

LUDLOW ORDINANCE NO. 2023-13

AN ORDINANCE OF THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, AMENDING CHAPTER 92 OF THE CITY'S CODE OF ORDINANCES

WHEREAS, the City of Ludlow periodically reviews its Code of Ordinances to determine if any changes or updates need to be made;

WHEREAS, the Fire Department recommends revisions to the City's Fire Prevention Code to conform with changes to Kentucky Administrative Regulations; and

WHEREAS, the Ludlow City Council desires to amend the City's Code of Ordinances to conform to the Fire Department's recommendations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LUDLOW, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That the Ludlow City Council hereby approves and adopts the text amendments to the Chapter 92 of City's Code of Ordinances, which are attached as **Exhibit A** and are incorporated by reference herein. The Ludlow City Council finds that the text amendments are necessary to conform to changes to Kentucky Administrative Regulations and that the text amendments are in the best interest of the City.

SECTION II

All ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION III

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION IV

That this ordinance shall become effective upon its passage and shall be published under KRS 83A.060 (9) and other applicable law. The ordinance may be published in summary.

Passed by the City Council this _____ day of _____, 2023.

CITY OF LUDLOW, KENTUCKY

Chris Wright, Mayor

ATTEST: _____
Laurie Sparks, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

EXHIBIT A

Proposed Text Amendments to the City of Ludlow's Code of Ordinances

Words to be deleted are [~~struck through~~] – Words to be added are **underlined**.

FIREWORKS

§ 92.001 DEFINITIONS.

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

AERIAL or AUDIBLE CONSUMER FIREWORKS. Those consumer fireworks described in KRS 227.702 (2) and (3) only.

ANCILLARY FIREWORKS RETAILER. Any person, business entity, association, or corporation of any kind which is open to the public year round and at least 20 calendar days per month, and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell only those fireworks as described in KRS 227.702(1) and which such sales are ancillary to its primary course of business.

CONSUMER FIREWORKS. Has the same meaning as in KRS 227.702.

PERMANENT FIREWORKS RETAILER. Any person, business entity, association, or corporation of any kind which is open to the public year round and at least 20 calendar days per month, and, which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell any consumer fireworks as its primary course of business.

SEASONAL FIREWORKS RETAILER. Any person, business entity, association, or corporation of any kind which is not considered a permanent fireworks retailer or ancillary fireworks retailer and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell any consumer fireworks.

(Ord. 2012-6, passed 5-10-2012; Am. Ord. 2012-10, passed 6-26-2012)

§ 92.002 PROHIBITION.

The use or sale of fireworks, including consumer fireworks, is prohibited in the city except in accordance with the provisions of this subchapter.

(Ord. 2012-6, passed 5-10-2012; Am. Ord. 2012-10, passed 6-26-2012) Penalty, see § [92.999](#)

§ 92.003 SALE OF FIREWORKS.

Subject to applicable zoning regulations, federal, state and local law, and the provisions of this subchapter:

(A) Ancillary fireworks retailers shall be permitted to offer for sale, expose for sale, sell at retail or wholesale, or keep with the intent to sell, those fireworks described in KRS 227.702(1) when such sales are ancillary to its primary course of business;

(B) Permanent fireworks retailers shall be permitted to offer for sale, expose for sale, sell at retail or wholesale, or keep with the intent to sell, any consumer fireworks as their primary course of business: and

(C) Seasonal fireworks retailers shall not be allowed to offer for sale, expose for sale, sell at retail or wholesale, or keep with the intent to sell, any fireworks, at any time or place.

(Ord. 2012-6, passed 5-10-2012; Am. Ord. 2012-10, passed 6-26-2012) Penalty, see § [92.999](#)

§ 92.004 PERMANENT RETAIL FIREWORKS PERMIT.

Permanent fireworks retailers shall obtain and keep in force a city issued permanent retail fireworks permit (the “permanent permit”) under the following terms and conditions:

(A) Applications for the permanent permit shall be submitted to the Ludlow Police Department at least 15 days prior to the applicant's desired effective date for the permit, on a form approved by the city. All applications must include a detailed site plan for the proposed location.

(B) Applicant shall provide proof of registration with the State Fire Marshall in accordance with the applicable provisions of KRS Chapter 227.

(C) The application must be endorsed by ~~the Northern Kentucky Area Planning Commission~~ Planning and Development Services of Kenton County indicating that the proposed location on the application is zoned appropriately for the conduct of the business.

(D) Applicant shall obtain an occupational license from the city.

(E) Applicant shall provide a certificate of insurance or other valid proof of general liability insurance in an amount of not less than \$1,000,000 per occurrence which shall remain in effect at all times while engaged in the permitted activity.

(F) Applicant shall comply with all aspects of applicable provisions of KRS Chapter 227, the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association, currently adopted edition) and all other applicable state, federal or local laws or regulations.

(G) Applicant shall not allow any person under 18 years of age to sell consumer fireworks.

(H) Applicant shall not give, offer for sale, or sell any consumer fireworks to any person under 18 years of age.

(I) Applicant shall not offer for sale, expose for sale, or sell consumer fireworks except between the hours of 8:00 a.m. and 10:00 p.m.

(J) ~~If the initially issued permanent permit is not renewed, it shall automatically~~ expire 365 calendar days after its effective date, or upon a date on which the applicant no longer qualifies as a permanent fireworks retailer as defined herein, whichever occurs earlier. The permanent permit may be renewed for successive 365 calendar day periods so long as the applicant continues to qualify for issuance of the permanent permit. Applications for renewal periods shall be made to the Ludlow Police Department on forms approved by the city. The fee for the initial permit period, payable at the time of application, shall be \$3,000. The fee for any subsequent permit period, payable at the time of application, shall be \$1,000.

(Ord. 2012-6, passed 5-10-2012; Am. Ord. 2012-10, passed 6-26-2012) Penalty, see § [92.999](#)

§ 92.005 SIGNS REQUIRED.

At all locations within the premises of a permanent fireworks retailer where consumer fireworks, ~~as defined in KRS 227.702(2) and (3)~~ are offered for sale, such retailer shall conspicuously post a sign or signs which state as follows:

“Under Kentucky law these fireworks may only be used by persons at least 18 years of age and these fireworks shall not be ignited within 200 feet of any structure, vehicle or any other person [KRS 227.715(11)]”

(Ord. 2012-6, passed 5-10-2012; Am. Ord. 2012-10, passed 6-26-2012) Penalty, see § [92.999](#)

§ 92.006 ANCILLARY RETAIL FIREWORKS PERMIT.

Ancillary fireworks retailers shall obtain and keep in force a city issued ancillary retail fireworks permit (the “ancillary permit”) under the following terms and conditions:

(A) Applications for the ancillary permit shall be submitted to the Ludlow Police Department at least 15 days prior to the applicant’s desired effective date for the permit, on a form approved by the city.

(B) Applicant shall possess an occupational license from the city.

(C) Applicant shall provide a certificate of insurance or other valid proof of general liability insurance in an amount of not less than \$1,000,000 per occurrence which shall remain in effect at all times while engaged in the permitted activity.

(D) Applicant shall comply with all aspects of applicable provisions of KRS Chapter 227, the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association, currently adopted edition) and all other applicable state, federal or local laws or regulations.

(E) (1) ~~If the initially issued ancillary is not renewed, it shall automatically expire~~ 365 calendar days after its effective date, or upon a date on which the applicant no longer qualifies as an ancillary fireworks retailer as defined herein, whichever occurs earlier. The ancillary permit may be renewed for successive 365 calendar day periods so long as the applicant continues to qualify for issuance of the ancillary permit.

(2) Applications for renewal period shall be made to the Ludlow Police Department on forms approved by the city. The fee for the initial permit, payable at the time of application, shall be \$1,000. The fee for any subsequent permit period, payable at the time of application, shall be \$1,000.

(Ord. 2012-6, passed 5-10-2012; Am. Ord. 2012-10, passed 6-26-2012) Penalty, see § [92.999](#)

§ 92.007 REVOCATION OF PERMIT.

Any permit issued under the provisions of this subchapter may be revoked by the City Administrator upon a showing that the permit holder has violated any of the provisions of this subchapter. Revocation shall be by written notice which describes the reasons for the revocation. The written notice of revocation shall be delivered to the permit holder in person or by regular mail sent to the address listed on the application. If a permit is revoked, and the applicant desires to contest the revocation, a hearing before the City Council may be obtained by filing with the office of the City Administrator a written request for hearing within 15 days of the issuance of the revocation notice. The hearing before the City Council shall be conducted within 30 days of receipt filing of such the written request.

(Ord. 2012-6, passed 5-10-2012; Am. Ord. 2012-10, passed 6-26-2012)

FIRE PREVENTION CODE

§ 92.020 FIRE PREVENTION CODE ADOPTED.

(A) ~~The Kentucky Standards of Safety, Fire Prevention Code, as promulgated in Title 815, KAR 10:040 by the Commissioner of the Department of Housing, Buildings and Construction on the advice and recommendation of the State Fire Marshal, is hereby adopted in full as an ordinance of the City. The most current edition of the Standards of Safety, as contained in Title 815, Chapter 10 of the Kentucky Administrative~~

Regulations, is hereby adopted in full as an ordinance of the City. A copy of the operable Standards of Safety are available upon request.

~~—(B) Copies of the code book are available through the Department of Housing, Building and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601. (⁹⁶ Code, § 93.10) (Ord. 1991-16, passed 12-11-1991)~~

§ 92.021 DESIGNATED ENFORCEMENT OFFICER.

The City Fire Chief or his or her designated officer shall be designated as the local enforcement agent/~~agency~~ for the sStandards of sSafety, ~~as appointed by the city fiscal court.~~

(⁹⁶ Code, § 93.11) (Ord. 1991-16, passed 12-11-1991)

§ 92.022 PERMITS; FEES.

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

~~(⁹⁶ Code, § 93.12) (Ord. 1991-16, passed 12-11-1991)~~

§ 92.023 APPEAL PROCESS.

~~—All final decisions of the Fire Code Official shall be appealable to a local appeals board pursuant to the procedures adopted by the city.~~

~~(⁹⁶ Code, § 93.13) (Ord. 1991-16, passed 12-11-1991)~~

§ 92.022 FIRE LANE PARKING

Pursuant to KRS 227.320, every owner of any parking lot containing space for ten or more vehicles, and every operator of any business served thereby, shall provide a fire lane consisting of an open space immediately adjacent to the building(s) served by the parking lot. The fire lane shall be marked in a manner approved by the City Fire Chief. It shall be unlawful for any person to park in or otherwise block the fire lane. The Fire Chief is authorized to have any vehicle that is parked in violation of this section towed at the owner's expense. Any person who violates this section may also be fined in the amount of \$50 for the first offense, \$100 for the second offense, and \$500 for any additional offenses. Any person may contest a citation issued under this section by filing a notice of appeal with the City Clerk within 7 days. In the event the citation is appealed, a hearing will be conducted before the Fire Chief within 30 days. If a person fails file a timely appeal, the citation will be final and the person forfeits any right to appeal and to otherwise contest the contents the citation.

BLASTING; FLAMMABLE CONTAINERS

§ 92.035 BLASTING PERMIT.

No person shall cause a blast to occur within the city without making-submitting an application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the authorized-city-official City Fire Chief or City Administrator. ~~The authorized-city-official,~~ bBefore granting the permit, the City Fire Chief or City Administrator may require the applicant to provide a bond to indemnify the city and all other persons against injury or damages which might result from the proposed blasting.

(⁹⁶ Code, § 93.20) Penalty, see § [92.999](#)

§ 92.036 STORAGE OF FLAMMABLES AND OTHER MATTER.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for the hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.

('96 Code, § 93.21) Penalty, see § [92.999](#)

FIREPROOFING COMMERCIAL GARAGES

§ 92.050 DEFINITIONS.

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

PUBLIC OR COMMERCIAL GARAGE.

(1) A building or that portion of a building ~~wherein are kept~~ which is capable of storing more than three automobiles or motor cars charged with or containing a volatile inflammable liquid for fuel or power. Where any portion of a building is used for a garage, the term shall be deemed to embrace all portions of the building not separated from the garage ~~proper~~ by standard fire walls. All openings in these walls of any garage shall be protected on both sides by standard fire doors, constantly closed, except when ~~necessarily~~ temporarily opened for passage.

(2) A private garage ~~housing~~ which is capable of storing not more than three automobiles ~~if within 15 feet of any other building~~ must be of incombustible material if it is located within 15 feet of any other building.

VOLATILE INFLAMMABLE LIQUID. Any liquid that will emit inflammable vapor at a temperature below 80°F.

('96 Code, § 93.35) (Ord. 599, passed - -)

§ 92.051 FIREPROOF CONSTRUCTION REQUIRED.

(A) No frame building shall be used as a public or commercial garage and no building exceeding one story in height shall be used as a garage within the city limits unless it ~~be of fireproof construction~~ is constructed to be fireproof. No basement or cellar shall be allowed under any public or commercial garage, nor shall any building be used as ~~such a~~ garage unless the floor on which automobiles containing volatile inflammable liquids are stored shall be of concrete or other suitable noncombustible material.

(B) No stove, forge, torch, boiler or other furnace and no flame or fire shall be used or allowed in any garage. All electric dynamos and motors not actually part of the automobile, except explosion-proof or fully enclosed motors, shall be located not less than five feet above the floor. All incandescent lights so located as to be exposed to mechanical injury shall be protected by approved wire guards and all arc lamps shall be so located as to be safe from mechanical injury and shall be of the enclosed type; an approved reinforced cord must be used where lamps are used for portable purposes. Movable incandescent lights in a garage shall be protected by approved metal guards and shall be fitted with keyless sockets and all electric switches and plugs shall be permanently located at least five feet above the floor and enclosed in a fireproof

cabinet. The entire electrical equipment shall conform to the rules contained in the latest edition of the National Electrical Code.

('96 Code, § 93.36) (Ord. 599, passed - -) Penalty, see § [92.999](#)

§ 92.052 VOLATILE INFLAMMABLE LIQUIDS TO BE KEPT IN SAFETY CANS; PORTABLE FILLING TANKS.

(A) (1) No volatile inflammable liquid shall be kept or carried in open vessels in a garage and no volatile inflammable liquid shall be drawn, except into approved safety cans of a capacity not exceeding five gallons each, and then, with the exception of liquids with a flashpoint above 30°F, only for the purpose of immediately filling the tanks of automobiles contained in a garage.

(2) In lieu of the above safety cans, portable filling tanks, not to exceed 60 gallons in capacity, may be used for transporting volatile inflammable liquid to and from the storage tanks for filling and charging the automobile.

(3) The portable tanks shall be supported on rubber-tired wheels and liquids must be drawn by means of a tight-fitting pump.

(4) Hose attachments must not exceed ten feet in length, equipped at the end with a shut-off valve.

(B) No volatile inflammable liquid shall be allowed to run upon the floor or to fall or pass into the drainage system of a garage, nor shall any such liquid be put into or removed from the tanks of a vehicle while any light or fire on the same is burning.

('96 Code, § 93.37) (Ord. 599, passed - -) Penalty, see § [92.999](#)

§ 92.053 ELECTRICAL CHARGING APPARATUS.

(A) Where any electric charging apparatus is installed or placed in a public or commercial garage, ~~all the apparatus, with the exception of~~ the wires leading to the automobiles to be charged, shall be placed within a room separated from the main garage by fireproof walls, which wall shall not be inferior in fire-resisting qualities to reinforced concrete construction four inches in thickness.

(B) Any openings from ~~this any room containing an apparatus into the main garage~~ shall be protected by self-closing fire doors and door sills shall be raised at least eight inches above the floor level.

('96 Code, § 93.38) (Ord. 599, passed - -) Penalty, see § [92.999](#)

§ 92.054 SMOKING PROHIBITED.

(A) No person shall smoke in any garage.

(B) A notice in large letters containing the phrase no smoking shall be ~~kept~~ displayed in a conspicuous place and ~~manner on all floors and~~ at the entrance of all garages.

('96 Code, § 93.39) (Ord. 599, passed - -) Penalty, see § [92.999](#)

§ 92.055 SAND TO BE USED TO ABSORB WASTE OILS ON FLOOR FOR FIRE EXTINGUISHING PURPOSES.

(A) On the floor of every garage, there shall be constantly kept and maintained convenient receptacles filled with sand to be used in absorbing waste oils on the floor; in addition thereto, sand shall be kept on every floor in boxes or buckets provided with hand scoops to be used for fire extinguishing purposes only.

(B) There shall be one box or bucket of sand for each 2,000 square feet of floor area or fraction thereof or, in lieu of those boxes or buckets, there may be maintained a cart on wheels filled with sand, ~~that cart to hold~~ containing not less than four cubic feet of sand.

('96 Code, § 93.40) (Ord. 599, passed - -) Penalty, see § [92.999](#)

§ 92.056 CHEMICAL FIRE EXTINGUISHERS.

There ~~Every~~ garage shall be maintained at least one chemical fire extinguisher for each 2,000 square feet of floor space or fraction thereof.

('96 Code, § 93.41) (Ord. 599, passed - -) Penalty, see § [92.999](#)

§ 92.057 INFLAMMABLE WASTE MATERIALS TO BE DEPOSITED IN SELF-CLOSING METAL CANS.

Self-closing metal cans set firmly on four-inch legs shall be kept on all floors of every garage, into which all inflammable waste materials shall be deposited at all times when not in use, and there shall be one can for each 2,500 square feet of floor area or fraction thereof. The contents of all waste cans shall be removed from the building daily and disposed of properly.

('96 Code, § 93.42) (Ord. 599, passed - -) Penalty, see § [92.999](#)

§ 92.058 CALCIUM CARBIDE TO BE MAINTAINED IN AIRTIGHT CONTAINERS OF NONCOMBUSTIBLE MATERIAL.

Calcium carbide shall be kept in airtight containers of noncombustible material, preferably galvanized iron of not less than 18 U.S. metal gauge, with the bottom of the container being at least six inches above the floor, and having securely fastened automatic closing covers.

('96 Code, § 93.43) (Ord. 599, passed - -) Penalty, see § [92.999](#)

§ 92.059 REGULATIONS TO BE POSTED.

Two printed copies of these regulations shall be ~~kept~~ conspicuously posted on ~~the~~ at least one wall of on each floor of every public or commercial garage.

('96 Code, § 93.44) (Ord. 599, passed - -) Penalty, see § [92.999](#)

HAULING DANGEROUS SUBSTANCES

§ 92.070 DEFINITIONS.

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

HAZARDOUS SUBSTANCES or **DANGEROUS SUBSTANCES.** Any substance or mixture of substances which is:

(1) Toxic and has the inherent capacity to produce bodily injury to humans through ingestion, inhalation or absorption through any body surface, including toxic substances which are poisonous;

(2) Corrosive on contact with living tissue causing substantial destruction of tissue by chemical action, but does not refer to action on inanimate surfaces;

(3) Irritant and not corrosive ~~within the meaning of division (B) above,~~ which on immediate, prolonged or repeated contact with normal living tissue will induce a local inflammatory reaction;

(4) ~~A~~ Strong sensitizer and will cause, on normal living tissue through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the City Council;

(5) Flammable with a flashpoint of 80°F or below;

(6) Radioactive as a result of disintegration of unstable atomic nuclei and emits energy;

(7) Capable of generating pressure through decomposition, heat or other means;
~~and or~~

(8) Capable of causing substantial personal injury or illness during any customary or reasonably anticipated handling or use.

('96 Code, § 93.60) (Ord. 1980-9-2, passed 10-8-1980)

§ 92.071 OPERATORS TO NOTIFY FIRE DEPARTMENT OF TRANSPORTING WITHIN CITY.

All commercial rail, barge and truck operators within the city which haul dangerous and hazardous substances, with the exception of gasoline, are required to give advance notification to the Volunteer Fire Department and the city whenever they intend to transport ~~these~~ any such substances within the jurisdictional confines of the city.

('96 Code, § 93.61) (Ord. 1980-9-2, passed 10-8-1980) Penalty, see § [92.999](#)

OPEN BURNING

§ 92.085 PERMIT REQUIRED FOR OPEN FIRE.

No person, firm, corporation or agent thereof may kindle or maintain any open fire, except an outdoor cooking fire of appropriate size, or authorize any fire to be kindled or maintained without first obtaining a permit from the Fire Chief or his or her designee.

('96 Code, § 93.75) Penalty, see § [92.999](#)

§ 92.086 PERMIT REQUIRED FOR BURNING ON CONSTRUCTION OR DEMOLITION SITES.

During the construction or demolition of buildings or other structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without a permit or other proper authorization.

('96 Code, § 93.76) Penalty, see § [92.999](#)

§ 92.087 LOCATION AND CONTAINMENT OF OPEN FIRES.

No person, firm, corporation or agent thereof may kindle or maintain any open fire or authorize any such fire to be kindled or maintained unless the location is not less than 50 feet from any structure and adequate provision is made to prevent the fire from spreading closer than 50 feet to any structure; or the fire is contained in an adequate and approved waste burner located safely not less than 25 feet from any structure.

('96 Code, § 93.77) Penalty, see § [92.999](#)

§ 92.088 CONSTANT ATTENTION TO OPEN FIRES REQUIRED.

Open fires shall be constantly attended by a competent person not less than 18 years of age.

('96 Code, § 93.78) Penalty, see § [92.999](#)

§ 92.089 GARDEN HOSE OR FIRE EXTINGUISHMENT DEVICES REQUIRED.

A garden hose connected to a water supply or other fire extinguishment equipment must be readily available for use within ten feet of any open fires.

('96 Code, § 93.79) Penalty, see § [92.999](#)

§ 92.090 AUTHORITY TO PROHIBIT OPEN FIRES.

The Fire Chief or his or her designee may prohibit any or all open fires when natural conditions, the materials being burned or local circumstances make these fires potentially hazardous or harmful.

('96 Code, § 93.80)

SMOKE DETECTORS

§ 92.100 DEFINITIONS.

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

DWELLING. Any building which contains one or more dwelling units or any rooming unit, rooms or area designated or used for sleeping purposes, either as a primary use or use on casual occasions. **DWELLING** shall include a rooming house, motels, tourist homes, school dormitories, apartment buildings, trailers, and condominiums, but not to the exclusion of other dwelling units.

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

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

- (C) Shall have all or part of the legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or shall have all or part of the beneficial ownership of any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgagee in possession; or
- (2) Shall have charge, care or control of any dwelling or dwelling unit as owner, or as executor, administrator, trustee, guardian of the estate or duly authorized agent of the owner. Any such person thus representing the actual owner shall be bound to comply with the owner's obligations under this section.

ROOMING UNIT.

- (C) Any room which is designed or used for sleeping purposes.
- (2) A **ROOMING UNIT** may include a room in a rooming house, a hotel, a motel, a tourist home, a school dormitory or an apartment building which may, or may not, have some additional facilities for eating or cooking contained therein.

('96 Code, § 93.90) (Ord. 1988-22, passed 10-12-1988)

§ 92.101 SMOKE DETECTION REQUIRED.

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

(B) This subchapter shall apply to any and all dwellings or dwelling units, new or existing, which do not fall under the jurisdiction of the currently adopted Kentucky Building Code and/or the currently adopted life safety code (LSC 101).

('96 Code, § 93.91) (Ord. 1988-22, passed 10-12-1988) Penalty, see § [93.99](#)

§ 92.102 TYPE AND PLACEMENT OF SMOKE DETECTORS.

- (C) In order to comply with this subchapter, only ionization or ~~photo-electric~~ photoelectric type detectors approved by a nationally recognized testing laboratory shall be installed.

Alternative: As an alternative to self-contained smoke detectors, under certain limited conditions (such as battery powered smoke detectors), an approved fire detection system or a combination thereof may be installed. The Fire Chief of the City of Ludlow's Volunteer Fire Department, or his designee, shall, and on a case-by-case basis, approve each and every alternative system in written form.

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

© Smoke detectors shall be placed in accordance with applicable N.F.P.A. Standards (see Supplemental Standards, Section e). Detectors may be ceiling or wall mounted, provided however that if wall mounted they shall be within 12 inches, but not closer than, six inches, of the ceiling.

(D) (1) At least one smoke detector shall be installed to protect each sleeping area.

(2) A sleeping area is defined as the area or areas of the dwelling unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other used areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this section.

(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 direct access to the rooms used for sleeping purposes.

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

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

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

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

('96 Code, § 93.92) (Ord. 1988-22, passed 10-12-1988) Penalty, see § [93.99](#)

§ 92.103 PROVIDING, INSTALLING AND MAINTAINING SMOKE DETECTORS.

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

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

(C) (1) The tenant shall be responsible for maintaining and testing the detector, in accordance with the manufacturer's instructions, which are within his or her exclusive control during the life of the tenancy.

(2) The tenant shall be responsible for notifying, in writing, the owner when a detector becomes inoperable, ~~whereafter~~ Upon receipt of such notice, the owner has ten days in which to repair or replace ~~in operable condition~~ the detector(s).

(3) In the battery operated type of detector, battery replacement shall be the responsibility of the tenant.

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

(E) At every change of occupancy of every dwelling unit occasioned by or incidental to a sale, lease or sub-lease of the unit, it shall be the duty of the grantor thereof (such as, the seller, lessor or sub-lessor, as the case may be,) to provide, before occupancy, notice to the new occupant that all smoke detectors as required by this section (or other applicable laws) are installed and in proper working condition. Failure to comply with this division (E) shall be punishable as set forth herein; provided, however, that this division (E) shall not be construed to violate or render void any contract, lease or sublease subject hereto.

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

('96 Code, § 93.93) (Ord. 1988-22, passed 10-12-1988) Penalty, see § [93.99](#)

§ 92.104 SUPPLEMENTAL STANDARDS.

(A) (1) This section is intended to be used with, and supplemented by, the applicable provisions of the National Fire Protection Standards, Nos. 72-E and 74 (current edition) which are hereby incorporated herein.

(2) However, if there shall be any conflict between this subchapter and the supplemental standards, this subchapter and any rules and regulations adopted pursuant thereto shall prevail.

(B) All amendments to or changes in N.F.P.A. Nos. 72-E and 74 shall be adopted ~~and made part thereof~~ without further ~~reference~~ action and are hereby incorporated by reference.

('96 Code, § 93.94) (Ord. 1988-22, passed 10-12-1988)

§ 92.105 ENFORCEMENT.

(A) The requirements of this subchapter shall be enforced through the officers, employees and volunteers of the City Fire Department and ~~Building Inspection Department~~ Code Enforcement; and all other officers, employees and volunteers of the city shall provide to the Fire Department and the city all information relevant thereto acquired by them in the course and scope of their employment or association with the city.

(B) No licenses, permits or certificates of any kind or nature shall be issued on behalf of the city in regard to the condition of or any activity within any dwelling unit unless smoke detectors have been installed and located therein according to the requirements and specifications hereof. Detectors must be operable for the final inspection by the City Fire Department or Code Enforcement. Instructions/ maintenance booklets must be provided to the owner by the manufacturer pursuant to N.F.P.A. No. 74, and that documentation must be provided during the final inspection.

(C) The Fire Chief or their designee (a "Fire Code Official") shall enforce and administer the provisions of KRS Chapter 227, the Kentucky Standards of Safety, and all ordinances of the City with respect to fire hazards.

(D) When any Fire Code Official shall find in any building, or upon any premises or other place, a violation of KRS Chapter 227, a deficiency of the Standards of Safety, or a violation of any ordinances of the City with respect to fire hazards, the Fire Code Official shall give to the owner or their representative a written Notice of Deficiency.

(E) When a deficiency of this Chapter is observed and the Notice of Deficiency is issued, the Notice shall comply with the following format:

(1) The Notice shall be in writing, and shall be either personally delivered to the owner or posted in a conspicuous place on the premises.

(2) Include a description of the property sufficient for identification.

(3) Include reasons why a Notice of Deficiency is being issued.

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

(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.

(F) At the end of the notice period, a follow up inspection (2nd inspection) will be conducted. If the deficiencies remain, the 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.

(G) If deficiencies remain uncorrected after the second notice period, the inspector shall assess the following fees against the property owner:

(1) Third inspection fee- \$100

(2) Fourth inspection fee- \$200

(3) Fifth and subsequent inspection fee- \$500

(H) Inspection fee invoices will be mailed by the city 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 Ludlow. 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, may pursue collection in the appropriate court of law.

(I) 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.

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

§ 92.106 FINAL ACTION AND APPEALS

(A) Any person directly affected by a Notice of Deficiency shall have the right to appeal to the Fire Chief. Any such appeal shall be in writing and delivered to the Fire Chief within seven (7) days after the Notice of Deficiency is issued. Upon receipt of such notice, the Fire Chief shall, within 30 days of receipt of the notice, set a date for a hearing on the appeal. If a person fails file a timely appeal, the

Notice of Deficiency will be final and the person forfeits any right to appeal and to otherwise contest the contents of the Notice.

(B) Any person aggrieved by any action of the Fire Chief may appeal to the State Fire Marshal as provided in KRS §227.380.

(C) If the matter is not resolved by agreement of the affected parties and the State Fire Marshal, legal action shall be initiated pursuant to KRS Chapter 227. In addition, the Fire Chief may take all action permitted under KRS §227.390.

§ 92.107 EMERGENCY ORDER

(A) Whenever a Fire Code Official finds a violation 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 any 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 and 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 where the property is located. The Court may review the emergency order and prohibit its enforcement.

('96 Code, § 93.95) (Ord. 1988-22, passed 10-12-1988)

§ 92.999 PENALTY.

(A) Any person who violates any other provision of this chapter for which another penalty is not specified, shall be guilty of a misdemeanor and shall be fined not more than \$500 per incident.

(B) Any person violating the provisions of §§ [92.002](#) through [92.007](#), ~~the regulations issued thereunder or any order issued thereunder~~, or who knowingly induces another, directly or indirectly, to violate the provisions of those sections, shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days, or both.

(KRS 227.990(4))

(C) Any person, firm or corporation in violation of any provisions of § [92.071](#) shall be guilty of a misdemeanor and shall be fined in a sum not to exceed \$500 per occurrence or imprisoned for not more than six months in jail, or both. Each occurrence shall constitute a separate offense.

(Ord. 1980-9-2, passed 10-8-1980)

(D) (1) The minimum penalty for noncompliance with §§ [92.100](#) through [92.105](#) is \$250.

(2) The penalty for noncompliance ~~to~~ with §§ [92.100](#) through [92.105](#) is automatically waived if the dwelling unit is brought into compliance with ~~§§ [92.100](#) through [92.105](#)~~ within 30 days of the original violation. The property owner must request an inspection ~~for~~ by the City Fire Department to verify compliance and have the waiver provision applied.

(3) Continued failure to comply may result in a maximum penalty of \$1,000 or six months in jail.

('96 Code, § 93.99) (Ord. 1988-22, passed 10-12-1988; Am. Ord. 2012-10, passed 6-26-2012)