

ORDINANCE 23

OF THE

EUREKA FIRE PROTECTION DISTRICT

OF ST. LOUIS COUNTY, MISSOURI

AN ORDINANCE AMENDING THE
FIRE PREVENTION CODE
OF THE
EUREKA FIRE PROTECTION DISTRICT
OF
ST. LOUIS COUNTY, MISSOURI

BE IT ORDAINED by the board of directors of the Eureka Fire Protection District of St. Louis County, Missouri, which also includes portions of northern Jefferson County, Missouri, as follows:

An ordinance amending Ordinance 22, of the Fire Prevention Code of the Eureka Fire Protection District of St. Louis County, Missouri, as to basic fire control measures and regulations which could impede or interfere emergency vehicles and fire suppression; and penalties for the violation thereof; and providing for the effective date of the ordinance.

SECTION 1. Amendment of Section 3, Appendix A, Sect. 18 street obstructions of Ordinance 23, the Fire Prevention Code. This subsection shall be deleted in its entirety and a new subsection enacted as follows:

F-4500 Basic fire control measures and regulations which could impede or interfere emergency vehicles and fire suppression:

F-4501. Authority at fires and other emergencies: In addition to all powers conferred by the state and federal laws, the chief officer as may be in charge of a scene of a fire or other emergency involving the protection of life and property is empowered to direct such cooperations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situation or to take any other action necessary in the reasonable performance of their duties. The fire official 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 that may impede or interfere with the operation of the fire protection district. 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 official.

F-4502. **Vehicles crossing fire hose:** A vehicle shall not be driven or propelled over any unprotected fire hose of the fire protection district when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the fire official in command of said operation.

F-4503. **Unlawful boarding or tampering with fire protection district emergency equipment:** A person shall not, without proper authorization from the fire official in charge of said fire protection district emergency equipment, cling to, attach oneself to, climb upon or into, board or swing upon any fire protection district 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 a part of, any fire protection district emergency vehicle.

F-4504. **Damage, injury - fire protection district - equipment, personnel:** It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire protection district emergency vehicle at any time or to injure, or attempt or conspire to injure, fire protection district personnel while performing departmental duties.

F-4505. **Maintenance of fire suppression equipment:** A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code, except for the purposes of extinguishing a fire, training or testing, recharging or making necessary repairs or when permitted by the fire official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or re-installed as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the fire official.

F-4506. **Street obstructions:** 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 protection 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 alleyways, public and private driveways, private streets or access lanes, parking lots, as well as all public streets and highways within the boundaries of the fire protection district.

SECTION 2. All other portions of Ordinance 23 are hereby expressly ratified and confirmed.

SECTION 3. All previous ordinances of the Eureka Fire Protection District of St. Louis County, Missouri, which are in conflict with or contradict this ordinance are hereby expressly repealed and held for naught.

SECTION 4. Violations and Penalties. Violations and penalties for such violations of this ordinance shall be as contained in Ordinance 23, F-112.3 which states as follows:

“Any person who shall violate a provision of the code or shall fail to comply with any of the requirements thereof shall be deemed guilty of a misdemeanor punishable by a fine of not less than five dollars (\$5.00) or no more than one thousand dollars (\$1,000.00), or imprisonment in the county Jail for a period not to exceed one (1) year, or both such fine and imprisonment, each day that the condition exists. Each day such condition or action exists shall be considered a separate violation. The imposition of any such penalty for any violation shall not excuse the same, nor permit the continuance thereof, nor prevent the fire protection district, or fire prevention bureau, from taking such other action as may be appropriate and as may be permitted by law.”

SECTION 5. CONFLICTING AND INCONSISTENT PORTIONS OF THE ORDINANCE.

In case of conflict between any section of the designated Fire Prevention Code of the EUREKA FIRE PROTECTION DISTRICT of St. Louis County, Missouri, this ordinance, or any other ordinance of the EUREKA FIRE PROTECTION DISTRICT of St. Louis County Missouri, the most rigid requirement(s) shall apply. Where portions of the code are inconsistent with one another, those prior portions are hereby revoked and repealed as of no effect.

SECTION 6. SAVINGS CLAUSE.


Nothing in this ordinance hereby adopted shall be construed to affect any pending proceeding or suit 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, if any, nor shall any just or equitable or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 7. 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, sub-section, sentence, clause, phrase, or portion of this ordinance shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining section, subsection, sentence clause, phrase, or portion of this ordinance.

SECTION 8 EMERGENCY ENACTMENT.

It being deemed that the situation intended to be met by such ordinance constitutes an emergency directly affecting the lives, safety, and health of the inhabitants of the areas encompassed by this ordinance, and the protection of property within those areas, this ordinance shall take effect and be in full force and effect immediately from and after the enactment of same. This ordinance having been duly considered and voted upon by the board of directors of the EUREKA FIRE PROTECTION DISTRICT of St. Louis County, Missouri, the ordinance is enacted as an Ordinance 23 of the EUREKA FIRE PROTECTION DISTRICT of this 28th day of OCTOBER, 1997.


FRANCIS B. OBERKRAMER, CHAIRMAN
BOARD OF DIRECTORS

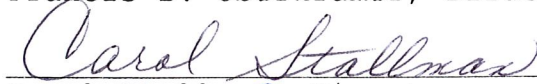
ATTEST:


CAROL STALLMAN, SECRETARY
BOARD OF DIRECTORS

(SEAL)

APPROVED:


Francis B. Oberkramer, Director


Carol Stallman, Director


Nick Sacco, Director