

AN ORDINANCE OF THE CITY OF O'FALLON, MISSOURI ADOPTING THE 2002 EDITION OF THE *NATIONAL ELECTRIC CODE*, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ELECTRICAL SYSTEMS IN THE CITY OF O'FALLON, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 4091 OF THE CITY OF O'FALLON, MISSOURI AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That a certain document, three (3) copies which is on file in the office of the City Clerk of the City of O'Fallon, Missouri, being marked and designated as the *National Electric Code*, 2002 edition, including Article 80, as published by the National Fire Protection Agency, be and is hereby adopted as the Electrical 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, replacement, addition to, use of, maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical 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 ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

- 1 Add: Article 80.10: Licensing of Electrical Contractors: Any contractor wishing to enter into the electrical business within the City of O'Fallon, shall first be duly examined and be successfully passed and licensed by the Board of Electrical Examiners of St. Louis County or St. Charles County, Missouri.
2. Article 80.15 Electrical Board: Delete in its entirety and insert: "Means of Appeal".
 - A. Application of Appeal: Any person 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. An equivalent form of construction must be proven that such complies with the intent of the provisions of this code, and 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.
 - B. Whenever "Electrical Board" is mentioned in this code, it shall mean the Board of Adjustment
3. Article 80.23 Notice of Violations, Penalties: Delete in its entirety and insert:

- A. Notice of Violation:** When the Director of Building Safety determines that a violation of this Code exists, other than a stop work order, he/she shall immediately notify the violator. The notification shall be in writing and shall be delivered to the violator or his legally authorized representative or mailed 1st class US Mail to his last known address. Any person having been notified that a violation other than a stop work order exists and who fails to abate the violation within ten (10) days after notification shall be subject to the penalties as specified in Section 80.23 B of this Code.
- B. Violation Penalties:** 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 who shall continue any work in or about a structure after having been served a stop work order, except for such which that person, firm or corporation has been directed 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.
- C. 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 13.4 of this Ordinance.

4. Article 80.27 Inspector's Qualifications: Delete in its entirety

Section 3. That Ordinance No. 4091 of the City of O'Fallon, Missouri entitled the National Electrical Code and all other ordinances or parts of ordinances 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 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 5. That nothing in this ordinance or in the Electrical 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 as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the City Clerk is hereby ordered and directed to cause this ordinance to be published.

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

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF O'FALLON, MISSOURI THIS 12 DAY OF May, 2005.

Donna Mearow
Mayor

ATTEST:

Pamela L. Smith
City Clerk
Interim

APPROVED BY THE MAYOR OF THE CITY OF O'FALLON THIS 16th DAY OF May, 2005

Donna Mearow
Mayor

ATTEST:

Pamela L. Smith
City Clerk
Interim

APPROVED AS TO FORM

[Signature]
City Attorney