


BILL # 1118-22

AN ORDINANCE AUTHORIZING AN AMENDMENT TO ARTICLE V "BOARDS AND COMMISSIONS" OF CHAPTER 2 "ADMINISTRATIVE CODE" OF THE CODE OF ORDINANCES TO ADD A NEW TRADES BOARD OF APPEALS TO COMBINE ALL FOUR TRADE BOARDS INTO ONE BOARD TO PROVIDE FOR CONSISTENCY IN THE MANNER IN WHICH APPEALS ARE HEARD AND TO ENSURE THAT THE CITY'S APPROACH IS IN LINE WITH CURRENT GOVERNMENT BEST PRACTICES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

- SECTION 1.** That Chapter 2, Article V of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by adding a new division entitled "Trades Board of Appeals" to be entitled, numbered and read as shown in the attached Exhibit A.
- SECTION 2.** That Chapter 2, Article V of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by repealing Division 6 "Building and Fire Prevention Code Board of Appeals" in its entirety.
- SECTION 3.** That Chapter 2, Article V of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by repealing Division 9 "Electrical Standards and Appeals Board" in its entirety.
- SECTION 4.** That Chapter 2, Article V of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by repealing Division 18 "Mechanical Standards Board of Appeals" in its entirety.
- SECTION 5.** That Chapter 2, Article V of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by repealing the division entitled "Plumber's Examining and Appeals Board" in its entirety.
- SECTION 6.** That the new division be incorporated into Article V in alphabetical order and all divisions and sections be renumbered thereafter.
- SECTION 7.** That any ordinances or parts of ordinances in conflict with this ordinance be, and hereby are, repealed.
- SECTION 8.** That if any provision of this ordinance is found to be invalid, such provision shall be considered to be severable from the other parts of this ordinance and shall not affect the validity of the remaining parts of this ordinance.
- SECTION 9.** That this ordinance shall be in full force and effective from the date of passage.

Approved as to form:

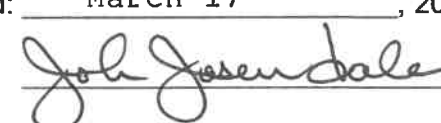


City Attorney

Attest: 

City Clerk

Passed: March 17, 2025



Mayor

	Aye	Nay	Pass	Absent	Abstain
Davis					
Esslinger					
Grimm					
Josendale					
Novak					
Randolph					
Schomburg					
Schultz					
Trout					
Total	9				

Council Agenda #: 49523, 49547, 49626,
49672-3

Ordinance #: 3122

AGENDA ACCEPTED BY COUNCIL

Statutory wait after first reading complied with

Passed	March 17, 2025
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[REDACTED]

Date: January 6 , 2025
Amount: N/A
Account Number: N/A

EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: Planning & Community Development

PURPOSE: To amend Article V "Boards and Commissions" of Chapter 2 "Administrative COde" of the Code of Ordinances to add a new division entitled "Trades Board of Appeals" to combine all four trade boards (building and fire prevention, electrical, mechanical and plumbing) into one board to provide for consistency in the manner in which appeals are heard and to ensure that the City's approach is in line with current government best practices.

REMARKS: Earlier this year, staff presented an initial update of changes to over 20 existing City Boards and Commissions, which were subsequently approved by the City Council in April. The goals of the update were to provide greater consistency related to (i) the number of members who serve on each board and their corresponding qualifications to serve, (ii) the manner in which such board members are appointed, reappointed, or removed, and (iii) how meetings are conducted to ensure compliance with the sunshine law. The update also included the removal of boards that had not met in many years, as well as the addition of boards that existed but were either not referenced in Chapter 2, Article V or were referenced elsewhere and moved into Chapter 2, Article V.

The final phase of updates largely relates to the boards that work closely with building trades: Building and Fire Prevention, Electrical, Mechanical, and Plumbing. These four boards are primarily tasked with hearing appeals of any party aggrieved by a decision of the Chief Building Official. The updates to these boards have been kept "pending" until such time as a new Chief Building Official was hired. Because no applications have been received for this position in the last six months, staff members have been moving forward with the review and update of these trade boards with assistance from the City's outside code consultant GBA. The revisions are necessary to provide consistency related to the manner in which appeals are heard and to ensure that the City's approach is in line with current government best practices. A survey of current trade board structures in other Missouri cities revealed 17 municipalities that have a combination board structure, also referred to as an "all-trades board," with representation from each of the various trades who adhere to a consistent appeals process (see attached table).

The proposed code amendments would combine the four existing trade boards into one board with representation from each trade discipline. This will ensure a more comprehensive understanding of the underlying issues and enhance the discussion that occurs during meetings. The board structure would be as follows:

- (1) Two members shall hold a valid master or journeyman license as an electrician and be actively engaged in the electrical trade, with at least five years' practical experience as an electrician.
- (2) Two members shall hold a valid master or journeyman license as a mechanical trade contractor or plant operating engineer and be actively engaged in the mechanical trade or plant operations, with at least five years' practical experience as a mechanical trade contractor

or plant operating engineer.

(3) Two members shall hold a valid master or journeyman license as a plumber and be actively engaged in the plumbing trade, with at least five years' practical experience as a plumber.

(4) One member must be a Class A general contractor or Class B contractor, with at least five years' practical experience.

(5) One member must be a Class C contractor and possess expertise in the field of fire protection systems.

(6) One member must be a registered engineer or architect within the State of Missouri.

Each of the four existing trade boards has multiple members whose terms have expired: four out of five on the Building and Fire Prevention Code Board of Appeals; three out of five on the Electrical Standards and Appeals Board; five out of five on the Mechanical Standards Board of Appeals; and one out of five on the Plumber's Examining and Appeals Board. Staff recommends that each member currently serving as a member of any of these four existing trade boards – whose term has not expired – be allowed to serve as a member of the new board. This would require (i) that there be four (as opposed to two) representatives from the plumbing trade until June 29, 2025, when a term is set to expire and then three representatives until October 3, 2027 when another term is set to expire, (ii) that two individuals be appointed to represent the mechanical trade, and (iii) that one individual be appointed to represent each of the other categories listed (Class A or Class B contractor and Class C contractor with fire protection experience).

Staff recommends combining each of the four separate trade boards into one "all trades" board in advance of the City adopting the 2024 International Building Code in Spring of 2025.

Exhibit A

DIVISION ~~XX~~. TRADES BOARD OF APPEALS

Sec. 2-~~xxx~~. Created.

There is hereby created a trades board of appeals.

Sec. 2-~~xxx~~. Members.

(a) The trades board of appeals shall consist of nine members who shall be appointed by the city council in accordance with Section 2-472(b) to serve a five-year term. The board shall elect a chairperson from among its members, and such other officers as the board deems necessary, who shall serve for a period of one year.

(1) Two members shall hold a valid master or journeyman license as an electrician and be actively engaged in the electrical trade, with at least five years' practical experience as an electrician.

(2) Two members shall hold a valid master or journeyman license as a mechanical trade contractor or plant operating engineer and be actively engaged in the mechanical trade or plant operations, with at least five years' practical experience as a mechanical trade contractor or plant operating engineer.

(3) Two members shall hold a valid master or journeyman license as a plumber and be actively engaged in the plumbing trade, with at least five years' practical experience as a plumber.

(4) One member must be a Class A general contractor or Class B contractor, with at least five years' practical experience.

(5) One member must be a Class C contractor and possess expertise in the field of fire protection systems.

(6) One member must be a registered engineer or architect with the State of Missouri.

(b) The chief building and fire code officials shall be ex officio members. One member of city staff shall be designated to act as secretary to said board but neither shall have the right to vote on any matter before the board.

(c) Board members must (i) be residents of the city and reside in the city during their full term of office; or (ii) reside within 25 miles of the city limits measured as one would travel on any city, county, or state road, and own or be employed by a properly licensed permanent business within the city with a physical city address (a post office box will not suffice). Board members who qualify under (c)(ii) must maintain ownership of, or be retained as an employee of, said business within the city during their full term of office.

(d) The provisions of Sections 2-471 and 2-472 shall apply where not otherwise in conflict with this section.

Sec. 2-~~xxx~~. Meetings.

Meetings of the trades board of appeals shall be held at such times as are necessary to carry out assigned functions and duties. The provisions of Section 2-473 shall apply to any meeting of the trades board of appeals.

Sec. 2-~~xxx~~. Functions and duties.

The functions and duties of the trades board of appeals shall be to:

- (a) Hear and rule on appeals, as specifically set forth in Section 2-~~xxx~~ "Appeals" below.
- (b) Make recommendations to the building regulations supervisor and the director of public works and transportation when requested to do so by the building regulations supervisor or the director of public works and transportation.
- (c) Prepare an annual report for the city council containing its recommendations regarding any suggested changes to technical codes, if any.
- (d) Consider and rule on applications for variances regarding individual sewage disposal systems made pursuant to Section 17-35 of the Code.

The provisions of Section 2-274 shall apply.

Sec. 2-~~xxx~~. Examinations.

Examinations for each of the technical trades shall be administered as set out in Chapter 7, of the City of St. Joseph Code of Ordinances.

Sec. 2-~~xxx~~. Appeals.

(a) General. The trades board of appeals is empowered to hear and decide appeals of orders, decisions, or determinations made by the chief building and/or fire official, or their designees, related to the application and/or interpretation of the particular technical code involved. This board consists of members who are qualified by experience and training to decide matters pertaining to the particular trade, who are not employees of the city.

(b) Limitation of Authority. The trades board of appeals shall not be empowered to (i) waive mandatory requirements of any code, or (ii) hear administrative matters pertaining to licensing, permitting and/or fees.

(c) Process.

(1) Request for Appeal. Any individual aggrieved by a decision of the chief building code official, chief fire code official, and/or inspector may submit a written request to appeal such decision to the trades board of appeals. The request must be submitted to the director of planning and community development within ten calendar days of the date on which the decision was made and must include the name and address of the appealing party and the specific nature of the appeal. Individuals are strongly encouraged to discuss their situation with the chief building official, chief fire code official, and/or inspector prior to submitting a request for appeal.

(2) Scheduling Appeal. The trades board of appeals shall schedule a hearing to consider the appeal within ten calendar days of the date on which the appeal was submitted; provided, however, that the appeal may be held at a later date upon mutual agreement of the parties. Notice of the hearing shall contain the date and time of the hearing and shall be delivered by certified mail to the appealing party at the address given on the written request for appeal.

(3) Conduct of Appeal. The hearing shall be informal; the rules of evidence shall not apply. All parties shall be given an opportunity to present evidence and examine adverse witnesses, either themselves or through legal counsel. A tape recorded transcript of the hearing shall be made.

(4) Continuances. The board of appeals may continue hearings to a specific date and time.

(5) Written Determination of Board. The trades board of appeals shall make a written determination that either sustains, modifies, or reverses the order of the chief building official, chief fire code official, and/or inspector no later than ten calendar days after the conclusion of the hearing. A copy of the written determination shall be provided to director of planning and community development and delivered by certified mail to the appealing party at the address given on the written request for appeal.

(6) Appeal of Written Determination. If the individual who appealed the decision of the chief building code official, chief fire code official, and/or inspector disagrees with the determination of the trades board of appeals, he/she may appeal to the Circuit Court of Buchanan County, Missouri, pursuant to RSMo., Chapter 536. Such appeal shall be made within 30 days of the date on which the written determination was mailed to the appellant.

Secs. 2-~~xxx~~--2-~~xxx~~. Reserved.

MEMORANDUM

TO: Mayor and Councilmembers
FROM: Paula Heyde, CMC, City Clerk
DATE: February 25, 2025
SUBJECT: Bill #1118-22 – Proposed Substitute

The proposed substitute for Bill #1118-22 includes provisions to repeal the sections in Chapter 2 of the Code of Ordinances that provides for the Building and Fire Prevention Code Board of Appeals, the Electrical Standards and Appeals Board, the Mechanical Standards and Appeals Board and the Plumbers Examining and Appeals Board. These were inadvertently omitted.

It also corrects a typographical error in the attached Exhibit A in “Section 2-xxx. Members,” subparagraph (a) to change the term “shall consist of seven members” to “shall consist of nine members.”

An ordinance amending portions of the Code of Ordinances to remove references to the boards listed in the first paragraph with the “Trades Board of Appeals” has been filed for first reading. The ordinance also contains changes discussed during the Council Work Session held January 21, 2025 regarding the plumbers testing procedures.

cc: Mike Schumacher, City Manager
Josh Emberton, Asst. City Attorney
Clint Thompson, Planning & Community Development Director

GENERAL

ORDINANCE NO.

BILL # 1118-22

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- SECTION 3.** That any ordinances or parts of ordinances in conflict with this ordinance be, and hereby are, repealed.
- SECTION 4.** That if any provision of this ordinance is found to be invalid, such provision shall be considered to be severable from the other parts of this ordinance and shall not affect the validity of the remaining parts of this ordinance.
- SECTION 5.** That this ordinance shall be in full force and effective from the date of passage.

Approved as to form:



City Attorney

Passed: _____, 20____

Attest:

City Clerk

Mayor

1|21|25 - PP to 3|3|2025
3/3/25 - PP to 3/17/25

	Davis	Eslinger	Grimm	Josendale	Novak	Randolph	Schomburg	Schultz	Trout	Total
Aye										
Nay										
Pass										
Absent										
Abstain										

General Ordinance

Council Agenda #: 49523, 49547, 49626,

Ordinance #:

Sponsored by Councilmember:

AGENDA ACCEPTED BY COUNCIL

Read first time: January 6, 2025

Statutory wait after first reading complied with

January 13, 2025

Passed

CITY CLERK
2025 JAN -2 AM 11:42

Date: January 6, 2025
Amount: N/A
Account Number: N/A

EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: Planning & Community Development

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or plant operating engineer.

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Exhibit A

DIVISION XX. TRADES BOARD OF APPEALS

Sec. 2-~~xxx~~. Created.

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Sec. 2-~~xxx~~. Members.

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(d) The provisions of Sections 2-471 and 2-472 shall apply where not otherwise in conflict with this section.

Sec. 2-xxx. Meetings.

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- (c) Prepare an annual report for the city council containing its recommendations regarding any suggested changes to technical codes, if any.
- (d) Consider and rule on applications for variances regarding individual sewage disposal systems made pursuant to Section 17-35 of the Code.

The provisions of Section 2-274 shall apply.

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(5) Written Determination of Board. The trades board of appeals shall make a written determination that either sustains, modifies, or reverses the order of the chief building official, chief fire code official, and/or inspector no later than ten calendar days after the conclusion of the hearing. A copy of the written determination shall be provided to director of planning and community development and delivered by certified mail to the appealing party at the address given on the written request for appeal.

(6) Appeal of Written Determination. If the individual who appealed the decision of the chief building code official, chief fire code official, and/or inspector disagrees with the determination of the trades board of appeals, he/she may appeal to the Circuit Court of Buchanan County, Missouri, pursuant to RSMo., Chapter 536. Such appeal shall be made within 30 days of the date on which the written determination was mailed to the appellant.

Secs. 2-xxx--2-xxx. Reserved.