

BILL NO. 12-134

ORDINANCE NO. 18013

AN ORDINANCE AMENDING CHAPTER 9 OF THE "CODE OF THE CITY OF INDEPENDENCE, MISSOURI," ADOPTING THE 2012 INTERNATIONAL FIRE CODE AND THE 2012 LIFE SAFETY CODE AND MAKING OTHER NECESSARY REVISIONS.

WHEREAS, the City Council of the City of Independence, Missouri, desires to adopt the 2012 edition of the International Fire Code and the 2012 edition of the Life Safety Code, now that copies have been on file with the City Clerk for ninety (90) days as required by R.S.Mo. 67.280, and make other necessary revisions to Article 1 of Chapter 9;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Article 1, "International Fire Code" of Chapter 9 of the Independence City Code, be and is hereby amended, to read as follows:

"SEC. 9.01.001. INTERNATIONAL FIRE CODE, ADOPTED.

The ~~2006~~2012 Edition of the International Fire Code, including the appendices published by the International Code Council, Inc., except such portions as are hereinafter deleted, modified or amended are hereby adopted as the Fire Code for the City of Independence, Missouri. Said code, standards and supplement, copies of which have been and are now on file in the office of the City Clerk, are hereby adopted and incorporated as fully set out at length herein.

SEC. 9.01.002 ADOPTION OF LIFE SAFETY CODE.

The ~~2006~~2012 Edition of the NFPA 101 Life Safety Code, including the appendices, as published by the National Fire Protection Association is hereby adopted as the Life Safety Code for the City of Independence, Missouri. Said code, standards and supplement, copies of which have been and are now on file in the office of the City Clerk, are hereby adopted and incorporated as fully as if set out at length herein."

SEC. 9.01.003. AMENDMENTS MADE IN THE INTERNATIONAL FIRE CODE.

The current edition of the International Fire Code adopted by Section 9.01.001 of this chapter is amended to read as follows:

Sec. 105.6.~~15~~14. Amend to read as follows:

105.6.14 Explosives.

A. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of all applicable Chapters.

B. The fee for a permit to conduct a public fireworks exhibition is One Hundred Dollars (100.00).

Sec. 307:1.1. Amend to read as follows:

307.1.1 Open burning restrictions.

A. No person shall allow, or permit the open burning of household refuse; leaves, trees, grass, or other vegetation; or any waste generated by a business, trade, industry, salvage or demolition operation except as provided below:

1. Controlled burning may be permitted on land zoned and used for agricultural purposes that is at least two hundred yards from any occupied structure, provided that a permit is obtained from the Fire Department.
2. Open cooking fires are allowed within approved containers, or enclosures. Fuel for cooking fires shall be limited to natural gas, propane, charcoal or natural wood which has not been treated or painted.
3. Outdoor recreational or ceremonial open burning is allowed, provided that a permit is obtained from the Fire Department and that:
 - a. the burn is contained within an approved fire ring, container or pit;
 - b. the burn area is limited to 2' by 2' by 2';
 - c. a fire extinguishment method is on site;
 - d. the fire is at least fifty feet from any structure;
 - e. no state or local burn ban is in effect; and
 - f. the fire is completely extinguished after the event.

B. The Fire Chief may prohibit issuance of any or all burning permits, or suspend previously issued permits, when atmospheric conditions or circumstances render such fires hazardous.

Sec. 503.3. Add to read as follows:

503.3 Fire Department Connections/ Access Roads. Where required by the fire code official, approved signs or other approved fire apparatus access roads and when and where standpipe and sprinkler connections have been required by the Fire Department pursuant to the International Fire Code or International Building Code, they shall be marked as follows:

1. Signs

- a. Signs shall be fourteen inches (14") wide by ten inches (10") in height, white in color, and have printed thereon in one inch (1") red block letters the type of connection and the name of the building or business served by the connection.
- b. Signs shall be posted on the building directly over the connection, or if the connection is not on the building, on a standard sign post such that the bottom of the sign is four feet (4') from the ground.
- c. Alternative signage type and location may be approved in writing at the sole discretion of the Fire Chief.

2. Approaches

a. The area or access to the Fire Department connection shall be free from obstruction. If in the event the area immediately in front of the connection is not in a designated Fire Lane, the area shall be protected from encroachment by marking the paved surface with a painted box twenty feet (20') by twenty feet (20') square consisting of four inch (4") red lines around the perimeter, four inch (4") red stripes diagonally painted ten inches (10") apart, and the words "FIRE DEPARTMENT CONNECTION. DO NOT BLOCK. NO PARKING." painted in four inch (4") white block letters centered within the box.

b. It shall be unlawful for any person to place or for the owner of the property to fail to remove any structure or obstruction, other than the required identification sign, within six feet (6') of a connection.

3. Curbs

The curb or specific area designated by the fire chief, or designee, shall be painted medium red from the bottom curvature of the curb where it blends with the driving surface to the point at the top where the curb blends with the sidewalk for the entire length of the curb. In the absence of curbs or sidewalks, an area specified by the fire chief, or designee, shall consist of a ten inch (10") wide medium red painted stripe.

Sec. ~~508.5.1~~ 507.5.1 Amended to read as follows:

~~508.5.1~~ 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than one hundred fifty feet (150') from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the code officials.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

Sec. 903.2. Amend to read as follows:

Sec. 903.2 Where required. Upon a change of occupancy or an alteration, as those terms are defined in the International Existing Building Code, 2006~~12~~ Edition, approved automatic sprinkler systems in buildings and structures shall be provided in the locations described in the International Fire Code, 2006~~12~~ Edition, Sections 9.03.2.1 through ~~903.2.9~~ 903.2.10 In newly constructed buildings or structures, or when an addition is made to a building or structure, as that term is defined in the International Existing Building Code, approved automatic sprinklers shall be provided as follows:

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries

and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

Group A-1. An automatic sprinkler system shall be provided throughout a Group A-1 occupancy where one of the following conditions exists:

1. The building exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.
4. The fire area contains a multi-theater complex.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Group A-2. An automatic sprinkler system shall be provided throughout a Group A-2 occupancy where one of the following conditions exists.

1. The building exceed 5,000 square feet.
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than the level of exit discharge.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Group A-3. An automatic sprinkler system shall be provided throughout a Group A-3 occupancy where one of the following conditions exists:

1. The building exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Group A-4. An automatic sprinkler system shall be provided throughout a Group A-4 occupancy where one of the following conditions exists:

1. The building exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more

than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Group B. An automatic sprinkler system shall be provided throughout a Group B occupancy where one of the following conditions exists:

1. The building exceeds 5,000 square feet.
2. The fire area is located on a floor other than the level of exit discharge.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Group E. An automatic sprinkler system shall be provided throughout all Group E occupancies where the building is greater than 5,000 square feet in area. An automatic sprinkler system shall also be provided for every portion of education buildings below the level of exit discharge.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Group F-1 and F-2. An automatic sprinkler system shall be provided throughout all buildings where the Building containing a Group F-1 or a Group F-2 occupancy exceeds 5,000 square feet.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Group M. An automatic sprinkler system shall be provided throughout buildings where the building contains a Group M occupancy where one of the following conditions exists:

1. The building exceeds 5,000 square feet.
2. The fire area is located more than three stories above grade plane
3. The combined fire area on all floors, including any mezzanines, exceeds 5,000 square feet.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Group R. An automatic sprinkler system shall be provided throughout all buildings with a Group R fire area where more than two stories in height, including basements, or where having more than 16 dwelling units, or containing more than 5,000 square feet.

Exception: One or two family dwellings.

Group S-1. An automatic sprinkler system shall be provided throughout all buildings where the building containing a Group S-1 occupancy exceeds 5,000 square feet.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the *International Building Code*, as follows:

1. Buildings two or more stories in height, including basements, containing a repair garage exceeding 5,000 square feet.
2. One-story buildings with a fire area containing a repair garage exceeding 5,000 square feet.
3. Buildings with a repair garage servicing vehicles parked in the basement.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.”

Group S-2. An automatic sprinkler system shall be provided throughout all buildings where the building containing a Group S-2 occupancy exceeds 5,000 square feet.

As an alternative to installation of an automatic sprinkler system in buildings which exceed 5,000 square feet but are less than 15,000 square feet, fire walls may be used provided that no more than three areas are created within the building by the fire walls, and the number of square feet in each such area does not exceed 5,000 square feet.

Sec. ~~3301.1.3~~ 5601.1.3 Amend to read as follows:

~~3301.1.3~~ 5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the City, except as follows:

1. Except as authorized below for the storage and handling of certain Division 1.4G fireworks, the storage and handling of fireworks shall be permitted only in compliance with Section ~~3304~~ 5604.
2. The manufacture, assembly and testing of fireworks shall be permitted only in compliance with Section ~~3305~~ 5605.
3. The possession and use of Division 1.3G fireworks shall be permitted only in accordance with Section ~~3308~~ 5608.
4. The possession, storage, handling and use of certain Division 1.4G fireworks shall be permitted within the City, provided such fireworks comply with Chapter 320 of the Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 CFR, Parts 100-178, and all applicable ordinances of the City, except that it shall be unlawful for any person to possess, store, handle, or use, within the City, the following Division 1.4G fireworks:
 - A. Bottle rockets, aerial missile and similar devices
 - B. Sparkler bombs
 - C. Altered or combined fireworks

5. The use of Division 1.4G fireworks within the City limits shall only be permitted on July 3 and July 5 of each year between the hours of 10:00 a.m. and 11:00 p.m., on July 4 of each year between the hours of 10:00 a.m. and midnight.
6. It shall be unlawful for any person to throw, use, explode, detonate, aim, point or shoot fireworks, including pyrotechnic devices, in such a manner that, after it is ignited, will propel it, or any part thereof, such that it, or any part thereof, lands on property not owned by the person shooting the fireworks.
7. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within any structure.
8. It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within six hundred feet of any church, hospital, mental health facility, or school, or within one hundred feet of any location where fireworks are stored, sold or offered for sale or a designated historical structure.
9. No person shall use, explode, detonate, or shoot fireworks within, or throw the same from, a motorized vehicle, nor shall any person place or throw any ignited firework into, at, or under a motorized vehicle or any other means of transportation, or at or near any person or animal.
10. No person shall throw, use, explode, detonate, or shoot fireworks within three hundred feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.
11. It shall be unlawful for any person under the age of sixteen (16) years, unless under the supervision of a parent or guardian, to possess or discharge Division 1.4G fireworks within the City limits.

Sec. ~~3301.2.2~~ 5601.2.2 is amended to read as follows:

~~3301.2.2~~ 5601.2.2 Sale and retail display.

1. General. No person shall construct a retail display for, sell, or offer for sale, explosives, explosive materials or fireworks within the City, except as allowed for permitted blasting operations and commercial fireworks displays, and except that the seasonal retail display and sale of certain Division 1.4G fireworks shall be permitted within the City by not-for-profit organizations whose primary purpose is religious, education, youth related or community service and which are located within the City for the period beginning 10:00 a.m. on June 23 and extending through noon on July 5. All not-for-profit organizations whose primary purpose is religious, education, youth related or community service and which are located within the City selling Division 1.4G fireworks as authorized herein shall comply with Chapter 320 of the Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 CFR, Parts 100-178, and all applicable ordinances of the City.
2. Occupation License Required. No person shall construct a retail display for, sell, or offer for sale at retail, Division 1.4G fireworks as authorized by Subsection 1 of this Section ~~3301.2.2~~ 5601.2.2 without a license issued pursuant to this Subsection 2. It shall be unlawful for any person to sell fireworks from a vehicle or in any other manner except from a structure or stand licensed to sell fireworks pursuant to this Section.

A. There shall be one license for each 10,000 people or part thereof within the City, available annually:

- for not-for-profit organizations whose primary purpose is religious, education, youth related or community service and which are located within the City; or,
- for not-for-profit organizations whose primary purpose is religious, education, youth related or community service whose principal business is located within one thousand five hundred (1,500) feet of the City Limits, serving residents and businesses within the City Limits as their primary audience, and who own property within the City.

- (1) Applications shall be made to the City's Director of Finance on a form provided by the City between the 2nd Monday of April and the following Friday in April.
- (2) In the first year after the effective date of this ordinance, the Director of Finance shall randomly select applications properly filed by the deadline and shall process such applications in the order selected.
- (3) In subsequent years, from all applications received by 5:00 p.m. on the final due date, the Director shall first consider those from organizations that have previously had a license. If there are fewer applications from organizations that have previously had licenses than available licenses, the City shall randomly select from the remaining applications for license consideration.
- (4) An organization shall be issued not more than one (1) license, unless there are an insufficient number of applicants to issue the authorized number of licenses or if an additional license is issued pursuant to subsection (6) below.
- (5) For the purpose of serving an area or areas where the licensed organizations have not proposed to initially locate, up to two (2) licenses may be issued in addition to those authorized by population provided that the locations for those additional licenses are at least two (2) miles, measured in a straight line, from the location of any other licensed location. Organizations which do not have a licensed location shall be given priority in the issuance of any additional license.
- (6) Incomplete applications shall be rejected and further randomly selected applications considered until all licenses have been issued.

B. Site Plan. No application will be accepted without a site plan showing the following:

- (1) Address or site location (no sales or storage will be permitted in a residentially zoned district or within three hundred feet of any permanent storage of ignitable liquid, gases, gasoline pump, or gasoline filling station);
- (2) Property owner and operators' names, addresses and phone numbers;
- (3) Size of lot and tent;
- (4) Location of tent(s) and all other structures and equipment including trailers and storage units on the lot (a maximum of two semi truck storage trailers or the equivalent of trailer storage shall be permitted per location);
- (5) Location of all existing driveway entrances and temporary parking lots (construction of new driveway entrances and surfacing of parking areas require a permit from the Public Works Department);
- (6) Location of required restroom facilities (a minimum of one portable facility on-site is required);
- (7) Location of required dumpsters (a minimum of one 2-yard dumpster for a location having 1,000 square feet or less and a minimum of two 2-yard dumpsters, or one 4-yard dumpster for a location having more than 1,000 square feet of sales area);
- (8) Location of permanent or proposed temporary electrical service;

- (9) Location of required on-site, off-street customer parking spaces (a minimum of one space per 300 square feet of sales area required);
- (10) Location of nearest fire hydrant;
- (11) Location of signs (no off-premises signage is permitted; no sign may extend above or beyond the limits of the primary structure);
- (12) Other information as may be required by the City to ensure public health and safety.

C. Security Plan. No application will be accepted without a plan to secure the premises when not open to the public and shall include the name of the licensed security company to be used for this purpose.

D. License Fee. Applications must be accompanied by a fee established by the City Council. Any application that is not accompanied by the required fee will be returned to the applicant as incomplete and no further processing of the application will occur.

E. Proof of State Permit. Within thirty (30) days of notification of the acceptance on an application the applicant shall provide proof of a valid permit issued by the Missouri Department of Public Safety for the retail sale of consumer fireworks.

F. Proof of Insurance. Within thirty (30) days of notification of the acceptance on an application the applicant shall provide proof of general liability insurance in the amount of no less than \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit, and covering liabilities arising from the retail sale of fireworks during the term of the coverage shall be submitted with every application. The amount of the insurance shall not be subject to reduction of the aggregate limit as a result of occurrences at locations not operated by the seasonal retailer

G. Sales Tax Collection. All vendors licensed by the City to sell fireworks shall collect all sales taxes on the retail sales of fireworks. Within thirty (30) days of notification of the acceptance of an application, the applicant shall provide proof of a valid retail sales license issued by the Missouri Department of Revenue for the retail sale of consumer fireworks at a location within the City.

3. Operation of Temporary Fireworks Structures or Stands.

A. It shall be unlawful for any person to construct a retail display for, sell, or offer for sale, within the City, the following Division 1.4G fireworks:

- (1) Bottle rockets, aerial missile and similar devices
- (2) Sparkler bombs
- (3) Altered or combined fireworks

B. Fireworks stands or structures shall comply with the provisions of the currently adopted International Building Code relative to temporary structures and a certificate of occupancy shall be obtained prior to opening.

C. No temporary stand or structure shall be set up before June 19 of each year.

D. All weeds and combustible materials shall be kept clear of the sales location and a

distance of twenty five feet surrounding the sales location.

E. A minimum 3-foot wide, unobstructed aisle running the length of the stand, inside and behind, the sales counter shall be provided.

F. Each stand up to 24 feet in length must have at least two exits. Each stand in excess of 24 feet must have at least three exits. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.

G. Each stand shall maintain a 2.5 gallon, 2A rated water-pressure type fire extinguisher or an ABC minimum 2A:10BC rated fire extinguisher near each exit and such extinguishers shall be kept in good working order and shall be easily accessible.

H. The stand shall have sufficient security to protect firework inventory from theft and vandalism.

I. The stand shall display in a prominent location, visible to the public, signage with red letters at least one-half inch high on a white background specifying hours of lawful use of fireworks within the City of Independence.

Sec. ~~3301.2.3~~. 5601.2.3 Amended to read as follows:

~~3301.2.3~~. 5601.2.3 Explosive, Explosive Materials and Blasting Agents Permits

A. A permit for the use of explosives or blasting agents as required by Section ~~3301.2~~ 5601.2. of this International Fire Code, shall be obtained from the Public Works Department for each location where such use of explosive or blasting is to take place.

B. Application for a permit to use explosive or blasting agents shall be made on forms obtained from the Department of Public Works.

C. The Public Works Department is hereby authorized to require every applicant to furnish all information deemed necessary for the safeguarding of life and property from the hazards of blasting in accordance with NFPA Standard 495, Chapter 2, and the Public Works Department shall furnish the Fire Department of the City with a copy of such information obtained from such applicant that demonstrates the applicant has had adequate training and experience in the use of explosive materials in the class authorized by the permit applied for.

D. Before any permit as required by this International Fire Code is issued for the use of explosives or blasting agents, every applicant shall procure public liability insurance with the following coverage:

- (1) For bodily injury to or death of any one person in the amount of Three Hundred Thousand Dollars.
- (2) For any one accident in the amount of Three Hundred Thousand Dollars.
- (3) For damage to the property of another person in the amount of not less than One Hundred Thousand Dollars for any one accident.

(4) One Million Dollar limit in umbrella excess liability if work is to be done in a fully developed area.

E. The applicant shall file with the Public Works Department a certificate of insurance issued by the insurance carrier concerned to evidence compliance with the public liability insurance requirements.

Section ~~3301.2.4~~ 5601.2.4 is amended to read as follows:

~~3301.2.4~~ 5601.2.4 Financial responsibility. Before a permit is issued, as required by Section ~~3301.2, 5601.2~~ the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$2,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Sec. ~~3301.2.4.2~~ 5601.2.4.2 Amend to read as follows:

~~3301.2.4.2~~ 5601.2.4.2 Fireworks Display. The permittee shall furnish comprehensive general liability insurance in the amount of One Million Dollars (\$1,000,000.00) to cover payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, or any agents, employees or subcontractors. At the discretion of the Fire Chief, a bond in the same amount, issued by a person qualified to write bonds in the State of Missouri, may be substituted for the insurance required herein. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the fire official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors. Licensing of the pyrotechnic operator shall be in accordance with other State and Federal requirements.

Sec. ~~3401.4~~ 5701.4 Amend to read as follows:

~~3401.4~~ 5701.4 Permits. Permits shall be required as set forth in Sections 105.6 and 105.7. Notification, a site plan, and a list of equipment specifications be provided to the fire department prior to the installation, repair or modification to equipment or facilities where flammable or combustible liquids are produced, processed, dispensed, stored, handled, or used in amounts greater than 300 gallons.

Exception:

1. All underground storage of any amount shall require Fire Department review.

Sec. ~~3404.2.9~~ 5704.2.9 is amend to read as follows:

~~3404.2.9~~ 5704.2.9 Above-ground tanks. Above-ground storage of flammable and combustible liquids in tanks/CONTAINERS shall comply with Section ~~3404.2~~ 5704.2 and Sections ~~3404.2.9.1, 5704.2.9.1~~ through ~~3404.2.9.6-10~~ 5704.2.10.5 Above-ground storage tanks shall not be located in areas zoned residential.

Exception:

1. Above-ground storage tanks used at construction sites that meet the requirements of ~~3406.2.5706.2~~

Sec. D107.1. Amend to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 100 shall be provided with separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are 100 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the code official.

SEC. 9.01.004. RESTRICTIVE COVENANT LIMITATION

Effective January 1, 2003, it shall be unlawful for any individual or organization to establish or enforce restrictive covenants which prohibit or effectively prevent the owner of a residential dwelling from using any type of shingles for roof covering materials allowed by the International Building Code, including, but not limited to, wood shingle or wood shake, composite, slate, metal, tile, clay or concrete. Nothing in this Code shall prohibit a home association, if it determines to do so, from adopting restrictive covenants or otherwise governing the use of such roofing materials only to the extent of regulating the colors, quality of roofing materials, styles or dimensions of roofing materials, or other aesthetic factors. Notwithstanding any existing procedural provisions governing the time period for consideration of amendments of restrictive covenants by home associations to the contrary, a home association, if it determines to do so, may amend their restrictive covenants to provide for such aesthetic regulations through January 1, 2003. Any such amendments after January 1, 2003, shall be subject to any procedural requirements set forth in such covenants.

SEC. 9.01.005. APPEALS.

A. Whenever any person wishes to appeal any decision made regarding the International Fire Code or the Life Safety Code, under the provisions of Section 108 of the International Fire Code, they have the right to appeal to the Board of Building and Engineering Appeals as per Article 10 of Chapter 4 of this City Code.

SEC. 9.01.006. PENALTY.

Any person who shall violate, fail, neglect or refuse to comply with any of the provisions, regulations or requirements of this Article, including the International Fire Code Standards, and the Life Safety Code, shall upon conviction thereof be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in jail for not more than six (6) months or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified each day that prohibited conditions are maintained shall constitute a separate offense.

SEC. 9.01.007 - 9.01.999 RESERVED.”

SECTION 2. That it is the intent of the Council that the latter passed code shall prevail and that the stricter language shall control in any conflicts between the provisions of any codes adopted by the City except where the Council has adopted specific exceptions or amendments to any code in which case the latter passed specific amendment shall prevail.

SECTION 3. That the effective date of this ordinance shall be January 1, 2013 and the previously adopted Fire Code shall remain in effect until that date.

SECTION 4. That Ordinance No. 17235 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That all other parts and provisions of Article 1 of Chapter 9 not amended or repealed herein shall remain in full force and effect.

SECTION 6. That correction of any scrivener errors identified within Article 1 of this Chapter are hereby authorized by this ordinance.

PASSED THIS 3rd DAY OF DECEMBER, 2012, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.



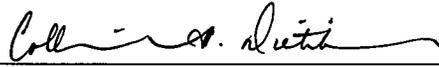
Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:



City Clerk

APPROVED AS TO FORM AND LEGALITY:



for City Counselor

REVIEWED BY:



City Manager

NOTE: Text being eliminated by this ordinance is bolded and lined through and text being added by this ordinance is bolded and underscored.