

**BILL NO. 6526**

**ORDINANCE NO. 6409**

**AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTIONS 500.010 AND 500.020 OF THE CODE OF ORDINANCES OF THE CITY OF CLAYTON, MISSOURI, RELATING TO BUILDINGS AND STRUCTURES TO ADOPT THE INTERNATIONAL SWIMMING POOL AND SPA CODE AND CERTAIN AMENDMENTS THERETO, AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF.**

**WHEREAS**, Section 67.280, RSMo. Supp. 2009, authorizes the City of Clayton to adopt certain technical codes, as defined therein, by adopting an ordinance which incorporates by reference the provisions of any such code or portions thereof and any amendment thereto without setting forth the provisions of such code in full provided that one copy of such code to be so adopted shall be filed in the office of the city clerk and there kept available for public use, inspection, and examination for a period of ninety days prior to the adoption of the ordinance which incorporates such code, portion, or amendment by reference; and

**WHEREAS**, a copy of each of the codes referenced and adopted below, has been filed in the office of the city clerk and kept available for public use, inspection, and examination for a period of at least ninety (90) days prior to the adoption of this ordinance and will, following the adoption of this ordinance, be similarly filed and kept available in the office of the city clerk;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI AS FOLLOWS:**

**SECTION 1.** Section 500.010 of Article I of Chapter 500 of Title V of the Code of Ordinances of the City of Clayton, Missouri, relating to the adoption and amendment of certain technical codes concerning the construction of buildings and continued occupancy thereof; mechanical, plumbing, and electrical construction is hereby repealed and a new Section 500.010 on the same subject and swimming pool and spa regulations is hereby enacted in lieu thereof, to read as follows:

**TITLE V.                            BUILDING AND CONSTRUCTION**  
**CHAPTER 500:                    BUILDING CODES AND BUILDING REGULATIONS**  
**ARTICLE I.                        ADOPTION OF BUILDING CODES**  
**SECTION 500.010:                BUILDING CODE ADOPTION**

The Building Code of the City shall consist of Part I, the 2015 International Building Code, Part II, the 2015 International Mechanical Code, Part III, the 2015 International Plumbing Code, Part IV, the 2015 International Residential Code, Part V, the 2015 International Fuel Gas Code, Part VI, the 2015 International Energy Conservation Code, Part VII, the 2015 International Existing Building Code and Part VIII, the International Swimming Pool and Spa Code and all appendices to each Code. Additions, insertions, deletions and changes to Codes are set out in Section 500.020.

**SECTION 2.** Section 500.020 of Article I of Chapter 500 of Title V of the Code of Ordinances of the City of Clayton, Missouri, relating amendments to certain technical codes, is hereby amended by the addition of one new Subsection pertaining to swimming pool and spa regulations, initially to be designated as Subsection (H), to read as follows:

**TITLE V.                            BUILDING AND CONSTRUCTION**

**CHAPTER 500: BUILDING CODES AND BUILDING REGULATIONS**

**ARTICLE I. ADOPTION OF BUILDING CODES**

**SECTION 500.020: ADDITIONS, INSERTIONS, DELETIONS AND CHANGES -- BUILDING, MECHANICAL, PLUMBING, RESIDENTIAL, FUEL GAS, ENERGY CONSERVATION, EXISTING BUILDING AND SWIMMING POOL AND SPA.**

[NOTE: Subsections (A) through (G), and the balance of Section 500.020 not altered, amended or affected in any way by this amendment and remain in full force and effect. For that reason these Subsections are not set forth here in full.]

**H. Part VIII International Swimming Pool and Spa Code**

The following numbered sections and subsections are hereby amended by addition, insertions, deletions and changes. Each section or subsection contained herein is part of Chapter 500 and should be considered as such. The amended sections and subsections shall read as follows:

**Section 101.1 Amended to read as follows:**

**Section 101.1 Title:** These regulations shall be known as the Swimming Pool and Spa Code of the City of Clayton, Missouri, hereinafter referred to as "this code".

**Section 105.6.1 Amended to read as follows:**

**Section 105.6.1 Work Commencing before permit issuance.** Any person who commences any work before obtaining the necessary permits shall be subject to 100 percent of the usual total permit fee in addition to the required permit fees.

**Section 105.6.2 Amended to read as follows:**

**Section 105.6.2 Fee Schedule.** The fees for all work or permits governed by this code shall be per the fee schedule found within the City of Clayton Missouri municipal code.

**Section 105.6.3 Deleted without substitution**

**Section 107.4 Amended to read as follows:**

**Section 107.4 Violation penalties.** Any person, firm, corporation, limited liability company or other business entity who shall violate any provision of this code, or any owner or tenant of the building or premises or any other person who commits, takes part or assist in any violation of this code or maintains any building, structure or premises in which such violation shall exist shall be guilty of an ordinance violation and subject to punishment by a fine not to exceed \$1000 or imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense. This provision shall not apply to any section of this code or to any ordinance in which there is expressly provided a penalty for its violation, or for any offense the penalty for the violation of which is fixed by statute.

**Section 107.5 Amended to read as follows:**

**Section 107.5 Stop work orders.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as is directed by the Code Official to

remove a violation or unsafe conditions, shall be liable to punishment as provided in Section 100.110 of the Code of Ordinances as defined in Section 108.4

**Section 108.1 Amended to read as follows:**

**Section 108.1 Application for appeal.** Any person shall have the right to appeal a decision of the Code Official to the Board of Appeals provided for in the Building Code.

Application for appeal may be made when it is claimed that the true content of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of installation or construction can be used.

**Section 108.2 through Section 108.7 Deleted without substitution**

**Section 202 Definitions. Add the following definition:**

**Manufactured Pool or Spa.** A *listed* pool or spa that is manufactured then transported to the installation site and installed or assembled

**Section 307.4 Amended to read as follows:**

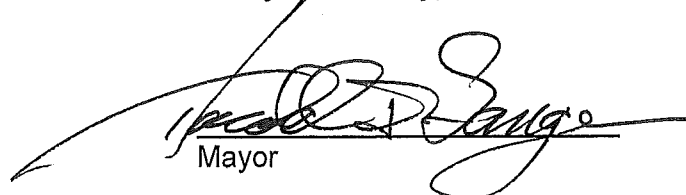
**Section 307.4 Materials and structural design.** Pools and spas shall conform to one or more of the standards indicated in Table 307.4. The structural design of pools shall be in accordance with the International Building Code and shall be performed by a Missouri licensed design professional.

**Section 3:** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Municipal Code of the City of Clayton upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

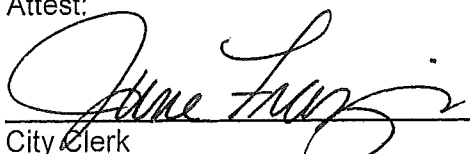
**Section 4.** It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

**Section 5.** This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

**Passed by the Board of Aldermen this 26th day of January, 2016.**

  
Mayor

Attest:

  
City Clerk