



SULLIVAN FIRE PROTECTION DISTRICT

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Ordinance 21-03

SULLIVAN FIRE PROTECTION DISTRICT ORDINANCE

WHEREAS, within the territory included within the Sullivan Fire Protection District, the inhabitants and the structures require protection from fire hazards and assistance for the prevention of fires, so that a code is necessary to enable such protection and prevention, and the Fire Protection District is specifically given power to adopt such a code pursuant to Chapter 321 of the Revised Statutes of Missouri, and the Board of Directors of the Sullivan Fire Protection District finds that such matters may properly be provided by Ordinance;

NOW, THEREFORE, be it ordained by the Board of Directors of the Sullivan Fire Protection District as follows:

ORDINANCE No. 21-03

An Ordinance for Adoption of the 2018 International Building Code

An ordinance of the Sullivan Fire Protection District, comprising portions of Franklin, Crawford and Washington Counties, Missouri, adopting the 2018 *International Building Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Sullivan Fire Protection District; providing for the issuance of permits for hazardous uses or operations.

SECTION 1. ADOPTION OF THE BUILDING CODE: That certain documents, copies of which are on file in the office of the Fire Code Official of the Sullivan Fire Protection District and can be viewed at <https://sullivanfpd.com/fire-prevention>, being marked and designated as the “**International Building Code**, “ 2018 Edition, Including Appendix Chapter C “Group U-Agricultural Buildings” and Appendix Chapter 1 “Patio Covers” (see International Code Section 101.2.1, 2018 edition) as published by the International Code Council, Inc. referenced herein are hereby adopted and declared to be **The Fire Building Code of the Sullivan Fire Protection District, Missouri**, for the control of buildings and structures and each and all of the regulations, provisions, penalties, conditions, and terms of the “International Fire Code” 2018 Edition and the “International Building Code, “ 2018 Edition, as published by the International Code Council, Inc. referenced herein are hereby referred to, adopted and made part hereto by reference, as is fully set out in this Ordinance, with the additions, insertion, deletions, and changes, if any, prescribed in the following sections of this Ordinance. This ordinance is effective for all portions of the Sullivan Fire Protection District including those portions of Crawford, Washington and Franklin counties of Missouri, including the city of Sullivan.

- A. Ordinance No. 20-03, of the Sullivan Fire District is hereby repealed; all other previous fire prevention codes in conflict with this ordinance are also repealed.

Section 2. THE FOLLOWING SHALL BE ADDED TO, INSERTED IN, DELETED FROM, OR CHANGED IN THE "INTERNATIONAL BUILDING CODE" 2018 EDITION, IN THIS ORDINANCE:

Section 101.1 shall be deleted in its entirety and insert the following:

101.1 **"Fire Building Code.** Title: These regulations shall be known as 'The Fire Building Code of the Sullivan Fire Protection District, Missouri ', hereinafter referred to as 'this code'."

Section 101.3 Delete the words structural strength, stability, sanitation, adequate light and ventilation, energy conservation.

Section 101.4.7.1 insert the following:

101.4.7.1 **"Increase in height or area of existing buildings.** It shall be unlawful to increase the height or area of an existing building or structure, unless the building or structure is made to conform to the requirements of this Code in respect to Chapter 4 Special Detailed Requirements Based on Use and Occupancy, Chapter 9 Fire Protection Systems and Chapter 10 Means of Egress."

Section 101.4.7.2 insert the following:

Section 101.4.7.2 **"Substantial Damage Repairs.** Where a building has sustained substantial damage, upon repair the building shall meet the requirements of this code for a new building in respect to Chapter 4 Special Detailed Requirements Based on Use and Occupancy, Chapter 9 Fire Protection Systems and Chapter 10 Means of Egress."

Section 101.5 insert the following:

101.5 **"Name of Jurisdiction.** Wherever "Name of Jurisdiction" appears in this code, it shall read 'Sullivan Fire Protection District, Missouri.'"

Section 101.6 insert the following:

101.6 **"Fire Code Official.** Wherever 'Building Official' appears in this code, it shall read "Fire Code Official."

Section 101.7 insert the following:

101.7 **"Fire Code Official.** Fire Code Official is defined as the Fire Marshal of the Sullivan Fire Protection District, Missouri or his duty authorized representative(s)."

Section 101.8 insert the following:

101.8 **"Fire Prevention Bureau.** Wherever 'Department of Building Safety' appears in the code, it shall read "Fire Prevention Bureau of the Sullivan Fire Protection District, Missouri"

Section 101.9 insert the following:

101.9 **"Board of Appeals.** Wherever 'Board of Appeals' appears in this code, it shall read "Board of Directors of the Sullivan Fire Protection District, Missouri."

Section 102.6.3 insert the following:

102.6.3 **"Existing buildings.** In buildings existing prior to the adoption of this code, in which work involving repairs, alterations, additions or changes of use has begun after the adoption of this code, such work shall be made to conform to this code.

Exception: Work for which a permit has been issued prior to the adoption of this code."

Section 104.2.1 shall be deleted in its entirety.

Section 105.1.3 Types of permits. There shall be three types of permits as follows:

1. Occupancy permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by section 105.6 for either:
 - 1.1 Change in occupancy
 - 1.2 Change in ownership
 - 1.3 Change in business name
 - 1.4 Change in location
2. Building construction permit. A Fire Building permit shall be required in new construction or alterations or modifications of systems and equipment which a permit is required by section 105.7
3. Firework permit. A fire work permit shall be required before stocking or operating any firework stand. A fire work permit shall be required for any static displays within the Sullivan Fire District. Permits will be valid from twentieth (20th) day June through tenth (10th) day of July. Any other sale outside this time frame will be at the discretion of the *Fire Code Official*.

Section 105.7.1 insert the following:

105.7.1 **"Inspections required and permit cards.** When work has progressed to a point of having windows, or when the work is an alteration or addition, the Sullivan Fire Protection District permit card shall be attached to the available glass in view of the street for recording the balance of inspections required by this Ordinance. Failure to maintain the permit card will not relieve the permittee of responsibility as provided by this Ordinance. Upon satisfactory completion of the work covered by the permit, the Fire Code Official will make a final inspection, and if all requirements of this Ordinance are met, the Fire Code Official shall sign the permit card. This card shall be left on the premises for the building owner/occupant as a Certificate of Occupancy.

Exception: For work on an existing building that has the address posted in accordance with

Section 605.1 of Section 2 of this Ordinance, the permit card may be posted anywhere on the jobsite so long as it is readily accessible for signing the card.

Section 107.2.6 insert the following after the last sentence:

"The site plan shall designate the location, arrangement and widths of all proposed fire apparatus access roads and fire lanes as required by **Section 503 of Section 2** of this Ordinance."

Section 108.3 shall be deleted in its entirety.

Section 109.1.1 insert the following:

109.1.1 Fees. *Schedule of permit fees:*

- | | |
|---|-------|
| 1. Fire District Building permit will be based on square feet. Rate is set to .08/sq. ft. | |
| 2. Minimum permit fee | \$150 |
| 3. Starting construction without a permit | \$200 |
| 4. Sprinkler System | \$150 |
| 5. Institutional | \$150 |
| 6. Educational | \$150 |
| 7. Assembly | \$100 |
| 8. High Hazard | \$300 |
| 9. Occupancy | \$25 |
| 10. Firework | \$75 |
| 11. Additional Inspections | \$50 |
| 12. Storage Sheds | \$200 |

109.1.2 Invalid payment. If the form of payment is found to be invalid, work shall be stopped and the permit shall be suspended until a valid form of payment is received by the Fire Prevention Bureau. In such cases, a valid form of payment shall consist of exact cash, cashier's check or money order.

Section 109.4 shall be deleted in its entirety and insert the following:

109.4 "Work commencing before permit issuance, occupancy before final approval. Any person who commences any work on a building, structure, electrical, gas, mechanical or fire protection system for which a permit is required before obtaining the necessary permits, or occupies a building or space before occupancy is approved, shall be subject to a fee in accordance with **Section 109.4.1** through **109.4.1.4** in addition to the required permit fees."

Section 109.4.1 through 109.4.2.4 insert the following:

109.4.1 Penalty Fee. Not with standing **Section 114.4** below, the fire code official may assess an additional fee of \$200.00, for any work or occupancy occurring without a permit that is not qualified as emergency repairs in accordance with **Section 105.1.4** of **Section 2** of this Ordinance.

109.4.1.1 First Violation. In lieu of a penalty fee, the fire code official shall provide the parties a written warning of the permit requirements and the penalties for further violations.

109.4.1.2 Second Violation. Where the property owner, occupant or contractor found to be engaging in work or occupancy without the required permit has been previously provided written warning as defined in **Section 109.4.1.1**, the fire code official shall assess a fee in the amount of \$200.00

Section 110.3.1 through the end of **Section 110.3.3** shall be deleted in its entirety.

Section 110.3.8 Shall be deleted in its entirety.

Section 110.3.11 insert the following after the first sentence:

"Failure to obtain approval before occupancy will constitute a violation of this Ordinance, subject to the penalties as described in **Section 109.4** and **Section 114.4**"

Section 110.3.11.1 shall be deleted in its entirety.

Section 111.1 insert the following at the end of the first sentence:

"For this Code, occupancy shall be defined as utilization of a building or area that establishes tenancy, habitation or other use or activity beyond construction. This shall include, but is not limited to: fixtures, furnishings, stock, merchandise, equipment, supplies, decorating, personal belongings or effects, training and all other uses as defined by the Fire Code Official." See section *105.1.3 Types of permits*.

Section 111.1.1 insert the following:

111.1.1 "Occupancy prior to water. No building in any Use Group shall be occupied prior to the installation, operation and approval of a public or private water main and fire hydrant system, or permanent stored water system, designed and installed in accordance with this ordinance.

Exception: Buildings and structures under the scope of the International Residential Code to which access to a public water supply is not reasonably available and which meets the requirements of a large lot subdivision."

Section 111.1.2 insert the following:

111.1.2 "Street signs. No building in any Use Group shall be occupied prior to the installation of permanent street signs identifying the approved name of the streets serving such building."

Section 111.2 shall be deleted in its entirety and insert:

111.2 "Certificate issued. After the Fire Code Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the fire prevention bureau, the Fire Code Official shall issue a certificate of occupancy as provided for in Section 105.7.1."

Section 112.1 through the end of **Section 112.2** shall be deleted in its entirety and insert the following:

Section 113 through the end of **Section 113.3** shall be deleted in its entirety and insert the following:

113 "Means of Appeal"

Section 113.1 "Application for appeal. Any person shall have the right to appeal a decision of the Fire Code Official, or his designee, of the Sullivan Fire Protection District, Missouri, under the Fire Prevention Code of the District. The appeal of the decision shall be made to the Board of Directors of the Fire District, not later than ten days after the making of such order, determination, or decision, or the giving of notice to the Fire Prevention Bureau where such giving of notice is required, whichever date is later."

Section 113.1.1 insert the following:

113.1.1 "Basis of appeal. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this

code do not fully apply, or an equivalent level of protection or safety is proposed. The Board shall have no authority to waive requirements of this code."

Section 113.1.2 insert the following:

113.1 .2 **No right of appeal.** Not with standing anything herein contrary, no right to appeal as provided for in this Section shall exist for or be provided to any person, firm, or corporation, which has been cited for violation in accordance with Section 114.4 or 115.3 hereof. Such violations, if necessary, shall be prosecuted in the manner provided for in Section 114.4

Section 113.2 insert the following:

113.2 **"Form of appeal.** Such appeal shall be in writing addressed to the Board of Directors of the Sullivan Fire Protection District, and shall state the order, determination, or decision of the Fire Prevention Bureau which is appealed from and the reasons for such appeal. However, no such appeal shall be required to be in any form of style or technical pleading. The appeal shall be accompanied by the application fee in accordance with Section 109.2

Section 113.3 insert the following:

113.3 **"Stay of action.** No such appeal shall stay the order, decision, or determination of the Fire Prevention Bureau, unless the majority of the Sullivan Fire Protection District Board of Directors shall so direct the Fire Prevention Bureau, by written notice, after the receipt of such appeal."

Section 113.4 Insert the following:

113.4 **"Membership of the board.** The appeals board shall consist of the members of the Board of Directors for the Sullivan Fire Protection District, Missouri."

Section 113.5 insert the following:

113.5 **"Disqualifications of member.** A member shall not hear an appeal in which that member has any personal, professional, or financial interest."

Section 113.6 insert the following:

113.6 **"Notice of hearing.** The Board of Directors, on receipt of such an appeal, shall fix a time not more than 30 days later, and a place at which such appeal shall be heard."

Section 113.7 insert the following:

113.7 **"Hearing procedure.** At such a 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 require rules of evidence adhered to in court. At such hearings, 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 Fire Prevention Bureau or from other members of the staff of the Fire Protection District, as the Board of Directors may consider appropriate to the matter."

Section 113.8 insert the following:

113.8 **"Board decision.** After the conclusion of such hearing, the Board of Directors may decide the questions forth with 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 20 days after such hearings, as the Board may determine."

Section 113.9 insert the following:

113.9 **"Resolution.** 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 forth with 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 making thereof."

Section 113.10 insert the following:

113.10 **"Day computation.** In computing the number of days, Saturday, Sunday and legal holidays shall be excluded."

Section 113.11 insert the following:

113.11 **"Court review.** Any person shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Applications for review shall be made in a manner and time required by law following the filing of the decision of the Board of Directors of the Sullivan Fire Protection District."

Section 202 insert the following definitions:

"Fire Apparatus Access Road. A road that provides fire apparatus access to a facility, building, or portion thereof. This term is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway."

"Occupancy. For this Code, occupancy shall be defined as utilization of a building or area that established tenancy, habitation or other use or activity beyond construction. This shall include, but is not limited to: fixtures, furnishings, stock, merchandise, equipment, supplies, decorating personal belongings or effects, training and all other uses as defined by the Fire Code Official."

907.1.4 **"Multiple Fire Alarm Systems.** Multiple fire alarm systems within a single protected premise are not permitted, unless specifically authorized by the Fire Code Official.

For the purpose of this section. A "faulty" false alarm is an alarm caused by a malfunction of a system or an accidental activation. Such alarms will be evaluated on a case-by-case basis at the discretion of the Fire Code Official.

Section 3. 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 4. If any Section, subsection, provision, sentence, clause or phrase of this Ordinance or of the *2018 International Fire Code* 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 Sullivan Fire Protection District hereby declares that it would have passed the same, even though such portions so held to be unconstitutional had not been included therein.

Section 5. In the event that the Sullivan Fire Protection District initiates any legal action in order to compel compliance with and/or prevent violation(s) of any of the provisions enumerated herein, the District shall be entitled to recover from the offending party or parties any and all attorneys' fees and costs associated with the bringing of such an action.

Section 6. That this Ordinance Number 21-03, having been duly considered and voted upon by the Board of Directors of the Sullivan Fire Protection District was enacted as an Ordinance of said Fire Protection District on the 9th Day of November, 2020. The Secretary of the Sullivan Fire Protection District shall cause the same to be published as required by law; and this ordinance shall take effect and be in force at 12:01 a.m. on the 1st day of January, 2021



Frank S. Blanton
President & Director



Jordan Tod
Vice President & Director



Chris Garner
Treasurer & Director