

# Proposed Fire Code Changes

(Enclosure #2)

Note: Bold items reflect the provisions being changed in each section.

**Proposal #1**: That Chapter 16 of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by adding a new section to be numbered, entitled and read as follows:

Sec. 16.4. Violation penalties; abatement.

(a) *Violation penalties*. Persons who shall violate a provision of this code during the same **36** month period, including the standards adopted by reference 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 code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor and upon conviction, punishment shall be assessed as follows:

- (1) For the first conviction, by a fine of not less than \$25.00.
- (2) For the second conviction, by a fine of not less than \$200.00 or by confinement in the county jail for a term of not less than 30 days.
- (3) For the third and subsequent convictions, by a fine of \$500.00 or by confinement in the county jail for a term of not less than 60 days.

Nothing in this subsection shall be construed to prevent the imposition of a larger fine or the imposition of a longer jail sentence or the imposition of both a fine and imprisonment consistent with Section 1-14 of this code. Each day that a violation continues shall be deemed a separate offense.

(b) *Abatement of violation*. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

PURPOSE: An ordinance amending Chapter 16 entitled “Fire Protection & Prevention” to add a new section 16-4 entitled “Violation penalties; abatement” and to delete Section 16-34.

REMARKS: These changes are intended to consolidate and strengthen the penalty provisions for violations under the city’s fire code. The current fire code defines penalties for violations in two different sections; Section 16-32, paragraph (3) and Section 16-34. These penalty provisions are being consolidated under Section 16-4 under the general provisions of this chapter in order to eliminate any conflicts or confusion. It is also being amended by increasing the time frame for the application of the progressive penalties from 12 months to 36 months. Because operating permit inspections only occur once a year, it is unlikely that a progressive penalty provision that

expires every year would be effective. This would make this progressive penalty provision cover a three (3) year window, thereby making it potentially more effective for repeat offenders and hopefully stop the violation.

**Proposal #2:** That Chapter 16 of the Code of Ordinances of the City of St. Joseph, Missouri, be, and hereby is, amended by repealing Section 16-32 entitled “Amendments” and enacting in lieu thereof a new Section 16-32 to be numbered and read as follows:

Sec. 16-32. Amendments.

The fire prevention code adopted in Section 16-31 is amended by the following insertions, additions and deletions:

- (3) **Section 109.0 Violations. The International Fire Code, Section 109.0, “Violations”, is amended by adding a new subsection to be known as Subsection 109.2.5 to read as follows:**

**109.2.5 Citations without notice. The following sections of the 2006 International Fire Code are considered a threat to the public health, safety and welfare due to their nature. As such, a citation may be issued immediately upon discovery of the violation, without serving a notice of violation and/or providing a time period within which to correct the deficiency:**

**Section 105.3.3 - Occupancy prohibited before approval.**

**Section 105.6.47 - Maintenance of fire suppression equipment.**

**Section 107.4 - Rendering equipment inoperable.**

**Section 107.6 - Overcrowding.**

**Section 109.2.4 - Unauthorized tampering with a notice of violation.**

**Section 305.4 - Deliberate or negligent burning.**

**Section 310.5 - Compliance with No Smoking signs.**

**Section 401.3.1 - Making a false report.**

**Section 507.3 - Pitfalls.**

**Section 2703.3 - Release of hazardous materials.**

**Section 2703.3.1 - Unauthorized discharge of hazardous materials.**

- (4) *Section 109.0 Violations.* The International Fire Code, Section 109.0, “Violations”, is amended by deleting Subsections 109.3 **and 109.3.1 in their entirety.**

**PURPOSE:** An ordinance amending Section 16-32 entitled “Amendments” to the Fire Prevention Code, which sets forth the policies and procedures pertaining to fire safety in the City of St. Joseph, Missouri.

**REMARKS:** The purpose of this change to the International Fire Code Section 109 “Violations” is to allow Fire Inspectors to write citations upon observing the following Fire Code violations without having to give the occupant prior notice that a violation exists. It is our belief that these

violations are so self evident and that they pose a danger to both the public and/or emergency responders that a warning and time to correct should not be required.

Also, Sections 109.3 and 109.3.1 are being deleted from the International Fire Code as they are being incorporated into the new Sec. 16-4 in Article I “In General” of Chapter 16 under proposal #1 above.