

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 5400., 5401., 5402., 5403., 5404., and 5405., Jackson County Code, 1984, relating to the building code, and enacting, in lieu thereof, ten new sections relating to the same subject, with an effective date.

ORDINANCE #4098, April 13, 2009

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, it is appropriate that the County's building code be amended to provide better defined guidelines and enforcement of the code; and,

WHEREAS, the amendments will provide more defined requirements as to what is required for permitting; now therefore,

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

Section A. Enacting Clause. Sections 5400., 5401., 5402., 5403., 5404., and 5405., Jackson County Code, 1984, are hereby repealed, and ten new sections enacted in lieu thereof, to be known as sections 5400., 5401., 5402., 5403., 5404., 5405., 5406., 5407., 5408., 5409., and 5410., to read as follows:

5400. Building Code.

Certain documents, copies of which are on file and are open for inspection by the public in the office[s] of the director of public works [and clerk of the county legislature], being

marked and designated as:

International Code Conference, 2006 Edition, published by the International Code Council;
and, International Building Codes, 2006 Edition, published by the International Code Council, as modified or amended in the Uniform Building Code Standards referenced below:

2006 International Building Code, except Chapter 29, Plumbing

2006 International Residential Code, except Chapter 27, Plumbing

2003 International Energy Code

2006 Uniform Mechanical Code

2006 Uniform Plumbing Code

2005 National Electrical Code

2006 International [Uniform] Fire Code

APWA Single Family Erosion Control Guidelines

International, American National Standard; (ADA) Accessible and Usable
Buildings and Facilities

2006 International Building Code Appendices

C- Agricultural Buildings

E- Accessibility Regulations (ADA)

F- Rodent Proofing

G -Flood Restraint

H -Signs

I - Patio Covers

J - Grading

2006 International Residential Codes Appendices

Table R 301.2 (1):

Climate and Geographic Design Criteria

Ground Snow Load – 20 psf

Wind Speed (mph) – 90 with a 3 second gust

Seismic Design Category – A

Subject to Damage

Weathering Category – Severe

Frost Line Depth -36”

Termite Category- M-H

Appendices:

E- Manufactured Housing used as Dwellings

F- Radon Control Methods

G- Swimming Pools, Spa's, Hot Tubs

H- Patio Covers

J- Existing Buildings and Structures

— Home Day Care, R-3 Occupancy

Exemptions from the 2006 International Building Code:

Section 101.4.5 - Property Maintenance

Section 105.1.1 - Annual Permit

Section 105.1.2 - Annual Permit Records

Section 105.2(1) - Work Exempt From Permit

[This subsection is replaced by the following:

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code 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 200 square feet.

Section: 105.2.3 - Public Service Agencies

Exemptions from the 2006 International Residential Code:

All references to NFPA 13

Section R-319.3 – Borate treated lumber is not subject to this requirement.]

Referenced Codes:

Any and all references to the International Electrical Code shall reference the National Electrical Code.

Any reference to the International Plumbing Code shall reference the Uniform Plumbing Code.

Any reference to the International Mechanical Code shall reference the Uniform Mechanical Code.

as said publications may be amended, are adopted as the code of Jackson County for regulating the erection, construction, occupancy, equipment, use, height, area, and maintenance of all buildings or structures in the unincorporated area of Jackson County. Each and all of the regulations, provisions, conditions, and terms of such International Building Codes, 2006 Edition, and International Code Council, published by the International [Conference of Building Officials] Code Council, and the secondary publications referenced above, as said publications may be amended, all of which are on file in the office[s] of the director of public works [and clerk of the county legislature], are referred to, adopted, and made a part hereof as if fully set out in this section.

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. 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.
- f. 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. 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 other 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.

5402. Construction Documents.

5402.1 Submittal Documents.

Construction documents, statements of special inspections, and other data as specified in this section, shall be submitted in two sets with each permit application.

The construction documents shall be prepared by a design professional who is a registered architect or engineer or member of another preapproved design profession. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

5402.2 Exception, Structures Accessory to Residential Structures.

The building official is authorized to waive the submission of construction documents and other data, not required to be prepared by a registered design professional, if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this chapter, with regards to the construction of accessory structures to residential structures, such as detached garages, swimming pools, pool houses, pole barns, and silos under 35 feet in height.

5402.3 Construction Documents, Information.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents may be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of this chapter and other relevant laws, ordinances, rules, and regulations, as determined by the building official.

5402.4 Fire Protection System Shop Drawings.

Shop drawings for fire protection system(s) shall be submitted to indicate conformance with this chapter and the construction documents shall be approved prior to the start of system installation. Shop drawings shall contain all information required by the International Fire Code.

5402.5 Egress, Means.

The construction documents shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of this chapter. In other than occupancies in Groups R-2, R-3, and I-1, as defined in the 2006 International Building Code, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

5402.6 Exterior Wall Envelope.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roofs, eaves, or parapets, means of drainage, water-resistive membranes, and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation demonstrating that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

5402.7 Site Plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing the location of new construction, any and all other existing structures on the site, and, where applicable, the waste water treatment system, distances from lot lines, the proposed finished grades and, where applicable, any flood hazard area, floodways, and design flood elevations. At the discretion of the building official, the site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair, or when otherwise warranted.

5402.8 Documents, Examination.

The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examination whether the construction indicated and described is in accordance with the requirements of this chapter and other pertinent laws or ordinances.

5402.9 Construction Documents, Approval.

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp. One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the

applicant, shall be kept at the site of work, and shall be readily available for review/inspection by the building official or a duly authorized representative.

5402.10 Previous Approvals.

This chapter shall not require changes in construction documents, construction, or designated occupancy of a structure for which a lawful permit has heretofore been issued or which has otherwise been lawfully authorized, the construction of which has been pursued in good faith within 180 days after the effective date of this chapter and has not been abandoned.

5402.11 Phased Approval.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction 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 chapter. The holder of such permit for the foundation or other parts of a building or structure 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.

5402.12 Design Professional in Responsible Charge, Designation.

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 profession 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. Where structural observation is required, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

5402.13 Deferred Submittal.

For the purposes of this section, “Deferred Submittal” is defined as any portion of a design that is not submitted at the time of the application and that is to be submitted to the building official within a specified period. Deferral of any submittal item shall have the prior approval of the building official. The registered design professional in responsible charge shall list any deferred submittal on the construction documents for review by the building official. 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 been found to be in general conformance to the design of the building. The

deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

5402.14 Amended Construction Documents.

Work shall be installed in accordance with the approved construction documents. Any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

5402.15 Construction Documents, Retention.

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work.

5403. Temporary Structures and Uses.

5403.1 General.

The building official is authorized to issue a permit for a temporary structure or temporary use. Any such permit shall be limited as to time of service and shall not have a duration of more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

5403.2 Compliance.

Temporary structures and uses shall comply with the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this chapter as necessary to ensure the public health, safety, and general welfare.

5403.3 Power, Temporary.

The building official is authorized to give permission for a temporary supply of power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part of the installation covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, and power.

5403.4 Approval, Termination.

The building official is authorized to terminate a permit for a temporary structure or use and order the temporary structure or use to be discontinued.

5404. Inspection.

5404.1 General.

Construction or work for which a permit is required shall be subject to applicable inspection 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 any provision of this chapter or of any other ordinance of Jackson County.

Any inspection presuming to give authority to violate any provision of this chapter or of any other ordinance of Jackson County shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor Jackson County shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.

5404.2 Inspection, Preliminary.

Before issuing a permit, the building official is authorized to examine or cause to be examined any building, structure, or site for which an application has been filed.

5404.3 Inspection Request.

It shall be the duty of the holder of the building permit or the holder's duly authorized agent to notify the building official a minimum of 24 hours in advance when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for any inspection of such work that is required by this chapter.

5404.4 Inspection, Footing and Foundation.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except that, when concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.

5404.5 Inspection, Concrete Slab and Under-floor.

Concrete slab and under-floor inspections shall be made after in slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is poured or floor sheathing installed, including the subfloor.

5404.6 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, as defined in the 2006 International Building Code, required shall be submitted to the building official.

5404.7 Inspection, Frame.

Framing inspections shall be made after the roof deck or sheathing and all framing, fire-blocking, and bracing are in place and pipes, chimneys, and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes, and ducts are approved.

5404.8 Inspection, Lath and Gypsum Board.

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

5404.9 Fire-resistant Penetrations.

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

5404.10 Inspection, Energy Efficiency.

Inspections shall be made to determine compliance with the 2003 International Energy Code and shall include, but not limited to, inspections for envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

5404.11 Inspection, Other.

In addition to the specific inspections listed in this section, the building official is authorized to make or require any other inspection of any construction work necessary to ascertain compliance with the provisions of this chapter and other laws that are enforced by the Department of Public Works.

5404.12 Inspection, Special.

Special inspections may be required at the discretion of the building official.

5404.13 Inspection, Final.

A final inspection shall be made after all work required by the building permit is completed.

5404.14 Inspection Agencies.

The building official is authorized to accept reports from pre-approved inspection agencies, provided such agencies satisfy all requirements as to qualifications and reliability.

5404.15 Approval Required.

No work shall 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 notify the permit holder or the designated agent of the manner in which the construction fails to comply and must be corrected, and such portion shall not be covered or concealed until authorized by the building official.

5405. Certificate of Occupancy or Completion.

5405.1 Occupancy.

No inhabitable structure shall be occupied, and no change in the existing occupancy classification of a inhabitable structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefor as provided herein. Issuance of a Certificate of Occupancy shall not be construed as an approval of any violation of any provision of this chapter or of any other ordinance of Jackson County.

5405.2 Use.

No uninhabitable structure shall be occupied, and no change in the existing occupancy classification of any uninhabitable structure or portion thereof shall be made until the building official has issued a Certificate of Completion therefor as provided herein. Issuance of a Certificate of Completion shall not be construed as an approval of any violation of any provision of this chapter or of any other ordinance of Jackson County.

5405.3 Certificate, Issuance.

After the building official inspects a building or structure and finds no violation of any provision of this chapter or other laws that are enforced by the Department of Public Works, the building official shall issue a certificate of occupancy or use, as applicable, that contains the following:

- a. The building permit number;
- b. The address of the structure;
- c. The name and address of the owner;
- d. A description of that portion of the structure for which the certificate is issued;
- e. A statement that the described portion of the structure has been inspected for compliance with the requirements of this chapter for the occupancy and division of occupancy and the use for which the proposed occupancy is classified;
- f. The name of the building official;

- g. The edition of the applicable code under which the permit was issued;
- h. The use and occupancy;
- l. The type of construction;
- j. The design occupant load;
- k. If an automatic sprinkler system is provided, whether the sprinkler system is required; and,
- l. Any special stipulations and conditions of the building permit.

5405.4 Occupancy or Use, Temporary.

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

5405.5 Certificate, Revocation.

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this chapter, whenever the certificate is issued in error or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any applicable ordinance or regulation or any provision of this chapter.

5406. Service Utilities.

5406.1 Service Utilities, Connection.

No person shall make any connection from any utility or any source of energy, fuel, or power, to any building or system that is regulated by this chapter for which a permit is required, until authorized and released by the building official.

5406.2 Connection, Temporary.

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

5406.3 Service Utilities, Disconnection.

The building official shall have authority to require disconnection of utility service to any building, structure, or system regulated by this chapter and the referenced codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure, or service system of the disconnection prior to taking such action. If prior notice is not issue, the owner or occupant of the building, structure, or service system shall be notified in writing as soon as practicable after the action.

5407. Stop Work Order.

5407.1 Authority.

Whenever the building official finds any work regulated by this chapter being

performed without proper permits or in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order. A stop works order, once issued, may only be withdrawn by the building official or his authorized agent.

5407.2 Issuance.

The stop work order shall be posted on the property and shall be delivered to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease.

5407.3 Unlawful Continuance.

No person shall continue any work 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 condition. Any violation of this section shall be subject to penalties as provided in this chapter.

5408. Violations.

5408.1 Notice.

The building official shall possess the authority to serve a Notice of Violation and/or General Ordinance Summons (GOS), or order on any person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of any provision of this chapter, or in violation of a permit or certificate issued under the provisions of this chapter.

Such notice shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

5408.2 Prosecution.

If a notice of violation is not complied with promptly, the building official is authorized to request the county counselor of Jackson County to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this chapter or of the order or direction made pursuant thereto.

540[0]9. 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. Portable evaporative coolers; or,

7. 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 affection 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.

54[02]10. Fees.

No permit shall be issued pursuant to section 540[2]9. of this chapter until the applicant therefor has paid the fee specified [below] in this section, to include a plan review fee if applicable, based on the fair market value of the proposed improvement for which the permit is sought as established by the most current building valuation data as set forth in the International Conference of Building Officials Standard Publication:

54[02]10.1 Fee Schedule.

<u>Total Valuation</u>	<u>Fee</u>
\$1.00 to \$500.00	\$25.15
\$501.00 to \$2,000.00	\$25.15 for the first \$500.00 plus \$3.27 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$74.10 for the first \$2,000.00 plus \$14.98 for

	each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$418.64 for the first \$25,000.00 plus \$10.81 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$688.81 for the first \$5,000.00 plus \$7.49 for each additional \$1,000.00, or fraction thereof, to and including \$10,000.00
\$100,001.00 to \$500,000.00	\$1,063.31 for the first \$100,000.00 plus \$5.99 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,460.11 for the first \$50,000.00 plus \$5.08 for each additional \$1,000.00, or fraction thereof, up to and including \$1,000,000.00
\$1,000,000.00 and up	\$6,001.36 for the first \$1,000,000.00 plus \$3.91 for each additional \$1,000.00 or fraction thereon.

Agricultural-use pole barns valued at \$20,000.00 or less are exempt from the above valuation chart. These structures shall be assessed a flat fee of \$125.00. Agricultural-use pole barns valued at \$20,000.00 up to \$40,000.00 will be assessed a flat fee of \$300.00. All barns valued above \$40,000.00 will be assessed a fee consistent with the Building Permit Fees Schedule contained in this [Chapter] section. When the building official has determined that unauthorized work, as

defined in the International Building Code, has been performed without first obtaining proper permits, permit fees shall be double the normal fee.

54[02]10.2 Fees, Plan Review.

A plan review fee of 65 percent of the building permit fee shall be assessed in addition to the permit fee. The following buildings are exempt from the plan review fee, unless it is determined by the building official that the submitted documents are incomplete, changed, or are more complex than the basic design of said structures.

- a. Single Family Dwelling;
- b. Detached Garages;
- c. Utility Sheds, Pole Barns, Open Carports;
- d. Mobile, Modular, Manufactured Homes;
- e. Swimming Pools; and
- f. Decks.

54[02]10.3 Fees, Additional.

Additional fees, for inspections and other services, shall be due as set out below:

	<u>Services</u>	<u>Fee</u>
a.	Inspections outside of normal business hours (minimum charge-two hours)	\$47.00 per hour
b.	Re-inspection fees [assessed under provisions of Section 305 (g), Uniform Building Code]	\$47.00 per hour

- | | | |
|----|--|--|
| c. | Inspections for which no fee
is specifically indicated

(minimum charge-one-half hour) | \$47.00 per hour |
| d. | Additional plan review required

by changes, additions or revisions

to approved plans (minimum
charge-one-half hour) | \$47.00 per hour |
| e. | Use of outside consultants for plan
review | Actual cost, including validation,

inspections, administrative and

overhead costs. |

[*Or the total actual cost to the jurisdiction, whichever is great. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.]

54[02]10.4 Public Agencies.

Whenever a public agency with taxing authority is the applicant for a permit, any fee in this section may be reduced or abated by the building official with the approval of the Director of Public Works for the purpose of conserving public tax resources.

54[02]10.5 Green Build Permit Program.

There is hereby established a Green Build Permit Program. Any construction for which fees are charged pursuant to this section shall be eligible to apply for certification under the Green Build Permit Program. There shall be four (4) levels

of certification: Green, Silver, Gold, and Platinum. Points must be acquired in three (3) categories: Resources, Energy, and Indoor Air Quality (IAQ) / Health, within fifteen requirement areas. A minimum of ten (10) points must be acquired in each category for a project to be eligible for certification and the partial fee rebate. Any applicant who has paid fees pursuant to this section shall be eligible for a partial rebate of those fees in accordance with the schedule set forth below:

<u>Level of Certification</u>	<u>Minimum Points Required</u>	<u>Rebate Percentage</u>
Green	50+	15 %
Silver	70+	25 %
Gold	125+	35 %
Platinum	180+	50 %

The following criteria shall be used as basis for awarding points under this program:

Points per category	Resources	Energy	IAQ/Health
A. Site			
1. Recycle job site construction & demolition waste 50% recycling rate required: 65%=1; 75%=2; 80%=4	Up to 4		
2. Donate unused materials	4		
3. Protect native soil	2		
4. Minimize disruption of existing plants & trees	1		
5. Implement construction site stormwater practices	2		
6. Protect water quality with landscape design	2		
7. Design resource-efficient landscapes	4		

8. Reuse materials/use recycled content materials for landscape	2		
9. Install high-efficiency irrigation systems	2		
10. Provide for on-site water catchment/retention	2		
Available Points	25	0	0

B. Foundation

1. Incorporate recycled flyash in concrete 15% recycled flyash = 2; add 1 pt for every 10% increase, up to 5 pts	Up to 5		
2. Reuse form boards	1		
3. Use aluminum forms	3		
4. Use recycled content aggregate	2		
5. Insulate foundation/slab before backfill		3	
6. Install rigid foam, insulated concrete forms (ICF)		3	
Available Points	11	6	0

C. Structural Frame

1. Substitute solid sawn lumber with engineered lumber A. Floors B. Headers (non structural) C. Structural beams and headers	1 1 1		
2. Use FSC certified wood for framing (for every 10% of FSC lumber used=2 pts, up to 10pts)	Up to 10		
3. Use wood I-joists for floors and ceilings	2		
4. Use steel interior web trusses	2		
5. Design energy heels on trusses		2	

6. Use OSB a. Subfloors b. Sheathing	1 1		
7. Use finger-jointed studs for non-structural vertical applications	2		
8. Use engineered studs for vertical applications	2		
9. Use recycled content steel studs for interior framing	2		
10. Use structural insulated panels (SIPs) a. Floors b. Walls c. Roof		3 3 3	
11. Apply advanced framing techniques	4		
12. Use reclaimed lumber for non-structural applications	3		
Available Points	32	11	0

D. Exterior Finish

1. Use sustainable decking materials a. Recycled content b. FSC certified wood	3 3		
2. Use non-CCA treated wood			1
3. Install house wrap under siding			1
4. Use alternative siding materials a. Recycled content b. Fiber-cement	1 3		
Available Points	10		2

E. Plumbing

1. Insulate all hot water pipes		2	
2. Install flow reducers a. Faucets (1 pt. each, up to 2 pts) b. Showerheads (1 pt. each, up to 2 pts)	2 2		
3. Install ultra-low flush toilets (1pt. each, up to 4 pts)	Up to 4		
4. Install chlorine filter on showerhead			4
5. Install tankless water heater		2	
6. Pre-plumb for gray-water conversion	4		
7. Install water filtration units at drinking water facets (2 pts. Each, up to 4 pts.)			Up to 4
8. Install on-demand hot water circulation pump	4		
Available Points	16	4	8

F. Electrical

1. Install compact fluorescent bulbs-CFL's (6 bulbs=2 pts.; 12 = 4 pts.; up to 4 pts.)		Up to 4	
2. Install air-tight, insulation-compatible recessed fixtures for CFL's (1 pt. each, up to 5 pts.)		Up to 5	
3. Install lighting controls (1 pt. per fixture; up to 4 pts)		Up to 4	
4. Install high efficiency ceiling fans with CFLs (1 pt. each, up to 4 pts.)		Up to 4	
Available Points		17	

G. Appliances

1. Install Energy Star dishwasher		1	
2. Install horizontal axis washing machine		1	

3. Install Energy Star refrigerator		1	
4. Install built-in recycling center	3		
Available Points	3	3	

H. Insulation

1. Upgrade insulation to exceed Title 24 requirement: a. Walls b. Ceilings		2 2	
2. Install recycled content, formaldehyde-free fiberglass installation			3
3. Use advanced infiltration reduction practices		2	
4. Use cellulose insulation a. Walls b. Ceilings	4 4		
Available Points	8	6	3

I. Windows

1. Install energy-efficient windows a. Double-paned b. Triple-paned c. Low-emissivity (Low-E) d. Low conductivity frames		1 3 2 2	
Available Points		8	

J. Heating, Ventilation and Air Conditioning (HVAC)

1. Use duct mastic on all duct joints		1	
2. Install ductwork within conditioned space		3	
3. Vent range hood to the outside			1
4. Clean all ducts before occupancy			2
5. Install attic ventilation system		2	

6. Install whole house fan		4	
7. Install sealed combustion units a. Furnaces b. Water Heaters			3 3
8. Install 14 SEER/11 EER or higher AC with a TXV		3	
9. Install AC with non-HCFC refrigerants	2		
10. Install 90% annual fuel utilization efficiency (AFUE) furnace		2	
11. Eliminate wood burning fireplaces			1
12. Install zoned, hydronic radiant heating		3	
13. Install heat recovery ventilation unit (HRV)		5	3
14. Install high efficiency particulate air (HEPA) filter			4
15. Install separate garage exhaust fan			3
Available Points	2	23	20

K. Renewable Energy and Roofing

1. Pre-plumb for solar water heating		4	
2. Install solar water heating system		10	
3. Pre-wire for future photovoltaic (PV) installation		4	
4. Install PV panels (1.2kw=6pts; 2.4kw=12pts; 3.6kw=18pts)		Up to 18	
5. Install solar (PV) walkway lights		4	
6. Install radiant barrier roof sheathing		3	
7. Install 20-year roofing		1	

Available Points		44	

L. Natural Heating and Cooling

1. Incorporate passive solar heating		5	
2. Install overhangs or awnings on south facing windows (24 inch. min.)		3	
3. Plant deciduous trees on the east, west, and south sides		3	
Available Points		11	

M. Indoor Air Quality and Finishes

1. Install whole house vacuum system			3
2. Use low/no VOC paint			1
3. Use low VOC, water-based wood finishes			2
4. Use solvent-free adhesives			3
5. Substitute particleboard with formaldehyde-free materials			6
6. Use exterior grade plywood for interior uses			1
7. Use formaldehyde-free MDF and materials			4
8. Seal all exposed particleboard of MDF			4
9. Use FSC certified wood for interior finish			4
10. Use finger-jointed or recycled content trim	1		
Available Points	1		28

N. Flooring

1. Select FSC certified wood flooring	8		
2. Use rapidly renewable flooring materials	4		

3. Use recycled content ceramic tiles	4		
4. Install natural linoleum or cork in place of vinyl			5
5. Use exposed concrete as finished floor	4		
6. Install recycled content carpet with low VOCs	4		
Available Points	24		5

O. Other

1. Incorporate listing of green features into cover of blueprints	1		
2. Develop homeowner manual of green feature/ benefits	1		
3. Offer coupons for compost bins to homeowners	1		

a. Rebates Authorized for Payment.

The Director of Finance and Purchasing is authorized to issue a rebate payment to an applicant upon notice of certification from the Director of Public Works.

54[02]10.6 Refund.

Any applicant who has paid a fee pursuant to this chapter may request in writing a refund prior to the commencement of the project for which the fee was paid and permit issued. Upon receipt of the request, the county shall issue a refund, less a 25% administrative fee and less any funds collected for and already paid to a fire protection district for inspection services.

[5403.] Section B. Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this chapter. The Legislature hereby declares that it would have adopted this Ordinance, and each section, subsection, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

[5404. Publication of Notice.

The clerk of the county legislature is ordered and directed to cause notice of the adoption of this chapter to be published in a newspaper of general circulation in Jackson County once each week for three consecutive weeks, prior to the effective date of this chapter.]

Section C. Effective Date. This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted herein, shall take effect and be in full force and effect 90 days from and after the date of its final passage and adoption.

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

APPROVED AS TO FORM:

Chief Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance #4098 of April 13, 2009, was duly passed on _____, 2009 by the Jackson County Legislature. In the votes thereon were as follows:

Yeas _____

Nays _____

Abstaining _____

Absent _____

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

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4098.

Date

Michael D. Sanders, County Executive