

ORDINANCE NO. 2013-05-07

AN ORDINANCE AMENDING TITLE V OF THE EXCELSIOR SPRINGS MUNICIPAL CODE REGARDING BUILDING AND CONSTRUCTION CODES

WHEREAS, the Code Enforcement and Planning and Zoning Staff of the City of Excelsior Springs, Missouri considered and reviewed amendments to the Building and Construction Codes of the City revising the standards for construction to conform to the current versions of National and International Codes; and

WHEREAS, the proposed amendments will promote the health, safety and general welfare of the City.

NOW, THEREFORE, be it ordained by the City Council of the City of Excelsior Springs, Missouri, as follows:

Section 1. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 500: Buildings, Section 500.020: Adopted – 2003 International Building Code, is hereby deleted in its entirety and replaced by the following:

SECTION 500.020: ADOPTION – 2012 INTERNATIONAL BUILDING CODE

A. The provisions of the 2012 International Building Code, and Appendixes or portions thereof, except as excluded below, including Appendix with errata as published by the International Code Council, is for all intents and purposes adopted and incorporated by reference in this Chapter as if fully set forth herein, except insofar as the same may be in conflict with this Code of Ordinances in which case the more restrictive provision shall apply, and except as stated, modified and supplemented in Subsection B hereof.

B. The portions of the 2012 International Building Code identified as Appendix H Signs and Appendix D Fire Districts are not so included herein by reference.

C. A copy of the 2012 International Building Code is on file and open for inspection of the public in the office of the City Clerk of the City of Excelsior Springs.

Section 2. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 500: Buildings, Section 500.025: 2003 International Building Code, is hereby deleted in its entirety and replaced by the following:

SECTION 500.025: ADOPTION – 2012 INTERNATIONAL RESIDENTIAL CODE

A. The provisions of the 2012 International Residential Code as published by the International Code Council, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two- family dwellings and town houses, is for all intents and purposes adopted and incorporated by reference in this Chapter as if fully set forth herein, except insofar as the same may be in conflict with this Code of Ordinances in which case the more restrictive provision shall apply, and except as stated, modified and supplemented in Subsection B hereof.

B. The following provisions coinciding with provisions of the International Residential Code supersede or delete, when indicated, the corresponding provisions of the International Residential Code:

1. **R313 Automatic Fire Sprinkler Systems.** A builder of a one- or two-family dwelling or townhouse shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. The purchaser shall have the right to choose or decline to install a fire sprinkler system. This notification requirement is provided in accordance with, and shall expire in conjunction with, R.S.Mo. 67.291.
2. **R404.4 Retaining Walls.** Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches (610 mm) of unbalanced fill, that support a surcharge, or are adjacent to a public right-of-way shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.
3. **E3902.2 (Garage and accessory building receptacles), Exception.** Receptacles utilizing the provisions of this exception shall be permanently marked to indicate "[Type of equipment] Only – No GFCI Protection."
 1. A dedicated receptacle supplying only a garage door opener.
 2. A dedicated receptacle supplying only a refrigerator and/or freezer.
4. **E3902.5 (Unfinished basement receptacles), Exception.** Receptacles utilizing the provisions of this exception shall be permanently marked to indicate "[Type of equipment] Only – No GFCI Protection."
 1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
 2. A dedicated receptacle supplying only a sump pump.
 3. A dedicated receptacle supplying a refrigerator and/or freezer.

5. **E3902.12 Arc-fault circuit-interrupter protection.** All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the entire branch circuit.

C. A copy of the 2012 International Residential Code is on file and open for inspection of the public in the office of the City Clerk of the City of Excelsior Springs.

Section 3. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 500: Buildings, is hereby amended by enacting the following new Section 500.030:

SECTION 500.030: ADOPTION – 2012 INTERNATIONAL EXISTING BUILDING CODE

A. The provisions of the 2012 International Existing Building Code as published by the International Code Council, is for all intents and purposes adopted and incorporated by reference in this Chapter as if fully set forth herein, except insofar as the same may be in conflict with this Code of Ordinances in which case the more restrictive provision shall apply.

B. A copy of the 2012 International Existing Building Code is on file and open for inspection of the public in the office of the City Clerk of the City of Excelsior Springs.

Section 4. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 500: Buildings, Section 500.040: Definitions, is hereby deleted in its entirety and replaced by the following:

SECTION 500.040: DEFINITIONS

A. All references within the National and International model codes to any building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building code shall be construed to be a reference to the respective building, electrical, gas, mechanical, plumbing, sewage disposal, elevator, energy conservation, or existing building code specifically adopted by reference in Title V of the Municipal Code of Ordinances.

B. Whenever the word “*municipality*” is used in Title V of the Municipal Code of Ordinances, it shall be held to mean the City of Excelsior Springs, Missouri.

Section 5. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 510: Housing, Section 510.010: Adopted - 2003 International Property Maintenance Code, is hereby deleted in its entirety and replaced by the following:

SECTION 510.010: ADOPTION – 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE

A. The 2012 International Property Maintenance Code, as published by the International Code Council, is for all intents and purposes adopted and incorporated by reference in this

Chapter as if fully set forth herein, except insofar as the same may be in conflict with this Code of Ordinances in which case the more restrictive provision shall apply.

B. A copy of the 2012 International Property Maintenance Code is on file and open for inspection of the public in the office of the City Clerk of the City of Excelsior Springs.

Section 6. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 515: Electricity, Section 515.330: Adoption – National Electrical Code, is hereby deleted in its entirety and replaced by the following:

SECTION 515.330: ADOPTION – 2011 NATIONAL ELECTRICAL CODE

A. All electrical construction, all material and appliances used in connection with electrical work, and the operation of all electrical apparatus within the City shall conform to the rules and regulations of the National Fire Protection Association for the installation of wiring and apparatus for electrical purposes, as set out in the National Electrical Code, 2011 Edition. The provisions of the 2011 National Electrical Code as published by the National Fire Protection Association, is for all intents and purposes adopted and incorporated by reference in this Chapter as if fully set forth herein, except insofar as the same may be in conflict with this Code of Ordinances in which case the more restrictive provision shall apply, and except as stated, modified and supplemented in Subsection B hereof.

B. The following provisions coinciding with provisions of the National Electrical Code supersede or delete, when indicated, the corresponding provisions of the National Electrical Code:

210.12(A) Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc-fault circuit interrupter, combination type, installed to provide protection of the branch circuit. Exceptions No. 1, 2 and 3 remain unamended.

C. A copy of the 2011 National Electrical Code is on file and open for inspection of the public in the office of the City Clerk of the City of Excelsior Springs.

Section 7. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 520: Gas Code, Section 520.020: Adoption of 2003 International Fuel Gas Code, is hereby deleted in its entirety and replaced by the following:

SECTION 520.020: ADOPTION - 2012 INTERNATIONAL FUEL GAS CODE

A. The design, fabrication, installation, alteration, repair, test and operation of gas appliances, accessories and piping systems within the City shall conform to the rules and regulations of the 2012 International Fuel Gas Code and Pamphlet 58, NFPA 58 L.P. Gas Code 2012 Edition as recommended by the National Fire Protection Association. The 2012 International Fuel Gas Code, as published by the International Code Council, is for all intents and purposes adopted and incorporated by reference in this Chapter as if fully set forth herein, except insofar as the same may be in conflict with this Code of Ordinances in which case the more restrictive provision shall apply.

B. A copy of the 2012 International Fuel Gas Code is on file and open for inspection of the public in the office of the City Clerk of the City of Excelsior Springs.

Section 8. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 525: Mechanical Code, Section 525.010: Adoption of International Mechanical Code, is hereby deleted in its entirety and replaced by the following:

SECTION 525.010: ADOPTION - 2012 INTERNATIONAL MECHANICAL CODE

A. The 2012 International Mechanical Code, as published by the International Code Council, is for all intents and purposes adopted and incorporated by reference in this Chapter as if fully set forth herein, except insofar as the same may be in conflict with this Code of Ordinances in which case the more restrictive provision shall apply.

B. A copy of the 2012 International Mechanical Code is on file and open for inspection of the public in the office of the City Clerk of the City of Excelsior Springs.

Section 9. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 530: Plumbing, Section 530.330: Adoption of Plumbing Code, is hereby deleted in its entirety and replaced by the following:

SECTION 530.330: ADOPTION - 2012 INTERNATIONAL PLUMBING CODE

A. The 2012 International Plumbing Code, as published by the International Code Council, is for all intents and purposes adopted and incorporated by reference in this Chapter as if fully set forth herein, except insofar as the same may be in conflict with this Code of Ordinances in which case the more restrictive provision shall apply, except as modified in Subsection B hereof.

B. The Building Official of the City of Excelsior Springs may, in his or her discretion, allow air testing of plumbing systems in accordance with the provisions of Section 312 of the 2000 International Plumbing Code.

C. A copy of the 2012 International Plumbing Code is on file is on file and open for inspection of the public in the office of the City Clerk of the City of Excelsior Springs.

Section 10. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 545: Swimming Pools, Section 545.050: Plumbing Work, is hereby deleted in its entirety and replaced by the following:

SECTION 545.050: ADOPTION - 2012 INTERNATIONAL SWIMMING POOL AND SPA CODE

A. The 2012 International Swimming Pool and Spa Code, as published by the International Code Council, is for all intents and purposes adopted and incorporated by reference in this Chapter as if fully set forth herein, except insofar as the same may be in conflict with this Code of Ordinances in which case the more restrictive provision shall apply.

B. A copy of the 2012 International Swimming Pool and Spa Code is on file is on file and open for inspection of the public in the office of the City Clerk of the City of Excelsior Springs.

Section 11. Excelsior Springs Municipal Code Title V: Building and Construction, Chapter 545: Swimming Pools, Section 545.140: Building Permit Required, is hereby deleted in its entirety and replaced by the following:

SECTION 545.140: BUILDING PERMIT REQUIRED

A. It shall be unlawful for any person to construct, alter, repair, remove or demolish or to commence the construction alteration, repair, removal or demolition of a swimming pool without first obtaining a building permit therefor from the Building Official.

B. All plumbing work on pools and pool equipment shall be done by a licensed qualified journeyman plumber.

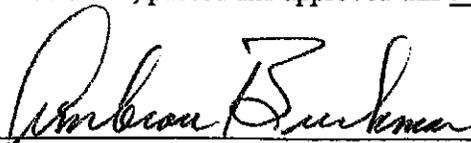
Section 12. The provisions of the Municipal Code of the City of Excelsior Springs, Missouri amended hereby shall not be construed to revive any former ordinance, clause or provision of the Municipal Code of the City of Excelsior Springs, Missouri.

Section 13. The sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any portion of the Ordinance is declared unlawful by the valid judgment, decree or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance, and all provisions of the Ordinance not specifically declared to be unlawful shall remain in full force and effect.

Section 14. This Ordinance overrides any conflicting provision or regulation within the Municipal Code of the City of Excelsior Springs, Missouri.

Section 15. This Ordinance shall take effect immediately.

INTRODUCED IN WRITING, read by title two times, passed and approved this 20th day of May, 2013.



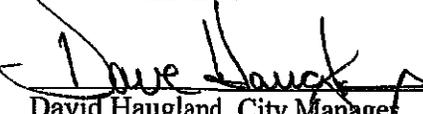
Ambrose Buckman, Mayor

ATTEST:



Shannon Stroud, City Clerk

REVIEWED BY:



David Haugland, City Manager