

**CHAPTER 10**  
**PLANNING, ZONING, SUBDIVISIONS, BUILDING**  
**TABLE OF CONTENTS**  
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10.005. Authority to plan	Pg. 2
10.010. Appointment of Planning Commission	Pg. 2
10.015. Planning Commission officers; rules	Pg. 2
10.020. Planning Commission powers	Pg. 2
10.025. Planning Commission is also zoning commission	Pg. 3
10.030. Content, city plan and zoning plan	Pg. 3
10.035. Plan Preparation; purpose	Pg. 3
10.040. Plan Adoption	Pg. 3
10.045. Planning Commission review of improvements	Pg. 4
10.050. Acceptance of streets	Pg. 4
10.055. Buildings and access	Pg. 4
10.060. Building lines	Pg. 5
10.065. Plat review mandated	Pg. 5
10.070. Authority to regulate subdivision of land	Pg. 5
10.075. Content of subdivision regulations	Pg. 5
10.080. Adoption of subdivision regulations	Pg. 6
10.085. Plat approved	Pg. 6
10.090. Approval not acceptance of dedications	Pg. 6
10.095. Approval required to record	Pg. 6
10.100. Transfer by unapproved plat; penalty	Pg. 7
10.105. Violation and penalties, planning and subdivision	Pg. 7
10.110. Authority to regulate use of land	Pg. 7
10.115. Zoning Districts	Pg. 7
10.120. Purpose of use regulations	Pg. 7
10.125. Zoning Commission; original district	Pg. 8
10.130. Adoption, amendment; hearings, notice	Pg. 8
10.135. Special use provisions	Pg. 8
10.140. Regulations to prevail	Pg. 9
10.145. Amendment and protest	Pg. 10
10.150. Board of Adjustments; members; and records	Pg. 10
10.155. Board of Adjustments powers	Pg. 10
10.160. Appeals to the Board of Adjustment	Pg. 11
10.165. Appeals from the Board of Adjustment	Pg. 12
10.170. Violation & penalties, land use regulations	Pg. 12
10.175. Subdivision regulations	Pg. 13
10.180. Zoning ordinance	Pg. 13
10.185. Flood plain regulations	Pg. 14
10.190. Building Code	Pg. 14
10.195. Building permit administrative processing fee	Pg. 14

**CHAPTER 10**  
**PLANNING, ZONING, SUBDIVISIONS, BUILDING**

**10.005. Authority to plan**

The Board of Aldermen may make, adopt, amend, and carry out a city plan and appoint a planning commission with the powers and duties herein set forth.

**10.010. Appointment of Planning Commission**

The Planning Commission of Ashland shall consist of not more than fifteen nor less than seven members, including the Mayor, a member of the Board of Aldermen selected by the Board, the City Engineer or similar city official and not more than twelve nor less than four citizens appointed by the Mayor and approved by the Board. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the un-expired term by appointment as aforesaid. The board may remove any citizen member for cause stated in writing and after public hearing.

**10.015. Planning Commission officers; Rules**

The Commission shall elect its chairman and secretary from among the citizen members. The term of chairman and secretary shall be for one year with eligibility for re-election. The Commission shall hold regular meetings and special meetings as they provided by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The Commission shall appoint the employees and staff necessary for the services that it requires. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

**10.020. Planning Commission powers**

The Commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Mayor or Board of Aldermen of the city programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

### **10.025. Planning Commission is also zoning commission**

The Commission shall have and perform all of the functions of the Zoning Commission provided for in Sections 10.110. of this chapter.

### **10.030. Content, city plan and zoning plan**

The Commission shall make and adopt a city plan for the physical development of Ashland. The city plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; and the general character, extent and layout of the re-planning of blighted districts and slum areas.

The Commission may also prepare a zoning plan for the regulation of the height, area, bulk, location and use of private, nonprofit and public structures and premises, and of population density, but the adoption, enforcement and administration of the zoning plan shall conform to the provisions of sections 10.110. – 10.170.

### **10.035. Plan preparation; Purpose**

In the preparation of the city plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the city. The plan shall be made with the general purpose of guiding and accomplishing a coordinated development of the city which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development.

### **10.040. Plan Adoption**

The Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole city plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. Before the adoption; amendment or extension of the plan or portion thereof the Commission shall hold at least one public hearing thereon. Fifteen days' notice of the time and place of such hearing shall be published in at least one newspaper having general circulation within the city. The hearing may be adjourned from time to time.

The adoption of the plan requires a majority vote of the full membership of the Planning Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan and the action taken shall be recorded in the adopted plan or part thereof by the

identifying signature of the secretary of the Commission and filed in the office of the Commission, identified properly by file number, and a copy of the plan or part thereof shall be certified to the Board of Aldermen and the City Clerk.

#### **10.045. Planning Commission review of improvements**

Whenever the Commission adopts the plan of the city or any part thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the city until the location, extent and character thereof has been submitted to and approved by the Planning Commission. In case of disapproval the Commission shall communicate its reasons to the Board of Aldermen, and the Board, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the Board or the appropriate board or officer may proceed, except that if the public facility or utility is on the authorization or financing of which does not fall within the province of the Board, then the submission to the Planning Commission shall be by the board having jurisdiction, and the Planning Commission's disapproval may be overruled by that board by a vote of not less than two-thirds of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within sixty days after the date of official submission to it shall be deemed approval.

#### **10.050. Acceptance of streets**

Upon adoption of a major street plan and subdivision regulations, the city shall not accept, lay out, open, improve, grade, pave or light any street, lay out or authorize the laying of water mains, sewers, connections or other utilities in any street within the city unless the street has received the legal status of a public street prior to the adoption of a city plan; or, unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of Aldermen or Planning Commission or on a street plan made by and adopted by the Commission. The Board may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission, for its approval and approved by the Commission, or if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds of the entire membership of the Board.

#### **10.055. Buildings and access**

After the adoption of a major street plan, no building permit shall be issued for and no building shall be erected in any way within the territorial jurisdiction of the Commission unless the street giving access meets the requirements of section 10.050. hereof.

### **10.060. Building Lines**

Whenever a plan for major streets has been adopted, the Board of Aldermen, upon recommendation of the Planning Commission, is authorized and empowered to establish, regulate and limit and amend, by ordinance, building or setback lines on major streets, and to prohibit any new building located within building or setback lines. When a plan for proposed major streets or other public improvements has been adopted, the Board is authorized to prohibit any new building being located within the proposed site or right-of-way when the center line of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the Planning Commission and adopted by the Board. The Board shall provide for the method by which this section shall be administered and enforced and may provide for a board of adjustment with powers to modify or vary the regulations, in specific cases, in order that unwarranted hardship, which constitutes an unreasonable deprivation of use as distinguished from the mere grant of a privilege, may be avoided. If there is a Board of Zoning Adjustment, that Board shall be appointed to serve as the board of adjustment for the building line regulations. If there is no Board of Zoning Adjustment, the personnel, length of terms, method of appointment and organization of the Board of Adjustment for building lines shall be the same as now provided for municipal boards of zoning adjustment. The regulations of this section shall not be adopted, changed or amended until a public hearing has been held thereon as provided in section 10.040. hereof.

### **10.065. Plat review mandated**

When the Planning Commission of Ashland adopts a city plan which includes at least a major street plan or progresses on its city planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the County Recorder of Boone County, no plat of a subdivision of land lying within the city shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the Board of Aldermen and the Board has approved the plat as provided by law.

### **10.070. Authority to regulate subdivision of land**

The Planning Commission shall recommend and the Board of Aldermen may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the city; for adequate open spaces for traffic, recreation, light and air; and for the distribution of population and traffic.

#### **10.075. Content of subdivision regulations**

The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities, and compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the Board of Aldermen may provide for the tentative approval of the plat previous to the improvements and installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the Board may accept a bond in an amount and with surety and conditions satisfactory to it, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the Board and expressed in the bond; and the Board may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the Board is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision.

The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

#### **10.080. Adoption of subdivision regulations**

Before adoption of its subdivision regulations or any amendment thereof a duly advertised public hearing thereon shall be held by the Board of Aldermen.

#### **10.085. Plat disapproval**

Within sixty days after the submission of a plat to the Commission, the Commission shall approve or disapprove the plat; otherwise, the plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for the approval, may extend the sixty-day period. The ground of disapproval of any plat by the Commission shall be made a matter of record.

#### **10.090. Approval not acceptance of dedications**

The approval of a plat by the Commission does not constitute or effect an acceptance by the city or public of the dedication to public use of any street or other ground shown upon the plat.

#### **10.095. Approval required to record**

No county recorder shall receive for filing or recording any subdivision plat required to be approved by the Board of Aldermen or City Planning Commission unless the plat has endorsed upon it the approval of the Board under the hand of the City Clerk and the seal of the city, or by the secretary of the Planning Commission.

#### **10.100. Transfer by unapproved plat; Penalty**

No owner, or agent of the owner, of any land located within the platting jurisdiction of the city, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board of Aldermen or Planning Commission and recorded in the office of the Recorder of Deeds of Boone County. Any person violating the provisions of this section shall forfeit and pay to the city a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by meets and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The city may enjoin or vacate the transfer of sale or agreement by legal action, and may recover the penalty in such action.

#### **10.105. Violation and penalties, Planning and Subdivisions**

Any person violating any of the provisions of sections 10.005. to 10.105. shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by confinement in the county jail for not less than 0 days and not more than 90 days, or both such fine and confinement.

#### **10.110. Authority to regulate use of land**

For the purpose of promoting health, safety, morals or the general welfare of the community, the Board of Aldermen of Ashland is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

#### **10.115. Zoning Districts**

For any or all of said purposes the Board of Aldermen may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of sections 10.110. to 10.170. and within such districts may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures, or

land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

#### **10.120. Purpose of use regulations**

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout the city.

#### **10.125. Zoning Commission; Original districts**

In order to avail itself of the powers conferred by sections 10.110. to 10.170., the Board of Aldermen shall appoint a commission, to be known as “The Zoning Commission” to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such Commission shall make a preliminary report and hold public hearings thereon before submitting its final report and the Board shall not hold its public hearings or take action until it has received the final report of such Commission. Where a City Planning Commission already exists, it may be appointed as the Zoning Commission.

#### **10.130. Adoption, Amendment; Hearings, Notice**

The Board of Aldermen shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days’ notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the city.

#### **10.135. Special use provisions**

- 1. Group Homes.** For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the Board of

Aldermen may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the Board of Aldermen may establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling neighborhood.

No person or entity shall contract or enter into a contract, which would restrict group homes or their location as defined in this section.

Should a single family dwelling or single family residence as defined in this section cease to operate for the purpose as set forth in this section, any other use of such home, other than allowed by zoning restrictions, must be approved by the Board of Aldermen.

2. **Foster Care.** For purposes of any zoning law, ordinance or code the classification of single family dwelling or single family residence shall include any private residence licensed by the division of family services or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this section shall be construed to relieve the division of family services, the department of mental health or any other person, firm or corporation occupying or utilizing any single family dwelling or single family residence for the purposes specified in this section from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single family dwelling or single family residence.
3. **Treatment Facilities.** Any zoning law, ordinance or code enacted on or before August 28, 1990, by the Board of Aldermen, shall contain or be modified to contain appropriate provisions establishing as a permissive, conditional, or special use, the location and use of buildings, structures and land as residential or outpatient facilities for the treatment of alcohol and other drug abuse. If such zoning law, ordinance or code has not been modified by January 1, 1991, to provide for such classification, the city shall be deemed to have adopted the classification of commercial or an equivalent classification for such treatment facilities.

If the Board of Aldermen adopts a zoning ordinance or code after August 28, 1990, it shall contain appropriate provisions establishing as a permissive, conditional, or special use, the location and use of buildings, structures and land as residential or outpatient facilities for the treatment of alcohol and other drug abuse. If such zoning law, ordinance, or code does not contain such provisions, the city shall be deemed to have adopted the classification of commercial or an equivalent classification for such treatment facilities.

The Board of Aldermen may require that the exterior appearance of the facility and property be in reasonable conformance with the general standards in the area. Further, the Board may establish reasonable standards regarding the density of such residential treatment facilities in any specific neighborhood.

#### **10.140. Regulations to prevail**

Whenever the regulations made under authority of sections 10.110. to 10.170. require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or less number of stories, or require a greater percentage of lot to be unoccupied, or impose other high standards than are required in any other statute or city ordinance or regulation, the provisions of the regulations made under authority of sections 10.110. to 10.170. shall govern. Whenever the provisions of any other statute or city ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of section 10.110. to 10.170., the provisions of such statute or city ordinance or regulation shall govern.

#### **10.145. Amendment and protest**

Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent or more, either of the areas of land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred and eight-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the Board of Aldermen. The provisions of section 10.130. relative to public hearing and official notice shall apply equally to all changes or amendments.

#### **10.150. Board of Adjustment; Members; Meetings and records**

The Board of Aldermen shall provide for the appointment of a Board of Adjustment, and in the regulations adopted pursuant to the authority of sections 10.110. to 10.170. may provide that the Board of Adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained.

The Board of Adjustment shall consist of five members, who shall be residents of the city. The membership of the first Board appointed shall serve respectively, one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter members shall be appointed for terms of five years each. Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for

the un-expired term of any member whose term becomes vacant. The Board shall elect its own chairman who shall serve for one year. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 10.110. to 10.170.

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for the purpose.

### **10.155. Board of Adjustment, Powers**

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these sections or of any ordinance adopted pursuant thereto;
2. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance;
3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alternation of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

In exercising the above-mentioned powers such Board may, in conformity with the provisions of section 10.110. to 10.170. reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

### **10.160. Appeals to the Board of Adjustment**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, and board or bureau of the city affected by a decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

### **10.165. Appeals from the Board of Adjustment**

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department, board or bureau of the City, may present to the Circuit Court of Boone County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality, such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

Upon the presentation of such petition the Court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney which shall not be less than ten days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to

take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under section 10.110. to 10.170. shall have preference over all other civil actions or proceedings.

#### **10.170. Violation and penalties, Land use regulations**

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of sections 10.110. to 10.170. or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alternation, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of sections 10.110. to 10.170.

The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten (\$10.00) dollars and not more than one hundred (\$100.00) dollars for each and every day that such violation continues, but if the offense be willful in conviction thereof, the punishment shall be a fine of not less than one hundred (\$100.00) dollars or more than two hundred and fifty (\$250.00) dollars for each and every day that such violation shall continue or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the Court.

Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of sections 10.110. to 10.170. in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty (\$250.00) dollars.

#### **10.175. Subdivision regulations**

The subdivision regulations of the City of Ashland, on file in the office of the City Clerk, are adopted herein by reference and made a part hereof as full and completely as if the same were set forth herein in their entirety.

#### **10.180. Zoning ordinance**

The zoning ordinance of the City of Ashland, on file in the office of the City Clerk, is adopted herein by reference and made a part hereof as fully and completely as if the same were set forth herein in its entirety.

#### **10.185. Flood plain regulations**

The flood plain regulations of the City of Ashland, on file in the office of the City Clerk are adopted herein by reference and made a part hereof as fully and completely as if the same were set forth herein in their entirety.

#### **10.190. Building Code**

The Building Code of the City of Ashland, entitled 2006 International Building Code; 2006 International Residential Code for One and Two Family Dwellings; 2006 International Mechanical Code; 2006 International Plumbing Code; 2006 Fuel Gas Code; 2006 International Fire Code and 2005 National Mechanical Code, as amended by the Boone County Commission, on file in the office of the City Clerk, is adopted herein by reference and made a part hereof as full, and completely as if the same were set forth in its entirety. This code became effective on April 2, 2007.  
(amended Council Bill No. 2007-005, 2-20-2007)

#### **10.195. Building permit administrative fee**

In addition to the building permit fee charged by Boone County, applicants for building permits for new buildings shall pay to the City an administrative process fee of \$50.00. (amended Ordinance No. 1017, 2-03-2015)

## INTERNATIONAL FUEL GAS CODE 2006

### SECTION 1. AMENDMENTS TO THE INTERNATIONAL FUEL GAS CODE/2006:

The International Fuel Gas Code/2006 is amended by additions, deletions and changes, including the changing of Articles, Sections, Sub-sections and Subsection titles, and the addition of new Sections and new Sub-Sections reads as follows:

**101.2 Scope Exception 2:** As an alternative to the provisions of this code, fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings that are undergoing repairs, alterations, changes in occupancy or construction of additions shall be permitted to comply with the International Building Code or other applicable codes.

**101.3 Appendices.** Appendices A, B and C are adopted as part of this code.

**106.3.1 Construction Documents.** Add to exception: Buildings or structures exempt from these requirements are as follows:

- a. One-Family dwellings.
- b. Two family dwellings.
- c. Commercial or industrial buildings having less than 1200 square feet of floor space, or \_\_\_\_\_ which provide for the employment, sleeping, assembly, housing or eating of not more \_\_\_\_\_ than nine (9) persons.
- d. Any structure containing less than twenty-thousand cubic feet, except as provided above.
- e. Any building or structure used exclusively for farm purposes.

**106.5.2 Fee schedule.** The fees for mechanical work shall be as approved by the Boone county Commission.

**106.5.3** Delete in its entirety.

Add:

**106.5.3 Fee Refunds:** The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. When no work has been done, the permit fee, less a processing fee of 25% of the original fee may be refunded to the original permittee.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the fee was paid.

**108.4 Delete in its entirety.** Insert: Violation penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical equipment or systems in violation of an approved plan or directive of the building official, or of a permit or certificate issued

under the provisions of this code, shall be guilty of a misdemeanor, punishable as provided by law. Each day that a violation continues shall be deemed a separate offense.

**108.5 Delete last sentence.** Insert: Any person who shall continue any work on the system 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 as provided by law. Each day that a violation continues shall be deemed a separate offense.

**109.2** Delete in its entirety. Insert:

**109.2 Membership of the board:** The board of appeals as established in Section 112 of the International Building Code / 2006 shall serve as the board of appeals for the International Fuel Gas Code.

**109.2.1** Delete in its entirety.

**109.2.2** Delete in its entirety.

**109.2.3** Delete in its entirety.

**109.2.4** Delete in its entirety.

**109.2.5** Delete in its entirety.

**109.2.6** Delete in its entirety.

**109.3** Delete in its entirety.

**109.4** Delete in its entirety.

**109.4.1** Delete in its entirety.

**109.5** Delete in its entirety.

**109.6** Delete in its entirety.

**109.6.1** Delete in its entirety.

**109.6.2** Delete in its entirety.

**403.4.3 Copper and brass.** Copper and brass pipe shall not be used if the gas contains more than an average of 0.3 grains of hydrogen sulfide per 100 standard cubic feet of gas (0.7 milligrams per 100 liters). Natural gas supplied by AmerenUE in Boone County exceeds this level therefore copper or brass shall not be used with natural gas. Threaded

copper, brass and aluminum-alloy pipe shall not be used with gases corrosive to such metals.

**403.5.2 Copper and brass tubing.** Copper tubing shall comply with standard Type K or L of ASTM B 88 or ASTM B 280.

Copper and brass tubing shall not be used if the gas contains more than an average of 0.3 grains of hydrogen sulfide per 100 standard cubic feet of gas (0.7 milligrams per 100 liters). Natural gas supplied by AmerenUE in Boone County exceeds this level therefore copper or brass shall not be used with natural gas.

## INTERNATIONAL MECHANICAL CODE 2006

### SECTION 1. AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE/2006:

The International Mechanical Code/2006 is amended by additions, deletions and changes, including the changing of Articles, Sections, Sub-sections and Subsection titles, and the addition of new Sections and new Sub-Sections reads as follows:

**101.2 Scope Exception 2:** Mechanical systems in existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Building Code or other applicable codes.

**101.2.1 Appendices.** Appendix A is adopted as part of this code.

**106.3.1 Construction Documents.** Add to exception: Buildings or structures exempt from these requirements are as follows:

- f. One-Family dwellings.
- g. Two family dwellings.
- h. Commercial or industrial buildings having less than 1200 square feet of floor space, or \_\_\_\_\_ which provide for the employment, sleeping, assembly, housing or eating of not more \_\_\_\_\_ than nine (9) persons.
- i. Any structure containing less than twenty-thousand cubic feet, except as provided above.
- j. Any building or structure used exclusively for farm purposes.

**106.5.2 Fee schedule.** The fees for mechanical work shall be as approved by the Boone County Commission.

**106.5.3** Delete in its entirety.

Add:

**106.5.3 Fee Refunds:** The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. When no work has been done, the permit fee, less a processing fee of 25% of the original fee may be refunded to the original permittee.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the fee was paid.

**108.4** Delete in its entirety. Insert: Violation penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical equipment or systems in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable as provided by law. Each day that a violation continues shall be deemed a separate offense.

**108.5** Delete last sentence. Insert: Any person who shall continue any work on the system 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 as provided by law. Each day that a violation continues shall be deemed a separate offense.

**109.2** Delete in its entirety. Insert:

**109.2 Membership of the board:** The board of appeals as established in Section 112 of the International Building Code / 2006 shall serve as the board of appeals for the International Mechanical Code.

**109.2.1** Delete in its entirety.

**109.2.2** Delete in its entirety.

**109.2.3** Delete in its entirety.

**109.2.4** Delete in its entirety.

**109.2.5** Delete in its entirety.

**109.2.6** Delete in its entirety.

**109.3** Delete in its entirety.

**109.4** Delete in its entirety.

**109.4.1** Delete in its entirety.

**109.5** Delete in its entirety.

**109.6** Delete in its entirety.

**109.6.1** Delete in its entirety.

**109.6.2** Delete in its entirety.

**109.6.3**Delete in its entirety.

## INTERNATIONAL PLUMBING CODE 2006

### SECTION 1. AMENDMENTS TO THE INTERNATIONAL PLUMBING CODE/2006:

The International Plumbing Code/2006, is amended by additions, deletions and changes, including the changing of Articles, Sections, Sub-sections and Subsection titles, and the addition of new Sections and new Sub-Sections reads as follows:

**101.2.1 Appendices.** Appendices B, C, D, E, F and G are adopted as part of this code.

**106.6.3 Fee Refunds:** The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 75% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 75% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

**108.4** Delete in its entirety.

Add:

**108.4 Violation penalties:** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall install plumbing work in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable as provided by law. Each day that a violation continues shall be deemed a separate offense.

**108.5 Stop work orders:** Delete last sentence. Insert: 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 guilty of a misdemeanor, punishable as provided by law.

**109.2** Delete in its entirety.

Add:

**109.2 Membership of the board:** The board of appeals as established in Section 112 of the International Building Code / 2006 shall serve as the board of appeals for the International Plumbing Code.

**305.6** Delete.

Add:

**305.6 Freezing:** Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both.

Exterior water supply system piping shall be installed not less than 6 inches below the frost line (frost line is 30”) and not less than 12 inches below grade

**305.6.1** Delete.

Add:

**305.6.1 Sewer Depth:** Building sewers that connect to private sewage disposal systems shall be a minimum of eighteen (18) inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of eighteen (18) inches below grade.

Add:

**602.3 Individual water supply.** Where a potable public water supply is not available, individual sources of potable water supply shall be utilized. A potable public supply system shall be considered available to a lot if the lot is located within 300 feet of the public water main.

**701.2** Delete in its entirety.

Add:

**701.2 Sewer required:** Every building in which plumbing fixtures are installed and every premises having drainage piping shall be connected to a public sewer, where available, or where a public sewer is not available, a private sewage disposal system in accordance with the requirements of the Columbia/Boone County Health Department or the Missouri Department of Natural Resources.

Add:

**701.2.1** A public sewer system shall be considered available if a lot is within 225 feet of a sanitary sewer system to which connection is practical and is permitted by the governmental agency or utility responsible for the sanitary sewer.

**715.1 Sewage backflow.** Delete in its entirety.

**715.1 Sewage backflow:** Upon installation, replacement or repair of any private sanitary sewer service line in the City of Ashland, Missouri, there shall be installed as a part of such service line a flow seal type back water valve of approved material and design. (amended 7-17-07 Council Bill No. 2007-032)

Add:

**904.1 Roof extension.** All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet above the roof.

## SECTION 1. ADOPTION OF THE BUILDING CODE: ADDITIONS, INSERTIONS, DELETIONS AND CHANGES.

Commission Order Number 15-2007, known as the "Building Code of Boone County, Missouri", that a certain document, three (3) copies of which are on file in the office of Building Official of the Boone County Department of Planning and Building Inspection and are being marked and designated as "The International Building Code – 2006 Edition", as published by the International Code Council, be and is hereby adopted as the Building Code of Boone County, Missouri for the control of buildings and structures as provided herein; and each and all of the regulations, provisions, penalties, conditions and terms of " The International Building Code – 2006 Edition", are hereby referred to, adopted and made part hereof, as is more fully set out in this Ordinance, with the additions, insertions, deletions and changes as hereinafter prescribed.

## SECTION 2. JURISDICTIONAL TITLE.

0.1 Wherever (name of jurisdiction) appears in this code, it shall read "County of Boone, Missouri".

0.1.1 Wherever "Department of Building Safety" appears in this code, it shall read "Department of Planning and Building Inspection of Boone County, Missouri".

0.1.2 Wherever "Chief Appointing Authority of the Jurisdiction" appears in this Code, it shall read "Boone County Commission of Boone County, Missouri".

0.2.1 Farm structure exemption: The provisions of this Code shall not be exercised so as to impose regulations or to require permits with respect to the erection, maintenance, repair, alteration or extension of farm buildings or farm structures further than seventy-five feet ( 75') from a dwelling provided that such buildings or structures are located on tracts of 20 acres or more and such buildings or structures are used exclusively for agricultural purposes. Farm dwellings shall conform to the provisions of this code as herein provided.

0.2.2 Manufactured home exemption: Manufactured homes, recreational vehicles or modular units which carry a seal as provided in Section 700.010 to 700.115 RSMo. shall be exempt from these provisions, provided that no alteration of the unit takes place once it has been placed upon a tract of land.

0.2.3 Portable building exemption: Portable buildings as defined by Section 202.0 shall be exempt from these provisions. Portable buildings must comply with all setback requirements found in the zoning regulations. Portable buildings used to house hazardous materials (paint, gasoline, etc.) must be placed at least 10 feet from any property line and have a door that can be secured by a lock.

## SECTION 3. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE - 2006.

The International Building Code - 2006 is amended by additions, deletions and changes including the changing of Articles, Sections, Sub-section titles and the addition of new sections and new sub-sections as follows:

SECTION 101.2 Exception 2: Existing buildings undergoing repair, alterations, or additions and change of occupancy shall be permitted to comply with the requirements of Chapter 34.

SECTION 101.4.5 Property maintenance. Delete

SECTION 104.6 Right of entry: The code official shall have the authority to enter at any reasonable time any structure or premises for which a permit has been issued but has not received a certificate of occupancy in accordance with Section 110.0. Permit holders are required to provide means of access to all parts of structures subject to inspection, including the provision of ladders where required.

For all other structures or premises, when the code official has reasonable cause to believe that a code violation exists, the code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

SECTION 106.1 Submitted documents: Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the Chapter 327 RSMo. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Buildings or structures exempt from these requirements are:

- (a) A dwelling house; or
- (b) A multiple family dwelling house, flat or apartment containing not more than two families; or
- (c) A commercial or industrial building or structure buildings having less than 1200 square feet of floor area which provides for the employment, assembly, housing, sleeping or eating of not more than nine persons; or
- (d) Any one structure containing less than twenty thousand cubic feet, except as provided in (b) and (c) above, and which is not a part or a portion of a project which contains more than one structure; or

Add:

SECTION 106.6 Compliance with other Regulatory Agency Fire and Life Safety Codes: No permit shall be issued unless the plans and specifications or other required

documentation for permit issuance has been approved by other Boone County regulatory agencies having jurisdiction for compliance with applicable fire and life safety codes. These provisions shall not apply to one and two family dwellings or residences.

Add:

SECTION 106.7 Compliance with other Regulatory Agency Fire and Life Safety Codes: No final inspection or periodic inspection made at the conclusion of a building phase shall be passed or approved unless similar inspections for compliance with applicable fire and life safety codes have been made and approved or passed by other Boone County regulatory agencies having jurisdiction. These provisions shall not apply to one and two family dwellings or residences.

SECTION 108.6 Delete in its entirety. Add: Refunds: In the case of a revocation of a permit or abandonment or discontinuance of a building project, the portion of the work actually completed shall be computed and any excess fee for the incomplete work shall be returned to the permit holder upon written request. All plan examination and permit processing fees and all penalties that have been imposed on the permit holder under the requirements of this code shall first be collected. The code official shall authorize the refunding of fees according to Boone County policies under the following additional circumstances:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. When no work has been done, the permit fee, less a processing fee of \$20.00 may be refunded to the original permittee.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the fee was paid.

Add:

SECTION 112.4 Court review: Any party before the board of appeals who is aggrieved by a decision of the board of appeals may seek redress or relief before the court of competent jurisdiction as permitted by law.

SECTION 113.4 Delete in its entirety. Insert: Violation penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable as provided by law. Each day that a violation continues shall be deemed a separate offense.

SECTION 114.3 Delete in its entirety. Insert: 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 guilty of a misdemeanor, punishable as provided by law.

SECTION 202.0 Add:

Portable building - a structure constructed off-site and transported to the property by means of a truck or trailer; or one built from a pre-manufactured kit and placed on skids. Portable buildings may enclose no more than 160 sq. ft. of floor space, do not have interior finish, electrical service or plumbing fixtures. Portable buildings must comply with all setback requirements found in the zoning regulations. Portable buildings used to house hazardous materials (paint, gasoline, etc.) must be placed at least 10 feet from any property line and have a door that can be secured by a lock.

SECTION 903.2.1.2 Change Item 2. The fire area has an occupant load of 200 or more; or

1301.1.2: Use group R-2, R-3 and R-4 shall comply with this section or the requirements of International Energy Conservation Code. All buildings of Use Group R-2, R-3 and R-4 shall be insulated in accordance with the following:

- Ceiling or roof -- R-38; exterior wall-- R-15 (in assembly); floor above unheated area or crawl space and ducts shall have a value of R-19 for the assembly; finished exterior basement walls and interior garage walls shall have insulating batts, blankets, fills or similar types of materials with a value of R-13.
- Joints in the building conditioned envelope that are sources of air leakage, such as around window and door frames, between wall cavities and window or door frames, between wall assemblies or their sill plates and foundations, between utility service penetrations through the building envelope, shall be properly sealed with compatible and durable caulking, gasketing, weather-stripping or other materials in an approved manner.
- All exterior walls shall have a vapor barrier or equivalent, capable of reducing vapor transmission to less than 1 perm, installed on the inside or the warm surface side of the insulated wall or ceiling. Only those ceilings that are attached directly to the underside of the roof rafters, such as flat roofs or cathedral ceilings, are required to install the vapor barrier.
- Ducts in heated areas do not require insulation.
- Ducts in unheated areas and not exposed to outside ventilation, such as a garage, shall have an insulation value of R-4.
- All windows shall have a maximum Thermal Transmittance (U) value of 0.55.

3109.4 Residential swimming pools. Residential swimming pools shall comply with Sections 3109.4.1 through 3109.4.3. Residential swimming pools shall be enclosed by a barrier consisting of metal chain link fence, wood, stone or masonry or other material approved by the building official. All swimming pool excavation sites are required to be enclosed by a temporary construction barrier during installation. A permanent barrier shall be installed upon completion of the pool structure.

**101.1 Title:** These regulations shall be known as the Fire Code of the City of Ashland, Mo. and hereinafter referred to as “this code”

**Department of Fire Protection**  
**103.0 Ordinance Enforcement**

**103.1 Director:** The administration and enforcement of this ordinance shall be the duty of the Board of Directors and the Fire Chief, who are hereby authorized to take such action as may be reasonably necessary to enforce the provisions of this code. Such persons may be appointed and authorized as assistants or representatives of the director and the chief as may be necessary to carry out the provisions of this code.

**103.2 Appointment:** Delete

**103.3 Deputies:** Delete

**103.4 Relief from personal responsibility:** the code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the protective inspection division or the fire department acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**General Authority and Responsibilities**

**104.1 General:** The fire code official is hereby authorized to implement the provisions of this code, and shall have the authority to render interpretations of this code.

**104.6 Official Records:** The fire code official shall arrange for the keeping of official records pertaining to the code. Such records shall be maintained for a period of five years, or such longer period as may be required by law.

**Permits**

**105.1.2.1 Operational Permit:** Delete

**105.6 Required Operational Permits:** Delete

## **Board of Appeals**

**108.1 Application for Appeal:** Any aggrieved person shall have the right to appeal a decision of the code official to the Board of Directors.

**108.2 Limitations on Authority:** Delete

**108.3 Qualifications:** Delete

## **Violations**

**109.3 Violation penalties:** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not exceeding one year, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

## **Unsafe Buildings**

**110.1 General:** Delete the word “inimical” and substitute in lieu thereof, the word “unreasonable”.

## **Stop Work Order**

**111.4 Failure to Comply:** insert \$100, \$1,000.

## **Open Burning and Recreational Fires**

**307.2 Permit Required:** Delete

**307.2.1 Authorization:** Delete

**307.3** The Fire Code Official is authorized to order the extinguishment by any responsible person of open burning that creates or adds to a hazardous or objectionable situation.

**307.4.1.2** Delete

**307.5** Attendance: Delete

## **Open Flames**

**308.3 Open Flame:** Delete

**308.3.1 Open Flame Cooking Devices.** Charcoal and other open-flame cooking devices shall not operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

- A. One and two family dwellings
- B. Apartment buildings and condominiums
- C. Where buildings, balconies and decks are protected by an automatic sprinkler system.

## **Section 316 Fire Performance Art**

**316.1 General.** Fire Performance Art shall be defined as any act (fire juggling, fire eating, etc.) in a public or private place, which utilizes fire for entertainment purposes outside of a protective housing or in ways in which it travels through the air (by one person or multiple persons). These acts do not include pyrotechnics or other open flame devices as regulated by other code sections or permits.

**316.2 Permits.** A permit shall be secured from the fire code official prior to the date of the fire performance art taking place.

**316.3 Space considerations.** A 10-foot distance shall be maintained between the fire-involved item and any member of an audience, any combustible decoration, and any combustible item within the immediate performance area. A minimum 10-foot ceiling height is required.

**316.4 Extinguishing Agents.** A minimum of one (1) 2-10BC multipurpose fire extinguisher shall be required for every five (5) performers at each performance. Additional fire extinguishers may be required by the fire code official based upon the unique circumstances of the performance and occupancy.

**316.4.1** One wet towel for each active fire performer shall be provided to extinguish the fire implement. The towel shall be white in color to differentiate its use from other colors that may be used to clean up flammable or combustible liquid spills. Towels used for cleaning up flammable or combustible liquid spills shall be stored in a metal container with a tight fitting lid.

**316.4.2** One listed fire blanket shall be provided for every five (5) performers.

**316.5 Personal Safety.** A five gallon open topped bucket of water will be provided for each fire performance area.

**316.5.1 Spotter.** One trained spotter shall be provided for each performance. The spotter shall be positioned between the active fire performer and the audience. Spotters should be trained in the proper use of fire extinguishers. The spotter may be a performer who is not engaged in the current performance. The fire code official may require additional spotters based on the unique circumstances of the performance and occupancy.

**316.6 Fuels.** Approved common fuels used for fire performance art include denatured alcohol, lamp oil (odorless and smokeless), kerosene (for outdoor performances only), stove fuel, Shell Sol T brand fuel, Allume Fue brand fuel and Fire Water brand fuel. Gasoline is prohibited under any circumstances.

**316.6.1 Fuel Quantities and Storage.** All fuels shall be stored in their original containers with the caps in place when not in use. The maximum quantity of fuel on the site shall be one (1) U.S. gallon per performer.

**316.7 Wicks.** Wick material shall consist of cotton wrapped in Kevlar to prevent the breakdown of the cotton as it burns. Synthetic wick material shall be avoided.

**316.8 Clothing.** It is recommended that the clothing worn by performers be made of fire resistive materials such as natural fibers or Nomex/PBI.

**316.9 Smoking.** Smoking is prohibited within 50 feet of the performance area and fuel storage. No smoking signs shall be posted accordingly.

### **Premises Identification**

**505.2** (add the words) Each exterior egress doorway on a building shall have a letter affixed to the upper left hand corner of the exterior face of the door beginning with the main entrance door and working clockwise around the building. The letters shall be of a reflective material, blue in color, a minimum of six (6) inches tall with a minimum stroke of .5 inches.

### **Fire Protection Water Supplies**

**508.3 Fire Flow.** Fire hydrants in areas zoned as single family or duplex shall be spaced no greater than every five hundred (500) feet and shall be capable of flowing a minimum of eight hundred (800) gallons of water per minute for a minimum of four (4) hours. In all other areas, fire hydrants shall be spaced no greater than every three hundred (300) feet and shall be capable of flowing a minimum of 1,500 gallons of water per minute for a minimum of four (4) hours; as measured by an approved route around the exterior of the facility of building, on site fire hydrants and mains shall be provided where required by the code official.

**508.3.1** Where the water district authority cannot meet the minimum standards in section 508.3, alternative safety measures should be considered by the code official.

**508.5.1** Delete

### **Commercial Kitchen Hoods**

**609.2 Hood system required:** Each existing commercial cooking appliance and domestic cooking appliance utilized for commercial cooking purposes shall be protected with an approved commercial kitchen hood and duct system:

Exceptions:

- A. Cooking appliances located within a dwelling unit and not utilized for commercial purposes;
- B. Completely enclosed ovens;
- C. Steam tables;

- D. Auxiliary cooking equipment that does not produce grease laden vapors, including toasters, coffee makers and egg cookers.

Hood system suppression: Each required commercial kitchen exhaust hood and duct system shall be protected with an approved automatic fire suppression system installed in accordance with the 2006 International Mechanical Code.

Maintenance: Commercial kitchen exhaust systems shall be cleaned to remove deposits of residue and grease in the system at intervals specified in the cleaning schedule required to be submitted in accordance with the 2006 International Mechanical Code. Thorough cleaning of ducts, hoods and fans shall require scraping, brushing or other positive cleaning methods.

### **Floor Openings and Shafts**

#### **704.1 Enclosure** (add exception)

Exception: Where any structure which has previously received a certificate of compliance or a certificate of occupancy has been maintained accordingly and complies with the following:

- A. Smoke detectors shall be installed in all shafts and corridors, if such exist.
- B. Shaft and corridor smoke detectors shall receive their primary power from the building wiring and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection.
- C. All smoke detectors in shafts and corridors, if such exist, shall be interconnected such that the actuation of one alarm will actuate all the alarms in the shafts and corridors.
- D. Any structure in compliance with the provisions of section 704.1 shall maintain such compliance.

This exception shall not apply to structures that are renovated, remodeled or altered in excess of fifty (50) percent of the current value of the structure.

### **Automatic Sprinkler Systems**

**903.4.2** (add the words) Alarms. A combination horn strobe shall be installed above the Fire Department Connection (GDC) on all sprinkler systems.

**912.3.1** (add the words) Locking fire department connection caps. Fire department connections shall be a four (4) inch Storz connection and shall utilize a Knox locking FDC cap.

### **Exit Signs**

**1011.1 Illuminated Exit Signs**-Where required (add the words) Illuminated exit signs in A1, A2, R1 and R2 use groups shall be placed above exit doors and to the side of exit doors 18 inches from the floor. The floor level exit signs shall be protected by a guard to

prevent physical damage. Internally illuminated exit signs shall not use incandescent light bulbs relying upon a filament for the source of illumination. This amendment shall be applicable in all new and remodeled construction where illuminated exit signs are required or provided; and when exit signs are replaced or deemed inoperable by the jurisdiction having authority; and where an exit sign is installed in new locations in existing buildings, upon order of the fire code official.

## **Corridors**

### **1017.1 Corridors** (add exception)

Exception. Where any structure has previously received a certificate of compliance or a certificate of occupancy, has been maintained accordingly and complies with the following:

- A. Smoke detectors shall be installed in all shafts and corridors, if such exist.
- B. Shaft and corridor smoke detectors shall receive their primary power from the building wiring and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection.
- C. All smoke detectors in shafts and corridors, if such exist, shall be interconnected such that the actuation of one alarm will actuate all the alarms in the shafts and corridors.

This exception shall not apply to structures that are renovated, remodeled or altered in excess of fifty (50) percent of the current value of the structure.

## **Number of Exits and Continuity**

### **1019.2 Buildings with one exit** (add exception)

Where any structure has previously received certification of compliance or a certificate of occupancy, has been maintained accordingly and complies with the following:

Exception. Smoke detectors shall be installed in all shafts and corridors, if such exist. Shaft and corridor smoke detectors shall receive their primary power from the building wiring and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection. All smoke detectors in shafts and corridors, if such exist, shall be interconnected such that actuation of one alarm will actuate all the alarms in the shafts and corridors. This exception shall not apply to structures that are renovated, remodeled or altered in excess of fifty (50) percent of the current value of the structure.

## **Vertical Exit Enclosures**

### **1020.1 General.** (add exception)

Exception. Where any structure has previously received a certification of compliance or a certificate of occupancy, has been maintained accordingly and complies with the following:

- A. Smoke detectors shall be installed in all shafts and corridors, if such exist.
- B. Shaft and corridor smoke detectors shall receive their primary power from the building wiring and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection.
- C. All smoke detectors in shafts and corridors, if such exist, shall be interconnected such that actuation of one alarm will actuate all alarms in the shafts and corridors.
- D. Existing windows in a sleeping room shall not be eliminated.

This exception shall not apply to structures that are renovated, remodeled or altered in excess of fifty (50) percent of the current value of the structure.

### **Explosives and Fireworks (General)**

#### **3301.1.3 Fireworks.** Delete

### **Appendix B Fire Flow Requirements for buildings**

**B105.1 One and Two Family Dwellings.** The minimum fire flow requirements for one and two-family dwellings having a fire area which does not exceed 3,600 square feet (344m<sup>2</sup>) shall be eight hundred (800) gallons per minute for a minimum of four (4) hours.

**B105.2 Buildings other than one and two-family dwellings.** The minimum fire flow and flow duration for buildings other than one and two family dwelling units shall be 1,500 gallons per minute for a minimum of four (4) hours. The code official may use table B105.1 to determine fire flows under special circumstances. If the nature of the premises or its use so requires, additional flow may be required.

### **Appendix C. Fire Hydrant Locations and Distribution**

#### **Distribution of Fire Hydrants**

**C105.1 Fire Hydrant spacing.** Fire hydrants shall have a maximum spacing of five hundred (500) feet in all R-1 (single family) and R-2 (duplex) zoning districts and three hundred (300) feet in all other zoning districts. Fire hydrant spacing for buildings that are required by the 2006 edition of the International Building Code to have a fire flow greater than or equal to 6,000 gallons per minute shall be regulated by Table C105.1.

#### **Addition**

**C105.1.2 Fire hydrant spacing.** A fire hydrant capable of flowing a minimum of 1,500 gallons per minute for a minimum of four (4) hours shall be placed within one hundred (100) feet of any fire department connection (FDC). This hydrant shall be placed so that it does not impede access to the building or area by responding fire department equipment.