

AN ORDINANCE OF THE CITY OF AURORA, MISSOURI, REPEALING TITLE V "BUILDING CODE" CHAPTER 520 "FIRE CODE AND FIRE PROTECTION" BY REPLACING IT WITH A NEW CHAPTER 520 "FIRE CODE AND FIRE PROTECTION"

WHEREAS, the City of Aurora, Missouri (the "City"), is a city of the third class and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the constitution and laws of the State of Missouri; and

WHEREAS, the building regulations currently in use are the 2006 International Building Code (IBC) building codes; and

WHEREAS, the IBC is updated every 3 years; and

WHEREAS, there has been five (5) updates to the IBC since 2006; and

WHEREAS, it is strongly recommended by the Insurance Service Office (ISO) that the City of Aurora update its Building Regulations to the 2018 IBC in order to maintain an acceptable ISO rating within the City of Aurora; and

WHEREAS, the Building Inspector, the Fire Chief and the City Council having reviewed the current ordinance and the basis for the proposed changes, determined the need to repeal Title V: "Building Code" Chapter 520: "Fire Code and Fire Protection" by replacing it with a new Chapter 520: "Fire Code and Fire Protection" to the Municipal Code of Ordinances; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AND FOR THE CITY OF AURORA, MISSOURI, AS FOLLOWS:

Section One. The City Council hereby amends Title V: "Building Code" Chapter 520: "Fire Code and Fire Protection" by replacing it with a new Chapter 520: "Fire Code and Fire Protection" to read as follows:

CHAPTER 520: FIRE CODE AND FIRE PROTECTION

Cross References-- emergency management, Ch. 230; garbage and refuse as a public nuisance, §220.030; housing, Ch. 515; junked, wrecked, abandoned property, Ch. 250; mobile homes and trailers, Ch. 525; nuisances, Ch. 220; offenses, Ch. 215; streets, sidewalks and other public places, Ch. 535; traffic code, Title III; utilities, Title VII; subdivisions, Ch. 410; zoning, Ch. 400.

ARTICLE I. GENERAL PROVISIONS

SECTION 520.010: FIRE ZONES ESTABLISHED

- A. Fire Zone One. Fire Zone One shall be the area bounded by the following: Beginning at the center point of the intersection of East Crescent Street and Windsor Avenue and running north along the centerline of Windsor Avenue to the centerline of the alley between Cofield and Tyndall; thence west along the centerline of such alley to the centerline of Wilson Avenue; thence south along the centerline of Wilson Avenue to the centerline of the alley between Cofield and Crescent; thence west along the centerline of such alley to the centerline of North Harrison Avenue extended; thence south along the centerline of North Harrison Avenue extended to the centerline of West Mill Street extended; thence west along the centerline of West Mill Street extended to the centerline of North Lincoln Avenue extended; thence south along the centerline of Lincoln Avenue extended to a point one hundred forty (140) feet north of the centerline of West Olive Street; thence west one thousand two hundred fifty (1,250) feet along a line parallel to and one hundred forty (140) feet north of the centerline of West Olive Street; thence north ninety (90) feet to a point two hundred thirty (230) feet north of the centerline of West Olive Street; thence west along a line two hundred thirty (230) feet north of and parallel to the centerline of West Olive Street to the centerline of Carnation Road; thence south along the centerline of Carnation Road four hundred ten (410) feet; thence east along a line one hundred eighty (180) feet south of and parallel to the centerline of West Olive Street to a point one hundred eighty (180) feet west of the centerline of Washington Avenue; thence south along a line one hundred eighty (180) feet west of and parallel to the centerline of Washington Avenue to the centerline of the alley between West College Street and West Church Street; thence west along a line two hundred two and one-half (202½) feet north of and parallel to the centerline of West Church Street (U.S. Business Route 60) to the centerline of Carnation Road; thence south four hundred five (405) feet along the centerline of Carnation Road; thence east along a line two hundred two and one-half (202½) feet south of and parallel to the centerline of West Church Street to a point one hundred eighty (180) feet west of the centerline of Washington Avenue; thence south along a line one hundred eighty (180) feet west of and parallel to the centerline of Washington Avenue to the centerline of South Street; thence east along the centerline of South Street to a point one hundred eighty (180) feet west of the centerline of South Elliott Avenue; thence south along a line one hundred eighty (180) feet west of and parallel to the centerline of South Elliott Avenue to the centerline of East Prospect Street; thence east to the centerline of South Elliott Avenue; thence south seven hundred forty (740) feet along the centerline of South Elliott Avenue; thence east one hundred eighty (180) feet; thence north along a line one hundred eighty (180) feet east of and parallel to the centerline of South Elliott Avenue to a point two hundred two and one-half (202½) feet south of the centerline of East Church Street; thence east along a line two hundred two and one-half (202½) feet south of and parallel to the centerline of East Church Street to a point six hundred thirty (630) feet east of the centerline of South Hudson Avenue; thence north four hundred five (405) feet along a line six hundred thirty (630) feet east of and parallel to the centerline of South Hudson Avenue; thence west along a line two hundred two and one-half (202½) feet north of and parallel to the centerline of East Church Street to the centerline of South Elliott Avenue; thence north along the centerline of South Elliott Avenue to the

centerline of East Locust Street; thence east along the centerline of East Locust Street to the centerline of the alley between Park Avenue and Oak Avenue; thence north to the centerline of East Crescent Street; thence west along the centerline of East Crescent Street to the point of beginning.

- B. Fire Zone Two. Fire Zone Two shall be the entire remaining area within the City not specifically designated as Fire Zone One. (Code 1972, §6-1; CC 1988 §5-1)

ARTICLE II. FIRE CODE ADOPTION AND IMPLEMENTATION

SECTION 520.020: FIRE CODE – ADOPTION

The International Fire Code (I.F.C.) is hereby adopted as the Fire Code of the City of Aurora, Missouri, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Aurora and providing for the issuance of permits for hazardous uses or operations as needed; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, **2018** Edition, published by the International Code Council, one (1) copy of which code is on file in the office of the City Clerk of the City of Aurora and marked "Official Copy ". (Ord. No. 95-2195 §§1--3, 9-12-95; Ord. No. 2003-2559 §1, 8-26-03; Ord. No. 2004-2581 §§1-3, 1-27-04; Ord. No. 2004-2628 §§1--3, 11-9-04)

SECTION 520.030: ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION

The Fire Code shall be enforced by the Fire Chief of the City of Aurora, Missouri, or his/her designee, under the supervision of the Fire Chief.

- A. The person in charge of the Bureau of Fire Prevention shall be appointed by the Fire Chief on the basis of examination to determine his qualifications.
- B. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City of Aurora, Missouri, the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause. (CC 1988 §10-12; Ord. No. 89-1986, §2, 7-10-89; Ord. No. 95-2195 §§1--3, 9-12-95)

SECTION 520.040: DEFINITIONS – ADDITIONS, INSERTIONS AND DELETIONS

Whenever the word "jurisdiction" is used in the I.F.C., it is the City of Aurora, Missouri.

The following Sections of the I.F.C. are hereby revised:

Section 101.1 Title. These regulations shall be known as the Fire Code of the city of Aurora, hereinafter referred to as "this code."

Section **103.2** Insert: The Chief of the Fire Department is the Code Officer in charge of the Department of Fire Prevention.

Section 109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a City ordinance violation **punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.**

Section 112.1 Order. Where the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.

Section 112.4 Failure to Comply. Any person who shall continue any work 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 to a fine of not less than 50 (fifty) dollars or more than 500 (five hundred) dollars.

SECTION 520.050: ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED

The limits referred to in certain Sections of the **2018** International Fire Code are hereby established as follows:

Chapter 55 (limits in which the storage of flammable cryogenic fluids in stationary containers is restricted to): "M-2".

Section 5706.2.4.4 (limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited): "R-1", "R-2", "R-3", "C-O", "C-1", "C-P", "MHP", "PRD", "CP", "AE".

Section 5706.2.4.4 (limits in which the storage of Class I and Class II liquids in aboveground tanks is prohibited): "R-1", "R-2", "R-3", "C-O", "C-1", "C-P", "MHP", "PRD", "CP", "AE".

Section 61.04.2 (limits in which the storage of liquefied petroleum is restricted to for

the protection of heavily populated or congested areas): "A-1", "M-2". (CC 1988 §10-14; Ord. No. 89-1986 §4, 7-10-89; Ord. No. 95-2195 §§1--3, 9-12-95; Ord. No. 2004-2581 §§1--3, 1-27-04; Ord. No. 2004-2628 §§1--3, 11-9-04)

SECTION 520.060: PERMITS

In the **2018** International Fire Code, where permits are required as listed with the word "shall", the wording "may" will be supplemented. The I.F.C. provides for the issuance of permits and collection of fees, therefore.

The City of Aurora Fire Department will require permits concerning the following Sections of the I.F.C.: 105.6.2, 105.6.15, 105.6.28, 105.6.31, 105.6.37. (Ord. No. 2004-2581 §§1--3, 1-27-04; Ord. No. 2004-2628 §§1--3, 11-9-04)

Editor's Note--Ord. no. 2004-2581 §1, adopted January 27, 2004, superseded section 520.050 "establishment of limits in which storage of liquified petroleum gases is to be restricted" and enacted the new provisions set out herein. Former section 520.050 derived from CC 1988 §10-15; ord. no. 89-1986 §5, 7-10-89; ord. no. 95-2195 §§1--3, 9-12-95.

SECTION 520.070: APPEALS

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code does not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Building Board of Appeals within thirty (30) days from the date of the decision appealed. (CC 1988 §10-16; Ord. No. 89-1986 §6, 7-10-89)

SECTION 520.080: NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The City Manager, the Building Official, and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies for which permits are required in addition to those now enumerated in said Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons. (CC 1988 §10-17; Ord. No. 89-1986 §7, 7-10-89)

SECTION 520.090: PENALTIES

- A. Any person who shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building

Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance, respectively, be guilty of a City ordinance violation, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (CC 1988 §10-18; Ord. No. 89-1986 §8, 7-10-89)

ARTICLE III. FIRE PROTECTION

SECTION 520.100: FIRE HAZARDS--INSPECTION TO ASCERTAIN--NOTICE TO ABATE—APPEALS

It shall be the duty of the Fire Chief, Building Official and Building Inspector to always examine carefully during the year every house, store or building and places for the keeping and depositing of ashes, and to ascertain and report to the City Attorney all violations of this Chapter. When the Fire Chief, Building Official or Building Inspector deems any building, chimney, stove, stove pipe, hearth, oven, boiler, ash house or apparatus used or suffered to be used in any building or manufactory unsafe, or discovers any cause or condition from which immediate danger of Fire may be apprehended, he may either remove or abate the same, in case of the neglect or refusal of the owner, agent, occupant, lessee or person in charge thereof, after having been directed to do so, or he may serve written notice upon the owner, agent, occupant, lessee or person in charge thereof. The notice shall direct such measures as will render the same more safe against fire, and the owner, agent, occupant, lessee or person in charge thereof shall comply with such order of the official within the time fixed by him; provided, that such owner, agent, occupant, lessee or person in charge of the building shall be entitled to appeal from such order to a board consisting of the Mayor, and three (3) City Council members, whose decision shall constitute the final order to be complied with. (Code 1972, §13-7; Ord. No. 86-1905 §2, 4-28-86; CC 1988 §10-7)

Cross Reference--For authority of building official to determine dangerous buildings, see §510.050 of this code.

SECTION 520.110: FIRE HAZARDS--DUTY TO REPORT

It shall be the duty of any employee of the City who may become cognizant of the existence of any condition likely to cause fire to report the same to the Building Official. (Code 1972, §13-8; CC 1988 §10-8)

SECTION 520.120: FIRE HAZARDS -- FAILURE TO COMPLY WITH ABATEMENT ORDER -- PENALTY -- RECOVERY OF COSTS

Any person who shall fail, neglect, or refuse to comply with any order that may be given

by the Fire Chief, Building Official or Building Inspector under Section 520.100 shall be deemed guilty of a misdemeanor. In addition, in case of fire resulting directly or indirectly from any omission or neglect to properly comply with the written order as provided in Section 520.100, the person culpable or negligent in respect thereto shall be liable in a civil action for the payment of all costs and expenses of the Fire Department incurred in and about the use of employees, apparatus and materials in the extinguishment of any fire resulting from such cause. The amount of such costs and expenses shall be fixed by the mayor and, when collected, shall be paid into the general fund of the City. (Code 1972, §13-9; Ord. No. 85-1891, 7-8-85; Ord. No. 86-1905 §2, 4-28-86; CC 1988 §10-9)

Section Two: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section Three: That this ordinance shall be in full force and effect upon passage by the City Council.

NOTE: Language that is **bold and underlined** has been added. Language struck through shall be deleted.

***PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AURORA,
MISSOURI ON THIS 9th DAY OF FEBRUARY, 2021.***

APPROVED:

Doyle Ferguson, Mayor

ATTEST:

Kimberly Breedlove, City Clerk