

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 261-19

**AN ORDINANCE**

repealing Article XI of Chapter 6 of the City Code relating to the 2015 Edition of the Existing Building Code and enacting in lieu thereof a new Article XI adopting the 2018 Edition of the International Existing Building Code; and fixing the time when this ordinance shall become effective.

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

SECTION 1. Article XI of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri, relating to the 2015 Edition of the Existing Building Code, is hereby repealed and in lieu thereof a new Article XI, relating to the 2018 Edition of the International Existing Building Code, is hereby enacted reading in words and figures as follows:

CHAPTER 6. BUILDINGS AND BUILDING REGULATIONS

...

ARTICLE XI. EXISTING BUILDING CODE

Sec. 6-240. Adopted.

The 2018 Edition of the International Existing Building Code, published by the International Code Council, Inc., including Appendices A, B and C, one copy of which has been on file with the city clerk for a period of ninety (90) days prior to the adoption of this article, is hereby adopted by reference and made a part of the Code of Ordinances, City of Columbia, Missouri as fully as if set forth in its entirety. At least one (1) copy of the 2018 Edition of the International Existing Building Code shall remain on file in the office of the city clerk and shall be kept available for public use, inspection and examination.

Sec. 6-241. Amendments.

The code adopted by this article is hereby amended by substituting the following sections in lieu of those sections with corresponding numbers in the code, or, where there is no corresponding section in the code, the following sections shall be enacted as additions to the code:

*101.1 Title.* These regulations shall be known as the Existing Building Code of the City of Columbia, Missouri, hereinafter referred to as "this code."

*101.6.1 Appendices A, B and C* are hereby adopted as published.

*103.1 Director.* The administration and enforcement of this ordinance shall be the duty of the director of community development, who is designated the code official for purposes of this code. The code official is hereby authorized to take such action as may be reasonably necessary to enforce the provisions of this code. Such persons may be appointed and authorized as assistants or representatives of the director as may be necessary to carry out the provisions of this code.

*103.2 Appointment.* Delete in its entirety.

*103.3 Deputies.* Delete in its entirety.

*103.4 Restrictions of employees.* An employee connected with the division of building and site development shall not be engaged in, or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such employee engage in any work that conflicts with official duties or with the interests of the division.

*104.8 Liability.* Any officer or employee charged with the enforcement of this code, while acting on behalf of the city, shall not thereby render such individual liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act performed in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The officer or employee shall not be liable for costs in any action, suit or proceeding that is instituted pursuant to the provisions of this code; and any officer or employee acting within the scope of employment and in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. Nothing contained herein shall be deemed a waiver of the immunities and protection afforded to the city or officers and employees pursuant to state and federal law.

*104.8.1 Legal defense.* Delete in its entirety.

*112.1 Appeals.* The owner of a building or structure or any person directly affected by a decision of the code official may appeal to the building construction codes commission from a decision of the official refusing to grant modifications of the provisions of this code covering the manner of installation, or materials to be used in the installation. The procedure for appeal shall be governed by Section 113 of the Building Code of Columbia, Missouri.

*112.2 Limitations on authority.* Delete in its entirety.

*112.3. Qualifications.* Delete in its entirety.

*113.4 Violation penalties.* Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

*114.4 Emergency.* Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

*114.5 Penalty.* Any person who shall continue any work on the system 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 not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00).

*1401.1.3 Permit to move.* A permit to move a building or structure shall not be issued until a bond or other security is posted with the city in the amount of five thousand dollars (\$5,000.00), guaranteeing that the building or structure will be made to comply with IEBC Section 1301.2 within 180 days from date of issuance of permit.

*1401.4 Permit required to use public streets or right-of-way.* No building or structure of any nature or description shall be moved over any street of the City of Columbia, Missouri, by any means whatsoever without first obtaining permission from the city manager. Upon receipt of an application for a permit, the city manager shall refer the same to the director of community development, who shall cause an inspection to be made to determine whether or not the building or structure is a public nuisance, as described in the Property Maintenance Code of Columbia, Missouri. Upon completion of the inspection, the director shall provide written findings to the city manager. At the same time the application for a permit is referred to the director of community development, the city manager shall direct the director of water and light to make an inspection of the route over which the building or structure is proposed to be moved, to determine whether or not any facilities of the water and light department could constitute an obstacle to such removal. Upon completion of the inspection, the director of water and light shall provide written findings to the city manager. After giving consideration to the reports, and to any other matter involved in such removal which might concern the safety or welfare of the public, or public or private property, the city manager may grant or deny the application for permit.

*1401.5 Not to stand on street longer than six (6) hours.* No buildings or structures shall be allowed to stand in the streets of the city in one block for a longer period than six (6) hours, except for the period between sunset and sunrise, when such buildings or structures shall have flares set about them on every side.

*1401.6 Not to injure or take up pavement.* No pavement shall be taken up or removed to assist in any way the moving of any building or structure, nor shall pegs, stakes, or poles be driven into paved streets for such purposes.

*1401.7 Bond required.* Before any permit shall be issued by the city manager, the applicant shall furnish a good and sufficient bond with a corporate surety company as surety to be approved by the city manager, in a sum to be fixed by the city manager at not less than double the estimated damages, conditioned that the applicant will promptly and fully pay the owner for any public or private property injured or destroyed by applicant in the process of moving such building, and that applicant will reimburse the city for costs and expenses incurred by the city in removing water and light department facility obstacles from the route and restoring the same.

SECTION 2. The repeal of Article XI of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri, relating to the 2015 Edition of the International Existing Building Code shall not affect any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after October 1, 2019.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

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

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

APPROVED AS TO FORM:

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