
Sponsored by: Mayor Hennessy

AN ORDINANCE AMENDING SECTIONS 500.150 THRU 500.180 OF THE CITY OF O'FALLON CITY CODE AND ADOPTING THE 2009 EDITION OF THE *INTERNATIONAL MECHANICAL CODE*, AND CERTAIN AMENDMENTS THERETO, AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND PUNISHMENT FOR VIOLATION THEREOF.

WHEREAS, the City believes it is important to periodically update its health and safety codes to take into account advances in technology, materials and methods of construction; and

WHEREAS, Section 67.280, RSMo. Supp. 2009, authorizes the City of O'Fallon to adopt technical codes of the sort hereinafter referenced by adopting an ordinance which incorporates by reference the provisions of such code or portions thereof and any amendment thereto without setting forth the provisions of such code in full provided that one copy of such code to be so adopted shall be filed in the office of the City Clerk and there kept available for public use, inspection, and examination for a period of ninety days prior to the adoption of the ordinance which incorporates such code, portion, or amendment by reference; and

WHEREAS, a copy of the code referenced and adopted below, has been filed in the office of the City Clerk and kept available for public use, inspection, and examination for a period of at least ninety (90) days prior to the adoption of this ordinance and will, following the adoption of this ordinance, be similarly filed and kept available in the office of the City Clerk;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

Section 1.

Sections 500.150, 500.160, 500.170 and 500.180 of Article V of Chapter 500 of Title V of the Code of Ordinances of the City of O'Fallon, Missouri, are hereby repealed and four new Sections, initially to be designed as Sections 500.150, 500.160, 500.170 and 500.180, are hereby enacted in lieu thereof to read as follows:

TITLE V BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

ARTICLE V: MECHANICAL CODE

SECTION 500.150: MECHANICAL CODE ADOPTED

That certain document, a copy which is on file in the office of the City Clerk of the City of O'Fallon, Missouri, being marked and designated as the *International Mechanical Code*, 2009 edition, including Appendix Chapter "A" (see *International Mechanical Code* Section 101.2.1, 2009 edition), as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of O'Fallon, in the State of Missouri, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of said Mechanical Code on file in the office of the City Clerk of the City of O'Fallon, Missouri, are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in Section 500.160 of this article.

SECTION 500.160: ADDITIONS, INSERTIONS AND CHANGES

The following sections of the Mechanical Code adopted in Section 500.150 are hereby revised:

Section 101.1 Title: Delete "[NAME OF JURISDICTION]" and insert "City of O'Fallon, Missouri".

Section 103.1 Creation of enforcement agency: Delete "code official" and insert "Director of Building Safety".

Section 103.2 Appointment: Delete "by the chief appointing authority of the jurisdiction" and insert "as provided by ordinance".

Add Section: Section 103.5 Licensing of Mechanical Contractors: Any contractor wishing to enter into the mechanical business within the City of O'Fallon shall first be duly examined and be successfully passed and licensed by the Board of Mechanical Examiners of St. Louis County or St. Charles County, Missouri.

Section 106.5.2 Fee schedule: Delete in its entirety and insert: "Fees related to administration of this Code shall be as set forth elsewhere in this Chapter of the Municipal Code."

Section 106.5.3 Fee refunds: Delete in its entirety.

Section 108.4 Violation Penalties: Delete in its entirety and insert: Any person, firm or corporation who violates any provisions of this Ordinance, or who fails to comply with any of the requirements thereof, or who erects, constructs, alters or repair a structure in violation of an approved plan or directive of the Director of Building Safety, or of a permit or certificate issued under the provisions of this Ordinance, or who shall continue any work in or about a structure after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, or any owner or tenant of a building or premises in which such violation shall exist, shall upon conviction thereof be punishable by a fine of not more than \$500.00 dollars or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 108.5 Stop work orders: Delete "not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00)".

Add section: Section 108.5.1 Unlawful Continuance: Any person who continues any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove said violation or unsafe conditions, shall be liable to penalties as specified in Section 108.4 of this Code.

Section 109.1 Application for Appeal: Delete in its entirety and insert : Any applicant shall have the right to appeal a decision of the Director of Building Safety to the Board of Adjustment. Application for appeal shall be made in writing on a form provided by the Director of Building Safety and shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent form of construction is to be used. The appellant shall have the burden to prove that an equivalent form of construction complies with the intent of the provisions of this code, and that the material, method, or work offered is for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

Section 109.2 Board of Appeals: Whenever "Board of Appeal" is used in this Code, it shall mean Board of Adjustment.

Delete Sections 109.2 through 109.7

Add section: Section 903.4 Required Fire Separation Enclosure: All prefabricated metal chimneys shall be enclosed in a fire-resistant shaft with one (1) layer of five-eighths (5/8) inch type "X" gypsum board from the fireplace connector to the underside of the roof sheathing, securely attached with framing material. When the chimney chase is located on an exterior wall of the structure, it need only be separated by lining the wall between the chimney chase and the exterior wall with five-eighths (5/8) type "X" inch gypsum board. All joints are to be tight within one-eighth (1/8) of an inch or tape with joint compound. Required clearances shall be maintained between the chimney and the gypsum board per chimney manufacturer's specifications.

SECTION 500.170: SAVING CLAUSE AND VALIDITY

A. Nothing in this Article or in the Mechanical 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.

B. If any Section, Subsection, sentence, clause or phrase of this Article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Article. The City of O'Fallon, Missouri, hereby declares that it would have passed this Article, and each Section, Subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more Sections, Subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 500.180: PENALTY

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall install mechanical work in violation of an approved plan or directive of the Building Official or of a permit or certificate issued under the provisions of this code shall, upon conviction thereof, be punishable by a fine not more than five hundred dollars (\$500.00) or by imprisonment not exceeding three (3) months, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 2. 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 City of

O'Fallon, Missouri 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 3. Nothing in this ordinance or in the Mechanical 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4. 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 30 days from and after the date of its final passage and adoption.

First Reading: January 27, 2011

Second Reading: February 10, 2011

PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 10th DAY OF February, 2011.

Bill Hennessey
Presiding Officer

Attest:

Pamela L. Clement
Pamela L. Clement, City Clerk

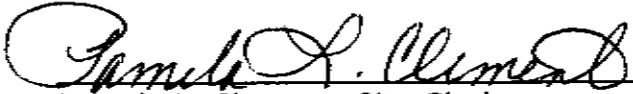


APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI
THIS 10th DAY OF February, 2011.



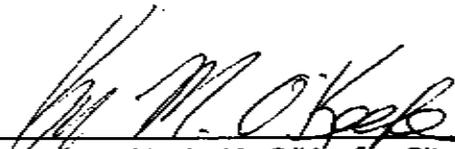
Bill Hennessy, Mayor

Attest:



Pamela L. Clement, City Clerk

Approved as to Form:



Kevin M. O'Keefe, City Attorney

