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GENERAL PROVISIONS

§ 95.01 ADOPTION OF KENTUCKY STANDARDS OF SAFETY.

The Kentucky Standards of Safety (Fire Prevention Code) as promulgated in 815 KAR 10:060 by the Commissioner of the Department of Housing, Buildings and Construction on the advice and recommendation of the State Fire Marshal, is hereby adopted in full as an ordinance of the City of Bardstown of the Commonwealth of Kentucky. Copies of the code book are available through the Department of Housing, Buildings and Construction, online at www.lrc.ky.gov/kar/815/010/060.htm. (Ord. 462, passed 3-12-91; Am. Ord. B2014-22, passed 8-26-14)

§ 95.02 DESIGNATED ENFORCEMENT OFFICER.

The City Building Inspector shall be designated as the local enforcement agent for said Standards of Safety as appointed by the city. (Ord. 462, passed 3-12-91)

§ 95.03 PERMITS AND FEES.

The requirements for permits and required fees shall be as provided for in the schedule attached to the Fire Prevention Code.

(Ord. 462, passed 3-12-91)

2016 S-21

§ 95.04 APPEAL PROCESS.

All final decisions of the city fire code official shall be appealable in accordance with 815 KAR 10:060 section 6. (Ord. 462, passed 3-12-91; Am. Ord. B2014-22, passed 8-26-14)

§ 95.05 SAVING CLAUSE.

Nothing in this subchapter or in the Fire Prevention 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or liability incurred, or any cause or causes or action acquired or existing, under any act or ordinance hereby repealed as cited in § 95.02; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this subchapter.

(Ord. 462, passed 3-12-91)

SMOKE DETECTORS

§ 95.20 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"DWELLING." Any building which contains one or more dwelling units or any rooming unit, rooms or area designated or used for sleeping purposes either as a primary use or use on casual occasions. Dwelling shall include a rooming house, motels, tourist homes, school dormitories, and apartment buildings.

"DWELLING UNIT." Any group of rooms, located within a building or structure including mobile homes and forming a single housekeeping unit with facilities which are used or designed to be used for living, sleeping, cooking, or eating.

"OWNER." Any person who, alone, jointly, or severally with others:

(1) Shall have all or part of the legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or shall have all or part of the beneficial ownership or any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgage in possession; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit as owner, or as executor, administrator, trustee, guardian of the estate, or duly authorized agent of the owner. Any such person thus representing the actual owner shall be bound to comply with the owner's obligations under this section.

"ROOMING UNIT." Any room which is designed or used for sleeping purposes. A rooming unit may include a room in a rooming house, a

hotel, a motel, a tourist home, a school dormitory, or an apartment building which may, or may not have some additional facilities for eating or cooking contained therein.

(Ord. 458, passed - - -)

1998 S-14

§ 95.21 SMOKE DETECTORS REQUIRED.

(A) Subject to such exceptions and conditions for compliance as stated herein, six months after the effective date of this chapter, smoke detectors shall be required in all dwellings privately owned or rented for occupancy. It shall be the responsibility of the owner of each new and/or existing occupied dwelling unit to install smoke detectors in each dwelling unit as hereinafter provided. Said smoke detectors shall be capable of sensing visible or invisible particles of combustion and providing a suitable audible (or visual for the deaf or hearing impaired) alarm.

(B) This chapter shall apply to any and all dwellings or dwelling units, new or existing, which do not fall under the jurisdiction of the currently adopted Kentucky Building Code and/or the currently adopted Life Safety Code (LSC 101). (Ord. 458, passed - -)

§ 95.22 TYPE AND PLACEMENT OF SMOKE DETECTORS.

(A) (1) In order to comply with this chapter, only ionization or photoelectric type detectors approved by a nationally recognized testing laboratory shall be installed.

(2) As an alternative to self-contained smoke detectors, under certain limited conditions, an approved fire detection system or a combination thereof may be installed. Each and every alternative system must be individually approved in written form by the Bureau of Fire Prevention of the Bardstown Fire Department.

(B) Smoke detectors in new residential dwellings shall be wired directly (hard wired) to the building's power supply. In existing buildings, it is preferred that smoke detectors be wired directly to the power supply; however, said detectors may be powered by self-monitored battery or operated by an electrical plug-in outlet which is fitted with a plug restrainer device, provided that the outlet is not controlled by any switch other than the main power supply.

(C) Smoke detectors shall be placed in accordance with applicable N.F.P.A. Standards (see § 95.24). Detectors may be ceiling or wall mounted, provided that if wall mounted they shall be within 12 inches, but not closer than six inches to the ceiling.

(D) At least one smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of the dwelling unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this section. In a dwelling unit which contains a well defined sleeping room separated from the other activity areas of the same unit, the detector shall be located in the corridor within the unit or interior area giving access to the rooms used for

sleeping purposes. Where sleeping areas are separated and/or where a single smoke detector will not adequately service all sleeping areas, there shall be a smoke detector installed adjacent to each sleeping area.

(E) In a rooming unit, the detector shall be centrally located on the ceiling.

(F) In a dwelling containing two or more dwelling units or any rooming unit, in addition to the requirements for individual smoke detectors in each dwelling unit or rooming unit, detectors shall be placed in centrally located common areas, so that smoke detectors will adequately service all sleeping areas.

(G) At least one smoke detector shall be installed in or near each stairway leading up to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and the detector intercepts rising smoke before it reaches the occupied area.

(Ord. 458, passed - -)

§ 95.23 PROVIDING, INSTALLING AND MAINTAINING SMOKE DETECTORS.

(A) The owner of a dwelling shall be responsible for supplying and installing in an operable condition the required detector(s) and for providing maintenance and testing in an owner occupied residence; or for providing the manufacturer's maintenance and testing instructions to a tenant in the case of rental property.

(B) The owner of a dwelling shall be responsible for maintenance and testing of detectors, in accordance with manufacturer's instructions, which are located in common areas and/or detectors in rooming units where the tenant usually has short periods of occupancy (hotels, motels, rooming or tourist homes).

(C) The tenant shall be responsible for maintaining and testing the detector, in accordance with the manufacturer's instructions, which are within his exclusive control during the life of the tenancy. The tenant shall be responsible for notifying the owner when a detector becomes inoperable, whereafter the owner has ten days in which to repair or replace in operable conditions said detector(s). In the battery operated type of detectors, battery replacement shall be the responsibility of the tenant.

(D) At every change of tenancy, it shall be the duty of the owner to test and ascertain that those detectors contained in the unit are in operable condition, and, if not, the owner shall be responsible for placing them in operable condition.

(E) At every change of occupancy of every dwelling unit occasioned by or incidental to a sale, lease or sub-lease of said unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor, or sub-lessor, as the case may be) to provide, before occupancy, to the new occupant that all smoke detectors are required by this section (or

other applicable laws) are installed and in proper working condition. Failure to comply with this division (E) shall be punishable as set forth herein, provided however, that this division (E) shall not be construed to violate or render void any contract, lease or sub-lease subject hereto.

(F) No smoke detector or alternative system shall be directly connected (permanently wired) to the electrical system of a structure without the proper electrical certification.

(Ord. 458, passed - -)

§ 95.24 SUPPLEMENTAL STANDARDS.

This section is intended to be used with, and supplemented by, the applicable provisions of the National Fire Protection Standards 72-E and 74 (current edition) which are hereby incorporated herein; however, if there shall be any conflict between this chapter and the said supplemental standards, this chapter and any rules and regulations adopted pursuant thereto shall prevail. All amendments to or changes in N.F.P.A. Nos. 72-E and 74 shall be adopted and made part thereof without further reference.

(Ord. 458, passed - -)

§ 95.25 ENFORCEMENT.

(A) The Bureau of Fire Prevention of the Bardstown Fire Department shall be primarily responsible for the enforcement of this chapter.

(B) The City Building Department shall assist the Bureau by making referrals to the Bureau as part of its regular instruction and enforcement of all city housing, building and safety codes. No building permits for remodeling or repair of a dwelling unit shall be issued for any dwelling unit not properly equipped with said detectors. No certificate of occupancy shall be issued for any new dwelling or dwelling unit not properly equipped with said detectors. Detectors must be operable for the final inspection of the City Building Inspector and/or Fire Prevention Bureau Inspector. Instructions/maintenance booklets must be provided to the owner by the manufacturer as per N.F.P.A. No. 74, and said documentation displayed to the Building Inspector(s) during the final inspection.

(Ord. 458, passed - - ; Am. Ord. B2014-22, passed 8-26-14)

FIRE ALARM SYSTEMS

§ 95.35 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context indicates or clearly requires a different meaning.

"ALARM USER." Any property owner, user or occupant responsible for a fire alarm site.

"FIRE ALARM SITE." Area controlled by a single alarm panel.

"FIRE ALARM SYSTEM." Any alarm system which automatically causes a contact with the Nelson County Dispatch Center for the purpose of reporting an active fire alarm.

(Ord. 617, passed 12-19-96; Am. Ord. B2014-22, passed 8-26-14)

§ 95.36 RESERVED.

§ 95.37 FALSE ALARMS PERMITTED.

Each alarm user shall be permitted two (2) false alarms per alarm site per calendar year. After the second false alarm, the Fire Department will notify the alarm user that further alarms will be billed a per run fee to defray the cost of the fire run to the city. The alarm user shall inform the Fire Department of action taken to prevent further false alarms. For each additional false alarm responded to by the Fire Department during the year, the alarm user shall be billed a Fire Department Run Fee of two hundred fifty dollars (\$250.00).

(Ord. 617, passed 12-19-96)

§ 95.38 EXCEPTIONS.

No alarm user shall be subject to a per run fee for false alarms that result from acts of God, civil disturbance or abnormal weather conditions. Nor shall a fee be charged if the activation was a result of an alarm company's failure to provide service within twenty-four (24) hours of reporting a malfunction and requesting service. It shall, however, be the burden of the alarm user to provide reasonable proof that service was requested.

(Ord. 617, passed 12-19-96)

§ 95.99 PENALTY.

(A) The penalty for non-compliance with §§ 95.20 through 95.25 is not less than \$10 nor more than \$100 for each violation. If violations consist in a dwelling or rooming unit as specified in § 95.20, each unit shall be deemed and considered a separate violation.

(B) Waiver provision. The penalty for non-compliance with §§ 95.20 through 95.25 is automatically waived if the dwelling or dwelling unit is brought into compliance with §§ 95.20 through 95.25 within 30 days of the original violation. The property owner must request an inspection from the Fire Prevention Bureau to verify compliance and have the waiver provision applied.

(C) The penalty for non-compliance with §§ 95.01 through 95.04 or failure to comply with any of its requirements shall subject the offender to KRS 227.331.

(Ord. 458, passed - - ; Am. Ord. B2014-22, passed 8-26-14)