

ORDINANCE NO. 13-007

An ordinance of the LAKE OZARK FIRE PROTECTION DISTRICT adopting the 2012 edition of the *International Mechanical Code*, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems located within the Lake Ozark Fire Protection District; providing for the issuance of permits and collection of fees therefor; and repealing all prior 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 Mechanical Code, 2012 Edition*" as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the Lake Ozark Fire Protection District, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems 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 Mechanical 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.

106.5.2: Insert: See International Building Code and International Residential Code adoption ordinances for fee schedules.

106.5.3 Delete in its entirety and insert:

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. The code official shall determine at his discretion what portion, if any, of any fee shall be refunded when no work has been done under a permit issued in accordance with this code or a plan review has been withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 108.4 Delete in its entirety and insert:

In addition to any fines set forth in the fee schedule incorporated into this ordinance, any person or entity who shall: violate any provision of this ordinance; fail to comply with any of the requirements thereto; erect, install, alter or repair work in violation of an approved plan or directive of the code 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 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.

Section 108.5 Revise as follows:

108.5 Stop work orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which the work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 condition, shall be

liable for a fine of not less than \$100.00 or more than \$500.00. In addition, the code official may seek injunctive relief from a court of competent jurisdiction to prevent an individual or entity from continuing to work in violation of a stop-work order.

SECTION 3: That all other ordinances or parts of laws in conflict herewith are hereby repealed.

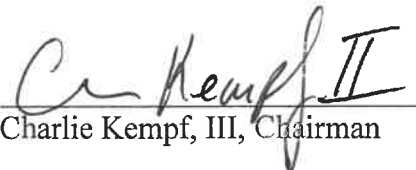
SECTION 4: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the Lake Ozark Fire Protection District hereby declares 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 Mechanical 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.

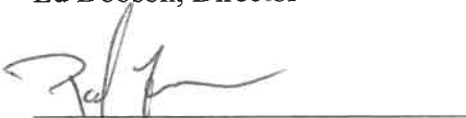
SECTION 6: That the Custodian of Records of the Lake Ozark Fire Protection District is hereby ordered and directed to cause this ordinance to be published in accordance with the requirements of the Revised Statutes of Missouri.

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 am on the 1st day of January 2014.


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