

ORDINANCE NO. 56

AN ORDINANCE PROVIDING FOR THE REPEAL OF ORDINANCE NO. 55, FORMERLY ENACTED TO REPEAL ORDINANCE 50 & 53 AND FURTHER PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL BUILDING CODE, FIRST PRINTING, 2021, AND THE INTERNATIONAL FIRE CODE, INCLUDING APPENDIX B, C, D, E, H, I, AND K FIRST PRINTING, 2021, THE INTERNATIONAL EXISTING BUILDING CODE, FIRST PRINTING 2021 AND THE INTERNATIONAL MECHANICAL CODE, FIRST PRINTING, 2021 FOR THE O'FALLON FIRE PROTECTION DISTRICT OF ST. CHARLES COUNTY, MISSOURI.

WHEREAS, pursuant to Revised Missouri Statutes Section 67.280, the O'Fallon Fire Protection District of St. Charles County, Missouri ("District") may adopt or repeal an ordinance which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full; and

WHEREAS, pursuant to Revised Missouri Statutes Section 67.280, two (2) copies of the: International Building Code, First Printing, 2021, the International Fire Code, First Printing 2021 including appendix B, C, D, E, H, I and K, International Existing Building Code, First Printing 2021, and the International Mechanical Code, First Printing, 2021, as published by the International Code Council, beginning on May 27, 2021; and

WHEREAS, the Board of Directors ("Board") does hereby find and determine that the International Building Code, First Printing, 2021, the International Fire Code, First Printing, 2021 including appendix B, C, D, E, H, I and K, International Existing Building Code, First Printing, 2021 and the International Mechanical Code, First Printing, 2021, as published by the International Code Council, have been adopted by a majority of the communities in St. Charles and St. Louis Counties; and

WHEREAS, the Board desires to support and encourage uniformity in building regulations within St. Charles County and St. Louis Counties; and

WHEREAS, the Board deems it to be in the best interest of the District and its residents, and pursuant to its general police powers and in order to promote the health, safety and general welfare of its residents, that it adopt the International Building Code, First Printing, 2021, the International Fire Code, First Printing, 2021 including appendix B,C,D, E, H, I and K, the International Existing Building Code, First Printing, 2021 and the International Mechanical Code, First Printing, 2021, as published by the International Code Council;

NOW, THEREFORE, be it ordained by the Board of Directors of the O'Fallon Fire Protection District of St. Charles County, Missouri as follows:

SECTION ONE:

That the International Building Code, First Printing, 2021 Edition as published, as amended is hereby adopted as the Building Code of the O'Fallon Fire Protection District of St. Charles County, Missouri.

- A. The following additions, changes, insertions, and/or deletions are to be added to the International Building Code, First Printing, 2021.

Section 101.1 – Title. Line 2 Insert " O'Fallon Fire Protection District of St. Charles County, Missouri".

Section 103.1 – Creation of enforcement agency. The O'Fallon Fire Protection District, Fire Prevention Bureau is hereby created and the official in charge there of shall be known as the Fire

Code Official.

Section 103.1.1 – Fire Code Official. "Fire Code Official" is defined as the Fire Marshal of the O'Fallon Fire Protection District of St. Charles County, Missouri, or his duly authorized representatives.

Section 103.1.2 – Building Official. Building official and/or fire code official wherever it may appear in this code, it shall read "Fire Code Official".

Section 109.2 – Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established in Appendix 2 by O'Fallon Fire Protection District.

Section 109.3 – Delete in its entirety. (Permit valuations) and see 109.3.1 below.

Section 109.3.1 – Calculation of fees. Permit fees for new construction, additions, remodels, and interior finishes are based on the highest value of the following, Building Valuation Data, Square Foot Construction Costs table published twice yearly in the Building Valuation Data table, by the International Code Council or the actual cost of construction. (Fees established in Appendix 2)

Section 110.3.1 – Delete in its entirety. (Footing and Foundation Inspections)

Section 110.3.3 – Delete in its entirety. (Lowest Floor Elevation)

Section 110.3.7 – Delete in its entirety. (Weather exposed balcony and walking surface waterproofing)

Section 110.3.9 – Delete in its entirety. (Energy efficiency inspections)

Section 111.5 – Certificate Required. Failure of the owner or tenant of a building to obtain the certificate of occupancy and to pay the fees set forth shall be deemed a violation and shall subject said owner or tenant to the penalties prescribed in Section 114.4.

Section 113.1 – General. Amend the fifth sentence to read "The Board of Directors of said District shall serve as the board of appeals". (*See copy of Rules for Appeal attached here to as Appendix 1)

Section 113.3 – Delete in its entirety. (Qualifications)

Section 114.4 – Delete in its entirety and insert the following in lieu thereof: (Violation Penalties)

Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class B misdemeanor, punishable by a fine of not more than five hundred dollars (**\$500.00**) or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 114.4.1 – Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to the fine of not less than **\$50** or more than **\$500** per day.

SECTION TWO:

That the International Fire Code, First Printing, 2021 including appendix B, C, D, E, H, I, and

K as published, as amended is hereby adopted as the Fire Code of the O'Fallon Fire Protection District of St. Charles County, Missouri.

A. The following additions, changes, insertions, and/or deletions are to be added to the International Fire Code, First Printing, 2021.

Section 101.1 – Title. Line 2 Insert "O'Fallon Fire Protection District of St. Charles County, Missouri".

Section 103.1 – Creation of enforcement agency. The O'Fallon Fire Protection District, Fire Prevention Bureau is hereby created and the official in charge there of shall be known as the Fire Code Official.

Section 103.1.1 – Fire Official. "Fire Code Official" is defined as the Fire Marshal of the O'Fallon Fire Protection District of St. Charles County, Missouri, or his duly authorized representatives.

Section 103.1.2 – Fire Code Official. Fire Code Official and/or Code Official wherever they may appear in this code, shall read "Fire Official".

Section 105.6.24 – Delete in its entirety. (Temporary membrane structures and tents) and see 105.6.24.1 below.

Section 105.6.24.1 – Temporary membrane structures and tents. Tents and membrane structure shall be subject to application for permit and inspection from the fire code official as required under 3103.2.

Section 111.1 – Board of appeals established. Amend the fifth sentence to read "The Board of Directors of said District shall serve as the board of appeals". (*See copy of Rules for Appeal attached hereto as Appendix 1)

Section 111.3 – Delete in its entirety. (Qualifications)

Section 112.4-line 5 – Insert "twenty-five dollars (**\$25.00**) and five hundred dollars (**\$500.00**)". Insert the following sentence after the first sentence: "Each day that such unauthorized work continues after a stop work order has been issued shall be deemed a separate offense."

Section 112.4-line 7 – Insert "Class B Misdemeanor"

Section 112.4-line 8 – Insert "five hundred dollars (**\$500.00**)"

Section 112.4-line 9 – Insert "six (6) months"

Section 112.5 – Civil action. Notwithstanding the provisions hereof, the Code Official, with the approval of the Board of Directors, may cause to be instituted in the name of the District, a civil action for injunction or other appropriate relief to secure compliance with the provisions of this Code. Injunctive or other appropriate relief shall not be denied on the grounds that an adequate remedy at law exists through the imposition of criminal sanctions.

Section 307.2 – Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.5 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, bonfire, or burning brush, and vegetation. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Section 307.2.2 – Materials. Open burning shall not be utilized for waste disposal purposes, shall be of the minimum size for the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

Section 307.4.2.1 – Bonfire and Recreation fire size and duration. A bonfire shall not be more than 4 feet by 4 feet by 4 feet in dimension and shall not burn longer than 4 hours. The maximum size and duration of a bonfire shall not be increased by the code official unless it is determined that fire safety requirements of the situation and the desirable duration of the burn warrant the increase.

Section 307.4.3 – Delete the Exception in its entirety.

Section 307.5 – Attendance for Open burning. Bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. Any public nuisance caused by burning or the actions of the attendees shall be grounds for not allowing further permits to be issued.

Section 307.5.1 – Additional requirements for burning brush and vegetation: Burning brush and vegetation shall comply with all the other provisions of this code, and with the following:

- 1) Only allowed un-incorporated areas.
- 2) Only allowed between September 16th and April 14th.
- 3) Size cannot exceed 16 square feet.
- 4) Under no circumstances shall tires, plastic, coated electrical wires, roof shingles, household refuse, leaves and miscellaneous solid waste be burned.

Section 407.5 – Hazardous Material Inventory Statement

407.5.1 – Such statements shall be in general agreement with appendix H.

Section 407.6 – Hazardous Materials Management Plan

407.6.1 – Such plans shall be in general agreement with appendix H.

Section 503.6 – Security gates. Gates to any structure as a method of ingress and egress and which meet the following requirements, will be permitted as described in the following:

- 1) Plans for the gate system, including location, dimensions, locking arrangements, and systems operation must be submitted to the Fire District for approval. The construction, installation, and operation of any gates under this requirement must comply with all applicable codes, ordinances and regulations of all other pertinent municipal and/or county jurisdictions.
- 2) All gates must be maintained in good operating condition at all times.
- 3) Gate systems, which are out of service due to damage, malfunction, or repairs to the system, must be kept in the fully open position until such time as the system has been repaired, and is fully operational.
 - a. **Electronically Opened Gates:** A gate as described in this subparagraph shall be allowed in all instances, provided all other requirements and procedures of this ordinance are satisfied.
 - i. An electronically operated gate must utilize a Fire District approved Master Key-Knox Box system.
 - ii. Such gate must be at least fifty (50) feet removed from the edge of a cross street, if any, connecting to the street upon which the gate is

- located.
- iii. Such gates shall open in both directions a minimum of twenty (20) feet or the full width of the pavement, whichever is less.
- iv. Such gate must have a "rapid entry" Key operated switch that the Fire District can use to open the gate. This switch, when activated, must keep the gate open until the Fire District manually resets the mechanism, so as to allow all other responding apparatus to enter without stopping to open the gate. This switch can only be purchased through the Fire District, and is keyed to a special key that is carried by the Fire District.
- v. In the event of a power failure, the gate must release in order that it may be opened manually.
- vi. Such gate must also have a means to manually release the gate from the electronically operated mechanism. This means in addition to item (v) above, will allow the Fire District to open the gate if the switch, motor, or some other components fails.

- b. **Manually Operated Gates:** Provided that all other requirements and procedures of this ordinance area satisfied, and except as otherwise provided in subparagraph (c) hereof, a gate as described in this subparagraph (b) shall only be allowed under the following circumstances: (1) such gate is constructed on a private roadway: and (2) such gate is located at a non-primary point of ingress to the area sought to be enclosed by the erection of the gate.

For the purpose of this subparagraph, the term "private roadway" shall include any roadway that is not owned by, dedicated to in any manner, or prescribed to a county, city, town, village or other municipality.

For the purpose of this subparagraph, the term "non-primary point of ingress and egress" shall mean a location that is not commonly recognized or relied upon as a means of ingress and egress to the area sought to be enclosed by the erection of the gate. Such area sought to be enclosed may have more than one entrance, which is considered "primary" and therefore not suitable for a Manually Operated Gate.

A manually operated gate must also meet the following requirements:

- i. Such gate must be at least fifty (50) feet removed from the edge of a cross street, if any, connecting to the street upon which the gate is located.
 - ii. Such gate shall open in both directions a minimum of twenty (20) feet or the full width of the pavement, whichever is less.
 - iii. If it is to be locked, such gate shall have a Knox-Box rapid entry system approved by the Fire District.
 - iv. In the event a "primary" entrance to the area sought to be enclosed by the gate is rendered impassable for any reason, such gate must be opened until such time that the primary entrance is restored.
- c. The provisions of subparagraph (b) to the contrary notwithstanding, a Manually Operated Gate meeting all of the requirements of subparagraph (b) except that being located at a "non-primary" entrance, shall be allowed under the following circumstances;
 - i. Such gate must remain fully open at any time in which human beings are in the area sought to be enclosed by the erection of the gate.
 - ii. Conversely, such gate may only be closed and locked at such times that no human beings are present in the area sought to be enclosed by the erection of a gate.

iii. All other conditions of subparagraph (b) are met.

Section 505.1 – Address Identification (line 4 add shall not be less than 6 inches in height and 1 inch stroke).

Section 507.3 – Fire flow. Fire flow requirements for building or portions of buildings and facilities shall be determined in accordance with appendix B.

Section 507.5.2 – Inspection, testing and maintenance. The utility company and/or District shall make or cause to be made, an inspection for proper operation of each fire hydrant within the boundaries of said District. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired when defective. The District shall notify in writing each water utility, person, business or corporation responsible for the maintenance of any hydrants, of the location and nature of defect of any inoperative or deficient hydrants. Any defect, inoperative or deficient hydrant that is not repaired within seven (7) days after receiving written notice shall be in violation of this ordinance. Each water utility, person, business or corporation or other entity responsible for the operation and maintenance of a fire hydrant in the O’Fallon Fire Protection District of St. Charles County, Missouri shall immediately notify the Fire District whenever a fire hydrant is placed out of service.

Section 507.5.5 – Delete in its entirety and insert new section. (Clear space around hydrants)

Section 507.5.5 – Clear space around hydrants and fire protection equipment. There shall be no obstruction, i.e., plantings, bushes, trees, signs, light standards, mailboxes, etc. within five (5) feet of any fire hydrant, and/or fire department connection to an automatic sprinkler or standpipe system, in all directions, except as otherwise required or approved.

Section 507.5.6.1 – Parking by hydrants. Where fire hydrants are located in areas where vehicles would be parked, said vehicle parking shall be restricted for five (5) feet in each direction from the hydrant.

Section 507.5.6.2 – Parking by fire department connections. When fire department connections are located in an area where vehicles may be parked, said parking shall be restricted for ten (10) feet in each direction from the fire department connection.

Section 507.5.7 – Tampering with fire hydrant. It shall be unlawful for any person to use or operate a fire hydrant for any purpose other than the suppression of a fire. This provision shall not apply to employees of the municipality or village, firefighters or employees of the public utility supplying water to the fire hydrant while in the performance of their duties as firefighters or employees.

Section 604.5.5 – Elevator emergency operations testing. All elevators that are equipped with emergency elevator operations in accordance with Rule 211.3 of ASME A17.1/CSA B44 listed in Chapter 45 shall be tested at least once each year in all phases of emergency functions. An approved elevator service company shall conduct the tests.

Section 901.6.3 – Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 3 years or for the required testing frequency if greater than 3 years and shall be made available to the code official upon request. Accurate logs shall be maintained indicating the number, location and type of device tested. Any defect, modification or repair shall be logged.

Section 907.11 – “Fire Alarms System”

Section 907.11.1.1 – "Alarm System" means any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of fire or smoke in the protected building, structure, facility, or premises through the emission of a sound or transmission of a signal or message.

Section 907.11.1.2 – "False" Alarm means any activation of an alarm system intentionally or by inadvertence, negligence, or unintentionally act to which the Fire District responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarm.

- a. When the Fire Official determines that an alarm has been caused by the malfunction of the indicators at St. Charles County Department of Dispatch and Alarm Center.
- b. When the Fire Official determines that an alarm has been caused by damage, testing, or repairs of telephone equipment or lines by the telephone company, provided that such incidents are promptly reported to the telephone company.
- c. When an alarm is intentionally caused by an occupant or resident acting under a reasonable belief that a need exists to call the district; and/or
- d. When an alarm is followed by a call to St. Charles County Department of Dispatch and Alarm Center canceling the alarm by giving proper information prior to the arrival of the District's apparatus at source of the alarm.

Section 907.11.2 – Every person, corporation, firm, or other entity owning or occupying any premises within the boundaries of the O'Fallon Fire Protection District, in or on which premises is installed an automatic fire alarm, fire detection or sprinkler system, shall maintain such system in such operation condition that the alarm system shall not transmit to St. Charles County Department of Dispatch and Alarm any false alarms.

Section 907.11.2.1 – It shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required or so installed; except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection were necessary to make tests, repairs, alterations, or additions. The Fire Official shall be notified before such tests, repairs, alterations, or additions are to be affected and of its completion and shall be advised of the extent of any such work for additional requirements. Whenever an alarm system is to be shut off for repairs, it shall be the owner's or occupant's responsibility to determine that the servicemen performing such repairs have notified the Fire District of the pending shut off prior to such action. When an alarm has central station supervision, the company providing this service shall also be notified of said action. Failure to notify the Fire District or the central station supervising company of a system shut off, and if the shut-off results in an unnecessary alarm being transmitted to the District, will subject the owner or occupant to a fine of One Hundred Dollars (**\$100.00**) for each alarm received.

Section 907.11.2.2 – Should an alarm system transmit any false fire alarm to the O'Fallon Fire Protection District, either directly or through a central dispatching service, or should inspection of such system by any officer of the O'Fallon Fire Protection District reveal that such a system is in a state of maintenance or disrepair that such system is likely to transmit a false fire alarm, the owner or occupant of the premises shall take such remedial action as necessary, and shall make or cause to be made such adjustments and repairs to the alarm system that the Fire Marshal shall order, in order to abate the condition causing the transmission or likelihood of transmission of false fire alarms.

Section 907.1012.3 – Any person, firm, corporation or other entity given an order by the Fire Marshal, Pursuant to Section 907.11.2.2 herein, shall company within twenty-four (24) hours after such order has been given. Any person, firm, corporation or other entity who shall fail to comply within 24 hours after such order has been given shall be fined One Hundred Dollars (**\$100.00**) for each and every day that such violation shall occur or continue to occur.

Section 907.11.2.4 – All False Alarms to which the District responds shall result in the following

service charges to the alarm system's owner or occupant.

- 1) A warning for the first false alarm in any calendar year.
- 2) A Twenty-five (**\$25.00**) service charge for the second (**2nd**) false alarm in any calendar year.
- 3) A Fifty Dollar (**\$50.00**) service charge for the third (**3rd**) false alarm in any calendar year.
- 4) A One Hundred Dollar (**\$100.00**) service charge for the fourth (**4th**) and any subsequent false alarm in any calendar year.

Upon determination by the Fire Marshal that a false alarm has occurred, the District shall send a notice to the alarm user, notifying the alarm user of the determination and directing payment within thirty (30) days of any service charge that may be due.

Section 907.11.3 – Definition: An alarm system which automatically sends over regular telephone lines or cell service, by direct connections or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

Section 3103.2 – Approval required.

Section 3103.2 – Approval required. Tents and membrane structures having an area in excess of *900 square feet* shall not be erected, operated, or maintained for any purpose without first obtaining a permit and approval from the *fire code official*.

Exceptions. (These exceptions only pertain to this exemption from section 3102 and are not a requirement of all tents):

1. Tents used exclusively for recreational camping purposes.
2. Tents open on two sides that comply with all of the following:
 - 2.1 Individual tents without cooking having a maximum size of 900 sq. ft.
 - 2.2 The aggregate area of multiple tents without cooking placed side by side without a fire break clearance of 12 feet (3658 mm), not exceeding 900 sq. ft. (65 m²) total.
 - 2.3 A minimum clearance of 12 feet to all structures and other tents unless a greater is required elsewhere in the code.

Appendix 3 – Basic Fire Control Measures and Regulations. Appendix 3 is hereby adopted by the O'Fallon Fire Protection District of St. Charles County, Missouri.

Appendix B – Fire Flow Requirements for Buildings. This appendix is hereby adopted by the O'Fallon Fire Protection District of St. Charles County, Missouri.

Appendix C – Fire Hydrant Locations and Distributions. This appendix, as amended, is hereby adopted by the O'Fallon Fire Protection District of St. Charles County, Missouri.

Section C105.1 – Fire Hydrant location near Fire Department Connection. Buildings or structures equipped with an automatic fire sprinkler system or standpipe system shall have a fire hydrant within 150 feet of the fire department connection.

Section C105.2 – Fire Hydrant Standards. All fire hydrants installed shall each have not less than:

- 1) Two (2) 2-1/2-inch outlets.
- 2) One (1) 4-1/2-inch outlet-18-24 inches from grade to the center of the outlet, facing the direction designated by the fire code official.
- 3) A 5-1/4-inch valve.

- 4) A 6-inch barrel.
- 5) Shall be of a break-away design.
- 6) Shall be frost free.
- 7) Shall have chains on the caps.
- 8) Shall have left hand National Standard Threads (NST) on all three outlets.

Section C106.2 – Control Valves. Each fire hydrant shall be provided with a control valve in the hydrant connection such that the hydrant can be removed from service without shutting off water supply to other fire hydrants. Whenever a water main is more than twelve hundred (1200) feet in length, such main shall have a control valve.

Appendix D – Fire Apparatus Access Roads. This appendix, as amended, is hereby adopted by the O’Fallon Fire Protection District of St. Charles County, Missouri.

Section D103.3 – Turning radius. The minimum turning radius shall be **42 feet** at outside of curb.

Section D104.1 – Building exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

Section D107.1 – One-or Two-Family dwelling residential developments. Developments of One-or Two-family dwellings where the number of dwelling units exceed 100 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 100 dwellings units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.
2. No Change
3. The code official shall be permitted to increase the number of dwelling units allowed with a single fire apparatus access road when topography or other reasons do not permit an additional access road to be provided.

Appendix E – Hazard Categories. This appendix is hereby adopted by the O’Fallon Fire Protection District of St. Charles County, Missouri.

Appendix H – Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions. This appendix is hereby adopted by the O’Fallon Fire Protection District of St. Charles County, Missouri.

Appendix I – Fire Protection Systems – Noncompliant Conditions. This appendix is hereby adopted by the O’Fallon Fire Protection District of St. Charles County, Missouri.

Appendix K – Construction Requirements for Existing Ambulatory Care Facilities. This appendix is hereby adopted by the O’Fallon Fire Protection District of St. Charles County, Missouri.

SECTION THREE:

That the International Existing Building Code, First Printing, 2021 Edition as published, as amended is hereby adopted as the Existing Building Code of the O’Fallon Fire Protection District of St. Charles County, Missouri.

- A. The following additions, changes, insertions, and/or deletions are to be added to the International Existing Building Code, First Printing, 2021.

Section 101.1 Insert: "O'FALLON FIRE PROTECTION DISTRICT"

SECTION FOUR:

That the International Mechanical Code, First Printing, 2021 as published, as amended is hereby adopted as the Mechanical Code of the O'Fallon Fire Protection District of St. Charles County, Missouri.

- A. The following additions, changes, insertions, and/or deletions are to be added to the International Mechanical Code, First Printing, 2021.

Section 101.1 – line 2 Insert: "O'FALLON FIRE PROTECTION DISTRICT"

Section 103.1 – line 1 insert "O'FALLON FIRE PROTECTION DISTRICT"

Section 114.1 – Delete in its entirety and replace with appeal procedure attached hereto as Appendix 1.

Section 115.4 – Insert: "Class B Misdemeanor"

Section 115.4 – line 8 Insert: "five hundred dollars (**\$500.00**)"

Section 115.4 – line 9 Insert: "six (**6**) months"

Section 115.4 – Insert **the following sentence after the last sentence:** "Each day that such unauthorized work continues after a stop work order shall be deemed a separate offense."

SECTION FIVE:

Validity: The Board of Directors of the O'Fallon Fire Protection District of St. Charles County, Missouri, hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of this Ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of this Board of Directors that it would have passed all other portions of this Ordinance independent of the elimination here of any portion as may be declared invalid.

SECTION SIX:

Savings. Except as specifically set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the District or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION SEVEN:

Severability Clause. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be *valid* and shall be enforced to the fullest extent permitted by law, it being the intent of the Board that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the District and shall thereafter be binding.

SECTION EIGHT:

This Ordinance No. 56, having been duly considered and voted upon by the Board of Directors of the O'Fallon Fire Protection District, was duly enacted as an Ordinance of said District on January 23, 2025.

This Ordinance shall take effect from and after its final passage and approved as required by law.

First Reading: January 23, 2025

Second Reading: February 13, 2025

READ TWO TIMES AND PASSED BY THE BOARD OF DIRECTORS OF THE O'FALLON FIRE PROTECTION DISTRICT OF ST. CHARLES COUNTY, MISSOURI, THIS 13TH DAY OF FEBRUARY, 2025.

**O'FALLON FIRE PROTECTION DISTRICT
OF ST. CHARLES COUNTY, MISSOURI**



WILLIAM LAUGHLIN, CHAIRMAN
BOARD OF DIRECTORS

ATTEST



AMY MCCULLOCH,
RECORDING SECRETARY
BOARD OF DIRECTORS

APPROVED:



William Laughlin, Director-Chairman



Matthew C. Simmons, Director-Secretary



Matthew F. Gober, Director-Treasurer

APPENDIX 1

APPEALS

Any person aggrieved or injured by any determination, order or decision of the Fire Marshal may appeal the same to the Board of Directors of the District.

Any appeal must be filed, as hereinafter provided not later than ten (10) days after the order, determination or decision is made, or notice of the order, determination or decision is given by the Fire Marshal where such notice is required, whichever date is later. The notice of the appeal shall be in writing, addressed to the Board of Directors of the O'Fallon Fire Protection District, and shall describe the order, determination or decision of the official from which appeal is sought. The notice of appeal shall also include a brief statement of the appellant's reasons for disagreement with the order, determination or decision and any facts the appellant deems relevant to determination of the appeal. Notwithstanding the foregoing, no such appeal shall be required to be in any particular form or to observe any formal style of technical pleading. No appeal shall stay the order, decision or determination of the Fire Marshal unless the Chairman of the District upon written application for stay filed by the appellant with the notice of the appeal, shall so direct the Fire Marshal, in writing after receipt of the notice of appeal and application for stay. The determination of whether to grant or deny a stay shall be in the sole discretion of the Chairman of the District.

The Board of Directors, on receipt of a notice of appeal, shall fix a time not more than thirty (30) days after receipt of the notice of appeal and a place at which such appeal shall be heard. At such hearing the appellant shall be permitted to adduce evidence in support of the appeal. The hearing on the appeal shall be informal, and observance of formal rules of evidence or pleading shall not be required. At such hearing, the appellant may appear in person, or by agent or attorney. At such hearing the Board of Directors may request such further information, either from the appellant, or from the Fire Marshal or from other members of the staff of the District, as the Board may consider appropriate or necessary. At the conclusion of the hearing, the Board shall close the evidence. The Board of Directors may immediately decide the question by majority vote of the Directors, or the Board may take the matter under advisement to be decided by majority vote of the directors at such other time, not later than twenty (20) days after the hearing was closed, as the Board may determine. The decision of the Board of Directors shall be entered in the Minutes of the Board, in the form of resolution, and may affirm, modify or reverse the decision of the Fire Marshal.

If such decision is made at the time of the hearing, then the Board of Directors shall announce the same forthwith to the appellant or his or her agent or attorney. If the decision is made thereafter, then the Board of Directors shall notify the appellant, or his or her agent, or attorney who appeared at the hearing, in writing, of such decision promptly after the making thereof.

APPENDIX 2

SCHEDULE OF PERMIT FEES

SECTION ONE: The following fees are related to permits required by the 2021 International Building Code, 2021 International Mechanical Code, 2021 International Fire Code and the 2021 Existing Building Code.

FEE SCHEDULE: A fee for each plan examination, building permit and inspections shall be paid in accordance with the following schedule as periodically reviewed.

- A. **Building Permit Fee:** (To include new construction, alteration, enlargement, addition, or movement.) Failure to obtain a permit prior to commencing work; subject to a **\$100.00** fine.

Commercial Structures:

\$3.50 per each **\$1,000.00** dollar estimated cost of construction. Minimum fee of **\$100.00** (Estimated cost of construction is to be determined by the highest value of the following: the ICC's most current Building Valuation Data Report or what is submitted on permit application.)

- B. **Application, Review / Processing Fee:**

Commercial Structure: A plan review fee of **10% of the Building Permit Fee** or **\$200.00**, whichever is greater, for new commercial structures. (This includes the initial and one (1) revised plan.)

A plan review fee of **10% of the Building Permit Fee** or **\$100.00**, whichever is greater, for interior finish, or remodeling plans. (This includes the initial and one (1) revised plan.)

For major plans the building owner pays for an outside firm to perform the plan review if needed. (E.g., ICC, Code Consultants etc.)

Commercial:

- Site plan review: **\$150.00**
- Sprinkler Plan Review and Permit Fee (F105.6.1): **\$150.00** for the first 50 sprinkler heads and **\$3.00** for every sprinkler head thereafter, not to exceed **\$5,000.00**.
- Fire Underground Main Review and Permit Fee (F105.6.1): **\$150.00**
- Fire pump (F105.6.7): **\$150.00**
- Fire Alarm Plan Review and Permit Fee (F105.6.6): **\$150.00** for the first 50 devises and **\$3.00** for every devise thereafter, not to exceed **\$5,000.00**.
- Kitchen Hood Plan Review and Permit: **\$150.00**
- Kitchen Hood Fire Suppression Systems Plan Review and Permit: **\$150.00**
- Paint Booths Plan Review and Permit: **\$150.00**
- Paint Booth suppression systems Plan Review and Permit: **\$150.00**
- Pallet racking system permit: **\$150.00**
- Solar Panels plan review and inspection (commercial): (B105): **\$150.00**.
 - Large installations require Building Permits as well.

- C. **Additional Fees:**

- **\$50.00** Extra Inspection (See explanation note below)
- **\$100.00** Stop Work Order processing
- **\$100.00** New Commercial Structures extra plan review

***Extra Inspections:**

If by judgment of the fire code official an inspection requested is not ready or accessible for inspection, or in the judgment of the fire code official the applicant has caused the Fire District extra inspections other than typically required, a fee of Fifty dollars **\$50.00** may be assessed for each additional inspection or re-inspection.

**The inspection fee must be paid at least twenty-four (24) hours in advance of the additional inspection.

D. Fee for Occupancy:

The permit fee for Non-residential occupancy permits (Section 105.3.3) shall be **\$100.00**.

E. Fee for Change of Occupancy:

Permit required for: Change of Occupancy (Section 105.3.3) "Permit fee" **\$50.00**

F. Permits and Fees for Projects and Operations not listed:

May be assessed based on size and scope of requirements.

SECTION TWO: The following fees are related to permits required by the International Fire Code.

A. Required Operational Permits:

1. Permit required for Special Amusement Buildings (Section 105.5.3) Permit fee **\$50.00**
2. Permit required for Carnivals and Fairs (Section 105.5.5)
 - a. Event Organizer fee up to and including 5 vendors
Permit fee **\$50.00**
 - b. Events exceeding 6 days and greater than 5 vendors
Permit fee **\$35.00** per vendor paid for by the event organizer
3. Permit required for Exhibit and Trade Shows (Section 105.5.15) Permit fee **\$50.00**
4. Permit for Explosives (Section 105.5.16)
 - a. Sale of fireworks Permit fee **\$2,500.00**
 - b. Permit required for firework or pyrotechnic special effects display (Section 105.5.42) Permit fee **\$250.00**
Exceptions: The display (discharge) of consumer grade (Division 1.4G) fireworks.
- c. Construction blasting **\$100.00** per 30 days
- d. Storage of blasting agent **\$50.00** per 30 days
5. Permit required for Temporary Membrane Structures; Tents Canopies (Section 105.5.49)
Permit fee **\$35.00**
6. Permit required for installation of Security Gates (Section 503.6) Permit fee **\$50.00**
7. Permit required for installation/removal of Underground Storage Tanks **\$50.00** per tank
8. Permit required for Open Burning (Section 105.5.34) No Fee

Exceptions: *Not for profit organizations may be exempted from the operational permit fee with approval of the Fire Code Official.*

SECTION THREE: The following shall apply to the refunding of permit fees:

1. Plan review fees are not refundable.
2. Permit fees may be refunded within 180 days by request in the event the project is cancelled AND construction has not started.

SECTION FOUR:

1. Any Fee Payment to be made by approved check or money order. Credit card payments are also accepted as available.

SECTION FIVE:

1. Any fees required by the O'Fallon Fire Protection District that result in failure to be paid may/shall result in said fees being turned over to O'Fallon Fire Protection District legal counsel.

APPENDIX 3

O'FALLON FIRE PROTECTION DISTRICT OF ST. CHARLES COUNTY, MISSOURI BASIC FIRE CONTROL OPERATIONS AND REGULATIONS

Section A101. Adoption of fire control measures and regulations. There is hereby adopted by the O'Fallon Fire Protection District of St. Charles County, Missouri the fire control measures and regulations herein set fourth for the purposes of controlling conditions which could impede or interfere with fire suppression forces.

Section A102. Authority at fires and other emergencies. The Chief of the O'Fallon Fire Protection District of St. Charles County, Missouri, or his duly authorized representatives may be in charge at the scene of a fire or other emergency involving the protection of life and property, hereinafter referred to as "the fire officer", is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or to take any other action necessary in the reasonable performance of their duty. The fire officer may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person vehicle or object which may impede or interfere with the operations of the fire department. The fire officer may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re- enter the area until authorized to do so by the fire officer.

Section A103. Interference with fire department operations. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

Section A104. Compliance with orders. A person shall not willfully fail or refuse to comply with any lawful order or direction of the fire officer or to interfere with the compliance attempts of another individual.

Section A105. Vehicles crossing fire hose. A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the fire officer in command of said operation.

Section A106. Definition of authorized emergency vehicle. Authorized emergency vehicles shall be restricted to those which are defined and authorized as such under the laws of the State of Missouri.

Section A107. Operation of vehicles on approach of authorized emergency vehicles. Upon the approach of any authorized emergency vehicle, giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or vehicles have passed, unless otherwise directed by the fire officer or a police officer.

Section A108. Vehicles following fire apparatus. It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than three hundred (300) feet from any fire apparatus traveling in response to a fire alarm or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm.

Section A109. Unlawful boarding or tampering with fire department emergency equipment. A person shall not, without proper authorization from the fire officer in charge of said fire department

emergency equipment, cling to, attach oneself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest; or sound the siren, horn, bell or other sound-producing device thereon; or manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes pumps or any equipment or protective clothing on, or apart of, any fire department emergency vehicle.

Section A110. Damage, injury- fire department- equipment, personnel. It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle at any time or to injure, or attempt or conspire to injure, fire department personnel while performing departmental duties.

Section A111. Emergency vehicle operation. The driver of any emergency vehicle, as defined in Section A106 of this ordinance, shall not sound the siren thereon or have the front red lights on or disobey any existing traffic regulation, except when said vehicle is responding to an emergency call or when responding to, but not upon returning from, a fire. Tactical strategies such as, but not restricted to "move-ups" do not constitute an emergency call. The driver of an emergency vehicle may:

- a) Park or stand irrespective of the provisions of existing traffic regulations;
- b) Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operation;
- c) Exceed the prima facie speed limit so long as the action does not endanger life or property;
- d) Disregard regulations governing direction of movement or turning in specified directions;
- e) The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

Section A112. Blocking fire hydrants and fire department connections. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections located on public or private streets and access lanes or on private property.

If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire code official shall proceed to remove the same, and report the expense to the Board of Directors of the O'Fallon Fire Protection District. The Board of Directors may authorize legal counsel to institute appropriate action for the recovery of such expenses, as well as reasonable attorney's fees and costs.

Section A113. Sale of defective fire extinguishers. A person shall not sell, trade, loan or give away any form, type or kind of fire extinguisher that is not approved by the fire code official, or that is not in proper working order, or the contents of which do not meet the requirements of the fire code official. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk when said units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

Section A114. Street obstructions. A person or group of persons shall not erect, construct, place or cause to obstruct or maintain any obstruction including but not limited to, bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the boundaries of the O'Fallon Fire Protection District. The word street, as used in the ordinance, shall

mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the O'Fallon Fire Protection District.

Exception:

- 1) Gates as a method of ingress and egress and, which meet the requirements of Section 503.6 (Security Gates) will be permitted.
- 2) Roadway dips may be approved by the Fire Code Official.