

THAT THE CODE OF ORDINANCES OF THE VILLAGE OF CLAYCOMO, MISSOURI, IS HEREBY AMENDED BY ADDING CHAPTER 12, ARTICLE II-FIRE DEPARTMENT, SECTION 12-25 FIRE INSPECTIONS & INVESTIGATIONS.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CLAYCOMO, CLAY COUNTY, MISSOURI, AS FOLLOWS:

Chapter 12 – FIRE PREVENTION AND PROTECTION

ARTICLE II – FIRE DEPARTMENT

Section 12-25 – FIRE INSPECTIONS/INVESTIGATIONS

Section 12-25.1. General authority and responsibilities.

- (a) The authority and responsibilities shall be granted by the adopted Fire Code and be used for the implementation, administration, and enforcement of this code.
- (b) Unless otherwise appointed, the Fire Code Official shall be the Fire Chief.

Section 12-25.2. Annual Inspections. It shall be the duty of the Fire Code Official or his authorized agent to inspect or examine all places of business for fire hazards and life safety hazards annually and to notify the owner or occupant of any building wherein any such dangerous conditions exist to correct said conditions within a specified time as shall be determined by the Chief of the fire department or his said authorized agent. Should such conditions not be corrected within the specified time, any such owner or occupant shall be subject to summons into municipal court and the payment of fines or penalties for maintaining a public hazard. Every day that any such hazard shall continue, beyond the time limit specified, shall be considered a new violation.

Section 12-25.3. Authority to enter buildings for purpose of inspection. The Fire Code Official or their authorized agent shall be permitted by the owner, lessee, manager or operator of any building or premises at all reasonable hours for the purpose of making any inspection or investigation provided for in this chapter.

Section 12-25.4. Emergency defined, Procedure.

- (a) **Emergency defined.** For the purposes of this code, an emergency means any circumstances in which it reasonably appears that there exists an immediate danger to the health, life, safety, well-being or welfare of any person because of an existing dangerous condition.
- (b) **Authority.** In any emergency, the Chief or Fire Code Official shall have the power to take emergency measures or issue directives to abate or correct the existing dangerous condition.

The emergency power herein granted shall include power to cause immediate vacancy of any building and abate the existing dangerous condition.

- (c) Emergency order not appealable. No appeal to the building and fire codes board of appeals shall lie from an emergency measure or directive, and such measure or directive shall not be reviewed or stayed other than by a Circuit Court Of Clay County.
- (d) Temporary directive. For a dangerous condition arising after the adoption of this code that is not specifically addressed by the code but that in the opinion of the Chief or Fire Code Official is a dangerous condition that relates to the intention of this code and that constitutes a distinct hazard to life or property, the Chief may issue a temporary emergency directive to address such condition. The directive shall expire not later than sixty (60) days from the date of issuance or upon the effective date of an Ordinance addressing the condition. Notwithstanding subsection (c) above, a temporary emergency directive may be appealed pursuant to section 12-38. of this chapter.

Section 12-25.5 Right of Entry. Whenever necessary to make an inspection or to enforce any provisions of the Fire Prevention Code, if the Fire Code Official has reasonable cause to believe that there exists in any building or structure or any condition which makes such structure unsafe, the Fire Code Official or their representative may enter the building or structure during normal work hours, or in case of an emergency, at reasonable time to inspect the same or to perform any duty imposed upon the Chief. The Fire Code Official shall first present proper credentials and request and obtain permission to enter before entering the building or structure. Reasonable effort shall be made to locate owner or other persons having charge or control of property when seeking permission for entry.

Section 12-25.6. Investigation/Inspection Warrant. If no consent has been given to enter or inspect any building or structure, an entry or inspection shall not be made without the procurement of an investigation/inspection warrant from the Village of Claycomo Judge. The court may consider the following factors in its decision as to whether a warrant shall be issued:

- (a) Eyewitness account of violation.
- (b) Citizen complaint(s).
- (c) Tenant complaint(s).
- (d) Plain view violations.
- (e) Violations apparent from Village records.
- (f) Nature of alleged violation, the threat of life safety and imminent risk of significant property damage.
- (g) Previous unabated violations in the building or structure or on the premises. (h) Failure to obtain required operational permits.

Section 12-25.6.1. Cause. Cause supporting issuance of an investigation/inspection warrant shall be deemed to exist in light of reasonable legislation and administrative standards which show that there is

reason to believe that a condition of nonconformity exist with respect to building or premises in violation of the fire prevention code and is based upon at least two factors set forth in section 12-25.2.

Section 12-25.6.2. Emergency. The Chief, Fire Code Official or their designee may enter the premises without consent or an investigation/inspection warrant to make an inspection or enforce any of the provisions of this code only when an emergency exists as prescribed in section 26-104.11, of this code, or when the premises are abandoned.

Section 12-25.6.3. Issuance. When a complaint in writing is filed by the Village clerk, the Chief, Fire Code Official, a Police Officer, a Sheriff or the Village Attorney, and if such complaint is verified by oath or affirmation stating evidential fact from which such Judge determines the existence of probable cause, then such Judge shall issue an investigation/inspection warrant directed to the authorized person to inspect the structure of premises therein described for the purpose requested. Such investigation/inspection warrant may be executed and returned only within ten days after the date of its issuance. The person authorized to inspect shall make a return promptly after concluding the investigation/inspection, and such return shall contain an itemization of all violations of this code discovered pursuant to such investigation/inspection warrant. Refusal to honor an investigation/inspection warrant and permit inspection of the premises shall constitute an ordinance violation, and loss of business license. Execution of an investigation/inspection warrant, under this section, shall not be made by forcible entry.

Section 12-25.6.4. Scope. Unless emergency conditions exist, or until a notice of violation is afforded the person, a summons shall not be served upon a resident, property owner or other responsible person alleging a violation of this code based upon conditions discovered incidental to, and solely as result of, conducting an investigation pursuant to the authority of a search warrant, but which is not the subject of the investigation/inspection warrant.

Section 12-25.6.5. Inspection Fees.

- (a) Initial fire safety inspections shall be provided at no cost.
- (b) The first reinspection after at which a determination of noncompliance was made shall be conducted at no charge, provided that no more than 10 days have elapsed since the initial inspection for critical violations, or 30 days for other violations.
- (c) For each additional reinspection following the first reinspection, there will be a charge of \$25 for each inspection.

THE FOREGOING BILL WAS PUBLICLY READ AT THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF SAID VILLAGE, AND THEREAFTER DULY PASSED AT SAID MEETING ON THE 24TH DAY OF AUGUST 2020.



PASSED this 24 day of August 2020

Norma Sulzberger
Norma Sulzberger, Chairman of the Board

ATTEST:

Jamie Wright
Jamie Wright, Village Clerk

