

ORDINANCE NO. 22

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. 15 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 INCONSISTENT ORDINANCE REPEALED.**

That Ordinance Number 15 of the Eureka Fire Protection District is hereby repealed in it's entirety and a new Ordinance No.22 is hereby enacted.

**SECTION 2. ADOPTION OF THE FIRE PREVENTION CODE:**

That a certain document, three (3) copies of which are on file in the Office of the Bureau of Fire Prevention of the Eureka Fire Protection District of St. Louis County and Jefferson County, Missouri, being marked and designated as "The BOCA National Fire Prevention Code, Tenth Edition, 1996 and all it's Appendices", 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 and all regulations, provisions, penalties, conditions and terms of said BOCA National Fire Prevention Code, are hereby referred to, adopted and made part hereof, as if 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-101.1** (pg 3) **TITLE:** These regulations shall be known as the **Fire Prevention Code** of the Eureka Fire Protection District hereinafter referred to as "this code".

**F-107.0** (pg 5) **PERMITS:** Delete this section in it's entirety.

**F-112.3** (pg 8) **PENALTIES FOR VIOLATION:** Delete this section in it's entirety and add a new Section **F-112.3** that shall read:

**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

**F-113.0** (pg 8) **MEANS OF APPEAL:** Delete this section in it's entirety and add a new Section **F-113.0** that shall read:

**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 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 the making thereof.

**F-306.5** (pg 17) **PARADE FLOATS:** Delete this section in it's entirety.

**F-306.5.1**(pg 17)**MOTORIZED APPARATUS:** Delete this section in it's entirety.

**F-306.5.2**(pg 17)**SPECIAL EFFECTS:** Delete this section in it's entirety.

**F-316.0** (pg 19) Add a new Section **F-316.0** entitled "**STREETS**" that shall read:

**F-316.1 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-316.2 PRIVATE STREET:** Any street, road, highway, or public thoroughfare dedicated to the State, County, City or Municipality shall be constructed to meet the same standards as prescribed by Section **F-311.0**.

**F-316.3 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-316.4 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 Official, the size of which shall be a minimum of twenty (20) feet in width and forty (40) feet in length.

**F-316.5 ADDITIONAL PASSING AREA:** For every additional one thousand (1000) feet of road from the passing area established in **F-316.4**, there shall be an additional passing area meeting the same specifications as listed in **F-316.4**.

**F-403.4.1** (pg 21) **APPLICATION:** Delete this section in it's entirety.

**F-403.8.2** (pg 22) **PERMIT:** Delete this section in it's entirety.

**F-519.2** (pg 29) **WHERE REQUIRED:** Delete this section in it's entirety and add a new Section **F-519.2** that shall read:  
**WHERE REQUIRED:** A minimum of one (1) fire extinguisher shall be installed in all Use Groups except R-2 and R-3 in accordance with N.F.P.A. 10.

**F-520.0** (pg 29) Add a new Section entitled "**FAULTY-FALSE ALARMS**": That shall read:

**F-520.1 SERVICE CHARGES:** All faulty/false alarms to which the Fire District responds may result in the following service charges to the alarm systems owner, or building occupant.

**F-520.1.2 FIRST OCCURRENCE:** For the first occurrence - A verbal, or written warning shall be given, or sent, to the building owner or occupant.

**F-520.1.3 SECOND OCCURRENCE:** For the second occurrence - There shall be a twenty-five dollar (\$25.00) service charge.

**F-520.1.4 FOLLOWING OCCURRENCES:** For each occurrence thereafter - There shall be a fifty dollar (\$50.00) service charge.

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**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-3001.3** (pg 121) **BOND REQUIREMENT FOR BLASTING:** Delete this section in it's entirety.

**F-3101.0** (pg 131) **FIREWORKS:** Delete this section in it's entirety and add a new Section **F-3101.0** as follows:

**CHAPTER 31**

**FIREWORKS:**

**SECTION F-3101.0 GENERAL**

- F-3101.1 SCOPE:** The manufacturer, display, sale, discharge and permit fee for fireworks shall comply with the provisions of this chapter.
- F-3101.2 APPROVAL REQUIRED:** Approval shall be required for the display and discharge of fireworks.
- F-3101.3 PERMIT REQUIRED:** A permit shall be required for the sale of fireworks.
- F-3101.4 PERMIT FEE:** Fees for the sale of fireworks shall be based on the size of the sales area:  
Two hundred dollars (\$200.00) for the first one hundred (100) square feet, then two dollars (\$2.00) per square foot up to two thousand (2000) square feet, then fifty cents (\$0.50) per square foot thereafter.

**APPENDIX A, SECT. 18** (pg 171) **STREET OBSTRUCTIONS:** Delete this section in it's entirety and add a new **APPENDIX A, SECTION 18** that shall read:  
**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 district unless approved by 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 all public streets and highways within the boundaries of the fire district.

**SECTION 4. SAVING CLAUSE:**

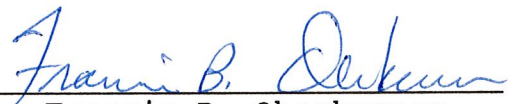
That nothing in this Ordinance or in the fire prevention code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected 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 separate, distinct, and an 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 22, of the Eureka Fire Protection District of St. Louis County and Jefferson County, Missouri, having been duly considered and voted upon by the Board of Directors of the Eureka Fire Protection District of St. Louis County and Jefferson County, Missouri was duly enacted as an ordinance of said Fire District this 24<sup>th</sup> day of JUNE, 1997.



Francis B. Oberkramer  
Chairman of the Board



Carol Stallman  
Secretary of the Board



Nick A. Sacco  
Treasurer of the Board