

TITLE 16

FIRE PREVENTION

CHAPTERS:

- 16.05 Fire Codes
- 16.07 Automatic Fire Alarm Systems
- 16.12 Fire Regulations
- 16.14 Recovery of Expenses

CHAPTER 16.04. Uniform Fire Code. Repealed. (Ord. 90-36 § 1, 1990; Ord. 89-97 § 6, 1989, Ord. 89-146 § 1-3, 1989; Ord. 86-60 § 1, 5, 1986; Ord. 86-61 § 1, 1986; Ord. 82-134 § 1, 1982; Ord. 937 § 2 (part), 1979.)

CHAPTER 16.05

FIRE CODES

Sections:

- 16.05.010 Codes Adopted.
- 16.05.020 Marked Copies of Codes on File.
- 16.05.030 Fire Department Inspection Division--Established Duties.
- 16.05.040 Subsection 101 Amended – Title and Jurisdiction.
- 16.05.050 Section 307 Amended – Open Burning.
- 16.05.060 Appendices I-A, I-B, III-D, IV-A and IV-C Deleted (Repealed 8/18/98).
- 16.05.062 Subsection 105.6.15 Amended – Explosive Permits.
- 16.05.064 Subsection 105.6.21 Amended – Hazardous Materials Permits.
- 16.05.070 Establishment of Above Ground Storage of Flammable Liquid Limits.
- 16.05.080 Establishment of Storage of Liquefied Petroleum Gas Limits.
- 16.05.090 Establishment of Explosives Storage Limits.
- 16.05.092 Section 77.106 Amended – Access Road Signs (Repealed 8/18/98).
- 16.05.098 Subsection 907.1 Amended – General.
- 16.05.100 Section 108 Amended – Appeals.
- 16.05.110 Section 109 Amended – Violations Penalties.
- 16.05.115 Code Official.
- 16.05.120 Civil Actions.
- 16.05.130 Liability.
- 16.05.140 Validity.

16.05.010 Codes Adopted.

(A) The International Fire Code, 2000 Edition, save and except Section 103, as published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 72041-3401, the Building Officials and Code Administrators International Inc., 4051 West Flossmor Road, Country Club Hills, Illinois 60478-5795, International Conference of Building Officials, 5360 Workman Hill Road, Whittier, California 90601-2298 and the Southern Building Code Congress International Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, is hereby adopted by reference, save and except such parts or portions thereof as are specifically deleted, added or changed in the Olathe Municipal Code Sections 16.05.040 through and including 16.05.115.

(B) The NFPA 101 Life Safety Code, 2000 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101, is hereby adopted by reference and made a part of this chapter as if fully set out. (Ord. 01-80 § 1, 2001; Ord. 98-82 § 1, 1998; Ord. 93-30 § 1, 1993; Ord. 90-36 § 2, 1990.)

16.05.020 Marked Copies of Codes on File. There shall not be less than three (3) copies of the codes adopted by reference in Section 16.05.010 kept on file in the office of the city clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. _____” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the city clerk and open to inspection and available to the public at all reasonable hours. The police department, municipal judges and all administrative departments of the city charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the city, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 01-80 § 2, 2001; Ord. 98-82 § 2, 1998; Ord. 93-30 § 2, 1993; Ord. 90-36 § 2, 1990.)

16.05.030 Fire Department Inspection Division--Established Duties. The Fire Codes shall be enforced by the Fire Inspection Division in the Fire Department of the city, which is established and which shall be operated under the supervision of the chief of the Fire Department. (Ord. 90-36 § 2, 1990.)

16.05.040 Subsection 101.1 Amended – Title and Jurisdiction. Subsection 101.1 of the 2000 International Fire Code is hereby amended to read as follows:

These regulations shall be known as the Fire Code of the City of Olathe, hereinafter referred to as “this code.” The jurisdiction for this code is the corporate city limits of the City of Olathe, and territory outside the corporate limits for which the Fire Department contractually provides fire inspection services. (Ord. 01-80 § 3, 2001; Ord. 98-82 § 3, 1998.)

16.05.050 Section 307 Amended – Open Burning. Section 307 of the International Fire Code entitled “Open Burning” is hereby amended to read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning or recreational fire unless conducted and approved in accordance with this section.

307.2 Permit required. A permit shall be obtained from the Fire Department in accordance with Section 105.6.31 prior to kindling a fire for open burning or a bonfire.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.2.2 Prohibited open or recreational burning. Open burning or recreational fires that will be offensive or objectionable due to smoke or odor emission when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The Fire Department is authorized to order extinguishment by the permit holder, property owner or Fire Department of such burning which creates or adds to a hazardous or objectionable situation.

Exceptions:

1. Fires set for demonstration purposes related to the training of government or industrial personnel in fire fighting procedures as authorized by the State Department of Health and Environment.

307.2.3 Open burning. On-site residential or commercial open burning operations being carried out for the purpose of burning materials associated with land clearing operations and crop or game management practices shall be carried out in accordance with the following guidelines:

(A) Nature of material to be burned: The burning of heavy smoke producing materials such as heavy oils, tires, tarpaper, etc. is prohibited. No processed construction wood products will be burned. The material to be burned should be stockpiled and dried to the extent possible before it is burned. It is also required to be kept free of excess dirt, or other extraneous matter that will inhibit good combustion.

(B) Meteorological conditions: Burning operations shall not be initiated until at least one hour after sunrise. Addition of material to the fire shall be limited to periods at least two hours prior to sunset. Burning shall not be carried out during inclement or foggy conditions or on very cloudy days and/or cloudy days (more than 0.7 cloud cover) with a ceiling of less than 2,000 feet. In addition, burning shall be restricted to periods when surface wind speed is more than 5 m.p.h. and less than 15 m.p.h.

(C) Location: The location of open burning shall not be less than 100 feet from any structure or public roadway, and provisions shall be made to prevent the fire from spreading to within 100 feet of any structure or public roadway.

(D) Commercial open burning operations. All commercial permits will be required to have an air curtain destructor and pit.

(E). Permit validity: Said permit time limit is up to three (3) days unless exempted by the State. If at any time during the life of the permit, the Fire Chief or duly authorized representative should determine, either by reason of change in conditions of weather and/or surrounding circumstances or by a violation of any kind set forth herein or attached to the permit, such burning should cease, the permit may be immediately revoked by the Fire Chief or duly authorized representative by giving notice to the permittee or to the person attending the fire.

(F). Transfer of permits: Such permits shall not be transferable and shall be signed by the Fire Chief or duly authorized representative.

(G). All open burning operations shall be in accordance with Section 307.2.2.

(H). Permit fees: Residential and commercial permit fees shall be adopted by the Governing Body of the City by resolution.

307.3 Bonfires and recreational fires. Bonfires and recreational fires shall be located in accordance with Section 307.3.1 and 307.3.2.

307.3.1 Bonfires. A bonfire shall not be conducted within fifty (50) feet of a structure or combustible material. Conditions which could cause a fire to spread within fifty (50) feet of a structure shall be eliminated prior to ignition.

307.3.2 Recreational fires. Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.

Exception: One- and two- family dwellings.

307.4 Attendance. Open burning, bonfires, and recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

307.5 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction.

Exceptions:

1. One- and two family dwellings.
2. Where buildings and decks are protected by an automatic sprinkler system.

307.5.1 Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners having a LP-gas container with a water capacity greater than 2.5 pounds shall not be located on combustible balconies or within ten (10) feet of combustible construction.

Exception: One- and two-family dwellings.

It shall be prima facie evidence that the person who owns or controls property on which open burning occurs has caused or permitted such open burning. (Ord. 09-24 § 1, 2009; Ord. 02-152 § 1, 2002; Ord. 01-80 § 4, 2001; Ord. 00-122 § 1, 2000; Ord. 98-82 § 4, 1998; Ord. 96-49 § 1, 1996; Ord. 93-30 § 3, 1993; Ord. 90-36 § 2, 1990.)

16.05.060 Appendices I-A, I-B, III-D, IV-A and IV-C Deleted. Repealed. (Ord. 98-82 § 12, 1998; Ord. 93-30 § 4, 1993; Ord. 90-36 § 2, 1990.)

16.05.062 Subsection 105.6.15 Amended – Explosives Permits. Subsection 105.6.15 of the International Fire Code entitled “Explosives” is hereby amended to read as follows:

Explosives Permits.

- (A) Permits shall be obtained:
- (1) To manufacture, possess, store, sell, or otherwise dispose of explosives or blasting agents.
 - (2) To transport explosives or blasting agents.
 - (3) To use explosive or blasting agents.
 - (4) To operate a terminal for handling explosives or blasting agents.
 - (5) To deliver or receive explosives or blasting agents from a carrier at a terminal, between the hours of sunset and sunrise.
 - (6) To transport blasting caps or electric blasting caps on the same vehicles with explosives.
- (B) Permits required by Section 105.6.15(A) of this chapter shall not be issued for:
- (1) Liquid nitroglycerin.
 - (2) Dynamite, except gelatin dynamite containing over 60% of liquid explosive ingredient.
 - (3) Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.
 - (4) Nitrocellulose in a dry and uncompressed condition in quantities greater than 10 pounds net weight in one package.
 - (5) Fulminate of Mercury, in a dry condition, and Fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.
 - (6) Explosive compositions that ignite spontaneously or undergo marked decomposition rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167 degrees.
 - (7) New explosives until approved by the U.S. Department of Transportation except that permits may be issued to educational, governmental, or industrial laboratories for instruction or research purposes.
 - (8) Explosives condemned by the U.S. Department of Transportation.
 - (9) Explosives not packed or marked in accordance with the requirements of the U.S. Department of Transportation.
 - (10) Explosives containing an Ammonium Salt and a Chlorate.
- (C) No person shall keep or store, nor shall any permit be issued to keep or store, any explosives at any place of habitation or within one hundred (100) feet thereof.
- (D) No person possessing a permit for storage of explosives at any place shall keep or store any greater amount or another kind of explosives than are authorized in such permit.
- (E) The Fire Chief may require that any operations permitted under the provisions of Section 3301.2, shall be supervised any and all times by employees of the Fire Department, designated by the Fire Chief, to see that all safety and fire regulations are observed. Where, in the opinion of the Fire Chief, no undue hazard to life or property exists, the required supervision may be waived.
- (F) The permit fee for explosives permits shall be adopted by the Governing Body of the City by resolution. (Ord. 02-152 § 2, 2002; Ord. 01-80 § 5, 2001; Ord. 00-122 § 2, 2000; Ord. 98-82 § 5, 1998; Ord. 93-30 § 5, 1993)

16.05.064 Subsection 105.6.21 Amended – Hazardous Materials Permits. Subsection 105.6.21 of the International Fire Code entitled “Hazardous Materials” is hereby amended to read as follows:

Hazardous Materials Permits.

(A) A permit is needed to store, transport on site, dispense, use or handle radioactive material, corrosive liquids, oxidizing materials, organic peroxides, nitro methane, ammonium nitrate, ammonium nitrate fertilizers, and fertilizer mixtures, highly toxic materials, pyrophoric materials, hyperbolic materials, cryogenic materials, poisonous gases or hazardous materials. All hazardous materials permits shall be posted in a conspicuous location on the premises. Permit Fees for the Hazardous Materials Permits shall be adopted by the Governing Body of the City by resolution.

(B) A Hazardous Materials Permit will be issued by the Fire Chief on a yearly basis. (Ord. 02-152 § 3, 2002; Ord. 01-80 § 6, 2001; Ord. 98-82 § 6, 1998; Ord. 93-30 § 6, 1993)

16.05.070 Establishment of Above Ground Storage of Flammable Liquid Limits. The limits referred to in Section 3404.2.9.5.1 of the 2000 International Fire Code in which storage of flammable or combustible liquids in outside above ground tanks is prohibited are established as follows: Any residential, commercial or M-1 zoning district. (Ord. 01-80 § 7, 2001; Ord. 98-82 § 7, 1998; Ord. 90-36 § 2, 1990.)

16.05.080 Establishment of Storage of Liquefied Petroleum Gas Limits. The limits referred to in Section 3804.2 of the 2000 International Fire Code in which storage of liquefied petroleum gas is restricted are established as follows: Any residential or commercial zoning district. (Ord. 01-80 § 8, 2001; Ord. 98-82 § 8, 1998; Ord. 90-36 § 2, 1990.)

16.05.090 Establishment of Explosives Storage Limits. The limits referred to in Section 3301.2.3 of the 2000 International Fire Code in which storage of explosive and blasting agents is prohibited, excepting temporary job sites, are as follows: Any district zoned residential, commercial and M-1. (Ord. 01-80 § 9, 2001; Ord. 98-82 § 9, 1998; Ord. 93-30 § 7, 1993; Ord. 90-36 § 2, 1990.)

16.05.092 Section 77.106 Amended--Access Road Signs. Repealed (Ord. 98-82 § 12, 1998; Ord. 93-30 § 8, 1993.)

16.05.098 Subsection 907.1 Amended – General. Subsection 907.1 of the International Fire Code entitled “General” is hereby amended to read as follows:

(A) This section covers the application, installation, performance and maintenance of fire alarm systems and their components in new and existing building structures. The requirements of Section 907.2 are applicable to new buildings and structures. The requirements of Section 907.3 are applicable to existing buildings and structures.

(B) Installation and maintenance of fire alarm systems shall be in accordance with Section 907 and all fire protection systems shall be monitored by a U.L. certified central station UUFX and installed by a U.L. certified UUPS systems installer. Alarm systems can be installed under the UUFX Central Station Certificate by uncertified alarm systems installers. All alarm systems shall be certificated with U.L. (Ord. 01-80 § 10, 2001; Ord. 98-82 § 10, 1998.)

16.05.100 Section 108 Amended – Appeals. Section 108 of the International Fire Code entitled “Board of Appeals” is hereby amended to read as follows:

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Code Review within thirty (30) days from the date of the decision appealed. (Ord. 01-80 § 11, 2001; Ord. 90-36 § 2, 1990.)

16.05.110 Section 109 Amended – Violations and Penalties. Section 109 of the International Fire Code entitled “Violations” is hereby amended to read as follows:

(A) It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Any person who violates any of the provisions of the code hereby adopted or fails to comply herewith, or who violates or fails to comply with any order made hereunder or who builds in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Board of Code Review within the time fixed in Section 16.05.100 or by a court of competent jurisdiction, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment of not more than ninety (90) days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 01-80 § 12, 2001; Ord. 98-82 § 11, 1998; Ord. 90-36 § 2, 1990.)

16.05.115 Code Official. The Fire Chief for the City of Olathe or his or her designee shall be designated the enforcement officer of this code and is herein referred to as the code official for the purposes of this chapter. (Ord. 01-80 § 13, 2001).

16.05.120 Civil Actions. Notwithstanding the provisions of Section 16.05.140, the decision of the fire chief or the decision of the Board of Code Review reviewing the decisions of the fire chief shall be enforceable in the District Court of Johnson County, Kansas, or any other court of competent jurisdiction upon action brought by the city attorney or such other legal counsel authorized to maintain such action for the enforcement of the provisions of this chapter. (Ord. 90-36 § 2, 1990.)

16.05.130 Liability. The requirements stated in this chapter shall not be construed as imposing upon the city, its officers, agencies or employees any liability or responsibility for damages to any property by reason of any inspection or approval of any installation. (Ord. 90-36 § 2, 1990.)

16.05.140 Validity. The Governing Body hereby declares that should any section, paragraph, sentence or word of this chapter or of the code hereby adopted be declared for any reason invalid, it is the intent of the Governing Body that it would have passed all other portions of the ordinance codified in this chapter independent of the elimination herefrom of any such portion as may be declared invalid. (Ord. 90-36 § 2, 1990.)

CHAPTER 16.06. Uniform Fire Code Standards. Repealed. (Ord. 90-36 § 1, 1990; Ord. 86-61 § 1, 1986; Ord. 82-129 § 1 (part), 1982.)

CHAPTER 16.07

AUTOMATIC FIRE ALARM SYSTEMS

Sections:

16.07.010	Definitions
16.07.020	Registration of Fire Alarm Systems
16.07.030	System Certification
16.07.040	Inspection, Testing, and Maintenance
16.07.050	Fire Alarm Activation Response
16.07.060	Nuisance Fire Alarm
16.07.070	False or Nuisance Fire Alarm Fees
16.07.080	Remedies and Penalties
16.07.090	Appeals
16.07.100	Reconnection of Fire Alarm System
16.07.110	Government Immunity
16.07.120	Severability

16.07.010 Definitions. For the purposes of this Chapter, the following words and terms shall have the following meanings:

A. “Adopted Codes” means codes adopted by the City of Olathe, the National Fire Protection Association Fire Alarm Code (NFPA 72) and the International Fire Code (IFC).

B. “Alarm Initiating Device” means a device that is designed to respond either manually or automatically to smoke, fire, or activation of a fire suppression system.

C. “Enforcement Official” means the Fire Chief or designated representative.

D. “False Fire Alarm” means the activation of any Fire Alarm System which results in a response by the fire department and which is caused by the negligence or intentional misuse of the Fire Alarm System by the Owner, its employees, agents, or any other activation of a Fire Alarm System not caused by heat, smoke, or fire, exclusive of a Nuisance Fire Alarm.

E. “Fee” means the assessment of a monetary charge payable to the City of Olathe to defray the expenses of responding to a False Fire Alarm or Nuisance Fire Alarm.

F. “Fire Alarm Activation Report” means a document issued by the Enforcement Officer indicating that the activation was deemed to be a result of a fire alarm activation due to fire, a Nuisance Fire Alarm, or a False Fire Alarm.

G. “Fire Alarm Business” means any individual, partnership, corporation, or other entity that is appropriately licensed to conduct business in the State of Kansas and installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces, or services (including Runner Services) any Fire Alarm System.

H. “Fire Alarm System” means a system or portion of a combination system consisting of components and circuits arranged to monitor and/or communicate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

I. "Fire Watch" means an approved person or persons assigned to the Premises for the purpose of protecting the occupants from fire or similar emergencies. A Fire Watch may involve at least some special action beyond normal staffing, such as assigning additional staff to walk the Premises, who has been specially trained in fire prevention and in the use of fire extinguishers, in notifying the fire department, in sounding the Fire Alarm System located on the Premises, and in understanding the particular fire safety situation.

J. "Monitored System" means the process by which a Fire Alarm Business receives signals from a Fire Alarm System and notifies emergency forces.

K. "Nuisance Fire Alarm" means the activation of any Fire Alarm System, which results in a response by the fire department, caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, or any other response for which fire department personnel are unable to determine the apparent cause of the alarm activation.

L. "Owner" means any person who owns the Premises in which a Fire Alarm System is installed or the person or persons who lease, operate, occupy, or manage the Premises.

M. "Premises" means any building, structure, or combination of buildings and structures which serve as dwelling units such as single-family, multi-family, or any other area within a building, structure, or combination thereof which is used for any purpose, wherein a Fire Alarm System is installed.

N. "Qualified Fire Alarm Technician" means any person who inspects, installs, repairs, or performs maintenance on Fire Alarm Systems. This person shall be: a) factory trained and certified, b) National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified, or c) employed by a UL UUFX or UUJS listed fire alarm company.

O. "Record of Completion" means the completion of a form equivalent to the record of completion form included in the National Fire Protection Association's National Fire Alarm Code (NFPA 72).

P. "Registration" means the notification by an Owner to the Enforcement Official that a Fire Alarm System has been installed and is in use.

Q. "Report of Service/Repair" means appropriate documentation in a format acceptable to the Enforcement Official that verifies proper repairs or maintenance have been performed by both the Fire Alarm Business and the Owner.

R. "Runner Service" means the service provided by a runner at the protected premises, including resetting and silencing of all equipment transmitting fire alarm or supervisory signals to an off-premises location.

S. "Serve" shall mean hand-delivery of written notification by a representative of the City of Olathe to the Owner or authorized representative who responded to the Premises. In the event the Owner or authorized representative fails to respond to the Premises within one (1) hour, Serve shall mean placing the form or other matter in the United States mail, postage prepaid, addressed to the Owner or authorized representative. (Ord. 08-80 § 1, 2008)

16.07.020 Registration of Fire Alarm System.

A. An annual Registration shall be required for all Fire Alarm Systems and whenever new Fire Alarm Systems are installed, in accordance with Adopted Codes.

B. The Owner shall be required to re-register whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System.

C. Registration shall not be transferable from one Premises to another or from one Owner to another.

D. Every Fire Alarm Business shall notify the Enforcement Official of the existence of a Fire Alarm System prior to the Fire Alarm System being put into service. It shall be the responsibility of the installing Fire Alarm Business to provide the Owner with notice of the existence of this Chapter, a Registration form and a copy of the Fire Alarm System operation instructions in accordance with Adopted Codes, and the manufacturer's instructions.

E. The Registration form shall include the following information:

1. The name(s), address of the Premises, mailing address (if different from the address of the Premises), business and home telephone number of the Owner, lessee, operator, manager, or person in possession of the Premises wherein the Fire Alarm System is installed;

2. The name, address, and telephone number of a minimum of two (2) persons who can be notified by the Enforcement Official, in the event of the activation of the Fire Alarm System, who shall be capable of responding to the Premises within one (1) hour, and who are authorized to enter the Premises to ascertain the status thereof;

3. The name, address, and telephone number of the Fire Alarm Business which has contracted to service the Fire Alarm System and proof of proper qualification with the Enforcement Official, if required.

4. The date the Registration is signed or the Fire Alarm System is placed in operation for any reason; and

5. Any other documentation that is required by Adopted Codes.

F. When any of the information required by this Chapter has changed, it shall be reported to the Enforcement Official by the Owner within fifteen (15) days of the Owner becoming aware of such change;

G. The Owner shall complete and deliver the Fire Alarm System Registration in the required format to the Enforcement Official before the Fire Alarm System is activated or placed into service. The Fire Alarm Business, when authorized by the Owner, may assist the Owner in accomplishing this submission of the Fire Alarm Registration to the Enforcement Official.

H. An Owner who does not renew the annual registration shall be subject to a non-renewal fee.

I. The fire alarm registration Fee and non-renewal fee shall be adopted by resolution of the Governing Body. (Ord. 08-80 § 1, 2008)

16.07.030 System Certification. All newly installed or renovated commercial Fire Alarm Systems shall be approved by the Enforcement Official. The certification shall indicate that the Fire Alarm System is in compliance with Adopted Codes. All new or renovated commercial Fire Alarm Systems shall be certificated by Underwriters Laboratories. (UL) (Ord. 08-80 § 1, 2008)

16.07.040 Inspection, Testing, and Maintenance.

A. The Owner shall ensure that all Fire Alarm Systems are inspected and tested in accordance with Adopted Codes.

B. The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and Adopted Codes. (Ord. 08-80 § 1, 2008)

16.07.050 Fire Alarm Activation Response.

A. The Owner shall be responsible for the activation of a Fire Alarm System.

B. A response to the activation of a Fire Alarm System shall result when any officer or member of the Fire Department is dispatched to the Premises where the Fire Alarm System has been activated.

1. At the time of the response, the Enforcement Official shall notify any person identified in the Registration required by this Chapter and shall require such person to respond to the Premises.

2. In the event the Fire Alarm System is a Monitored System, it is the responsibility of the company monitoring the Fire Alarm System to notify any persons identified in the Registration at the request of the Enforcement Official.

3. In the event the Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to offer the Owner the option to verify the Fire Alarm signal before dispatch, as allowed by Adopted Code.

4. In the event the Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to forward cancellation of a Fire Alarm signal to the fire department.

C. The officer or member of the fire department who responded to said Premises shall Serve the Owner or authorized representative with a Fire Alarm Activation Report. (Ord. 08-80 § 1, 2008)

16.07.060 Nuisance Fire Alarms.

A. In the event the activation of a Fire Alarm System is deemed by the Enforcement Official to be a Nuisance Fire Alarm, the Owner shall be Served with a Fire Alarm Activation Report by an officer or member of the fire department, indicating that the activation was deemed to be the result of a Nuisance Fire Alarm.

1. This shall require the Owner to return the completed Report of Service/Repair within fifteen (15) days of receipt of the Fire Alarm Activation Report to verify, to the reasonable satisfaction of the Enforcement Official , that:

a. the Fire Alarm System has been examined by a Qualified Fire Alarm Technician; and

b. a bona fide attempt has been made to identify and correct any defect of design, installation, or operation of the Fire Alarm System which was identifiable as the cause of the Nuisance Fire Alarm.

2. Any owner who fails to return a Report of Service/Repair within said fifteen (15) day period, which is reasonably satisfactory to the Enforcement Official, shall be subject to a Fee for the Nuisance Fire Alarm. Such Fee shall be adopted by resolution of the Governing Body. (Ord. 08-80 § 1, 2008)

16.07.070 False Fire Alarm Fees.

A. Newly Installed Fire Alarms.

1. The provisions of this Section shall only apply to any newly installed Fire Alarm System after the expiration of a period of thirty (30) days from the date of final inspection, but shall apply from and after the expiration of the initial thirty (30) day period following final inspection.

B. False Fire Alarms.

1. The Fire Alarm Business shall be assessed a Fee if an Enforcement Official determines that a False Fire Alarm was directly caused by an onsite employee or representative of the Fire Alarm Business. In this event, no False Fire Alarm shall be counted against the Owner.

2. Any Fire Alarm System which has recorded more than one (1) False Fire Alarm within a calendar year will be subject to a Fee. Such Fee shall be adopted by resolution of the Governing Body.

3. False Fire Alarms activated by any components connected to the Fire Alarm System shall be included in computing the total number of False Fire Alarms for purposes of this subsection.

4. The activation of a Fire Alarm System will not be considered a False Fire Alarm if the alarm is activated due to malicious causes beyond the control of the Owner. (Ord. 08-80 § 1, 2008)

16.07.080 Remedies and Penalties.

A. The Enforcement Official has the authority to order a Fire Watch in accordance with Adopted Codes, due to repetitive Nuisance Fire Alarms and/or False Fire Alarms, until corrective action is taken for any of the following reasons:

1. Failure to meet all requirements or pay the Fees provided for in this Chapter with fifteen (15) days after the notice is mailed to the Owner;

2. Failure of the Owner to provide a written Report of Service/Repair required by this Chapter;

3. A second False Fire Alarm or Nuisance Fire Alarm at a Premises for which a Fee is charged pursuant to this Chapter as a result of the failure of the Owner to take corrective action to eliminate the cause of the False Fire Alarm or Nuisance Fire Alarm; or

4. The failure of a person notified pursuant to Section 16.07.020(E)(2) and Section 16.07.050(B)(2) to appear within one (1) hour after being notified to respond, if such failure to timely respond occurs four or more times within a calendar year.

B. Each building affected because the signal from the Fire Alarm System has been disconnected or deactivated shall be required to establish a Fire Watch until the Fire Alarm System has been returned to service. Duties of the Fire Watch may include notifying the fire department and building occupants of an emergency, preventing a fire from occurring, or extinguishing small fires. These duties shall be documented on a Fire Watch log every hour until the Fire Alarm System has been restored to normal service.

C. The Owner is responsible for paying all costs associated with establishing a Fire Watch.

D. The Enforcement Official has the authority to temporarily suspend the occupancy of a Premises until all outstanding repairs are made on the Fire Alarm System or if the Fire Watch log is not maintained to the satisfaction of the Enforcement Official.

E. The Enforcement Official shall have the authority to direct the Owner of the Premises to silence an activated Fire Alarm System, have corrective action taken and thereafter reset it.

F. Anyone convicted of falsifying reports as required under this Chapter is subject to maximum penalty in accordance with Section 9.08.090. (Ord. 08-80 § 1, 2008)

16.07.090 Appeals.

A. The Owner or Fire Alarm Business may appeal an assessment of a Fee by setting forth in writing the reasons for the appeal within fifteen (15) business days after receipt of the Fee.

B. Filing of a request for appeal shall stay the Fee until the review of the appeal has been completed. If a request for appeal is not made within the fifteen (15) business day period, the action of the Enforcement Official is final.

C. The Enforcement Official may adjust the count of False Fire Alarms or Nuisance Fire Alarms based on:

1. Evidence that the alarm was caused by an act of God;
2. Evidence that the alarm was caused by action of the telephone company;
3. Evidence that the alarm was caused by a power outage lasting longer than four (4) hours;
4. Evidence that the alarm was not a False or Nuisance Fire Alarm; and/or
5. In determining the number False or Nuisance Fire Alarms occurring in any twenty four (24) hour period shall be counted as one False Fire Alarm or Nuisance Fire Alarm; to allow the Owner time to take corrective action unless the alarms are directly caused by the Owner. (Ord. 08-80 § 1, 2008)

16.07.100 Reconnection of Fire Alarm System.

A. A Fire Alarm System may be reactivated upon a finding by the Enforcement Official that the Owner of the Premises has taken corrective action to remedy the cause of the False Fire Alarm or Nuisance Fire Alarm at the Premises.

B. In making a request for such a reactivation, the Owner shall have the burden of showing what corrective action has been made.

C. The Enforcement Official shall have the right to inspect the Fire Alarm System and test it prior to approving a new order to reconnect or reactivate the Fire Alarm System.

D. The Enforcement Official shall not approve a new order to reconnect or reactivate if the Owner has failed to pay any Fee pursuant to this Chapter. (Ord. 08-80 § 1, 2008)

16.07.110 Government Immunity. Registration of a Fire Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, or response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. When registering a Fire Alarm System, the Owner acknowledges that fire department response may be based on factors such as; availability of fire department units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels. The City of Olathe, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned Fire Alarm System, those duties or responsibilities being solely those of the Owner of the Premises. (Ord. 08-80 § 1, 2008)

16.07.120 Severability. The provisions of this Chapter are severable. If a court determines a word, phrase, clause, sentence, paragraph, subsection, section, or other provision invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provision and the application of those provisions to other persons or circumstances are not affected by that decision. (Ord. 08-80 § 1, 2008)

CHAPTER 16.08. Life Safety Code. Repealed (Ord. 90-36 § 1, 1990; Ord. 86-62 § 1, 2, 1986.)

CHAPTER 16.12

FIRE REGULATIONS

Section:

16.12.010	Fire Inspections; Fees.
16.12.020	Fire Inspection--Removal of Hazards.
16.12.030	Obstructing Fire Hydrant.
16.12.040	Misuse of Equipment.
16.12.080	Control at Fires.

16.12.010 Fire Inspections; Fees.

(a) It shall be the duty of the chief of the Fire Department to inspect or cause to be inspected by the Fire Department officers or members as often as may be necessary, all buildings and premises for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violations of the provisions or intent of any ordinance of the city affecting the fire hazard.

(b) Fees for Fire Inspections. No fee shall be charged for an initial inspection. Fees for fire re-inspections shall be adopted by the Governing Body of the City by resolution. (Ord. 08-81 § 1, 2008; Ord. 93-31 § 1, 1993; Prior code § 6-201.)

16.12.020 Fire Inspection--Removal of Hazards.

(a) Whenever an officer making an inspection under the authority of Section 16.12.010 may find, in any building or upon any premises, combustibles endangering any building or premises, the officer shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of the building or premises; provided, however, that if the owner or occupant deems himself aggrieved by such order he may, within ten days, appeal to the state fire marshal, and the order shall remain in force unless revoked by an order of the state fire marshal.

(b) It is unlawful for an owner or occupant of a building or premises to fail or refuse to comply with such an order after the ten-day appeal period has passed or the state fire marshal has reviewed and upheld the order. (Prior code § 6-202.)

16.12.030 Obstructing Fire Hydrant. No person shall place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence, or other obstruction of any character whatsoever, in any manner to obstruct, hinder or delay the Fire Department in the performance of its duties in case of fire; nor shall any person hitch or cause to be hitched to any fire hydrant any animal or animals, nor fasten to same any guy rope or brace, nor back or stand any wagon, truck, automobile or other vehicle within fifteen feet of any such hydrant. (Prior code § 6-203.)

16.12.040 Misuse of Equipment. No person or persons shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority remove, take away, keep or conceal any tool, appliance or other article used in any way by the Fire Department. (Prior code § 6-204.)

16.12.080 Control at Fires. The fire chief or, in his absence, the assistant fire chief (or other ranking officer present) shall have full power and command over all persons whatever at fires, and he shall direct and adopt any and all measures that he deems most advisable for the extinguishment of such fires, or for the care and protection of the property endangered thereby; and he shall have the power if need be, to summon any and all persons present to aid in extinguishing any fire or removing or caring for personal property from any building on fire or in danger thereof. (Ord. 98-C § 1, 1968; prior code § 6-209.)

CHAPTER 16.14

RECOVERY OF EXPENSES

Sections:

16.14.010	Definitions.
16.14.020	The Chief of the Fire Department.
16.14.030	Liability to Pay Costs Incurred by City.
16.14.040	Recovery of Expenses.
16.14.050	Supervision or Verification of Clean Up.
16.14.060	Remedies not Exclusive.
16.14.070	Conflict.

16.14.010 Definitions. For the purposes of this chapter, the words, phrases and terms as used herein are defined as set out below:

(a) Emergency action. Emergency action shall mean all exigent activities conducted in order to prevent or mitigate harm to the public health and safety and the environment from a release or threatened release of any hazardous material into or upon land, water or air.

(b) "Hazardous material" means waste or combination of wastes or substances which because of its quantity, concentration or physical, chemical, biological or infectious characteristics or as otherwise determined by the Kansas Secretary of Health & Environment to cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

(c) Person. Person shall include any individual, corporation, association, partnership, firm, trustee, legal representative, or any combination thereof.

(d) Recoverable expenses. Recoverable expenses shall include those expenses of the City of Olathe that are reasonable, necessary and allocable to an emergency action. Recoverable expenses shall not include normal budgeted expenditures that are incurred in the course of providing what are traditionally city services and responsibilities, such as routine firefighting protection. Expenses allowable for recovery may include, but are not limited to:

(1) Disposable materials and supplies consumed and expended specifically for the purpose of the emergency action.

(2) Compensation of employees for the time and efforts devoted specifically to the emergency action.

(3) Rental or leasing of equipment used specifically for the emergency action (e.g., protective equipment or clothing, scientific and technical equipment).

(4) Replacement costs for equipment owned by the city that is contaminated beyond reuse or repair, if the equipment was a total loss and the loss occurred during the emergency action (e.g., self-contained breathing apparatus irretrievably contaminated during the response).

(5) Decontamination of equipment contaminated during the response.

(6) Special technical services specifically required for the response (e.g., costs associated with the time and efforts of technical experts or specialists not otherwise provided for by the city).

(7) Other special services specifically required for the emergency action.

(8) Laboratory costs of analyzing samples taken during the emergency action.

(9) Any costs of clean up, storage, or disposal of the released material.

(10) Costs associated with the services, supplies and equipment procured for a specific evacuation of persons or property.

(11) Medical expenses incurred as a result of response activities.

(12) Legal expenses that may be incurred as a result of the emergency action, including efforts to recover expenses pursuant to this chapter.

(e) Release. Release shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into or upon land, water or air, of any material.

(f) Threatened release. Threatened release shall mean any imminent or impending event potentially causing but not resulting in a release, but causing the city to undertake an emergency action. (Ord. 89-68 § 1, 1989.)

16.14.020 Authority of Fire Chief. The deputy director of Fire Services is authorized to clean up or abate the effects of any emergency action relating to hazardous material unlawfully released, threatened to be released, discharged or deposited upon or into any property or facilities within the city. (Ord. 93-32 § 1, 1993; Ord. 89-68 § 1, 1989.)

16.14.030 Liability to Pay Costs Incurred by City. The following described persons shall be jointly and severally liable to the city for the payment of all costs incurred by the city as a result of such clean up or abatement activity:

(a) The person or persons whose negligent or willful act or omission proximately caused such release, discharge or deposit;

(b) The person or persons who owned or had custody or control of the hazardous materials at the time of such release, discharge or deposit, without regard to fault or proximate cause; and

(c) The person or persons who owned or had custody or control of the container which held such hazardous materials at the time or immediately prior to such release, discharge or deposit, without regard to fault or deposit, without regard to fault or proximate cause. (Ord. 89-68 § 1, 1989.)

16.14.040 Recovery of Expenses.

(a) Itemization of Recoverable Expenses. City personnel and departments involved in an emergency action shall keep an itemized record of recoverable expenses resulting from an emergency action. Promptly after completion of an emergency action, the appropriate city department shall certify those expenses to the city manager.

(b) **Submission of Claim.** The city shall submit a written itemized claim for the total expenses incurred by the city for the emergency action to the responsible person and a written notice that unless the amounts are paid in full to the city within thirty (30) days after the date of the mailing of the claim and notice, the city will file a civil action seeking recovery for the stated amount.

(c) **Lien on Property.** The city may cause a lien in the amount of the recoverable expenses to be placed on any real property located within the city owned by the person causing or responsible for the emergency action.

(d) **Civil Suit.** The city may bring a civil action for recovery of the recoverable expenses against any and all persons causing or responsible for the emergency action. (Ord. 89-68 § 1, 1989.)

16.14.050 Supervision or Verification of Clean Up. In the event that any person undertakes, either voluntarily or upon order of the deputy director of Fire Services or other city official, to clean up or abate the effects of any hazardous materials unlawfully released, discharged or deposited upon or into any property or facilities within the city, the deputy director of Fire Services may take such action as is necessary to supervise or verify the adequacy of the clean up or abatement. The persons described in Section 16.14.030 of this chapter shall be liable to the city for all costs incurred as a result of such supervision or verification. (Ord. 89-68 § 1, 1989.)

16.14.060 Remedies not Exclusive. The remedies provided by this chapter shall be in addition to any other remedies provided by law. (Ord. 89-68 § 1, 1989.)

16.14.070 Conflict. Nothing in this chapter shall be construed to conflict with state or federal laws requiring persons causing or responsible for releases or threatened releases from engaging in remediation activities and/or paying the costs thereof (Ord. 89-68 § 1, 1989.)