ORDINANCE NO. 390

An ordinance adopting the UNIFORM FIRE CODE prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion; providing for the issuance of permits for hazardous uses or operations; and establishing a bureau of fire prevention and providing officers therefore and defining their powers and duties.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS.

Section 1. ADOPTION OF THE UNIFORM FIRE CODE

There is hereby adopted by the Governing Body of the City of Basehor, Kansas for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code known as the Uniform Fire Code, 1997 Edition, including all Appendix Chapters and Appendix Standards, published by the International Fire Code Institute, save and except such portions as are hereinafter deleted, modified or amended by Section 8 of this ordinance, three (3) copies of the code stamped "Official Copy" which have been and are now on file in the office of the City Clerk of the City of Basehor, Kansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of jurisdiction of the City of Basehor, Kansas. Such copies shall be open to inspection and available to the public during normal business hours. The police department, municipal judge, and all administrative departments of the city charged with the enforcement of the code shall be furnished a copy of the code without cost, all copies marked as indicated above.

Section 2. DEFINITIONS

Wherever the word "jurisdiction" is used in the Uniform Fire Code, it is the City of Basehor.

Section 3. AMENDMENTS

Section 103.1 of the Uniform Fire Code shall be amended to add the following;

103.1 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION

General: The Bureau of Fire Prevention in the Fairmount Township Fire Department is hereby established within the jurisdiction of the City of Basehor, Kansas, under the direction of the Code Administrator and shall be operated under the supervision of the chief of the fire department.

Deputies: In accordance with the prescribed procedures of the Fairmount Township Fire Department and with the concurrence of the Code Administrator of the City of Basehor, the Fire Chief shall have the authority to appoint an inspector for the purpose of enforcing the provisions of the Uniform Fire Code.

Liability: The code official, officer, or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for

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any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Legal Defense: Any suit instituted against any official or employee because an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representation of the City of Basehor until the final termination of the proceedings. The code administrator or any subordinate shall not be liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

Section 103.1.4 of the Uniform Fire Code is hereby amended to read as follows:

The suitability of alternate materials, methods of construction, and reasonable interpretations of this code, shall be determined a board consisting of the Code Administrator, Fire Chief of the Fairmount Township Fire Department, and the Fire Inspector. The board shall no authority to interpret the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Section 103.2 of the Uniform Fire Code is hereby amended to add the following:

It shall be the duty of the fire chief or his/her authorized representative to inspect or cause to be inspected, as often as may be necessary but not less than once a year, all commercial/industrial buildings, particularly all mercantile buildings, manufacturing plants, warehouses, garages, hotels, boarding houses, rooming houses, theaters, auditoriums, and all places of public assemblage, for the purpose of discovering the violation of any fire prevention law or any fire hazard and ascertaining and causing to be corrected any conditions liable to cause fires and to see that all places of public assemblage, hotels, and rooming houses have sufficient and unobstructed facilities for egress there from in case of a fire.

Section 103.2.1 of the Uniform Fire Code is hereby amended to add the following:

Whenever any officer or member of the fire department shall find or discover any fire hazard or shall find in any building or upon any premises an accumulation of combustible, explosive, or hazardous material to include rubbish, paper, boxes, shavings, or any other inflammable material, so situated as to endanger property by the probability of fire, or shall find or discover any violation of the Fire Code or any other law hazardous to public safety from fires, the fire chief shall order the hazard abated and remedied and such order shall be complied with in the time specified by the owner or occupant of such building or premises.

Any order made under shall be in writing and may be served personally upon the owner or occupant of the premises or by leaving it with any person in charge of the premises or if the premises is vacant and the owner is a non-resident of the city, then by mailing a copy to the owner's last known address. One notice to either the owner or occupant shall be sufficient. The fire chief shall keep a record of and copies of all such inspections, orders, and notices and shall follow-up such notices at the expiration of the time for compliance. If the owner, occupant, or person in charge of the premises fails to comply with the order in the time specified, the fire chief shall forward all documentation to the code administrator for the purpose of filing a complaint with the municipal court against the owner, occupant, or person in charge of the property.

Section 4. PENALTY:

(a) Any person, firm, corporation, who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the code administrator, fire chief, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class B violation as prescribed by the public offense code of this city. 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 violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(c) Any person, firm, or corporation convicted of violating any of the provisions of this code shall be fined in an amount not less than $500.00 nor more than $2500.00 or be imprisoned for a period not to exceed 45 days or be both fined and imprisoned. Each 10 days during or on which a violation exists or continues after notice has been served shall constitute a separate offense.

Section 5. FIREWORKS

In the event any section or provision of the Fire Code or the Fire Code Standards or of this ordinance are in conflict with Chapter 7, Article 3, of the Code of the City of Basehor, the provisions of the Fire Code or Fire Code Standards in conflict shall be deemed invalid or inapplicable only as to the conflict.

Section 6. SEVERABILITY:

If any section of the Uniform Fire Code or of this ordinance shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the section shall be considered separate and apart from the remaining provisions of the Uniform Fire Code or this ordinance, the section is to be completely severable from the remaining provisions which shall continue in full force and effect.

Section 7. This ordinance shall take effect and be in force from and after the passage, approval, and publication of this ordinance in the official newspaper of the City of Basehor, Kansas.

Approved and Passed this 26th day of August, 2002

Joseph Scherer, Mayor

ATTEST:

Mary Mogle, City Clerk