
Sponsored by: Mayor Hennessy

AN ORDINANCE AMENDING SECTIONS 500.360 THRU 500.380 OF THE CITY OF O'FALLON CITY CODE AND ADOPTING THE 2009 EDITION OF THE *INTERNATIONAL FUEL GAS 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 500.360, 500.370 and 500.380 of Article XI of Chapter 500 of Title V of the Code of Ordinances of the City of O'Fallon, Missouri, are hereby repealed and four new Sections, initially to be designated as Sections 500.360, 500.370, 500.375 and 500.380, are hereby enacted in lieu thereof to read as follows:

TITLE V. BUILDING AND CONSTRUCTION

CHAPTER 500: BUILDING REGULATIONS

ARTICLE XI: FUEL GAS CODE

SECTION 500.360: ADOPTION OF FUEL GAS CODE

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 Fuel Gas Code*, 2009 edition, including Appendix Chapters "A", "B", and "C" (see *International Fuel Gas Code* Section 101.3, 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 fuel gas systems and gas-fired appliances 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 Fuel Gas 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 500.370 of this article.

Section 500.370: ADDITIONS, INSERTIONS AND CHANGES

The following Sections of the Fuel Gas Code adopted in Section 500.360, are hereby revised:

Section 101.1. Title: Insert: "City of O'Fallon, Missouri".

Section 103.1 General: 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".

Section 106.6.2. 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 106.6.3. 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 fails to comply with any of the requirements thereof, or 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 previous 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: Insert not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00)

Add Section: Section 108.51 Unlawful Continuance: Any person who shall continue 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 a violation or unsafe conditions, shall be liable to penalties as specified in Section 108.4 of this Ordinance

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 Membership of the Board: Delete in its entirety and replace with Section 109.2 Board of Appeals: Whenever "Board of Appeal" is used in this Code, it shall mean Board of Adjustment.

Delete Sections 109.3 through 109.7.

SECTION 400.375: SAVING CLAUSE AND VALIDITY

A. Nothing in this Article or in the Fuel Gas 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 500.380: 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 fuel gas piping, appliances and related accessories 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 Fuel Gas 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: 1-27-2011

Second Reading: 2-10-2011

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

Bill Hennessy
Presiding Officer

Attest:

Pamela L. Clement
Pamela L. Clement, City Clerk



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

Bill Hennessy
Bill Hennessy, Mayor

Attest:

Pamela L. Clement
Pamela L. Clement, City Clerk

Approved as to Form:



Kevin M. O'Keefe
Kevin M. O'Keefe, City Attorney