

**LEE'S SUMMIT BOARD OF APPEALS**

**Minutes of Wednesday, August 29, 2018**

Mr. Brown called to order the Wednesday, August 29, 2018 meeting of the Lee's Summit, Missouri Board of Appeals at 6:04 p.m., at the City Hall Council Chambers, 220 SE Green Street, Lee's Summit, Missouri.

**OPENING ROLL CALL:**

Mr. Robert Crance.	Present	Mr. Steve Patterson	Present
Mr. John G. Brown    Chair	Present	Mr. Rodney Loesch	Present
Ms. Karen Sallee	Present	Ms. Pam Schleiden	Absent
Ms. Dana Miller	Present		

Also present were Dan Harper, Assistant Director of Development Services; Ryan Elam, Director of Development Services; Tracy Deister, Codes Administration Manager; Jim Eden, Assistant Fire Chief I, Fire Department; and Jeanne Nixon, Secretary Development Services

**Approval of the minutes of September 12, 2017**

On the motion of Mr. Crance, seconded by Ms. Sallee, the Board of Appeals voted unanimously by voice vote to approve the minutes of the meeting of September 12, 2017.

**Presentation of the 2018 international Property Maintenance Code**

Mr. John Brown stated that this would be a presentation and overview session presented by the city. The city will go through line item by line item.

Mr. Dan Harper indicated that he is here to present the 2018 Property Maintenance Code. The background operates under Chapter 16 for property maintenance. The city is reactive and does not look for issues. We investigate complaints as we receive them. There are 4 NHS officers that work throughout the city. Overall goal is abatement. We try to get people to comply. It can end up in court, but we try to get abatement. The current Chapter 16 looks at exterior, very little interior. That will be a new change. The process is an internal review. A citizen group was established to review the 2018 Code. The goal is to implement this in January 2019. We would like to normalize these codes with the Building and Fire Code. The 2018 Building code will be adopted in January as well.

Dan Harper proceeded with presentation of the following:

**See the document below with Board of Appeals Comments**

Chapter 3 - General Requirements				
Section	Status	Citizen Input	Staff Recommendation	Board of Appeals Comments
<b>301: General</b>				
301.1	Cur.	No comments	Staff recommends to adopt as written.	
301.2	New	Several citizens expressed confusion if this code clearly specifies who is the occupant-owner and if renters are responsible. There were additional concerns that this wouldn't cover commercial buildings based on the current phrasing. The two proposals made were to remove the dwelling units from the language and to consider adding wording to cover commercial	Staff interprets the code as a whole applies to all properties and does not make exceptions for residential or commercial unless stated. Staff recommends no change to the wording as dwelling units should be included. Staff recommends to adopt as written.	
301.3	Cur.	No comments	Staff recommends to adopt as written.	
<b>302: Exterior Property Areas</b>				
302.1	Cur.	No comments	Staff recommends to adopt as written.	
302.2	New	Citizen's proposed changes to include detention as an exception since retention is not the same. The other concern was that the code doesn't clearly establish what is a pond and what is standing water.	Staff does not recommend including detention as they should drain to no standing water if properly designed & maintained in accordance to the Design and Construction Manual. Staff does not recommend defining a pond at this location as the section is defined as grading and drainage therefore standing water should not be created as a result of grading and drainage. A pond/reservoir would be a designed feature and not a nuisance of standing water. Staff recommends to adopt as	
302.3	Cur.	Citizen's provided mixed feedback as to if removal of snow & ice should be an exception or should be required. Some citizens supported this idea while others rejected it.	The city has historically never defined a requirement for the removal of snow & ice conditions from public or private sidewalks/drives or similar areas. Therefore to remain consistent with past practices, the staff recommends adopting the code as "Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair." - striking the rest of the sentence.	The city has not historically required citizens to remove snow / ice. The consistency in the KC area varies. Some subdivisions may have those requirements.
302.4	New	No comments	Staff recommends to adopt as written with the maximum weed height to remain the 10 inches as is currently adopted.	Historically it was 12 and was decreased to 10 inches 6-8 years ago. This requirement does not apply to cultivated plants.
302.5	Cur.	No comments	Staff recommends to adopt as written.	
302.6	Cur.	No comments	Staff recommends to adopt as written.	
302.7	Cur.	No comments	Staff recommends to adopt as written.	
302.8	New	One citizen proposed that vehicles should be allowed to be stored in the backyard if it was fenced regardless of operability.	Staff recommends to adopt as written staying consistent with past practices.	We do have a current ordinance that regulates this. It is not allowed at this time.
302.9	Cur.	No comments	Staff recommends to adopt as written.	

303: Swimming Pools, Spas and Hot Tubs				
303.1	Cur.	No comments	Staff recommends to adopt the following, "Swimming pools shall be maintained in a clean and sanitary condition, and all components of the pool maintained in a functioning state. Abandoned or unused swimming pools, spas, and hot tubs that do not meet these conditions may require removal at the discretion of the codes official."	This was rooted by a case that we had that once the pool was covered, we could do very little about it. There are current provisions in the code that deal with barricades and self-closing, self-latching gates. This is consistent with the current code. A cover on a pool is not considered a barricade and does not meet code. Chpt 7 of the ordinance talks about spacing in regards to barricades.
303.2	Cur.	No comments	Staff recommends to adopt as written.	
304: Exterior Structure				
304.1	Cur.	No comments	Staff recommends to adopt as written.	
304.1.1	New	Citizens raised concern that the city shouldn't be checking caulking on houses as it isn't their role. Others stated that non-visible items aren't a life safety issue and should not be included. Some citizens did support this as it could be utilized by a renter to encourage a landlord to make repairs.	The comment on caulking was in reference to item #4. Staff interprets this code as a reference towards a larger hole that would be as a result of missing trim, flashing, or an actual hole. Staff also could identify items that would be non-visible that could require enforcement and could be a life safety issue. An example would be a leaning building that may have structural damage but it would be non-visible.	Tracy Deister indicated that the city currently addresses a lot of these issues that are listed. The city might add the international residential code with the international building code to this one. - John Brown indicated that adding those would be acceptable.
304.2	Mod.	No comments	Staff recommends to adopt as written.	
304.3	Cur.	Some citizens questioned that this shouldn't be a requirement if the structure was so far from the road that it could not be seen from the street and proposed an exception for this situation. Another suggestion was to place limits on the size of the numbers allowed.	Staff does not agree with an exception to not have an identifier on the property as it could be related to a fire/police issue where they could need an identifier that is visible. Staff does not agree that a maximum size limit is required at this time. Therefore staff recommends to adopt as written.	
304.4	Cur.	No comments	Staff recommends to adopt as written.	
304.5	Cur.	No comments	Staff recommends to adopt as written.	
304.6	Cur.	No comments	Staff recommends to adopt as written.	
304.7	Cur.	No comments	Staff recommends to adopt as written.	
304.8	Cur.	No comments	Staff recommends to adopt as written.	
304.9	Mod.	No comments	Staff recommends to adopt as written.	
304.10	New	No comments	Staff recommends to adopt as written.	
304.11	Cur.	No comments	Staff recommends to adopt as written.	
304.12	Cur.	No comments	Staff recommends to adopt as written.	
304.13	Cur.	No comments	Staff recommends to adopt as written.	
304.13.1	Cur.	No comments	Staff recommends to adopt as written.	
304.13.2	Cur.	Some citizens were against the requirement to have a window as openable that it shouldn't be of the city's concern.	Staff finds that there may be some safety implications with this section of code with regards to a falling window landing on a persons fingers/hand or breaking the window if it were to fall. Staff has concerns with the ability to enforce this section of code as it would require an officer to check each window upon inspection. Staff recommends adoption of the following: "Every window, other than a fixed window, shall be easily openable." - striking the rest of the sentence.	How do we enforce this? Particularly older homes that have been painted multiple homes and the seems are painted shut. We would have to be in the home for another reason.

304.14	New	Some citizens had concerns about the use of habitability were raised as not being sufficient to evict a renter in court. Others also had concerns that this shouldn't even be a city ordinance to require.	Staff finds that if a window is required for ventilation but it cannot be opened without a screen, it is therefore unusable for the intended purpose. Therefore staff recommends adopting the code as written but with the dates striken. Due to the seasons of the year in this location staff does not find that limiting the season provides any benefit.	Definition of self closing device: One that will close without human intervention. Such as a spring on a screen door. This applies to windows that are required for ventilation. If there is a window and a door in the room the door would not have to have a screen. Mechanical ventilation is acceptable in lieu of a door or window. Are there specific places that have to have a window? Ventilation can occur through natural means or mechanical. This code refers to openings for ventilation only. Habitable Space - <b>Definition</b> . Screens are required on openable doors and windows that are used for ventilation. Look at chapter 401.3 alternative devices which refers to mechanical ventilation and artificial light. It is suggested that this paragraph be struck from the code. The Board of Appeals agrees to strike this paragraph.
304.15	New	No comments	Staff recommends to adopt as written.	
304.16	Cur.	No comments	Staff recommends to adopt as written.	
304.17	New	Some had concerns that this section of code would require multiple layers of protection. Recommendations were to make a list of approved materials rather than leaving it up to the codes official. There were also concerns that it would be too strict on home owners. A recommendation was made to strike this whole code.	Staff finds that this code does not mean multiple layers of protection are required. Staff also does not agree with making a list as it would constrain the potential use of a new material that would be acceptable or the use of a material that was inadvertently omitted which would require judgement to be made by the codes official. Therefore staff recommends to adopt as written.	Is that as easy as a screen on the window? Yes, it could be.
304.18	New	No comments	Staff recommends to adopt as written.	
304.18.1	New	Citizens had concerns that the terminology is not consistent with earlier chapters. There was some concern that the code would not allow for some newer lock technologies to be acceptable. A recommendation was made to strike the word deadbolt out and to allow any lock that is a minimum of at least 1 inch in size.	Staff recommends to adopt as written and to add an exception "Locks not conforming to the code may be accepted by review of the codes official". This would allow for the flexibility to accept new lock technology that could meet the code requirements.	New construction has a security code based on principles adopted 10+ years ago. This would apply to older homes that did not have this security code when constructed.
304.18.2	New	No comments	Staff recommends to adopt as written.	
304.18.3	New	No comments	Staff recommends to adopt as written.	
304.19	New	No comments	Staff recommends to adopt as written.	
<b>305: Interior Structure</b>				
305.1	Cur.	No comments	Staff recommends to adopt as written.	
305.1.1	New	No comments	Staff recommends to adopt as written.	
305.2	Cur.	No comments	Staff recommends to adopt as written.	
305.3	New	Citizens had mixed feedback on this code. Fears about children eating paint were raised to support it and others thought that the government shouldn't dictate this as it was their paint to look at. Home owners recommended an exception for owner-occupied while landlords heavily opposed this. Some thought that this wasn't required because existing health laws covered	Staff recommends striking this code as the code is potentially too subjective for enforcement.	Board of Appeals agrees with striking this.
305.4	Cur.	No comments	Staff recommends to adopt as written.	
305.5	Cur.	No comments	Staff recommends to adopt as written.	

305.6	New	Citizens raised concerns about this being overreach to enforce.	Staff recommends to adopt as written.	
<b>306: Component Serviceability</b>				
306.1	New	No comments	Staff recommends to adopt as written.	
306.1.1	New	Some citizens disagreed with this even being an ordinance to maintain. Others had concerns that the materials list was not inclusive enough and needs expanded. Some thought existing code already covered this so duplication was	Staff finds that the list of materials is sufficient and materials not listed could be reviewed on a case by case basis by the codes official. Staff recommends to adopt as written.	Some of the language is currently in the code as written today, but may be more vague. A lot of this can be addressed today by current code.
<b>307: Handrails and Guardrails</b>				
307.1	New	It was identified that this section of code applies to both commercial & residential under building codes which are different. The recommendation was made to add a section 307.2 and state that commercial properties should match the existing city building code.	Staff recommends to adopt the following, "Every exterior and interior flight of stairs having more than four risers shall have a handrail and guardrails as required by the building code at the time of construction or shall meet the following..."	This doesn't match the residential or building code. Thus the addition of the language.
<b>308: Rubbish and Garbage</b>				
308.1	Cur.	No comments	Staff recommends to adopt as written.	
308.2	Cur.	No comments	Staff recommends to adopt as, "Every occupant of a structure shall dispose of all rubbish in a clean and sanitary mannner by placing such rubbish in approved containers and disposing of such rubbish in an approved disposal facility."	Differentiate between rubbish and garbage. Garbage is generated from daily activities. Rubbish is used appliances, yard debris etc.
308.2.1	New	No comments.	Staff recommends striking this code as it has traditionally been the City's practice to hold the individuals producing the rubbish as responsible for disposal.	Board of Appeals agrees with striking this
308.2.2	New	Citizens made the recommendation to remove this line of code as rubbish includes refrigerators.	Staff recommends to adopt as written as refrigerators are rubbish, but rubbish that require an additional step to avoid a potential life/safety issue.	
308.3	Cur.	No comments	Staff recommends to adopt as, "Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage container and disposing of garbage in an approved disposal facility."	
308.3.1	New	No comments	Staff recommends to adopt as written.	
308.3.2	Cur.	No comments	Staff recommends to adopt as written.	
<b>309: Pest Elimination</b>				
309.1	Cur.	No comments	Staff recommends to adopt as written.	
309.2	Cur.	No comments	Staff recommends to adopt as written.	
309.3	Cur.	No comments	Staff recommends to adopt as written.	
309.4	Mod.	No comments	Staff recommends to adopt as written.	
309.5	Cur.	No comments	Staff recommends to adopt as written.	
N/A	N/A	It was recommended to add a section of code that covers if a neighbor caused an infestation but no suggestion on how to phrase it was given.	Staff does not recommend to add an additional section as specific situations as suggested by the citizens should go through a judicial body such as civil court and are not a maintenance related issue.	
<b>Chapter 4 - Light, Ventilation and Occupancy Limitations</b>				
<b>401: General</b>				
401.1	New	No comments	Staff recommends to adopt as written.	
401.2	New	No comments	Staff recommends to adopt as written.	

401.3	New	Citizens made a recommendation that this code should also include the residential and building code.	Staff recommends to adopt as, "In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code or International Residential Code shall be permitted."	Would there be any benefit in referencing to the adopted codes rather than the standard codes? The reference can be made.
<b>402: Light</b>				
402.1	New	Citizens recommendation is to hit the 8% as based on the code at the time of construction. There was a lot of concerns about this not being necessary and that it isn't a safety issue and served no purpose.	Staff recommends to adopt as written. The comments from the citizens group we are not in agreement with as compliance of this code can easily be made compliant with the methods described in 401.3 and would not require significant modifications to a structure as was the fear described.	This section and the next section (ventilation) indicate where it's possible to have natural lighting and ventilation. Where it's not possible use mechanical means. A variance could be requested where this code is not possible. (Modification request) A door could meet the requirement if it is a glass door rather than a solid door.
402.2	New	There was concern that this would not interact well with existing structures as making changes could be near impossible.	Staff recommends to adopt as written. The comments from the citizens group we are not in agreement with as compliance of this code can easily be made compliant with the methods described in 401.3.	Allowances for a different type of bulb? Yes, with equivalent illumination.
402.3	New	No comments	Staff recommends to adopt as written.	
<b>403: Ventilation</b>				
403.1	New	One citizen/landlord had issues with the use of habitability with regards to eviction proceedings being constrained by this word usage.	Staff recommends to adopt as written. The argument about habitability is a localized argument that needs to be addressed in civil court and leasing	This is a contract between landlord and tenant.
403.2	New	No comments	Staff recommends to adopt the following, "Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system for a bathroom or toilet room shall be discharged either to the attic or to the outdoors and shall not be recirculated.	Intent is that we currently allow ventilation into the attic and it is not required to be taken completely outside. This goes along with the current code. This saves roof penetration. Is there a conflict with this language and the existing building code? They will match with the 2018 residential and building code.
403.3	New	Citizens made a recommendation to define what the local certificate is and what it should say.	Staff recommends to adopt as written. The certificate of occupancy is defined in the adopted building code by the City and does not need to be defined in the PMC.	This is a standard certificate that the city uses for any occupancy.
403.4	New	No comments	Staff recommends to adopt as written.	
403.5	New	No comments	Staff recommends to adopt as written.	
<b>404: Occupancy Limitations</b>				
404.1	New	No comments	Staff recommends to adopt as written.	
404.2	New	There were concerns that this code might lead to a house being boarded up due to over occupancy. The difficulty of achieving corrections were met with resistance as widening a room may be impossible.	Staff recommends to adopt as written. With the concerns for over occupancy staff finds that the intent of this code is to ensure that rooms that are non-conforming are not used as a bedroom for safety concerns related to overcrowding, inhospitable conditions.	
404.3	New	No comments	Staff recommends to adopt as written.	

404.4	New	Code 404.4 through 404.4.5 were discussed as one section. Citizens had concerns about the government's role and shouldn't be involved in the location of bathrooms. Others countered that this was known when the place was purchased or moved into and was residence decision was made by the resident. Others agreed with the first sentence but disagreed with the second.	Staff recommends to adopt as written.	
404.4.1	New	Other concerns were also raised about the selling of older houses may become impossible due to so many changes over time.	Staff recommends to adopt as written. The size of rooms is intended to provide safety for occupants and rooms smaller than these sizes would lead to difficulty moving around in a situation such as a fire.	
404.4.2	New		Staff recommends to adopt as written.	
404.4.3	New		Staff recommends to adopt as written. Few instances would occur where bathrooms are not on the same floor or adjacent floors which would require a building to have at least three stories or a situation with a single bathroom off of a master bedroom. Failure to meet these requirements would lead to a	
404.4.4	New		Staff recommends to adopt as written.	
404.4.5	New		Staff recommends to adopt as written.	
404.5	New	Some citizens raised concerns about the areas being too large. Others also were concerned that the definition of dining & living room was not clear enough. One recommendation that was well received by the group was to add an exception if the house was maintained in it's original configuration. One citizen had concerns that without this regulation there would be no occupancy limits.	Staff recommends to adopt as written as the intent of these codes is to ensure livability and quality of life in the community. Staff finds that dining & living rooms are commonly understood terms and do not need to be defined seperately. With regards to the exception the intent of this code is to avoid overcrowding which results in a life/safety issue. These limits would restrict how many people are permitted to live on a property and older properties that are small would likely mean that fewer people would be able to live at that property or would need to comply with the efficiency unit standards.	
404.5.1	New	No comments	Staff recommends to adopt as written.	
404.5.2	New	No comments	Staff recommends to adopt as written.	
404.6	New	One citizen's recommendation was that this should be struck as the residential code doesn't permit efficiency units. Questions were raised as to if this would cover hotel/motel units but no suggestion. In general there was confusion about what this code applied to.	Staff recommends to adopt as written. Hotel & motel units fall under a different type of occupancy and do not fall under this type of code. The IRC doesn't bar the placement of efficiency units, it does not define what they are therefore this code may still be enforced on an existing structure.	
404.7	New	No comments	Staff recommends to adopt as written.	
<b>Chapter 5 - Plumbing Facilities and Fixture Requirements</b>				
<b>501: General</b>				
501.1	Cur.	No comments	Staff recommends to adopt as written.	
501.2	Cur.	No comments	Staff recommends to adopt as written.	
<b>502: Required Facilities</b>				
502.1	Mod.	No comments	Staff recommends to adopt as written.	
502.2	New	No comments	Staff recommends to adopt as written.	
502.3	New	No comments	Staff recommends to adopt as written.	
502.4	New	No comments	Staff recommends to adopt as written.	
502.4.1	New	No comments	Staff recommends to adopt as written.	

502.5	New	There were concerns raised if the health department already covers some of these items and that it may not belong in the property maintenance code. There were other concerns about people having to walk through a kitchen to reach a bathroom in the back. Several had concerns about the second sentence and that it should either be removed or left as a decision to the business. Other concerns were raised that this may require an office that doesn't normally open to the public to supply public bathrooms. There were some concerns about the phrasing throughout that may lead to poor enforcement. The last recommendation was to pass a separate ordinance requiring public access rather than as part of this code.	Staff's response to citizen's concerns: 1) Health codes check for the presence of features such as running water, the PMC is intended to check to ensure the maintenance and cleanliness of these features therefore the two codes are not the same. 2) Staff interprets that in the instance that a bathroom is in the back would be interpreted as a bathroom not for public use and modifications of buildings is not required by this code. 3) Have Law weigh in on this item? 4) Staff see's keyed controlled access as not a public bathroom and would not interpret that situation as a compliance issue. 5) Staff disagrees with needing a separate ordinance for this specific of	Staff recommends to adopt as written.
<b>503: Toilet Rooms</b>				
503.1	New	Some citizens raised concerns that this could be applied to a residential property.	Staff recommends to adopt as written. Staff finds that this code should be applied to residential properties along with all other properties in the city.	
503.2	New	No comments	Staff recommends to adopt as written.	
503.3	New	Some raised concerns that 500 ft. was too far for spacing of bathrooms.	Staff recommends to adopt as written. 500 ft. is consistent with the IBC	500 feet is consistent with the building code that we have adopted
503.4	New	No comments	Staff recommends to adopt as written.	
<b>504: Plumbing Systems and Fixtures</b>				
504.1	Cur.	No comments	Staff recommends to adopt as written.	
504.2	New	Concerns were raised that "adequate" was unclear and should either be removed or clearly defined. Others suggested that hard numbers needed to be applied.	Staff recommends to adopt as written. Adequate is interpreted as "the ability to" clean which would mean that inadequacy means that something cannot be cleaned which would result in adverse conditions which is the intent the PMC is trying to address.	
504.3	Cur.	No comments	Staff recommends to adopt as written.	
<b>505: Water System</b>				
505.1	Cur.	No comments	Staff recommends to adopt as written.	
505.2	Cur.	No comments	Staff recommends to adopt as written.	
505.3	Cur.	No comments	Staff recommends to adopt as written.	
505.4	New	Citizens continued concerns about the use of adequate as being too vague. Others were worried that no mention of expansion tanks was made and that there were no requirements.	Staff believes that adequate is properly used here as defining every facility type and required usage would not encompass all possible scenarios therefore the codes official needs the discretion allowed by this word to apply the code in a reasonable manner. Staff interprets "Water heating facilities" as inclusive of an expansion tank if one is present. Staff recommends to adopt as written.	This is required today. There are no permits or inspections required or performed at this time.
505.5	New	No comments	Staff recommends to adopt as written.	
505.5.1	New	No comments	Staff recommends to adopt as written.	
<b>506: Sanitary Drainage System</b>				
506.1	Cur.	No comments	Staff recommends to adopt as written.	
506.2	Cur.	No comments	Staff recommends to adopt as written.	



506.3	New	There were concerns of a lack of a backflow preventer for a commercial property. Also code official was not italicized was identified as a formatting error.	There was a misunderstanding of the group of the placement of a backflow preventer that doesn't apply to this type of code. The italicized issue was a difference between the hard copy book and the electronic version, the hard copy is correctly marked. Staff recommends to adopt as written.	
<b>507: Storm Drainage</b>				
507.1	Cur.	No comments	Staff recommends to adopt as written.	
<b>Chapter 6 - Mechanical and Electrical Requirements</b>				
<b>601: General</b>				
601.1	Cur.	No comments	Staff recommends to adopt as written.	
601.2	Cur.	No comments	Staff recommends to adopt as written.	
<b>602: Heating Facilities</b>				
602.1	Cur.	No comments	Staff recommends to adopt as written.	
602.2	Cur.	A recommendation was made to add the phrase "to furnish a means to provide heat" or "heating equipment".	Staff finds that not determining a minimum level of heat provided does not address the situation of a lack of heating equipment (ie. A candle heats but not sufficiently). Staff recommends to adopt as written.	
602.3	Cur.	Concerns were voiced about what the dates would be but no suggestions were given. Some concerns were also given on if the requirement to provide heating equipment and the lease requirements and who would be responsible for payment (renter/landlord). Finally another suggestion was to simply <del>require something to heat that is</del>	Staff recommends to strike this section. The requirements for heat listed on 602.2 would provide enough means to enforce a situation where heat wasn't provided and the additional details in section 602.3 would contribute to staff potentially mediating a tenant/landlord dispute.	Board of Appeals agrees with striking this.
602.4	Cur.	One suggestion was to remove the dates.	Staff agrees and recommends to strike the dates out of this code.	Board of Appeals agrees with this.
602.5	Cur.	No comments	Staff recommends to adopt as written.	
<b>603: Mechanical Equipment</b>				
603.1	Cur.	No comments	Staff recommends to adopt as written.	
603.2	Cur.	No comments	Staff recommends to adopt as written.	
603.3	Cur.	No comments	Staff recommends to adopt as written.	
603.4	Cur.	No comments	Staff recommends to adopt as written.	
603.5	New	No comments	Staff recommends to adopt as written.	
603.6	Cur.	No comments	Staff recommends to adopt as written.	
<b>604: Electrical Facilities</b>				
604.1	Cur.	No comments	Staff recommends to adopt as written.	
604.2	Mod.	No comments	Staff recommends to adopt as written.	
604.3	Cur.	No comments	Staff recommends to adopt as written.	
604.3.1	New	No comments	Staff recommends to adopt as written.	
604.3.1.1	New	No comments	Staff recommends to adopt as written.	
604.3.2	New	No comments	Staff recommends to adopt as written.	
604.3.2.1	New	No comments	Staff recommends to adopt as written.	
<b>605: Electrical Equipment</b>				
605.1	Cur.	No comments	Staff recommends to adopt as written.	
605.2	New	No comments	Staff recommends to adopt as written.	
605.3	Cur.	No comments	Staff recommends to adopt as written.	
605.4	New	No comments	Staff recommends to adopt as written.	
<b>606: Elevators, Escalators and Dumbwaiters</b>				
606.1	Mod.	No comments	Staff recommends to adopt as written.	
606.2	Cur.	No comments	Staff recommends to adopt as written.	
<b>607: Duct Systems</b>				
607.1	New	No comments	Staff recommends to adopt as written.	
<b>Chapter 7 - Fire Safety Requirements</b>				
Note: The majority of this section of code comes from the adopted international fire code which is in the process of being adopted.				
<b>701: General</b>				
701.1	Cur.	No comments	Staff recommends to adopt as written.	

701.2	Cur.	No comments	Staff recommends to adopt as written.	
<b>702: Means of Egress</b>				
702.1	Cur.	No comments	Staff recommends to adopt as written.	
702.2	Cur.	No comments	Staff recommends to adopt as written.	
702.3	Cur.	No comments	Staff recommends to adopt as written.	
702.4	Cur.	No comments	Staff recommends to adopt as written.	
<b>703: Fire-Resistance Ratings</b>				
703.1	Cur.	No comments	Staff recommends to adopt as written.	
703.2	Cur.	Recommendation that "unsafe conditions" should be defined. Another questioned if we had section 111.1.1 adopted elsewhere in ordinance than this wouldn't be required. Suggestion to move language in section 111.1.1 from IFC and move it to section 2 of the PMC.	Staff recommends to adopt as written. Since this section is a carry over from the fire code it should remain in place for quick reference. The administrative section is adopted under the IFC which would include this section of code where it is defined.	
703.3	Cur.	Recommendation that if access to a wall is possible the label should be readily accessible. Concerns that the code isn't clear on which walls are to be inspected. Suggestion to add a restriction that this is only enforced 6 years after code adoption. Another recommendation was to require this at the time of occupancy for a business.	This section of code is adopted by the Fire Department which is adopting it as written. To remain consistent, staff recommends adopting as written.	
703.3.1	Cur.	No comments	Staff recommends to adopt as written.	
703.3.2	Cur.	No comments	Staff recommends to adopt as written.	
703.4	Cur.	No comments	Staff recommends to adopt as written.	
703.4.1	Cur.	One citizen commented that the building code doesn't require these signs.	The current fire code requires these and the building code references the fire code when they are required. Therefore to remain consistent staff recommends to adopt as written.	
703.4.2	Cur.	No comments	Staff recommends to adopt as written.	
703.4.3	Cur.	No comments	Staff recommends to adopt as written.	
703.5	Cur.	No comments	Staff recommends to adopt as written.	
703.6	Cur.	Question if we should reference NFPA 80 for testing procedures or not.	Staff's answer to the citizens question was yes we should reference it as the ICC standard practice is to reference existing standards rather than creating their own which would remain consistent with past practices. Therefore staff recommends to adopt as	
703.7	Cur.	The IBC doesn't reference atriums with mechanical smoke exhaust as acceptable. This code implies it would now need to be covered. The recommendation was to allow an exception for atriums or provide specific rules on what should be installed & maintained.	Under the fire code a vertical shaft is not an atrium and references elevator shafts, laundry shutes etc. Therefore the practice of the city is not to include atriums in this section of code. Staff recommends to adopt as written.	There is a section on atriums in the building code. This was specifically in regards to an atrium with a mechanical smoke exhaust.
703.8	Cur.	No comments	Staff recommends to adopt as written.	
<b>704: Fire Protection Systems</b>				
704.1	Cur.	No comments	Staff recommends to adopt as written.	
704.1.1	Cur.	Question if there is anywhere in the codes that specify what percent of a building if modified is allowed before an entire structure is required to be brought up to current code.	There is not a specific location that sets a hard limit but rather it is left to the discretion of the fire and/or building official to decide when it is appropriate to bring the building up to current code standards. This is in chapter 11 of the fire code and chapter 34 of the building code. Therefore staff recommends to adopt as written.	This is looked at on a case by case basis.
704.1.2	Cur.	No comments	Staff recommends to adopt as written.	
704.1.3	Cur.	No comments	Staff recommends to adopt as written.	
704.2	Cur.	No comments	Staff recommends to adopt as written.	

704.2.1	Cur.	No comments	Staff recommends to adopt as written.	
704.2.2	Cur.	No comments	Staff recommends to adopt as written.	
704.3	Cur.	Question if it should be required to have the fire watchers notify occupants of the watch.	The fire code requires notification of the responsible person for an occupancy and it is left up to that individual to diffuse that information as they see fit. This has been consistent with past practices of the fire department. Staff recommends to adopt as written.	
704.3.1	Cur.	No comments	Staff recommends to adopt as written.	
704.4	Cur.	No comments	Staff recommends to adopt as written.	
704.4.1		There were concerns about the use of the word "unlawful" as the consequences are unclear.	Chapter 1 of the fire code and chapter 13 of the municipal code defines the consequences which in this case would be a citation. Staff recommends to adopt as written.	
704.4.2	Cur.	No comments	Staff recommends to adopt as written.	
704.4.3		Concerns that this code does not require approval from the building official. It also does not provide a range for time of notice which the citizens thought should be specified.	The building code is concerned with applying the codes at the time of an inspection but does not continue to inspect after occupancy and rather it is up to the fire department for enforcement. The fire code currently requires systems to be non-functional for up to 4 hours without providing notification. Therefore staff recommends to adopt as written.	
704.5	Cur.	No comments	Staff recommends to adopt as written.	
704.5.1	Cur.	No comments	Staff recommends to adopt as written.	
704.5.2	Cur.	No comments	Staff recommends to adopt as written.	
704.6	Cur.	No comments	Staff recommends to adopt as written.	
704.6.1	Cur.	No comments	Staff recommends to adopt as written.	
704.6.1.1	Cur.	No comments	Staff recommends to adopt as written.	
704.6.1.2	Cur.	No comments	Staff recommends to adopt as written.	
704.6.1.3	Cur.	No comments	Staff recommends to adopt as written.	
704.6.1.4	Cur.	No comments	Staff recommends to adopt as written.	
704.6.2	Cur.	There were concerns that the first exception is unclear.	The Fire Department would not require an interconnected system if the existing system was not. Major modifications would need to be brought up to existing code which could result in this change but would be at the discretion of the building and/or fire official to determine. Staff recommends to adopt as written.	
704.6.3	Cur.	Recommendation was made to strike exception 1 because the power source is in the main comment. Some disagreed with this recommendation.	Staff finds that listing the exception clearly and plainly provides value and close a potential gap in code coverage. Staff recommends to adopt as written.	
704.6.4	Cur.	No comments	Staff recommends to adopt as written.	
704.7	Cur.	Concerns that the responsibility of the tenant is not clear and what happens in the event of failure.	Staff interprets that the decision between tenants and landlords for responsibility falls on the terms of a lease and is not a code issue. The landlord would still be responsible for maintaining a safe environment. Staff recommends to adopt as written.	
<b>705: Carbon Monoxide Alarms and Detection</b>				
705.1	Cur.	Question as to why the code doesn't identify the specific location that carbon monoxide detectors should go. It isn't defined like the fire detectors.	Carbon monoxide detectors need to follow the manufacturers recommendations for installation. Staff recommends to adopt as written.	
705.2	Cur.	No comments	Staff recommends to adopt as written.	

Jim Eden gave clarification that the fire department is proactive with their inspection program. Inspections are performed on commercial occupancies as well as residential occupancies. Apartment building inspections are performed only in the common areas, not occupied spaces. Typically the fire department performs 3000+ inspections per year. Violations are required to be repaired immediately and follow up in a specific time frame under the advice of city council. Life hazard conditions must be repaired immediately and are followed up within 24-48 hours. The building department makes sure buildings are built to code and the fire department makes sure they remain that way. With changes of occupancy the inspections make certain the buildings are up to code.

Tracy Deister – to give updates, this is the first meeting of several to present the building code, fire code, residential code, plumbing code, mechanical code, fuel gas code, etc. Does this format work? Are there any changes the Board of Appeals would like to see going forward? John Brown indicated that this process works well. The packet information will go out sooner. Jim Eden indicated that the fire code will not be looked at line by line. The rest will be presented the same way as tonight. Tracy Deister stated that we can discuss any part of the codes that the Board of Appeals chooses to. We will hit the highlights of what we're currently doing vs. the changes in moving from 2012-2018. Life safety and cost impacts will be looked at. Ryan Elam indicated that several municipalities across the metro have been meeting for common consistency purposes. We have been participating with other fire and bldg. officials to come up with a coordinated code for adoption. We are putting it into a format to use in several jurisdictions to show the differences and similarities. Areas have been identified to work toward as much consistency as we can get. No-one in the metro is on 2018 yet. Most of the region is on board with the 6 year code cycle. There are a large number of individuals participating in this group. Most of these municipalities intend to bring the 2018 code forward sometime between January – April 2019.

Rodney Loesch indicated that it would be helpful in the review to have these in advance so that specific issues can be addressed.

John Brown expressed appreciation for the hard work that has been done so far.

## **ROUNDTABLE**

N/A

## **ADJOURNMENT**

There being no further business, Chairperson Brown adjourned the meeting at 8:10 p.m.