

ORDINANCE NUMBER 42

AN ORDINANCE AMENDING THE MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE, OCCUPANCY, AND USE OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, AND MAKING OF INSPECTIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; KNOWN AS THE BUILDING CODE; AND REPEALING EXISTING ORDINANCE NUMBERS 37 AND 40 OF THE LAKE SAINT LOUIS FIRE PROTECTION DISTRICT OF ST. CHARLES COUNTY, MISSOURI.

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

SECTION 1. ADOPTION OF THE BUILDING CODE

That a certain document, three (3) copies of which are on file in the office of the Fire Marshal of the Lake Saint Louis Fire Protection District of St. Charles County, Missouri, being marked and designated as “*The International Building Code – 2003*” including *Appendix Chapters C, I, and J* as published by the International Code Council, be and is hereby adopted as the Building Code of the Lake Saint Louis Fire Protection District of St. Charles County, Missouri; for the control of buildings and structures as herein provided; and each and all regulations, provisions, penalties, conditions, and terms of said *International Building Code – 2003* are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 2 of this Ordinance.

SECTION 2. ADDITIONS, INSERTIONS, DELETIONS, AND CHANGES.

The International Building Code – 2003 is amended and changed in the following respects:

SECTION 101.1 (page 1) – Delete in its entirety and insert in lieu thereof:

101.1 Title. These regulations shall be known as the Building Code of the Lake Saint Louis Fire Protection District of St. Charles County, Missouri, hereinafter referred to as “this code.”

101.1.1 Definitions: The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

Building Official: The Fire Marshal of the Lake Saint Louis Fire Protection District of St. Charles County, Missouri, or his duly authorized representative.

Chief Appointing Authority of the Jurisdiction: The Board of Directors of the Lake Saint Louis Fire Protection District of St. Charles County, Missouri.

Fire District: The Lake Saint Louis Fire Protection District of St. Charles County, Missouri.

The Board of Directors: The Board of Directors of the Lake Saint Louis Fire Protection District of St. Charles County, Missouri.

SECTION 103 (page 2) – Delete Sections 103.1, 103.2, and 103.3 in their entirety and insert in lieu thereof:

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official. The building official shall be appointed by and serve at the pleasure of the Board of Directors. The building official, if not the Fire Chief, shall report to the Fire Chief.

103.2 Deputy. The Board of Directors may designate a deputy who shall exercise all the powers of the building official during the temporary absence or disability of the building official.

103.3 Restriction of employees. An official or employee connected with the enforcement of this code shall not be engaged in or directly or indirectly connected with, the furnishing of labor, materials or appliances for construction, alteration or maintenance of a structure, or the preparation of construction documents thereof, unless the person is the owner of the structure; nor shall such officer or employee engage in any work which conflicts with official duties or with the interests of the Fire District.

SECTION 108 (pages 6 and 7) – Delete Sections 108.2 and 108.3 in their entirety and insert in lieu thereof:

108.2 New construction, alterations, and repairs. A fee for plan examination, building permits and inspections shall be paid in accordance with this section.

108.2.1 New construction: For all new construction, as well as all alterations or repairs affecting fifty percent (50%) or more of the building area, a fee equal to the estimated cost of the alteration or repair times (x) \$0.0014, or the affected square footage times (x) a gross area modifier of 72 times (x) \$0.0014, whichever is greater.

Exception: No fees will be charged, permits issued, or inspections conducted on structures in Use groups R-3, R-4 and U (other than Residential Care/Assisted Living Facilities) that are within the corporate city boundaries of the City of Lake Saint Louis, Missouri, and have received the appropriate permits from the City of Lake Saint Louis.

Notwithstanding the above, no construction shall commence or continue on R-3, R-4 and U Use group structures until such time as the permanent hard road surfaces are in place as approved by the building official.

108.2.2 Alterations or repairs: For alterations or repairs affecting less than fifty percent (50%) of the building area:

- 1.) For alterations or repairs affecting up to 2000 square feet of building area, a fee of One Hundred Dollars (\$100.00).
- 2.) For alterations or repairs affecting over 2000 square feet of building area, a fee equal to the estimated cost of the alteration or repair times (x) \$0.0007, or the affected square footage times (x) a gross area modifier of 72 times (x) \$0.0007, whichever is greater.

108.3 Additional inspections for Use Group R-3, R-4, and U. If required, the fees outlined in Section 108.2.1 for Use Groups R-3, R-4 and U anticipate a maximum of two (2) rough construction inspections and two (2) final inspections. An additional fee of Twenty Five Dollars (\$25.00) shall be assessed for each additional inspection required to ensure that violations have been corrected, or for each scheduled inspection which cannot be conducted because; the work to be inspected is not complete, the building or portion of the building is locked or not accessible, or the building or surrounding area is unsafe.

SECTION 112 (page 8) – Delete in its entirety and insert in lieu thereof:

SECTION 112 MEANS OF APPEAL

112.1 Appeals. Any person aggrieved or injured by any determination or order or decision of the code official under this Ordinance, may appeal the same to the Board of Directors, but not later than ten (10) days after the making of such order, determination or decision, or the giving of notice thereof by the code official where such giving of notice is required, whichever date is later. Such appeal shall be in writing, addressed to the Board of Directors, and shall state the order or determination or decision of the code official 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 or determination of the code official unless the Board of Directors, by majority vote, shall so direct the code official after receipt of such an appeal. The Board of Directors, on receipt of such an appeal, shall fix a time not more than forty-five (45) days later and a place at which such appeal shall be heard. At such hearing the appellant shall be permitted to produce proof why his or her appeal should be granted. Such hearing shall be informal, and shall not be bound by the 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 code official or from other members of the staff of the Fire 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 of Directors at such other time, not later than twenty (20) days after such hearing, as the Board of Directors may determine. The decision of the Board of Directors shall be entered in the minutes of the Board of Directors, 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.

SECTION 113.4 (page 8) – Delete in its entirety and insert in lieu thereof:

113.4 Violation penalties. It shall be unlawful for any person to violate any of the provisions of this Ordinance in any manner, or fail to comply with any order issued pursuant to any section thereof. Each day that any violation of the provisions of this Ordinance continues after due notice has been served, shall be deemed a separate offense. The imposition of any fine or prison term shall not excuse the violation, nor permit the continuance thereof, nor prevent the Fire District from taking any other such action as may be appropriate and as may be permitted by law in connection therewith.

In addition to any fines stated below, a person found guilty of any violation of any provisions of this Ordinance shall also pay a surcharge equal to the attorney's fees, expert witness fees, and any other costs incurred by the Fire District if the violations are prosecuted by a Special Assistant Prosecuting Attorney appointed by the County Prosecutor. All fines and surcharges shall be paid to the Fire District.

The pursuit or imposition of the criminal penalties prescribed by this code shall not preclude the Fire District, or any other officer or official appointed or designated by the Fire District, from instituting appropriate action to prevent unlawful construction, reconstruction, alteration, relocation, maintenance,

occupancy, or any use of any building or structure; or to restrain, correct or abate a violation of this code; or to prevent illegal occupancy of a building, structure or premises; or to stop an illegal act, conduct, business or use of a building or structure on or about any premises. If the Fire District prevails to any extent in such action, the person against whom the action is taken shall pay the Fire District the attorney's fees, expert witness fees, and any other costs incurred by the Fire District.

In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the Fire District's Ordinances, the prosecuting officer may elect under which to proceed.

113.4.1 Misdemeanors. Any person who shall in any manner violate any of the provisions of this Ordinance (except those designated specifically as infractions, or shall fail to comply with any order issued pursuant to any section thereof, shall be deemed guilty of a Class B misdemeanor, and upon conviction thereof shall be punished therefore by a term of imprisonment of up to six (6) months and/or a fine of not less than Fifty Dollar (\$50.00) and not exceeding Five Hundred Dollars (\$500.00) for each such violation, such fine and imprisonment recoverable with the cost of suit.

113.4.2 Infractions. Any person who shall in any manner violate any provisions of this Ordinance that designate the violation as an infraction, shall be deemed guilty of an infraction, and upon conviction thereof shall be punished therefore by a fine of not less than Ten Dollars (\$10.00) and not exceeding Two Hundred Dollars (\$200.00) for each such violation.

113.4.3 Criminal charges by the Prosecuting Attorney. The Board of Directors may refer any violation of any of the provisions of this Ordinance to the prosecuting attorney for the Fire for criminal prosecution pursuant to this Ordinance and/or State law.

113.4.4 Civil action. The Board of Directors may refer any violation of any of the provisions of this Ordinance to the attorney for the Fire District for the prosecution of any civil or injunctive remedies provided by this Ordinance and/or State law.

SECTION 114.3 (page 9) – Delete in its entirety and insert in lieu thereof:

114.3 Unlawful continuance. Any person who shall continue any work in or about the building, structure or premises after having been served with a stop work order, except such work as they are directed to perform to remove a violation or unsafe condition, shall be deemed guilty of a misdemeanor subject to the penalties as set forth in Section 113.4. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 714.8 (page 100) – Add new provisions as follows:

714.8 Protection of bearing walls in basements: All wood-frame bearing walls in basement areas shall be finished with a minimum of ½ inch gypsum board with all joints taped.

SECTION 717.15 (page 95) – Add new provisions as follows:

717.15 Fireplace flues and chimneys. Fireplace flues and chimneys concealed within a building, including those passing through attic areas, must be protected by a shaft enclosure complying with Section 707.4

SECTION 903.2.7 (page 167) – Add an exception as follows:

Exception: Occupancies in Group R-3.

SECTION 907.2.10.1.2 (page 176) – Add new item “4” to list after the first paragraph:

4. In each furnace room or mechanical room that is separated from adjacent habitable spaces by a wall, partition, or door.

SECTION 912.0 (page 191) – Add new provisions as follows:

SECTION 912.0 FIRE HYDRANTS AND PUBLIC WATER SUPPLY

912.1 General. Fire hydrants and water supplies for firefighting purposes shall be of an approved type and shall be installed in accordance with the provisions of this code.

912.2 Required. A public water supply system and fire hydrants shall be installed and operational prior to the commencement of construction. Fire hydrants and water mains shall be located along the full length of all properties to be developed that abut an existing or proposed public way. Only approved hydrants with a minimum of two (2) - 2 ½ inch national standard thread connections and one (1) - 4 ½ national standard thread connection are permitted to be installed.

912.3 Capacity. Water mains shall be designed and sized to provide adequate water supply for both domestic and minimum fire flow requirements. The minimum fire flow from a single fire hydrant shall be one thousand (1,000) gallons per minute at twenty (20) pounds per square inch residual pressure.

Exception: Hydrants ordered on an existing water main.

912.4 Fire hydrant placement. Spacing of fire hydrants along a public way shall be regulated by the use group classification of the development that abuts the existing or proposed public way.

912.4.1 Use Groups R-3, R-4 and U. Fire hydrant spacing shall not exceed six hundred (600) feet hydrant to hydrant, unless otherwise approved by the Board of Directors to address site conditions and required fire flows.

912.4.2 All other Use Groups. Fire hydrant spacing shall not exceed three hundred (300) feet hydrant to hydrant, or as otherwise directed by the Board of Directors to address site conditions and required fire flows. No portion of the perimeter of a building, other than Use Groups R-3 and R-4, shall be more than three hundred feet from a fire hydrant.

912.5 Set-back distance. All fire hydrants shall be set back from the curb or edge of the pavement. The set back shall not exceed twelve (12) feet.

912.6 Connection height. Fire hydrants shall be installed a minimum of fourteen (14) inches and a maximum of thirty-six (36) inches above the adjacent finished grade measured from the center line of the steamer outlet connection.

912.7 Color coding. All private fire hydrants shall be red in color, including the barrel, bonnet, and outlet caps. A public fire hydrant barrels shall be yellow in color. All public fire hydrant bonnets and outlet caps shall be color-coded based on the water main size as follows:

| Color | Water Main Size |
|--------------|-----------------------------|
| Green | Eight (8) inches or larger |
| Orange | Six (6) inches |
| Red | Smaller than six (6) inches |

912.8 Obstruction of hydrants. There shall be no bushes, trees, signs, light standards, mailboxes, or similar obstructions within six (6) feet of any fire hydrant in all directions. Where fire hydrants are installed in areas where vehicles would normally be parked or standing, said vehicle parking shall be prohibited for ten (10) feet in each direction from the fire hydrant.

Exception: Where the fire hydrant is placed on a ten (10) foot wide, curbed island.

SECTION 1009.3, Exception 5 (page 204) – Delete in its entirety and insert in lieu thereof:

5. In occupancies in Group R-3, as applicable in Section 101.2, within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be 8.25 inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm), the minimum winder tread depth at the walk line shall be 9 inches (229 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

SECTION 1025.1, Exception 7 (page 223) – Delete in its entirety and insert in lieu thereof:

7. In occupancies in Group R-3, as applicable in Section 101.2, basements without sleeping rooms shall not be required to have emergency escape windows.

SECTION 3410.2 (page 570) – Insert “April 19, 1997” in place of [bracketed] text.

SECTION 3. INCONSISTENT ORDINANCES REPEALED

That Ordinance Numbers 37 and 40 of the Lake Saint Louis Fire Protection District of St. Charles County, Missouri and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. SAVING CLAUSE

That nothing in this Ordinance or in the Building 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 3 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. SUPERCEDING PROVISIONS

If the application of any Lake St. Louis Fire Protection District ordinance or code creates any ambiguity, conflict, or inconsistency with any term or requirement of this ordinance, the most stringent provisions shall govern and control.

SECTION 6. ENACTMENT

This Ordinance Number 42, having been duly considered and voted upon by the Board of Directors of the Lake Saint Louis Fire Protection District of St. Charles County, Missouri was duly enacted as an Ordinance of said District on July 26th, 2004.

EFFECTIVE DATE: August 1st, 2004.

David Monahan
Chairman and Director

Ralph C. Clark, Jr.
Treasurer and Director

Kenneth Anderson
Secretary and Director