

## **ORDINANCE NO. 3-2017**

AN ORDINANCE ENACTING A NEW ORDINANCE GOVERNING THE CHANGE OF OCCUPANCY, DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, EQUIPMENT REPAIR, DEMOLITION, REMOVAL, CONVERSION, RELOCATION, USE OR MAINTENANCE OF ALL EXISTING BUILDINGS AND STRUCTURES; AND FURTHER PROVIDING FOR THE ISSUE OF SAID PERMITS, COLLECTION OF FEES, MAKING OF INSPECTIONS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE PATTONVILLE FIRE PROTECTION DISTRICT OF ST. LOUIS COUNTY, MISSOURI AS FOLLOWS:

### **SECTION 1. ADOPTION OF EXISTING BUILDING CODE.**

That a certain document, one (2) copies of which are on file in the office of the Fire Marshal of the Pattonville Fire Protection District of St. Louis County, Missouri, being marked and designated as "ICC©, International Existing Building Code", 2015 Edition as published by the International Code Council, Inc., be and is hereby adopted as the Existing Building Code of the Pattonville Fire Protection District of St. Louis County, Missouri, for the control of existing buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the "ICC©, International Existing Building Code", 2015 Edition, are hereby referred to, adopted and made a part hereof, as if more fully set out in this Ordinance together with the additions, insertions, deletions and changes prescribed in this Ordinance, all of which shall be referred to as the "Existing Building Code." The ICC© International Existing Building Code, 2015 Edition may be viewed at "<http://codes.iccsafe.org>" or purchased from the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 or by calling (800) 786-4452.

### **SECTION 2. JURISDICTIONAL TITLES.**

100.1 Wherever (name of jurisdiction) appears in such Code, it shall read the Pattonville Fire Protection District of St. Louis County, Missouri.

100.2 "Code Official" and "Building Official" and "Fire Code Official" wherever it may appear are defined as the Fire Marshal of the Pattonville Fire Protection District of St. Louis County, Missouri, or his duly authorized representative.

### **SECTION 3. ADDITIONS, INSERTIONS AND CHANGES TO THE ICC©, INTERNATIONAL EXISTING BUILDING CODE, 2015 EDITION**

## **CHAPTER 1 – SCOPE AND ADMINISTRATION**

SECTION 101.1 Insert: Pattonville Fire Protection District

SECTION 103.1 Delete the words "The Department of Building Safety" and insert "Division of Fire Prevention" and delete the words "Building Official" and insert the words "Fire Marshal".

SECTION 104.12 Add a new section. Insert:

**104.12 Matters not provided for:** Any requirements that are essential for the structural, fire or sanitary safety of an existing or proposed building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the Fire Marshal.

SECTION 104.13 Add a new Section. Insert:

**104.13 Rule-making authority:** The Fire Marshal shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local emergency, climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

SECTION 105.3.1.1. Add a new section. Insert:

**105.3.1.1 Qualifications of contractors and workers.** The Fire Marshal shall not be required to issue a permit unless the contractor and/or workers are qualified to carry out the proposed work in accordance with the requirements of the code. Refusal or inability to comply with code requirements on other work shall be considered as evidence of lack of such qualifications.

SECTION 108.2 Delete in its entirety. Insert:

**108.2 Schedule of permit fees:** The fees for services and permit fees for all work done in the Pattonville Fire Protection District shall be as shown in Table 109.2. The base amount shown is the plan review fee and is not subject to refunds in accordance with Section 109.6.

TABLE 108.2 Add a new Table. Insert:

PERMIT TYPE	PERMIT FEE
Condo Building	\$100 + \$3/1000
Condo Shell	\$100 + \$3/1000
Condo Alteration	\$100 + \$3/1000
Condo Damage Repair	\$100 + \$3/1000
Condo Miscellaneous	\$100 + \$3/1000
Apartment Building	\$100 + \$3/1000
Apartment Shell	\$100 + \$3/1000
Apartment Alteration	\$100 + \$3/1000
Apartment Damage Repair	\$100 + \$3/1000
Apartment Miscellaneous	\$100 + \$3/1000
Commercial Building	\$100 + \$3/1000
Commercial Shell	\$100 + \$3/1000
Commercial Interior Finish	\$100 + \$3/1000
Commercial Alteration	\$100 + \$3/1000
Commercial Damage Repair	\$100 + \$3/1000

Commercial Addition	\$100 + \$3/1000
Commercial Remodel	\$100 + \$3/1000
Photovoltaic System	\$100 + \$3/1000
Suppression System	\$100 + \$3/1000
Sprinkler System	\$100 + \$3/1000
UG Main or Hydrant	\$100 + \$3/1000
Access Control System	\$100 + \$3/1000
Fire Alarm System	\$100 + \$3/1000
UG Fuel Tank(s)/System	\$100 + \$3/1000
UG Fuel Tank(s) Removal	\$100 + \$3/1000
UG Fuel Line(s)/System Modification	\$100 + \$3/1000
AG Fuel Tank(s)/System	\$100 + \$3/1000
LP Tank(s)	\$100 + \$3/1000
LP Tank Retail Cage	\$100 + \$3/1000
Cooking Hood Suppression System	\$100
Sky Lantern Permit	\$100
Fireworks Display Permit	\$200
Close Proximity Pyrotechnics Permit	\$200
Flame Effects Permit	\$200
Explosives Blasting Permit	\$200
Major Project Plan Review Fee	\$100
Inspection Fee	\$50
Re-inspection Fee	\$50
Occupancy Permit	No Charge
Re-occupancy Permit and Inspection	\$50
Temporary Occupancy Permit	\$50
Operational Use Permit	\$50
Appeal Fee	\$50
Start of Construction without Permit	Double permit up to \$500
Fire/EMS Report Fee	\$15 per 1/2 hour
Inspection Report Fee	\$15 per 1/2 hour
Returned Check Fee	\$25

**SECTION 108.2.1 and 108.2.2 Add a new Section. Insert:**

**108.2.1 Explanation of fees.** The regular permit fee shall include:

1. Application processing and record-keeping.
2. Review of plans and documents.

3. One rough inspection and one re-inspection.

4. One ceiling cover and one re-inspection.

5. One final inspection and one re-inspection.

**108.2.2 Extra inspection fees.** Inspections beyond those included in Section 108.2.1, shall be paid prior to the next inspection. These extra inspection fees shall be charged:

1. For any inspection or re-inspection beyond those listed in 108.2.1.

2. When an inspection cannot be conducted after the inspector arrives, due to the inspected portion of the building being unsafe, locked, or otherwise inaccessible.

3. When the building plans are not available at the work site.

4. When work is covered or concealed where the inspected area cannot be observed.

SECTION 109.3.1 Delete in its entirety. Insert:

**109.3.1 Inspections required and inspection placard:** When work has progressed to a point of having windows, or when the job is an alteration or addition, the placard shall be attached to the available glass in view for recording the balance of inspections required by the Building Code. (Failure to maintain this inspection and identification board will not relieve the permittee of responsibility as provided by the Building Code or Existing Building Code). Upon satisfactory completion of the project, the Fire Marshal or his authorized representative will make his final inspection, and if all requirements of the Building Code or Existing Building Code are met, including compliance with the codes of Pattonville Fire Protection District, he will remove the permit inspection card.

SECTION 109.3.2 Delete in its entirety. Insert:

**109.3.2 Inspection sequence and approval:** No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Fire Marshal or his authorized representative. Written approval shall be given only after an inspection has been made of each successive step in the construction and all code requirements or corrections are completed as indicated by each of the inspections required. There shall be a final inspection and approval of all buildings to be completed before occupancy as described in the Existing Building Code. Failure to obtain a final inspection before occupancy will constitute a violation of the Existing Building Code, subject to the penalties as described in Section 113.3 and the Building Code. Structural framework of any part of a building or structure shall not be covered or concealed in any manner without first obtaining the approval of the Fire Marshal. The Code Official, upon notification from the permit holder or his agent, in accordance with rules of procedure posted in the office of the Fire Marshal, and described on the permit placard, shall make the following inspections and shall either approve that section or portion of the construction as completed, or shall notify the permit holder or his agent that he has failed to comply with the law.

SECTION 109.3.2.1 Add a new Section. Insert:

**109.3.2.1 Framing or rough-in inspection:** A framing or rough-in inspection shall be made after all framing, masonry walls, or fireplace vents and chimneys are completed, including the roof structure, fire blocking, wall bracing, sheathing, heating and cooling duct work, or other appurtenances and accessories which may be concealed, and after plumbing, electrical, and mechanical inspections have been posted by those inspection departments. No mechanical, electrical or plumbing systems which are to be concealed shall be covered before this inspection has been made and approved by the Fire Marshal.

SECTION 109.3.2.2 Add a new Section. Insert:

**109.3.2.2 Supplemental inspections:** In addition to the required inspections hereinbefore specified, the Fire Marshal may make other inspections which in his judgment are reasonably necessary due to unusual construction or circumstances. The Fire Marshal shall have the authority to inspect any construction work to verify compliance with the Building Codes and to properly enforce the rules promulgated by this Code.

SECTION 109.3.3 Delete in its entirety.

SECTION 109.3.4 Delete in its entirety.

SECTION 109.3.5 Delete in its entirety.

SECTION 110.3.7 Delete in its entirety.

SECTION 110.1.1. Add a new section. Insert:

**110.1.1 Occupancy prohibited without approval.**

A building, structure or portion thereof, shall not be used or occupied, in whole or in part, without approval of the Fire Marshal. This shall apply to new buildings, buildings undergoing alteration, modification or repair and buildings or tenant spaces undergoing re-occupancy.

SECTION 110.4 Delete in its entirety. Insert:

**110.4 Revocation:** The certificate of Use and Occupancy shall always be subject to this Code. Non-compliance with the regulations of this Code shall be deemed a violation subject to the penalties set forth herein, and in addition the Fire Marshal shall be empowered to revoke the occupancy permit, or permits, issued for the building in question, until such time as the violations are corrected. All costs involved in this procedure shall be addressed against the owner. The issuance of any occupancy permit shall not relieve the owner or tenant from compliance with all regulations of this Code and other applicable regulations.

SECTION 110.5 Add a new Section. Insert:

**110.5 Certificate required:** Failure of the owner or tenant of a building to obtain the certificate of occupancy and to pay the fees set forth shall be deemed a violation and shall subject said owner or tenant to the penalties as prescribed by this code.

SECTION 110.5.1 Add a new Section. Insert:

**111.5.1 Fee required:** The fee for a Certificate of Occupancy shall be as stated in Table 108.2.

SECTION 113.1 through 113.3 Delete in its entirety. Insert:

**112.1 Appeals:** An owner, lessee, agent, operator or occupant aggrieved by an order pursuant to this order, 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 113.4 Delete in its entirety. Insert:

**113.4 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 erect, construct, ~~alter or repair a structure in violation of an approved plan or directive of the Fire Marshal, or of a permit or certificate issued under the provisions of this Ordinance,~~ or shall start any work requiring a permit without first obtaining a permit therefor, 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 premises or any other person who commits, takes part or assists in any violation of this Code or who maintains any building or premises in which such violation shall exist, shall be guilty of a Class B misdemeanor, as prescribed by Sections 321.600(12), 558.011(6) and/or 560.016(2), R.S.Mo 2000, and upon conviction thereof shall be punished for each offense by imprisonment for a term not to exceed six (6) months, or by a fine in an amount not to exceed one-thousand dollars (\$1000), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

SECTION 113.5 Add a new section. Insert:

**113.5 Unlawful continuance:** Any person who shall continue any work in or about the structure 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 conditions, shall be liable to penalties as specified in Section 114.4 of this Ordinance.

SECTION 113.6 Add a new section. Insert:

**113.6 Civil action:** Notwithstanding the provisions hereof, the Fire Marshal, 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 Code. Injunctive or other appropriate relief shall not be denied on the grounds that an adequate remedy at law exists through the imposition of criminal sanctions.

**SECTION 4. SAVINGS CLAUSE.**

That nothing in this Ordinance or in the Existing Building 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 5. VALIDITY.**

If any Section, subsection, provision, sentence, clause or phrase of this Ordinance or of the ICC®, International Existing Building Code, 2015 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 Code, and the Pattonville Fire Protection District of St. Louis County, Missouri, hereby declares that it would have passed the same, even though such portions so held to unconstitutional had not been included therein.

**SECTION 6. 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 §321.600(12) and §557.021 R.S.Mo. and punishable as provided by law. Each day that a violation exists or continues to exist shall be deemed a separate offense.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance Number 3-2017 having been duly considered and voted upon by the Board of Directors of the Pattonville Fire Protection District of St. Louis County, Missouri, was duly enacted as an Ordinance of said Fire Protection District on the 18th day of April, 2017. The effective date of the Ordinance shall be at 12:01 a.m. on the 1st day of May, 2017.



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William Esterline, Chairman



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Robert Soutier, Treasurer



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Robert Biondo, Secretary

