

024212

Permanent Record  
Filed in Clerk's Office

Introduced by Treece

First Reading 4-6-20

Second Reading 4-6-20

Ordinance No. 024212

Council Bill No. B 93-20A

**AN ORDINANCE**

establishing a modification in the processing of certain applications for building permits for new construction; providing for an administrative delay in the processing of certain applications for development projects; providing for an administrative delay in the processing of rental inspections; providing circumstances under which such applications may be processed or approved; declaring an emergency for enactment; and fixing the time when this ordinance shall become effective.

WHEREAS, the novel coronavirus disease (COVID-19) is considered an infectious, highly contagious communicable and dangerous disease and on March 11, 2020 was declared by the World Health Organization to be a pandemic; and

WHEREAS, due to the COVID-19 pandemic there have been declarations of emergency enacted by the President of the United States, the Governor of the State of Missouri and the City of Columbia; and

WHEREAS, on March 25, 2020 due to presence of COVID-19 and the existence of community spread of the disease within the City, the Director of Public Health and Human Services ("Director") issued a Stay at Home Order mandating all persons within the City of Columbia stay at home or at their place of residence except for carrying out Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations as more fully set forth in such order; and

WHEREAS, the Stay at Home Order issued by the Director excluded "activities at open construction sites, irrespective of types of structures, subject to applicable OSHA and other safety guidelines, and related architectural design, and land surveying activities, so long as the people involved reasonably comply with Social Distancing Requirements to the extent consistent with applicable guidelines"; and

WHEREAS, the Council finds an open construction site is a site currently under construction for which a building permit has already been issued by the Community Development Department; and

WHEREAS, on March 28, 2020 the US Department of Homeland Security amended its guidance on Essential Critical Infrastructure to include housing construction related

activities to ensure additional units can be made available to combat the nation's existing housing supply shortage; and

WHEREAS, on April 5, 2020 the Director issued guidance to the construction industry intended to assist all who work on, and in support of, new and existing construction projects to provide for a safe jobsite to limit the spread of Coronavirus (COVID-19) among the workforce and in the community; and

WHEREAS, due to the COVID-19 pandemic the City Council finds it is necessary for the immediate preservation of public health and safety to enact such rules and regulations as an emergency ordinance on the day of introduction so that such rules may go into effect immediately; and

WHEREAS, the City Council further finds that there are limited City resources to process applications during the emergency; and

WHEREAS, the City Council further finds that a temporary modification in the processing of building permits and maintenance of construction sites for new construction is in the best interest of the public and necessary to protect the public health, safety and general welfare of the city; and

WHEREAS, the City Council finds exceptions in the issuance of permits for repair of existing buildings, including the repair and limited maintenance of plumbing, electrical, and similar systems or exterior repair to roofs, siding or windows to be an essential service for which permits and inspections will continue during the period of emergency; provided, however, such repair and maintenance shall be limited to that work essential to keep systems operating and shall not be used for installation of new equipment solely for utilization and access to energy efficiency programs offered by the City; and

WHEREAS, the City Council further finds a temporary delay in the issuance of permits is necessary and in the best interest of the citizens of the City of Columbia, is necessary to promote and protect the public health, safety and general welfare of the city and will not cause irreparable harm; and

WHEREAS, in the case of exigent circumstances, the City Council desires to provide for consideration of a request by a property owner for relief from the administrative delay in order to provide for processing of an application or issuance of a permit.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

**SECTION 1. Incorporation of findings.** The City Council makes and reaffirms the findings set forth above and incorporates the same by reference as if fully set forth herein.

**SECTION 2. Emergency clause, effective date and duration.** Due to the community spread of the COVID-19 pandemic within the City of Columbia and for the

immediate preservation of public health and safety this ordinance is enacted as an emergency ordinance within the meaning of Article II of Section 15 of the Home Rule Charter of the City. This ordinance shall go into effect immediately after its passage by six-sevenths (6/7) of the members of the City Council and shall remain in effect for so long as the declared state of emergency exists within the City of Columbia due to the COVID-19 pandemic or this ordinance is repealed, whichever occurs first.

**SECTION 3. Modification in Process for Issuance of Building Permits and Maintenance of Construction Sites.** Except as otherwise provided herein, building permits for the construction of a new structure or alteration of an existing structure shall only be issued in accordance with the Guidance issued by the Director related to Residential and Commercial Construction, as may be amended from time to time, from the date of passage of this ordinance until the City emergency declaration for COVID-19 has ended. All such construction activities shall be conducted in accordance with Social Distancing Requirements established by the Director of Public Health and Human Services. City staff may continue to accept electronic applications and may review such applications, but shall not issue any permits not in compliance with the Guidance issued by the Director.

**SECTION 4. Administrative Delay in Processing of Certain Existing Applications.** Except as otherwise provided herein, no existing application on file with the Community Development Department for any type of development application which is required to go before any city board or commission shall be processed until such time as the City emergency declaration for COVID-19 has ended. This delay includes, but is not limited to, any application that would be processed before the Planning and Zoning Commission, Board of Adjustment or Building Construction Codes Commission. Such administrative delay on processing of existing applications shall not apply to proceedings related to any application on the April 6, 2020 City Council Agenda for final action at such meeting. City staff may continue to perform a courtesy review of any development application in order to assist the applicant in preparation of future filing, but an application may not be formally accepted or approved until the administrative delay herein is lifted. Provided adequate resources exist to review and process such applications, City staff may also continue to process applications for which administrative approval is the only required action.

**SECTION 5. Administrative Delay in Rental Inspections & Renewals.** Except as otherwise provided herein, no rental application or interior inspection shall be accepted or processed by the Community Development Department until the City emergency declaration for COVID-19 has ended. Notwithstanding anything in the City Code to the contrary, the rental renewal application submission date is hereby extended until June 1, 2020. The City Manager is hereby authorized to extend such submission date by administrative action in the event the declaration of emergency in the city is still in effect on June 1, 2020.

**SECTION 6. Procedure for relief from administrative delay.** The City Council may, by resolution, allow the issuance of a building permit, the processing of a

development application, or the processing of a rental inspection application under any of the following circumstances:

(a) The City Council determines that failure to allow the action requested would cause undue and substantial economic hardship on the property owner, adequate resources exist to process the request, and such action will not be otherwise detrimental to the health, safety, and general welfare of the city; or

(b) The City Council determines the requested action would not interfere with any existing orders of the Director of Public Health and Human Services or is otherwise in the public interest.

**SECTION 7. Ordinance supersedes any prior code, policy or practice.** To the extent any provision of the city code or prior policy or practice of the City Council is in conflict with this ordinance, the provisions of this ordinance shall supersede such provisions.

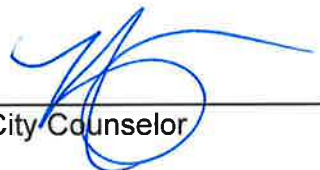
PASSED this 16th day of April, 2020.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Counselor