

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 5401. and 5409., Jackson County Code, 1984, relating to the building code and the licensing of contractor personnel, and enacting, in lieu thereof, three new sections relating to the same subject.

ORDINANCE NO. 4597, January 13, 2014

INTRODUCED BY Theresa Garza Ruiz, Crystal Williams, and Fred Arbanas, County Legislators

WHEREAS, it is in the best interests of the health, welfare, and safety of the citizens of Jackson County that the Legislature adopt regulations requiring that certain building construction being undertaken in the unincorporated county be performed only by licensed electrical, mechanical, and/or plumbing contractors; and

WHEREAS, such licensing, to be managed by County Public Works staff, will protect citizens from shoddy and/or dangerous work being performed by unqualified or unscrupulous persons; now therefore

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Sections 5401. and 5409., Jackson County Code, 1984, are hereby repealed, and three new sections enacted in lieu thereof, to be known as sections 5401., 5409 and 5411., to read as follows:

5401. Administration, General

5401.1 Scope

The provisions of this chapter shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

5401.2 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

- a. Accessory Structure. A building or use customarily incident to the primary building or use on the same lot or parcel.
- b. Agricultural Structure. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.
- c. Building Official. The person or persons who manages and enforces the provisions of this chapter, as designated by the Director of Public Works.
- d. Commercial Structure. A structure in which commercial activity occurs.
- e. Electrical Work.
 - 1. Installation, alteration, repair, and/or removal of any electrical equipment regulated by this chapter;

2. Assembly, installation, wiring, and/or connection of electric lighting fixtures and extending existing circuits [[not more than ten feet]];
3. Connection of new or replacement gas-fired heating equipment to existing electrical circuits, extension of existing circuits [[not more than ten feet]], and installation of control circuits;
4. Assembly, installation, wiring, and/or connection of electric signs when such connection is limited to extension of existing circuits [[not more than ten feet]]; and
5. Installation, alteration, repair, or removal of communication, fire alarm, burglar alarm, remote control, and/or other low-energy power, low-voltage power, signal, sound recording, and/or similar equipment regulated by this chapter.

f. Mechanical Work.

1. Heating and ventilating.

- A. Installation, alteration, servicing, replacement, repair and/or maintenance of heating, duct, and/or ventilation systems and connection of a humidifier which is part of a heating system to an existing potable water supply system within a building;

- B. Connection of gas piping from the nearest cutoff valve to the burner of a warm air heating system;
- C. Connection of control wiring to an existing control box;
and
- D. Installation, alteration, servicing, replacement, removal, and/or repair of air conditioning units which are part of an air circulation unit.
- E. Installation of steam heating plants carrying pressures not exceeding 15 pounds per square inch gauge steam pressure;
- F. Installation of hot water heating plants for comfort heating.

2. Refrigeration.

- A. Installation, maintenance, repair, servicing, and/or alteration of a system of mechanical refrigeration or a system where refrigerant piping must be installed or where a refrigerant-containing part must be cut into for connection or assembly;
- B. Installation of pipe insulation; and
- C. Installation of low-voltage wiring which does not exceed 48 volts when such wiring is not enclosed in conduit or raceway.

[e] g. Person in Responsible Charge. A person or company required to account for the actions of others, the discharge of a duty, or the discharge of a trust.

h. Plumbing Work.

1. Installation, maintenance, repair, servicing, and/or testing of all sanitary plumbing and potable water supply piping, and appliances connected thereto, including gas piping, and the complete installation of water heaters;
2. Installation of piping for transmission of chemicals and gases;
3. Installation of gas ranges, domestic gas incinerators, gas dryers, and/or other gas-fired appliances;
4. Installation of low-voltage wiring not exceeding 48 volts for gas-fired appliances and water heaters when such wiring is not enclosed in conduit or raceway.
5. Installation of hot water heating plants for domestic purposes.
6. Installation, erection, alteration, repair, servicing, and/or resetting of gas-fired appliances other than warm air heating units, but including water heaters of not more than 100 gallons' storage capacity and installation of low-voltage wiring not

exceeding 48 volts when such wiring is not enclosed in conduit or raceway.

- [f] i. Unauthorized Work. Any construction activity that has been commenced without first obtaining the necessary permit(s) as defined in this chapter.

5401.3 Approved Materials and Equipment.

Materials, equipment, and devices approved by the building official shall be constructed and installed in accordance with such approval.

5401.4 Used Materials and Equipment

The use of used materials which meet the requirements of this chapter for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

5401.5 Modifications

Whenever there is a practical difficulty involved in carrying out any provision of this chapter, the building official shall have the authority to grant a modification for an individual case, upon application of the owner or owner's representative, provided the building official shall first find that specific individualized circumstances make strict compliance with this chapter impractical and that the proposed modification is in compliance with the intent and purpose of this chapter and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of any action granting a

modification shall be recorded and entered in the files of the department of public works.

5401.6 Alternative Materials, Design, and Methods of Construction and Equipment.

The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically proscribed by this chapter, provided that any such alternative has been approved. An alternative material, design, or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter in quality, strength, effectiveness, fire resistance, durability, and safety.

5401.7 Research Reports.

Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in this chapter, shall consist of valid research reports from approved sources.

5401.8 Tests

Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this chapter or by other recognized test

standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

5401.9 Emergency Repairs

When equipment replacements and repairs must be performed in an emergency situation, a permit application shall be submitted the next business day to the building official.

5401.10 Permit, Application.

To obtain a permit, an applicant shall first file an application therefor with the [department of public works] building official. Such application shall:

- a. Identify and describe the work to be covered by the permit for which application is made;
- b. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;
- c. Indicate the use and occupancy for which the proposed work is intended;
- d. Be accompanied by construction documents and other information as required in construction documents;
- e. State the valuation of the proposed work, calculated in accordance with section 5410. of this chapter;

- f. Be signed by the applicant, or the applicant's authorized agent;
and,
- g. Give such other data and information as may be required by the building official.

5401.11 Application, Action On.

The building official shall examine or cause to be examined each application for permit or amendment thereto within a reasonable time after filing. If the application or the construction documents do not conform to requirements of this chapter, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this chapter, the building official shall issue a permit therefor as soon as practicable.

5401.12 Permit, Validity.

The issuance or granting of a permit shall not be construed to constitute the approval of any violation of any provision of this chapter or of any other ordinance of Jackson County. Any permit presuming to give authority to violate any provision of this chapter or other ordinance of the County shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure in violation of this chapter or of any ordinance of Jackson County.

5401.13 Permit, Expiration.

Each permit issued shall become invalid if the work on the site authorized by such permit has not commenced within 180 days after the permit's issuance, or if, after the work authorized on the site by such permit has commenced, that work is thereafter suspended or abandoned for a period of 180 days. The building official is authorized to grant one or more extensions of time for completion of the work. Any such extension shall be requested in writing and be based on demonstrated justifiable cause.

5401.14 Permit, Suspension or Revocation.

The building official is authorized to suspend or revoke any permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any provision of this chapter or of any other Jackson County ordinance.

5401.15 Permit and Inspection Card, Display.

The building permit and inspection card shall be displayed on the site of the work, so as to be visible from the road, until the completion of the project.

5409. Penalty Provision.

It shall be unlawful for any person, firm, partnership, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, or cause or permit the same to be done without first obtaining a valid, unrevoked permit from the director of public works, as provided in this

chapter, or to violate any other provision of this chapter. A violation of this section shall be punishable by imprisonment in the county jail for a term not to exceed one (1) year or by a fine not to exceed one thousand dollars (\$1,000), or both.

5409.1 Premature Occupancy, Commercial Structure.

Where it is found that a commercial structure has been occupied prior to final inspection, the permittee shall be assessed a \$1,000.00 penalty and a Certificate of Use shall not be issued until payment is received.

5409.2 Premature Occupancy, Residential Structure.

Where it is found that a residential structure has been occupied prior to final inspection, the permittee shall be assessed a \$750.00 penalty and a Certificate of Occupancy shall not be issued until payment is received.

5409.3 Premature Occupancy, Agricultural Structure.

Where it is found that an agricultural structure has been occupied prior to final inspection, the permittee shall be assessed a \$500.00 penalty and a Certificate of Use shall not be issued until payment is received.

5409.4 Work Exempt From Permit.

Exceptions from permitting requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of any provision of this chapter or any other laws or ordinances of Jackson County.

Permits shall not be required for the following:

a. Buildings.

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet;
2. Fences not over 6 feet (1829 mm) high;
3. Decks that do not exceed 36 inches above grade;
4. Siding replacement;
5. Residential HVAC and water heater component repair [or replacement];
6. Roofing on residential or accessory buildings with not more than 2 existing layers;
7. Oil derricks;
8. Retaining walls that are not over 4 feet (1219 mm) in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class 1, 11, or 111A liquids;
9. Outside water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 1:1;
10. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and not part of an accessible route;

11. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work;
12. Temporary motion picture, television, and theater stage sets and scenery;
13. Prefabricated swimming pools accessory to a Group R-3 occupancy, which do not exceed 5,000 gallons (18,925 L) in capacity;
14. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems;
15. Swings and other playground equipment accessory to detached one- and two-family dwellings; or
16. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

b. Electrical.

1. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles;
2. Electrical equipment used for radio and television transmissions; or,
3. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

c. Mechanical.

1. Portable heating appliances;
2. Portable ventilation equipment;
3. Portable cooling units;
4. [Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this chapter;
- 5.] Replacement of any part that does not alter its approval or make it unsafe;
- [6] 5. Portable evaporative coolers; or,
- [7] 6. Self-contained refrigeration systems containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

d. Plumbing.

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided that, if any concealed trap, drain pipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work and a permit shall be obtained and inspection made as provided in this chapter.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures and the removal and reinstallation of water

closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

e. Repairs.

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps, or the connection of approved portable electrical equipment in permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

f. Public Service Utility Agencies.

A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution or metering, or other related equipment that is under the ownership and control of public service agencies by established right.

5411. Permit, License Required

No permit shall be issued pursuant to this chapter for any work on any building or structure, that includes electrical work, mechanical work, and/or plumbing work as defined in the chapter, unless the person performing said work shall have obtained the appropriate license(s) as specified in this section, except that this section shall not apply to any person performing work on any structure that he or she owns, provided that person signs an affidavit indicating his or her intent to occupy the structure for at least one year after the completion of the work.

5411.1 License, Type Required.

All work defined in this chapter as electrical work, mechanical work, or plumbing work must be performed by a person holding a Class A or B electrical, mechanical, or plumbing license, as applicable, or by a person holding a Class C electrical, mechanical, or plumbing license, as applicable, working under the direct supervision of a person holding a Class A or B electrical, mechanical, or plumbing license, as applicable.

5411.2 License, Classes of, Requirements.

a. Class A License.

To qualify for a Class A License a person must demonstrate that he or she possesses at least four years' experience in the applicable trade and that he or she has passed either the Prometric or ICC journeyman or master's exam with a score of 70 or better.

b. Class B License.

To qualify for a Class B License a person must demonstrate that he or she possesses at least ten years' experience in the applicable trade.

c. Class C (Unclassified) License.

To qualify for a Class C (unclassified) license, a person must be currently enrolled in a U.S. Department of Labor-approved apprenticeship program, or an accredited technical program, or be an out-of-jurisdiction worker currently performing electrical, mechanical, or plumbing work within the County. Each permit holder performing electrical, mechanical, or plumbing work shall be required to have one Class A or Class B licensee on the job site at all times, as appropriate for the type of work being performed, for each Class C licensee on the site.

5411.3 Liability Insurance Required.

As a condition precedent to the issuance, maintenance, or renewal of any license described in this section, an applicant shall furnish to the building official a certificate of liability insurance.

a. Policy Requirements.

The liability insurance evidenced by the certificate of insurance shall meet the following requirements:

1. The policy shall provide for a minimum limit of \$1 million per occurrence.

2. The policy shall be written by an insurer having an A.M. Best Financial Strength Rating of at least B+V, licensed to do business in the State of Missouri.
3. Jackson County shall be named as an additional insured on such certificate by separate endorsement, except that no such endorsement shall be required for an applicant performing work solely on residential buildings, unless that applicant will be performing work in the public right-of-way.
4. The certificate shall bear a separate endorsement requiring the insurer to notify the County in writing of any cancellation or change to such policy at least 30 days prior to the effective date thereof, or at least 10 days prior to the date thereof in the event of a cancellation for nonpayment of premium.
5. Failure to maintain the required insurance shall be grounds for the automatic suspension of a license and for denial of further permits and inspections.

5411.4 License, Application, Fees.

a. Generally.

Each person seeking to apply for a license under this section shall complete an application on a form provided by the building official. An application for a Class C license shall list the name and bear the

signature of an appropriate Class A or B license holder who shall serve as the applicant's supervisor.

b. Fee, Application.

A one-time non-refundable fee of \$25 shall be charged for each initial application.

c. Fee, License Type.

A fee for each license shall be charged at the time of the application pursuant to the following schedule:

1. Type A License. \$175.
2. Type B License. \$175.
3. Type C License. \$45.

The license fee shall be refunded if the license application is denied.

d. Application, Action On.

After review of an application, the building official shall take appropriate action thereon and advise the applicant. If the application is denied, the applicant may appeal that action to the Director of Public Works within 30 days of the date of denial, as provided in this section. If the appeal is upheld by the Director of Public Works, the applicant shall have ten days from the date of the decision to repay the applicable license fee and thereafter receive the license. If the license fee is not repaid within that time, the application shall be null and void and can only be

reinstated by the filing of a new application and payment of a new application and license fee.

5411.5 License, Duration, Renewal.

a. Class A and B.

Class A and B licenses shall be valid for three years from the date of issuance and may be renewed upon the payment of the license fee established in this section and a showing by the licensee that he or she has completed a minimum of eight continuing education units annual since the license's issuance or last renewal. If a licensee seeks to renew more than three years after a license's issuance, the three-year license fee plus an additional pro-rated amount representing the period during which the license was dormant, shall be paid.

b. Class C.

Class C licenses shall be valid for one year and shall not be subject to renewal, unless the licensee is currently enrolled in a U.S. Department of Labor-approved apprenticeship program or in an accredited technical program.

5411.6 Licensees, Responsibilities.

a. Generally.

Each licensee under this chapter shall be responsible for work requiring a permit under the provisions of this chapter, and, without limitation, for the following items:

1. To provide minimum safety measures and equipment to protect the public as prescribed by this chapter;
2. To observe any other county ordinances prescribing measures for the safety of the public;
3. To observe and comply with any other county ordinances;
4. To present his or her license card when requested by the building official;
5. To obtain a building permit when a permit is required;
6. To faithfully construct without departure from or disregard of drawings and specifications, when such drawings and specifications have been filed with and reviewed for code compliance by the building official and a permit has been issued for such construction;
7. To obtain inspections required by this chapter;
8. To pay any fee assessed under the authority of this chapter;
9. To obey any order issued under the authority of this chapter;
10. To maintain satisfactory levels of competence, integrity, workmanship, and recognized practice.

5411.7 License, Suspension or Revocation.

a. Grounds.

The building official may suspend or revoke a license issued under this chapter when the licensee commits one or more of the following acts or omissions:

1. Failure to comply with any of the licensee responsibilities as outlined in this chapter.
2. Knowingly combining or conspiring with a person, firm, or corporation by permitting one's license to be used by such person, firm, or corporation.
3. Acting as agent, associate, or partner in any other capacity with persons, firms, or corporations to evade the provisions of this chapter.
4. Violation of any provision of this chapter.

b. Procedure.

When any of the acts or omissions enumerated in this section are committed by a licensee and the building official initiates suspension, revocation, or disqualification proceedings, the procedure shall be as follows:

1. The licensee be notified in writing, by certified mail or personal service, that the license will be suspended or revoked on a date not less than 15 days from the date of the mailing or service of the notification, except that in a case of failure to

maintain required insurance coverage, suspension shall be automatic and immediate.

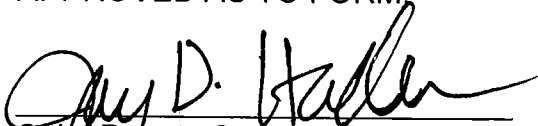
2. The notice will also inform the licensee of the basis for the action.
3. A person not licensed will be informed of the period of disqualification from obtaining a license, seeking certification, obtaining trades permits, performing tradeswork, and/or providing trades supervision.
4. The building official shall also state the length of suspension, revocation, or disqualification, according to the following restrictions: a license may be suspended, or a period of disqualification imposed, for one year. If a licensee has been convicted five times within a three-year period, of offenses punishable pursuant to this chapter, the license shall be permanently revoked. If a person was working without the required license, that person shall be permanently disqualified from obtaining the required license.
5. A hearing before the Director of Public Works may be requested by the licensee or person cited, in writing, within 30 days of the date of the mailing of the notification. A request for hearing shall stay the suspension or revocation until the director issues a decision.

6. When a hearing is conducted, the appealing party and all other interested parties may be in attendance. The Director of Public Works shall consider it all properly admitted evidence. The director shall determine, consistent with this chapter, whether a license should be suspended or revoked, or whether a person required to be licensed should be disqualified, and the length of any suspension or disqualification.
7. At the end of any period of suspension, a licensee shall be reissued the license suspended to complete its original term, unless by its original terms it would have expired. If at the end of the suspension the original term has expired, a new application shall be filed before issuance of a license for the subsequent period, except that, where the suspension was due to failure to maintain insurance, and the account is otherwise up-to-date, the licensee shall instead provide a valid insurance certificate of insurance for reinstatement.
8. Except as otherwise provided in this chapter, a license suspended may not be reissued, nor may a new license be issued during the period of suspension. A person seeking a license following suspension must comply with all requirements for the initial issuance of a license.

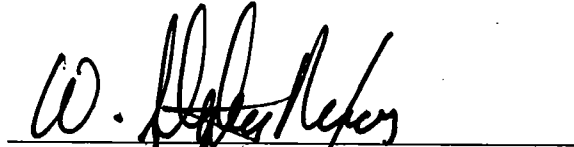
9. License revocation shall be permanent and disqualification from obtaining a license may either be permanent or temporary. A license that has been revoked shall not be eligible for new licenses, certificates of qualification, regulated tradeswork, or trades supervision in future.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4597 introduced on January 13, 2014, was duly passed on January 27, 2014 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0


Abstaining 0

Absent 1

This Ordinance is hereby transmitted to the County Executive for his signature.

1-28-14

Date




Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4597.

1-28-14

Date



Michael D. Sanders, County Executive