

ORDINANCE NO. 13-003

An ordinance of the LAKE OZARK FIRE PROTECTION DISTRICT adopting the 2012 edition of the *International Building Code*, regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures within the Lake Ozark Fire Protection District; providing for the issuance of permits and collection of fees therefor; and repealing Ordinance Number 2006-2 of the Lake Ozark Fire Protection District and all other ordinances or parts of laws in conflict therewith.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE LAKE OZARK FIRE PROTECTION DISTRICT AS FOLLOWS:

SECTION 1: That a certain document, three (3) copies of which are on file in the office of the Fire Marshal for the Lake Ozark Fire Protection District, being marked and designated as "*International Building Code, 2012 Edition*" as published by the International Code Council, including Appendix Chapters A and D, be and is hereby adopted as the Building Code of the Lake Ozark Fire Protection District, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Fire Marshal for the Lake Ozark Fire Protection District are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, to the extent authorized by and not in conflict with the Revised Statutes of Missouri, with the following additions, insertions, deletions and changes, if any, prescribed below.

SECTION 2: The following sections are hereby revised:

101.1 Wherever (name of jurisdiction) appears in such Code, it shall read the Lake Ozark Fire Protection District.

101.1.1 Wherever Code Official or Building Official may appear, it shall be defined as the Fire Marshal of the Lake Ozark Fire Protection District or his/her duly authorized representative.

101.1.2 "Fire Official" is defined as the Fire Chief of the Lake Ozark Fire Protection District or his/her duly authorized representative.

101.1.3 Wherever "Department of Building Safety" may appear in such Code, it shall read "Division of Building Inspections."

101.1.4 Wherever “Chief Appointing Authority of the Jurisdiction” may appear in such Code, it shall read “The Board of Directors of the Lake Ozark Fire Protection District.”

101.1.5 “Authority Having Jurisdiction” shall be defined as the organization, office or individual responsible for approving equipment installation or procedures.

1612.3 Insert: January 1, 2014

SECTION 3: That Ordinance No. 2006-2 of the Lake Ozark Fire Protection District and all other ordinances or parts of laws in conflict herewith are hereby repealed.

SECTION 4: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the Lake Ozark Fire Protection District hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5: That nothing in this ordinance or in the 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 and existing under any act or ordinance hereby repealed as cited in Section 3 above; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6: That the Custodian of Records of the Lake Ozark Fire Protection District is hereby ordered and directed to cause this ordinance to be published in accordance with the requirements of the Revised Statutes of Missouri.

SECTION 7: That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from at 12:00 a.m. on the 1st day of January, 2014.

SECTION 8: The following amendments are hereby made to the ICC International Building Code, 2012 edition:

Section 101.4.1 insert:

101.4.7 Electrical: The provisions of the NEC 2011 Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

102.4 delete and insert:

The codes and standards references in this Code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2, to the extent authorized by applicable state and local law.

Section 103 delete in its entirety.

Section 107.2.1 insert:

Construction documents shall include:

- Cover Sheet with name of business, location, occupancy group, building type, total square footage and code summary listing life safety requirements.
- Site plan showing where building will be located on the property.
- Footing and foundation plan with steel shown.
- Detailed floor plan with framing description.
- Mixed occupancies show fire protection detail.
- Sprinkler system and fire alarm (if required).
- Fire walls labeled with UL listing and detailed drawing (if required).
- Electrical drawings with panel detail, GFI locations and smoke detectors.

Section 109.2 add new sections:

109.2.1 Permit Fees:

Residential: Single and two-family dwellings (including outbuildings)	Fee: \$.20/sq. foot Minimum fee: \$100.00
Manufactured Homes: Includes all modular/trailer homes/job trailers	\$150.00 Minimum fee: \$100.00
Multi Family Dwelling: Includes all residential dwelling exceeding two-family	\$.30/sq. foot Minimum fee: \$100.00
Commercial: New construction/alterations/remodeling	\$.40/sq. foot Minimum fee: \$100.00
Tenant Finish:	\$.25/sq. foot Minimum fee: \$100.00
Dock Permit: Residential/Commercial up to four wells	\$50.00

Each additional well:	\$6.00
Re-inspection Fee:	\$35.00
Fireworks stands/Ground display:	\$100.00
Fireworks water display:	\$150.00
Use and storage of explosives (6 months):	\$200.00
Swimming pools:	
Without buildings or retaining walls:	\$150.00
(Pools with building/retaining walls will incur an additional fee for the type of build)	
Demolition (Residential):	\$50.00
Demolition (Commercial):	\$150.00
Plan Review (will be subtracted from building permit cost):	\$150.00
The permit holder shall pay for any plan reviews required outside of this office by a Code Consulting Firm, at the Code Consulting Firm's fee schedule. The Lake Ozark Fire Protection District will select the consulting firm.	
Change of Occupancy:	\$30.00
Records location/research:	\$30.00
Building without permit:	\$500.00 fine

Section 110.3.7 delete in its entirety.

Section 110.5: Add the following sentence: Requests for inspections will be based on first come, first service basis with a minimum of a 24-hour notice required to schedule inspections (required notice period may be less for drywall, footing and foundation inspections). Dock inspections may be postponed due to weather conditions.

Section 111.1 add sentence: Failure to obtain an occupancy permit prior to the building or structure being used or occupied will result in a fine of \$500.00.

Section 113 delete in its entirety and insert:

Section 113 Board of Appeals

113.1 Application for appeals: An owner, lessee, operator, occupant, contractor, or any other person aggrieved by an order or decision of the fire official pursuant to this code, may file an appeal to the board of directors within ten (10) days from the service for any order or decision. All appeals shall be filed in writing and a \$50.00 filing fee with the fire official in prescribed form of application for appeals. (See attached form). Applications may be made when it is claimed that the true intent of this code or rules adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction can be used. Except for emergency conditions, such appeal shall stay the execution of an order decision of the fire official until it has been heard and reviewed, vacated or confirmed by the board of directors.

113.2 Public Hearing: Upon receipt of a written application for an appeal together with prescribed filing fees, the board of directors shall schedule and conduct a timely public hearing on the appeal. At such hearing, the board of directors shall provide the applicant and parties having interest the opportunity to be heard, consider recommendations of a professional advisory committee (when applicable), and affirm, modify, revoke or vacate the order or decision of the fire official. The decision of the board shall be in writing and delivered to the applicant and fire marshal within ten (10) working days of the conclusion of the hearing.

113.3 Professional advisory committee: When emergency conditions do not exist and professional analysis is demanded by the applicant or determined necessary by the board of directors for the matters of technical or legal complexity, the board shall direct the formation of a special professional advisory committee to make recommendations on appeal decisions to the board of directors.

113.4 Composition of the professional advisory committee: The professional advisory committee shall consist of no less than three (3) persons, one of whom shall be a fire district or fire department fire official from another District. Another shall be a licensed professional engineer or architect designated by the fire district and the third shall be a representative of the owner, contractor, and applicant of his or her choice. In the event that the applicant demands both technical and legal analysis, then a five (5) member committee shall be directed, one being a fire district or fire department fire official from another District. Another shall be a licensed professional engineer or architect designated by the fire district and two shall be a representative of the owner, contractor, or applicant of his or her choice. Legal counsel selected by the Fire District shall hold the remaining position.

113.5 Compensation of professional advisory committee: Compensation for the time and services of the jointly determined member(s) of the professional advisory committee shall be the responsibility of the appeal applicant. The applicant shall post a security payment prior to the committee's deliberations, which the board may utilize to pay for the time and services of the

jointly determined members of the professional advisory committee. The amount of such security shall be as reasonably determined by the board and in no case shall such security be less than the total amount of the estimated building permit fee plus plan review (if applicable) of the district for the project when involving matters related to building permits.

113.6 Filing fees: A filing fee of \$500.00 per project shall accompany applications for appeals with the advisory committee. This fee shall be collected by the district prior to the hearing.

113.7 Compensation of professional advisory committee: Each member of the professional advisory committee shall receive a fee of \$50.00 per hearing for time, services and expenses related thereto. This fee shall be paid by the applicant for each member present at the hearings.

113.8 Court Review: Nothing contained herein shall be deemed to deny the right of any person, firm, or corporation, co-partnership or voluntary association to appeal from an order and/or decision of the board of directors to a court of competent jurisdiction. Such appeals shall stay the execution of such order and/or decision until it has been heard and reviewed, vacated or confirmed. Application for review shall be made to the proper court of jurisdiction within 15 days after the delivery of the board's decision to the applicant by certified mail, or filing with the office of the fire official when conditions prohibit such delivery.

113.9 Fee Schedule:

1. Filing fee \$500.00 as per 113.6
2. Compensation of advisory board
 - A. Compensation of advisory board \$150.00
 - B. Compensation of advisory board \$250.00 if 5 person board

Section 1101.1 add sentence: It shall be the responsibility of the general contractor to ensure compliance with all federal and state laws regarding disability accommodations and fair housing.

Chapter 13 delete in its entirety.

Chapter 29 delete in its entirety.

Chapter 32 delete in its entirety.

SECTION 9: Any person or entity who shall: violate any provision of this ordinance; fail to comply with any of the requirements thereto; erect, construct, alter or repair a structure in violation of an approved plan or directive of the Fire Official or of any permit or certification issued under the provisions of this ordinance; start work requiring a permit without first obtaining a permit therefor; continue any work in or about a structure after having been served a stop-work order except for such work that such person or entity has been directed to perform to remove a violation or unsafe condition; or any owner or tenant of a building or premise and any other person who commits, takes part or assists in any violation of this ordinance or who

maintains any building or premises in which such violation shall exist, shall be guilty of a Class B misdemeanor, as provided by Chapter 321 of the Missouri Revised Statutes, punishable by a fine and/or imprisonment, as provided by law. Each day that a violation continues shall be deemed a separate offense.

In the event an individual or entity continues to work or construct following the issuance of a stop-work order, the Fire Official may seek injunctive relief from a court of appropriate jurisdiction.

Adopted this 5th day of December, 2013 and effective 1-1-2014.


Charlie Kempf, III, Chairman


Ed Dobson, Director


Paul Faulconer, Director

Attest:


Karen Bishop, Secretary