

**COMMONWEALTH OF KENTUCKY
CITY OF LONDON**

**A SUMMARY OF ORDINANCE NO. 2023-16 ENTITLED “AN ORDINANCE
ADOPTING STANDARDS OF FIRE SAFETY; DEFINITIONS; FIRE LIMITS; FIRE
PROTECTION OUTSIDE THE CITY LIMITS; FIRE DEPARTMENT ACCESS;
OBSTRUCTING FIRE HYDRANTS AND FIRE ACCESS; FIRE
INSPECTION; DESIGNATED ENFORCEMENT OFFICER; SMOKE
DETECTORS; OPEN BURNING; PENALTIES AND ENFORCEMENT;
FINES; APPEAL PROCESS; EFFECTIVE DATE”**

This Summary is prepared by Larry G. Bryson, the London City Attorney who is authorized to practice law in this Commonwealth. This Summary is a true and accurate summary of this Ordinance.

The Ordinance states the reasons for its enactment and provides definitions for words that are used in the Ordinance. It establishes a fire inspection program for all property to correct a condition that is likely to cause a fire loss and to prevent the loss of human life. To this end, if property lacks repairs, escape facilities, fire alarms or are in a dilapidated condition, combustible, explosive or flammable material or other reason that makes the property especially liable for fire loss, the Fire Chief shall or it remedied within 60 days. This Ordinance is to be sent to the State Fire Marshall and the Rates Section of the Department of Insurance for the Commonwealth. Fire protection is provided by the City Fire Department who may enter into a mutual and/or automatic aid agreement with other fire districts outside the City.

So property taxes are not raised, mitigation rates are authorized for a billing system for emergency incidents such as fire suppression, scene cleanup, hazmat mitigation, among others. The rates are to be recommended by the Chief and approved by the Council by separate motion and vote. These claims are submitted to the responsible party through their insurance company.

Fire Department vehicle access is also addressed with the fire hydrant and fire sprinkler systems to be provided to the Fire Chief. Access roads are defined and locations for fire hydrants. It is unlawful to park a motor vehicle with 10 feet of a fire hydrant or fire department connection and the Fire Department can have the vehicle removed.

The Ordinance establishes written fire safety inspections for different types of occupancies, but particularly for assembly type areas, rentals, businesses and apartment buildings with a dimensional fee schedule. The Fire Chief is designated the local enforcement agent for the Kentucky Standards of Safety. Minimal requirements are made for smoke detectors, but are particularly required in 2 or more dwelling units within a building. There are also requirements

for installation and maintenance and free smoke detectors are made available to private home owners by the City Fire Department.

Open burning is prohibited except for grilling, recreational purposes, weed abatement, to prevent a fire hazard, for training purposes, agricultural or wildlife management purposes, accidental spills of crude oil and land clearing after storms with limitations. The burning of household rubbish, garbage, construction debris, and other material including coated wiring and chemical containers is prohibited. There are location requirements and open burning regulations with the ability of the Fire Chief to prohibit where the smoke or odor emissions and other circumstances might make the fires hazardous. Fire hazard seasons are recognized and the authorization of burn permits is recognized.

The decisions of the Fire Chief are final unless a written appeal is made to the City Code Enforcement Board within 7 days of the citation. There is a severability clause in the Ordinance and it is effective on publication.

Larry G. Bryson, City Attorney

**COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO.2023-16**

**AN ORDINANCE ADOPTING STANDARDS OF FIRE SAFETY;
DEFINITIONS; FIRE LIMITS; FIRE PROTECTION OUTSIDE THE CITY
LIMITS; FIRE DEPARTMENT ACCESS; OBSTRUCTING FIRE
HYDRANTS AND FIRE ACCESS; FIRE INSPECTION; DESIGNATED
ENFORCEMENT OFFICER; SMOKE DETECTORS; OPEN BURNING;
PENALTIES AND ENFORCEMENT; FINES; APPEAL PROCESS;
EFFECTIVE DATE**

WHEREAS, THE CITY COUNCIL wishes to establish Standards of fire safety, Fire limits and standards for Fire Protection outside the City Limits, Standards for Fire Access and prevent obstruction of Fire Hydrants and Fire Access, Fire Inspections of Certain Buildings and fees therefrom, a Designated Fire Enforcement Officer, and Appeal Process, Standards for Smoke Detectors; Standards for Open Burning and Penalties for violations and Enforcement,

In Order to promote and maintain Fire Safety and prevent residential and commercial fires and to protect the Citizenry of the City of London,

Be IT ORDAINED AS FOLLOWS:

Definitions for words used in this Ordinance shall have their ordinary meanings; but for purposes of this Ordinance the following definitions shall apply unless context clearly indicates or requires a different meaning.

“APARTMENT BUILDING COMMON AREAS.” These areas shall include, but are not limited to lobbies, corridors, stairways, and allowable areas of assembly such as club houses, recreation rooms, and sales offices.

“DWELLING.” Any building which contains one or more dwelling units or any rooming unit, rooms, or area designed or used for sleeping purposes either as a primary use or use on casual occasions. This term shall include, but not be limited to, a rooming house, hotels, motels, tourist homes, school dormitories, and apartment buildings.

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

“FIRE CHIEF.” As used herein, this is intended to mean the Fire Chief of the City of London, Kentucky.

“FIRE DEPARTMENT ACCESS ROAD.” A road which is designed to allow fire department apparatus access to a building or site. Access roads shall be located and constructed in accordance with the requirements of the Zoning and Planning Development Ordinance.

“GARBAGE.” Putrescible animal and vegetable matter accumulated by a family in a residence in the course of ordinary day to day living.

“HOUSEHOLD RUBBISH.” Waste material and trash, not to include garbage, normally accumulated by a family in a residence in the course of ordinary day to day living.

“MULTIPLE STRUCTURES.” Structures located on the same property but not connected by common construction.

“NEW BUSINESS.” A business that begins operations at a new location or that changes its use at an existing location.

“OPEN BURNING.” The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

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

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

(2) Shall have charge, care, or control of any real property including but not limited to; owner, executor, administrator, trustee, guardian of the estate, real estate agent acting in managerial role, property manager, business manager, employee, landlords, tenants or anyone representing the entity. Any such person thus representing the actual owner shall be bound to comply with the owner’s obligations under this chapter.

“PUTRESCIBLE.” Having the ability to become putrid.

“RED FLAG WARNING.” A term used by fire-weather forecasters to call attention to limited weather conditions of particular importance that may result in extreme burning conditions. It is issued when it is an on-going event or the fire weather forecaster has a high degree of confidence that red flag criteria will occur within 24 hours of issuance. Red flag criteria occurs whenever a geographical area has been in a dry spell for a week or two, or for a shorter period, if before spring green-up or after fall color.

“ROOMING UNIT.” Any room which is designed or used for sleeping purposes. This term may include a room in a rooming house, a hotel, a motel, tourist home, a school dormitory, or an apartment building which may or may not have some additional facilities for eating or cooking contained therein.

“SILVICULTURAL.” The practice of cultivating trees, forestry.

“TENANT.” Any individual, company, partnership, trustee or any other entity that occupies a structure.

STANDARDS OF SAFETY.

(A) There is hereby established, within the city, a fire inspection program in accordance with KRS 227.320 and the Kentucky Standards of Safety (Fire Prevention Code) as promulgated in 815 KAR 10:060 by the Commissioner of the Department of Housing, Building and Construction on the advice and recommendation of the State Fire Marshal, and which includes by reference the NFPA Fire Prevention Code, is hereby adopted in full as an ordinance of the City of London, Kentucky. Copies of the code book are available through the Department of Housing, Buildings and Construction, 500 Mero Street, Suite 101, Frankfort, Kentucky 40601.

(1) The Fire Chief or his designee is authorized to inspect all commercial property for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire loss, or determining the cause or origin of any fire loss, or discovering any violation of a law or ordinance relating to fire prevention and protection. This authority shall apply to the interior of occupied residences, including homes, apartments, condominiums, and townhouses, only when a fire loss has occurred therein or when the officer has reason to believe that unsafe conditions exist in the building. Inspections of property located within the London City Limits shall be made in accordance with an inspection schedule approved by the Fire Chief and/or Fire Marshal. The Fire Chief and/or Fire Marshal reserves the right to inspect any commercial property premises at any time outside the schedule if deemed necessary.

(2) No owner shall fail to furnish and use reasonable adequate protection and safeguards against fire loss, or fail to adopt and use processes and methods reasonably adequate to render such places safe from fire loss as defined by 815 KAR 10:060 - Kentucky Standards of Safety.

(3) No owner shall require or allow the public or any employee to go into or be in any property under his control which is not reasonably safe from fire loss as defined by 815 KAR 10:060 - Kentucky Standards of Safety.

(4) Whenever the Fire Chief or his designee(s) find a property which, for want of repairs, lack of sufficient exits or escape facilities, lack of alerting devices, dilapidated condition, or any other cause, is especially liable for fire loss, or whenever the Fire Chief or his designee(s) find in any property, combustible or explosive matter or inflammable materials likely to result in fire loss, shall order it to be remedied. The Fire Chief or his designee(s) shall deliver the order, describing the deficiencies, to the owner. The owner shall conform to the order within the specified time. If any owner fails to comply with an order within the specified time, the Chief or his designee(s) may cause the property to be repaired, or removed if repair is not feasible, and all fire hazard conditions remedied, at the expense of the owner. Any such expense incurred by the city shall be enforced against any property of such owner and shall have a lien for such expense on the real estate or property involved.

(5) Whenever the Fire Chief or his designee(s) find any property in violation of any provisions of the Fire Code, he or she shall notify the owner in writing of such specific finding(s) and violation(s) and instruct the owner to correct the violation within a period of time not to exceed 60 days.

(B) Nothing in this section shall be interpreted to inhibit, circumvent, alter, change, or delay the Fire Chief or his designee's statutory authorizations involving immediate abatement of any dangerous condition(s).

(C) The City Clerk shall at all times keep in their possession for reference a copy of the most recent edition of the Standards of Safety.

(D) An attested copy of this Ordinance shall be transmitted to the office of State Fire Marshal and the Rates Section of the Department of Insurance of the Commonwealth of Kentucky.

(E) Enforcement of this Ordinance shall be made to the City of London Code Enforcement Board.

FIRE LIMITS.

The fire limits of the city include and are established as all areas within the corporate limits of the City of London.

FIRE PROTECTION SERVICE OUTSIDE CITY LIMITS.

City fire-apparatus and personnel shall not be utilized to fight fires outside the City limits unless pursuant to a mutual aid agreement or automatic aid agreement with another governmental entity, or, at the discretion of the Mayor of the City of London or his designee(s), or where fire threatens an occupied public school in Laurel County.

FIRE PROTECTION COST RECOVERY MITIGATION RATES FOR SERVICES

The City of London does not wish to raise property tax rates to meet the increase in service demand because it would not be fair to the Citizens of London when the responsible parties should be held accountable for their actions and the City Council wishes to implement a fair and equitable procedure to by which to collect said mitigation rates and establish a billing system in accordance with applicable laws, regulations and guidelines and establishes the authority with the City of London Fire Department to establish mitigation rates for emergency and non-emergency incidents.

The mitigation rates are as follows which shall be based on values derived from reported information corresponding Incident Reports as submitted for recovery of costs-submitted as a "fully calculated" rate, per item/per hour, based on actual operations cost, using amortized schedules for apparatus.

Services covered under the following format as follows: Fire Suppression, Salvage/Overhaul, Scene Cleanup, roadway Cleanup/Clearance, Hazmat Mitigation, Vehicle Stabilization, Building Stabilization and Hazard Mitigation.

Itemized Response: Each Incident will be billed with custom mitigation rates deemed unusual, customary and reasonable (“UCR”). These incidents will be billed, itemized per apparatus per hour, plus rescue products used and special services performed. The mitigation rates are based in the industry average and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

Rates: The hourly rates for equipment, procedure rates, consumable material rates and equipment/gear repair and/or replacement costs shall be submitted by the Chief of the City of London Fire Department for approval by Motion and Vote of the City Council at the time of the adoption of this Ordinance and shall be reviewed and approved by Motion and Vote of the City Council as deemed necessary by the Fire Chief.

Late Fees shall be assessed if the invoice is not paid within thirty (30) days of the invoice, as well as one and one half percent (1.5%) per month, as well as the actual cost of collections, will be assessed to the responsible party.

A claim shall be filed to the responsible party through their insurance carrier, with said liability as determined by the involved party, their insurance carrier or a court of competent jurisdiction.

FIRE DEPARTMENT ACCESS.

(A) All premises which the Fire Department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, parking lot lanes, or a combination thereof so that all buildings on the premises are accessible to fire apparatus.

(B) Plans for fire department access roads, fire hydrant systems and fire sprinkler system connections shall be provided to the Fire Chief, or his designee, for review and approval prior to construction.

(C) A fire department access road shall extend to within 50 feet (15m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. Access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located no more than 150 feet (46m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

(D) More than one fire department access road shall be provided when it is determined by the Fire Chief, or his designee, that access by a single road could be impaired by vehicle congestion, condition of the terrain, climatic conditions or other conditions that could limit access.

(E) Fire department access roads shall have an unobstructed width of at least 20 feet including adjacent traffic lanes, with the road edge closest to the building at least eight feet from the building. Access roads shall have an unobstructed vertical clearance of at least 13 feet 6 inches (4.1m). Any dead-end access roads more than 150 feet long shall be provided with an approved cul-de-sac or hammerhead turn-around at the closed end. The cul-de-sac design must have a minimum diameter of 96 feet and a minimum 28-foot radius as shown in Figure 1 below. The hammerhead design is 60 feet from the center of the road in both directions as shown in Figure 2 below.

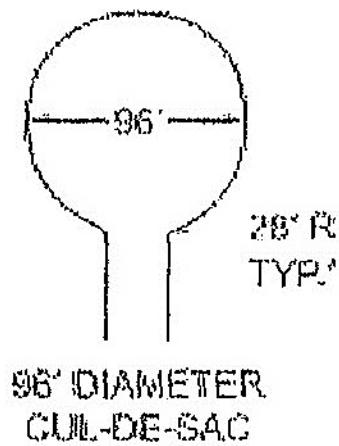


Figure 1

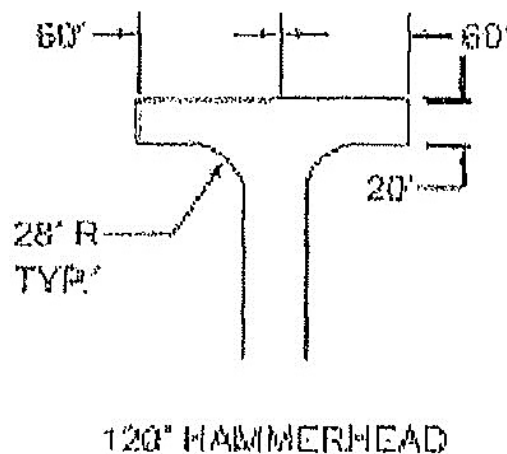


Figure 2

(F) Fire department access roads shall be constructed and maintained to support the imposed loads of fire department apparatus and shall be provided with an all-weather driving surface. The surface of access roads shall be marked with approved markings. Signs shall be posted that read "No Parking Fire Lane".

(G) Buildings or facilities containing automatic fire alarm or automatic fire sprinkler systems shall provide fire department access through the installation of key access boxes approved by the Fire Chief or his designee.

(H) Fire department access shall be provided to gated subdivisions or developments through the use of key switches or devices approved by the Fire Chief or his designee.

(I) Industrial, commercial and institutional facilities that manufacture, process, use or store hazardous materials shall mark their facilities in accordance with NFPA 704. This section shall be retroactive to include all facilities for which the standard applies.

(J) Buildings equipped with fire sprinkler systems shall locate the fire department connection(s) away from the building a distance of at least one and one-half times the height of the building or at the street, whichever is closer. The fire department connections shall be located no closer than 20 feet (6m) or further than 80 feet (24.2m) from a fire hydrant. Exception; existing fire sprinkler installations.

(K) Fire hydrants shall be spaced apart no further than 450 feet (106m) in residential areas, and 350 feet (136m) in commercial and industrial areas. Blue raised street reflectors shall be installed to indicate the location of fire hydrants. When a fire hydrant is located at an intersection, reflectors shall be installed on each street. Blue raised hydrant reflectors shall be installed on any city street that is resurfaced. Cost for the blue raised hydrant reflectors and their installation shall be borne by the contractor and the cost included in the street resurfacing bid.

(L) Any person violating any of the provisions of this section, in addition to any other penalties or fines, shall become liable to the city for any expenses, loss, or damage occasioned the city by reason of such violation.

OBSTRUCTING FIRE HYDRANTS AND FIRE DEPARTMENT ACCESS ROADS.

(A) It shall be unlawful for any person to park any automobile or any other motor vehicle within ten feet of a fire hydrant or fire department connection. Fire hydrants and fire department connections shall be free of any and all obstructions within ten feet.

(B) It shall be unlawful for any person to park any automobile or any other motor vehicle on, or to obstruct in any manner, a fire department access road.

(C) Motor vehicles found in the prohibited area as described in this section shall be removed by authority of the Chief of Police, Fire Chief or their designees, and the cost of such removal or towing and all other costs are to be borne or paid by the violator.

(D) Any objects or materials found to be obstructing a fire hydrant, fire department connection or fire department access road shall be caused to be removed by authority of the Police Chief, Fire Chief or their designees, and the cost of such removal and all other costs are to be borne or paid by the violator.

FIRE INSPECTION PROGRAM.

(A) Routine fire safety inspections shall be conducted by the City of London Fire Chief's office on the following occupancies:

(1) Assemblies, private educational, lodging and rooming houses, mercantile, business, industrial, storage and special occupancy. Definitions for this section shall be determined by referring to NFPA 1 which is incorporated by reference as if it is fully stated herein. There shall be a fee assessed to each facility in accordance with the fee schedule in the table of fees below.

(2) Hotels, motels, dormitories and apartment buildings (three or more units and a common space). Definitions for this section shall be determined by referring to NFPA 1 which is incorporated by reference as if it is fully stated herein. There shall be a fee assessed to each facility in accordance with the fee schedule in the table of fees below.

(B) A written report of each inspection shall be made and kept on file in the office of the Fire Chief of the City of London Fire Department.

(C) Payment of routine fire safety inspection fees shall be the responsibility of the owner as it appears on the occupancy's business license. This fee shall be determined according to the table of fees below. Failure to pay routine fire safety inspection fees may result in the refusal of a business license not to be renewed. Fee invoices shall be mailed by the City Clerk to the address listed on the city's business license. If the occupancy is exempt from having a city business license the fee invoice will be sent to the owner of the property at the address of where the inspection took place.

(D) IRS defined 501(C)(3) and governmental agencies are exempt from these fees.

(E) Square footage determination.

(1) Stand alone buildings. Determined by the exterior dimensions of the structure(s). If a structure or space(s) within a structure cannot be measured from the exterior then the square footage will be determined by its interior measurements.

(F) Multiple occupancies within a single structure. These occupancies shall be considered separate structures. The occupancies square footage shall be determined by its interior measurements. Individual occupancies will be inspected and be assessed the corresponding fee.

(G) If multiple structures are on the same property they shall be considered separate and will be inspected and assessed the corresponding fee(s).

(H) To ensure owner compliance with routine fire safety inspection deficiencies and/or notice of violations, re-inspection(s) of a property shall be conducted when warranted. Notice of violations shall be issued to the owner(s) as defined herein.

(I) Notices of violations that go uncorrected shall be forwarded to the Code Enforcement Board. This action shall not limit the authority of the Fire Chief or his designee as outlined herein.

(J) Any violation(s) that in the opinion of the Fire Chief or his designee to represent an immediate threat to life or property shall be enforced under the provisions of this Ordinance.

(K) Prior to obtaining a business license, for a new business or new business location, the owner must present a fire inspection report indicating the facility is compliant with all applicable fire codes. The fire inspection shall have been conducted by the Fire Chief's office or the State Fire Marshal's office.

Fee Schedule	
Non-public educational, assembly, business, storage, mercantile industrial, lodging & rooming houses and special structures	
Square Footage	Fee Amount
Up to 799	\$30
800 - 2,499	\$40
2,500 - 4,999	\$50
5,000 - 7,499	\$60
7,500 - 9,999	\$80
10,000 - 11,199	\$100
12,000 - 14,999	\$110
15,000 - 17,999	\$125
18,000 - 20,999	\$140
21,000 - 23,999	\$160
24,000 - 29,999	\$180
30,000 - 34,999	\$200
35,000 - 41,999	\$220
42,000 - 49,999	\$240
Occupancies 50,000 or greater	\$300 plus \$2 for every 1,000 sq. ft. above 50,000 sq. ft.
Hotels, motels, dormitories	\$5.00 per unit
Apartment buildings with 3 or more units and common areas	\$2.50 per unit
Additional fees for all occupancy types, if applicable. (These fees are in addition to the fees described above.)	
Special Equipment/Systems	
Additional fees for all occupancy types, if applicable. (These fees are in addition to the fees described above.)	
Fire sprinkler systems, fire alarm systems	\$30 each
Fixed extinguisher systems, commercial cooking hoods	\$20 each
Re-inspection Fee Schedule	
Re-inspection Fee Type	
First re-inspection	No charge
Second re-inspection	\$100
Third re-inspection	\$250
4 or more re-inspections	\$500

DESIGNATED ENFORCEMENT OFFICER.

The City of London Fire Chief or his designee(s) shall be designated as the local enforcement agent for the Kentucky Standards of Safety and this chapter.

SMOKE DETECTORS

ADMINISTRATION

(A) Purpose. The purpose and intent of this subchapter is to prescribe minimum requirements and controls to safeguard life, property or public welfare from conditions hazardous to life, property, or public welfare in the use or occupancy of residential rental property.

(B) Intent. This subchapter shall be constructed to serve its expressed intent is to insure public safety, health and welfare as it pertains to smoke detectors in new construction and in residential rental properties. At the present time, the City of London Fire Department makes available smoke detectors to single resident homes within the City at no cost.

(C) Administrative Liability. The official, officer or employee charged with the enforcement of this subchapter, while acting for the jurisdiction, shall not thereby be rendered personally liable and is hereby relieved from all personal liability for any damage to persons or property as a result of any act required or permitted in the discharge of official duties.

(D) Jurisdictional Liability. The jurisdiction shall not be liable under this subchapter for any damage to persons or property by reason of the inspection or reinspection of building, structures or equipment authorized herein, or failure to inspect or reinspect such building, structures or equipment or by reason of the approval or disapproval of any building, structure, or equipment authorized herein.

REQUIREMENTS NEW CONSTRUCTION AND RENTAL PROPERTIES.

(A) Type and placement of smoke detectors.

(1) Battery operated smoke detectors that are ionization or photoelectric type detectors approved by a nationally recognized testing laboratory shall meet the minimum standard smoke detector required by this subchapter.

(2) Smoke detectors shall be placed in accordance with applicable N.F.P.A. standards. Detectors may be ceiling or wall mounted. However, if they are wall mounted, they shall be within 12 inches, but not closer than six inches, of the ceiling.

(3) 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 and inside each bedroom. Where sleeping areas are separated 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 and in sleeping rooms. In a rooming unit the detector shall be centrally located on the ceiling.

(4) In a dwelling containing two (2) 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.

(5) Smoke detectors shall be required in the living area of every dwelling unit and on every story of the dwelling unit, including basements.

INSTALLATION; MAINTENANCE.

(A) The owner of a dwelling shall be responsible for supplying and installing in an operable condition the required detectors and for providing the manufacturer's maintenance and testing instructions to a tenant when appropriate.

(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 detectors in dwelling units and rooming units where the occupancy of any one tenant is for less than one month.

(C) The tenant in any occupancy of one month or more 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 24 hours in which to repair or replace it. In the battery operated type of detector, battery replacement shall be the responsibility of the tenant.

(D) At every change of tenancy where the occupancy of any one tenant is of one month or more, 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) Tampering: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this subchapter and subject to the penalty set forth herein.

CONFLICTING PROVISIONS.

In any case where a provision of this subchapter is found to be in conflict with a provision of any fire or safety code of the city, the provision which establishes the higher standard for the promotion and protection of health and safety shall prevail.

OPEN BURNING

OPEN BURNING PROHIBITED; EXCEPTIONS.

Except as provided in this section, no person shall cause, suffer or allow any open burning or open fires. Fires **may be set** for the following purposes, provided that the fires do not violate any of the provisions of KRS Chapters 149, 150, 227, and other laws of the Commonwealth of Kentucky or any local ordinances:

(A) Fires set for the cooking of food for human consumption on other than commercial premises;

(B) Fires set for recreational or ceremonial purposes;

(C) Fires set for the purpose of weed abatement, disease, and pest prevention;

(D) Fires set for prevention of a fire hazard, including the disposal of dangerous materials where no safe alternative is available;

(E) Fires set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fighting fires;

(F) Fires set for recognized agricultural, silvicultural, range and wildlife management practices;

(G) Fires set for the purpose of disposing of accidental spills or leaks of crude oil, petroleum products or other organic materials, and the disposal of absorbent material used in their removal, where no other economically feasible means of disposal is available and practical and provided permission is obtained from the Natural Resources and Environmental Protection Cabinet prior to burning; and

(H) Fires set for disposal of natural growth for land clearing, and trees and tree limbs felled by storms, provided that no extraneous material such as tires or heavy oil which tend to produce dense smoke are used to cause ignition or aid combustion and the burning is done on sunny days with mild winds. The measurement of the fire shall not exceed 25 feet by 25 feet by eight feet.

BURNING OF LEAVES AND HOUSEHOLD RUBBISH PROHIBITED.

The burning of household rubbish and garbage, construction debris, painted/stained or treated wood products, animal bedding, tires, coated wire, furniture, and chemical containers is in violation of the Environmental Protection Agency's regulations and is strictly prohibited within the city limits.

LOCATION REQUIREMENTS.

The location for any open burning shall not be less than 50 feet (15,240 mm) from any structure or utility line and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure or utility line. Fires in approved containers shall be permitted provided that such fires are not less than 15 feet (4,572 mm) from any structure.

OPEN BURNING REGULATIONS.

Open burning shall not be used for waste disposal purposes, shall be of the minimum size for the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

OPEN BURNING ATTENDANCE REQUIRED.

Any open burning shall be constantly attended until the fire is extinguished. Adequate and appropriate fire-extinguishing equipment shall be available for immediate use.

AUTHORITY OF FIRE CHIEF OR HIS DESIGNEE(S).

The Fire Chief or his designee(s), shall prohibit open burning which will be offensive or objectionable due to smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous. The Fire Chief or his designee(s), shall order the extinguishment, by the owner or the fire department, of any open burning which creates or adds to a hazardous or objectionable situation.

FIRE HAZARD SEASONS; FIRES PROHIBITED; EXCEPTIONS.

(A) The periods commencing on February 15 and ending on April 30 and commencing on October 1 and ending on December 15 of each year are hereby declared to be and established as the fire hazard seasons. During the fire hazard seasons, even though the precautions required by KRS 149.375 shall have been taken, it shall be unlawful for any person to set fire to, or to procure another to set fire to, any flammable material capable of spreading fire, except between the hours of 6:00 p.m. and 6:00 a.m., prevailing local time, or when the ground is covered with snow.

(B) This section shall not apply to fires which may be set for the purpose of burning plant beds.

(C) This section shall not apply to fires which may be set by competent and qualified employees of railroad, utility or pipeline companies in connection with the construction, operation or maintenance of railroads, pipelines, power lines or other projects in the public interest on rights-of-way used for such railroads, pipelines, power lines or other projects, and such fires shall be attended at all times and be extinguished before the employees of such railroad, utility or pipeline companies leave the vicinity of the fire.

(D) The Fire Chief or Fire Marshal shall have the authority to issue a ban on open burning anytime the atmospheric conditions or local circumstances make such fires hazardous. Including but not limited to: wind speeds greater than 15 miles per hour, the issuance of a "Red Flag Warning" from the National Weather Service or the National Forest Service.

NOTICE REQUIRED BEFORE BURNING.

(A) Prior to burning, a citizen shall ~~provide obtain~~ provide obtain notice that he/she will burn permit ~~from~~ to the City Fire Department and shall provide the purpose of the burning; the

nature and approximate quantities to be burned; and the date and location of the burning.

(B) A burn notice permit shall not be required for fires set in outdoor fire places, chimaneas, and fire pits provided all requirements of this Ordinance are followed.

(C) The burn notice may be either may be either called by phone to the City of London Fire Department or submitted to the City on a Burn Notice Form on the City of London website.

OUTDOOR FIRE PLACES, CHIMANEAS, AND FIRE PITS.

(A) Factory built outdoor fire places; chimaneas and fire pits shall be installed, maintained, and used in accordance with the manufacturer's instructions or the International Mechanical Code.

(B) Masonry built outdoor fireplaces, chimaneas, and burn pits shall be constructed in accordance with the International Building Code.

(C) Outdoor fire places, chimaneas and fire pits shall be maintained in proper working condition free from any defects.

(D) The Fire Chief or his designee(s) shall prohibit burning which will be offensive or objectionable due to smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous. The Fire Chief or his designee(s) shall order the extinguishment, by the owner or the fire department, of any burning which creates or adds to a hazardous or objectionable situation.

Fines:

Sections	Fine Amount		
Obstructing Fire Hydrants	\$50		
Open Burning	\$50		
Smoke Detectors	\$50 per day		
	1st Offense	2nd Offense	3rd Offense
Fire Department Access (Per Day)	\$100	\$150	\$250
Fire Inspection Program (Per Day)	\$100	\$150	\$250

APPEAL PROCESS.

(A) All issues of dispute regarding the final decisions of the Fire Chief or his designee(s) for violations of this Ordinance, shall be referred to and/or appealable to the City of London Code Enforcement Board pursuant to the rules and regulations adopted by it and/or the City Council.

(B) Appeals must be in writing and presented to the London City Clerk, 501 South Main St., within seven days of the issuance of a citation. Failure to respond to the citation by requesting a hearing, within seven days of receiving the citation, shall be deemed as waiving your right to a hearing and the determination that the citation was committed shall be final.

SEVERABILITY: If any phrase, clause, sentence, or section of this Ordinance be declared unconstitutional by a Court with jurisdiction, the remaining sections to this Ordinance shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall be effective immediately upon publication.

Mayor Randall Weddle

Attested: _____
City Clerk Marcy Berry

First Reading: _____

Second Reading: _____

Publication Date: _____