

BILL NO. 2285

ORDINANCE NO. 2285

AN ORDINANCE OF THE CITY OF LADUE REPEALING CHAPTER 140 OF THE LADUE CODE AND ADOPTING THE 2021 INTERNATIONAL FUEL GAS CODE®, FIRST PRINTING AUGUST 2020, COPYRIGHT ©, INTERNATIONAL CODE COUNCIL, INC. REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES IN THE CITY OF LADUE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, pursuant to Chapter 79 of the Revised Statutes of Missouri, inter alia, the City of Ladue is authorized to adopt ordinances to secure the general health of the inhabitants of the City, to pass ordinances for the prevention of nuisances and their abatement, and to maintain the peace, good government, and welfare of the City; and,

WHEREAS, pursuant to Section 67.280 of the Revised Statutes of Missouri, the City is authorized to adopt or repeal an ordinance which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full; and,

WHEREAS, the City of Ladue previously adopted the 2015 International fuel Gas Code, first edition, as the Fuel Gas Code of the City of Ladue; and,

WHEREAS, the aforementioned 2015 International Fuel Gass Code, first edition has been revised to address certain changes in building requirements, technologies, materials and techniques; and,

WHEREAS, the City of Ladue Building Commissioner has recommended the City of Ladue adopt the 2021 International Fuel Gas Code®, as the fuel gas code of the City of Ladue; and,

WHEREAS, the City Council has duly considered the matter and the recommendations of the Building Commissioner and has concluded to adopt the 2021 International Fuel Gas Code®; and,

WHEREAS, in accordance with Section 67.280 RSMo., the 2021 International Building Code' first printing has been on file with the City Clerk for public use, inspection, and examination for a total period of ninety (90) days; and

WHEREAS, this bill having been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to its passage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Adopt new Chapter 140 - Fuel Gas Code adopted; penalty.

Chapter 140 – FUEL GAS CODE

Sec. 140 – 1. – Fuel Gas code adopted; penalty.

- (a) The 2021 International Fuel Gas Code[®], first printing August 2020, copyright ©, the International Code Council, Inc., is hereby adopted by reference for regulating and governing fuel gas systems and gas-fired appliances in the City of Ladue; providing for the issuance of permits and collection of fees therefor; repealing all ordinances and parts of the ordinances in conflict therewith; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, including appendix A, B, and C, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.
- (b) Anyone violating the provisions of said code in the city shall be guilty of a misdemeanor.

Section 2. The 2021 International Fuel Gas Code[®], first printing, August 2020, copyright ©, the International Code Council, Inc. adopted in Section 1 of this ordinance, is hereby amended by additions, deletions and changes, including the changing of Chapters, Sections, Subsections and the addition of new subsections and so that such amendments read as follows in exhibit A: (See exhibit A)

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Ladue hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the Fuel Gas Code hereby adopted shall be construed to affect any suit or proceeding impending 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 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

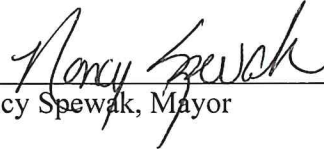
Section 5. This ordinance shall take effect and be in force 90 days from and after its adoption and approval of the Mayor on October 18, 2021.

PASSED THIS 18TH DAY OF OCTOBER 2021.



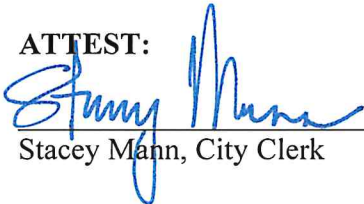
President, City Council

APPROVED AND ADOPTED THIS 18TH DAY OF OCTOBER 2021.



Nancy Spewak, Mayor

ATTEST:



Stacey Mann, City Clerk

EXHIBIT “A”

Sec. 140 – 2. – Fuel Gas Code Amendments.

Section [A] 101.1 shall be removed and replaced as follows:

[A] 101.1 Title. These regulations shall be known as the *Fuel Gas Code* of the City of Ladue, Missouri, and shall be cited as such and will be referred to herein as “this code.”

Section [A] 103.1 shall be removed and replaced as follows:

[A] 103.1 Agency. For the purpose of this code the Building department shall be known as the Code Compliance Agency, and the Building Commissioner shall be known as the Code Official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

Section [A] 106.3.2 shall be added as follows:

[A] 106.3.2 Rejected application: Rejected applications will be held on file for sixty (60) days after the date of rejection. If the required information or corrections are not received within this time, the application shall be deemed to have been abandoned.

Section [A] 106.3.3 shall be added as follows:

[A] 106.3.3 Work Performed Without Permit. Where any work for which a permit is required by this code is started, or proceeded with, prior to obtaining said permit, the normal applicable fees shall be doubled. The payment of said doubled fee shall not relieve any persons from fully complying with the requirements of this code or from other penalties prescribed herein.

Section [A] 109.2 shall be removed and replaced as follows:

[A] 109.2 Fee schedule: (See Chapter 114, Appendix A Schedule of Fees, Escrows, Bonds)

Section [A] 109.6.1 shall be added as follows:

[A] 109.6.1 Fee Refunds: No portion of any fee shall be returned to a permit holder in the case of a revocation of a building permit or a suspension, discontinuance, or abandonment of work.

Section [A] 109.6.2 shall be added as follows:

[A] 109.6.2 Refunds without starting work: Refund of 80% shall be made if no construction has been done and the project is canceled in writing to the office of the Building Official.

Section [A] 113.1 shall added as follows:

[A] 113.1.1 Application for appeal: Any owner or holder of a permit issued subject to this code shall have the right to appeal to the Board of Appeals established in Section [A] 109.2 of this code from a decision of the code official in connection with such permit or from any notice issued in connection with this enforcement of this code. Appeals shall be based solely upon and shall state a claim: either (a) that the true intent of this code or the rules or regulations adopted pursuant to this code have been incorrectly interpreted, or (b) that the provisions of this code do not apply, or (c) that an equivalent form of construction can be used. Any appeal under this section shall be in writing, shall contain a statement of the grounds for the appeal and shall be filed in the office of the code official within twenty (20) days after the rendering of the decision or from the date of service of the notice from which the appeal is taken.

Section [A] 114.1 shall be removed and replaced as follows:

[A] 114.1 Membership of board: The Board of Appeals is hereby established and shall consist of the membership of the Ladue Zoning Board of Adjustment.

Section [A] 113.5 shall be removed and replaced as follows:

[A] 113.5 Hearing on appeal: The board shall meet to hear an appeal upon notice from the chair within sixty (60) days of the filing of the appeal.

Section [A] 115.4 shall be removed and replaced as follows:

[A] 115.4 Violation penalties: Any person who shall violate a provision of this code, or who shall fail to comply with any of the requirements thereof, or who shall erect, move, construct, alter, remove demolish or repair a structure in a manner that is not in compliance with an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, or who shall start any work requiring a permit without first obtaining the permit thereof, or who shall continue any work in or about a structure after having been served a stop work order, except such work as that person 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 takes part or assists in any violation of this code or who has charge of any building, premises, or part thereof in which such violation shall exist, shall be guilty of a misdemeanor, punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.

Section [A] 116.1 shall be removed and replaced as follows:

[A] 116.1 Stop work orders: Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's authorized agent, or

the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.