

BILL NO. 2017-43

SPONSORED BY COUNCILMAN Prather

ORDINANCE NO. 15702

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING THE CITY CODE, CHAPTER 13, SECTION 13-42 AND SECTION 13-43 BY REPLACING THE ADOPTION OF THE INTERNATIONAL FIRE CODE 2009 AND AMENDMENTS TO THE INTERNATIONAL FIRE CODE 2009 BY ADOPTION OF THE INTERNATIONAL FIRE CODE 2015.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF JEFFERSON, MISSOURI, AS FOLLOWS:

Section 1. The City Code, Chapter 13 (Fire Prevention and Protection), Section 13-42 (Adoption of International Fire Code 2009), is hereby deleted and the following is added in lieu thereof:

Sec. 13-42. Adoption of the 2015 International Fire Code

The 2015 International Fire Code published by the International Code Council, including appendices B, C, D, I and K, is hereby adopted and incorporated herein by reference as the Fire Code of the City of Jefferson, with the additions, insertions, deletions and changes contained within this ordinance.

(Code 1977, § 17-11; Ord. No. 9398, § 1, 3-3-80; Ord. No. 10670, § 5, 6-16-86, Ord. No. 11158, § 1, 2-13-89; Ord. No. 11610, § 5, 8-6-91; Ord. No. 14974, § 1, 5-21-2012)

Section 2. The City Code, Chapter 13 (Fire Prevention and Protection), Section 13-43 (Amendments, deletions and insertions), is hereby deleted and the following is added in lieu thereof:

Sec. 13-43. Amendments to the 2015 International Fire Code

1. Delete Section 101.1, and insert the following in its place:

101.1 Title: These regulations shall be known as the Fire Code of the City of Jefferson hereinafter referred to as such or as "this code."

2. Delete Section 103.2, and insert the following in its place:

103.2 Appointment: The fire code official shall be appointed by the City Administrator.
(Ord. No. 14841, §1, 9-6-2011)

3. Delete Section 105.1.2 and insert the following in its place:

Permits Required: Notwithstanding any provisions to the contrary in other sections of this Code, permits required in any section of this Code shall be procured from the chief of the fire department unless City Code Chapter 8 lists the subject matter of the permit, in which case the permit shall be procured from the Building Official or his or her designee. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the code official. (Ord. No. 14829, §7, 8-1-2011)

4. Delete Sections 108.1 through 108.3 and insert the following in its place

108.1. Any owner, agent or other person shall have the right to seek judicial review of a decision of the code official refusing to grant a modification to the provisions of this code. The petition for judicial review shall be to the circuit court of Cole County as established in Article 536 of the Revised Statutes of Missouri.

5. Add the following to Section 109.4 Violation Penalties

Penalty for violations: Shall be subject to the penalties set forth in Section 1-13 of the City Code.

6. Add the following to Section 109.4:

109.4.2 Damage to fire department equipment: Any negligent or willful damage to fire department equipment caused by any person subject to this code shall be punishable by a fine as set forth in Section 1-13 of the City Code per occurrence of damage. This fine shall not be construed to preclude monetary recovery of damages by the City through civil proceedings.

7. Change the last sentence in Section 111.4 to:

“...fine as set forth in Section 1-13 of the City Code.”

8. Insert the following in Section 307.

307.6 Allowable burning: Open burning shall be allowed without prior notification to the code official for: recreational fires, fires used for the preparation of food, highway safety flares, smudge pots and similar occupational needs, and fires used for training fire enforcement personnel. (Ord. No. 11691, § 1, 1-13-92)

307.6.1 Yard Waste: Open burning of leaves, grass clippings, tree limbs, and vegetation grown on a property is permitted from November 1 of each year through March 1 of the following year, during daylight hours unless restricted or prohibited under section 307.2.1 by the Code Official. In the event of an emergency declared by the Mayor, or person acting as such, the City Administrator may authorize the open burning of yard waste, branches, trees, and other materials he deems appropriate and under such conditions as he may proscribe. (Ord. No. 15239, §1, 3-3-2014)

307.6.2 The person conducting a burn under subsection 307.6.1 shall be the owner of the property unless the owner has expressly directed some other person to conduct such burn on the property.

307.6.3 Adjustment to permissible burning: The burning period as specified in 307.6.1 and 307.6.2 above may be adjusted by the Fire Chief for safety reasons provided the total number of days of the burning periods shall not be increased. In the event that subsequent to the determination of the periods during which burning is permitted, the Fire Chief invokes a temporary ban during the period, the Fire Chief may extend the period by the number of days in which the ban is imposed.

307.6.4 Ceremonial Fires. Bonfires and other fires which do not occur within a designated device such as a barbeque grill, fireplace, outdoor stove, or outdoor heater, may be conducted only by permission of the Fire Chief, or his or her designee, and under such conditions as he may impose for the safety of persons and property.

307.6.5 Notification and permission: Open burning shall be allowed with prior notification to the Code Official and upon receipt of written permission from Missouri Department of Natural Resources (DNR), provided that any conditions specified in the permission are followed for:

1. Disposal of hazardous or toxic material where the DNR determines that there is no practical alternative method of disposal.
 2. Instruction in methods of firefighting.
 3. Research in control of fires.
 4. Emergency or other extraordinary circumstances for any purpose determined to be necessary by the DNR.
 5. Disposal of landscape waste resulting from land clearing other than residential and agricultural waste.
 6. Recognized agricultural or horticultural management purposes to maintain or increase the quantity or quality of agricultural or horticultural production.
 7. When jurisdictional DNR written permission is not applicable, the Code Official shall give written permission only after it has been determined that approved fire safety requirements and emission standards are to be met.
9. Add section 408: Smoke detectors in leased or rental residential units:

1. Applicability. The owner of each residential rental unit shall install smoke detectors and/or fire suppression systems prior to the occupancy of said dwelling unit in compliance with the building and fire codes of the City of Jefferson in effect at the date of occupancy.

2. Date of Installation. The owner of each existing dwelling unit that is not at the effective date of this subsection required to be protected by a smoke detector or fire suppression system shall install smoke detectors as required by this subsection within three months of the effective date of this subsection.

3. Location of Detectors. The owner of each existing dwelling shall install at least one smoke detector within each sleeping area. In all dwelling units, the owner shall install a smoke detector outside the bedrooms (unless an efficiency apartment), within the immediate vicinity of the sleeping area(s). An owner subject to this subsection shall install each smoke detector on the ceiling at a minimum of four inches from the side wall to the near edge of the detector or on a wall located four to twelve inches from the ceiling to the top of the detector and within fifteen feet of all rooms used for sleeping purposes, with not less than one detector per level containing a habitable room and in the basement or cellar. The smoke detector shall not be installed in dead air space, such as where the ceiling meets the wall. Where one or more sleeping areas are located on a level above the cooking and living area, the smoke detector for such sleeping areas shall be placed at the top of the stairway. An

owner shall also install not less than one smoke detector on the uppermost ceiling, not less than four inches from any wall, or on a wall, located four to twelve inches from the uppermost ceiling of all interior stairwells. For good cause shown, the Fire Chief or his or her designated department representatives may modify the location requirements of this subsection.

4. Type of Detector. The owner shall install a smoke detector which is capable of sensing visible or invisible particles of combustion and emitting an audible signal and may be hard wired directly to the building power supply with battery backup, or may be powered by self-monitored battery only if not technically feasible to install hard wired units in existing units. The smoke detector shall comply with all the specifications of the Underwriters Laboratories, Inc. Standard UL217 (Standard for Safety-Single and Multiple Stations Smoke Detectors) 2nd Edition October 4, 1978 as revised May 19, 1983 or any recognized standard laboratory testing that certifies the detector meets the requirement of National Fire Protection Association (NFPA) Standards 72E and 74. Smoke detectors shall bear the label of a nationally recognized standards testing laboratory that indicates that the smoke detectors have been tested and listed under the requirement of UL217 2nd Edition or NFPA 72E and 74.

5. Duties of Owner and Occupant. It shall be the responsibility of the owner to supply and install on a continuing basis all required detectors. The owner shall be responsible for testing and maintaining detectors in common stairwells. It shall be the responsibility of the tenant to provide and maintain functional batteries after initial installation for each detector, to test and maintain detectors within dwelling units, and to notify the owner or authorized agent in writing of any deficiencies. The owner shall be responsible for providing each tenant with written information regarding detector testing and maintenance.

The owner shall provide notice to the occupant of the respective duties of the parties and the potential penalties for violation of the subsection. The owner shall either:

1. Post a notice which is 8 1/2 inches by 11 inches or larger inside the rental unit in a conspicuous space, or
2. Include a notice provision in the lease agreement, or
3. Provide notice in separate agreement or addendum to lease

If the owner chooses to put the notice in the lease or in a separate agreement, the notice shall be in at least 14 point type. The notice shall be prepared in duplicate and shall be signed and dated by the occupant. One copy shall be given to the occupant and one copy shall be kept on file by the owner and this copy shall be available for inspection by the Fire Chief or his or her agent between 9 a.m. and 4 p.m. Monday through Friday. At a minimum the notice shall include the items as set out in the following:

NOTICE OF DUTIES OF OWNER AND OCCUPANT RELATING TO SMOKE DETECTORS

ORDINANCES OF THE CITY OF JEFFERSON REQUIRE THE FOLLOWING OF THE OWNER AND OCCUPANT OF THIS RENTAL UNIT:

OWNER

THE OWNER SHALL SUPPLY AND INSTALL ALL REQUIRED DETECTORS.

THE OWNER SHALL MAINTAIN AND TEST ALL DETECTORS IN COMMON STAIRWELLS.
THE OWNER SHALL PROVIDE OCCUPANT WITH WRITTEN INFORMATION REGARDING DETECTOR TESTING AND MAINTENANCE.

OCCUPANT

THE OCCUPANT SHALL PROVIDE AND MAINTAIN BATTERIES FOR THE DETECTORS.

THE OCCUPANT SHALL TEST AND MAINTAIN DETECTORS WITHIN DWELLING UNITS.

THE OCCUPANT SHALL NOTIFY OWNER IN WRITING IN CASE OF DEFICIENCY OF DETECTOR.

PENALTY

IT IS UNLAWFUL FOR ANY PERSON TO REMOVE BATTERIES OR IN ANY WAY MAKE SMOKE DETECTORS INOPERABLE.

VIOLATION OF THIS ORDINANCE MAY BE PUNISHABLE BY A FINE NOT EXCEEDING \$500.00 OR IMPRISONMENT FOR A PERIOD NOT EXCEEDING THREE MONTHS.

6. Enforcement and Inspection. The Fire Chief or his or her designated department representatives shall have jurisdiction to inspect dwelling units for the installation of any smoke detector required to be installed under this subsection or any other ordinance. Said inspections may be held during reasonable daylight hours. If a unit is found to be in noncompliance, owner shall be notified that he or she has 48 hours to get the unit in compliance. Notice of noncompliance to the occupant of the unit shall be posted inside the unit. If after 48 hours the building is still not in compliance it shall be posted as uninhabitable and shall remain so posted until reinspected for full compliance with this subsection.

7. Tampering. It shall be unlawful for any person to remove batteries or in any way make smoke detectors inoperable.

8. Noncomplying Units. It shall be unlawful for an owner to lease a noncomplying unit.

9. Penalty - A violation of this code shall be punishable by the standard penalty authorized in Section 1-13 of the Code of the City of Jefferson (Ord. No. 11704, § 1, 2-3-92)

10. Add section 503.1.2.1: Fire Lanes

1. The Fire Chief may designate fire lanes on private and public property. Fire lanes may be established on driveways and access roads required by City Code sections applicable to the property in question, provided that fire lanes may not be established on property containing one- or two-family residential dwellings.

2. Upon notice by the Fire Chief of designation of a fire lane, it shall be the duty of the owner, occupant, or his agent, of the premises upon which the fire lane has been designated, to identify the location of fire lane on the owner's property.

11. Add Section 503.3.1

1. The fire lane shall be identified by placing a sign at each end of the fire lane in accordance with section 503.1 and by marking the pavement and/or curb in accordance with 503.3.2. The Fire Chief may permit the property owner to designate by only one of those methods if he finds there is a hardship in identification by both methods.

2. If a property owner disagrees with the determination of the Fire Chief as to the location of the Fire Lane or determination on a request for a hardship, the property owner may seek judicial review of the decision to the Circuit Court pursuant to Chapter 536 of the Revised Statutes of Missouri.

3. Signs designating fire lanes shall comply with the Manual on Uniform Traffic Control Devices. Such signs shall be rectangular in shape with a white background and red letters or yellow, stating "NO PARKING - FIRE LANE ".

4. The signs described in subsection 3 of this section shall be posted in the following manner:

1. At each end of a fire lane which exceeds thirty (30) feet in length with signs that can be read from each direction;

2. Midway between the ends of a fire lane less than thirty (30) feet in length with the signs to be posted to the right of the traffic way and to be legible from the roadway.

12. Add Section 503.3.2

1. Curbs (or pavement if there are no curbs) in a fire lane shall be painted with a stripe at least three (3) inches wide.

2. The paint to be used in complying with subsection 1 of this section shall be yellow or red in color.

3. The yellow or red striping marking a fire lane shall not be a part of, and shall be distinctly different from, any other restricted parking striping used in the area of the fire lane.

4. The curb or pavement shall include a rectangular shape with a white or red letters stating "NO PARKING - FIRE LANE ".

13. Substitute the following for Section 507.5.1

Fire hydrant spacing: In the districts designated RU, RC, RS-1, RS-2, RS-3, RS-4, RD, RA-1, and RA-2 by the City zoning ordinance, fire hydrants shall be six hundred (600) feet apart along any given street, unless a block between two intersecting streets is longer than four hundred (400) feet but less than six hundred (600) feet. In all other districts designated in such zoning ordinance, fire hydrants shall be three hundred (300) feet apart along any given street. In an area in the RU, RC,

RS-1, RS-2, RS-3, RS-4, RD, RA-1, or RA-2 districts which a non-residential use exists, the three hundred (300) foot spacing requirement shall apply.

14. Add sections to 507.5.2 through 507.5.4.7:

507.5.2.1 Hydrant use approval: A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes unless such person first secures the permission of the code official and the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.

507.5.4.1 Obstructing fire hydrants: It shall be unlawful to, by the erection of a fence, placement of a living, dead, or imitation plants, or placement of any decorative device, to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization suppression systems, including fire hydrants and fire department connections that are located in public or private streets and access lanes, or on private property.

507.5.4.2 Notice of violation: The code official shall issue notices of violations of section 507.5.4 to any property owner in violations of said section. The notice shall contain a description of the material(s) found to be a violation, a direction to remove the material(s) within fifteen (15) days after mailing of the notice, and a copy of section 507.4.

507.5.4.3 Removal of materials: Obstructions or encroachments that constitute a violation of 507.5.4 are declared to be a nuisance and may be abated as set forth in Chapter 21 of the City Code.

507.5.4.4 Duty to maintain: It shall be the duty of the owner of the property on which a fire hydrant or fire department connection for the pressurization -- suppression systems is located to maintain the property surrounding such hydrant or connection in such a manner as to comply with section 507.5.4.

507.5.6 Fire Hydrant Construction: Any fire hydrant installed for private or public use shall conform to the specifications of the water company having jurisdiction. Any such hydrant shall be right-hand opening, with two, two and one-half inch outlets, and one, four and one-half inch outlets, and shall be supplied by a water main of sufficient size to provide fire protection.

15. Add section 806.6

806.6 Exterior Combustible Landscape Mulch Materials: Egress doors shall be free of combustible materials for a minimum distance of 20 feet from the centerline of the entrance. This applies to new construction and remodels.

16. Add section 906.11:

906.11 Portable Fire Extinguishers: Fire extinguishers shall meet or exceed Factory Mutual Global or Underwriter's Laboratory specifications.

17. Add Section 5607.16 through 5607.24

5607.16 Permit Application: Application will be submitted five [5] working days in advance before a blasting permit will be issued. Permit applicants shall provide:

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1. Plan explaining an estimated number of blasts and when the job is projected to be completed.

2. A site plan indicating location and number of magazines.

- a. Bunkers, if required
- b. Distance to adjacent buildings and / or structures
- c. Material Safety Data Sheets shall be provided for all materials used on the job site.
- d. Documentation of blasters certification.

3. A blasting contractor failing to apply for blasting permits or found blasting without a permit will be subject to fines as set forth in Section 1-13 of the City Code, plus the cost of a blasting permit.

4. Blasting contractors will provide one of the following to the fire department.

- a. Approved site plan.
- b. Approved grading permit and/or approved building permit.

5607.17 Certification: Blasters Certification shall be required of all blasters. All blasters must obtain certification as a blaster from the Missouri Limestone Producers Association [MLPA] or equivalent. All blasters certification will be provided to the Fire Department and kept on file.

5607.18 Insurance: The blasting contractor shall provide a "Certificate of Insurance" for special blasting liability insurance coverage, in the amount of not less than Three million dollars [\$3,000,000.00]. Certificate of Insurance shall show the "City of Jefferson" as a "Certificate Holder".

5607.19 Signage: Proper signage shall be set on all streets, roads or highways declaring "Blasting Area" and "Shut Off Two-way Radios" [not applicable when non-electric caps are used], within five hundred [500] feet of the blast site.

5607.20 Seismographs: Minimum of one [1] seismograph shall be on all blasting sites. Additional seismographs may be required by the Fire Official. Seismic readings shall not exceed 1.5PS [inch per second]. Sound levels shall not exceed 130 db at the Seismic site. Seismic readings and copies of blasting logs shall be kept on record by the blasting contractor for one year for review if necessary by the fire official.

5607.21 Pre-Blast Surveys: Blasters shall conduct a pre-blast survey when blasting within three hundred [300] feet of any habitable structure, well, road, street or highway.

5607.22 Written Notice: Written notice shall be delivered to all property owner/managers within pre-blast survey area. Notice shall contain: Blasting contractor's name, address and phone number, beginning and ending dates, approximate blasting times, blasting location and party for whom work is being done. Written notice will be delivered five [5] days in advance before blasting.

5607.23 Warnings/Blasting:

1. The blasting contractor shall be responsible for insuring that the area is visually inspected and made clear of people and/or animals.

2. Warnings shall be sounded as follows:
3. Three [3], five [5] to ten [10] second soundings from a siren, air horn or other approved warning device, with minimum sound level of 125 db at one hundred [100] feet, shall be sounded.
4. Wait a full thirty [30] seconds.
5. Sound another five [5] to ten [10] second sounding.
6. Immediately followed by a voice command from an amplified bullhorn, or equivalent.
7. Detonation shall follow.
8. An “all clear”, voice command shall be given after blast and when blast area is safe to enter for inspection.

5607.24 Permit Fee: Permit fee for blasting within the City of Jefferson will be as specified in Appendix Y of the City Code of the City of Jefferson.

18. Add Section 5610: GENERAL

5610.1 Scope: The manufacture, sale and use of fireworks is prohibited within the jurisdiction. The display or discharge of fireworks shall comply with the requirements of this article.

5610.2 Permit required: A permit shall be obtained from the Jefferson City Fire Department for the display or discharge of fireworks, except for activity allowed under Sec. 5610.

5610.3 Permit applications: Application for permits shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The possession and use of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, not shall any such permit be extended beyond the dates set out therein.

19. Add Section 5611: USE, DISPLAY AND DISCHARGE

5611.1 General: It shall be a violation of this code for any person to store, use or explode any fireworks, except as provided in the rules and regulations issued by the Jefferson City Fire Department for the granting of permits for supervised public displays of fireworks by the jurisdiction, fair associations, amusement parks and other organization. Every such public display and private non-projectile fireworks display shall be supervised by an adult permit holder and shall be handled by an approved, competent operator. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the Jefferson City Fire Department, will not be a hazard to the property or endanger any person.

5611.2 Bond for display: The permittee shall furnish a bond in an amount deemed adequate by the Jefferson City Fire Department for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee’s agents, employees or subcontractors.

5611.2.1 Disposal of unfired fireworks: Unfired fireworks and trash that remain after the display is concluded shall be immediately disposed of in an approved, safe manner.

5611.3 Exemptions: Nothing in this article shall be construed to prohibit any wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks provided the same are to be shipped directly out of state, or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. Such wholesalers, dealers and jobbers shall store their supplies of fireworks in accordance with Chapter 56.

5611.4 Seizure of fireworks: The Jefferson City Fire Department shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks that are offered or exposed for display or sale, or are stored or held in violation of this article.

20. Add Section 5612.

5612. Permitted Possession and Uses. Notwithstanding any other provisions of section 5608, the following shall be permitted.

1. Possession and use of Class D fireworks.
2. Transportation of fireworks through the City.
3. Possession and use of Class C fireworks on private property of five (5) acres or more.

All permitted uses of fireworks under this section must occur from June 15th through July 8th, or December 31st through January 1st, and within the hours of 8 a.m. and 10 p.m., except for the 4th of July and New Year's Eve when the hours will be extended until midnight.

(Ord. No. 14974, §1, 5-21-2012)

Section 3. This Ordinance shall be in full force and effect from 60 calendar days after the date of its passage and approval.

Passed: Aug. 21, 2017

Carrie Tergin
Presiding Officer

Approved: Aug. 22, 2017

Carrie Tergin
Mayor Carrie Tergin

ATTEST:

Janice Powell
City Clerk

APPROVED AS TO FORM:

JCL
City Counselor