

MEMORANDUM

DATE: August 9, 2010

TO: Aimee Nassif, Planning and Dev. Serv. Director

FROM: Susan Mueller, Principal Engineer *S Mueller*

RE: Ordinance adopting the 1997/2008/2009 Codes as amended and adopted by St. Louis County



On November 21, 1988, the City of Chesterfield entered into an agreement with St. Louis County for enforcement of their Building, Mechanical, Plumbing, Electrical, and Explosives codes within the City of Chesterfield. Pursuant to this ongoing agreement, it is necessary for the City of Chesterfield to periodically adopt the updated editions of the St. Louis County Codes as our minimum standards for construction, alteration, use and occupancy of building and structures.

St. Louis County recently passed legislation to repeal and re-enact its Building and Mechanical Codes by amending and adopting the 2009 editions of the International Code Council (ICC) Building, Residential, Existing Building, Property Maintenance and Mechanical Codes. St. Louis County also recently amended and adopted the 2009 edition of the Uniform Plumbing Code and the 2008 edition of the National Electrical Code. The County continues to utilize the 1997 Explosives Code.

In order for the City of Chesterfield to continue utilization of the St. Louis County building permit, plan review, field inspection, and occupancy permit services, the above listed codes as amended by St. Louis County must be adopted by the City of Chesterfield. The effective date for use and enforcement of the updated codes is November 1, 2010.

The legislation for this adoption has been reviewed and approved by St. Louis County, and is attached herewith. The County ordinances for each of the code amendments are available in PDF format on the St. Louis County website at:

<http://www.co.st-louis.mo.us/pubworks/ordscopies.html>.

It is recommended that the City Council **approve the attached ordinance to adopt the 2009 International Codes, 2009 Uniform Plumbing Code, and 2008 National Electrical Code and re-enact the 1997 St. Louis County Explosives Code as amended and adopted by St. Louis County and repeal previous versions of the aforementioned Codes.**

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING THE BUILDING, RESIDENTIAL, EXISTING BUILDING, PROPERTY MAINTENANCE, MECHANICAL, ELECTRICAL, PLUMBING, AND EXPLOSIVES CODES OF ST. LOUIS COUNTY AS THE BUILDING, RESIDENTIAL, EXISTING BUILDING, PROPERTY MAINTENANCE, MECHANICAL, ELECTRICAL, PLUMBING, AND EXPLOSIVES CODES OF THE CITY OF CHESTERFIELD, MISSOURI AND REPEALING PREVIOUS VERSIONS OF AFOREMENTIONED CODES

WHEREAS, it is desirable to adopt minimum requirements and standards for the construction, use and occupancy of buildings and structures, the installation of mechanical, electrical and plumbing systems, fixtures and equipment, the proper maintenance of buildings, structures and properties, and the safe use of blasting agents for excavations and related construction, to protect the health, safety and welfare of the citizens of the City of Chesterfield, Missouri; and

WHEREAS, the City of Chesterfield on November 21, 1988 entered into an agreement by and between St. Louis County, Missouri and the City of Chesterfield under the provisions of Section 70.21.10 to 70.32.0 inclusive, of the Revised Statutes of the State of Missouri as amended, which empowers municipalities and other political subdivisions to contract and cooperate with each other for common services; and

WHEREAS, St. Louis County has recently amended its Building, Residential, Existing Building, Property Maintenance, Mechanical, Electrical, and Plumbing codes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The St. Louis County Building, Residential, Existing Building, Property Maintenance, Mechanical, Electrical, Plumbing, and Explosives codes as adopted and amended by the County of St. Louis through date of last amendatory ordinances are hereby adopted as the Building, Residential, Existing Building, Property Maintenance, Mechanical, Electrical, Plumbing, and Explosives Codes of the City of Chesterfield, Missouri as if fully set out herein. The adopted St. Louis County Ordinances are as follows:

- | | |
|---------------------------------------|--|
| 1) 2009 Intl. Building Code, | adopted by County Ord. 24,444 – Approved July 21, 2010 |
| 2) 2009 Intl. Residential Code, | adopted by County Ord. 24,427 – Approved July 13, 2010 |
| 3) 2009 Intl. Existing Building Code, | adopted by County Ord. 24,444 – Approved July 21, 2010 |
| 4) 2009 Intl. Property Maint. Code, | adopted by County Ord. 24,440 – Approved July 14, 2010 |
| 5) 2009 Intl. Mechanical Code, | adopted by County Ord. 24,438 – Approved July 14, 2010 |
| 6) 2009 Uniform Plumbing Code, | adopted by County Ord. 24,441 – Approved July 14, 2010 |
| 7) 2008 National Electrical Code, | adopted by County Ord. 24,439 – Approved July 14, 2010 |
| 8) 1997 Explosives Code, | adopted by County Ord. 18,693 – Approved Nov 6, 1997 |

Section 2. This ordinance shall be in full force and effect from and after its passage and approval. Application and enforcement of the aforementioned codes shall become effective on November 1, 2010.

Section 3. Effective November 1, 2010, all previous versions of the aforementioned Codes or conflicting Ordinances are hereby repealed in their entirety.

Passed and approved this _____ day of _____, 2010.

Mayor

ATTEST:

City Clerk

[FIRST READING HELD: _____]

AGREEMENT

THIS AGREEMENT, made and entered into this 21 day of November, 1988, by and between ST. LOUIS COUNTY, MISSOURI, hereinafter referred to as "County", and the CITY OF CHESTERFIELD, hereinafter referred to as "Municipality".

WITNESSETH;

WHEREAS, Article II, Section 2.180(20) of the 1968 Charter of St. Louis County, Missouri, authorized the County to contract with Municipality for a common service; and

WHEREAS, the provision of Section 70.210 to 70.320 inclusive, Revised Statutes of Missouri, as amended, 1978, as amended, empower municipalities and other political subdivisions to contract and cooperate with each other for a common service; and

WHEREAS, Section (s)

- | | | |
|---------------|---------------|--------------|
| 1. Amusements | 4. Elevators | 7. Plumbing |
| 2. Building | 5. Explosives | 8. Weights & |
| 3. Electrical | 6. Mechanical | Measures |

SLCRO 1974, as amended, authorize(s) County to contract with Municipality for administration of Municipality's

- | | | |
|---------------|---------------|--------------|
| 1. Amusements | 4. Elevators | 7. Plumbing |
| 2. Building | 5. Explosives | 8. Weights & |
| 3. Electrical | 6. Mechanical | Measures |

WHEREAS, Municipality has duly enacted Ordinance(s) No. 205, said Ordinance(s) being identical in substance with County's

- | | | |
|---------------|---------------|--------------|
| 1. Amusements | 4. Elevators | 7. Plumbing |
| 2. Building | 5. Explosives | 8. Weights & |
| 3. Electrical | 6. Mechanical | Measures |

codes as amended; and

WHEREAS, Municipality has duly enacted Ordinance No. 208, a certified copy of which is attached hereto and made a part hereof, authorizing the execution of this Agreement on behalf of Municipality.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and obligations hereinafter stated, the County and Municipality mutually agree as follows, to wit:

ARTICLE I

SCOPE OF SERVICES

1.1 SCOPE OF SERVICES. County shall provide Municipality code enforcement services in the following areas:

- | | | |
|---------------|---------------|--------------|
| 1. Amusements | 4. Elevators | 7. Plumbing |
| 2. Building | 5. Explosives | 8. Weights & |
| 3. Electrical | 6. Mechanical | Measures |

ARTICLE II

TERM OF AGREEMENT

2.1 TERM OF AGREEMENT. This Agreement shall commence on the 21 day of November 1988, and shall continue in effect from year to year unless terminated as provided in ARTICLE IX herein.

ARTICLE III

PERMITS, INSPECTIONS, LICENSING AND APPROVAL OF PLANS

3.1 PERMITS. County, through its Department of Public Works, shall issue all permits required by the code(s) as set forth in paragraph 1.1 herein.

3.2 INSPECTIONS. County, through its Department of Public Works, shall execute all inspections required by the code(s) as set forth in paragraph 1.1 herein.

3.3 LICENSING. County, through its Department of Public Works, shall license all persons as required by the code(s) as set forth in paragraph 1.1 herein.

3.4 APPROVAL OF PLANS. County, through its Department of Public Works, shall examine all plans to determine their compliance with the code(s) as set forth in paragraph 1.1 herein.

ARTICLE IV

RESTRICTIVE PROVISIONS

4.1 RESTRICTIVE PROVISIONS. If Municipality has adopted provisions applicable to the services as set forth in paragraph 1.1 herein said provisions being more restrictive than those contained in County's code(s), Municipality shall approve all plans prior to submission to County's Department of Public Works for issuance of permits.

ARTICLE V
REGULATORY ORDINANCES

5.1 REGULATORY ORDINANCES. Municipality shall approve all plans for compliance with zoning or other regulatory ordinances prior to submission to County's Department of Public Works.

ARTICLE VI
ENFORCEMENT OF MUNICIPAL ORDINANCE

6.1 ENFORCEMENT. County shall not take any action, either at law or in equity, to enforce the provisions of Municipality's Ordinance(s) as the same shall apply hereto. County shall notify Municipality of any known violations of Municipality's Ordinance(s).

ARTICLE VII
FEE COLLECTION

7.1 FEE COLLECTION. All fees shall be collected and retained by County's Department of Public Works.

ARTICLE VIII
AMENDMENTS TO COUNTY CODE

8.1 AMENDMENTS. In the event County shall add to, delete or amend sections of the code(s) as set forth in paragraph 1.1 herein, Municipality shall amend its Ordinance to make it identical in substance to County's amended code. County shall supply Municipality with a copy of its proposed amendment prior to its effective date and Municipality shall amend its Ordinance within ninety (90) days of the effective date of said County amendment. In the event county shall fail to provide a copy of its proposed amendment as provided above, Municipality shall have ninety (90) days to amend its Ordinance after receipt of a copy of County's amendments.

8.2 CERTIFIED COPY. Municipality shall supply County with a certified copy of all amendments to its Ordinance within five (5) days of said amendment's effective dates.

ARTICLE IX
TERMINATION

9.1 FAILURE TO AMEND. In the event Municipality shall fail to amend its Ordinance as provided in paragraph 1.1 herein this Agreement shall be terminated.

9.2 TERMINATION FOR CONVENIENCE. Either County or Municipality may terminate this Agreement at any time by giving ninety (90) days prior written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

ST. LOUIS COUNTY, MISSOURI

ATTEST

Marian Sebben
Administrative Director *Deputy*

By *[Signature]*
County Executive

MISSOURI of _____

ATTEST

[Signature]
Municipal Clerk

By *[Signature]*
Title: MAYOR

APPROVED

[Signature]
County Director of Public Works

Approved as to Legal Form:

[Signature]
St. Louis County Counselor