

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE III SECTION 6-65 OF THE CUBA CITY CODE RELATING TO THE INTERNATIONAL BUILDING CODE**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CUBA, MISSOURI, TO-WIT:

SECTION 1. That Chapter Six Article III Section 6-65 of the Municipal Code of the City of Cuba is hereby amended and the 2018 International Building Code is adopted with a new sub-section is hereby established 6-65(A) and the following is added thereof:

**SECTION 6-65 (A): INTERNATIONAL BUILDING CODE ADOPTION**

An ordinance of the City of Cuba adopting the 2018 International Building Code.

1. The City of Cuba, by and through its Board of Aldermen, had determined that the Building Codes of the City of Cuba need to be updated so as to promote the health, safety and welfare of the citizens of Cuba, Missouri, and
2. Section 67.280, RSMo., allows Cities to incorporate by reference to certain technical codes.

**6-65 (A)(a): CERTAIN DOCUMENTS**

Three (3) copies of the 2018 International Building Code, including Appendix J, are on file with the City Clerk of the City of Cuba, Missouri, at City Hall, 202 N. Smith St., Cuba, Missouri 65453 and are hereby adopted by reference and made a part of the Code of Ordinances as fully as if set forth in its entirety.

**6-65(A)(b): AMENDMENTS**

A. The code adopted by this Article is hereby amended by substituting the following Sections or portions of Sections for and in lieu of those Sections or portions of Sections with corresponding numbers in the 2018 International Building Code or where there is no corresponding Section in the code, the following Sections shall be enacted as additions to the code.

1. *101.1 Title:* These regulations shall be known as the Building Code of the City of Cuba, herein after referred to as Athis code@.

*105.2. Work exempt from permit.*

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred (200) square feet.

Electrical:

1. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles as long as the existing branch circuit is not lengthened or added on to.

*105.5 Expiration:* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of ninety (90) days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for a period not more than ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.

Exceptions (regarding demolition permits only):

- a. Any person, firm, company or corporation desiring to demolish, wreck, raze, dismantle or otherwise destroy any structure or building within the City shall obtain a permit from the Building Department authorizing the work to be performed. Said permit shall be valid for a period of ninety (90) days, and no demolition, wrecking, razing or dismantling shall take place until the Building Official has executed the permit. The permit will be valid for ninety (90) days and the demolition shall be completed thirty (30) days after the demolition is started. One extension of thirty (30) days beyond the ninety (90) day permit period may be granted with a written request by the applicant, based on inclement weather or some other undue hardship on the applicant, provided such hardship is not one self-imposed by the applicant. The Building Official is to determine if the request for extension is warranted and shall issue a separate extension permit in writing to the applicant.
- b. A fee as shall be paid to the City for each such permit, and each separate structure or building on any one tract of land shall require a permit. The fee schedule is identified in Title I, Chapter 160, Article VI of the Cuba Code. Such person, firm, company or corporation shall be further required to post, for each such application for permit, a cash bond in an amount of \$500.00 for a residential permit and \$.10 for each gross square foot of building for commercial permits. The above required bond shall be held, without interest, and shall not be released by the City until restoration of the site is complete or construction of a replacement structure or building has commenced as hereinafter provided.
- c. Complete restoration of the site including the planting of grass seed or sod shall occur within ninety (90) days of the issuance of the permit unless written permission is granted by the Building Official. Unless within the period of the demolition permit, or any

extensions a building permit for the construction of a new structure or building on the same site has been obtained from the Building Department. Demolition will not be considered complete until all demolition materials are removed from the site, the footings and foundations have been removed, all dumpsters removed, all demolition equipment removed from the site and the lot graded and seeded.

*109.2 Schedule of Permit Fees:* On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. See Section 160.130: Building Code-Fee Schedule of the City=s Code.

## **SECTION 113 BOARD OF ADJUSTMENT**

*[A] 113.1 General.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Adjustment. The Board of Adjustment shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

*[A] 113.2 Limitations on authority.* An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

~~*[A] 113.3 Qualifications.* The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.~~

Chapter 2 Definitions

Chapter 3 Occupancy Classification and Use

Chapter 4 Special Detailed Requirements Based on Occupancy and Use

*406.3.2.1 Dwelling unit separation.* The private garage shall be separated from the dwelling unit and its attic area by means of gypsum board, not less than 5/8-inch in thickness, applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9 mm) Type X gypsum board or equivalent and 5/8-inch gypsum board applied to structures supporting the separation from habitable rooms above the garage. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) in thickness, or doors in

compliance with Section 716.2.2.1 with a fire protection rating of not less than 20 minutes. ~~Doors shall be self-closing and self-latching.~~

**406.3.2.2 Ducts.** Ducts in a private garage and ducts penetrating the walls or ceilings separating the dwelling unit from the garage, including its attic area, shall be constructed of sheet steel of not less than 0.019 inch (0.48 mm) in thickness and shall not have openings into the garage unless a fire damper is installed in the openings and approved by the Building Official.

Chapter 5 General Building Heights and Areas

Chapter 6 Types of Construction

Chapter 7 Fire and Smoke Protection Features

Chapter 8 Interior Finishes

Chapter 9 Fire Protection and Life Safety Systems

Chapter 10 Means of Egress

**1015.4 Opening limitations.** Required guards shall not have openings that allow passage of a sphere 4 inches (102 mm) in diameter from the walking surface to the required guard height.

Exceptions:

1. From a height of 36 inches (914 mm) to 42 inches (1067 mm), guards shall not have openings that allow passage of a sphere 4 inches (102 mm) in diameter.
2. The triangular openings at the open sides of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
3. At elevated walking surfaces for access to and use of electrical, mechanical or plumbing systems or equipment, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In areas that are not open to the public within occupancies in Group I-3, F, H or S, and for alternating tread devices and ships ladders, guards shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
5. In assembly seating areas, guards required at the end of aisles in accordance with Section 1029.17.4 shall not have openings that allow passage of a sphere 4 inches (102 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, guards shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.

6. Within individual dwelling units and sleeping units in Group R-2 and R-3 occupancies, guards on the open sides of stairs shall not have openings that allow passage of a sphere 4 (102 mm) inches in diameter.

**1030.1 General.** In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in the following occupancies:

1. Group R-2 occupancies located in stories with only one exit or access to only one *exit* as permitted by Tables 1006.3.3(1) and 1006.3.3(2).
2. Group R-3 and R-4 occupancies.

Basements and sleeping rooms below the fourth story above grade plane shall have not fewer than one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue openings.
2. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
3. Basements without habitable spaces and having not more than 200 square feet (18.6 m<sup>2</sup>) in floor area shall not be required to have emergency escape and rescue openings.
4. ~~Within individual dwelling and sleeping units in Groups R-2 and R-3, where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, sleeping rooms in basements shall not be required to have emergency escape and rescue openings provided that the basement has one of the following:~~
  - 4.1 ~~One means of egress and one emergency escape and rescue opening.~~
  - 4.2 ~~Two means of egress.~~

Chapter 11 Accessibility

Chapter 12 Interior Environment

Chapter 13 Energy Efficiency

Chapter 14 Exterior Walls

Chapter 15 Roof Assemblies and Rooftop Structures

Chapter 16 Structural Design

Chapter 17 Special Inspections and Tests

Chapter 18 Soils and Foundations

*1801.2 Prohibited foundation and footing systems.* The below listed foundation and/or footing systems are prohibited: (New Section)

1. Permanent wood foundation systems as described in Section 1807.1.4
2. Timber footings as described in Section 1809.12
3. Timber deep foundations as described in 1810.3.2

Chapter 19 Concrete

*1905.11 Cold Weather Requirements.* (New Section) Delete this entire section and replace with ANo concrete shall be poured or installed when the temperature is twenty-five (25) degrees Fahrenheit and the temperature is predicted to go lower throughout the day.@

*1905.12 Hot Weather Requirements.* (New Section) Delete this entire section and replace with ANo concrete shall be poured or installed when the temperature is one hundred and five (105) degrees Fahrenheit.@

The following Appendix will be adopted:  
Appendix J - Grading

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_\_<sup>TH</sup> DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
CODY LEATHERS, MAYOR

Attest:

\_\_\_\_\_  
CHRISTINE NASH, CITY CLERK

(City Seal)

Approved as to the form.  
WILLIAMS, ROBINSON, RIGLER & BUSCHJOST, P.C.

By: \_\_\_\_\_

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ATTORNEYS FOR THE CITY OF CUBA, MISSOURI

| Alderman      | Vote on First Reading<br>On <u>10-20</u> , 2020 | Vote on Second Reading<br>On _____, 2020 |
|---------------|---|--|
| Kevin Copling | YES   |  |
| Sam Black     | YES   |  |
| Debbie Martin | YES   |  |
| Warren Graddy | YES   |  |
| Curtis Holt   | YES   |  |
| Jeff Bouse    | YES   |  |