Introduced by Treece

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**AN ORDINANCE**

repealing Article II of Chapter 6 of the City Code relating to the 2015 Edition of the International Building Code and enacting in lieu thereof a new Article II of Chapter 6 of the City Code adopting the 2018 Edition of the International 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 II of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri, relating to the 2015 Edition of the International Building Code, is hereby repealed and in lieu thereof a new Article II, relating to the 2018 Edition of the International Building Code, is hereby enacted reading in words and figures as follows:

CHAPTER 6. BUILDINGS AND BUILDING REGULATIONS

. . .

ARTICLE II. BUILDING CODE

Sec. 6-16. Adopted.

The 2018 Edition of the International Building Code, published by the International Code Council, Inc., including Appendices C, E, F, I, J, and N, 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 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. 6-17. 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 Building Code of Columbia, Missouri, hereinafter referred to as "this code."

*101.2 Scope.* Add the following exception: Where the adopted building code references means and methods of construction, that part shall be stricken.

*101.2.2: Appendices C, E, F, I, and N* are hereby adopted as published. Appendix J is hereby adopted as amended.

*Appendix J section J106.1 Maximum slope;* is hereby amended to read as: The slope of cut and fill surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 3 horizontal to 1 vertical (33 percent) unless the applicant furnishes a geotechnical report justifying a steeper slope.

> *Exceptions:* Number 1 is deleted in its entirety and exception number 2 will now be listed as exception number 1.

*Appendix J section J107.6 Maximum slope;* is hereby amended to read as: The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 3 horizontal to 1 vertical (33 percent) shall be justified by a geotechnical report or engineering data.

## 103.0 DIVISION OF BUILDING AND SITE DEVELOPMENT

*103.1 Director.* The administration and enforcement of this code shall be the duty of the director of community development, who shall be referred to as the building official in this code. The building 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.

*103.4 Restriction 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 plans or of specifications therefore, unless such employee is the owner of the building; nor shall such employee engage in any work which conflicts with such employee's official duties or with the interest of the department.

*104.7 Department records.* An official record shall be kept of all business and activities of the division specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

*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.

*104.10.1 Flood hazard areas.* Delete in its entirety.

*105.5 Expiration.* Add the following sentence after the last sentence: Building permit extension fee shall be fifty percent (50%) of the building permit fee.

*107.1 General.* Add the following sentence after exception paragraph: The application for the permit shall be accompanied by not less than two (2) sets of construction documents drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed including general construction, special inspections, construction observation programs, structural, mechanical and electrical work and calculations. Each sheet of each set of plans, each set of specifications, calculations and other data shall be legally sealed by a registered design professional as required by the State of Missouri statutes. Where special conditions exist, the building official is authorized to require additional documents, information or calculations that are to be prepared by a registered design professional licensed in the State of Missouri. Legally sealed may include a "wet seal" with original signatures or other approved methods.

Buildings or structures exempt from these requirements are:

a. One-family dwellings.

b. Two-family dwellings.

c. Commercial or industrial buildings not more than twelve hundred (1,200) square feet and which provide for the employment, sleeping, assembly, housing or feeding of less than ten (10) persons.

d. Any structure containing less than twenty thousand (20,000) cubic feet, except as provided in b. or c. above.

e. A building or structure used exclusively for farm purposes.

*107.2.6 Site plan.* There shall also be filed a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey and certifying as to date survey was made. 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 are to remain on the site or plot. No building or structure shall be permitted to be constructed across an existing lot line.

*107.2.6.1 Design flood elevations.* Delete in its entirety.

*107.2.6.2 Private sewage disposal system.* The site plan shall indicate the location of a private sewage disposal system where a public sewer is not available. All technical data and soil data required by the State of Missouri Regulation 19 CSR 20-3.060, Minimum Construction Standards for On-Site Sewage Disposal Systems, shall be submitted with the site plan.

*107.2.6.3 Location of utility easements to be shown on building permit applications.* All applications for building permits shall clearly show the location of all utility easements and all structures, lines or pipes used by the utility and located within such utility easements. No building permit shall be issued with respect to a structure to be located on, over, under or within a utility easement unless and until such time as the city council:

A. Shall determine by ordinance that the structure as proposed contains adequate protection to insure:

   1. Full ingress and egress to all portions of the easement insuring full and safe maintenance, construction and reconstruction of all utility structures located or which could be located within the easement; and

   2. Full use of the easement for utility purposes without danger to public property and to the health, safety and welfare of the citizens of the city.

B. Shall receive adequate assurances in the form of a bond or a waiver of claim and indemnity agreement on a form approved by the city counselor sufficient to protect the city and its citizens from loss.

Provided, however, that in lieu of the requirements of subparagraphs A and B above, an applicant shall have the option of relocating any and all utility improvements and utility easements at applicant's own expense and upon the written approval of the owner of the improvements and utility easements.

*108.4 Termination of approval.* The building official is hereby authorized to terminate such permit for a temporary structure and to order the demolition of any such construction at the

official's discretion, or as directed by a decision of the building construction codes commission.

*109.1 General.* A permit to begin work for new construction, alteration, removal, demolition or other building operation shall not be issued until the fees prescribed in this section shall have been paid to the Division of Building and Site Development or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee shall have been paid.

*109.2 Schedule of permit fees.* A fee for each plan examination, building permit and inspection shall be paid in accordance with the following schedule. Permit fees for new construction, alterations, and additions shall be based upon the value of the construction as determined by the Division of Building and Site Development using the latest August publication of the International Code Council Building Valuation Data which shall be effective as of October 1st of the year it is published. Fire systems trade permits and interior demolition shall be based upon the valuation as reported on the application. Remodeling, alterations and repair valuations shall be computed using fifty (50) percent of the value for new construction. Alternatively, the applicant provided valuation may be used when there are extenuating circumstances and the applicant has provided detailed estimates to justify the value of such construction to the building official.

The values determined in accordance with the above is for determining the building permit fee and is not intended to determine actual construction costs. The building permit fee shall be: $2.25 per thousand dollars of value (minimum fee $35.00).

All construction

Footing & Foundation Only - The permit fee to do only footing and foundation for a building or structure shall be $54.00. This fee is in addition to the normal building permit fee and is not refundable or credited to the normal building permit fee.

Plan Review Fee - Fifty (50) percent of building permit fee. This fee is imposed whenever plans are required.

Failed Inspection Fee - $35.00 for each failed inspection
$75.00 for each failed re-inspection

*Exemption:* Residential storage structures under 120 square feet shall be exempt from permit fees.

Building Permit Extension Fee – Fifty (50) percent of building permit fee to reinstate, if approved by the building official.

*109.2.1 Moving of buildings.* The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be fifty (50)

percent of the fee for new buildings with a minimum fee of $45.00. There shall also be an inspection fee of $25.00 prior to moving the building or structure.

*109.2.2 Demolition.* The fee for a permit for the demolition of a building or structure shall be:

Residential ..... $50.00

Commercial ..... $100.00

*109.2.3 Signs.* The fee for signs, billboards and other display structures for which permits are required under the provisions of the Sign Regulations shall be:

Less than 50 square feet: $75.00
Over fifty square feet: $75.00 + $0.25 for each Square Foot over Fifty

*109.4 Work commencing before permit issuance.* Where work for which a permit is required by this code is started prior to obtaining the permit, the fees specified above shall be doubled. If any person, firm or corporation commits a second offense by starting work without a permit, the person shall pay three times the customary fee in order to obtain the necessary permit. Any offense shall subject the offender to prosecution under Section 114 of this code.

If any person, firm or corporation fails to obtain the necessary permit(s) within five (5) days after being notified in writing to do so by the building official, the person shall pay in addition to the fee as provided above, the sum of five dollars ($5.00) for each day in excess of the five (5) days that pass before the person obtains the necessary permit. The payment of any or several of the above-stated fees shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any penalties prescribed herein.

*109.5 Related fees.* The payment of the fee for the construction, alteration, removal, or demolition and for all work done in connection with or concurrently with the work contemplated by a building permit, shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures, or fees for inspections, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the Community Development Department.

*109.6 Refunds.* The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than seventy-five (75) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

*111.3 Temporary Occupancy.* A bond must be provided to receive a Temporary Certificate of Occupancy. The building official will establish a bond amount based on the work remaining for completion of the structure and the site. The building owner, contractor, or design professional in responsible charge shall provide information, including a completion date for all building and site work remaining for completion. The building official has the authority to approve or deny any request for a Temporary Certificate of Occupancy. The building official has the authority to set the final amount of the bond, or the option to waive the bond upon receiving written request and documentation for file from the building owner, contractor, or design professional in responsible charge.

## SECTION 113 BUILDING CONSTRUCTION CODES COMMISSION

*113.1 Creation of the commission.* There is hereby created a building construction codes commission consisting of eleven (11) members and eleven (11) alternates.

*113.1.1 Membership of the commission.* The commission shall consist of eleven (11) members appointed by the city council, who shall serve staggered three (3) year terms, or until a successor has been appointed and qualified. Upon original appointment, the terms shall be staggered such that, to the greatest extent possible, one-third (⅓) of the members' terms expire each year. Appointments to fill vacancies shall be for unexpired terms only.

*113.1.2 Qualifications of commission members:* The commission shall be composed of individuals with the following qualifications:

1. Professional engineer (experience in electrical/mechanical)
2. Professional engineer (experience in structural/civil)
3. Master plumber
4. Licensed electrician or electrical contractor
5. Major contractor or superintendent
6. Minor contractor or home builder
7. Person experienced in fire prevention
8. Registered architect
9. Residential rental property owner
10. Person experienced in energy conservation
11. Layperson

*113.1.3 Alternates.* Whenever possible, the city council shall appoint an alternate commissioner of equal qualifications for each regular commissioner appointed. The

alternate shall serve a term contemporaneous to the term of the regular commissioner of equal qualifications.

*113.1.4 Commission chair.* The board shall select one of its members to serve as chair and the building official shall designate a clerk from the department to serve as secretary to the board, who shall keep a detailed record of all proceedings on file in the Community Development Department.

*113.1.5 Meetings.* Upon the request of any commissioner or whenever there is any business to transact before the commission, the commission shall meet once each month.

*113.1.6 Absence of commissioners.* During the absence of a commissioner, the designated alternate shall sit on the commission. Any other alternate may sit on the commission for a member whose alternate is not present as directed by the chairman. The Secretary of the Board shall call alternates in accordance with the policies of the Board. While sitting on the commission, the alternate shall have the full power and authority of the regular commissioner. The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) percent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the city council of the vacancy. The city council, upon such notice, shall appoint a new commissioner with equal qualifications to fill the remainder of the original term.

*113.2 Application for appeals.* The owner of a building or structure or any person directly affected by a decision of the building official or fire marshal may appeal to the building construction codes commission from a decision of the official refusing to grant a modification, variance or waiver to the provisions of the Building, Electrical, Plumbing, Mechanical, Fire Prevention, One and Two Family Dwelling or Property Maintenance codes covering the manner of construction or materials to be used in the construction, erection, alteration, or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, an equally good or better form of construction can be used, or undue hardship is created by strict compliance with the letter of the code but has no significant effect on the health, safety and welfare of the public or any individual. Applicants for a mechanical, electrical or plumbing certification who are denied or whose certification is revoked by the director of community development for any reason may also appeal that decision to the building construction codes commission. A fee of one hundred twenty dollars ($120.00) must be submitted with the application. The fee shall be refunded to the applicant if the applicant appears at the commission meeting at which the appeal is scheduled to be heard. An application for appeal must be requested and filed by the applicant within ninety (90) days following the date of the denial letter issued by the building official or fire marshal.

*113.2.1 Notice of meeting.* The commission shall meet upon notice of the chairman within ten (10) days of filing of an appeal or at stated periodic meetings if warranted by the volume of work.

*113.2.2 Public hearing.* All hearings and meetings of the commission shall be public. All hearings considering an appeal of a ruling of the building official or fire marshal shall be on the record and be recorded by a person qualified as a court reporter. At the appeal hearing, the appellant, and appellant's representative, the official of the jurisdiction and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard. All testimony on matters on appeal shall be given under oath.

*113.2.3 Adjourned meeting.* When eight (8) qualified commissioners are not present to consider a specific appeal, either the appellant, the building official or their representative may request a postponement of the hearing.

*113.2.4 Action of the commission.* The commission shall affirm, modify or reverse the decision of the building official or fire marshal by a concurring vote of the majority of its members. Every action of the commission shall be by motion or resolution and the commission's decision shall be evidenced by certified copies which shall be furnished to the appellant and to the building official.

*113.2.5 Exemption of members.* A member of the commission shall not vote on any question in which that member is engaged as contractor, material dealer, or in the preparation of plans or specifications, or in which the board member has any personal interest.

*113.2.6 Determining vote.* Failure to secure six (6) concurring votes shall be deemed a confirmation of the decision of the building official except that the appellant shall be entitled to further hearing before a full commission if there were not eleven (11) qualified members present when the vote was taken.

*113.2.7 Enforcement of decision.* The building official shall take immediate action in accordance with the decision of the board.

*113.3 Court review.* Any person aggrieved by a decision of the commission may appeal to the circuit court as provided by Chapter 536 of the Revised Statutes of Missouri.

*113.4 Code revisions.* The commission shall, at the request of the city council, review the Building and other codes periodically for updating and recommending changes.

*114.4 Violation penalties.*

(1) 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, demolish or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the

provisions of this code, shall be guilty of a misdemeanor, punishable by fine of not more than five hundred dollars ($500.00), or by imprisonment not exceeding one (1) year or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

(2) Any person who demolishes a structure without first obtaining a permit to demolish the structure shall be punished by a fine of one dollar ($1.00) per gross above-ground square footage of the structure in addition to the penalties described in section 114.4(1).

(3) Any person who demolishes an historic resource, as defined in section 3303.7 without first obtaining a permit to demolish the structure shall be punished by a fine of two dollars ($2.00) per gross above-ground square footage of the structure in addition to the penalties described in section 114.4(1).

*115.3 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 conditions, shall be liable to a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00).

*305.2.3 Ten or fewer children in a dwelling unit.* A facility such as the above within a dwelling unit and having ten or fewer unrelated children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

*308.6.4 Ten or fewer persons receiving care in a dwelling unit.* A facility such as the above within a dwelling unit and having ten or fewer unrelated persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

*903.2.1.2 Group A-2: Item 2.* The fire area has an occupant load of 200 or more; or

*905.11 Locking standpipe outlet caps.* The fire code official is authorized to require Knox™ locking caps on the outlets on dry standpipes where the responding fire department carries key wrenches for the removal that are compatible with locking FDC connection caps.

*1030.1 Exception 4.* Within individual dwelling and sleeping units in Groups R-2, R-3 and R-4, where the building in equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, sleeping rooms in basements shall not be required to have emergency escape and rescue openings provided that the basement has one of the following:

*1301.1.1 Criteria.* Building shall be designed and constructed in accordance with the 2018 International Energy Conservation Code (IECC), as amended.

*1604.1 General.* Add the following to the end of the paragraph: The following minimum standard structural design criteria are established:

1. Roof Live Load, Minimum Unreduced = 20 psf.
2. Snow Load (Ground Snow Load) Pg = 20 psf.
3. Seismic Loading:
    a. Site class D, default site class per 1613.3.2.
    b. Mapped Spectral response accelerations.
        (1) Ss = 0.167 or per USGS data
        (2) S1 = 0.093 or per USGS data

*1803.2 Investigations required.* Add the following sentence to the end of the first paragraph: A geotechnical investigation is not required for one story buildings 2500 sf or less in risk categories 1 and 2.

*1807.2.2 Design lateral and soil loads.* Add the following sentence to the end of the paragraph: The geotechnical engineer must state either way if a global analysis is required.

*1809.5 Frost protection.* Add the following to the end of 1. (Frost depth is thirty (30) inches.)

*3109.1. General.* The design and construction of pools shall comply with Section 11-277 of the City Code adopting the 2015 edition of the "Swimming Pool Ordinance and Guide for Swimming Pool Design and Operation." The "Swimming Pool Ordinance and Guide for Swimming Pool Design and Operation" is attached to Ordinance Number 022439.

*3109.2 Barrier requirements.* Barrier requirements must meet the standards of the 2018 International Swimming Pool and Spa Code (ISPSC) Section 305.

*ISPSC 305.* The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections ISPSC 305.2 through 305.7.

*ISPSC 305.2 Outdoor swimming pools and spas.* Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections ISPSC 305.2.1 through 305.7.

*ISPSC 305.2.1 Barrier height and clearances.* Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 48 inches (1219 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.

2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.

3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the pool or spa.

4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches (102 mm).

*ISPSC 305.2.2 Openings.* Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

*ISPSC 305.2.3 Solid barrier surfaces.* Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

*ISPSC 305.2.4 Mesh fence as a barrier.* Mesh fences, other than chain link fences in accordance with Section ISPSC 305.2.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

1. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.

2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches (102 mm) from grade or decking.

3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall be not greater than 4 inches (102 mm) from grade or decking.

4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye-type latch incorporating a spring-actuated retaining lever such as a safety gate hook.

5. Where a hinged gate is used with a mesh fence, the gate shall comply with Section ISPSC 305.3.

6. Patio deck sleeves such as vertical post receptacles that are placed inside the patio surface shall be of a nonconductive material.

7. Mesh fences shall not be installed on top of onground residential pools.

*ISPSC 305.2.5 Closely spaced horizontal members.* Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches (44 mm) in width.

*ISPSC 305.2.6 Widely spaced horizontal members.* Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1¾ inches (44 mm).

*ISPSC 305.2.7 Chain link dimensions.* The maximum opening formed by a chain link fence shall be not more than 1¾ inches (44 mm). Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 1¾ inches (44 mm).

*ISPSC 305.2.8 Diagonal members.* Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not greater than 1¾ inches (44 mm). The angle of diagonal members shall be not greater than 45 degrees (0.79 rad) from vertical.

*ISPSC 305.2.9 Clear zone.* There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the barrier and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier.

*ISPSC 305.2.10 Poolside barrier setbacks.* The pool or spa side of the required barrier shall be not less than 20 inches (508 mm) from the water's edge.

*ISPSC 305.3 Gates.* Access gates shall comply with the requirements of Sections ISPSC 305.3.1 through 305.3.3 and shall be equipped to accommodate a locking device.

Pedestrian access gates shall open outward away from the pool or spa, shall be self-closing and shall have a self-latching device.

*ISPSC 305.3.1 Utility or service gates.* Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.

*ISPSC 305.3.2 Double or multiple gates.* Double gates or multiple gates shall have not fewer than one leaf secured in place and the adjacent leaf shall be secured with a self-latching device. The gate and barrier shall not have openings larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the latch release mechanism. The self-latching device shall comply with the requirements of Section 305.3.3.

*ISPSC 305.3.3 Latches.* Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from grade, the release mechanism shall be located on the pool or spa side of the gate not less than 3 inches (76 mm) below the top of the gate, and the gate and barrier shall not have openings greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

*ISPSC 305.4 Structure wall as a barrier.* Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.

2. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.

3. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

*ISPSC 305.5 Onground residential pool structure as a barrier.* An onground residential pool wall structure or a barrier mounted on top of an onground residential pool wall structure shall serve as a barrier where all of the following conditions are present:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section ISPSC 305.2 and the pool manufacturer allows the wall to serve as a barrier.

2. Where a barrier is mounted on top of the pool wall, the top of the barrier is not less than 48 inches (1219 mm) above grade for the entire perimeter of the pool, and the wall and the barrier on top of the wall comply with the requirements of Section ISPSC 305.2.

3. Ladders or steps used as means of access to the pool are capable of being secured, locked or removed to prevent access except where the ladder or steps are surrounded by a barrier that meets the requirements of Section ISPSC 305.

4. Openings created by the securing, locking or removal of ladders and steps do not allow the passage of a 4-inch (102 mm) diameter sphere.

5. Barriers that are mounted on top of onground residential pool walls are installed in accordance with the pool manufacturer's instructions.

*ISPSC 305.6 Natural barriers.* In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge not less than 18 inches (457 mm), a barrier is not required between the natural body of water shoreline and the pool or spa.

*ISPSC 305.7 Natural topography.* Natural topography that prevents direct access to the pool or spa area shall include but not be limited to mountains and natural rock formations. A natural barrier approved by the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by the requirements of Sections ISPSC 305.2 through 305.5.

*3201.3 Other laws.* Add the following sentence to the end of the paragraph: All encroachments by balconies into the public rights-of-way shall conform to the requirements of this chapter and the requirements of section 24-2(c) and section 29-4.2(d)(8) of the code of ordinances.

*3202.2.1 Steps.* Delete in its entirety.

*3202.3.3 Encroachments 15 feet or more above grade.* Delete in its entirety.

*3202.5* The regulations for awnings set forth in this code shall be modified for awnings on buildings within the boundaries of the Columbia Special Business District as follows:

(1) The following materials are prohibited:

Wood

Vinyl coated, high sheen cotton

Translucent vinyl

Opaque or semi-opaque awnings with back-lighted translucent graphics are permitted provided the graphics meet all sign requirements.

(2) Any valance on an awning shall not exceed a height of twelve (12) inches.

(3) Upper floor awnings should fit the height, width and shape of each window. Such awnings shall not be placed noticeably higher than the top of the window opening and trim. The bottom of the valance shall not extend lower than the midpoint of the window. Dome-type and curved awnings are only allowed on windows that have arched or curved openings. Upper floor awnings shall not span multiple windows unless the distance between glazed openings is less than eighteen (18) inches.

(4) Stanchions or columns that support awnings, marquees and signs are prohibited.

(5) The lower edge of awnings on the ground floor shall be a minimum of eight (8) feet above the sidewalk and a maximum of ten (10) feet above the sidewalk.

(6) Awnings shall not extend into or occupy more than two-thirds of the width of the sidewalk measured from the building and shall not extend more than seven (7) feet from the building.

(7) Awnings that were lawful conforming awnings on February 19, 2007 but that do not conform with the provisions of section 6-17 shall be allowed to remain in place indefinitely as lawful nonconforming uses.

(8) Awnings shall be properly maintained.

*3303.4 Vacant lot.* Where a structure has been demolished or removed, the vacant lot shall be filled, leveled and graded to provide proper drainage with no ponding of water. The lot shall be left in a natural buildable condition without hazards and mowable. There shall be sufficient vegetative cover to prevent erosion. The complete structure shall be removed and all accessory structures are to be removed at the time of demolition of the primary structure. Paved auto driveways, parking areas, and on grade building slabs may remain provided they are in acceptable condition.

*3303.6 Utility connections.* Before a structure can be 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 shall not be issued until:

(1) 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; and

(2) A bond or other security deposited with the City in the amount of two thousand dollars ($2,000.00), guaranteeing that the building and debris are removed from the lot within ninety (90) days, the lot graded to comply with Section 3304 and required inspections are completed; and

(3) During demolition, sewer laterals connecting the building to the City sewer system are to be cut and capped in an approved manner at or near the property line. The cap must be inspected prior to backfill of the excavation.

*3303.8 Historic Preservation Commission review of demolition permits.* An application for any permit that authorizes the demolition of an historic resource shall include notice of the application addressed to the Historic Preservation Commission. The notice shall be on a form provided by the building official. The building official, upon verification that the application is complete, shall promptly forward the notice to the Historic Preservation Commission in care of the Community Development Department. The building official shall not issue the permit authorizing the demolition until the lesser of thirty (30) calendar days after the notice has been sent to the Community Development Department or until the Historic Preservation Commission notifies the building official that the Commission has no objection to the immediate demolition of the structure. The thirty (30) day review period shall not begin until the application requesting demolition has been deemed to be complete.

The building official shall post notice of the proposed demolition in a conspicuous place facing each street abutting the property on which the structure to be demolished is located. The sign face shall be at least five square feet.

To allow for the thirty (30) day review period and no more than six (6) months to pass following notice to the public of the demolition, no more than seven (7) months shall elapse between making application for a demolition permit and the actual removal of a structure. Failure to remove an authorized structure within this timeframe shall require that a new application for demolition be filed.

The following definitions apply to this section:

*"Demolition"* means removal of more than twenty-five percent (25%) of the exterior wall or walls facing a public street or removal of fifty percent (50%) of all exterior walls.

*"Historic resource"* means any structure that:

(1) Is fifty (50) years old or older; or

(2) Is located in an historic resources survey area; or

(3) Is within an actual or proposed National Register of Historic Places district; or

(4) Has been recognized or nominated by the Historic Preservation Commission as a "most notable property."

*Exceptions:* The following shall not be subject to the provisions of this subsection:

(1) A building or structure that has been determined to be a public nuisance and dangerous to the health, safety, or general welfare under the Property Maintenance Code of Columbia, Missouri.

(2) A building or structure that the City, before December 1, 2008, has authorized to be demolished.

(3) Interior demolition.

(4) An accessory building or structure that is not contemporary with an historic resource.

(5) A building or structure for which the State Historic Preservation Office, Department of Natural Resources, has completed a Section 106 review and returned a finding of no historic significance.

(6) A building or structure that is subject to the certificate of appropriateness provisions of section 29-2.3(c) of the Code of Ordinances of Columbia, Missouri.

SECTION 2. The repeal of Article II of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri, relating to the 2015 Edition of the International 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 3rd day of September, 2019.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor