

FAQ: What You Need To Know About Building Codes

by Joe Kmetz

Are Missouri cities required to have building codes?

Missouri is considered what is colloquially called a “home rule state” that means that there is no “state” mandated code, local jurisdictions are allowed by right to choose to adopt building codes for their community or not. There has been a history of bills that have been proposed, House Bill 2870, that make attempts to establish a state code process as is present in other neighboring states, or a hybrid of state and local as in Iowa. These attempts at state codification have not yet gained enough votes to pass and raise potential Hancock issues as an unfunded mandate.

How often should building codes be updated?

The International Code Council (ICC) provides regular updates to their suite of building codes every three years through a formalized code development process. A graphic summary of this process can be found on ICC’s website at <https://www.iccsafe.org>. Updated code editions are not automatically made into law for local jurisdictions; a formal adoption process is required to take place. Currently, there is no state minimum code edition for Missouri. Many Missouri counties or jurisdictions adopt on a six-year cycle that means updating their codes every other edition.

The most recent edition of the I-Codes is the 2024 suite of codes; however, few jurisdictions have adopted this code yet due to it only being released in late 2023. It takes time for code administrators to understand and process the numerous changes that took place since the last code edition, as well as determine what amendments are appropriate for their community.

Are building codes allowed to be amended?

Local amendments can be made via the ordinance process. Typically, these amendments are based on feedback from the local community about hardships placed on owners or contractors. At times, municipalities will assemble something of a “task force” to formally assemble comments from the public, weigh in on amendments that local jurisdictions have made, and make final recommendations to the governing body. City staff also play an enormous role in ensuring proper processes are followed, as well as researching for any applicable state law or precedents that may affect the approach to a community’s amendments.

How does the public access building codes?

While many building codes are available for purchase, jurisdictions are required to provide all adopted codes for free reference, usually kept at the building department office and are available upon request. The ICC also provides free access to the code publications with limited features. Further, RSMo67.280 requires that “At least one copy of such code...” shall be filed in the office of the clerk of the community and there kept available for public use, inspection and examination.

What type of training does a building inspector need?

Building inspectors have historically needed a combination of formal education, on-the-job training, and certifications. Many hold degrees or certifications in construction or architecture and may also complete continuing education courses and pass

exams to stay current with building code changes. With recent trends of retirement in the building safety world and the trades, there has been a lack of qualified individuals entering into the building inspection and all parts of building safety profession. There are a number of initiatives from the local to the national levels to get young persons interested in a career of building safety and code compliance to backfill the institutional knowledge that is leaving the profession now.

What are the advantages and benefits provided to the public by having building codes?

Building codes ensure that buildings are safe, structurally sound, energy-efficient and accessible. They help protect public health, prevent accidents and safeguard the environment, contributing to the long-term stability and resilience of communities while limiting the risk of neighboring

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structures. Cities should weigh the benefits (public safety, improved ISO ratings, peer jurisdiction commonality) and detriments (additional costs for staff and resources, extra cost to builders, extra costs for homeowners, extra time to complete a project) that come with establishing building code requirements.

What type of liability does the city (and/or inspectors) have related to inspections?

Cities and building inspectors have a legal responsibility to conduct inspections in a thorough and accurate manner. However, they are typically protected from liability in cases where they follow the applicable building codes and perform their duties in good faith. There is a section that is present in the building code book that limits the liability of a code official acting without malice and requires to be defended by legal counsel representing the jurisdiction if any issue were to be taken to court.

Do you need a permit to build on your own property?

Permit requirements are jurisdictional dependent. Standard language in a commonly adopted edition of the code book that regulates commercial construction allows for several types of work to be exempt from permitting with examples such as detached accessory structures, such as a tool shed, less than 120 square feet, retaining walls not more than four feet in height and finishing work. If the work that is performed is not explicitly exempt and the jurisdiction in which the property resides has formally adopted building codes, then a permit is required.

How long do building permits take to obtain?

The processing time for a building permit can vary based on the complexity of the project and the local jurisdiction. Simple permits can be issued in a few days due to limited or no plan review needed, while more complex applications might take

several weeks to give the code official time to examine the plans for code compliance. Many jurisdictions will also have a separate review of the same plans by other departments and individuals that evaluate other portions of a municipal code such as health, fire, zoning and public works or right of way.

What is a “Plan Review”?

Registered architects and licensed engineers are often required for complex building designs, including commercial and large-scale residential projects. A “Building Official” has the discretion to waive the need for professional design if the scope of work is small enough in scale or simple enough in complexity. However, when plans are required, a signed/sealed set of sheets outlining the design and the criteria upon which those plans are based should be submitted to the AHJ (Authority Having Jurisdiction) for evaluation. A “Plan Review” is then performed by qualified staff or approved, third parties to assess if the plans appear to be in compliance.



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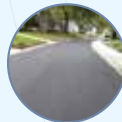
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If the plan reviewer or third-party has comments or questions that need to be addressed, a form will be sent to the permit applicant with an exhaustive list of items to be addressed. At times, these comments can be corrected by a narrative response; however, other times it is necessary for the designer or design team to redo portions of the plans to correct the code deficiencies. These plans should be given a revision date, resigned, resealed and resubmitted to the AHJ to ensure that the comment has been satisfied.

What is a “Building Official” and why is that role important for a Building Department?

This role is a vital part of any building safety effort performed by a jurisdiction. This person is the “pilot” at the helm for the administration of the application of the adopted codes in any community. **This key authority position oversees all duties of a building department to ensure that activities such as plan review, inspections, code adoption, and permitting meet or exceed local law.** Some building officials also provide additional assistance to a municipality such as floodplain administration, disaster response leadership, evaluation of dangerous buildings, dispute resolution, code enforcement, community development planning assistance, and public building code education.

Many jurisdictions in this region of the country just simply are not large enough in size and/or do not have enough construction activity in their community to support a dedicated person in this role. Third-party companies are a great solution for ‘al a carte’ needs for this technical expertise at the ready with a right-size fit. Think of this similar to an on-call city attorney or city engineer that provides services only when needed.

What is the fundamental purpose of a building permit?

The primary purpose of a building permit is to ensure that construction work is done safely and in compliance with local zoning laws, building codes and safety standards. It serves as official approval to begin or continue construction. This is important not only for the homeowner right now, but for generations to come, as well as for any future buyer of the property to have a level of understanding of how their building was built.

What are the requirements to secure building permits?

To secure a building permit, a plan review process must be complete, applicable fees paid, and the applicant can either pick up a paper permit or is sent notification that a digital permit has become available. Depending on the size of the project and the presence of a contractor licensing program in

a jurisdiction, a contractor may need to provide updated information to ensure his license is current.

What does a building inspection involve?

A building inspection involves a thorough examination of the construction to ensure it complies with applicable codes, including the foundation, structure, electrical systems, plumbing and HVAC systems throughout many different stages of a permitted project. Inspectors check for safety hazards, improper construction practices and code violations.

At the completion of an inspection, the inspector should leave either a paper copy of a report or a digital copy sent to the permit holder. If there are outstanding issues at the time of inspection, the report should contain that information. A good inspection report with deficiencies should cite the code and section that is being violated.

What happens if work is being performed without a building permit?

If construction is performed without a required permit, you may face fines, delays in your project, and the potential requirement to remove or modify the unpermitted work. In some cases, your construction may need to be inspected retroactively, and you may be required to bring it into compliance. This situation may require the removal of finished material that may set back a project in both time and money.

How are disputes resolved if there is a disagreement between developers/contractors and the building department?

This process is very dependent on the jurisdiction and varies widely, but the largely accepted practice follows these steps:



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- A code deficiency is noted in the field on an inspection report by a building inspector.
- The contractor or permit holder writes to the building official for clarification on the interpretation.
- The building official evaluates if the deficiency is indeed applicable or not after the review is then provided. An official interpretation in writing. There are specific timelines associated for a ruling that are city-dependent. This is so the building official cannot stagnate the process on purpose.
- If the contractor/permit-holder still disagrees with the ruling, an appeal can be made to the appointed members on the Board of Code Appeals. This board is comprised of qualified members who live in the community and are members of the trades, are designers or have some construction experience.
- The board will formally meet according to the rules established by ordinance to hear both sides of the case. Based on these testimonies, a ruling will be handed to (usually) the governing body of elected officials or the appointed city administrator (depending on a city's ordinances).
- If the contractor/permit-holder still disagrees with the ruling, the last resort is for legal recourse to be pursued. These situations rarely reach this stage, since it is in the best interest of all parties involved to find a solution that at least satisfies all stakeholders.

What happens when a building permit expires?

Building permits are typically set to expire within 180 days of issuance if work has not begun or within 180 days from the previous inspection. The work must either be completed before the expiration or a new permit must be obtained.

What happens to a building permit after the work is done?

If the permit was issued for a new building and there are no outstanding

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code issues, a Certificate of Occupancy is typically granted. This is usually an important document to signal to the builder that their obligation is complete, as well as to signal a lender that occupancy has begun. 🌿

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