

ORDINANCE NO. 06-04
MARINA AND BOAT DOCK FIRE CODE

AN ORDINANCE REPEALING ORDINANCE NUMBER 97-2 AND ENACTING IN LIEU THEREOF A NEW ORDINANCE PRESCRIBING MINIMUM REQUIREMENTS AND CONTROLS TO SAFEGUARD LIFE, PROPERTY OR PUBLIC WELFARE FROM THE HAZARDS OF FIRE AND EXPLOSION: KNOWN AS MARINE AND BOAT DOCK FIRE CODE: PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, MAKING OF INSPECTIONS, PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF:

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE FENTON FIRE PROTECTION DISTRICT OF ST. LOUIS COUNTY, MISSOURI AS FOLLOWS:

SECTION 1. INCONSISTENT ORDINANCES REPEALED.

Ordinances or parts of Ordinances in conflict herewith of the Fenton Fire Protection District of St. Louis County, Missouri, are hereby repealed.

SECTION 2. ADOPTION OF NFPA 303, Fire Protection Standard for Marinas & Boat Docks, 2006 Edition.

That a certain document, three (3) copies of which are on file in the office of the Code Official of the Fenton Fire Protection District of St. Louis County, Missouri, being marked and designated as “NFPA 303, Fire Protection Standard for Marinas & Boat Docks, 2006 Edition”, as published by the National Fire Protection Association, together with the standards which are referenced in Chapter 2 & Annex B, be and is hereby adopted as the Marina and Boat Dock Fire Code of the Fenton Fire Protection District of St. Louis County, Missouri, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the NFPA 303, Fire Protection Standard for Marinas & Boat Docks, 2006 Edition”, are hereby referred to, adopted and made a part hereof, as if more fully set out in this Ordinance together with the additions, insertions, deletions and changes prescribed in Section 4 of this Ordinance, all of which shall be referred to as the Marina and Boat Dock Fire Code.

SECTION 3. JURISDICTIONAL TITLES.

100.1 Wherever (Authority Having Jurisdiction) appears in such Marina and Boat Dock Fire Code, it shall read the Fenton Fire Protection District of St. Louis County, Missouri.

100.2 "Code Official" wherever it may appear is defined as the Fire Marshal and/or Fire Inspector of the Fenton Fire Protection District of St. Louis County, Missouri, or his duly authorized representative.

SECTION 4. AMENDMENTS TO THE “NFPA 303, FIRE PROTECTION STANDARD FOR MARINAS & BOAT DOCKS, 2006 EDITION”.

CHAPTER 1

Section 104 (page 4) add a new section. Insert:

104.1 Appeals: An owner, lessee, agent, operator or occupant aggrieved by an order pursuant to this ordinance, may file an appeal to the Board of Directors within ten (10) days from the service of any order, and the Board of Directors shall fix a time and place not less than five (5) days or more than ten (10) days thereafter when and where such an appeal may be heard by it. Such appeal shall stay the execution of such order until it has been heard and reviewed, vacated or confirmed by the Board. In computing the number of days, Saturdays, Sundays and legal holidays shall be excluded.

The Board of Directors shall, at such hearings, affirm, modify, revoke or vacate such order. In conducting and holding the hearing, the Board of Directors shall follow the procedures set forth in §536 RSMo. for "contested" matters. Unless revoked or vacated, such order shall then be complied with.

Nothing herein contained shall be deemed to deny the right of any person, firm, corporation, co-partnership or voluntary association to appeal from an order of a decision of the Board of Directors to a court of competent jurisdiction. Appeals from final decisions of the Board shall be to the appropriate Circuit Court, pursuant to the provisions of §536.100 RSMo. Such appeals shall stay the execution of such order until it has been heard and reviewed, vacated or confirmed by the Court.

Section 104.2 (page 4) add a new section. Insert:

104.2 Violation, 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 this 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 a 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 Marine and Boat Dock Fire Code or who maintains any building or premises in which such may cause to be instituted in the name of the District, a civil action for injunction or other appropriate relief to secure a compliance with the provisions of this Marine and Boat Dock Fire Code. Injunctive or other appropriate relief shall not be denied on the grounds that an adequate remedy at law exists through the imposition of criminal sanctions.

Section 104.3 (page 4) add a new section. Insert:

104.3 Unlawful continuance: 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 conditions, shall be liable to penalties as specified in Section 109.3 of the Marina and Boat Dock Fire Code as adopted by this ordinance.

Section 104.4 (page 4) add a new section. Insert:

104.4 Civil action: Notwithstanding the provisions hereof, the Code Official, with the approval of the Board of Directors, may cause to be instituted in the name of the District, a civil action for injunction or other appropriate relief to secure a compliance with the provisions of this Marine and Boat Dock Fire Code. Injunctive or other appropriate relief shall not be denied on the grounds that an adequate remedy at law exists through the imposition of criminal sanctions.

SECTION 5. SAVINGS CLAUSE.

That nothing in this Ordinance 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 in Section 1; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 6. VALIDITY.

If any Section, subsection, provision, sentence, clause or phrase of this Ordinance or of the NFPA 303, Fire Protection Standard for Marinas & Boat Docks, 2006 Edition, is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or of said Marina and Boat Dock Fire Code, and the Fenton Fire Protection District of St. Louis County, Missouri, hereby declares that it would have passed the same, even though such portions so held to unconstitutional had not been included therein.

SECTION 7. VIOLATION, 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 fail to comply with any order issued pursuant to any Section thereof, shall be guilty of a Class A misdemeanor pursuant to §321.600(12) and §557.021 R.S.Mo. and punishable as provided by law. Each day that a violation exists or continues to exist shall be deemed a separate offense.

SECTION 8. EFFECTIVE DATE.

This Ordinance Number 06-04 having been duly considered and voted upon by the Board of Directors of the Fenton Fire Protection District of St. Louis County, Missouri, was duly enacted as an Ordinance of said Fire Protection District on the 11th day of September, 2006. The effective date of the Ordinance shall be at 12:01 a.m. on the 12th day of September, 2006.

Orville J. Althoff

Gary J. Herwig

Dennis M. Weil