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COUNCIL BILL NO. 2012 - 262 GENERAL ORDINANCE No. 6015

AN ORDINANCE

SUBMITTING that Chapter 36 of the Springfield City Code, known as the Land Development Code, be amended by repealing Sub-Article XII, Technical Codes, Administration, and Enforcement in its entirety, and enacting in lieu thereof a new Sub-Article XII, Technical Codes, Administration, and Enforcement all pertaining to the same subject matter.

BE ITORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows that:

Section 1 – Previous General Ordinance No. 5337 and 5633 are hereby repealed

Section 2 – that City Code, Chapter 36, known as the Land Development Code, be amended by repealing Sub-Article XII, Technical Codes, Administration, and Enforcement in its entirety, and enacting in lieu thereof a new Sub-Article XII, Technical Codes, Administration, and Enforcement, all pertaining to the same subject matter, which article shall read as follows:

ARTICLE XII. ADMINISTRATION AND ENFORCEMENT OF CODES

DIVISIONS:

1. Applicability and Scope
2. Existing Structures and Systems
3. Code Official
4. Permits and Fees
5. Inspection
6. Certificate of Occupancy
7. Unsafe Structures-Emergency Measures-Posting Structures-Appeals
8. Violations

DIVISION 1. APPLICABILITY AND SCOPE

Sections:

Sec. 36-1200.	Purpose
Sec. 36-1201.	Scope
Sec. 36-1202.	Intent
Sec. 36-1203.	Exemptions
Sec. 36-1204.	Matters Not Provided For
Sec. 36-1205.	Workmanship
Sec. 36-1206.	Continuation of Unlawful Use
Sec. 36-1207.	Most Restrictive Regulations Apply
Sec. 36-1208.	Referenced Codes and Standards
Sec. 36-1209.	Validity
Sec. 36-1210.	Approvals

Sec. 36-1200. Purpose. This article shall cover the administration and enforcement of the regulations of the International Code Series and the National Electrical Code as adopted by the City and amended from time to time, hereinafter referred to as “these codes”. This article shall consider the International Fire Code to be adopted by reference.

Sec. 36-1201 Scope. The regulations of this article shall control all matters concerning, but not limited to, the construction, alterations, addition, repair, removal, moving, demolition, use, location, occupancy and maintenance of all buildings and structures. Provisions in the adopted code appendices shall not apply unless specifically adopted.

Sec. 36-1201.1 Scope of International Building Code. The provisions of the International Building Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure of any appurtenances connected or attached to such buildings or structures.

Exception:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.

Sec. 36-1201.2 Scope of International Fuel Gas Code. The provisions of the International Fuel Gas Code shall apply to the installation of fuel gas piping systems, fuel gas appliances, gaseous hydrogen systems, and related accessories as follows:

1. Coverage of piping systems shall extend from the point of delivery to the connection point of the appliance.
2. Systems with an operating pressure of 125 psig (862 kPa gauge) or less. Piping systems for gas-air mixtures within the flammable range with an operating pressure of 10 psig (69 kPa gauge). LP-Gas piping systems with an operating pressure of 20 psig (140 kPa gauge) or less except as provided for in the code.
3. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.
4. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air, venting, and connections to piping systems.

Exception:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

2. Fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

The International Fuel Gas Code shall not apply to the following:

1. Portable LP-Gas appliances and equipment of all types that are not connected to a fixed fuel piping system.
2. Installation of farm appliances and equipment such as brooders, dehydrators, dryers, and irrigation equipment.
3. Raw material (feedstock) applications except for piping to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen, and nitrogen.
6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms, and natural gas processing plants.
7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.
8. LP-Gas installations at utility gas plants.

9. Liquefied natural gas (LNG) installations.
10. Fuel gas piping in power and atomic energy plants.
11. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors, and calorimeters.
12. LP-Gas equipment for vaporization, gas mixing, and gas manufacturing.
13. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
14. Installation of LP-Gas systems for railroad switch heating.
15. Installation of LP-Gas and compressed natural gas (CNG) systems on vehicles.
16. Except as provided in Section 401.1.1 of the International Fuel Gas Code gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-Gas.
17. Building design and construction, except as specified herein.
18. Piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig.
19. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.

Sec. 36-1201.3 Scope of International Mechanical Code. The provisions of the International Mechanical Code shall regulate the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within a building. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code.

Exception:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code
2. Mechanical systems in existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.

Sec. 36-1201.4 Scope of International Plumbing Code. The provisions of the International Plumbing Code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems, and sanitary and condensate vacuum collection systems. The installation of fuel-gas-fired water heaters and water heating venting systems shall be regulated by the adopted International Fuel Gas Code.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

2. Plumbing systems in existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

Sec. 36-1201.5 Scope of International Residential Building Code. The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, 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 a separate means of egress and their accessory structures.

Exceptions:

1. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.

Sec. 36-1201.6 Scope of International Private Sewage Disposal Code. Septic tank and effluent absorption systems or other treatment tank and effluent disposal systems shall be permitted where a public sewer is not available to the property served. Unless specifically approved, the private sewage disposal system of each building shall be entirely separate from and independent of any other building. The use of a common system or a system on a parcel other than the parcel where the structure is located shall be subject to the full requirements of this code as for systems serving public buildings.

Sec. 36-1201.7 Scope of NFPA 70, National Electric Code. The NFPA 70, National Electric Code shall regulate the design, construction, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems and equipment.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

2. Electrical systems in existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.

Sec. 36-1201.8 Scope of International Existing Building Code. The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings.

Sec. 36-1202 Intent. The purpose of these codes is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment. They shall provide a minimum standard by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas, plumbing, electrical, mechanical and private sewage disposal systems.

Sec. 36-1203 Exemptions. A building or structure shall not be constructed, extended, repaired, removed, maintained, or altered in violation of this article, except for repairs as defined in Section 36-1215. The raising, lowering, or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted, provided that the building or structure is not otherwise altered or its use or occupancy changed.

Sec. 36-1204 Matters Not Provided For. Any requirements that are essential for the structural, fire, sanitary, mechanical, or electrical safety of an existing or proposed building or structure, or for the safety of the occupants thereof, which are not specifically provided for by these codes, shall be determined by the building official.

Sec. 36-1205 Workmanship. All work shall be conducted, installed, and completed in a quality manner so as to secure the results intended by these codes and the referenced standards.

Sec. 36-1206 Continuation of Unlawful Use. The continuation of occupancy or use of a building or structure, or part thereof, contrary to the provisions of these codes, shall be deemed a violation and be subject to the penalties prescribed in Division 8 of this article and Chapter 26, Article III of the Springfield City Code.

Sec. 36-1207 Most Restrictive Regulations Apply. When the provisions herein specified for health, safety, and welfare are more restrictive than other regulations, these codes shall control; but in any case, the most rigid requirements of either these codes or other regulations shall apply whenever a conflict exists. Where, in any specific case, different sections of these codes specify different materials, methods or construction or other requirements the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 36-1208 Referenced Codes and Standards. The codes and standards referenced in these codes as adopted shall be considered part of the requirements of these codes to the prescribed extent of each such reference. Where differences occur

between provisions of these codes and referenced standards, the provisions of these codes shall apply.

Exception:

When the enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation shall apply.

Sec. 36-1209 **Validity**. The provisions of these codes shall not be deemed to nullify any provisions of local, state, and federal law.

Sec. 36-1209.1 **Partial Invalidity.** In the event that any part or provision of these codes 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 these codes would have been passed without such illegal or invalid parts or provisions.

Sec. 36-1209.2 **Segregation of Invalid Provisions.** Any invalid part of these codes shall be segregated from the remainder of the code by the court holding such part invalid, and the remainder shall remain effective.

Sec. 36-1209.3 **Decisions Involving Existing Structures**. The invalidity of any provision in any section of these codes as applied to existing buildings and structures shall not be held to affect the validity of such section in its application to buildings and structures hereafter erected.

Sec. 36-1210 **Approvals**

A. **Approved Materials and Equipment**. All materials, equipment, and devices approved for use by the building official shall be constructed and installed in accordance with such approval.

B. **Used Materials and Equipment.** Used materials, equipment, and devices shall not be reused unless they have been reconditioned, tested by an approved agency, placed in good and proper working condition, and approved for use by the building official.

C. **Alternative Materials and Equipment.** The provisions of these codes are not intended to prevent the use of any material, method of construction or equipment not specifically prescribed by these codes, provided that any such alternative has been approved. An alternative material, method of construction, or equipment shall be approved when the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of these codes, and that the material and method of work offered is for the purpose intended, at least the equivalent of that prescribed in these codes in quality, strength, effectiveness, fire resistance, durability, and safety.

D. Research and Investigations. The building official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the building official shall approve the use of such alternative subject to the requirements of these codes. The costs of all tests, reports, and investigations required under these provisions shall be paid for by the applicant.

DIVISION 2. EXISTING STRUCTURES AND SYSTEMS

Sections:

Sec. 36-1211.	Applicability
Sec. 36-1212.	Continuation of Existing Use
Sec. 36-1213.	Change of Use
Sec. 36-1214.	Additions, Alterations or Repairs
Sec. 36-1215.	Historic Buildings
Sec. 36-1216.	Repairs and Maintenance
Sec. 36-1217.	Demolition of Structures
Sec. 36-1218.	Moved Structures-Compliance Required

Sec. 36-1211 Applicability. These codes shall apply to existing plumbing, mechanical, fuel gas, private sewage disposal, energy and electrical systems and existing structures as set forth in this division.

Sec. 36-1212 Continuation of Existing Use. The legal use and occupancy of any building, structure, system, or equipment existing on the date of adoption of these codes, or for which it has been heretofore approved, shall be permitted to continue without change, except as is specifically covered in these referenced codes and referenced standards, the International Fire Code or as is deem necessary by the building official for the general safety and welfare of the occupants and the public. Additions and/or alterations to existing systems and equipment shall conform to that required for new systems and equipment without requiring that the existing system or equipment comply with all of the requirements of these codes. Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of the code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions are made.

Sec. 36-1213 Change in Use. It shall be unlawful to make any change in the use of occupancy of any structure or portion thereof or to any system which would subject it to any special provisions of these codes without approval of the building official, and the

building official's certification that such structure or system meets the intent of the provision of the law governing building construction for the proposed new use and occupancy. Such change of use shall not result in any greater hazard to the public safety or welfare.

Sec. 36-1214 Additions, Alterations, or Repairs. Additions, alterations, or repairs to any structure or system shall conform to those required of a new structure or system without requiring the existing structure or system to comply with all of the requirements of these codes. Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of the code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions are made. No existing building shall be enlarged or extended to exceed the limitations for height, number of stories, and area specified in these codes for new buildings. Where additions or alterations subject parts of an existing system to exceed those permitted, such parts shall be made to comply with these codes. Additions, alterations or repairs to an existing structure that are structural or adversely affect any structural member or any part of the structure having a required fire resistance rating shall be made with materials required for a new structure.

Sec. 36-1215 Historic Buildings. The building official shall be authorized to waive any of the provisions of these codes relating to the construction, alteration, enlargement, restoration, relocation, moving, or repair of existing building or structures identified and classified by the federal, state, or the city as an historic building or structure. Any proposed construction, alteration, enlargement, restoration, relocation, moving, or repair shall be consistent with any applicable guidelines and standards of the entities which have identified the building as historic. The proposed action will not cause the building or structure, in the opinion of the building official, to become unsafe or otherwise injurious to the public health and welfare.

Sec. 36-1216 Repairs and Maintenance.

A. Repairs to Building or Structure. Application or notice to the building official is not required for ordinary repairs to buildings or structures, but such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any egress requirements.

B. Repairs to Systems. Minor repairs or replacement of any existing system shall be permitted in the same manner and arrangement as in the existing system. It shall not include the addition to, alteration of, replacement or relocation of any system or system appliances or other work affecting public health or general safety.

C. **Permits.** The building official is authorized to require permits for any repairs regardless of value or extent if he deems the permit is necessary.

D. **Maintenance**. All buildings, structures, and systems and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition. All service equipment, means of egress, devices, systems, and safeguards which are required by these codes in a building or structure, or which were required by a previous statute in a building or structure, when erected, altered, or repaired, shall be maintained in good working order in accordance with the standards in effect on the date of said erection, alteration or repair. Systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices, or safeguards which are required by the code, shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for the maintenance of systems. To determine compliance with this provision the building official shall have the authority to require a system to be re-inspected.

E. **Owner Responsibility.** The owner or the owner's designated agent shall be responsible for the safe and sanitary maintenance of the building or structure and its means of egress facilities and systems at all times.

Sec. 36-1217 **Demolition of Structures.** When a structure is demolished the following criteria shall apply.

A. **Service Connections**. Before a structure can be demolished or removed, the owner or authorized 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 the sewer has been disconnected in an approved manner, all asbestos has been removed in an approved manner and a release is obtained from the utilities supplier stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed.

B. **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 the building code. All materials used to restore the established grades shall be classified as "clean materials". The finish grade of the site shall be free of large rocks and finished to allow for mowing.

C. **Other Regulations.** No structure shall be demolished or removed before all regulations that are prescribed by law or ordinance both within and without the jurisdiction of the Department of Building Development Services have been met.

Sec. 36-1218 Moved Structures-Compliance Required. Buildings and structures moved into or within the jurisdiction shall comply with the provision of these codes for new buildings and structures and shall not be used or occupied in whole or in part until the certificate of use or occupancy has been issued by the building official. Occupied structures annexed into the City shall be considered a legal structure and use until such time that a new certificate of use or certificate of occupancy is required. All manufactured housing used as dwellings shall be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974.

DIVISION 3. BUILDING OFFICIAL

Sections:

Sec. 36-1219.	Building Official Defined
Sec. 36-1220.	Building Official-Duties and Powers
Sec. 36-1221.	Applications and Permits
Sec. 36-1222.	Building Notices and Orders
Sec. 36-1223.	Inspections
Sec. 36-1224.	Identification
Sec. 36-1225.	Rule-making Authority
Sec. 36-1226.	Department Records
Sec. 36-1227.	Revocation of Permits and Utilities by Building Official

Sec. 36-1219 Building Official Defined. The Director of the Department of Building Development Services of the City of Springfield shall be known as the building official. The building official may designate duly authorized representatives to act in his place or behalf in the performance of any authorized act.

Sec. 36-1220 Building Official-Duties and Powers. The building official shall enforce all of the provisions and shall act on any question relative to the use and enforcement of these codes except as otherwise specifically provided for by statutory requirements.

Sec. 36-1221 Applications and Permits. The building official shall receive applications and issue permits for the demolition, erection and alteration of buildings and structures, the installation of plumbing, fuel gas, private sewage disposal systems, mechanical and electrical systems and equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of these codes.

Sec. 36-1222 Building Notices and Orders. The building official shall issue all necessary notices or orders to insure compliance with all the code requirements for the health, safety, and general welfare of the public.

Sec. 36-1223 Inspections. The building official shall make all of the required inspections, or the building official may accept reports of inspection by approved agencies or licensed professional. All reports of such inspections shall be in writing and certified by a responsible professional of such approved agency or by the licensed professional. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Sec. 36-1224 Identification. The building official and authorized representatives shall carry proper identification at all times in the performance of their duties under these codes.

Sec. 36-1225 Rule-making Authority.

A. Building Official. The building official shall have the power as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules, regulations, policies, and procedures, to interpret and implement the provisions of these codes to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules, regulations, policies, or procedures shall not have the effect of waiving requirements specifically provided for in these codes or of violating accepted engineering practice involving public safety. Such rules and regulations shall be effective upon conspicuous posting of the same in the offices of the Department of Building Development Services located at 840 Boonville Avenue, Springfield, Missouri and after having been filed in the office of the City Clerk for two weeks.

B Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application by the owner or owner's representative. The building official shall first find that a special individual reason makes the strict letter of this code impractical. Such modifications must be in compliance with the intent and purpose of the code. Such modifications must not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department of Building Development Services.

Sec. 36-1226 Department Records. The building official shall keep official records in accordance with Section 109.200 through 109.3010 RsMO, or latest version thereof, known as the State and Local Records Law.

Sec. 36-1227 Revocation of Permits and Utilities by Building Official. Whenever the building official has ordered a person to correct a violation and when such violations have not been corrected within the time specified by such order, the Code Official may institute an administrative action to revoke any and all permits issued by the City under which the activity is conducted. This may include business licenses, occupancy permits, and the right to receive utilities for

the activity or structure wherein the activity is being conducted. The filing of a notice of institution of a contested case before an administrative hearing office in accordance with Article X of this chapter will be required.

DIVISION 4. PERMITS AND FEES

Sections:

Sec. 36-1228.	When Permit is Required
Sec. 36-1229.	Application for Permit
Sec. 36-1230.	By Whom Application is Made `
Sec. 36-1231.	Time Limitation of Application
Sec. 36-1232.	Time Limit of Permit
Sec. 36-1233.	Suspension or Revocation of Permit
Sec. 36-1234.	Construction Documents
Sec. 36-1235.	Content of Construction Documents
Sec. 36-1236.	Action on Application
Sec. 36-1237.	Previous Approvals
Sec. 36-1238.	Signature to Permit
Sec. 36-1239.	Approved Construction Documents
Sec. 36-1240.	Deferred Submittals
Sec. 36-1241.	Phased Approval
Sec. 36-1242.	Amended Construction Documents
Sec. 36-1243.	Posting of Permit
Sec. 36-1244.	Requirements of Streets Prior to Issuance of Permit
Sec. 36-1245.	Condition of Permit
Sec. 36-1246.	Fees

Sec. 36-1228 When Permit is Required. Any person who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, fuel gas, mechanical, private sewage disposal, or plumbing system, the installation of which is regulated by these codes, or to cause any such work to be done, shall first make application to the building official and obtain the required appropriate permit.

Exception:

Where equipment repairs and replacements must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Department of Building Development Services.

Sec. 36-1228.1 Annual Permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the building official is authorized to issue an annual permit upon application to any person, firm, or

corporation regularly employing one or more qualified trade person in the building, structure, or on the premises owned or operated by the applicant for the permit. Qualified trade persons are defined as those meeting the standards established in Chapter 36, Article III, Sub-Article III, Building Trades, Appeals, and Licensing.

Sec. 36-1228.1.1 Annual Permit Records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

Sec. 36-1228.1.2 Annual Permit Fee. The fee for an annual permit shall be determined by the building official by multiplying the estimated number of inspections per year, times four, times the cost of a minimum building permit as specified in Article VII of Chapter 2 of the Springfield, City Code. The estimated number of inspections will be established by the building official and may be changed on an annual basis depending on the extent of work being inspected and the amount of time required to perform those inspections.

Sec. 36-1228.2 Special Permit Required. All work required as described in a Certificate of Appropriateness, as issued by the Landmarks Board of Springfield, shall first make application to the building official and obtain the required permit, regardless if it is listed herein as work exempt from a permit or not.

Sec. 36-1228.3 Work Exempt from Permit. Exemptions from permit requirements of these codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of these codes or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 100 square feet.
2. Oil derricks.
3. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks, driveways, patios, and decks not over 30 inches (762) mm) above grade and not over any basement or story below and which are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.

8. Prefabricated swimming pools accessory to a Group R-3, or a one and two family dwelling occupancy which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
10. Swings and other playground equipment accessories to one and two-family dwellings.
11. Window awnings supported by an exterior wall which do not project more than 54 inches from exterior wall and do not require additional support for use groups R-3 and U only.
12. Movable cases, counters, and partitions not over 5 feet 9 inches (1,753 mm) in height.
13. Repair and replacement of existing sheetrock and other non-structural wall surface materials. Removal and replacement of all sheetrock or lath and plaster in a single habitable room or the entire structure will require a building permit and framing inspection.

Electrical:

1. Listed cord and plug connected temporary decorative lighting such as holiday lighting or temporary construction lighting.
2. Repair or replacement of branch circuit over current devices of the required capacity in the same location.
3. Temporary wiring for experimental purposes in suitable experimental laboratories.
4. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Replacement of bulbs and the ballast associated with the luminaries, not including the branch circuit supplying the luminaries.
6. The repair or replacement of existing outlets and devices in the same location with similar equipment that is not adding additional load to the service or feeder: but not the attached branch circuit.
7. The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus.

Gas:

1. Portable heating appliance.
2. The connecting or replacement of residential gas-fired appliances, except gas hot water heaters, supplemental space heaters, furnaces, or gas logs.
3. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
4. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances and equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and that are actuated by motors of 1.0 horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
9. Residential single family duct additions, extensions, or diffuser relocation.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace more than twenty-four (24) inches of pipe with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the removal and replacement of a like fixture, provide such repairs and replacement does not involve or require the rearrangement of service valves or associated piping.

Sec. 36-1229 Application for Permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Department of Building Development Services for that purpose along with the prescribed fee.

Sec. 36-1230 By Whom Application is Made.

A. Building Permit. Application for a building permit shall be made by the owner or lessee of the building or structure, or authorized agent, or by the building contractor or registered design professional employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit from the owner in fee or the authorized applicant or a signed statement of the qualified applicant witnessed by the building official or his designee to the effect that the proposed work is authorized by the owner in fee and the applicant is authorized to make such application.

B. Commercial buildings and one- and two-family dwellings plumbing, mechanical, fuel gas, private sewage disposal, and electrical permits.

Application for a permit shall be made by qualified trade persons to install all or part of any plumbing, mechanical, fuel gas, or electrical system. Qualified trade persons are defined as those meeting the standards established in Chapter 36, Article III, Sub-Article II, Building Trades, Appeals, and Licensing.

C. Homeowner in residence permit. The homeowner may apply for and obtain the following permits provided that the owner permanently resides in the residence at the time of the permit application and continues to reside at the permit address without the loss of a defined habitable space during the course of the work being done.

1. Electrical permits may be issued to homeowners to perform their own work for branch circuit wiring or repair of general wiring of their residence or accessory structure. Installation of service equipment must be done by a certified electrical contractor.
2. Plumbing permits may be issued to homeowners to perform their own work for plumbing work located within the interior of their residence or accessory structure.
3. Mechanical permits may be issued to homeowners for mechanical work located within the interior of their residence or accessory structure.
4. The homeowner shall not be permitted to perform furnace or water heater replacement, gas piping or related venting, sewer lateral or water service work.
5. If in the opinion of the building official or his representative, the project is deemed to be beyond the capabilities of the owner, a permit will not be issued to the owner. The homeowner will be advised to secure the services of a qualified trade person as defined in Chapter 36, Article III, Sub-Article III, Building Trades, Appeals, and Licensing.

Sec. 36-1231 Time Limitation of Application. A permit application for any proposed work shall be deemed to have been abandoned 180 calendar days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued. The building official may grant one or more extensions of time for additional periods not exceeding ninety (90) days each if there is reasonable cause.

Sec. 36-1232 Time Limit of Permit. Permits shall automatically become invalid if the authorized work is not commenced within 180 calendar days, or if the authorized work is suspended or abandoned for a period of 180 calendar days. Permits for water heater, furnace, or rooftop unit replacement, or electric service repair shall automatically become invalid if the authorized work is not commenced within 45 calendar days, or if the authorized work is suspended or abandoned for a period of 45 calendar days. Suspended or abandoned work is defined as work done that has not had an inspection, required or otherwise, performed within the aforesaid 180 calendar day or 45 day period. Any permit issued for the purpose of abating a nuisance shall become

invalid if the work is not commenced and completed within the specified time period established by a notice or order to abate said nuisance. An invalid permit shall be considered revoked.

Sec. 36-1233 Suspension or Revocation of Permit. The building official is authorized to suspend or revoke a permit issued under the provisions of these codes wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provision of this code, or if any one of the following conditions exists:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit, plans submitted, or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation, or this code.

Sec. 36-1234 Construction Documents. All construction documents required for a permit application shall be prepared by a registered design professional consistent with the professional registration laws of the state of Missouri. The construction documents shall include the name and address of the registered design professional(s) in accordance with the professional registration laws of the state of Missouri.

Exception:

The building official shall be authorized to waive the submission of construction documents and other data if it is found that the nature of the work applied for can be clearly described to the code official and is such that reviewing of construction documents is not necessary to obtain compliance with these codes. The building official is authorized to waive the requirement that the construction documents must be prepared by a registered design professional if in the opinion of the building official the proposed work is minimal in nature and/or would not result in an increased threat to the health, welfare, and safety of the public. Construction documents, except a site plan per Sec. 36-1235.6, are not required for one and two-family residential construction unless the design of the structure is such that, in the opinion of the code official, it contains elements that are non-standard for light-frame construction. Construction

documents may be required by the building official for any element of a one or two-family dwelling meeting these criteria.

Sec. 36-1234.1 Design Professional in Responsible Charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Sec. 36-1234.2 Required with Application. The application for the permit shall be accompanied by not less than one copy of specifications and as many sets of construction documents as required by the building official drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed so that compliance with these codes is shown. Construction documents must be complete and comply with Section 36-1235.3 of this section as to their content before being reviewed and before a permit may be issued. When quality of materials is essential for conformity to these codes, specific information shall be given to establish such quality. These codes shall not be cited, or the term “legal” or its equivalent be used, as a substitute for specific information. If, in the course of the work, it is found necessary to make any change from the approved construction documents on which a permit has been issued, amended construction documents shall be submitted. All amended construction documents shall be approved prior to the installation of the work. The construction documents for buildings shall indicate where penetrations will be made for systems, and the materials and methods for maintaining required structural safety, fire-resistance rating, and fire-blocking.

Sec. 36-1235 Contents of Construction Documents. In addition to all the above, the following items, but not limited to, shall be shown on the construction documents if deemed necessary to show code compliance. All design documents shall be formatted in accordance with departmental standards.

Sec. 36-1235.1 Building. Construction documents shall state the use group, construction type, height, area, and occupant load, and clearly designate the means of egress**,** egress travel distance, fire areas, fire-walls, fire separation assemblies, fire protection system, and fire stopping. The documents shall also include details and specifications of all structural systems and components.

Sec. 36-1235.2 Plumbing and Private Sewage Disposal. Construction documents shall include a plan view of the work. A sewer riser diagram may be required to clearly show the vertical portion of a plumbing system. Such construction documents shall clearly show the pipe size, grade of horizontal piping, drainage fixture unit load the waste and vent systems, and the supply fixture unit load for the water system and the layout and spacing of fixtures, and the size, material, and location of all building and storm sewers and drains. The specifications for a private sewage disposal system shall include information on pumps and controls, dose volumes, vertical lift, pipe friction loss, pump performance curve, pump model, and pump manufacturer.

Sec. 36-1235.3 Mechanical and Fuel Gas. Construction documents shall include all applicable features and clearances of the appliances and systems, including size and type of apparatus, construction of flue, stack or chimney, stack connections, type of fuel, method of operation, the method of compliance with all regulations for the class and type of equipment installed, fuel supply load and pipe sizes and calculations and ventilation calculations and fresh air requirements.

Sec. 36-1235.4 Electrical. Construction documents shall include a riser diagram, the location and required load of all lighting facilities, electrically operated equipment and electrical circuits required for all service equipment, all electrically controlled devices, including signal communicating and lighting systems and associated wiring, all emergency lighting and exit lights, all electrical equipment and control of heating, refrigeration and ventilating machinery and devices, all fire protective signaling systems, automatic fire detection systems, fire department communications and supervisory services, all temporary construction lighting, all wiring of display signs and all power control electric operation and circuit wiring of elevators and escalators.

Sec. 36-1235.5 Fire Suppression. Construction documents shall include all applicable elements as prescribed in the adopted building code and the referenced NFPA standards.

Sec. 36-1235.6 Site Plan. There shall be a site plan for commercial and residential property showing to scale the size and location of all new construction and all existing structures on the site, all utility locations and connections, easements, 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.

Exception:

Street grades for proposed finished grades are not required for one and two-family dwellings. Final grading shall provide a downward slope away from the structure along all foundation walls. The slope of the final grade shall be as required by the adopted residential building code. For lots adjoining curbed streets, the garage floor shall be located a minimum of six (6) inches above the top of curb of the adjoin street, unless approved by the building official prior to the start of construction. Where the grade of the lot makes it impractical to set the garage floor elevation above the

top of curb, or top of bank of the roadside ditch, the driveway surface shall be a minimum of three (3) inches lower than the surface of the garage floor measured at point five (5) feet outside of the garage door. The building official may establish more stringent grading requirements where conditions exist that could result in the building or structure being subjected to inundation.

All utility locations and connections are not required for one and two-family dwellings.

Sec. 36-1235.7 Private Sewage Disposal System Site Plan. The site plan shall indicate the location of a private sewage disposal system when a public sewer is not available. All technical data and soil test reports required by the private sewage disposal code shall be submitted with the site plan. All percolation tests shall be prepared by a registered design professional or under the direct supervision thereof, and the lateral field and tank location reviewed by the building official before a building or plumbing permit may be issued.

Sec. 36-1236 Action on Application. The building official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of all pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of these codes and all laws and ordinances applicable thereto, the building official shall issue a permit there for as soon as practicable. Permits are not transferable to another person, company, or location.

Sec. 36-1237 Previous Approvals. These codes shall not require changes in the construction documents, construction or designated use of a building or system for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction or installation of which has been actively prosecuted within sixty (60) calendar days after the effective date of this ordinance and is completed with dispatch.

Sec. 36-1238 Signature to Permit. The building official's signature shall be attached to every permit; or the building official shall authorize a subordinate to affix such signature or mark hereto.

Sec. 36-1239 Approved Construction Documents. The building official shall stamp or endorse in writing all sets of approved construction documents "Approved," and at least one set of such approved construction documents shall be retained by the building official and one other set shall be kept at the building site, open to inspection of the building official or an authorized representative at all reasonable times.

Sec. 36-1240 Deferred Submittals. For the purpose of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified

period. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittals documents have been approved by the building official.

Sec. 36-1241 Phased Approval. The building official is authorized to issue a permit for the construction of foundations or phased construction before the documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or the phase documents 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.

Sec. 36-1242 Amended Construction Documents. Work shall be installed in accordance with the reviewed and approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted and approved as an amended set of construction documents prior to any work on those changes being done.

Sec. 36-1243 Posting of Permit. A true copy of the building permit shall be kept on site and open to public inspection during the entire time of prosecution of the work and until the completion of the same.

Sec. 36-1244 Requirements of Street Prior to Issuance of Permit. No person shall construct a building nor shall any building permit be issued on any lot or parcel of land regardless of when the lot or parcel of land was created for the construction of any building unless the lot or parcel of land has access to and is adjacent to a street that is shown on the official street survey plan of the city, however, any person requesting a building permit may, in accordance with provisions of this chapter, obtain a building permit if the person has guaranteed the improvement of the street to City standards by escrow agreement, performance bond, platting agreement, or other assurances, prior to the occupancy of the building.

Sec. 36-1245 Condition of Permit.

A. Payment of fees. A permit shall not be issued until all fees have been paid.

B. Compliance with Code. A permit is no more than a license to proceed with the work. In no way shall it be construed as authority to violate, cancel or set aside any of the provisions of these codes, whether shown on the approved construction documents or not, except as specifically stipulated by modification or legally granted variation as described in the application.

C. Compliance with Permit. All work shall conform to the approved application and approved construction documents for which the permit has

been issued and any approved amendments thereto. In no way, however, does this grant authority to violate these codes whether or not code violations were found during the review of the construction documents.

D. Compliance with Site Plan. All new work shall be located strictly in accordance with the approved site plan.

Sec. 36-1246 Fees.

A. General. A building, plumbing, mechanical, fuel gas, or electrical permit shall not be issued until the fees prescribed in this section shall have been paid to the Department of Building Development Services or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee has been paid.

B. Special Fees. The payment of fees to this department for permits shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance both within and without the jurisdiction of the Department of Building Development Services.

C. Fees. The fees for permits, plan review, and inspections shall be as prescribed in subsection D of this section, and the building official is authorized to establish by approved rules a schedule of unit rates for building and structures of all use groups and types of construction as classified and defined in the building code.

D. Fee Schedule. A fee for each permit, plan review, and inspection shall be paid in full in accordance with the fees prescribed in Article VII of this chapter and Chapter 2 of the Springfield City Code prior to a permit being issued, plan reviewed or inspection made.

E. Accounting. The building official shall keep an accurate account of all fees collected and disposed of as required by law.

F. Refunds. Refunds will not be made of any fee collected for plan review on any project that has been reviewed. If requested, permit fees for projects that are abandoned before being started or inspected shall be made at fifty (50) percent of the total fee paid, excluding plan review fees, but in no case shall any refund be made after a period of one-hundred eighty (180) calendar days from the date of issuance of the permit, not shall it be less than thirty ($30) dollars as computed above.

G. Overtime fees. All fees for overtime inspections, when requested by the permit holder, shall be as set forth in Chapter 2 of the Springfield City Code.

H. Re-inspection fees. When it becomes necessary to make more than one re-inspection on the same violation because it was not corrected after the first inspection, then the permit holder shall pay an additional re-inspection fee as set forth in Chapter 2 of the Springfield City Code.

DIVISION 5. INSPECTION

Sections:

Sec. 36-1247.	Preliminary
Sec. 36-1248.	Required Inspections and Testing
Sec. 36-1249.	Testing
Sec. 36-1250.	Special Inspections
Sec. 36-1251.	Prefabricated Assemblies Evaluation and Follow-up Inspection Services
Sec. 36-1252.	Right of Entry
Sec. 36-1253.	Coordination of Inspection
Sec. 36-1254.	Stop Work Order

Sec. 36-1247 Preliminary. Before issuing a permit, the building official shall, if deemed necessary, examine or cause to be examined all buildings, structures, and sites for which an application has been filed for a permit.

Sec. 36-1248 Required Inspections and Testing. Construction or work for which a permit is required shall be subject to the following inspections by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these codes or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of these codes or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the person or contractor to whom a permit has been issued to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Sec. 36-1248.1 Footing or Foundation Inspection. Footing and foundation inspections shall be made after excavations for footings are complete, after poles or piers are set, or trenches or basement areas are excavated and any required reinforcing steel is in place. Prior to placement of any concrete, for concrete foundations, any required forms shall be in place prior to inspection. The footing/foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment, and special requirements for wood foundations. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

Sec. 36-1248.2 Concrete Slab or Under-floor Inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel excluding floor wire mesh reinforcement and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place and approved, but before any concrete is placed or floor sheathing installed, including the sub-floor.

Sec. 36-1248.3 Lowest Floor Elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required by the currently adopted building and residential codes, shall be submitted to the code official. The lowest floor elevation shall be as required in General Ordinance No. 5907 of the City of Springfield.

Sec. 36-1248.4 Stem Wall Inspection. A stem wall inspection shall be required at such time as all forms are set and reinforcement is in place. Stem wall forms shall be marked in such a manner as to denote the "top of wall." Concrete masonry unit foundation walls shall be inspected at such time as the top course has been installed and prior to any further vertical construction has taken place.

Sec. 36-1248.5 Frame and Masonry Inspection. Framing and masonry inspections shall be made after the roof deck or sheathings, masonry, all framing, fire-blocking, fire-stopping, draft-stopping, and bracing are in place and pipes, chimneys, and vents to be concealed are complete and after the rough-in inspections are approved for the area inspected.

Sec. 36-1248.6 Fire- and Smoke Resistant Penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

Sec. 36-1248.7 Fire-Resistance-Rated Construction Inspection. Where fire-resistance-rated construction is required the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

Sec. 36-1248.8 Inspections and Testing of Systems. Systems shall include, but are not necessarily limited to mechanical, electrical, plumbing, fire suppression, and fuel gas systems. The building official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

Sec. 36-1248.8.1 Service Utilities.

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

B. Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, or fuel or power source.

Sec.36-1248.8.2 Underground and Sub-slab System Inspection. Underground and sub-slab system inspections shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.

Sec. 36-1248.8.3 Rough-in System Inspection. Rough-in inspection shall be made after the roof, framing, fire-blocking, and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.

Sec. 36-1248.8.4 Final System Inspection. Final inspection shall be made upon completion of the system.

Exception:

Ground-source heat pump loop systems tested in accordance with Section 1208.1.1 of the International Mechanical Code shall be permitted to be back-filled prior to inspection.

The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

Sec. 36-1248.8.5 Final Building Inspection. The final building inspection shall be made after all work required by the building permits is completed.

Sec. 36-1248.8.6 Other Inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Department of Building Development Services.

Sec. 36-1249 Testing. Systems shall be tested as required in the adopted codes and related referenced standards except as otherwise allowed by the building official. Tests shall be made by, and at the expense of the permit holder and observed by the building official or authorized representative.

Sec. 36-1249.1 Re-Inspection and Testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for inspection and testing.

Sec. 36-1249.2 New, Altered, Extended, or Repaired Systems. New systems and parts of existing systems, which have been altered, extended, renovated, or repaired, shall be tested as prescribed to disclose leaks and defects.

Sec. 36-1249.3 Apparatus, Material and Labor for Tests. Apparatus, material, and labor required for testing a system or part thereof shall be furnished by the permit holder.

Sec. 36-1250 Special Inspections. Special inspections, shall comply with the International Building Code as determined by the code official.

Sec. 36-1250.1 Inspection Requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official at least twenty-four (24) hours in advance of all required inspection including special inspections when the work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this code.

Sec. 36-1250.2 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fail to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Sec. 36-1250.3 Inspection Agencies. The building official is authorized to accept reports of approved inspection agencies or licensed professional, provided such agencies or licensed professional satisfies the requirements as to qualifications and reliability. Agency or licensed professional approval must be granted by the building official prior to the inspection.

Sec. 36-1251 Prefabricated Assemblies Evaluation and Follow-Up Inspection Services. Prior to the approval of a prefabricated construction assembly having concealed systems and the issuance of a mechanical, plumbing, fuel gas, electrical, and private sewage disposal permit, the building official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the mechanical, plumbing, fuel gas, electrical and private sewage disposal system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the building official to determine conformance to this code.

Sec. 36-1251.1 Evaluation Service. The building official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

Sec. 36-1251.2 Follow-Up Inspection. Except where ready access is provided to mechanical, plumbing, fuel gas, electrical, and private sewage disposal systems, service equipment, and accessories for complete inspection at the site without disassembly or dismantling, the building official may conduct the in-plant inspections as frequently as necessary to ensure conformance to the adopted codes and ordinance. The inspection agency shall furnish the building official with the follow-up inspection manual and a report of inspections upon request, and the mechanical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

Sec. 36-1251.3 Test and Inspection Records. Required test and inspection records shall be available to the building official at all times.

Sec. 36-1252 Right of Entry.

A **Access.** Whenever necessary for the purpose of enforcing the provisions of these codes, or whenever the building official has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe or dangerous, the code official shall have the right, at all reasonable times, to inspect the same or to perform any duty imposed upon the building official by these codes. If such structures or premises are occupied, posted for "no trespassing" or locked or otherwise secured, the code official shall first present proper identification and request entry, except for emergencies to save lives or property. Notwithstanding such provisions, entry may be had by the building official into all public or commercial places, building or structures in those spaces or areas that are open and accessible to the public. If an inspection is required under these codes, then refusal to provide access for such inspection shall constitute cause to issue a stop work order, revoke, or refuse to issue the permit, license, or utilities under this code. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

B **Probable Cause.** If an official who has a duty to perform under these codes has been refused access to a building, structure, or property or any part thereof, and if such official has probable cause to believe that there may be a violation of these codes, or unsafe or dangerous condition, or that there is a need to inspect as part of a routine inspection program of the City designed to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney to the Municipal Court Judge and a showing of the above, the Municipal Court Judge of the City shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described.

Such warrant shall be served at reasonable hours and only by an official of the department in the company of a uniformed police officer of the City.

Sec. 36-1253 Coordination of Inspection. Whenever in the enforcement of these codes or another code or ordinance, where the responsibility of more than one inspector of the jurisdiction is involved it shall be the duty of the inspectors 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 nor 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 finding to the building official having jurisdiction.

Sec. 36-1254 Stop Work Order.

A **Notice to Owner.** Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of these codes or in an unsafe and dangerous manner, or in conflict with approved construction documents, such work shall be stopped.

B **Form and Content.** 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.

C **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 punished as provided for in Division 8 of this article.

DIVISION 6. CERTIFICATE OF USE AND OCCUPANCY

Sections:

Sec. 36-1255	New Buildings.
Sec. 36-1256	Buildings Hereafter Altered
Sec. 36-1257	Existing Buildings
Sec. 36-1258	Changes in Use and Occupancy
Sec. 36-1259	Temporary Occupancy
Sec. 36-1260	Contents of Certificate

Sec. 36-1255 New Buildings. A building or structure hereafter erected shall not be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the building official. A Certificate of Occupancy will not be required for an accessory structure less than four hundred (400) square feet in area

Sec. 36-1256 Buildings Hereafter Altered. A building or structure hereafter enlarged, extended or altered to change from one use group to another or to a different use within the same use group, in whole or in part, and a building or structure hereafter

altered for which a certificate of occupancy has not been heretofore issued, shall not be occupied or used until the certificate of use and occupancy shall have been issued by the building official, certifying that the work has been completed in accordance with the provisions of the approved permit.

Sec. 36-1257 Existing Buildings. Upon written request from the owner of an existing building or structure, the building official shall issue a certificate of use or occupancy provided that there are no violations of law or orders of the building official pending, and it is established after inspection and investigation that the alleged use of the building or structure has heretofore existed. These codes shall not require the removal, alteration or abandonment of, or prevent the continuance of, the use and occupancy of a lawfully existing building or structure, unless such use is deemed to endanger public safety and welfare.

Sec. 36-1258 Changes in Use and Occupancy. After a change of use has been made in a building or structure, the re-establishment of a prior use not permitted by any code of the City in a new building of the same type of construction is prohibited unless the building complies with all applicable provisions of these codes. A change from one prohibited use, for which a permit has been granted, to another prohibited use shall be deemed a violation of these codes.

Sec. 36-1259 Temporary Occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

Sec. 36-1260 Certificate Required. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided therein. Issuance of a certificate shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. The Certificate of Occupancy shall be posted at the main entrance to the building.

Sec. 36-1260.1 Certificate of Occupancy. After the Building Official inspects the structure, addition or remodel and finds no violations of the provisions of this code or other laws that are enforced by the Department of Building Development Services, for which a building permit has been issued, the building official shall issue a Certificate of Occupancy that shall contain the following:

1. The project number.
2. The address of the structure.
3. The name and address of the owner and or tenant.
4. A description of that portion of the structure for which the certificate is issued.

5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the certificate of occupancy was issued.
   Exception:
   When the code edition for the structure cannot be determined or the specific code criteria cannot be verified the Certificate of Occupancy shall state, “This structure has been inspected and found acceptable for the proposed use.”
8. The use and occupancy, in accordance with the applicable code.
9. The type of construction as defined in the applicable code.
   Exception:
   When the code edition for the structure cannot be determined or the specific type of construction cannot be verified the Certificate of Occupancy shall state, “This structure has been inspected and found acceptable for the proposed use.”
10. The occupant load, if other than a one and two family structure.
11. Sprinkler system provided.
12. Any special stipulations and conditions of the building permit.

13. **Sec. 36-1260.2 Existing Structures of Use Group A.** All buildings, classified as Use Group A that change in ownership or tenant shall require a new Certificate of Occupancy. A design professional shall establish the allowed occupancy load for review by the code official if the design occupancy criteria is not on file with the City or the occupancy design criteria was established more than two (2) year before the adoption of this ordinance.

DIVISION 7. UNSAFE STRUCTURES - EMERGENCY MEASURES – POSTING STRUCTURES – APPEALS

Sections:

Sec. 36-1261	Unsafe Structures and Systems.
Sec. 36-1262	Emergency Measures.
Sec. 36-1263	Posting Structures.
Sec. 36-1264	Means of Appeal – Application

Sec. 36-1261 Unsafe Structures and Systems. All buildings and structures that are or hereafter shall become unsafe, or deficient in adequate means of egress facilities, or which constitute a fire hazard, or are otherwise dangerous to human life, or have systems with materials and equipment regardless of type, that are unsanitary, worn, damaged, or defective, or which involve illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings, structures, or systems. All unsafe structures shall be taken down and removed or made safe and secure, and all unsafe systems shall be repaired and rehabilitated or removed in a manner prescribed in

Chapter 26, Article III, Dangerous, Blighted and Nuisance Buildings, of the Springfield City Code.

Sec. 36-1261.1 Abandoned Systems. All abandoned private sewage disposal systems shall be plugged or capped in an approved manner. All abandoned treatment tanks and seepage pits shall have the contents pumped and discarded in an approved manner. The top of entire tanks shall be removed and the remaining portion of the tank or excavation shall be immediately filled. If access to the tank cannot be achieved the nearest available inlet point to the tank shall be filled with concrete and the pipe capped in an approved manner.

Sec. 36-1261.2 Failing Systems. When a private sewage disposal system fails or malfunctions, the system shall be corrected or use of the system shall be discontinued within that period of time required by the building official, but such period shall not exceed one year.

A failing private sewage disposal system shall be one causing or resulting in any of the following conditions:

1. The failure to accept sewage discharges and backup of sewage into the structure served by the private sewage disposal system.
2. The discharge of sewage to the surface of the ground or to a drain tile.
3. The discharge of sewage to any surface or ground waters.
4. The introduction of sewage into saturation zones adversely affecting the operation of a private sewage disposal system.

Sec. 36-1261.3 Examination and Record of Damaged Structure. The building official shall examine every building, structure, or system reported as dangerous, unsafe structurally, unsanitary, or constituting a fire hazard, and shall cause the report to be filed in a docket of unsafe structures and premises; the report shall state the use of the structure and the nature of the damages, if any, caused by collapse or failure.

Sec. 36-1261.4 Termination of Utilities. When it is found, after a hearing conducted as prescribed under Article III of Chapter 26 of the City Code, that a structure is dangerous, the building official shall notify the utility company to disconnect all utilities to the structure. Such utilities will not be reconnected again until the structure is safe and the owner or his agent shall bear all costs of reconnection.

Sec. 36-1261.5 Restoration of Unsafe Structure. A building or structure identified by the building official as unsafe is permitted to be restored to a safe condition except that if the damage or cost of reconstruction or restoration is in excess of fifty (50) percent of its replacement value, exclusive of foundations, such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.

Sec. 36-1262 Emergency Measures.

A. Vacating Structures. When, in the opinion of the building official there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger 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 building official is authorized and empowered to order and require the occupants to vacate the same forthwith. The building official shall cause to be posted at each entrance to such building a notice reading as follows:

> "The structure is unsafe and its Use of Occupancy has been prohibited by the Building Official."

It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.

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

C. Closing Streets. When necessary for the public safety, the building official shall temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structures, and prohibit the same from being used.

D. Emergency Repairs. For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the building official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe building or structure is or was located for the recovery of such costs.

Sec. 36-1263 Service Utilities.

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

B. Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, or fuel or power source.

C. Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and/or occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner and occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

D. Connection after order to disconnect. A person shall not make utility service or energy source connections to systems regulated by this code, which have been disconnected, or ordered to be disconnected by the building official.

Sec. 36-1264 Means of Appeal-Application. Any person shall have the right to appeal to the Board of Building, Housing, and Craft Appeals from a decision of the building official refusing to grant a modification to the provisions of these codes covering the manner of construction or materials. Application to the hearings by the Board of Building, Housing, and Craft Appeals shall be as established by Sub-Article III of this chapter. Should any court of competent jurisdiction deem that such appeals are not within the jurisdiction of said board, the City Manager shall appoint a hearing examiner to hear said appeal.

DIVISION 8. VIOLATIONS

Sections:

Sec. 36-1265.	Unlawful Acts.
Sec. 36-1266.	Notice of violation
Sec. 36-1267	Remedies
Sec. 36-1268	Prosecution of Violation
Sec. 36-1269	Abatement of Violation
Sec. 36-1270	Responsibility

Sec. 36-1265 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, move, demolish, install, maintain use, or occupy any building, structure or system regulated by these codes, or cause same to be done, in conflict with or in violation of any of the provisions of these codes.

Sec. 36-1266 Notice of Violation. The building official shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition, moving, use or occupancy of a building, structure or system in violation of a permit or certificate issued under the provisions of these codes. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Sec. 36-1267 Remedies. If a person violates these codes or if a notice of violation is not complied with in the time specified by the building official, the building official may cause a Municipal Court summons to be issued and he may also request the City Attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of these codes or of any order or direction made pursuant thereto.

Sec. 36-1268 Prosecution of Violation. Any person violating any of the provisions of these codes, or this article, or failing to comply with any order issued pursuant to any section thereof; or who shall erect, construct, alter or repair a building, structure or system in violation of an approved plan or directive of the building official or of a permit or certificate issued under the provisions of these codes shall be guilty of a violation of a municipals ordinance and upon conviction thereof shall be punished as provided for in Section 1-7 of the City code. Each day that a violation continues, after a service of notice as provided for in these codes, shall be deemed a separate offense. Notice as set forth in Section 36-1267 shall not be required in order to prosecute a person for a violation of any provision of this article or these codes, except such notice shall be required to prosecute a person for failure to comply with an order.

Sec. 36-1269 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the City Attorney 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 use of a building or structure on or about any premises.

Sec. 36-1270 Responsibility. Any person who shall be designated by the owner under the City Code as the local responsible agent or registered agent, shall be jointly and severally responsible for compliance with the provisions of these codes in the same manner as the owner.

Section 3 - Savings Clause. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court of any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby, or shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 4 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5 – Penalty Clause. Any person found guilty of violating the ordinance shall be penalized in accordance with the City Code Chapter 1, Section 1-7, General penalty; continuing violations, by imposition of a fine not less than two hundred dollars ($200.00) for the first offense, four hundred dollars ($400.00) for the second offense, and five hundred dollars ($500.00) for every offense thereafter.

Section 6 – This ordinance shall be in full force and in effect upon passage.

Passed at meeting: September 24, 2012

Robert L. Stephens
Mayor

Attest: Cynthia J. Cattier, Assistant City Clerk

Filed as ordinance: September 24, 2012

Approved as to form: _____, City Attorney

Approved for Council action: _____, City Manager

EXPLANATION TO COUNCIL BILL NO: 2012- 262

FILED: 09-04-12

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: To repeal the adopted Chapter 36, Article XII, Administration and Enforcement of Codes, of the Springfield City Code known as the Land Development Code and adopt a new Chapter 36, Article XII, Administration and Enforcement of Codes, of the City Code known as the Land Development Code.

BACKGROUND: As a part of the adoption of the new Building, Residential, Existing Building, Plumbing, Mechanical, Fuel Gas, and Private Sewage Disposal codes, the administrative and enforcement chapters were repealed. This was done in order to consolidate the administration and enforcement language into a single document for ease of use and interpretation. This practice began in 1992, and by adopting this new Article XII, the City will continue this practice. This ordinance will replace the current ordinance to reflect the additions and modifications contained in each of the individual codes and identified by staff as things that needed further clarification.

REMARKS: This ordinance will not significantly alter the current practices, policies, or procedures used by the Building Development Services in the enforcement of the building-related codes. An effort has been made to retain as much of the administrative chapters of each code to minimize the effect on the design community in having to review numerous documents to answer questions on their projects. The language of this ordinance was placed on the City website for review by the members of the Home Builders Association, Springfield Contractors Association, Missouri Society of Professional Engineers, the local chapter of the American Institute of Architects and the Development Issues Input Group. Discussions with the Development Issues Input Group resulted in a consensus to move forward with the adoption of this ordinance.

Submitted by:

Chris Straw
Director of Building Development Services

Greg Burris, City Manager