

**SUSTITUTE BILL No 5810**

**ORDINANCE No 5692**

**AN ORDINANCE REPEALING ARTICLE X, ENERGY CONSERVATION CODE, OF CHAPTER 500 OF THE CITY CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, AND ENACTING IN LIEU THEREOF A NEW ARTICLE X, ENERGY CONSERVATION CODE.**

**WHEREAS, the city regulates construction practices and standards by means of technical codes to protect the health, safety, and welfare of its citizens, and**

**WHEREAS, such codes must be updated from time to time, and**

**WHEREAS, at least one copy of the 2015 International Energy Conservation Code, which is hereby to be adopted by reference, has been filed with the City Clerk's office and made available for public use, inspection and examination for a period of at least 90 days prior to adoption of this ordinance pursuant to Section 67.280 RSMo and notice thereof has been publicly posted, and**

**WHEREAS, a copy of this ordinance has been available for public inspection in the City Clerk's office and it has been read two times by the City Council as required by the City's Charter prior to adoption.**

**NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:**

**SECTION 1: ARTICLE X, ENERGY CONSERVATION CODE, of Chapter 500 of the City Code of Ordinances is hereby repealed and a new ARTICLE X of Chapter 500 is hereby enacted to be known as "THE ENERGY CONSERVATION CODE". Said ARTICLE to read as follows:**

**ARTICLE X. ENERGY CONSERVATION CODE**

**SECTION 500.1010. ADOPTED:** A certain document, one copy of which is on file in the office of the City Clerk; such copy being marked and designated as the "INTERNATIONAL ENERGY CONSERVATION CODE, 2015", SEVENTH EDITION, is hereby adopted as the Energy Conservation Code of the City of Creve Coeur, Missouri, for the regulation of the design and construction of residential and commercial buildings for the effective use of energy as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the INTERNATIONAL ENERGY CONSERVATION CODE, 2015, SEVENTH EDITION, are hereby referred to, adopted and made a part thereof, as if fully set out in this Article, with the additions, insertions, deletions, and changes, prescribed in this Article.

**SECTION 500.1020. JURISDICTIONAL TITLES:** Throughout the INTERNATIONAL ENERGY CONSERVATION CODE, 2015, SEVENTH EDITION, wherever the terms "name of jurisdiction" or "local jurisdiction" appear, it shall be deemed to mean "City of Creve Coeur, Missouri". Likewise, wherever the terms "department of building inspection" or "department of building safety" appear, it shall be deemed to mean "Creve Coeur Building Division". Wherever the term "code" appears, it shall mean the INTERNATIONAL ENERGY CONSERVATION CODE, 2015, SEVENTH EDITION as amended in this Article.

**SECTION 500.1030. AMENDMENTS TO CHAPTER 1 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – COMMERCIAL PROVISIONS:**

**– CHAPTER 1 – SCOPE AND ADMINISTRATION:**

Chapter 1 of the International Energy Conservation Code – Commercial Provisions, 2015, Seventh Edition, is amended as set forth herein. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted or amended to read as set forth below. Each provision set out below without a

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corresponding section, subsection or clause number in the code is hereby enacted and added thereto.

**C101.1 Title.** This code shall be known as the Energy Conservation Code of the City of Creve Coeur and shall be cited as such. It is referred to herein as “this code”.

**SECTION C109  
BOARD OF APPEALS**

**C109.1 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 is and shall remain a Building Code Board of Appeals. The board shall adopt rules of procedure for conducting its business.

**C109.2 Limitations on authority.** Any person shall have a right to appeal a decision of the building official to the Building Code Board of Appeals. 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 equivalent form of construction shall be allowed to be used. The board shall have no authority to waive requirements of this code.

**C109.3 Time limitation and filing procedure.** All appeals shall be filed in writing with the building official. A written appeal may not be filed more than thirty days after the affected individuals are notified of the building official’s decision.

**C109.3.1 Filing fee.** An application for appeal shall not be filed without full payment of the filing fee of \$150.00. Said filing fee shall be refunded to the applicant if the Board reverses the decision of the building official.

**C109.4 Membership of board.** The Building Code Board of Appeals shall consist of five regular members, who shall be residents of the City of Creve Coeur, appointed pursuant to Section 4.4(i) of the City Charter for three-year staggered terms. To the extent possible, based on applications submitted to the City, members of the Building Code Board of Appeals should be representative of the following professions or disciplines: registered architects, builder or superintendent of building construction with ten years of experience, structural engineer, code enforcement professional, mechanical engineer, electrical engineer, civil engineer, fire protection engineer, mechanical contractor, electrical contractor, plumbing contractor, fire protection contractor, or other disciplines associated with the building trades or design professions.

**C109.4.1 Chair.** The Chair of the Building Code Board of Appeals shall be elected annually by the members of the Building Code Board of Appeals.

**C109.4.2 Secretary.** The City Administrator shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the city administrator.

**C109.4.3 Compensation of members.** Members of the Building Code Board of Appeals shall not be compensated for service but shall be reimbursed for actual expenses pursuant to established City policy.

**C109.4.4 Code of Ethics for members.** All members shall be subject to the city’s Code of Ethics.

**C109.5 Notice of meeting.** The Building Code Board of Appeals shall meet upon notice from the chair, within 5 calendar days of the filing of a written appeal with the building official, or at stated periodic meetings.

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**C109.6 Open hearing.** All hearings before the Building Code Board of Appeals shall be open to the public. Proper public notice shall be given. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given the opportunity to be heard.

**C109.6.1 Procedure.** The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

**C109.7 Quorum.** Three members of the Building Code Board of Appeals shall constitute a quorum for the purpose of hearing appeals.

**C109.8 Board decision.** The Building Code Board of Appeals shall only reverse or modify the decision of the code official by a majority vote of the quorum present and voting. Otherwise, the decision shall be deemed to be upheld.

**C109.8.1 Notification of decision.** The secretary of the board shall notify the appellant and the building official of the decision in writing.

**C109.8.2 Administration.** The building official shall take immediate action in accordance with the decision of the board.

**C109.9 Court review:** Any aggrieved person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision of the Building Code Board of Appeals in the office of the City Administrator.

**SECTION 500.1040. AMENDMENTS TO CHAPTER 2 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – COMMERCIAL PROVISIONS:**

**– CHAPTER 2 – DEFINITIONS:**

Chapter 2 of the International Energy Conservation Code – Commercial Provisions, 2015, Seventh Edition, is adopted without modification.

**SECTION 500.1050 AMENDMENTS TO CHAPTER 3 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – COMMERCIAL PROVISIONS:**

**– CHAPTER 3 – GENERAL REQUIREMENTS:**

Chapter 3 of the International Energy Conservation Code – Commercial Provisions, 2015, Seventh Edition, is adopted without modification.

**SECTION 500.1060 AMENDMENTS TO CHAPTER 4 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – COMMERCIAL PROVISIONS:**

**– CHAPTER 4 – COMMERCIAL ENERGY EFFICIENCY:**

Chapter 4 of the International Energy Conservation Code – Commercial Provisions, 2015, Seventh Edition, is adopted without modification.

**SECTION 500.1070 AMENDMENTS TO CHAPTER 5 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – COMMERCIAL PROVISIONS:**

**– CHAPTER 5 – EXISTING BUILDINGS:**

Chapter 5 of the International Energy Conservation Code – Commercial Provisions, 2015, Seventh Edition, is adopted without modification.

**SUBSTITUTE BILL No 5810****ORDINANCE No 5692****SECTION 500.1080 AMENDMENTS TO CHAPTER 6 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – COMMERCIAL PROVISIONS:****– CHAPTER 6 – REFERENCED STANDARDS:**

Chapter 6 of the International Energy Conservation Code – Commercial Provisions, 2015, Seventh Edition, is amended as set forth herein. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted or amended to read as set forth below. Each provision set out below without a corresponding section, subsection, or clause number is hereby enacted and added thereto.

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section C106.

**ICC – International Code Council**

500 New Jersey Ave., NW  
6<sup>th</sup> Floor  
Washington, DC 20001

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
Delete: IMC-15 Add: Mechanical Code	International Mechanical Code St. Louis County Mechanical Code	No changes made.
Delete: IPC-15 Add: Plumbing Code	International Plumbing Code St. Louis County Plumbing Code	No changes made.

**NFPA – National Fire Protection Association**

1 Batterymarch Park  
Quincy, MA 02269

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
Delete: 70-14 Add: Electrical Code	National Electrical Code St. Louis County Electrical Code	No changes made.

**SECTION 500.1090. AMENDMENTS TO CHAPTER 1 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – RESIDENTIAL PROVISIONS:****– CHAPTER 1 – Scope and Administration:**

Chapter 1 of the International Energy Conservation Code – Residential Provisions, 2015, Seventh Edition, is amended as set forth herein. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted or amended to read as set forth below. Each provision set out below without a corresponding section, subsection or clause number in the code is hereby enacted and added thereto.

**R101.1 Title.** This code shall be known as the Energy Conservation Code of the City of Creve Coeur and shall be cited as such. It is referred to herein as “this code”.

**SECTION R109  
BOARD OF APPEALS**

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**R109.1 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 is and shall remain a Building Code Board of Appeals. The board shall adopt rules of procedure for conducting its business.

**R109.2 Limitations on authority.** Any person shall have a right to appeal a decision of the building official to the Building Code Board of Appeals. 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 equivalent form of construction shall be allowed to be used. The board shall have no authority to waive requirements of this code.

**R109.3 Time limitation and filing procedure.** All appeals shall be filed in writing with the building official. A written appeal may not be filed more than thirty days after the affected individuals are notified of the building official's decision.

**R109.3.1 Filing fee.** An application for appeal shall not be filed without full payment of the filing fee of \$150.00. Said filing fee shall be refunded to the applicant if the Board reverses the decision of the building official.

**R109.4 Membership of board.** The Building Code Board of Appeals shall consist of five regular members, who shall be residents of the City of Creve Coeur, appointed pursuant to Section 4.4(i) of the City Charter for three-year staggered terms. To the extent possible, based on applications submitted to the City, members of the Building Code Board of Appeals should be representative of the following professions or disciplines: registered architects, builder or superintendent of building construction with ten years of experience, structural engineer, code enforcement professional, mechanical engineer, electrical engineer, civil engineer, fire protection engineer, mechanical contractor, electrical contractor, plumbing contractor, fire protection contractor, or other disciplines associated with the building trades or design professions.

**R109.4.1 Chair.** The Chair of the Building Code Board of Appeals shall be elected annually by the members of the Building Code Board of Appeals.

**R109.4.2 Secretary.** The City Administrator shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the city administrator.

**R109.4.3 Compensation of members.** Members of the Building Code Board of Appeals shall not be compensated for service but shall be reimbursed for actual expenses pursuant to established City policy.

**R109.4.4 Code of Ethics for members.** All members shall be subject to the city's Code of Ethics.

**R109.5 Notice of meeting.** The Building Code Board of Appeals shall meet upon notice from the chair, within 5 calendar days of the filing of a written appeal with the building official, or at stated periodic meetings.

**R109.6 Open hearing.** All hearings before the Building Code Board of Appeals shall be open to the public. Proper public notice shall be given. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given the opportunity to be heard.

**R109.6.1 Procedure.** The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require

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compliance with strict rules of evidence but shall mandate that only relevant information be received.

**R109.7 Quorum.** Three members of the Building Code Board of Appeals shall constitute a quorum for the purpose of hearing appeals.

**R109.8 Board decision.** The Building Code Board of Appeals shall only reverse or modify the decision of the code official by a majority vote of the quorum present and voting. Otherwise, the decision shall be deemed to be upheld.

**R109.8.1 Notification of decision.** The secretary of the board shall notify the appellant and the building official of the decision in writing.

**R109.8.2 Administration.** The building official shall take immediate action in accordance with the decision of the board.

**R109.9 Court review:** Any aggrieved person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision of the Building Code Board of Appeals in the office of the City Administrator.

**SECTION 500.1100. AMENDMENTS TO CHAPTER 2 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – RESIDENTIAL PROVISIONS:**

**– CHAPTER 2 – DEFINITIONS:**

Chapter 2 of the International Energy Conservation Code – Residential Provisions, 2015, Seventh Edition, is adopted without modification.

**SECTION 500.1120 AMENDMENTS TO CHAPTER 3 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – RESIDENTIAL PROVISIONS:**

**– CHAPTER 3 – GENERAL REQUIREMENTS:**

Chapter 3 of the International Energy Conservation Code – Residential Provisions, 2015, Seventh Edition, is adopted without modification.

**SECTION 500.1130 AMENDMENTS TO CHAPTER 4 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – RESIDENTIAL PROVISIONS:**

**– CHAPTER 4 – RESIDENTIAL ENERGY EFFICIENCY:**

Chapter 4 of the International Energy Conservation Code – Residential Provisions, 2015, Seventh Edition, is adopted without modification.

**SECTION 500.1140 AMENDMENTS TO CHAPTER 5 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – RESIDENTIAL PROVISIONS:**

**– CHAPTER 5 – EXISTING BUILDINGS:**

Chapter 5 of the International Energy Conservation Code – Residential Provisions, 2015, Seventh Edition, is adopted without modification.

**SECTION 500.1150 AMENDMENTS TO CHAPTER 6 OF THE INTERNATIONAL ENERGY CONSERVATION CODE – RESIDENTIAL PROVISIONS:**

**– CHAPTER 6 – REFERENCED STANDARDS:**

Chapter 6 of the International Energy Conservation Code – Residential Provisions, 2015, Seventh Edition, is amended as set forth below. Each section, subsection, or clause of the code that numerically corresponds to one of the following numbered provisions is hereby deleted where so noted and amended to read as set forth below. Each provision set out below without a corresponding section, subsection, or clause number in the code is hereby enacted and added thereto.

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This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section R106.

**ICC – International Code Council**

500 New Jersey Ave., NW  
6<sup>th</sup> Floor  
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
<b>DELETE:</b> IPC – 15	International Plumbing Code	
<b>ADD:</b> Plumbing Code –	St. Louis County Plumbing Code	No changes made.

**NFPA – National Fire Protection Association**

1 Batterymarch Park  
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
<b>DELETE:</b> 70-14	National Electrical Code	
<b>ADD:</b> Electrical Code –	St. Louis County Electrical Code	No changes made.

**SECTION 2: SAVING CLAUSE:** Nothing in this ordinance or in the Energy Conservation Code hereby adopted, shall be construed to affect any suit or proceeding currently pending in any court as of the effective date hereof, or any rights previously acquired or liability previously incurred, or any cause or causes of action existing under any ordinance hereby repealed, as cited herein.

**SECTION 3: SEVERABILITY:** If any section, subsection, provision, sentence, clause, or phrase of this ordinance or of the ICC International Energy Conservation Code, 2015, Seventh Edition, is, for any reasons held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or of said code, and the City of Creve Coeur City Council hereby declares that it would have passed the same, even though such portion so held to be unconstitutional had not been included therein.

**SECTION 4: EFFECTIVE DATE:** This ordinance shall become effective May 1, 2020 pursuant to section 3.11(g) of the City Charter.

Adopted by the City Council this 13<sup>th</sup> day of April, 2020.

DocuSigned by:



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Ellen Lawrence, President of the City Council

Approved this 13<sup>th</sup> day of April, 2020.

DocuSigned by:



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Barry Glantz, Mayor

ATTEST: 



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Deborah Ryan, City Clerk