

AN ORDINANCE AMENDING SECTION 9-11(a) OF THE CODE OF ORDINANCES RELATED TO FIRE PREVENTION TO INCLUDE NIGHTCLUBS, BARS AND HOTELS; AMENDING SECTIONS 9-11(c), (d), (e), (f), (g) AND (h) OF THE CODE OF ORDINANCES RELATED TO FIRE PREVENTION TO REPLACE THE WORD NOTICE WITH ORDER TO REMEDY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 9-11 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

- (a) It shall be the duty of the fire chief or his designated inspectors in the division of fire and emergency services, under the direction of the mayor, to inspect or cause to be inspected all buildings, premises and public thoroughfares, especially theaters, nightclubs, bars, schools, hotels and office buildings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire or endanger lives and property.
- (b) Private dwellings are exempt from the provisions of this section, except or unless there are reasonable grounds to believe by the officers or inspectors or other officials of the urban county government that conditions existing in such private dwellings are reasonably liable to cause fire, or that there is any violation of the standards of safety or other ordinances of the urban county government affecting fire hazards.
- (c) When any inspector shall find in any building or upon any premises or other place a deficiency of the standards of safety or of other ordinances of the urban county government with respect to fire hazard, the fire chief or other officer designated in the division of fire and emergency services shall give to the owner of such premises or his/her agent a written notice of deficiencies. Such written notice will be called an "Order to Remedy", and may be delivered personally by the inspector to the owner or agent of such premises; or, in the event such owner or agent cannot be found at the premises, the Order notice may be posted by affixing it to the door or near the door of such building. In addition, the Order notice shall be directed in writing and mailed to the address of the owner of the premises; and the posting of the letter to such owner directed to the place of his/her residence shall be considered sufficient notice hereunder.
- (d) The inspector giving such written Order to Remedy notice shall mark on the copy of the Order notice the manner in which such Order notice was given and the date given, and shall file such Order notice in a file to be kept in the division of fire and emergency services for the purpose of preserving the Order notice so long as it is required to be kept as a record.
- (e)

Whenever a deficiency of this chapter is observed and the “Order to Remedy” ~~notice~~, hereinabove provided for, is given to correct such deficiency, the inspector giving the Order ~~notice~~ shall set out the specific sections of the standards of safety prescribing the regulations to be observed by such person to whom the Order ~~notice~~ is sent, and shall also set out a direction as to the time within which the deficiency shall be corrected and such other advice to such person as the inspector may consider advisable to give to assist such person to comply with this chapter, and the standards of safety. The time, however, given for the correction of the deficiency shall in no event be longer than such reasonable time as ordinary prudent persons would usually require to conform to the applicable rules and regulations.

(f)

Such Order to Remedy ~~notice~~ shall comply with the following format:

(1)

Be in writing.

(2)

Include a description of the real estate sufficient for identification.

(3)

Include a statement of reasons why it is being issued.

(4)

Include a reasonable time for repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

(5)

Specify appropriate acceptable alternatives, which afford a substantially equivalent margin of safety, to correct any or all deficiencies, where available.

(6)

Include an explanation of the owner's right to seek modification, clarification, or withdrawal of the Order ~~notice~~ by contacting the inspector who issued the Order ~~notice~~.

(g)

The owner or agent, who has received a notice to comply with the standards of safety or other regulations as set out in the Order ~~notice~~, shall forthwith comply with such Order ~~notice~~ and remedy the deficiencies and notify the inspector within a reasonable time that the defects, violations or hazards have been corrected; and the inspector shall cause another inspection to be made to verify the assertion that the correction has been satisfactorily made; and, if the correction has been satisfactorily made and the premises rendered safe in accordance with the Order ~~notice~~, the copy of such Order ~~notice~~ may be taken from the files and destroyed unless, in the opinion of the fire chief, it is needed for future record.

(h)

In any case where such a notice is given to an owner or agent to comply with the standards of safety or other ordinance of the urban county affecting fire hazards and the deficiency is not eliminated or corrected within a reasonable amount of time and the owner and inspector are unable to come to any agreeable solution, said notice of deficiency shall be reviewed by the fire marshal. Following this review, and where appropriate, the fire marshal may issue an a Fire Marshal's Order to correct the deficiency and specify the time within which the deficiency is to

be corrected. Consideration may be given to the nature of the deficiency, previous time allowed under the notice and other relevant factors which go to the reasonableness of the time allowed. Said orders shall include an explanation of the owner's right to seek an appeal of the order by petition to the fire chief.

(i)

Such an order shall comply with the following format:

(1)

Be in writing.

(2)

Include a description of the real estate sufficient for identification.

(3)

Include a statement of reasons why it is being issued.

(4)

Include a reasonable time for repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

(5)

Specify appropriate acceptable alternatives, which afford a substantially equivalent margin of safety, to correct any or all deficiencies, where available.

(6)

Include an explanation of the owner's right to seek modification, clarification or withdrawal of the order by appeal to the fire chief.

Such order shall be mailed to the address of the owner or agent of the premises, and the posting of the letter to such owner directed to the place of residence shall be considered sufficient notice hereunder.

(j)

The owner or their agent, who has received an order to comply with the standards of safety or other regulations as set out in the order, shall forthwith comply with such order and remedy the deficiencies and notify the fire marshal within a reasonable time that the defects, violation or hazards have been corrected; and the fire marshal shall cause another inspection to be made to verify the assertion that the correction has been satisfactorily made; and, if the correction has been satisfactorily made and the premises rendered safe in accordance with the order, the copy of such order may be kept in accordance with the state's requirements for records retention

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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