BILL NO. 2019'35 ORDINANCE NO. 8186

AN ORDINANCE TO AMEND TITLE II: PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER 225: FIRE CODE, OF THE MUNICIPAL CODE OF THE CITY OF MARYVILLE, MISSOURI.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, NODAWAY, COUNTY, MISSOURI, as follows:

SECTION 1: That Title II: Public Health, Safety and Welfare, Chapter 225: Fire Code, of the Municipal Code of the City of Maryville, Missouri, is hereby amended which shall read as follows and is hereby incorporated by reference:

Chapter 225
Fire Code

Section 225.010. International Fire Code.

A. In order to regulate and govern 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, and to provide for the issuance of permits for hazardous uses or operations, except for such portions as herein modified, added, deleted or amended within this Chapter, the International Fire Code, 2018 Edition, is hereby adopted and shall be incorporated as if fully set forth herein and shall be hereafter known as the Fire Code of the City of Maryville, Missouri, including the following appendices:

1. Appendix B — Fire Flow Requirements for Building;

2. Appendix C — Fire Hydrant Locations and Distribution;

3. Appendix D — Fire Apparatus Access Roads;

4. Appendix E — Hazardous Categories;

5. Appendix F — Hazard Ranking;

6. Appendix G — Cryogenic Fluids — Weight and Volume Equivalents;

7. Appendix H — Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions;

8. Appendix I — Fire Protection System - Non-compliant Conditions;

9. Appendix J — Building Information Sign;

10. Appendix K — Construction Requirements for Existing Ambulatory Care Facilities;

11. Appendix L — Requirements for Firefighter Air Replenishment Systems;

12. Appendix M — High-rise Buildings - Retroactive Automatic Sprinkler Requirement;

13. Appendix N — Indoor Trade Shows and Exhibitions.

Section 225.020. International Fire Code — Insertions.

A. The International Fire Code, 2018 Edition, as adopted as the Fire Code of the City of Maryville is hereby subject to the following insertions:

1. *Section 101.1.* The term "City of Maryville" shall be inserted.

2. *Section 111.4.* The insertions in that Section shall read ". . .A fine not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00)."

3. Wherever a reference is made to "jurisdiction" within the International Fire Code, 2006 Edition, it shall be understood to mean the City of Maryville, Missouri.

4. Section 307 "Open Burning and Recreational Fires" shall be applied.

Section 225.030. International Fire Code — Area Limitations.

A. The area limits referred to in certain Sections of the International Fire Code, 2018 Edition, are hereby established as follows:

1. In Section 5704.2 of the International Fire Code, 2018 Edition, storage of flammable cryogenic fluids in stationary containers is prohibited in the following zones: AG, R-1, R-2, R-3, R-4, C-0, C-1, C-2, C-3, and M-1.

2. In Section 5704 of the International Fire Code, 2018 Edition, storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited in the following zones: AG, R-1, R-2, R-3, C-0, C-1 and C-2.

3. In Section 5704 of the International Fire Code, 2018 Edition, storage of Class I and Class II liquids in aboveground tanks is prohibited in the following zones: Ag, R-1, R-2, R-3, R-4, C-0, C-1 and C-2.

4. In Section 6104.1 of the International Fire Code, 2018 Edition, the storage of liquified petroleum gas is restricted for the protection of heavily populated or congested areas and shall be prohibited in the following zones except as allowed in Section 225.050(B) of the Maryville Municipal Code: AG, R-1, R-2, R-3, R-4, C-0, C-1, C-2, C-3, and M-1.

5. Section 307, Open Burning and Recreational Fires, 2018 International Fire Code, to include Section 225.065, Open Burning Regulations, as set forth in the City of Maryville Municipal Code.

Section 225.040. International Fire Code — Deletions.

A. The following portions as set forth in the International Fire Code, 2018 Edition, shall be deleted in their entirety:

1. Section 105-Permits.

Exceptions: A construction permit shall be required as set forth in Chapter 1 of the 2018 International Fire Code. Permit fees shall be established as set forth in the Municipal Code of the City of Maryville, Section 500.090, Building Permit Fees. Permits shall be required for the following:

a. 105.7.1 Automatic fire-extinguishing systems;

b. 105.7.6 Fire alarm and detection systems and related equipment;

c. 105.7.7 Fire pumps and related equipment.

2. Section 108-Board of Appeals.

3. Section 109.3-Violation penalties.

4. Appendix A-Board of Appeals.

Section 225.050. International Fire Code — Modifications.

A. Chapter 56, Explosives and Fireworks, of the International Fire Code, 2018 Edition, is hereby amended to include Chapter 230, Fireworks, of the Municipal Code of the City of Maryville, which is adopted and made a part of the International Fire Code, 2018 Edition, by reference set forth in Missouri Department of Public Safety, Chapter 3: Fireworks, 11CRS40-3.010. In the event there is a conflict between a provision contained within Chapter 33, Explosives and Fireworks, and a provision contained within Chapter 230, Fireworks, the provision of Chapter 230, Fireworks, shall prevail.

B. Section 6104 of the International Fire Code, 2018 Edition, shall be modified by deleting Subsection 3804.2 and implementing the following in its place:

6104.2 Maximum Capacity Within Established Limits. Within the limits established by law and the adopting ordinance restricting the storage of liquified petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one (1) installation shall not exceed a water capacity of one hundred twenty-five (125) gallons (473L), except that in areas where natural gas service is not available at the property line at the time occupancy is commenced, the aggregate capacity of any one (1) installation shall not exceed a water capacity of five hundred (500) gallons (18921).

Section 225.060. Appeals.

Any person aggrieved by a decision or action of the Code Enforcement Officer or designee of the Fire Division or other official of the City of Maryville under this Chapter may appeal such decision or action to the Board of Code Appeals. Such appeal shall be in accordance with the provisions of Sections 530.070, 530.080, 530.090 and 530.110 of the Municipal Code of the City of Maryville and with Chapter 110 of the Municipal Code of the City of Maryville, all of which are adopted herein by reference as if set forth fully herein.

Section 225.065. Open Burning Regulations.

A. *Unlawful Open Burning.* It shall be unlawful to engage in the following acts of open burning.

1. It shall be unlawful to burn or attempt to burn any item other than leaves, small twigs and tree branches which shall not include full trees or stumps;

2. It shall be unlawful to burn any solid waste, industrial process waste, normal solid waste, or special solid waste, as those terms are defined in Section 220.010;

3. It shall be unlawful to burn any yard waste if the burn pile is greater than sixteen (16) feet in diameter or is greater than four (4) feet in height;

4. It shall be unlawful to burn or attempt to burn any item in steel barrels;

5. It shall be unlawful to burn or attempt to burn any item on the public streets, sidewalks, alleyways or in public rights-of-way;

6. It shall be unlawful to burn or attempt to burn any item during the period of any burn ban implemented by the City or other governmental entity;

7. It shall be unlawful to burn or attempt to burn any item if such burning causes emissions (smoke or air contaminants) which are offensive to residents, occupants or individuals in the area, which shall be determined based upon complaints received in the immediate one block area and the general flow of smoke and odors. Under these instances as determined by the Maryville Public Safety Department, the open burning shall be immediately extinguished by the individual responsible for the open burning and shall be deemed an unlawful burning;

8. It shall be unlawful to burn or attempt to burn any item if such burning is hazardous to other individuals, structures or property as determined by City representatives;

9. It shall be unlawful to burn or attempt to burn any item in violation or contrary to any provisions of this Section.

B. *Lawful Open Burning.*

1. Open burning shall be lawful:

a. When done between April 1 and April 14, July 17 and July 31, October 24 and November 6 from dawn until dusk or as modified or extended by City Council based primarily on weather conditions; and

b. When the burn pile is no less than fifty (50) feet from any structure or other combustible material and not greater than sixteen (16) feet in diameter and/or not greater than four (4) feet in height.

2. Open burning upon permit authorization issued by the Director of Public Safety in accordance with the applicable ordinances, including Section 540.040 of the Maryville Municipal Code, in order to incinerate areas larger than otherwise authorized herein and/or special events such as bonfires and demolition;

3. Intentional setting of fires to combat or limit existing fires when reasonably necessary in the judgment of the responsible government official;

4. Fires contained within commercially built outdoor fireplaces designed to prevent the spread of flames or embers are permitted on privately owned property of a one- or two-family dwelling for pleasure, cooking, warmth, or similar purposes. Outdoor fireplaces may not be used for burning trash, yard waste (other than small tree branches, cut/broken to fit in the fireplace), rubbish or similar material;

5. Small open flames for heating tar or welding, as well as using acetylene torches, safety flares and the like;

6. Burning conducted in accordance with a permit granted by the Environmental Protection Agency, the State of Missouri or other government agency.

C. *Safety Regulations.* In order to be lawful, all open burning authorized under this Section must comply with the following safety regulations:

1. All open burning shall have as its primary source of extinguishing equipment a water hose of not less than five-eighths (⅝) inch in diameter connected to the City water supply. Said water supply shall be readily available at all burn sites and be not less than twenty (20) feet from the burn site at all times. All water hoses shall be equipped with nozzles and the hose shall be maintained charged during the period of burning.

2. In lieu of the primary source described above, a minimum of one (1) portable fire extinguisher with a minimum 4A rating or other approved on-site fire extinguishing equipment such as soil, sand, water barrel or water truck shall be for immediate utilization. Said fire extinguishing equipment shall be not less than twenty (20) feet from the burn site at all times and shall be charged and immediately available to extinguish the fire.

3. The individual responsible for the open burning shall be at least sixteen (16) years of age and in constant attendance of the open burning from the commencement of the fire until the fire is completely extinguished and has been drenched or saturated with water.

D. *Burning Limitations.*

1. The Director of Public Safety or his/her designee may issue a burn ban within the City limits at any time based on existing circumstances including weather, ground moisture and wind conditions after notifying the City Manager. This burn ban shall be publicized throughout the duration of the ban in a manner designed to provide information to the general public. No burning shall be authorized during such burn ban, notwithstanding any other provisions of this Section.

2. If any otherwise lawful burning is determined by the Maryville Public Safety Department or other City Official to be hazardous in nature, said open burning shall be immediately extinguished by the individual responsible for the open burning and shall be deemed an unlawful burning. The term hazardous shall be determined and documented by the official, but shall include dangers of secondary burning to individuals or property, as well as other hazardous situations including explosions and air contamination.

3. In the event any burning is instituted in violation of this Section, the Maryville Public Safety Department is authorized to require said open burning to immediately cease.

Section 225.070. General Penalty.

Whenever in the Fire Code adopted herein or any provision of this Chapter or any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision by any person is hereby declared to be an ordinance violation; and, upon conviction, unless some other penalty is prescribed in this Code or such ordinance, such person may be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment for a term not exceeding three (3) months, or both such fine and imprisonment in the discretion of the court having jurisdiction. In any case wherein the penalty for an offense is fixed by any Statute, the Council shall affix the same penalty by ordinance for the punishment of such offense.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 10th day of June, 2019.

Rachael Martin, Mayor

ATTEST:

Stacy Wood, Interim City Clerk