

Chapter 500

BUILDING REGULATIONS

ARTICLE I Code Adoptions

Section 500.010. Definitions Applicable to This Chapter.

[Ord. No. 291, 7-12-2004]

The following definitions are specifically applicable to this Chapter.

CITY OF HOUSTON LAKE'S MUNICIPAL CODE — The Municipal Code of the City of Houston Lake, Missouri.

INTERNATIONAL RESIDENTIAL CODE (101.1 TITLE) — The 2003 printed version of the International Residential Code copyright by the International Code Council, Inc., in 2003 and any reference to the printed document shall mean the International Residential Code of 2003. The International Residential Code can also be referred to as the Residential Code.

Section 500.020. Code Enactment.

[Ord. No. 291 §1, 7-12-2004]

The City hereby enacts the International Residential Code 2003, same being made a part of this Chapter as though fully set out therein.

Section 500.030. Inconsistencies Between This Code and Existing City Ordinances.

[Ord. No. 291 §2, 7-12-2004]

- A. In the event of an inconsistency between the International Residential Code and the City of Houston Lake's Municipal Code, then the Houston Lake Municipal Code shall govern over the International Residential Code, 2003.
- B. In the event of an inconsistency between the City of Houston Lake's Code and the International Residential Code 2003, then to the extent necessary then that portion of the International Residential Code is deemed repealed.

Section 500.040. Relationship to Other Codes.

[Ord. No. 291 §3, 7-12-2004]

- A. In the event that there is a matter not addressed by the Houston Lake Municipal Code, and any further event that there is an inconsistency between the International Residential Code and any other codes in existence, or which the City may subsequently adopt such as the National Electric Code, etc., then the order of dealing with such inconsistencies shall be as follows:
 - 1. Houston Lake Municipal Code.

2. International Residential Code.
3. National Electrical Code or any other nationally recognized codes the City has or may adopt.

Section 500.050. Specifically Repealed Sections.

[Ord. No. 291 §4, 7-12-2004]

Some Sections of this International Residential Code are specifically not enacted and the City's failure to specifically not enact a Section that is inconsistent with the Houston Lake Municipal Code shall not be considered as a waiver of Sections 500.030 and 500.040 of this Chapter.

Section 500.060. Specifically Not Enacted Sections of the International Residential Code.

[Ord. No. 291 §5, 7-12-2004]

- A. The following Sections of the International Residential Code are specifically not enacted:
1. Appendix E.
 2. Appendix I.
 3. Appendix J.
 4. Appendix K.
 5. Any reference to International Property Maintenance Code, unless the City has adopted such a code.
 6. Any reference to International Fire Code, unless the City has adopted such a code.
 7. Any reference to International Energy Conservation Code, unless the City has adopted such a code.
 8. Any reference to the International Private Sewage Disposal Code, unless such provisions deal with prohibiting private sewage disposal systems.
 9. Section R102.4 repealing the City's existing code.
 10. Section R102.7 relating to existing structures.
 11. Section R323 relating to flooding.
 12. Section R202 only to the extent that it defines septic tanks.
 13. Section R306.3 permitting septic tanks/sewage disposal systems.
 14. Section P2503.7 relating to backflow devices.
 15. M2201 through M2204 relating to oil tanks.
 16. R105.2 pertaining to work exempt from permit.
 17. R105.3.2 relating to time limits of application.

18. R105.5 dealing with expiration of permits.
19. R106.1 with regard to submittal documents.
20. R309.4 relating to carports.

Section 500.070. Amendments to Residential Code.

[Ord. No. 291 §§6 — 14, 7-12-2004]

The following Sections of the Residential Code are enacted only as amended:

The following Residential Code is enacted.

(R103 and R104) The term "*Building Official*", as used in the Building Code, shall mean and refer to the Houston Lake Zoning Enforcement Officer. Also, in accordance with the procedures as established by the Board of Aldermen and with its approval the Houston Lake Building Inspector may appoint such number of technical officers and inspectors and other employees as may from time to time be necessary to carry out his/her functions under this code.

CODE OFFICIAL

The following Residential Code is enacted.

The International Residential Code Section R103, Department of Public Safety is deleted in its entirety from the printed document and instead the following language is enacted.

Section R103. Code Official. The Zoning Enforcement Officer is the executive official charged with carrying out the provisions of this Article and whatever referred to as in this code as Building Official or Department of Building Safety or similar names, it shall include and mean the Zoning Enforcement Officer.

FEES

The following Residential Code is enacted.

The International Residential Code Section R108.1 is deleted and shall instead read as follows:

Section R108.1 Payment Of Fees. All fees chargeable under this code shall be an amount as determined by the City of Houston Lake.

APPEALS

The following Residential Code is enacted.

The International Residential Code Section R112 as shown in the printed document is hereby not enacted and shall instead read as follows:

Section R112.1 General. All repeals of orders, decisions or determinations made by the Zoning Enforcement Officer relating to the application or interpretation of this Article or code adopted herein shall be made to the Board of Adjustment of the City.

UNLAWFUL ACTS (VIOLATIONS)

The following Residential Code is enacted.

Section R113 as in the printed document relating to violations and criminal penalties is not

enacted but the following is enacted instead:

Section R113.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, move, remove, demolish, occupy any building structure in violation of this code and any violation thereof shall be deemed an infraction and penalty and punishable by fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) or imprisonment for term not exceeding ninety (90) days, or by both fine and imprisonment.

Additions to Residential Code.

LIMITATIONS

The following Residential Code Section is enacted.

Any appeal to the Board of Adjustment must be filed within ninety (90) days of the occurrence giving rise to the appeal and such appeal shall be made according to the Board of Adjustment rules.

SEPARATE OFFENSE BY DAY

The following Residential Code Section is enacted.

R113.4 Violations Penalties. Each day of separate offense.

Each day in which the violation of this code shall be allowed to continue to occur shall constitute a complete and separate offense.

NO PART TO CREATE LEGAL DUTY

The following Residential Code Section is enacted.

No provisions of this code nor failure to enforce this code nor any action pursuant to this code shall be deemed to create a legal duty on the City or its officials. A violation of this code by residents shall not be deemed to have created a standard for legal negligence.

SEVERABILITY

The following Residential Code Section is enacted.

If any Section, Subsection, sentence, clause or phrase of this Article or the code adopted herein is for any reason held to be unconstitutional or unlawful, then such decisions shall not affect the validity of the remaining portions of this Article or the code adopted herein.

Section 500.080. Building Permit Fee Schedule.

[Ord. No. 294, 8-9-2004; Ord. No. 302, 9-12-2005]

The following table shall be the building permit fee schedule for construction in the City of Houston Lake.

New construction — one- and two-family residences	\$0.25 per square foot. Square footage to be determined by multiplying the outside length of the structure by the outside width of the structure, including garages.
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Room additions to one- and two-family residences	\$0.15 per square foot. Square footage to be determined by multiplying the outside length of the addition by the outside width of the addition.
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All Other Construction¹
Total Cost of Construction

0 — \$1,000	\$40
\$ 1,000 — \$10,000	\$40 + \$10/\$1,000 over \$1,000
\$ 10,000 — \$100,000	\$130 + \$2/\$1,000 over \$10,000
\$100,000 — \$500,000	\$310 + \$1.50/\$1,000 over \$100,000
\$500,000 plus	\$910 + \$3/\$1,000 over \$500,000

Other Inspections and Fees

For use of outside consultants for plan checking and inspections or both including administrative and overhead cost	Actual costs
House inspections outside of normal business hours (minimum charge 2 hours)	\$50.00 per hour
Reinspection fees when required	\$50.00
Use of outside consultants for other purposes	Actual cost
Erosion control	\$25.00 for the first 500 square feet disturbed and \$25.00 for each additional 500 square feet disturbed.

¹ The following structures require building permits. Fees are calculated using the "All Other Construction" Section of the table above:

1. Detached garages.
2. Detached accessory buildings (shops, storage sheds, tool sheds).
3. Decks and porches.
4. Swimming pools.

**Section 500.090. National Electrical Code/Council of American Building Officials Code Adopted
— Exceptions.**

[Ord. No. 282 §9, 10-14-2002]

- A. Electrical construction shall be in conformance with the 1999 Edition of the National Electrical Code which is hereby adopted.
- B. Construction standards shall meet or exceed the standards set forth in the Council of American Building Officials (CABO) One- and Two-Family Dwelling Code, 1986 Edition. Said code shall be adopted by reference by the City of Houston Lake with the following amendments:
 - 1. Section R-111.1.4 shall be deleted.
 - 2. Section R-112 shall be amended to include the following statement: "Manufactured homes shall not be approved." In addition, the note following Section R-112 shall be deleted.
 - 3. Section R-203 shall be deleted.
 - 4. Section R-210.3 shall be deleted and replaced with the following Section: "Floor Surface. Garages must be four (4) inch reinforced concrete. Carports need not be concreted."
 - 5. Section R-216.2 shall be amended to include the following sentence: "One-half (1/2) of all required smoke detectors shall be battery powered."
 - 6. Section R-219 shall be deleted.
 - 7. Section R-302.2 shall be deleted and replaced with the following Section: "Wood foundations shall not be approved."
 - 8. Section R-304.6 shall be deleted.
 - 9. Section R-305.1 shall be amended to read as follows: "Drains Required. Drains shall be provided around foundations enclosing habitable or usable spaces located below grade. Drains shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. No flexible drain pipe shall be allowed. The pipe must be PVC or equivalent material."
 - 10. Section R-305.3 shall be deleted.
 - 11. Section R-306.2 shall be deleted.
 - 12. The first (1st) sentence of Section R-402.2 shall be amended to read as follows: "Grade. Studs shall be minimum No. 2 or standard stud grade lumber or better."
 - 13. Section R-604 shall be deleted.
 - 14. Section R-806 shall be deleted.
 - 15. Section R-809 shall be deleted.
 - 16. Section R-810 shall be deleted.

17. Section M-1902 shall be deleted.
18. Sections M-1914, M-1915, M-1916, M-1917, M-1918 and M-1919 shall be deleted.
19. Sections M-1920.1 and M-1920.3 shall be deleted.
20. The first (1st) sentence in Section P-2104.1 shall be amended to read as follows:
"Materials — Water Supply. Materials for underground water supply systems, water surface pipe and lawn sprinkler systems may be a minimum of type K copper tubing or brass."
21. The first (1st) sentence of Section P-2104.2.2 shall be amended to read as follows:
"Underground. Inaccessible water distribution piping under slabs shall be copper water tube minimum type K brass, chlorinated polyvinyl chloride (CPVC) plastic pipe or tubing — all to be installed with approved fittings or bends."
22. Section P-2207.5.3 shall be deleted.
23. All of Chapter 25 shall be deleted.

ARTICLE II
Permits

Section 500.100. Building Permit Required.

[Ord. No. 282 §2, 10-14-2002]

All persons desiring to construct, erect, alter or add to any building, boat dock, fences, road or drive or any structure in the City of Houston Lake, Missouri, must first obtain a building permit for such construction, alteration or addition from the Board of Aldermen of said City.

Section 500.110. Permit Applications.

[Ord. No. 282 §3, 10-14-2002]

All persons desiring to obtain such a permit shall submit an application with the complete plans and specifications and plot plan for such construction showing sizes, estimated cost and details of such proposed construction and the location of such construction upon the plot of land. No new dwelling construction or property line fence construction will be permitted until after certified surveys have been filed with the Board of Aldermen. Certified surveys will be required on all additions to old dwellings where the new construction will be closer to the property line than the old dwelling.

Section 500.120. Boat and/or Fishing Docks Construction — Permit Required.

[Ord. No. 282 §5, 10-14-2002]

All boat or fishing docks require a building permit. No building permit will be issued for other than a floating movable dock unless specifically requested in writing by the President of the Venetian Gardens Homes Association.

Section 500.130. Excavation of City Roads or Property — Permit Required — When.

[Ord. No. 282 §11, 10-14-2002]

No excavation will be permitted on City roads or property without a permit unless such work is done at the direction of the City or is emergency maintenance work by utilities.

Section 500.140. Changes to Existing Permits — Process — Fee.

[Ord. No. 282 §15, 10-14-2002]

Any request for a change in building permit must be submitted on a standard permit request form and a supplement permit will be issued after a fee of ten dollars (\$10.00) for non-structure construction and fifteen dollars (\$15.00) for resident or structure construction has been paid and the request approved by the Board of Aldermen.

Section 500.150. Permit Fees — Performance Bonds.

[Ord. No. 282 §16, 10-14-2002]

All applications for building permits will be made to the City Clerk or the alternate and must be accompanied by payment in full of the permit fee and performance bond as follows:

ITEM**NO. DESCRIPTION OF CONSTRUCTION**

- Item 1 Fences, boat docks, driveways
- Item 2 Structure construction, exterior remodeling, carport, porch, decks, covered patio, room addition, motor vehicle garage, garden tractor or tool shed type building under 500 square feet, permit fee increased by \$5.00 for each 100 square feet or portion thereof in excess of 500 square feet constructed.
- Item 3 Erosion control

BOND**AMOUNTS PERFORMANCE BONDS**

- \$100.00 Performance bond for construction described in item 1.
- \$100.00 Performance bond for construction described in item 2 if under 500 square feet.
- \$1,000.00 Performance bond for construction in item 2 if 500 square feet or more.
- \$500.00 Performance bond for construction described in item 3.

Performance bond will be refunded upon satisfactory completion of construction within the specified time. Call backs for inspection may be charged against the performance bond at a rate not to exceed twenty-five dollars (\$25.00) for each call back. The performance bond will be forfeited if construction is not completed satisfactorily prior to expiration of the permit.

Section 500.160. Posting Building Permit — Required.

[Ord. No. 282 §17, 10-14-2002]

A copy of the building permit must be posted on the job site clearly visible to public view before any construction can begin. Said permit must remain posted until completion of construction. Upon the completion, said permit shall be returned to the City Clerk.

Section 500.170. Permit Violations — Penalties.

[Ord. No. 282 §20, 10-14-2002]

Any person violating conditions or permits issued shall be subject to arrest and fine of no more than five hundred dollars (\$500.00) and imprisonment of not more than ninety (90) days. Each day of construction in violation of a permit shall be deemed a separate offense.

ARTICLE III
Miscellaneous Building Provisions

Section 500.180. Minimum Square Foot Required.

[Ord. No. 282 §4, 10-14-2002]

No residence building shall hereafter be constructed within the limits of the City of Houston Lake, Missouri, which shall not have a first (1st) floor area of at least nine hundred (900) square feet, exclusive of garages and attachments. One (1) complete set of drawings showing floor plans and all four (4) elevations must be submitted as part of the permit application.

Section 500.190. Fences.

[Ord. No. 282 §6, 10-14-2002]

Only fences of a chain link or decorative type will be permitted and a building permit is necessary for any and all fences. A building permit is required prior to any construction. Fences in excess of fifty (50) inches in height may require a Zoning Board Commission hearing and approval of the Board of Aldermen. Walkways and uncovered patios not on the property line do not require a building permit.

Section 500.200. Multi-Family Dwellings Prohibited.

[Ord. No. 282 §7, 10-14-2002]

No building permit will be issued for other than one-family dwelling or accessory building.

Section 500.210. Basement Houses Prohibited.

[Ord. No. 282 §8, 10-14-2002]

No basement houses are permitted. All houses must be completed on the outside within eighteen (18) months of the date of the building permit.

Section 500.220. Connection to City Sewer System Required — When.

[Ord. No. 282 §10, 10-14-2002; Ord. No. 306, 12-12-2005]

All new residences are required to be connected to the sewer line system serving the City. All residences damaged to the extent of fifty percent (50%) or more of its value, exclusive of its foundation, and reconstructed are required to be connected to the sewer line system serving the City. No sewage lines will be permitted nearer than thirty-five (35) feet to any portion of the lake. Septic systems or other on-site sewage disposal systems are prohibited, except for existing systems. The living area of any residence not connected to the City sewer system shall not be enlarged or added to unless such residence is first connected to the City sewer system.

Section 500.230. Culvert Requirements.

[Ord. No. 282 §12, 10-14-2002]

No culvert smaller than fifteen (15) inches diameter shall be permitted in City streets.

Section 500.240. Detached Structures — Construction — Requirements.

[Ord. No. 282 §13, 10-14-2002]

- A. No detached structures shall be permitted except for motor vehicle garages or garden tractor or tool shed type buildings. All garden tractor and tool shed type buildings shall comply with the following conditions:
1. Such buildings shall not be visible from the front lot line of the lot on which it sits or it must be shielded with evergreen type trees or shrubbery.
 2. Such buildings shall not have electrical service or plumbing.
 3. Such buildings shall have at least a four (4) inch thick reinforced concrete base.
 4. The exterior construction materials of such buildings shall be new material and kept in good condition.
 5. No such building shall be built within six (6) feet of any property line or used as a motor vehicle garage.
 6. Such buildings shall not have interior dimensions which exceed eighty (80) square feet within proportional height.

No motor vehicle garages or garden tractor or tool shed type buildings shall be constructed without first obtaining a building permit. No lot shall be permitted more than one (1) structure permitted by this Section. Said permitted structures shall be permitted only after approval of the Board of Aldermen.

Section 500.250. New Construction — Parking Space Requirements.

[Ord. No. 282 §14, 10-14-2002]

All new residence construction shall provide a minimum of two (2) hard surface vehicle parking spaces not less than nine (9) feet by twenty (20) feet each.

Section 500.260. Erosion Control.

[Ord. No. 282 §18, 10-14-2002]

- A. No person shall remove or destroy the natural vegetation on the surface of more than five hundred (500) contiguous square feet of land unless it is done in such a manner or provisions are made so that in the event precipitation and natural drainage, soil from land does not wash, either directly or indirectly, upon private property without the owner's consent or upon a sidewalk, street, alley, boulevard, parkway, park, drainage easement or other public property in such a way that it causes or contributes to a build up or

accumulation of soil, mud or similar materials. Each day on which any violation of this Section continues shall constitute a separate violation.

- B. No owner, occupant or managing agent of any land shall cause or permit the natural vegetation on more than five hundred (500) square feet of the surface of such land to be removed or destroyed unless it is done in such manner or provisions are made so that in the event of precipitation and natural drainage, soil from land does not wash, either directly or indirectly, upon private property without the owners consent or upon a sidewalk, street, alley boulevard, parkway, park, drainage easement or other public property in such a way that it causes or contributes to a build up or accumulation of dirt, mud or similar materials. Each day on which any violation of this Section continues shall constitute a separate violation.
- C. *Erosion Control/Building Permits.* Compliance with this Section is the responsibility of the property owner, contractor and builder. The issuance of a building permit will be in two (2) segments, construction and erosion control. The Erosion Control System Manual shall be provided to each recipient of an erosion control permit.
 - 1. This Section shall be enforced in its entirety when any property to be graded or excavated where the natural ground cover and any other erosion control is to be disturbed or removed. Sediment and water control devices shall be installed or barriers constructed to adequately contain sediment and water runoff within the confines of the property on which construction is taking place. "Property" defined as one (1) single-family parcel.
 - 2. Barriers and devices will be constructed to adequately control water and sediment runoff from flowing to adjacent properties, City streets, culverts, natural water drains or any property affected by runoff.
 - 3. Barriers and devices will be constructed using straw bales staked to the ground, check dams, sediment fence with the bottom flap trenched into the ground, sediment fence backed with compost, compost blanket or other recognized devices or methods. Installation of all barriers and devices will be in accordance with approved methods.
 - 4. *Building permit, part one — excavation, footings, foundation and basement wall.* Erosion control devices will be installed and approved by the building enforcement inspector prior to issuance of building permit, part one. Part one of the building permit allows for excavation and construction of footings, basement wall and backfill.
 - 5. *Building permit, part two — dwelling construction.*
 - a. Existing erosion control devices will be inspected for effectiveness of sediment control. Additional devices may be required and existing devices may require moving as a result of terrain change caused by the excavation.
 - b. A crushed rock area will be provided for entrance, exit for delivery vehicles and parking during construction. This area will be of sufficient size and the rock sufficient depth to prevent mud and dirt from being carried onto City streets, other property or the lake.
 - 6. *Repair and maintenance of erosion control devices.*

- a. The contractor, builder and owner shall maintain and keep in place all erosion control devices from the time of excavation until the disturbed area has been sodded or a sufficient ground cover from seeding is established.
- b. Each and every time an erosion control device is breached by construction equipment, delivery vehicles, utility installation, natural forces, etc., the builder, contractor and property owner shall adequately restore the breached area before the end of that workday.
- c. All mud, dirt or other sediment carried onto the City street will be cleaned at the end of each working day by the builder, contractor or property owner. Mud, dirt and sediment shall not be flushed down any storm drain, into any ditch or onto other property.

Section 500.270. Violation — Penalties.

[Ord. No. 282 §19, 10-14-2002]

Any person commencing or continuing construction, addition, alteration or natural vegetation disturbance without a building permit shall be subject to arrest and fine of no more than five hundred dollars (\$500.00) and imprisonment of not more than ninety (90) days. Each day of construction shall be deemed a separate offense.

Section 500.280. Erosion Control Inspector — Duties — Responsibilities. ¹

[Ord. No. 284 §1, 12-9-2002]

The office of an Erosion Control Inspector is hereby created. The Erosion Control Inspector shall administer all parts of the Building Code and all other Houston Lake ordinances as they relate to erosion control. The Erosion Control Inspector shall perform all inspections of erosion control measures and shall have authority to issue all erosion control permits and revoke the same for cause. All duties previously performed by the building enforcement inspector which are related to erosion control shall hereafter be performed by the Erosion Control Inspector. The Erosion Control Inspector shall exercise and have all of the duties, responsibilities and privileges previously held by the building enforcement inspector or other codes enforcement inspector of the City of Houston Lake as they relate to erosion control.

Section 500.290. Streets and Residence Numbering.

[Ord. No. 69 §1, 12-18-1962]

It is hereby ordered that the streets of the City of Houston Lake and the numbering of the residences and dwelling houses located thereon shall be as shown in the plat on file in the City offices marked "Exhibit A" and made a part hereof.

1. Cross Reference — The erosion control system manual shall be on file in the city offices.

Section 500.300. Minimum Building Plot Size.

[Ord. No. 102 §1, 3-11-1969]

The minimum building plot size shall not be less than fifteen thousand (15,000) square feet after the sewers are installed.

Section 500.310. Regulations Concerning Fuel Storage and Tanks.

[Ord. No. 180 §§1 — 3, 10-10-1988]

A. *Fuel Storage Prohibited.*

1. Flammable and combustible liquids commonly used or intended to be used as fuel for internal combustion engines shall not be stored within the City except as otherwise provided in Subsection (A)(2) of this Section.
2. The storage of ten (10) gallons or less of flammable or combustible liquids shall be excepted from the provisions of this Section, so long as such liquids are stored in a container sealed by means of a lid or other device so that neither liquid nor vapor will escape from it at ordinary temperatures. In no event shall more than ten (10) gallons of flammable or combustible liquid be stored on any premises within the City, regardless of the number of containers used for such storage.

B. *Fuel Tanks Prohibited.*

1. Tanks, barrels and all other containers commonly used or intended to be used to store fuel or other flammable and combustible liquids shall not be kept, stored, maintained or installed within the City except as otherwise provided herein.
2. Tanks, barrels and other containers commonly used or intended to be used for the storage of fuel or other flammable and combustible liquids with a storage capacity of ten (10) gallons or less shall be excepted from the provisions of this Section, so long as such containers are sealed by means of a lid or other device so that neither liquid nor vapor will escape from it at ordinary temperatures.