

BILL NUMBER 2015-1

ORDINANCE NUMBER 34 FIRE PREVENTION CODE

AN ORDINANCE PRESCRIBING MINIMUM REQUIREMENTS AND CONTROLS TO SAFEGUARD LIFE, PROPERTY OR PUBLIC WELFARE FROM THE HAZARDS OF FIRE AND EXPLOSION: KNOWN AS THE FIRE PREVENTION CODE: PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, MAKING OF INSPECTIONS, PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF:

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE **EUREKA FIRE PROTECTION DISTRICT OF ST. LOUIS AND JEFFERSON COUNTIES**, MISSOURI AS FOLLOWS:

SECTION 1 - ADOPTION OF FIRE PREVENTION CODE.

That a certain document, three (3) copies of which are on file in the office of the Code Official of the **Eureka Fire Protection District of St. Louis and Jefferson Counties**, Missouri, being marked and designated as "*ICC, International Fire Code, 2012 edition*" as published by the International Code Council, Inc., together with the standards which are referenced in Chapter 80 – "Referenced Standards" (pp. 433-442), Appendix B – Fire Flow requirements For Buildings (pp. 445-446), and Appendix D – Fire Apparatus Access Roads (pp 449-451) is hereby adopted as the Fire Prevention Code of the **Eureka Fire Protection District of St. Louis and Jefferson Counties**, Missouri, under authority granted by *Revised Statutes of the State of Missouri, Chapter 321 Section 321.600*:

321.600. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any violation thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a class B misdemeanor, and upon conviction thereof shall be punished as is provided herein.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 2 - JURISDICTIONAL TITLES.

100.1 - Wherever (name of jurisdiction) appears in such Fire Code, it shall read the **Eureka Fire Protection District of St. Louis and Jefferson Counties**, Missouri.

100.2 - Wherever "jurisdiction" appears in the code it is defined as the Authority Having Jurisdiction which for this ordinance is **Eureka Fire Protection District of St. Louis and Jefferson Counties** Missouri. Additionally wherever **Eureka Fire Protection District of St. Louis and Jefferson Counties** it will be referred as the "Fire District".

100.3 -Wherever "Code Official" or "Fire Code Official" may appear it is defined as the Fire Marshal, Fire Inspector, or his duly authorized representative of the **Eureka Fire Protection District of St. Louis and Jefferson Counties**, Missouri.

SECTION 3 – FIRE PREVENTION CODE

CHAPTER 1 – SCOPE AND ADMINISTRATION

SECTION 101 - SCOPE AND GENERAL REQUIREMENTS

SECTION 102 - APPLICABILITY

SECTION 103 - DEPARTMENT OF FIRE PREVENTION

103.1 General. (Replace With) The Technical Services Division is established within the *fire district* under the direction of the *fire code official*. The function of the division shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Liability. (Replace With) The *fire code official*, officer or employee charged with the enforcement of this code, while acting for the *fire district*, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, 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 an act or by reason of an act or omission in the discharge of official duties.

103.3 Deputies (Delete)

103.4 Liability (Delete)

SECTION 104 - GENERAL AUTHORITY AND RESPONSIBILITIES

104.10 Fire investigations. (Replace With) The *fire code official*, the fire district or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

SECTION 105 – PERMITS (Replace With)

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.7.14.

105.1.1 Permits required. Permits required by this code shall be obtained from the *fire code official*. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the *fire code official*.

105.1.2 Types of permits. There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

1.1. A prescribed period.

1.2. Until renewed or revoked.

2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

105.1.3 Permits for the same location. When more than one permit is required for the same location, the *fire code official* is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

105.2 Application. Application for a permit required by this code shall be made to the *fire code official* in such form and detail as prescribed by the *fire code official*. Applications for permits shall be accompanied by such plans as prescribed by the *fire code official*.

105.2.1 Refusal to issue permit. If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the *fire code official* shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

105.2.2 Inspection authorized. Before a new operational permit is *approved*, the *fire code official* is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

105.2.3 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the *fire code official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.2.4 Action on application. The *fire code official* shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *fire code official* shall reject such application in writing, stating the reasons therefor. If the *fire code official* is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the *fire code official* shall issue a permit therefor as soon as practicable.

105.3 Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any *fire protection system* or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.6 or 105.7. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by

such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, shall be as shown in section 105.8, such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.3.2 Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The *fire code official* is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

105.3.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to the *fire code official* issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met.

105.3.4 Conditional permits. Where permits are required and upon the request of a permit applicant, the *fire code official* is authorized to issue a conditional permit to occupy the premises or portion thereof before the entire work or operations on the premises is completed, provided that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare. The *fire code official* shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.

105.3.5 Posting the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the *fire code official*.

105.3.6 Compliance with code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on *construction documents* and other data shall not prevent the *fire code official* from requiring the correction of errors in the *construction documents* and other data. Any addition to or alteration of *approved construction documents* shall be *approved* in advance by the *fire code official*, as evidenced by the issuance of a new or amended permit.

105.3.7 Information on the permit. The *fire code official* shall issue all permits required by this code on an *approved* form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the *fire code official*. Issued permits shall bear the signature of the *fire code official* or other *approved* legal authorization.

105.3.8 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on *construction documents*, operational documents and other data shall not prevent the *fire code official* from requiring correction of errors in the documents or other data.

105.4 Construction Documents. The construction documents for new construction, alteration, repairs, expansion, addition or modification for buildings or structures shall be prepared by a registered design professional. All construction documents shall be prepared by the appropriate registered design professional consistent with the professional registration laws of the State of Missouri. The construction documents shall include the name and address of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with Section 105.4.1.

Exception: The nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this fire prevention code.

105.4.1 Application of seals: When construction documents are submitted, the application of seals and signatures on those documents shall be required as follows:

1. All construction documents submitted with an application for a building permit shall bear an original embossed or wet ink seal and original signature on the front sheet of each discipline within each set of construction documents; or
2. The registered design professional for each discipline shall place his original seal and signature upon the cover sheet of each set of construction documents.

All other sheets of the construction documents, other than specifications or calculations, shall bear the original embossed, wet ink or mechanically reproduced seal of the registered design professional. Any addenda or modifications submitted

for changes to the construction documents shall also bear an original seal and signature by the registered design professional. Such changes shall be clearly indicated.

105.5 Revocation. The *fire code official* is authorized to revoke a permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or *construction documents* on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different *person* or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

105.6 Required operational permits.

105.6.11 Cutting and Welding. (Delete)

105.6.12 Dry Cleaning (Delete)

105.6.13 Exhibits and Trade Shows (Delete)

105.6.14 Explosives (Delete)

105.6.15 Fire Hydrants and Valves (Delete)

105.6.16 Flammable and Combustible Liquids (Delete)

105.6.17 Floor Finishing (Delete)

105.6.18 Fruit and Crop Ripening (Delete)

105.6.19 Fumigation and Insecticidal Fogging (Delete)

105.6.30 Open Burning (Delete)

105.6.31 Open Flames and Torches (Delete)

105.6.32 Open Flames and Candles (Delete)

105.6.34 Places of Assembly (Delete)

105.6.35 Private Fire Hydrants (Delete)

105.6.36 Pyrotechnics Special Effects Material (Delete)

105.6.38 Refrigeration Equipment (Delete)

105.6.39 Repair Garages and Motor Fuel Dispensing Facilities (Delete)

105.6.41 Spraying or Dipping (Delete)

105.6.42 Storage of Scrap Tires and Tire Byproducts (Delete)

105.6.44 Tire Rebuilding Plants (Delete)

105.6.45 Waste Handling (Delete)

105.6.46 Wood Products (Delete)

105.6.47 Helicopter hoisting and lowering operations. An operational permit shall be required for helicopter hoisting and lowering operations in accordance with the following:

The helicopter service or the contractor in charge of a helicopter hoisting or lowering operations shall demonstrate financial responsibility of liability for damages arising from the hoisting or lowering operation by providing the fire code official with proof of insurance or other appropriate financial responsibility. Forty-eight hours notice shall be provided before the hoisting or lowering operation is to begin. Notification shall be made to other jurisdictional agencies as may be required.

105.6.47.1 - Safety precautions.

During all helicopter lifting or lowering operations, the following safety precautions shall be followed:

The fire and police departments shall approve landing sites, if landings are necessary.

1. All materials or equipment to be lifted shall be brought as close as possible to the building or structure site by road vehicles.
2. The helicopter shall not carry equipment or materials lifted to or lowered from a building or structure over pedestrians, spectators, other buildings or vehicles.
3. When the operation involves setting or removing equipment or materials from or on an occupied building, the top 2 floors of the building shall not be occupied by anyone, other than individuals directly involved with the operation while the hoisting or lifting operation is in progress.
4. All flammable or combustible liquids brought to the site for refueling helicopters shall be stored, used and dispensed in accordance with Chapters 11 and 34 of this fire code.

5. A fire department safety officer, or fire department safety team, must be present on the site during all helicopter lifting or lowering operations. The safety officer, or safety team, shall terminate the lift if weather conditions or other variables make the operation unsafe. The safety officer, or safety team, shall be provided radio communications with the helicopter pilot in the event safety conditions mandate evasive action.

105.7 Required construction permits. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure shall first make application to the *fire code official* and obtain the required *permit*. The *fire code official* is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.8.

105.7.1 Commercial Structures A construction permit is required for all who intend to construct, enlarge, or alter, a commercial structure within the district.

105.7.2 Automatic fire-extinguishing systems A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.3 Fire alarm and detection systems and related equipment A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.4 Fire pumps and related equipment A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.5 Standpipe systems A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.6 Above or below ground storage tanks A construction permit is required for the installation of above or below ground storage tanks.

105.7.7 Dry Hydrant A construction permit is required for the installation of dry hydrant systems.

105.7.8 Work exempt from permit. Exemptions from construction *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. One and two family dwellings

105.8 Permit Fees. All fees for permits shall be calculated as set forth in sections 105.8.1 thru 109.2.1.3.

105.8.1 Calculation of Estimated Cost of Construction. This estimated cost of construction shall be based on the recommended formula and figures obtained from the quarterly magazine received from the Building Safety Journal issued by the International Code Council (ICC).

105.8.2 Commercial Permit Fee Schedule. The fee for commercial construction permit shall be \$.60 (sixty cents) per one thousand dollars (\$1,000.00) estimated construction cost with a minimum of one hundred dollars (\$100.00)

105.8.3 Miscellaneous Permit Fee Schedule. In all other instances where permits are to be issued a minimum permit fee shall be collected for, but not limited to, the following items:

Site Plan Review and Approval: \$100.00 per site development plan to conform commercial development.

Above or Below Ground Storage Tanks: \$50.00 per tank

Commercial Occupancy Permit: \$50.00 per occupant or tenant space. Permit voided after occupant or tenant space has been vacated.

Temporary or Mobile Structures: (excluding firework stands) \$50.00 per 6 month period

Permit Renewal Application Fee: \$50.00 per renewal application

Fireworks Sales and Stands: \$200.00 for the first 100 square feet then \$0.50 for each additional square foot thereafter.

Automatic Commercial Fire Alarm System Plan Review and Inspections: \$100.00 minimum per system up to the first 200 projected devices and \$1.00 per device thereafter. Devices include, but not limited to, individual fire alarm panels, individual smoke or heat detectors, individual audible or visual indicating units, tamper or flow switches.

Automatic Fire Suppression System and or Standpipe Systems Plan Review and Inspections: \$100.00 minimum per system up to the first 200 projected sprinkler heads and \$0.50 per sprinkler head thereafter.

Fixed Fire Protection Systems: including, but not limited to, Wet Chemical, Dry Chemical, CO₂, Halon/FM, and or 200/Intergen Plan Review and Inspections: \$100.00 per system

Operational Permits: \$50.00 per operation requiring a permit in addition to any required Commercial Occupancy Permit

SECTION 106 INSPECTIONS

SECTION 107 MAINTENANCE

107.6 Owner/occupant responsibility. (Add) Correction and abatement of violations of this code shall be the responsibility of the *owner*. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

SECTION 108 BOARD OF APPEALS (Replace With)

108.1 – Appeals An owner, lessee, agent, operator or occupant aggrieved by an order pursuant to this ordinance, may file an appeal to the Board of Directors within ten (10) days from the service of any order, and the Board of Directors shall fix a time and place not less than five (5) days or more than ten (10) days thereafter when and where such an appeal may be heard by it. Such appeal shall stay the execution of such order until it has been heard and reviewed, vacated or confirmed by the Board. In computing the number of days, Saturdays, Sundays and legal holidays shall be excluded. The Board of Directors shall, at such hearings, affirm, modify, revoke or vacate such order. In conducting and holding the hearing, the Board of Directors shall follow the procedures set forth in §536 RSMO for "contested" matters. Unless revoked or vacated, such order shall then be complied with.

Nothing herein contained shall be deemed to deny the right of any person, firm, corporation, co-partnership or voluntary association to appeal from an order of a decision of the Board of Directors to a court of competent jurisdiction. Appeals from final decisions of the Board shall be to the appropriate Circuit Court, pursuant to the provisions of §536.100 RSMO. Such appeals shall stay the execution of such order until it has been heard and reviewed, vacated or confirmed by the Court.

SECTION 109 VIOLATIONS

109.4 - Violation Penalties. (Replace With) Any person, firm or corporation who shall violate any provision of this Ordinance, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a structure in violation of an approved plan or directive of the Fire Code Official, or of a permit or certificate issued under the provisions of this Ordinance, or who prevents the Fire Code Official from conducting any inspection required or permitted by this Ordinance, or shall start any work requiring a permit without first obtaining a permit, therefore, or who shall continue any work in or about a structure after having been served a stop work order, except for such work which that person, firm or corporation has been directed to perform to remove a violation or unsafe condition, or any owner or tenant of a building or premise or any other person who commits, takes part or assists in any violation of the Ordinance or who maintains any building or premises in which such violation shall exist, shall be guilty of a Class B misdemeanor, provided for in section 321.600(12) R.S. Mo. and section 557.021 R.S. Mo., punishable by a fine of not less than \$500 or by imprisonment not to exceed six (6) months or both such fine and imprisonment, as provided for by law. Each day that a violation continues shall be deemed a separate offense. Notwithstanding the provisions hereof, the Fire 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 a compliance with the provisions of this Ordinance. 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 or by administrative appeal.

SECTION 110 UNSAFE BUILDINGS

SECTION 111 STOP WORK ORDER

111.4 Failure to comply. (Replace With) 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 penalties as outlined in 109.4.

SECTION 112 SERVICE UTILITIES

112.1 Authority to disconnect service utilities. The *fire code official* shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The *fire code official* shall notify the serving utility and, whenever possible, the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The *owner* or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 113 FEES (Replace With)

113.1 Fees. A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

113.2 Permit Fees. All fees for permits shall be calculated as set forth in sections 105.8

113.3 Work commencing before permit issuance. Any *person* who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to double the applicable fee established by 105.8

113.4 Related fees. The payment of the fee for the construction, *alteration*, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.5 Refunds. Fifty percent (50%) of the total permit fee is not refundable if a permit which has been issued is canceled. Refunds will be processed when a written request for a refund due to cancellation is received.

CHAPTER 2 DEFINITIONS

Family Daycare Home: (Add) A family home occupied as a permanent residence by the daycare provider, in which family like care is given for more than four (4) children but no more than ten (10) children, not related to the daycare provider, for any part of the twenty-four (24) hour day.

Sky Lantern. (Add) A device designed to carry an open flame as an airborne light. (Also known as Kongming lantern, Wish Lantern, Whish Lantern, Sky Candle, Fire Balloon, etc.)

CHAPTER 3 – GENERAL REQUIREMENTS

SECTION 307 – OPEN BURNING, RECREATIONAL FIRES, PORTABLE OUTDOOR FIREPLACES (Replace With)

307.1 General A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and approved in accordance with the rules of *open burning* established by the Department of Natural Resources of the State of Missouri.

307.2 Extinguishment authority. When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *fire code official* is authorized to order the extinguishment of the open burning operation.

307.3 Location. The location for *open burning* shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.3.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.3.2 Recreational fires. *Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.3.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one and two-family *dwelling*s.

307.4 Attendance. *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.

CHAPTER 4 – EMERGENCY PLANNING AND PREPAREDNESS

SECTION 409 – BUILDING TENANT IDENTIFICATION (Add)

SECTION 409.1 – Building tenant identification (Add)

Each tenant space, suite or unit shall identify the suite or unit number on all doorways, man doors and overhead doors, entering said tenant space. Letters and numbers shall be posted on the *corridor* side of the door, be plainly legible and

shall contrast with their background. Interior *corridor* identification numbers shall be a minimum of three inches, exterior identification numbers shall meet the requirements in Section 505.1 of this code.

CHAPTER 5 – FIRE SERVICE FEATURES

SECTION 503 – FIRE APPARATUS ACCESS ROADS

Section 503.4 - Fire apparatus access road obstructions. (Replace With)

A person or persons shall not erect, construct, place or maintain any 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 Fire District. The word street as used in this 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 public streets and highways within the boundaries of the Fire District.

Exception: Gates installed in accordance with 503.5.

Section 503.5 Fire apparatus access road gates. (Replace With)

Security gates installed or constructed on a fire apparatus access road shall comply with Section 503.5.1 through 503.5.3.

A permit shall be required before the construction or installation of a security gate across a fire apparatus access road.

Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Locking device specifications shall be submitted for approval by the fire code official.

Section 503.5.1 - Number of gates (Replace With)

Fire apparatus shall not be required to pass through more than one gate to access, or pass through, any part of a subdivision, development, facility or building.

Section 503.5.2 - Electrically operated gates (Replace With)

All electrically operated gates shall be installed in accordance with the following requirements:

Set back: The gate shall be at least 50 feet back from the edge of the cross street from which the "gated" street is accessed, and shall open the full width of the required pavement, roadway or driveway.

Operation: It shall be equipped with a 'Rapid Entry' key operated switch to open the gate, in addition to the normal 'resident operated mechanism. The key switch, when activated, shall keep the gate open until fire district personnel reset it after the emergency. The 'Rapid Entry' key operated switch shall be purchased through **knoxbox.com**.

Power failure: The gate shall release in the event of a power failure, allowing it to be opened manually;

Manual release: Provide a means to manually release the gate, to allow the gate to be opened in the event the switch, motor, or some other component fails; and

Approval prior to use: The gate installation shall be inspected, tested and approved by the Fire Code Official prior to the use of the gate.

Gates added to existing subdivisions: Prior to approval a signed petition stating: "I agree with a gate being installed at the entrance to all the streets to the subdivision, I understand that when this gate is installed the fire department response can be lengthened by as much as two additional minutes. I further will not hold the fire department responsible for loss of life or property due to the additional response time." This petition shall be signed by 100% of all property owners within the subdivision.

Section 503.5.3 - Manually operated gates (Replace With)

All manually operated gates shall be installed in accordance with the following requirements:

Set Back: The gate shall be at least 50 feet back from the edge of the cross street from which the "gated" street is accessed, and shall open the full width of the required pavement, roadway or driveway;

Lock: If the gate is to be locked, it shall be equipped with a 'Rapid Entry' padlock; The 'Rapid Entry' padlock shall be purchased through **knoxbox.com**. The gate locking mechanism shall be constructed in such a manner as to always allow the gate to open with the activation/removal of the 'Rapid Entry' padlock; and

Approval Prior to Use: The gate installation shall be inspected, tested and approved by the Fire Code Official prior to the use of the gate

Gates added to existing subdivisions: Prior to approval a signed petition stating: "I agree with a gate being installed at the entrance to all the streets to the subdivision, I understand that when this gate is installed the fire department response can be lengthened by as much as two additional minutes. I further will not hold the fire department responsible for loss of life or property due to the additional response time." This petition shall be signed by 100% of all property owners within the subdivision.

Section 503.6 – Security Gates (Delete)

SECTION 505 – PREMISES IDENTIFICATION

SECTION 505.1 - Address identification (Replace With)

New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification on all doorways, man doors and overhead doors, entering that building in a position that is easily observed and readable from the public way. Address numbers shall be Arabic or similar font. Numbers shall be a minimum of 4 inches (101.6 mm) high for building within fifty feet of the public way, a minimum of 6 inches for buildings between 51 feet and 100 feet from the public way and a minimum of 12 inches for building greater than 100 feet from the public way. The color of address numbers must contrast to their background. . No gold, silver or brass numbers accepted. Numbers affixed to a glass surface shall be white in color. Numbers must be permanently affixed to the structure. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign, no less than 4 feet in height or means shall be used to identify the structure with the address visible from the approach in both directions of the street and perpendicular to the street.

Exceptions:

1. Buildings with only one tenant and one building number may post the building address in number format on all sides of the building using the sizes listed above for the distance from the public way.
2. Building with one building address and multiple tenant suites or units that are uniquely identified may post the building address in number format on all sides of the building using the sizes listed above for the distance from the public way, however, each doorway into every tenant suite or unit must be identified with that unique suite or unit number or letter. (See Section 409.1 of this code.)

SECTION 506 – KEY BOXES

SECTION 506.1 – Where required (Replace With)

A Knox Box or Rapid Entry System shall be required in a location required by the Fire Marshal. The Knox Box size and system shall be approved by the Fire Marshal and shall contain keys to allow access as required by the Fire Marshal. This shall include each commercial building having a fire alarm system that is monitored by a 24 hour supervised system, any commercial building having a fire suppression system. The purchase and installation of the Knox Box system shall be at the expense of the property/building owner or tenant space occupant.

SECTION 506.1.1 - St. Louis County Rapid Entry Locks (Replace With)

All fire department access areas, that are designated by the Fire Marshal, which may be secured by gate(s), chain, or other securing devices, shall be equipped with a St. Louis County Rapid Entry pad lock. The purchase of the Rapid Entry pad lock shall be at the expense of the property/building owner or tenant space occupant.

SECTION 506.2 - Installation: (Replace With)

The Knox-Box system shall be installed in a location approved by the Fire Marshal.

SECTION 506.3 - Changes within the Knox Box System: (Replace With)

The property owner shall notify the Fire Marshal, in writing, of any changes or additions to the Knox Box, keys, or the plan or plat filed with the district.

SECTION 506.4 - Records: (Replace With)

The Fire Marshal of the district shall keep and maintain records regarding the location of such Knox Box keys. In the case of an emergency, any officer of the district may use said records of Knox-Box keys to open the necessary Knox Boxes.

SECTION 507 – FIRE PROTECTION WATER SUPPLIES

SECTION 507.5.5 - Clear space around fire hydrants and fire department connections. (Replace With)

There shall be no obstructions, planting, bushes, trees, signs, light standards, etc., within three (3) feet of any fire hydrant and fire department connections in all directions. There shall be a minimum three (3) foot wide pathway through any planting, brush, bushes, trees, etc., to the fire department connections.

SECTION 507.5.7 - No parking area for fire hydrants and fire department connections. (Add)

Where fire hydrants and/or fire department connections are located in an area where vehicles may be parked or standing, said parking or standing shall be restricted for ten (10) feet in each direction from the fire hydrant and/or fire department connection. This area shall be identified as a fire lane and shall have signs posted and pavement markings as stated in Appendix D, Section D103.6.

SECTION 507.5.8 Color coding of public fire hydrants. (Add)

All public fire hydrant barrels are to be painted yellow. All fire hydrant bonnets are to be painted as follows:

COLOR

- Green
- Orange

WATER MAIN SIZE

- Twelve (12) inch and larger
- Eight (8) and ten (10) inch

SECTION 507.5.9 - Color coding of private fire hydrants. (Add)

All private fire hydrants shall be painted yellow, including the bonnet.

CHAPTER 6 – BUILDING SERVICES AND SYSTEMS**SECTION 607 ELEVATOR OPERATION MAINTENANCE AND FIRE SERVICE KEYS****SECTION 607.6 - Elevator emergency operations testing. (Add)**

All elevators that are equipped with emergency elevator operations in accordance with Rule 211.3 of ASME A17.1 listed in Chapter 47 of the *International Fire Code* shall be tested at least once each year in all phases of emergency functions. An *approved* elevator service company shall conduct tests. The resulting test papers shall be available to the *fire code official* when requested.

SECTION 609 – COMMERCIAL KITCHEN HOODS**SECTION 609.1 – General (Replace With)**

Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code* and comply with NFPA 96.

SECTION 609.2 – Where required. (Replace With)

A type I or a type II commercial kitchen exhaust hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes to capture and confine cooking vapors and residues in accordance to the International Mechanical Code.

SECTION 609.2.1 – Operation (Add)

Type I and Type II hood systems shall be designed and installed to automatically activate the exhaust fan whenever cooking operations occur. The activation of the exhaust fan shall occur through an interlock with the cooking appliances, by means of heat sensors or by means of other approved methods.

SECTION 609.4 – General Fuel Gas Appliances. (Add)

The installation of direct-vent and integral vent appliances shall be in accordance with Section 503 of the International Fuel Gas Code. Mechanical venting systems and exhaust hood venting systems shall be designed and installed in accordance with Section 503.

SECTION 609.4.1 Commercial cooking appliances vented by exhaust hoods. (Add)

Where commercial cooking appliances are vented by means of the Type I or Type II kitchen exhaust hood system that serves such appliances, the exhaust system shall be fan powered and the appliances shall be interlocked with the exhaust hood system to prevent appliance operation when the exhaust hood system is not operating. Where a solenoid valve is installed in the gas piping as part of an interlock system, gas piping shall not be installed to bypass such valve. Dampers shall not be installed in the exhaust system.

Exception: An interlock between the cooking appliance(s) and the exhaust hood system shall not be required where heat sensors or other approved methods automatically activate the exhaust hood system when cooking operations occur.

CHAPTER 7 – FIRE-RESISTANCE-RATED CONSTRUCTION**SECTION 703 FIRE RESISTANCE RATED CONSTRUCTION****SECTION 703.1.4 – Trained personnel. (Add)**

All inspections, testing, maintenance and/or corrective alterations to any fire-resistance-rated construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floor, fire-resistive coatings and sprayed fire-resistant materials applies to the structural members and fire resistant joint systems) shall be conducted by a properly trained individuals. A "properly trained individual" is a person who demonstrates the ability and knowledge to the fire code official.

SECTION 703.4 – Testing (Replace With)

All fire doors shall be inspected and tested annually to confirm the proper operation and full closure. This testing shall be conducted by properly trained personnel. This testing shall be in accordance to the requirement of NFPA 80. A written record shall be maintained and be available to the *fire code official*.

CHAPTER 8 – INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS

SECTION 806 – DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS

SECTION 806.1.1 Restricted occupancies

Natural cut trees shall be prohibited in all Use Groups.

Exception: Natural cut trees shall not be prohibited in individual dwelling units in Groups R-2 and R-3, and in one- and two-family dwellings.”

CHAPTER 9 – FIRE PROTECTION SYSTEMS

SECTION 901 - GENERAL

SECTION 901.5.2 – Fire detection systems pre-testing (Add)

All fire detection and alarm systems, fire-extinguishment systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection system and appurtenances shall be pre-tested by qualified and properly trained personnel prior to the scheduling of an final inspection or occupancy inspection.

SECTION 902 – DEFINITIONS (Add)

FALSE ALARM. Activation of a fire alarm system intentionally or by inadvertence, negligence, or unintentional act to which the Fire District responds, including activation caused by malfunction of the fire alarm system.

SECTION 903 – AUTOMATIC SPRINKLER SYSTEMS

SECTION 903.1 – GENERAL (Replace With)

Automatic sprinkler systems shall comply with this section, NFPA 13, NFPA 13R and NFPA 13D.

SECTION 903.3.8 – POST INDICATOR VALVE (Add)

Automatic sprinkler systems shall have a Post Indicator Valve, (PIV), installed and the location shall be approved by the fire code official. The Post Indicator Valve must be monitored by an electronic monitoring device that detects the tampering with the valve and reports a supervisory signal.

SECTION 904 – ALTERNATIVE AUTOMATIC FIRE EXTINGUISHING SYSTEMS

SECTION 904.2.2 - Safety requirements (Add)

Where persons will be exposed to an alternative automatic fire-extinguishing system discharge, warning signs and discharge alarms shall be provided.

SECTION 904.2.3 – ACCEPTANCE TESTING (Add)

All alternative automatic fire-extinguishing systems shall be tested in accordance with this section. A completed system shall be tested by a discharge of expellant gas through the piping and nozzles. Observations for gas leakage and for continuity of piping with free unobstructed flow shall be made. Observations shall be made of the flow of expellant gas through all nozzles. The identification of devices with proper designations and instructions shall be checked. All dry-chemical and wet-chemical extinguishing systems shall also be tested by a discharge of the extinguishing agent. Discharge quantities shall be in accordance with the manufacturer’s installation information. After testing, all piping and nozzles shall be blown clean using compressed air or nitrogen, and the system shall be properly charged and placed in the normal “set” condition.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

SECTION 907.6.5 - Monitoring. (Replace With)

All fire alarm and detection systems shall be monitored per the Central Station Service requirements found in the Supervising Stations Chapter of NFPA 72 - 2010 section 26.3. The documentation of Central Station Service shall be issued by an accredited third party testing agency, in accordance with the 2010 Edition of NFPA 72 Section 26. Said document shall be issued in the name of the approved prime contractor and central supervising station for all newly installed required fire alarm systems. This section shall apply to all newly installed fire alarm systems with an installation permit issued on or after August 14, 2006. An existing fire alarm system wherein the control panel or alarm components are to be added or replaced shall be considered newly installed for the purposes of this section. The fire prevention division shall maintain a listing of local prime contractors and central stations who are listed to provide the appropriated

documentation as required in NFPA 72 – 2010 sections 26.3.3 and 26.3.4. Central station service in full compliance document in accordance with the 2010 Edition of NFPA 72 Section 26 shall be maintained at the protected property, so long as the requirement for the fire alarm system exists.

Exception. Monitoring by a supervisory service is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.

SECTION 907.10 - False Fire Alarms (Add)

907.10.1 Definitions:

Alarm Systems: 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.

False Alarm: Any activation of an alarm system intentionally or by inadvertence, negligence, or unintentional act to which the District responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:

1. When the Fire Marshal determines that the alarm has been caused by the malfunction of the indicators at the alarm dispatching agency;
2. When the Fire Marshal determines that the alarm had been caused by damage, testing or repair of the telephone equipment or lines by the telephone company, provided that such incidents are promptly reported to the telephone company;
3. When an alarm is intentionally caused by an occupant or resident acting under a reasonable belief that a need exists to call the district.

907.10.2 Condition:

No person, corporation, firm or other entity owning or occupying any premises within the boundaries of the district, in or on which premises is installed an automatic fire alarm, fire detection or sprinkler system shall transmit false alarms to any alarm dispatching agency.

907.10.3 Tampering:

It shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required or so installed, except that the owner or occupant may temporarily reduce or discontinue the protection where necessary to make test, repairs, alterations, or additions. The Fire Marshal shall be notified before such test, repairs, alterations, or additions are to be effected and upon completion shall be advised of the extent of any such work for additional requirements.

907.10.4 Notification to District When out of Service:

Whenever an alarm is to be out of service for repairs, it shall be the owner's or occupant's responsibility to determine that the serviceman performing such repairs has notified the district of the pending shut-off prior to such action. When an alarm system has Central Station Supervision, the company providing such service shall also be notified of said action.

907.10.5 System in Disrepair:

Should any such alarm system transmit any false alarm to the district, either directly or through a central dispatching agency, or should inspection of any such system by any officer of the district reveal a condition such that the system is likely to transmit a false 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 as the Fire Marshal shall order. An order by the Fire Marshal shall be completed within twenty four (24) hours after such order has been given.

907.10.6 Service Charges:

All false alarms to which the Fire Protection District responds shall result in the following service charges to the alarm system's owner or occupant:

907.10.6.1 First False Alarm:

A warning for the first false alarm in any calendar year

907.10.6.2 Second False Alarm:

Fifty dollars (\$50.00) service charge for the second false alarm in any calendar year.

907.10.6.3 All False Alarms after the Second Occurance:

One Hundred dollars (\$100.00) service charge for the third and any subsequent false alarm in any calendar year.

907.10.7 Payment:

Upon determination by the Fire Marshal that a false alarm has occurred, the district shall send a notice to the alarm user of the determination and directing the payment of the appropriate service charge within thirty (30) days.

907.10.8 Cancellation:

The district may cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in the foregoing sections.

907.10.9 Refusal:

Willful refusal to pay any such charge within thirty (30) days following notice shall constitute a violation of this Ordinance.

907.10.10 12 Month, No False Alarms:

If the owner or occupant of a building continues through a twelve (12) month period without a faulty or false alarm, they shall begin at a new faulty, or false alarm signal period.

SECTION 909 SMOKE CONTROL SYSTEMS

SECTION 909.20.6 – Stairway pressurization. (Add)

Stairway pressurization systems that supply air to interior exit stairways to provide a positive pressure in stairways shall be tested at least once a year. Stairways shall be pressurized to a minimum of 0.15 inches of water column and a maximum of 0.35 inches of water column in the stairway relative to the pressure in the building with all stairway doors closed under the maximum anticipated stack pressure.

CHAPTER 10 – MEANS OF EGRESS

SECTION 1006 MEANS OF EGRESS ILLUMINATION

SECTION 1006.3.1 - Additional areas requiring emergency illumination. (Add)

In the event of power supply failure, an emergency electrical system shall automatically illuminate these additional areas for safe egress:

1. Public restrooms designed to be occupied by more than one person.
2. Public restrooms designed as family use facility.
3. Hazardous work areas, i.e. areas around machinery, kitchen equipment, or electrical equipment.
4. Other area identified by the fire code official.

SECTION 1011 EXIT SIGNS

SECTION 1011.3 Illumination. (Replace With)

Exit signs shall be internally illuminated.

Exception: Tactile signs required by Section 1011.4 need not be provided with illumination.

SECTION 1011.4 Internally illuminated exit signs. (Replace With)

All new and replaced exit signs shall be illuminated by the use of LED, (light-emitting diode), technology and shall be listed and labeled in accordance with UL 924 and shall be installed in accordance with the manufacturer's instructions and Chapter 27 of the *International Building Code*. Exit signs shall be illuminated at all times.

SECTION 1011.6 (Delete)

SECTION 1013 GUARDS

SECTION 1013.4 Opening limitations (Replace With)

Required *guards* shall not have openings from the walking surface to the required *guard* height which allow passage of a sphere 4 inches (102 mm) in diameter. The balusters or ornamental patterns shall be primarily in a vertical direction or perpendicular to the walking surface. *Guards* shall not have an ornamental pattern that would provide a ladder effect.

CHAPTER 11 – CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

CHAPTER 20 – AVIATION FACILITIES

CHAPTER 21 – DRY CLEANING

CHAPTER 22 – COMBUSTIBLE DUST-PRODUCING OPERATIONS

CHAPTER 23 – MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES

SECTION 2304 DISPENSING OPERATIONS

SECTION 2304.3 Unattended self-service motor fuel-dispensing facilities. (Replace With)

Unattended self-service motor fuel-dispensing facilities shall comply with Sections 2304.3.1 through 2304.3.8

SECTION 2304.3.8 Automatic fire suppression system for unattended motor fuel-dispensing facilities. (Add)

The dispensing area (pump islands, canopy and adjacent ground area) shall be provided with an approved automatic fire suppression system. An automatic fire suppression system shall be installed in accordance with the appropriate NFPA standard, manufacturers' instructions, and the listing requirements of the systems.

CHAPTER 24 – FLAMMABLE FINISHES

CHAPTER 25 – FRUIT AND CROP RIPENING

CHAPTER 26 – FUMIGATION AND THERMAL INSECTICIDAL FOGGING

CHAPTER 27 – SEMICONDUCTOR FABRICATION FACILITIES

CHAPTER 28 – LUMBER YARDS AND WOODWORKING FACILITIES

CHAPTER 29 – MANUFACTURE OF ORGANIC COATINGS

CHAPTER 30 – INDUSTRIAL OVENS

CHAPTER 31 – TENTS AND OTHER MEMBRANE STRUCTURES

CHAPTER 32 – HIGH-PILED COMBUSTIBLE STORAGE

CHAPTER 33 – FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

CHAPTER 34 – TIRE REBUILDING AND TIRE STORAGE

CHAPTER 35 – WELDING AND OTHER HOT WORK

CHAPTER 36 – MARINAS

CHAPTER 50 – HAZARDOUS MATERIALS – GENERAL PROVISIONS

SECTION 5003.5.2 - Main entrance. (Add)

Where required by Section 5003.5, all buildings shall have a placard located on the main entry door a minimum of eighteen (18) inches from the bottom edge of the door. This placard shall have a minimum dimension of five (5) inches. All numbers/letters shall be reflective.

SECTION 5003.5.3 - Other doors. (Add)

All other doors shall have a placard with a minimum dimension of ten (10) inches located in an approved location that identifies the worst hazard category of the product(s) in that area. All numbers/letters shall be reflective.

CHAPTER 51 – AEROSOLS

CHAPTER 52 – COMBUSTIBLE FIBERS

CHAPTER 53 – COMPRESSED GASES

CHAPTER 54 – CORROSIVE MATERIALS

CHAPTER 55 – CRYOGENIC FLUIDS

CHAPTER 56 – EXPLOSIVES AND FIREWORKS

SECTION 5601 Fireworks

SECTION 5601.1.3 – Fireworks (Replace With)

Exception 4

4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks, "consumer grade fireworks" shall be prohibited within the Fire District's jurisdictional areas in St. Louis County, Missouri. Fire District's jurisdictional areas in Jefferson County Missouri, shall comply with the applicable laws, ordinances and regulations of said counties and the Revised Statutes of the State of Missouri, provided such fireworks comply with CPSC 16 CFR, Parts 1500 and 1507, and DOTn49 CFR, Parts 100-185 for consumer fireworks.

SECTION 5601.2.4.2 – Fireworks display. (Replace With)

The permit holder shall furnish a bond or certificate of insurance in the amount of one million dollars (\$1,000,000.00) for the payment of all potential damages to persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors. The Fire Marshal is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required.

SECTION 5602 DEFINITIONS

SECTION 5602 – Definitions. (Add)

DISPLAY. An exhibition to the general public, either with or without fee or admission charge, which presents for public entertainment, or for patriotic purpose, an exhibition of fireworks arrangements and detonation, and which is created, set up and detonated or discharged by a person or organization which is in the business or handling, setting up, providing, and detonation or discharging fireworks for public as a regular or usual occupation.

DISTRIBUTOR. A person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits in accordance with Section 3310 of this code, including any person that imported fireworks of any kind in any manner in the district.

FIREWORKS SEASON. The period between the twentieth (20th) day of June through the tenth (10th) day of July and period between the twentieth (20th) day of December through the second (2nd) day of January of each year, shall be the only periods of time that seasonal retailers may be permitted to sell fireworks.

JOBBER. Any person engaged in the business of making sales of fireworks at wholesale or retail, within the district to non-licensed buyers from outside the State of Missouri for use and distribution outside the State of Missouri during a calendar year from the first (1st) day of January through the thirty-first (31st) day of December.

MANUFACTURER. Any person engaged in the making, manufacturing, assembly or construction of fireworks of any kind.

PERMISSIBLE FIREWORKS. It shall be unlawful for any person to possess, sell or use within the district, or ship into the district, except as provided for special fireworks, any pyrotechnics commonly known as fireworks other than items now or hereafter classified as class UN 1.4G common fireworks, by the United States Department of Transportation or those items that comply with the construction, commercial composition, and labeling regulations promulgated by the United States Consumer Protection Safety Commission and permitted for use by the general public under their regulations. Items prohibited shall include items which are not classified by the United States Department of Transportation as "Common Fireworks" but identified under the regulations as trick noise makers, toy novelties, toy smoke devices, and sparklers, and shall include toy snakes, snappers, auto burglar alarms, smoke balls, smoke novelty items and wire sparklers containing any chlorate or pre-chlorate salts may not exceed five grams of composition per item. Matches, toy pistols, toy canes, toy guns, party popper's, or other devices in which paper caps containing twenty five hundred grains or less of explosive compound provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty five hundred grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provision of this ordinance.

PROHIBITED FIREWORKS. All items of special UN 1.3G commercial type saluted known as "cherry bombs", "M80's", and various tabular salutes which exceed the limits of permitted D.O.T. Class UN 1.4G common fireworks items as to explosive composition designed to produce an audible effect and expressly prohibited from shipment into, manufacture, possession, sale and use within the district for any purpose.

SALE. An exchange of articles of fireworks for money, including barter, exchange, gift, or offer thereof, and each such transaction made by any person whither as a principal proprietor, salesman, agent, association, co-partnership, or one or more individuals.

SEASONAL RETAILER. Any person within the district engaged in the business of making sales of fireworks in the district during the fireworks season and may be defined by this code or the revised statutes of the State of Missouri.

WHOLESALE. Any person engaged in the business of making sale of fireworks to any other person engaged in the business of making sale of fireworks at retail within the district.

SECTION 5610 – SALE AND RETAIL DISPLAY OF FIREWORKS. (Add)

SECTION 5610.1 – Scope: Retail Sale of fireworks

No person, corporation, or other entity of any kind shall conduct, or cause to be conducted, or keep or maintain or operate any stand or store or other place for the sale, or for offering for sale, or any fireworks, within the district. Unless such person, corporation, or their entity shall first obtain from the Fire Marshal a permit therefore, before issuing any such permit, the Fire Marshal shall issue such permit only if satisfied after such investigation, that the conduct of such stand in that location will be in complete compliance with the applicable provisions of the ordinance of the district and the revised Statutes of the State of Missouri. The sale of any consumer grade firework is prohibited within the jurisdictional boundaries of St. Louis County, Missouri.

SECTION 5610.1.1 – Permits and fees.

Before any permit shall be issued for any fireworks stand and or tent, the applicant shall apply for and pay the permit fee, determined accordingly to the floor dimensions of the fireworks stand as measured by the outside dimensions of the stand and or tent. The permit fee shall be calculated at the rate of two hundred dollars (\$200.00) for the first 100 square feet plus fifty cents (.50) for any additional square footage.

SECTION 5610.1.2 – Permit application.

Application for permit shall be made in writing. The sale, possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be issued to a person under twenty-one (21) years of age. All applications shall be accompanied by the following documentation:

1. Written proof of ownership of property or valid lease or rental agreement permitting operations thereon.
2. One copy of site plot plan showing:
 - A. Location.
 - B. Property lot lines.
 - C. Existing structures.
 - D. Distance of stand from existing structures and property lot lines.
3. One application must be filled out for each stand or tent.

SECTION 5610.1.3 – Permissible item sales period.

Permissible items of fireworks may be sold at retail by holders of a permit during the selling periods of the twentieth (20th) day of June through the tenth (10th) day of July and the twentieth (20th) day of December through the second (2nd) day of January.

SECTION 5610.1.4 – Special fireworks.

Nothing in this code shall be constructed as applying to the shipping, sale, possession and use of special fireworks for public display by holders of a permit for public display, regulated by this code, to be conducted in accordance with the rules and regulations governing this type of fireworks by the Alcohol, Tobacco and Firearms division of the United States Treasury Department. Possession and sale of special fireworks shall be limited to a holder of a federal license or permit issued for display of fireworks. Possession of special fireworks for resale to holders of a permit for public display shall be confined to holders of a manufacturer's or distributor's permit only.

SECTION 5610.2 – Violation of code / Seizure of fireworks.

The Fire Marshal shall seize, take, or remove or cause to be removed at the expense of the owner, all stock of fireworks offered or exposed for display or sale, stored, or held in violation of this ordinance.

SECTION 5610.3 – Required documentation.

At all times that the stand is open for business, invoices, bills of sale, or shopping tickets, for all items on sale in the stand shall be available for inspection by the Fire Marshal at any time, so that the Fire Marshal may be informed on what is being offered for sale. Any item not covered for sale unless on the special written permission of the Fire Marshal after inspection thereof.

SECTION 5610.4 – Approved locations of retail stands or tents.

No stand, or the sale of any fireworks, shall be permitted within any residence or within any commercial building of any kind. Each stand shall be located no closer than fifty (50) feet of any structure. Fireworks shall not be stored, kept or sold within fifty (50) feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon.

Exception: Retail stores where cleaners, paints and/or land oils, are sold in the original containers to consumers.

SECTION 5610.4.1 – Restricted Locations.

It shall be unlawful to expose fireworks to direct sunlight through glass to the merchandise display, except where the fireworks are in the original package. All fireworks which the public may examine shall be kept for sale in original package, except where an attendant is on duty at all times. Fireworks shall be kept out of reach of the public when an attendant is not on duty.

SECTION 5610.4.2 – Fire safety Requirements.

The Operator of any stand shall closely cut and remove all weeds, grass and similar vegetation and all dry or flammable residues from such cuttings. All trash, empty cartons, paper or other debris or flammable material from an area of twenty five (25) feet in all directions surrounding the outside of any stand as well as inside of all stands.

SECTION 5610.4.3 – Means of Egress.

All retail fireworks stands shall provide not less than two (2) means of egress.

SECTION 5610.4.4 – Fire Extinguishers.

At least two (2), two and one half (2 ½) gallon pressurized water fire extinguishers shall be kept within each such stand at all times, one immediately adjacent to each exit. There shall be kept two (2) fifty-five (55) gallon drums filled with water at all times, with at least two (2) buckets hanging on each one. One drum shall be located at each exit of each such stand. Size of stand may require more.

SECTION 5610.4.5 – No smoking provisions.

One or more signs reading (Fireworks, No Smoking) shall be displayed at all places where fireworks are stored or sold, with letters not less than four (4) inches in height. Signs shall be displayed to be visible from all sides of the stand. It shall be unlawful to permit the presence of lighted cigars, cigarettes, pipes or any other open flame within twenty five (25) feet of where fireworks are offered for sale.

SECTION 5610.4.6 – Vehicle parking areas.

There shall be no parking areas located within 25 feet of a Fireworks stand unless approved by the Fire Marshal.

SECTION 5610.4.7 – Sleeping within retail fireworks stand.

Sleeping within a retail fireworks stand, warehouse, storage, or place of sale of fireworks is prohibited.

SECTION 5610.4.8 – Discharge of fireworks.

It shall be unlawful to explode or ignite fireworks within six hundred (600) feet of where fireworks are stored, sold or offered for sale. This shall apply to any pump dispensing devices. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle or at or near any person or group of people. Nothing in this ordinance shall be constructed to prevent owner of stand or tent from demonstrating or testing fireworks. Any such demonstrating or testing shall require the notification and written approval of the Fire Marshal.

SECTION 5610.4.9 – Storage of fireworks.

No passenger automobile shall be used on the location as a conveyance or storage place for any fireworks, nor any conveyance or vehicle of any kind can be used for storage or transportation of fireworks within fifty (50) feet of any fireworks stand.

Exceptions: During the actual period of time when merchandise is being unloaded from the conveyance or vehicle and stored within the stand, or is being taken by the customer, which shall be done expeditiously.

SECTION 5610.4.9.1 - Storage areas required to be locked.

When not actually in use with personnel or the operator therein, every such stand shall be locked in a manner approved by the Fire Marshal. All conveyance or vehicles on the stand premises, which are used for storage or transportation of fireworks by the operator, shall be closed and locked except when loading or unloading.

SECTION 5610.4.10 – Trash containers.

The operator shall also provide in the premises immediately adjacent to such stand, not less than two (2) trash receptacles, of a kind and size approved by the Fire Marshal. The operator shall not less than hourly remove all trash, paper, and flammable debris of any kind from the stand and, at which extends and one hundred (100) feet from the outside edge of the stand.

SECTION 5610.4.11 – Heating units.

No heating unit of any kind, nor any other device which emits flames or heat shall be kept or used within the stand.

SECTION 5610.4.12 – Electrical service and wiring.

Standard electrical lighting shall conform to the requirements of the National Electric Code 2011 edition.

CHAPTER 57 – FLAMMABLE AND COMBUSTIBLE LIQUIDS

CHAPTER 58 – FLAMMABLE GASES AND FLAMMABLE CRYOGENIC FLUIDS

CHAPTER 59 – FLAMMABLE SOLIDS

CHAPTER 60 – HIGHLY TOXIC AND TOXIC MATERIALS

CHAPTER 61 – LIQUEFIED PETROLEUM GAS

CHAPTER 62 – ORGANIC PEROXIDES

CHAPTER 63 – OXIDZERS, OXIDIZING GASES AND OXIDIZING CRYOGENIC FLUIDS

CHAPTER 64 – PYROPHORIC MATERIALS

CHAPTER 65 – PYROXYLIN (CELLULOSE NITRATE) PLASTICS

CHAPTER 66 – UNSTABLE (REACTIVE) MATERIALS

CHAPTER 67 – WATER-REACTIVE SOLIDS AND LIQUIDS

CHAPTER 80 – REFERENCED STANDARDS

NFPA – NATIONAL FIRE PROTECTION ASSOCIATION

ADD: 96-11 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations Entire Code

SECTION 4 - CONFLICTING PORTIONS OF THE FIRE CODE.

In case of a conflict between any sections of this Code and any existing ordinance, the most stringent requirements shall apply.

SECTION 5. INCONSISTENT ORDINANCES REPEALED.

All ordinances of the **Eureka Fire Protection District of St. Louis and Jefferson Counties**, Missouri, enacted prior to this Fire Code in conflict with this Fire Code are hereby expressly repealed, except that such previously existing Ordinances of the District shall be enforceable as to violations of the same which may have existed prior to the enactment of this Fire Code.

SECTION 6 - SAVINGS CLAUSE.

That nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing under any act or Ordinance hereby repealed, as cited in Section 1; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 7 - VALIDITY.

If any Section, subsection, provision, sentence, clause or phrase of this Ordinance or of the *"ICC[®] International Fire Code", 2012 Edition*, is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or of said Fire Code, and the **Eureka Fire Protection District of St. Louis and Jefferson Counties**, hereby declares that it would have passed the same, even though such portions so held to unconstitutional had not been included therein.

SECTION 8 - VIOLATION, PENALTIES.

Any person, firm or corporation who shall violate any provision of this Ordinance, or who shall fail to comply with any of the requirements thereof, or who shall fail to comply with any order issued pursuant to any Section thereof, shall be guilty of a Class B misdemeanor pursuant to S321.600 (12) and S557.021 RSMO. and punishable as provided by law. Each day that a violation exists or continues to exist shall be deemed a separate offense.

SECTION 9 - EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and approval.

ENACTED BY THE BOARD OF DIRECTORS OF THE EUREKA FIRE PROTECTION DISTRICT THIS 8TH DAY OF SEPTEMBER, 2015.

Dr. Patrick Feder, Chairman

Attest:
(Seal)

Charles E. Kuhn, Secretary