

Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. B 206-05

AN ORDINANCE

repealing Article VII of Chapter 6 of the City Code relating to the 2000 Edition of the International Property Maintenance Code and enacting in lieu thereof a new Article VII adopting the 2003 Edition of the International Property Maintenance Code; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Article VII of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri, relating to the 2000 Edition of the International Property Maintenance Code is hereby repealed and in lieu thereof a new Article VII, relating to the 2003 Edition of the International Property Maintenance Code, is hereby enacted reading in words and figures as follows:

CHAPTER 6. BUILDINGS AND BUILDING REGULATIONS

. . .

Article VII. PROPERTY MAINTENANCE CODE

Sec. 6-71. Adopted.

The 2003 Edition of the International Property Maintenance Code, First Edition, published by the International Code Council, Inc., including all appendices, three copies of which have been on file with the city clerk for a period of ninety (90) days prior to the adoption of this article, is hereby adopted by reference and made a part of the Code of Ordinances, City of Columbia, Missouri as fully as if set forth in its entirety. At least three (3) copies of the 2003 Edition of the International Property Maintenance Code, First Edition, shall remain on file in the office of the city clerk and shall be kept available for public use, inspection and examination.

Sec. 6-72. Amendments.

The code adopted by this article is hereby amended by substituting the following sections in lieu of those sections with corresponding numbers in the code, or, where there is no corresponding section in the code, the following sections shall be enacted as additions to the code:

101.1 Title: These regulations shall be known as the Property Maintenance Code of Columbia, Missouri, hereinafter referred to as "this code."

102.7 Referenced standards: The standards referenced in this code and listed in Chapter 8 shall be considered part of the requirements of this code to the prescribed extent of each such reference. (Other codes shall not apply except individual regulations of such other codes that are specifically incorporated by reference into this code.) Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

Section 103.0 Division of Protective Inspection

103.1 Director. The administration and enforcement of this ordinance shall be the duty of the director of public works, who is designated the code official for purposes of this code. The code official is hereby authorized to take such action as may be reasonably necessary to enforce the provisions of this code. Such persons may be appointed and authorized as assistants or representatives of the director as may be necessary to carry out the provisions of this code.

103.2 -- 103.3 Appointment & Deputies. Delete.

103.4 Restriction of employees. An employee connected with the enforcement of this code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such employee engage in any work that conflicts with official duties or with the interests of the department.

103.4.1 Relief from personal responsibility. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties

and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the protective inspection division, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees. Delete.

104.4.1 Search warrant.

(a) If a complaint in writing is filed by the code official with the judge of the municipal court of the city, stating that there is probable cause to believe that a certain structure or premises, more particularly described therein, is or may be in violation of this code and is within the territorial jurisdiction of the city, and if such complaint is verified by the oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to the code official commanding the code official to search the structure or premises therein described. Such search warrant may be executed and returned only within ten (10) days after the date of its issuance. The code official shall make a return promptly after concluding the search, and such return shall contain an itemization of all violations of this code discovered pursuant to such search. The refusal to admit the code official to a structure or premises when the code official is in lawful possession of a search warrant commanding the code official to enter therein is hereby declared to be a misdemeanor.

106.3 Penalty for noncompliance or delay.

(a) Any person who shall violate any provision of this code shall upon conviction be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00); provided however, that each day that a violation continues shall be deemed a separate offense.

(b) Any person who shall fail to comply with a notice of violation given under 107.1 or order under 107.7 or order under 107.10 shall upon conviction be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00); provided, however, that in those cases involving failure to comply with a notice of violation given under 107.1, every day that a violation continues after the expiration of the reasonable period of time for the completion of the work specified by the director shall be deemed a separate

offense; and provided that every day that a violation continues in violation of an order under 107.7 or 107.10 shall be deemed a separate offense.

107.0 DEMOLITION OR REPAIR OF STRUCTURES CONSTITUTING A PUBLIC NUISANCE

107.1 Structures Constituting a Public Nuisance: All structures which have any of the following defects are public nuisances:

- (1) Those structures whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (2) Those structures which, exclusive of the foundation, show thirty-three (33) per cent or more of damage or deterioration of the supporting member or members, or fifty (50) per cent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- (3) Those structures which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those structures which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, health or welfare of the occupants or the residents of the city.
- (5) Those structures which are so dilapidated or decayed that they are a danger to the life, safety, health or welfare of the occupants or the residents of the city.
- (6) Those structures having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
- (7) Those structures which have parts which are so attached that they may fall and injure members of the public or property.
- (8) Those structures which exist in violation of any provision of the Building Code of Columbia, Missouri or any provision of the Fire Code of Columbia, Missouri or other ordinances of this city and which are a danger to the life, safety, health or welfare of the occupants or residents of the city.

- (9) Those structures which, if occupied, would constitute a hazard to the safety, health, or welfare of the occupants because they lack maintenance, are in disrepair, are unsanitary, vermin infested or rodent infested, lack sanitary facilities or equipment or otherwise fail to comply with the minimum provisions of this code.

107.2 Notice of Violation:

(a) Whenever the code official determines a structure to be a public nuisance, notice shall be given to the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the structure or premises as shown by the land records of the county recorder of deeds who shall be parties to the action. Such notice shall be in writing and shall:

- (1) Include a description of the property sufficient for identification;
- (2) Specify the violations of this code constituting a public nuisance;
- (3) Specify if the property or any part of it is to be totally or partially vacated, and, if so, the date;
- (4) Specify if the property is to be repaired, reconditioned, remodeled, demolished, placed in a sanitary condition, or made to conform to the occupancy requirements of this code;
- (5) State a time for the commencement of such work and a reasonable period of time for the completion of such work.

(b) The notice of violation shall be served either by personal service or by certified mail, return receipt requested. If service cannot be obtained by either of these methods of service, then service may be had by publication in a newspaper of general circulation in the city.

107.3 Standards: The following standards should be followed by the code official and the director in ordering repair, reconditioning, remodeling, total or partial vacation, demolition, or cleaning of structures constituting a public nuisance:

- (1) If the structure can be reasonably repaired, reconditioned or remodeled so that it will no longer exist in violation of this code it shall be ordered repaired, reconditioned or remodeled.
- (2) If the structure is in such a condition as to make it dangerous to the health, safety or general welfare of its occupants or any other

person it shall be ordered repaired, reconditioned, remodeled or demolished.

- (3) In any case where the structure is fifty (50) per cent damaged, decayed or deteriorated from its original value or structure, it shall be vacated, repaired, reconditioned or remodeled and in all cases where the structure is not or cannot be repaired, reconditioned or remodeled so that it will no longer exist in violation of the requirements of this code, it shall be demolished.
- (4) If the structure is a hazard to the safety, health or welfare of its occupants or of any person because it lacks sanitary facilities and equipment or is otherwise unsanitary because of an accumulation of garbage or trash or because of infestation, it shall either be placed in a clean and sanitary condition or demolished.
- (5) Any structure determined to be unfit for human occupancy shall be totally or partially vacated within a reasonable period of time to be determined by the code official or director. No structure or its affected part, ordered vacated shall again be used or leased for human occupancy by any occupant or owner until written approval is secured from the code official.

107.4 Failure to Comply With Notice of Violation: Upon failure of the parties to the action to commence the work specified within the time specified by the notice of violation issued by the code official under 107.2 or upon failure to proceed continuously with the work without unnecessary delay in order to complete the work within the specified period of time, the director may call and have a full and adequate hearing upon the matter.

107.5 Notice of Hearing:

(a) Whenever the director calls a hearing under 107.4, he shall give at least ten (10) days written notice of the hearing to the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the structure or premises as shown by the land records of the county recorder of deeds. Such notice shall:

- (1) Include a description of the property sufficient for identification;
- (2) State the time, date and place of hearing;
- (3) State who shall preside at the hearing;

(4) State the notice is being given pursuant to this section.

(b) The notice of hearing shall be served either by personal service or by certified mail, return receipt requested. If service cannot be obtained by either of these methods of service, then service may be had by publication in a newspaper of general circulation in the city.

107.6 Hearing Procedure: The director shall preside over the hearing and shall cause the hearing to be suitably recorded and preserved. Any party may have a copy of all or any part of the record upon payment of a reasonable charge for reproduction. All parties must make oral entry of appearance for the benefit of the record. Oral evidence shall be taken only on oath or affirmation. Any party may be represented by counsel. All parties shall be given a full and adequate opportunity to be heard. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

107.7 Order of Director: After a hearing under 107.6, if the evidence supports a finding that the structure is a nuisance and detrimental to the health, safety or welfare of the residents of the city, the director shall make written and specific findings of fact based upon competent and substantial evidence, which show the structure to be a nuisance and detrimental to the health, safety or welfare of the residents of the city, and he shall order the structure to be repaired, reconditioned, remodeled, totally or partially vacated, demolished or placed in a sanitary condition. If the evidence does not support a finding that the structure is a nuisance or detrimental to the health, safety or welfare of the residents of the city, no order shall be issued. Immediately upon reaching a decision, the director shall give written notice of his decision by delivering or mailing to each party, or the party's attorney of record, a copy of the director's findings of fact and order, if any. If notice of the director's decision cannot be obtained by either of these two (2) modes of service, then service may be had by posting a copy of the director's findings of fact and order, if any, upon the affected property.

107.8 Appeals: An aggrieved party may appeal to the circuit court pursuant to the procedure established in Chapter 536, Revised Statutes of Missouri.

107.9 Special Tax Bills: If the work or act ordered by the director under 107.7 is not done within the time as stated in the order, and if no appeals of the order are pending, the director may certify such fact to the city council. The city council shall consider such certified facts and may order the city manager to have the work done either by city employees or bidding the work through the purchasing division. No person shall enter private property to perform such work unless the property owner or occupant has consented to the entry or unless the

municipal judge has issued a warrant for the entry. The actual cost of performance including administrative costs, shall be submitted to the owner of the property. If the charge is not paid within thirty (30) days of receipt, the city manager shall certify the actual cost of performance, including administrative costs to the director of finance, who shall cause a special tax bill against the property to be prepared and collected. At the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. If any installment is not paid when due, the balance of the tax bill shall be then due and payable in full, together with all accrued interest. The tax bill from date of issuance shall be a personal debt against the property owner and shall also be a lien on the property until paid. Tax bills issued pursuant to this section shall bear interest from the date of issuance at the rate of ten (10) per cent per annum for the first two (2) years and twelve (12) per cent per annum thereafter.

107.10 Emergency Power: Notwithstanding any other section of this code, in any case where, in the opinion of the director, it reasonably appears there is an immediate danger to the health, safety or welfare of any person, the director may take or order emergency action to vacate and repair or demolish any structure. The actual cost of performance shall be collected as provided by 107.9.

107.11 Judicial Actions Authorized: In case any order under 107.7 or 107.10 is not immediately complied with, the director may request the city counselor to institute an appropriate judicial action to compel compliance with this code.

107.12 Placarding: Any structure determined by the code official to be a public nuisance may be posted with a placard by the code official. The placard shall include the following information in the form prescribed by the director: Name of city; name and address of the director; section of this code violated; if required to be vacated, an order that the structure, or its affected part, must remain vacated until the violations are corrected and the order to vacate is withdrawn by the building inspector; date the placard is posted; and a statement of the penalty for defacing or removing the placard.

107.13 Removal of Placard: No person shall deface or remove any placard posted by the code official pursuant to 107.12, except by written authority from the code official.

107.14 Prohibited occupancy: No person shall occupy a placarded premises in violation of an order that it be vacated and no owner or person responsible for the premises shall allow anyone to occupy such a placarded premises.

108 UNSAFE STRUCTURES AND EQUIPMENT: Delete.

109.2.1 Time limit: If an order is issued to board-up the openings of a structure out of compliance with this code, the structure shall be brought into compliance, and the structure shall not remain boarded-up longer than ninety (90) days from the date of the notice.

110 DEMOLITION: Delete.

111 MEANS OF APPEAL: Delete.

202.0 GENERAL DEFINITIONS: Add the following definitions:

Rooming House: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling. This definition shall also include the housing provided by fraternities and sororities organized for students of any college or university; however, a hotel, motor hotel or motel licensed under state statute shall not be deemed a rooming house for the purposes of this article.

Director: The director of public works.

Family: The definition of "family" in chapter 29 shall apply to this code.

Structure: That which is built or constructed or a portion thereof. This definition shall include manufactured housing.

302.4 Delete in its entirety.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats. All cracks that permit the entry of water, insects, or rats or jeopardize the support of the structure shall be repaired. Small cracks that do not exhibit these problems shall not be required to be repaired.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and all exterior surfaces shall be painted, stained, or sealed so that the surface is not exposed to the elements.

304.14 Insect screens. During the period from April first to October fifteenth, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh

per inch and every swinging door shall have a self-closing device in good working condition.

Exception #1: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

Exception #2: Screening is not required for air conditioned spaces.

Exception #3: Screen doors are not required where there is at least one screened window in the room where the exterior door is located.

307.3.1 Exception: In one and two family residences the tenant shall provide a leak proof, covered, outside garbage container if there is no food waste grinder or incinerator.

403.2 Exception: Structures and premises that had a current certificate of compliance during the three (3) year inspection cycle prior to January 1, 1993, may have a mechanical ventilation system that exhausts air into the attic space provided the attic space has adequate ventilation.

404.3.1 Exception: Structures and premises that had a current certificate of compliance during the three (3) year inspection cycle prior to January 1, 1993, shall have a minimum ceiling height of 6'6" for laundry areas, bathrooms, toilet room and corridors serving only these areas.

502.2.1 Exception: Fraternities or sororities shall have at least one toilet, one lavatory basin, and one bathtub or shower, in good working condition and properly connected to water and sewer systems approved by the code official for each eight (8) persons residing within a fraternity or sorority.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 1 to June 1 to maintain the room temperatures specified in Section 602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

602.4 Nonresidential structures. Every enclosed occupied work space shall be supplied with sufficient heat during the period from September 1 to June 1 to

maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

Exceptions

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engage in vigorous physical activities.

702.4.1 Emergency escape. Every sleeping room located in a basement in occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Exceptions:

1. Buildings equipped throughout with an automatic fire suppression system.
2. Structures that have previously received a certificate of compliance or a certificate of occupancy have been maintained accordingly and comply with the following:
 - a. Smoke detectors shall be installed in all shafts, on the ceiling or wall outside each separate bedroom or within the vicinity within each story and corridors, if such exist.
 - b. Smoke detectors described in paragraph a. of this exception shall receive their primary power from the building wiring and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.
 - c. All smoke detectors, if such exist, shall be interconnected such that the actuation of one alarm will actuate all the alarms in the shafts and corridors.
 - d. Existing windows in a sleeping room shall not be eliminated.

This exception 2 shall not apply to structures that are renovated, remodeled or altered in excess of fifty (50) percent of the current value of the structure.

702.5 Number of exits. Where any structure has previously received a certificate of compliance or a certificate of occupancy, has been maintained accordingly and complies with the following:

- a. Smoke detectors shall be installed in all shafts, on the ceiling or wall outside each separate bedroom or within the vicinity within each story and corridors, if such exist.
- b. Smoke detectors shall receive their primary power from the building wiring and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.
- c. All smoke detectors, if such exist, shall be interconnected such that the actuation of one alarm will actuate all the alarms in the shafts and corridors.

This section shall not apply to structures that are renovated, remodeled or altered in excess of fifty (50) percent of the current value of the structure.

702.6 Number of exits in manufactured housing. Every dwelling unit shall have not less than two (2) doors, or not less than one door and one unobstructed emergency exit. One exit shall be located near the front of the dwelling unit, and one door shall be located near the rear of the dwelling unit. An emergency exit may be substituted for the rear door when the length of the dwelling unit does not permit or is not sufficient for the use of the two (2) doors. Each door or exit shall be supplied with a properly installed lock.

702.7 Corridor enclosure. Where any structure has previously received a certificate of compliance or a certificate of occupancy, has been maintained accordingly and complies with the following:

- a. Smoke detectors shall be installed in all shafts, on the ceiling or wall outside each separate bedroom or within the vicinity within each story and corridors, if such exist.
- b. Smoke detectors shall receive their primary power from the building wiring and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

- c. All smoke detectors, if such exist, shall be interconnected such that the actuation of one alarm will actuate all the alarms in the shafts and corridors.

This section shall not apply to structures that are renovated, remodeled or altered in excess of fifty (50) percent of the current value of the structure.

702.8 Stairways, handrails and guards. Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface. Guards may be constructed of slats in a horizontal, vertical or any other pattern and shall not allow passage of a six (6) inch diameter sphere through any opening.

704.5 Reinspection fee. A reinspection fee shall not be charged when the only violation of this code is the failure of battery power for the smoke detector.

SECTION 2. The repeal of Article VII of Chapter 6 of the Code of Ordinances, City of Columbia, Missouri relating to the 2000 Edition of the International Property Maintenance Code shall not affect any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after September 1, 2005.

PASSED this _____ day of _____, 2005.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source

John Glascock

Jch

TO: City Council

FROM: City Manager and Staff *MB*

DATE: May 27, 2005

SUBJECT: International Building Code Series / 2003 Amendments

Fiscal Impact

- Yes
- No

Other Info.

EXECUTIVE SUMMARY

Staff has prepared for Council consideration ordinances for updating the City of Columbia minimum building standards (building codes). The codes involved are the International Building Code/2003, International Existing Building Code/2003, International Codes Council Electrical Code/2003, International Fire Code/2003, International Fuel Gas Code/ 2003, International Mechanical Code/2003, International Property Maintenance Code/2003, International Plumbing Code/2003 and the International Residential Code/2003.

DISCUSSION

Council had previously directed the Building Construction Codes Commission (BCCC) to review the 2003 International Codes Series, and to make a recommendation regarding their adoption. The review process has been extensive and comprehensive. The commission first held work sessions that work advertised and available to the public to view staff reports, commission discussion and actions. After completing the work sessions public hearings that invited public comment were held biweekly. Partial listings of participants different from the commission and city staff, that have made comments or suggestions are, The Home Builders Association, Columbia Apartment Owners, The electrical licensing board, Boone County Planning and Building Department and the counties counterpart to the BCCC. The number of people and groups presenting information or comment to the BCCC was notable less. It is believed that this is due to the 2003 International Code Series is a refinement of the 2000 series. The Building Construction Codes Commission contacted Services for Independent Living, Missouri Association of Realtors, the local Construction Specifications and the AIA chapters and the Energy and Environment Commission, advising these groups that the BCCC was actively involved in reviewing these new codes. Notices were posted at local lumber, plumbing, electrical and mechanical suppliers and advertised in the Tribune.

Following are the significant changes from the currently adopted codes.

Significant Changes:

With the exception of the existing building code, the 2003 code additions are refinements of the previous additions. The ICC has published the code series incrementally, starting with the plumbing code and then followed by the mechanical code. The 2000 series (currently adopted) included the first building and one and two family codes while improving upon and refining the previous editions of the plumbing and mechanical codes.

In 2003 the ICC introduced the Existing Building Code recognizing the need for a modern, up-to-date code covering repair alteration, addition or change of occupancy in existing buildings. The International Existing Building Code is designed to meet this need through model code regulations that safeguard the public health and safety.

This comprehensive existing building code establishes minimum regulations for existing buildings using prescriptive and performance-related provisions. It is founded on broad-based principles intended to encourage the use and reuse of existing buildings while requiring reasonable upgrades and improvements.

SUGGESTED COUNCIL ACTION

Approval of the ordinance.

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March 16, 2005

Columbia City Council
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The building construction codes commission, has reviewed the 2003 International Building Codes and are recommending to the council that they be adopted with attached amendments. The commission is available for questions or comments concerning the new codes.

Respectfully,

Fred Malicoat

Fred Malicoat

Chairman: Building Construction Codes Commission

FM:sw