

ORDINANCE NO. 180570

Amending Chapter 18, Code of Ordinances, entitled Buildings and Building Regulations, by repealing Sections 18-19 and 18-21 and enacting in lieu thereof new sections of like numbers and subject matters for the purpose of addressing the impact of any new regulations on previously issued permits and establishing parameters for re-inspections.

WHEREAS, Kansas City welcomes real estate development and redevelopment activities that contribute to the vibrancy of the City; and

WHEREAS, the City's goal is to minimize the regulatory burden on developers, while fulfilling its obligation to protect the public welfare; and

WHEREAS, the City Council desires to ensure that the City's permitting processes are streamlined and business friendly, and encourage and promote development and investment in the City; and

WHEREAS, in November 2013, the City Planning and Development Director engaged Paul Zucker, dba Zucker Systems, to review and evaluate the Department of City Planning and Development's service processes and performance; and

WHEREAS, in July 2014, Zucker Systems completed its report entitled "City Planning and Development Department Analysis" with 324 recommendations for improvements to the City development and permitting processes; and

WHEREAS, since the Zucker Report was completed in July 2014, the review of the City's development and permitting processes would further benefit from eliminating conflicts within the City's various departments and personnel completing inspections that greatly increase costs of development and negatively affect the desire to invest capital in Kansas City, Missouri; and

WHEREAS, since 2014, the economy of the nation and the City has greatly improved, and inefficient processes and approvals have the potential to negatively affect the City's ability to continue to grow and respond in a good market environment and economy.

WHEREAS, Kansas City will lose quality developers and projects if it is not able to meet the demands of those persons/companies desiring to invest capital in the City, as "capital goes where it is welcomed and appreciated"; and

WHEREAS, the City Council desires to take immediate actions to address identified existing problems and desires to direct the City Manager to further study additional improvements that can be made to improve the City's development and permitting processes, both in terms of timing and cost; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

ORDINANCE NO. 180570

Section 1. That Chapter 18, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 18-19, Issuance of permits; expiration of permits and applications; suspension or revocation of permits; review of application, and 18-21, Inspections, and enacting in lieu thereof new sections of like numbers and subject matters, to read as follows:

Sec. 18-19. Issuance of permits; expiration of permits and applications; suspension or revocation of permits; review of application.

(a) *Generally.*

- (1) *Application examined.* The building official shall examine or cause to be examined the application and accompanying construction documents filed by an applicant for a permit under this chapter. Such construction documents may be reviewed by other departments of the city to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the construction documents filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in section 18-20 have been paid, he shall issue a permit therefor to the applicant.
- (2) *Time limitation of application.* An application for a permit for any proposed work shall expire by limitation and be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. Plans and other data submitted for review, but deemed to have been abandoned, may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee in accordance with Section 18-20(c)1.
- (3) *Stamped Documents.* When the building official issues a permit where construction documents are required, he shall endorse in writing or stamp the construction documents "Reviewed for Code Compliance." Such stamped construction documents shall not be changed, modified or altered without authorizations from the building official, and all work regulated by this chapter shall be done in accordance with the endorsed/stamped construction documents.
- (4) *Phased review for code compliance.* The building official may issue a permit for the construction of part of a building, structure or building service equipment before all of the construction documents for the entire building, structure or building service equipment have been submitted or reviewed for code compliance, provided adequate information and

ORDINANCE NO. 180570

detailed statements have been filed complying with all pertinent requirements of this chapter. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service will be granted.

- (5) *Dangerous Buildings.* No permit shall be issued to any party, other than the city's demolition contractor, for the repair, reconstruction, enlargement, alteration, moving, raising, shoring, demolition, wrecking, or razing of a structure that has been declared a dangerous building under chapter 56 of the code, provided the structure has been scheduled for demolition by the city and a notice to proceed has been issued to the city's demolition contractor.

(b) *Validity of permit.*

- (1) The issuance of a permit or the stamping of construction documents with "Reviewed for Code Compliance" shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other ordinance. No permit presuming to give authority to violate or cancel the provisions of this chapter or other ordinances shall be valid.
- (2) The issuance of a permit based upon reviewed construction documents shall not prevent the building official from thereafter requiring the correction of errors in the construction documents, or from preventing building operations being carried on thereunder when in violation of this chapter or of any other ordinances or laws, provided that those corrections to errors approved by the building official shall only be required when the building official certifies that the errors must be corrected based on a life safety issue. The building official is also authorized to prevent occupancy or use of a structure where a condition exists in violation of this chapter or of any other ordinance of the city. Notwithstanding any other provision of this chapter, regulations and ordinances in effect on the date of a permit's issuance shall continue to apply to the permit until its expiration and no subsequent changes in policies, ordinances, regulations and/or administrative requirements shall affect the issued permit, including the construction approved by the permit, the inspections required by the permit and the method of connecting to City services, including but not limited to water and sewer in accordance with the construction documents approved by the permit.

(c) *Expiration of permits.*

- (1) *Generally.* Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or, if the building or work

ORDINANCE NO. 180570

authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefore shall be in accordance with Section 18-20(d). A permit may be extended by the building official for a period not to exceed six months upon written request from the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

- (2) *Sign permit.* An erection permit shall authorize erection or relocation of the sign or sign structure for a period of six months. If the work authorized under a permit has not been completed within six months after the date of issuance, the permit shall become null and void.
 - (3) *Building moving permits.* The work authorized by a moving permit shall be commenced within three calendar days from the date of issuance of such permit. If the work is suspended or abandoned more than two consecutive calendar days after the work is commenced, the permit shall expire. The length of time permitted for moving any building and placing on a permanent foundation shall not exceed five calendar days from the date of permit issuance. A permit may be renewed or extended by the building official upon request of the permit holder if the building official concludes that work could not be completed within the allotted time or that work was suspended as a result of circumstances not reasonably within the control of the permit holder, such as weather, mechanical failures and other unanticipated difficulties.
 - (4) *Demolition work.* The work authorized by a demolition permit shall be continuous until the work is completed. For the purpose of this article, the term "continuous" shall mean the normal rate of progress in keeping with good demolition practices. If the work is suspended for more than five calendar days after the work is commenced, the job shall be deemed abandoned and the permit shall expire. The building official may allow the work to be suspended longer than five calendar days should it be found that weather or other conditions beyond the control of the permit holder exist. The time for demolition of a one- or two-story dwelling shall not exceed 30 days from the date the demolition work commences.
- (d) *Suspension or revocation.*
- (1) *Generally.* The building official may, in writing, suspend or revoke any permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provisions of this chapter, or other pertinent laws or ordinances within the Code of Ordinances. The building official may also suspend or revoke any permit issued upon failure of the holder thereof to comply with any of the provisions of this chapter or requirements of the permit.

ORDINANCE NO. 180570

- (2) *Traffic Control Obstruction.* The building official may revoke a permit for the erection of any sign or other structure which, by reason of its position, shape or color, may obstruct or interfere with the view of or be confused with any authorized traffic sign, signal or device.
- (3) *Hearings.* The holder of a permit may request a hearing before the building official to consider the suspension or revocation of a permit.

(e) *Placement of permit.* The building permit or copy shall be kept on the site of the work until the completion of the project.

Sec. 18-21. Inspections.

- (a) *Authority of building official; duties of permittee.*
 - (1) All construction or work for which a permit is required under this chapter shall be subject to inspection by the building official, and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in section 18-22.
 - (2) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of any other ordinances. Inspections presuming to give authority to violate or cancel the provisions of this chapter or any other ordinances shall not be valid.
 - (3) 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 the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
 - (4) A survey of the lot may be required by the building official to verify that the structure is located in accordance with approved plans.
 - (5) It shall be the duty of the permit applicant to install and maintain effective erosion and sediment control measures as specified in section 3307 of the International Building Code, as adopted by article II of this chapter. Should it be found that required erosion and sedimentation control measures have not been installed, the building official may refuse any inspection requests for work requiring inspections until such time as the site complies with the requirements of this chapter. Should it be found that the installed erosion and sediment control measures are ineffective or are not being maintained properly, the building official shall give notice to the permit holder. Subsequent inspections may be refused if the erosion and siltation control measures are ineffective, or not being maintained.

ORDINANCE NO. 180570

- (6) Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(b) *Inspection requests.* It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

(c) *Approval of successive portions of work, final inspection.*

- (1) Work shall not 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 that the portion of the construction or demolition is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the construction or demolition fails to comply with this chapter. Any portions which do not comply shall not be covered or concealed until authorized by the building official.
- (2) There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

(d) *Required inspections.*

- (1) Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.
- (2) The building official, upon notification from the permit holder or permit holder's agent, shall make the following inspections and shall either approve that portion of the construction or demolition as completed or shall notify the permit holder or his agent wherein the construction fails to comply with this chapter:
 - a. *Footing or foundation inspection.* A footing and foundation inspection 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. All materials for the foundation shall be on the job; except, where concrete is ready-mixed in accordance with ASTM C94, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

ORDINANCE NO. 180570

- b. *Concrete slab or under-floor inspection.* Concrete slab and under-floor inspections shall be made after all 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.
 - c. *Prebackfill.* A prebackfill inspection shall be made after the foundation drainage and damproofing systems are complete and prior to backfilling.
 - d. *Rough-in inspection.* A rough-in inspection shall be made after such work as framing, fireblocking, roof, piping, vents, ductwork, chimneys, wiring, etc., are in place and prior to concealment.
 - e. *Fire resistive rated assembly.* A fire resistive rated assembly inspection shall be made at such time so as to verify that the construction of each fire resistive rated assembly is in accordance with its listing.
 - f. *Fire-resistant penetrations.* An inspection shall be made of the firestopping or fireblocking of all penetrations, joints, etc., prior to concealment.
 - g. *Masonry throat inspection.* For masonry fireplaces only, a masonry throat inspection shall be made after the firebox is built and the 1st flue liner is in place. Construction of chimney may not continue until this inspection is approved.
 - h. *Utility connection inspections.* Gas or electric service inspections shall be made prior to connection to the utility source. See Section 18-11 of this article.
 - i. *Performance tests.* Performance tests shall be conducted by the permit holder as required by this chapter, or as otherwise required by the building official.
 - j. *Demolition (basement and sewer) inspection.* A basement and sewer inspection shall be made prior to the filling of the excavation and/or final grading of the property.
 - k. *Final inspection.* A final inspection shall be made after all work under permit has been completed for the building, tenant space or demolition.
- (3) If it is determined upon inspection that construction fails to comply with this chapter, a re-inspection may be required. Any such re-inspection shall be limited to inspecting the items that did not pass any previous

ORDINANCE NO. 180570

inspection and that were identified in the written inspection report. Re-inspections shall not be used to re-examine items that passed previous inspections unless the building official certifies that the re-inspected item will present a danger to life or safety.

(e) *Other inspections.* In addition to the inspections specified in subsection (d) of this section, the building official may make or require other inspections of any construction or demolition work to ascertain compliance with the provisions of this chapter or any other ordinances.

(f) *Building service equipment inspections.* The requirements of this section shall not be considered to prohibit the operation of any building service equipment installed to replace existing building service equipment serving an occupied portion of the building if a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after such replacement work is completed, and before any portion of such building service equipment is concealed by any permanent portion of the building.

(g) *Periodic inspections.*

(1) *Elevators.*

- a. *Generally.* All elevator equipment, vertical and inclined, shall be inspected as required by article IX of this chapter.
- b. *Issuance of certificate of inspection.* Where the inspections and tests indicate that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this article, and the plans and specifications are filed, the building official shall issue a certificate of inspection to the owner of the elevator or the owner's agent. Such certificate shall be kept posted on the elevator. In the case of escalators and manlifts, such certificate shall be posted in a conspicuous place adjacent to the entrance of each escalator or manlift. No elevator, dumbwaiter, escalator, moving walk, workmen's hoist, manlift, chairlift or wheelchair lift which is covered by this chapter shall be used without such certificate. The owner, tenant, occupant or maintainer of property on which elevator equipment is being operated shall be responsible for the following use of such elevators: Freight elevators shall be ridden by the operator and freight handler persons only, and no-rider elevators shall not be ridden by persons.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the equipment is not in compliance with this chapter or that the fee for any required inspection or test has not been paid.

ORDINANCE NO. 180570

- d. *Fees for tests and inspections.* Fees for tests and inspections shall be as provided in section 18-20 of this chapter.
 - e. *Limited certificates.* The building official may permit the temporary use of any equipment regulated by this chapter during the installation, alteration or repair, under the authority of a limited certificate issued for each class of service. Such limited certificate shall not be issued until the equipment has been tested under contract load and the car or counterweight safeties, terminal-stopping devices and other safety equipment has been tested and found to be safe for the class of service. Equipment operating under the authority of a limited certificate may be shut down or be subject to a double inspection fee if repairs or other requirements have not been completed in a timely manner.
- (2) *Underground space.*
- a. *Generally.* All new and existing underground spaces shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the underground space is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.
 - b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
 - c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
 - d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.
- (3) *Communication towers for television and radio transmission or reception.*
- a. *Generally.* All new and existing structures shall be inspected for structural adequacy at least once every five years. A report of the findings of such inspection shall be submitted to the building

ORDINANCE NO. 180570

official to verify the conditions found on each occasion. The report shall be certified by a professional engineer registered to practice in the state. The report shall state that, in the opinion of the professional engineer, the structure is safe and in such condition that it is capable of carrying the loads for which it was originally designed without any repairs or modifications, or what areas require repair before such certification can be given.

- b. *Issuance of certificate of inspection.* Where the inspection indicates that the installation is in a safe operating condition, and, in the case of a new installation, conforms to this chapter and this article, a certificate of inspection shall be issued to the owner or the owner's agent. Such certificate shall be maintained in an appropriate location.
- c. *Revocation of certificate of inspection.* Any certificate issued may be revoked if it is determined that the installation is not in compliance with this chapter or that the fee for certificate of inspection has not been paid.
- d. *Fee for certificate of inspection.* Fees for certificate of inspection shall be as provided in section 18-20 of this chapter.

(4) *Multilevel parking structures.*

- (a) Each owner of a multilevel parking station structure in its 15th year of age and every five years thereafter shall cause it to be inspected for structural adequacy by a registered professional engineer licensed in the State of Missouri. A form known as the Parking Structure Periodic Inspection Report shall be completed, sealed by the professional engineer who performed the inspection, and submitted to the city planning and development director to verify the conditions found. The Parking Structure Periodic Inspection Report shall be submitted by June 1st of the sixteenth year and every five years thereafter.
- (b) If the Parking Structure Periodic Inspection Report certifies that all applicable structural elements are satisfactory or if the Parking Structure Periodic Inspection Report certifies that there are some limited concerns and the professional engineer certifies that the structure has sound structural integrity, and should be considered safe for occupancy, then the city planning and development director shall issue a letter of acceptance. Such letters of acceptance shall expire five years from the date they are issued. Letters of acceptance may be revoked before expiration by the city planning and development director if the condition of the structure becomes unsafe.

ORDINANCE NO. 180570

- (c) If the Parking Structure Periodic Inspection Report indicates that the parking structure or part of the structure is unsafe or incapable of carrying the loads for which it was designed without repairs or modifications, the city planning and development director may require the owner to immediately vacate the entire structure or that part of the structure which is deemed unsafe. The structure or that part of the structure that is ordered vacated shall remain unused and unoccupied by either persons or vehicles until proper repairs or modifications render the structure safe and the opinion as required in (b) by the professional engineer is given. Once the required repairs or modifications have been completed and the professional engineer certifies that it has sound structural integrity and should be considered safe for occupancy, the city planning and development director shall issue a letter of acceptance as required in (b) and the structure shall be allowed to be occupied.
- (d) No owner shall use or occupy a multilevel parking structure which structure is over the age of 16 years without a letter of acceptance as referred to in section (b) above.
- (e) Fees for the letter of acceptance shall be as provided in section 18-20 of this chapter.

Approved as to form and legality:

Katherine Chandler
Assistant City Attorney