

ORDINANCE NO. **BG2021 - 15**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE REPEALING EXISTING CHAPTER 12
AND APPROVING REVISED VERSION OF THE
CITY OF BOWLING GREEN CODE OF
ORDINANCES CHAPTER 12 (FIRE PREVENTION)
TO MAKE VARIOUS CHANGES

WHEREAS, the City of Bowling Green regularly reviews the Code of Ordinances to determine if changes need to be made; and,

WHEREAS, the Fire Department recommends multiple revisions be made to the Chapter to provide more accurate information regarding the provisions of the Fire Department; and,

WHEREAS, due to the recommended revisions, it was determined to be in the best interest of the City to repeal the existing Chapter 12 and to adopt a revised Chapter 12.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 12 (Fire Prevention) is hereby repealed in its entirety and replaced with the following:

12-1 GENERAL PROVISIONS.

12-1.01 Definitions.

As used in this Chapter, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

“Jurisdiction or Authority Having Jurisdiction (AHJ)” shall mean the City of Bowling Green, Kentucky.

“Fire Code Official” shall mean the Fire Chief, or designee, of the Bowling Green Fire Department.

“Department of Fire Prevention” shall mean the Bowling Green Fire Department Fire Prevention Division.

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“Open Burning” shall mean burning of any matter without a burn chamber approved by the Kentucky Division for Air Quality, or without a stack or chimney with control devices approved by the Kentucky Division for Air Quality.

“Permitted Materials for Open Burning” shall mean brush, tree limbs, branches and trunks, vegetation, and cured/seasoned wood.

12-1.02 Fire Chief.

The Fire Department shall be supervised by the Fire Chief. The Fire Chief shall be responsible to the City Manager for the efficient operation and management of the Fire Department. The Fire Chief shall have the power to act in whatever capacity may be deemed necessary for the safety and protection of the residents from danger or loss of life or injury to persons or property from fire hazards. Any power, duty or function, whether ministerial, discretionary, or whatever character vested in or imposed upon the Fire Chief may be exercised, discharged, and performed by any officer of the Fire Department or authorized designees.

It shall be the duty of, and the Fire Chief is authorized to:

- a. Administer, enforce or aid in the enforcement of all laws, administrative regulations and ordinances of the Commonwealth and the City relating to fire loss;
- b. Investigate the cause, origin, and circumstances of fires and explosions for the purpose of detecting and suppressing arson and related offenses, and for the purpose of minimizing or preventing fire loss;
- c. Make periodic inspections of all existing buildings, except one and two family dwellings, which the Fire Chief has jurisdiction for compliance with adopted fire/life safety codes;
- d. Enter in or upon any property to make an inspection or investigation for the purpose of preventing fire loss or determining the origin of any fire, but this shall apply to the interior of private, occupied dwellings only when a fire has occurred therein or when there is reason to believe that unsafe

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fire conditions exist in the building;

e. Issue and enforce reasonable emergency orders and orders in accordance with KRS 227.330 for the prevention of fire loss, and for the adoption, approval, and installation of safety measures, remodeling, and equipment as will minimize fire loss; and,

f. Conduct fire prevention and educational campaigns.

12-1.03 Organization of Fire Department.

The Fire Department shall be organized in accordance with the provisions of Chapter 2 (Administration) of the Code of Ordinances. A table of organization shall be established by the department subject to the approval of the City Manager.

12-1.04 Personnel Rules and Regulations.

All employees of the Fire Department shall be subject to all personnel rules and regulations adopted by ordinance or municipal order. They shall also be subject to all personnel rules and regulations contained in the Fire Department's Policy and Procedures Manual.

12-1.05 Fire Personnel Subject to Emergency Call and Recall.

All members of the Fire Department are subject to call to duty in any case of emergency. Such call may be made by the Fire Chief, Deputy Chief, ranking officer on duty, or the City Manager. Fire Suppression personnel are also subject to recall to meet defined standards for appropriate station staffing.

12-2 STANDARDS OF SAFETY ADOPTED.

12-2.01 Standards of Safety Adopted.

a. Pursuant to KRS 227.320, the City hereby adopts and incorporates by reference as if produced herein the Kentucky Standards of Safety, as promulgated under 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. Such rules and regulations shall establish a minimum

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requirement concerning matters covered thereby and shall be so construed in relation to any local rules and regulations.

b. The Fire Chief shall administer agreements authorized by the Board of Commissioners with the Commonwealth of Kentucky, Department of Housing, Buildings and Construction pursuant to KRS 15.605 through 15.630 to establish jurisdictional parameters and to avoid duplicative standards.

c. Subject to any modification by agreement as described hereinabove, the Fire Chief, or designee, shall assume primary jurisdiction for the inspection and enforcement of the Kentucky Standards of Safety, excluding federal and state owned property, health care facilities, and other facilities licensed by the Kentucky Cabinet for Health and Family Services.

12-2.02 Enforcement.

a. The Fire Chief, or designee, shall enforce and administer the provisions of KRS Chapter 227, Kentucky Standards of Safety, or other ordinances of the City with respect to fire hazard.

b. When any Fire Code Official shall find in any building, or upon any premises or other place, a deficiency of the Standards of Safety or other ordinances of the City with respect to fire hazards, the Fire Code Official shall give to the owner or representative a written "Notice of Deficiency." In the event such owner or representative cannot be found at the premises, the notice shall be mailed to the address of the owner of the premises as set out in the Warren County Property Valuation Administrator (PVA) Office.

c. When a deficiency of this Chapter is observed and the "Notice of Deficiency" is issued, the notice shall comply with the following format:

1. Shall be in writing, and an email of the Notice of Deficiency shall be considered written notice.
2. Include a description of the property sufficient for identification.
3. Include reasons why a Notice of Deficiency is being issued.

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4. Identify that a notice period of up to thirty (30) calendar days is being given to bring the property into compliance with the provisions of this Chapter.

5. Include an explanation of the owner's right to seek modification, clarification, or withdrawal of the Notice of Deficiency by contacting the issuing inspector.

d. At the end of the notice period, a follow up inspection (2nd inspection) will be conducted. Uncorrected violations after the 2nd inspection will be turned over to the Prevention Division. A Fire Code Official will request the owner to submit a plan of repair within seven (7) calendar days and issue a second notice period of up to an additional thirty (30) calendar days to correct the deficiency.

e. If deficiencies remain uncorrected after the second notice period, the inspector shall assess a fee against the property owner to recover the cost of each additional inspection according to the following schedule:

1. Third inspection fee - \$100
2. Fourth inspection fee - \$200
3. Fifth and subsequent inspection fee - \$500

f. Inspection fee invoices will be mailed by the Finance Department to the owner as it appears on the property valuation administrator database. Fees collected under the provision of this Section shall be payable to the City of Bowling Green. No license, permit, or other approvals shall be granted by the City to any person or business entity who is delinquent in the payment of any inspection fees. In addition, the City Attorney, in cooperation with the Fire Chief, or designee, may pursue collection in the appropriate Court of law.

g. If during a follow up inspection or any subsequent inspection for the same violation the Fire Code Official finds an additional violation not found during the initial inspection, such violation shall be treated as an initial violation, for which the property owner shall be issued a Notice of Deficiency.

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h. Violations that remain uncorrected shall be referred to additional agencies to assist in correcting the deficiencies.

12-2.03 Means of Appeal.

a. Any person directly affected by a Notice of Deficiency shall have the right to appeal to the Fire Chief in writing within seven (7) days after the Notice of Deficiency is issued.

b. If the matter is not resolved by agreement of the affected party and the Fire Chief, the affected party shall have the right to appeal to the State Fire Marshal in writing prior to the completion date specified in the Notice of Deficiency.

c. If the matter is not resolved by agreement of the affected parties and the State Fire Marshal, legal action shall be instituted pursuant to KRS Chapter 227.

12-2.04 Emergency Order.

a. Whenever a Fire Code Official finds a violation or violations of the provision of this Chapter or any or other ordinances or regulations of the City, with respect to fire hazards that render any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, the Fire Code Official shall order the defects or hazards to be removed or remedied immediately. If the order is not complied with, the Fire Chief is authorized to close buildings and premises by padlocking such place and placing a notice "Closed to the Public by Order of the Fire Chief" on the entrance doors. Such buildings and premises shall be closed to the public or vacated by its occupants until the violation is corrected.

b. Upon receipt of notice of an emergency order issued above, an owner or agent may seek a temporary restraining order prohibiting its enforcement in the Circuit Court within whose jurisdiction the property is located. The Court may review the emergency order and prohibit its enforcement.

12-3 FIRE DEPARTMENT ACCESS.

12-3.01 Fire Department Access Roads.

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

b. The National Fire Protection Association (NFPA) 1, Fire Code, 2012 Edition, Section 18.2.3, Fire Department Access Roads, is hereby adopted and incorporated, except as specifically amended, modified, or deleted in this Chapter.

c. Fire Department access roads or lanes shall be provided and maintained in accordance with the provisions of NFPA 1 Fire Code, 2012 Edition, Section 18.2.3, Fire Department Access Roads, and shall be approved by the Fire Code Official during the City-County Planning Commission development review process or the building permit review process, whichever is applicable.

d. Fire department access roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least eight thousand (80,000) pounds.

e. A turnaround for fire apparatus shall be provided and approved by the Fire Code Official where an access road is a dead end and in excess of one hundred fifty (150) feet in length. The turnaround radius shall have a minimum centerline radius of fifty (50) feet. Exceptions to this requirement shall be permitted for T or Y turnaround arrangements and turnaround arrangements other than a cul-de-sac when approved by the Fire Code Official.

f. Vehicle load limits shall be posted at both entrances to bridges when a bridge is used as part of a fire department access road.

g. Fire department access roads shall not exceed ten percent (10%) in grade.

h. Traffic calming devices shall not be used on fire department access roads unless specifically approved by the Fire Code Official.

i. Approved signs, approved roadway surface markings, or other approved notices shall be

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provided and maintained to identify fire department access roads or to prohibit the obstruction thereof or both.

j. Fire department access roads shall not be obstructed in any manner, including the parking of vehicles. Minimum required widths and clearances shall be maintained at all times. Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for fire department operations.

12-3.02 Traffic Signal Pre-Emption.

a. Whereas Bowling Green Fire Department apparatus are equipped with traffic signal pre-emption devices, the Fire Code Official may require newly installed traffic signals to be equipped with traffic signal pre-emption compatible with fire department apparatus.

b. If a traffic signal is installed as a requirement of a development project, the need for the installation of traffic pre-emption shall be identified during the City-County Planning Commission development review process or the building permit review process, whichever is applicable.

c. If required, the developer shall furnish and install the required traffic pre-emption system as a part of the traffic signal installation.

12-3.03 Gates and Barriers.

All barriers placed across fire access roadways are determined to be obstructions and are therefore prohibited unless specifically approved by the Fire Code Official.

a. Manual (non-automatic) Gates and Barriers:

1. Manual gates shall be provided with an approved method for emergency access. Approved methods shall consist of one of the following: High security Knox padlock or the installation of a Knox rapid access key box. The padlock or key box shall be keyed to the Bowling Green Fire Department.

2. Where multiple padlocks are used on a single gate, the padlocks shall be daisy-

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chained together to allow access for the property owner and Fire Department personnel.

b. Automatic Gates and Barriers:

1. All automatic access gates across fire access roadways shall be equipped with a Knox key switch, which overrides all commands and allows safe passage through the gate for emergency vehicles.

2. The Knox gate key switch shall be located within twelve (12) inches of the card/code keypad panel.

3. Activation of the switch shall over-ride all functions and open the gate(s). Upon activation of the key switch, the gate shall remain open until returned to normal operation by means of the key switch. When deactivated by the Fire Department using the Knox key, only then will the gate resume normal operations.

4. The emergency gate switch shall open both the entrance and exit gate(s) when gate(s) are in close proximity to each other.

12-3.04 Aerial Fire Apparatus Access Roads.

a. When the vertical distance between the grade plane and the highest roof surface exceeds thirty (30) feet, approved aerial fire apparatus access roads shall be provided. The highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

b. Aerial fire apparatus access roads shall have a minimum unobstructed width of 20 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

c. At least one of the required access routes meeting this condition shall be located within a minimum of fifteen (15) feet and a maximum of thirty (30) feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the Fire Code Official.

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d. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road and the building.

12-3.05 Fire Department Access to Structures or Areas.

a. Rapid Entry Key Boxes.

1. Buildings requiring rapid entry key boxes:

(a) Where access to or within a structure or area is restricted because of secured openings or where immediate access is necessary for life saving or firefighting purposes, a Knox rapid entry key box compatible with Fire Department use shall be installed in an accessible location at or near the main entrances or other approved locations.

(b) Any newly constructed building or change in occupancy/use of a building meeting the following criteria shall install a Knox rapid entry key box:

i. Any building that has installed within it an automatic fire suppression system, a remotely monitored fire alarm system, or an elevator.

ii. Any commercial building that has more than two (2) stories.

iii. Any building containing hazardous materials requiring the filing of a Tier II report.

iv. Residential buildings with eight (8) or more rental units.

2. Location.

(a) Knox rapid entry key boxes must be installed within five (5) feet horizontally of the principle entrance door or within five (5) feet horizontally of another entrance to the building which is acceptable to the Fire Department. Knox rapid entry key boxes shall be installed at a height of approximately five and one half (5.5) feet and no more than seven (7) feet vertically from the threshold of the door.

(b) Knox rapid entry key boxes must be installed on the side of the building facing

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the street unless the Fire Department approves another location.

3. Access Doors and Control Devices.

(a) In buildings requiring rapid entry key boxes, when access points (Main Entry Doors) are secured with magnetic locks or electric strikes, a Knox key switch is required. The key switch is to be located within twelve (12) inches of the security card key reader.

4. Pedestrian Gates.

(a) In buildings requiring rapid entry key boxes, when the primary access point has a pedestrian gate, the gate will be required to have a means for Fire Department emergency access. This access may be provided with a Knox key switch, or Knox rapid entry key box if it is a manual gate.

5. Keys required.

(a) With the exception of residential buildings, all rapid entry key boxes must contain keys for the following:

- i. Locked points of access to the structures main entrance;
- ii. Locked mechanical and electrical rooms;
- iii. Fenced or secured areas;
- iv. Access to sprinkler and / or riser room;
- v. Access to generators;
- vi. Access to roof hatch;
- vii. Alarm room / fire alarm control panel; and
- viii. Keys to reset pull stations.

(b) Residential buildings shall contain keys to access main entrances of buildings, life safety systems, and portions of the building not leased to residents.

(c) All keys in the key box must be clearly labeled with regard to their function.

4. Access Maintenance.

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(a) Any time the locks on the doors for which keys are stored in the key box are changed, the owner of the building shall notify the Fire Department Prevention Division. The Fire Department Prevention Division will provide access for the owner or occupant to replace keys in the key box.

(b) The owner or occupant of a structure or area, with required Fire Department access as specified herein, shall notify the Fire Department when the access is modified in a manner that could prevent Fire Department access.

12-4 FIRE DEPARTMENT WATER SUPPLY.

12-4.01 Water Supply.

a. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the City.

12-4.02 Fire Flow Requirements for Buildings.

a. The procedure for determining fire flow requirements for buildings hereafter constructed shall be in accordance with National Fire Protection Association (NFPA) 1, Fire Code, 2012 Edition, Section 18.4, Fire Flow Requirements for Buildings, which is hereby adopted and incorporated, except as specifically amended, modified, or deleted in this Chapter.

12-4.03 Fire Hydrant Locations and Distribution.

a. New residential and commercial subdivisions and developments in the City shall comply with the fire requirements set out in this Section.

1. Detached One-Family and Two-Family Dwellings.

(a) Fire hydrants shall be provided for detached one- and two-family dwellings in accordance with both of the following:

i. The maximum distance to a fire hydrant from the closest point on

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the building shall not exceed six hundred (600) feet as measured along fire department access roads.

ii. The maximum distance between fire hydrants shall not exceed eight hundred (800) feet as measured along fire department access roads.

2. Buildings Other than Detached One-Family and Two-Family Dwellings.

(a) Fire hydrants shall be provided for buildings other than detached one-family and two-family dwellings in accordance with both of the following:

i. The maximum distance to a fire hydrant from the closest point on the building shall not exceed four hundred (400) feet as measured along fire department access roads.

ii. The maximum distance between fire hydrants shall not exceed five hundred (500) feet as measured along fire department access roads.

b. Fire hydrants installed on private property as part of a fire protection system shall be located so as to meet the requirements of National Fire Protection Association (NFPA) 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances, 2013 Edition.

c. Private hydrants shall be provided and spaced in accordance with the Kentucky Building Code, and private hydrant installation shall be approved by the Fire Code Official.

d. All fire hydrants shall be located not more than twelve (12) feet from the fire department access road or edge of a roadway and easily accessible for the connection of fire apparatus.

e. Hydrants shall not be located any closer than forty (40) feet from buildings to be protected, and wall hydrants are not permitted to be used in the City.

f. Unobstructed access to fire hydrants shall be maintained at all times. The Fire Department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

g. Buildings that are protected with a fire sprinkler or standpipe system shall have a fire hydrant located within one hundred (100) feet, but no closer than ten (10) feet of the fire department

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connection. The distance is measured by an approved route for the purpose of large diameter hose deployment.

12-4.04 Minimum Number of Fire Hydrants for Fire Flow.

a. The minimum number of fire hydrants needed to deliver the required fire flow for the protection of buildings, or portions of buildings, hereafter constructed shall be in accordance with National Fire Protection Association (NFPA) 1, Fire Code, 2012 Edition, Annex E, Fire Hydrant Locations and Distribution, which is hereby adopted and incorporated, except as specifically amended, modified, or deleted in this Chapter.

b. The aggregate fire flow capacity of all fire hydrants within one thousand (1,000) feet of the building, as measured along fire department access roads, shall be not less than the required fire flow determined in accordance with Section 12-4.02.

12-4.05 Hydrant and Main Specifications.

a. Hydrant specifications.

1. All fire hydrants shall meet the minimum specifications and be installed in conformity with the standards and requirements of the local water utility for hydrant type and thread specifications and shall be constructed and maintained so as to have the capability of supplying adequate water flow according to the standards of the local water utility, at the time of acceptance of the local water utility.

2. All hydrants shall be equipped with two (2) two and one-half (2.5) inch outlets and a four and one-half (4.5) inch outlet with American Standard threads.

3. The center of a hydrant outlet shall not be less than eighteen (18) inches above final grade.

4. The center of a hydrant outlet shall not be more than thirty-six (36) inches above final grade.

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5. A thirty six (36) inch clear space shall be maintained around the circumference of a fire hydrant.

b. Delivery.

1. Fire hydrants shall deliver a minimum one thousand (1,000) gallons per minute at twenty (20) pounds per square inch residual pressure, with a friction loss of not more than five (5) pounds per square inch between the street main and the outlet.

2. This provision is applicable to the design of the hydrants only and is not to be utilized in the determination of the proper and/or necessary water flow requirements.

12-4.06 Classification of Hydrants.

a. Hydrants shall be classified in accordance with their rated capacities at twenty (20) psi residual pressure as follows:

1. Class AA - Rated capacity of 1500 gpm or greater
2. Class A - Rated capacity of 1000 – 1499 gpm
3. Class B - Rated capacity of 500 – 999 gpm
4. Class C - Rated capacity of less than 500 gpm

12-4.07 Marking of Hydrants.

a. Public Hydrants.

1. All hydrant barrels shall be painted chrome yellow.
2. The tops (bonnets) shall be painted with the following capacity-indicating color scheme to provide simplicity and consistency with colors:

- (a) Class AA - Light Blue
- (b) Class A - Green
- (c) Class B - Orange
- (d) Class C - Red

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3. Fire hydrants that are permanently inoperative or unusable should be removed.

4. Fire hydrants that are temporarily inoperative or unusable should be wrapped or otherwise provided with temporary indication of their condition.

b. Private Hydrants.

1. All hydrant barrels of private hydrants within private enclosures shall be painted red.

2. When private hydrants are located on public streets, the hydrant barrels shall be painted red to distinguish them from public hydrants.

3. The tops (bonnets) of private hydrants shall be painted with the following capacity indicating color scheme to provide simplicity and consistency with colors:

(a) Class AA - Light Blue

(b) Class A - Green

(c) Class B - Orange

(d) Class C - Red

12-4.08 Fire Department Connections.

a. Location.

1. Fire Department Connections (FDC) shall be located at the nearest point of Fire Department accessibility or at a location approved by the Fire Code Official.

2. With respect to hydrants, driveways, buildings and landscaping, FDC's shall be located so that fire apparatus and hoses connected to the supply system will not obstruct access to the building for other fire apparatus.

3. The location of FDC shall be approved by the Fire Code Official.

4. FDC's shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the Fire

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Code Official.

b. Access.

1. FDC's shall be located not less than eighteen (18) inches nor more than forty-eight (48) inches above the level of the adjoining ground, sidewalk, or grade surface.

2. Immediate access to FDC's shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object.

3. Fences provided with an access gate equipped with a means of emergency operation shall be approved by the Fire Code Official and maintained operational at all times.

c. Signs.

1. An FDC sign provided by the Fire Department shall be mounted within twelve (12) inches of the FDC to ensure the connection is readily visible from the street or nearest point of fire department vehicle access. In instances where the FDC is not visible to arriving fire-fighting forces, additional signs shall be installed so that those driving the arriving apparatus know where to maneuver the vehicle to get close to the FDC.

12-5 FIREFIGHTER SAFETY BUILDING MARKING SYSTEM.

12-5.01 General.

a. The Firefighter Safety Building Marking System (FSBMS) provides basic building information for firefighters responding to a building or structure. The purpose of this Section is to facilitate the placement of an identifying symbol on buildings with structural systems known to rapidly collapse during fire conditions, to warn persons conducting fire control and other emergency operations a potential hazard exists.

b. New buildings with the following structural systems shall be required to have a FSBMS that shall comply with this Section:

1. Roof trusses;

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2. Floor trusses;
3. Wooden I-joists; and,
4. Panelized wall or roof construction

Exceptions:

- (a) Group U occupancies; and,
- (b) One and two family dwellings.

c. Fire Code Officials shall ensure proper display of the FSBMS during or after construction of the property, and before a Certificate of Occupancy is issued.

d. Existing buildings shall be brought into conformance with this Section when one of the following occurs:

1. The Fire Department conducts an inspection intended to verify compliance with this Chapter, or any required inspection; or
2. When a change in use or occupancy has occurred.

12-5.02 Sign Location.

a. The FSBMS sign shall be provided by the Fire Department and placed at one of the following locations:

1. Upon the entry door or sidelight at a minimum height of forty-two (42) inches above the walking surface on the address side of the building or structure.
2. Upon the exterior surface of the building or structure on either side of the entry door, not more than three (3) feet from the entrance door, at a minimum height of forty-two (42) inches above the walking surface on the address side of the building or structure.
3. Conspicuously placed inside an enclosed entrance lobby, on any vertical surface within ten (10) feet of the entrance door at a minimum height of forty-two (42) inches above the walking surface.

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4. On the exterior of the fire alarm control unit or on the wall immediately adjacent to the fire alarm control unit door where the alarm panel is located in the enclosed main lobby.

12-6 OPEN BURNING.

12-6.01 Regulations.

a. Open burning inside the City limits shall comply with KRS Chapter 149 and open burning regulations promulgated in 401 KAR 63:005.

b. Open burning inside the City limits is only allowed by permit with the following exceptions:

1. Contained fires set for warmth, cooking, and camping;
2. Construction site warming fires; or
3. Fires set for the purpose of training employees in the methods of firefighting.

12-6.02 Residential / Recreational Burning.

a. A burn permit is not required for the burning of permitted materials for warmth, cooking, or camping in an area that is three (3) feet or less in diameter and three (3) feet or less in height.

b. The fire must be contained to a fire pit, either commercially built or one constructed with brick, concrete, stone, or metal. The fire must be completely contained in the fire pit.

c. A burn permit is required for burning of permitted materials that are not contained to a fire pit.

d. All such fires must be attended at all time by an individual over eighteen (18) years of age. The smoke and embers from any such fire shall not negatively affect neighboring property owners or create a risk of fire spread.

12-6.03 Construction Site Warming Fires.

a. A burn permit is not required for construction site warming fires, provided:

1. The material being burned consists of permitted materials or clean unpainted,

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uncoated, and untreated wood or wood products from the site.

2. The fire is burned in a container not exceeding fifty-five (55) gallons in size,
3. The air temperature is below fifty (50) degrees Fahrenheit.
4. The fire is attended by an individual over eighteen (18) years of age at all times and must be completely extinguished when workers or attendants are not on site.
5. The smoke and embers from the fire does not negatively affect neighboring property owners or create a risk of fire spread.

12-6.04 Commercial Burning.

- a. A burn permit is required for any open burning of trees, stumps, brush, and other vegetation for site-clearing purposes. The burning of non-permitted materials is prohibited, and all material being burned shall have been generated on site.
- b. The Fire Department reserves the right to impose additional safety requirements upon inspection and before issuing a permit.
- c. The fire should be attended by an individual over eighteen (18) years of age at all times and must be completely extinguished when workers or attendants are not on site.
- d. A permit holder shall take those precautions, such as the use of commercial blowers or air curtains, reasonably necessary to prevent smoke and embers from any such fire.
- e. The smoke and embers from the fire should not negatively affect neighboring property owners or create a risk of fire spread.

12-6.05 Ceremonial Bonfires.

- a. Ceremonial bonfires consist of the burning of heavy timber, large tree limbs, or other vegetation arranged in a pile for the purpose of public gathering. The burning of non-permitted materials in a bonfire is prohibited.
- b. Inspection of the burn pile and the site are required prior to burning and a permit is

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required. The Fire Prevention Division is responsible for inspection and has the final say as to the size of the pile, site requirements, and permission for the bonfire.

12-6.06 Burn Permit - Application and Issuance.

a. The Fire Prevention Division shall be responsible for accepting applications for and issuing burn permits authorized in this Chapter.

12-6.07 Penalty.

a. Any person violating this Subchapter shall be subject to a local civil fine of one hundred dollars (\$100).

b. Companies violating provisions of Section 12-6.03 or Section 12-6.04 shall be subject to a local civil fine of five hundred dollars (\$500).

c. Each day any violation of any of the provisions of this Subchapter shall continue shall constitute a separate offense.

d. Additional fines may be imposed by other State and Federal agencies.

12-7 HAZARDOUS MATERIALS.

12-7.01 Response.

a. The Bowling Green Fire Department is authorized to respond to or to abate the effects of any hazardous substances released into the environment or of a threatened release, pursuant to existing agreements, when requested to do so by the handler or user or when, in the judgement of the Fire Chief, there exists an imminent hazard to human health or the environment.

12-7.02 Costs Recovery.

a. Any person or business entity causing an unauthorized release of any hazardous substance for which the City expends public funds for the response to the release of such hazardous substance shall be liable to the City for all recoverable costs incurred by the City.

b. In the event a hazardous substance release or threatened release involves materials in

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transit, the shipper or carrier, the owner of the substance(s) and all other responsible persons and/or business entities, jointly and severally, shall be responsible for all costs incurred by the City, including but not limited to personnel costs incurred in responding to the release or threatened release, replacement costs of supplies and equipment contaminated as a result of the incident and proper disposal of those items and any other costs including legal expenses, associated to or as a result of the incident.

12-8 FALSE FIRE ALARMS.

The owner and/or occupant of any building, dwelling, premises from which a false fire alarm is communicated, transmitted, or relayed in any way to the Fire Department by reason of a privately owned and maintained fire alarm system within a building, dwelling, or premises shall be liable, jointly and severally, for the payment of civil penalties for false alarms in accordance with the Bowling Green Code of Ordinances, Chapter 15 (Business and General Regulations).

12-9 MUTUAL / AUTOMATIC AID.

12-9.01 Responses Outside City Limits.

a. The Fire Chief, or designee, shall be authorized to provide emergency response for Warren County outside the City limits of Bowling Green in accordance with agreements approved by the Board of Commissioners.

12-9.02 Responses Outside Warren County.

a. The Fire Chief, or designee, shall be authorized to provide emergency response outside of Warren County for bordering counties if requested by the Incident Commander on a need-by-need basis. The City Manager shall be notified of any response outside of Warren County.

b. For other State, Regional, or National requests for assistance, the Fire Department will operate through the office of Emergency Management and follow guidelines and agreements established through Federal Emergency Management Association (FEMA).

c. Allocation of Fire Department resources beyond Warren County and bordering counties

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may be authorized by the Fire Chief with the approval from the City Manager.

12-10 BOWLING GREEN FIRE DEPARTMENT BURN VICTIMS FUND.

a. The Bowling Green Fire Department Burn Victims Fund is established to provide financial assistance as soon as possible after injury to residents of the City who have suffered serious burn injuries from fires occurring in the City which result in the need for hospitalization.

b. Financial assistance may include cost of treatment, travel, and lodging related to treatment, lost wages and other expenses arising as a result of the injury.

c. The Fire Chief and City Manager shall oversee policies and procedures for its operation and eligibility of awards.

d. The Fire Chief shall report to the Board of Commissioners on a periodic basis.

e. The City may accept gifts or bequests, grants or other payments, public or private, to financially assist burn victims fund activities.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on April 20, 2021, and given final reading on May 4, 2021, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

(Ordinance No. BG2021 - 15)

ADOPTED: May 4, 2021

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeff Meisel, City Manager