

**CITY OF LONDON**  
**SUMMARY OF ORDINANCE NO. 2023-16 ENTITLED AN ORDINANCE ADOPTING STANDARDS OF**  
**FIRE SAFETY; DEFINITIONS; MITIGATION RATES; FIRE PROTECTION OUTSIDE THE CITY LIMITS;**  
**DESIGNATED ENFORCEMENT OFFICER; SMOKE DETECTORS; ENFORCEMENT; FINES; APPEAL**  
**PROCESS; EFFECTIVE DATE**

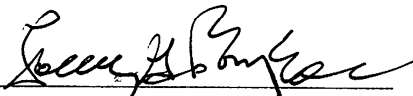
This is a summary of the above Ordinance by the City Attorney Larry G. Bryson, who is licensed and authorized to practice law within the Commonwealth of Kentucky, and further states the following is an accurate summary of this Ordinance.

The stated intent of the Ordinance is to establish standards of fire safety to prevent residential and commercial fires and to protect the citizens of London. The definitions section defines Fire Chief and Owners. The City follows the mandate of KRS 227.320, 815 KAR 10:060 and adopts the NFPA Code. Owners and the Fire Chief are to follow 815 KAR 10:060.

The "fire limits" are the corporate city limits. The Ordinance adopts the Fire Protection Cost Recovery Mitigation Rates for Services, but billings for these rates are only to be made to insurance companies and will not be billed to the individuals involved.

New construction plans are to include fire department access roads, fire hydrants and fire sprinkler systems and will be reviewed by the fire chief and the city building inspector as will remodeling and additions to existing buildings, in compliance with KRS 227.200, 815 KAR 7:120 and 815 KAR 10:060.

A property owner may request an inspection and the London Fire Department may conduct inspections to existing buildings in keeping with Kentucky law. Smoke detectors to private home owners are available upon request. Enforcement of the Ordinance is by the Code Enforcement Board in keeping with the fines outlined in the Ordinance. An appeal process is described in the Ordinance, which is effective upon publication. The full Ordinance is available for inspection and copying at the Office of the London City Clerk.

  
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Larry G. Bryson, London City Attorney

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

**AN ORDINANCE ADOPTING STANDARDS OF FIRE SAFETY;  
DEFINITIONS; MITIGATION RATES; FIRE PROTECTION OUTSIDE THE  
CITY LIMITS; DESIGNATED ENFORCEMENT OFFICER; SMOKE  
DETECTORS; ENFORCEMENT; FINES; APPEAL PROCESS;  
EFFECTIVE DATE**

*WHEREAS, THE CITY COUNCIL wishes to establish Standards of fire safety, the City Council does recognize the requirements of KRS 227.200, et seq., 815 KAR 7:120 and 815 KAR 10:060 and delegates the enforcement thereof to the Fire Chief of the City to London, 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 the same definition as contained in KRS 227.200, *et seq.*, 815 KAR 10:060, *et seq.*, and 815 KAR 7:120, *et seq.*, or their ordinary meanings; for purposes of this Ordinance the following definitions shall also apply unless context clearly indicates or requires a different meaning.

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

**"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.

**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, *et seq.*, 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 National Fire Prevention Association Code ("NFPA"), 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 may inspect any building within the City of London for the purpose of ascertaining the cause and/or origin of any structural fire.

(2) All owners of real property shall follow the provisions of 815 KAR 10:060 *et seq.*, *a/k/a* the Kentucky Standards of Safety.

(3) The Fire Chief or his designee(s) shall coordinate fire inspections made by the City of London Building Inspector and/or State Building Inspector and/or the State Fire Marshal.

(B) 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.

(C) Except as otherwise stated herein, enforcement of this Ordinance shall be made by 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 by which to collect. For such reasons, the City Council of London establishes the following mitigation rates for emergency and non-emergency incidents but only claims made to Insurance Companies and not to individuals.

The mitigation rates are 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 included are: 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 to Insurance Companies 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 approved by the City Council at the time of the adoption of this Ordinance.

#### **FIRE DEPARTMENT ACCESS IN NEW CONSTRUCTION**

New construction plans submitted to the City of London Building Inspector shall provide for fire department access roads, fire hydrant systems and fire sprinkler system connections and shall be reviewed by the Fire Chief and Building Inspector for compliance with the City of London Planning and Zoning Ordinances of the City of London and in keeping with KRS 227.200, *et seq.*, and 815 KAR 7:120, *et seq.*, and 815 KAR 10:060, *et seq.*

#### **FIRE INSPECTION PROGRAM.**

- (A) Routine fire safety inspections shall be conducted by the City of London Fire Chief's office when requested by the owner of the property.

- (B) New Construction, Remodeling and Additions Inspection:

Definitions for this section shall be determined by referring to KRS 227.200, *et seq.*, 815 KAR 10:060, *et seq.*, and the National Fire Protection Association ("NFPA") 1 which is incorporated by reference as if it is fully stated herein.

New Construction, Remodeling or additions to existing buildings include those for which inspections are to be made by the City of London Building Inspector and/or the State Building Inspector, if possible, shall be made with the City of London Fire Chief.

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

(B) The fire inspection fees are stated in the table of fees below. 501(C)(3) organizations and certain government agencies are exempt from these fees.

(C) To ensure owner compliance with fire safety inspection deficiencies and/or notice of violations, re-inspection(s) of a property shall be conducted. Notice of violations shall be issued to the owner(s) as defined herein and the owner shall have a reasonable time to comply.

(I) Notices of uncorrected violations shall be made to the Code Enforcement Board.

(J) Any violation(s) that pose 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 City Fire Chief or the State Fire Marshal's office.

<b>Fee Schedule</b>	
For new construction, remodeling or additions to non-public educational, assembly, business, storage, mercantile industrial, lodging & rooming houses and special structures	
<b>Square Footage</b>	<b>Fee Amount</b>
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.)	
<b>Special Equipment/Systems</b>	
Additional fees for all hotels, motels, dormitories and apartment building types, and new construction, 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
<b>Re-inspection Fee Schedule</b>	
<b>Re-inspection Fee Type</b>	
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 is designated as the local enforcement agent for the Kentucky Standards of Safety and this Ordinance.

### **SMOKE DETECTORS**

(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.

### **REQUIREMENTS FOR SMOKE DETECTORS IN NEW CONSTRUCTION, ADDITIONS AND REMODELING 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 any new, remodeled or added dwelling unit(s) which contain 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 building with two or more dwelling units and on every story of the dwelling unit, including basements.

(A) The owner of any new or remodeled dwelling shall be responsible for supplying and installing 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 notifying the owner when a detector becomes inoperable except for battery replacement which is the responsibility of the tenant.

(D) At every change of tenancy where the occupancy of any one tenant is more than one month, it is the responsibility of the owner to test and ascertain that those detectors contained in the unit are in operable condition.

(E) The Owner shall have thirty (30) days replace any required fire detectors.

Failure to follow (A) or (B) above require (1) warning for first violation and (2) \$50.00 penalty of each additional violation. Each day after the 30 day of notice shall constitute a separate violation.


The Fire Chief of the City of London, pursuant to this Ordinance has authority to enforce all federal laws and state laws and regulations relating to Open Burning and Fire Hazard Seasons.

### **APPEAL PROCESS.**

Appeals from any citations made by the City of London Fire Chief must be in writing and presented to the London City Clerk, 501 South Main St., within seven days of the issuance of the citation. All such appeals shall be heard by the Code Enforcement Board.

**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. Any Ordinance or parts of Ordinances in conflict with this Ordinance are hereby repealed.

  
Mayor Randall Weddle

Attested:   
City Clerk Katelin McPeek

First Reading: JUNE 14, 2023 Second Reading: JULY 3, 2023

Publication Date: JULY 19, 2023