

ORDINANCE NO. 15

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE OR EXPLOSION ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES; AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS OR PREMISES; KNOWN AS THE FIRE PREVENTION CODE AND REPEALING EXISTING ORDINANCE NO. 12 OF THE EUREKA FIRE PROTECTION DISTRICT OF ST. LOUIS COUNTY AND JEFFERSON COUNTY, STATE OF MISSOURI, AS FOLLOWS:

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BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE EUREKA FIRE PROTECTION DISTRICT AS FOLLOWS:

**SECTION 1. INCONSISTENT ORDINANCE REPEALED;**

That ordinance numbers 12 and 13 of the Eureka Fire Protection District are hereby repealed in their entirety and a new Ordinance No. 15 is hereby enacted.

**SECTION 2. ADOPTION OF FIRE PREVENTION CODE;**

That certain documents, three (3) copies of which are on file in the Office of the Bureau of Fire Prevention of the Eureka Fire Protection District, being marked and designated as "The BOCA National Fire Prevention Code, Eighth Edition 1990 and all it's Appendixes", as published by the Building Officials and Code Administrators International, Inc., is hereby amended as the Fire Prevention Code of the Eureka Fire Protection District of St. Louis County and Jefferson County in the State of Missouri; for the control of buildings and structures as herein provided; and each of all of the regulations, provisions, penalties, conditions, and terms of said BOCA National Fire Prevention Code are hereby referred to, adopted and made part hereof, as fully set out in this ordinance with the additions, insertions, deletions and changes, if any, as prescribed in Section 3 of this Ordinance.

**SECTION 3. ADDITIONS, INSERTIONS, DELETIONS AND CHANGES;**

**F-100.1 TITLE:** Page 1. Whenever (Name of Jurisdiction) appears in this Code, it shall read "Eureka Fire Protection District of St. Louis County and Jefferson County Missouri".

**F-111.3 PENALTY FOR VIOLATIONS;** Page 10, delete in its entirety and insert the following:

**PENALTIES:** Any person, corporation or other organization which in any manner violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished therefore by a fine of not less than five dollars (\$5.00) and not exceeding one thousand dollars (\$1000.00) or by imprisonment for a period not to exceed one (1) year, or both such fine and imprisonment for each day that each violation continues to exist. The imposition of any such penalty for any such violation shall not excuse the same, nor permit the continuance thereof, nor prevent the Fire Protection District or Bureau of Fire Prevention from taking such other action as may be appropriate and as may be permitted by law in connection therewith.

**F-112.0 MEANS OF APPEAL:** Pages 10 and 11, delete in its entirety and insert the following:

**MEANS OF APPEAL:** Any person aggrieved or injured by a determination or order or decision of the Bureau of Fire Prevention, under the Fire Prevention Code of the Eureka Fire Protection District, may appeal the same to the Board of Directors of the Fire District, but not later than within ten (10) days after the making of such order, determination or decision, or the giving of notice thereof by the Bureau of Fire Prevention where such giving of notice is required whichever date is later. Such appeal shall be in writing, addressed to the Board of Directors of the Eureka Fire Protection District, and shall state the order or determination or decision of the Bureau of Fire Prevention which is appealed from, and the reasons of the appellant for disagreement therewith, and the facts of the situation relevant thereto. However, no such appeal shall be required to be in any particular form or style of technical pleadings. No such appeal shall stay the order or decision of determination of the Bureau of Fire Prevention, unless, the Chairman of the Eureka Fire Protection District Board of Directors shall so direct the Bureau of Fire Prevention, by written notice, after receipt of such appeal. The Board of Directors, on receipt of such an appeal, shall fix a time not more than thirty (30) days later and a place at which such appeal shall be heard. At such hearing the appellant shall be permitted to produce proof of why his or her appeal should be granted. Such hearing shall be informal, and shall not be bound by the formal rules of evidence adhered to in courts.

At such hearing, the appellant may appear in person, or by agent, or by attorney. At such hearing, the Board of Directors may request such further information, either from the appellant, or from the Bureau of Fire Prevention, or from other staff members of the Fire Protection District, as the Board of Directors may consider appropriate to the matter. After the conclusion of such hearing, the Board of Directors may decide the question forthwith by majority vote of the Directors, or the Board of Directors, or the Board of Directors may take the matter under advisement to be decided by majority vote of the Board at such other time, not later than twenty (20) days after such hearing, 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 a resolution and may approve or disapprove the matter appealed. 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 making thereof.

F-301.2 ALLOWABLE BURNING; Page 29, delete the words "recreational fires".

F-301.3 PERMIT REQUIRED; Page 29, delete in its entirety.

F-301.4.3 PERMIT ISSUED; Page 29, delete in its entirety.

F-301.5 NOTIFICATION AND PERMISSION; Page 29 & 30, delete the last sentence as follows: "When jurisdictional EPA written permission is not applicable, the code official shall give written permission only after it has been determined that approved fire safety requirements and emission standards are to be met."

F-301.6 NOTIFICATION; Page 30, delete the word "Application" and insert the word "Notification".

F-301.10 OPEN BURNING PROHIBITED; Page 30, delete the words "permit holder" in the last sentence and insert the words "property owner and/or agent".

F-306.2 PARADE FLOATS; Page 32, delete in its entirety.

F-306.2.1 MOTORIZED APPARATUS; Page 32, delete in its entirety.

F-306.2.2 SPECIAL EFFECTS; Page 32, delete in its entirety.

F-319.0 STREETS; Page 38, add the following Sections.

F-319.1 DEDICATED STREET; Any street, road, highway, or public thoroughfare dedicated to the State, County, City or Municipality, and constructed to the standards of that agency.

F-319.1.1 PRIVATE STREET; Any street, road, highway, or public thoroughfare not dedicated to the State, County, City or Municipality shall be constructed to meet the same standards as prescribed by Section F-313.0.

F-319.1.2 DRIVEWAY; Any driveway that leads to one (1) or more dwelling units, that exceeds five hundred (500) feet in length shall meet the approval of the Code Official.

F-319.2 PASSING AREA; Where roads exceed five hundred (500) feet in length there shall be provided at least one (1) passing and/or staging area at a location approved by the Fire District the size of which shall be a minimum of twenty (20) feet in width and forty (40) feet in length.

F-319.2.1 ADDITIONAL PASSING AREA; For every additional one thousand (1000) feet of road from the passing area established in F-319.2 there shall be an additional passing area meeting the same specifications as listed in F-319.2.

**F-319.3 EXCEPTIONS:**

1. Where public water mains and fire hydrants exist or are going to be installed Sections F-319.2 and F-319.2.1 shall not apply.

2. REQUIRED LOCK BOXES; Refer to Eureka Fire Protection District Ordinance number -- Section 625.0.

F-517.0 PORTABLE FIRE EXTINGUISHERS; Page 53.

F-517.2 WHERE REQUIRED; Page 53, item 1., add the following Use Groups, "B", "F", and "M".

F-518.0 FAULTY/FALSE ALARMS; Page 54, add the following Sections.

F-518.1 SERVICE CHARGES; All faulty/false alarms to which the Fire District responds shall result in the following service charges to the alarm systems owner or building occupant.

F-518.1.2 FIRST OCCURRENCE; For the first occurrence - A verbal or written warning shall be given or sent to the building owner or occupant.

F-518.1.3 SECOND OCCURRENCE; For the second occurrence - there shall be a twenty-six dollar (\$26.00) service charge.

F-518.1.4 FOLLOWING OCCURRENCES; For each occurrence thereafter there shall be a fifty-two dollar (\$52.00) service charge.

**EXCEPTIONS:**

1. If the owner/occupant of a building continues through a twelve (12) month period without a faulty/false alarm, they shall be credited for those trouble free months and begin at faulty/false alarm number one (1).

2. Newly installed systems shall be given sixty (60) days to correct any problems that may activate a faulty/false alarm signal.

F-2600.2 PERMIT REQUIRED; Page 133 and 134, delete the words "A permit shall be obtained from" and insert the words "Notification shall be made to".

F-2600.3 BOND REQUIRED FOR BLASTING; Page 134, delete in its entirety.

F-2700.2 PERMIT REQUIRED; Page 145, delete the words "A permit shall be obtained from" and insert the words "Notification shall be made to".

F-2700.3 PERMIT APPLICATIONS; Page 145, delete the words "Application for permits" and insert the word "Notification".

Also, delete the last two lines "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 extended beyond the dates set out herein".

F-2701.2 BOND FOR DISPLAY; Page 145, delete in its entirety.

F-2701.5 FEE FOR SALE OF RETAIL FIREWORKS; Page 146, add the following Section: A fee shall be established by the square footage of the retail sales stand at the rate of two hundred dollars (\$200.00) for the first one hundred (100) square feet plus two dollars (\$2.00) per square foot for each additional square foot of stand area.

#### SECTION 4. SAVINGS CLAUSE;

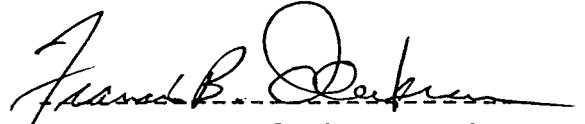
Nothing in this Ordinance hereby adopted shall be construed to effect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section One of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or effected by this Ordinance.


#### SECTION 5. SEVERABILITY;

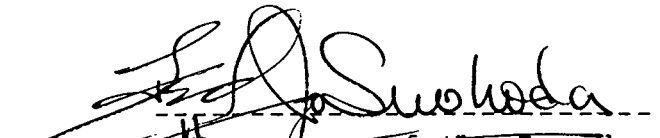
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion of this Ordinance shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining section, subsection, sentence, clause, phrase, or portion of this Ordinance.

SECTION 6. DATE OF EFFECT;

This Ordinance number 15 of the Eureka Fire Protection District of St. Louis County and Jefferson County, having been duly considered and voted upon by the Board of Directors of the Eureka Fire Protection District, was duly enacted as an Ordinance of said Fire District this 10th day of March, 1992.

  
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Chairman of the Board

  
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Secretary of the Board

  
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Treasurer of the Board