

BILL 10137

ORDINANCE 10004

AN ORDINANCE AMENDING THE KIRKWOOD CODE OF ORDINANCES, CHAPTER 5, SECTION 5-6(A) AND ADOPTING THE 2009 INTERNATIONAL FUEL GAS CODE, WITH MODIFICATIONS, AS THE FUEL GAS CODE OF THE CITY OF KIRKWOOD, REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITIONS TO, USE OR MAINTENANCE OF FUEL GAS SYSTEMS IN THE CITY OF KIRKWOOD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES.

WHEREAS, the ISO has recommended the City update its Building Codes to the latest codes, and

WHEREAS, the Building Commissioner's Office reviewed the latest Building Codes and recommends adoption of the 2009 International Fuel Gas Code with modification, and

WHEREAS, the Chief of Administrative Officer has approved the recommendation of the Public Works Department to adopt the fuel gas code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, as follows:

SECTION 1. That Kirkwood Code of Ordinances is hereby amended by inserting Section 5-6(a) as follows:

“Section 5-6(a) Fuel Gas Code: The provisions of the “2009 Fuel Gas Code” as modified, is hereby adopted as the City of Kirkwood Fuel Gas Code. See separate publication and adopting modification ordinance on file in the office of the City Clerk.”

SECTION 2. That a certain document, which is on file in the office of the City Clerk, being marked and designated as the 2009 Fuel Gas Code, as published by the International Code Council, Inc., be and is hereby adopted as the Fuel Gas Code of the City of Kirkwood, Missouri, and all of the regulations, provisions, penalties, conditions, and terms of the 2009 Fuel Gas Code, 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, prescribed in this ordinance.

SECTION 3. That throughout the 2009 International Fuel Gas Code, wherever the term “jurisdiction” is used, it is deemed to mean City of Kirkwood, and wherever the expression “Code Official” is used, it is deemed to mean the Building Commissioner.

SECTION 4. That the 2009 International Fuel Gas Code is amended by additions, deletions and changes including of articles, chapters, sections, subsections, and subsection titles and the addition of new sections and subsections so that such amended and added articles, sections and subsections shall read as follows:

Each section, subsection or clause of the Code that numerically corresponds to one of the following numbered provisions is hereby deleted, or amended, as set forth below. Each

provision set out below without a corresponding section, subsection or clause number in the Code is hereby enacted and added thereto.

101.1 – Title: These regulations shall be known as the Fuel Gas Code of the City of Kirkwood, hereinafter referred to the “this Code”.

101.2 – Delete exception 2 in it’s entirety

106.6.2 – Fee Schedule: Fees shall be established as prescribed in Chapter 5, Article VI of the Code of Ordinances of the City of Kirkwood.

106.6.3 – Delete in it’s entirety

106.7 – Investigation Fee for Work without Permit: Whenever any work for which a permit required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit is issued. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this Code. Payment of the investigation fee shall not exempt any person from compliance with all the provisions of this Code nor from any penalty prescribed by law.

107.1.2 – Supplemental Inspections: In addition to the required inspections herein before specified, the Code official may make other inspections which are reasonably necessary due to the unusual construction or circumstances. The Code official shall have the authority to inspect any construction work in order to ascertain whether compliance with this Code is being met and in order that the Code official may properly enforce the rules promulgated under this Code.

107.1.3 – Extra Inspections: In addition the inspections otherwise required, the Code official is authorized to perform extra inspections and reinspections which due to noncompliance with the requirements of this Code, or work not ready or accessible for inspection when requested.

108.4 – Delete in its entirety and add: Violations Penalties: Any person, firm or corporation who shall violate any provision of this ordinance, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a structure in violation of an approved plan or directive of the Code official, or of a permit or certificate issued under the provisions of the ordinance, or shall start any work requiring a permit without first obtaining a permit therefore, or who shall continue any work in or about a structure after having been served s stop work order, except for such work which that person, firm or corporation has been directed to perform to remove a violation or unsafe condition, or any owner or tenant of a building or premises or any other person who commits, takes part or assists in any violation of this Code or who maintains any building or premises in which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine as prescribed in Section 1.8 of the Code of Ordinances of the City of Kirkwood.

108.5 - Amend last sentence of Stop Work Orders to read “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 condition, shall be guilty of a misdemeanor punishable by a fine as prescribed in Section 1.8 of the Code of Ordinance of the City of Kirkwood”.

109.1 – Delete in its entirety and add: Appeals: The Board of Appeals appointed under the provisions of the building Code shall have jurisdiction to hear all appeals under this Code.

109.2 – through - 109.6.2 - Delete in their entirety

SECTION 5. That nothing in this ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending 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 herein; nor shall any just or legal right or remedy or any character be lost, impaired, or affected by this ordinance.

SECTION 6. If any section, subsection, provision, sentence, clause or phrase of this ordinance or of the 2009 International Fuel Gas Code is for any reasons held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or of said Code, and the City of Kirkwood hereby declares that it would have passed the same, even though such portion so held to be unconstitutional had not been included therein, and to this end the provisions of this ordinance declared to be severable.

SECTION 7. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 21ST DAY OF APRIL 2011.

Mayor, City of Kirkwood

ATTEST:

City Clerk

1st Reading: April 7, 2011

2nd Reading: April 21, 2011