All joints shall be taped and all clearances to combustibles required elsewhere in this code shall be met.

39.600 PROPERTY MAINTENANCE CODE – ADOPTED

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Moscow Mills, Missouri being marked and designated as the International Property Maintenance Code, 2006 Edition, first printing be and is

hereby adopted as the Property Maintenance Code of the City of Moscow Mills, Missouri.

39.601 **INTERNATIONAL PROPERTY MAINTENANCE CODE - AMENDMENTS**

The International Property Maintenance Code, 2006 edition, first printing is amended by the following provisions. Each section, subsection or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted, or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto. Deleted items are shown with strikethrough and added items are shown with italics:

101.1 Title: Amend: These regulations shall be known as the International Property Maintenance Code of the City of Moscow Mills, Missouri hereinafter referred to as “this code”.

103.5 Fee Schedule. All fees for services under this code shall be in accordance with the adopted fee ordinance established by the City of Moscow Mills.

107.3 Method of Service. Delete item 3 and insert: “The notice of violation may be posted on the front door of the structure or on a placard posted in the front yard. Such postings will be photographed for verification”.

108 Certificate of Occupancy. Delete in Entirety.

111.0 Means of Appeal. Delete in entirety and insert: Means of appeal procedures shall be in accordance with the International Building Code.

202 Definitions. Bedroom: Amend text to read: Any room or space intended to be used for sleeping purposes in either a dwelling unit or sleeping unit.

302.4 Weeds. Insert in the space provided: “ten inches (10”).”

302.14 Insect Screens. Insert in the space provided: “January through December”

304.2.1 Painting. Deteriorated surfaces may not remain in a partially painted condition for more than 30 days. Graffiti or language, slurs or paintings of an undesirable nature shall be concealed from view within 7 days. Exterior surfaces covering such graffiti shall be of a similar material.

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404.5.1 Bedroom occupancy requirements. Every bedroom occupied by one person shall contain at least 70 square feet of floor area. Every bedroom occupied by more than one person shall contain at least 50 square feet of floor area per person. The use of rooms other than bedrooms for sleeping purposes shall not be permitted when calculating an expected occupant load.

602.3 Heat Supply. Insert in the space provided: "September to May".

602.4 Occupiable Work Spaces. Insert in the space provided: "September to May".

Violation Penalties. Penalties for violating this code shall be as directed in Section 039.101-R114.4 Violation Penalties.

39.602 Miscellaneous Building Regulations.

Unless otherwise provided by law or variance, the following additional requirements shall apply to the construction, alteration or maintenance of Towers:

(1) *Definition.* For purposes of this Section, the term "Tower" shall mean a permanent structure, having a total height in excess of 50 feet measured from the ground and having one or more legs designed for the support of one or more sign, antenna, light, wind turbine, solar array or other object but excluding buildings serving other purposes and meeting the building requirements for all purposes. A Tower shall not include existing electric utility poles installed by a provider holding a certificate of convenience from the Missouri PSC and installed consistent with industry practice and in conformance with all otherwise applicable federal, state, and local requirements.

(2) *Safety fall zone required.* All new Towers and extensions or attachments thereto and related buildings/structures shall be separated by a safety fall zone from any public rights-of-way, sidewalk or street, alley, parking area, playground, or building (except for parking and buildings dedicated solely for access to or maintenance of the Tower), and from any property line, a distance equal to the height of the Tower as measured from the fence around the Tower, if any, or if no fence then from the furthest extension on the Tower. Towers shall be reasonably designed to reduce the potential damage to persons or property from falling ice or equipment from the Tower or from wind damage or structural failure.

(3) *Security fencing.* In addition to other applicable requirements, the Tower and any appurtenances shall be safely maintained and fenced or otherwise secured to prevent unauthorized access or climbing of the Tower. Barbed, electrified or razor wire is prohibited in all districts. Tower legs shall be of monopole design without use of lattice or guy wire support and be engineered and designed with sufficient depth, counter-weight and other mechanisms to address wind-loading and other failure risks under all reasonably anticipated conditions and circumstances.

(4) *Abandonment bond.* Any Tower not operated for a period of six (6)

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months or more, shall be deemed abandoned and the Building Inspector designee shall cause notice of such determination to be sent and request for removal within a reasonable time not to exceed ninety (90) days. If a Tower is abandoned, it shall be removed at the owner's expense. Failure to comply with this provision shall constitute a public nuisance and building code violation that may be remedied by the City at the Tower or property owner's expense. Any applicant for a new Tower shall place a bond or other security with the City prior to any final approval to ensure abandoned Towers can be removed. The bond or security shall be in the form and amount approved by the Building Official. The amount of the bond shall be determined by the Building Official to satisfy the requirements hereof with regard to the specific Tower to which it would apply based on the estimated total cost of removal of that Tower.

(5) *Lighting.* Towers may be lighted at the base of the structure for security purposes but only when approved by the City, after submission of a description of the proposed lighting scheme as part of the application to install, build, alter or modify the Tower and a finding by the City that such lighting shall not unreasonably shine on adjacent properties or rights-of-way or otherwise be detrimental to property values or the general character of the surrounding area. Equipment Cabinets and Shelters may have lighting only as shown on the approved site plan.

(6) *Structural analysis.* Before any modifications or alterations to an existing Tower may be approved, a sealed structural analysis from a certified engineer must be submitted to the City.

(7) *Incorporation.* All requirements in Chapter 46 of the Code of Ordinances for a Communications Tower as defined therein shall apply to the construction, modification, and maintenance of each Tower under this Code where applicable and are reincorporated herein as building code requirements to the extent permitted by law.

Appeals. Unless otherwise required by law, the review procedures set forth in Chapter 27 shall govern appeals by any aggrieved person of a final action of any City Officer, employee, board, commission, or the Board of Aldermen that are claimed by an aggrieved person to be unlawful or an unconstitutional taking of property without compensation. To the fullest extent permitted by law, the review procedures of Chapter 27 shall be exhausted before any action may be filed in any court against the City or its officers, employees, boards, officials or commissions.

12.140 Violation; Remedies, Unauthorized Holdover.

Any person who fails to hold and maintain a current and valid agreement with the City to use the City's land or facilities has no right to holdover and shall be subject to the provisions and City remedies of this subsection in addition to all other remedies and penalties as may otherwise exist in applicable law. Any claimed holdover right shall be deemed void and terminated upon expiration of a valid use agreement unless the City has affirmatively in writing authorized the holdover, or as otherwise may be required by law. Where an agreement, lease, or other agreement for use of public land or facilities expires, and in addition to any penalties or other requirements therein, the licensee

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during any period without a valid agreement shall, during any period of unauthorized use: (1) indemnify the City from any liability arising from the use, (2) pay any damages and costs of the City from such use, including attorneys' fees incurred in enforcing this ordinance, and (3) make payment of compensation in the amount of two times the monthly rent of the last expired agreement, if a holdover, and two times the market rental value reasonably determined by the City, if no prior agreement, until a valid agreement is executed with the City or the attachments and/or use is fully removed, the property restored and all obligations to the City satisfied. Unless otherwise provided in an unexpired agreement, Licensee shall also be responsible for interest on all amounts owed and at a rate of one and one-half percent per month. Nothing in these provisions, remedies or compensation requirements, or acceptance or enforcement thereof by the City, shall be deemed to accept or authorize any use of public property without a required agreement, or after the expiration of such agreement, or otherwise in violation of applicable requirements.

13.030 Enforcement; Attorneys' Fees.

The City shall be entitled to enforce any provision of this Code through all remedies lawfully available, and any person determined judicially to have violated the terms of this Code shall further be liable to pay the City's costs and attorneys' fees in enforcing such Code provisions. Additionally, any user of City services, rights-of-way or other City facilities or property, shall, as a condition of such use or continued use, to the full extent permissible by law, be liable to pay the City's costs and attorneys' fees incurred in enforcing any lawful requirement applicable to such use, whether arising in contract, statute, ordinance, or other enforceable duty as to such use.

Adopted by Ordinance # 495, 496, 497, 498, 499, 500, 501 on 10/20/08. Amended by: Ordinance #743, 04/12/16. Ordinance #767, 03/13/2017.