

## **CHAPTER 25**

### **FIRE PROTECTION**

#### **Article I. Fire Protection**

- 25-101 Adoption of International Fire Code
- 25-102 Local amendments to International Fire Code

#### **Article II. Emergency Alarm Systems**

- 25-201 Purpose
- 25-202 Definitions
- 25-203 Alarm Users
- 25-204 Permits Required
- 25-205 Alarm Companies; License
- 25-206 Automatic Dialing Device; Certain Interconnections Prohibited
- 25-207 Discontinue Use
- 25-208 Discontinue Response
- 25-209 Chargeable False Alarms; Fees Required; Grace Period; Right of Appeal
- 25-210 No Duty Created
- 25-211 Interpretation

#### **Article III. Smoke Detectors**

- 25-301 Purpose
- 25-302 Definitions
- 25-303 Scope
- 25-304 Enforcement
- 25-305 Penalties

#### **Article I. Fire Protection.**

##### **Sec. 25-101 Adoption of International Fire Code.**

There is hereby incorporated by reference for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Hutchinson; providing for the issuance of permits and allocation of fees therefor; the "International Fire Code, 2012 Edition, including Appendix Chapters B, C, D, F, H and I, as published by the International Code Council save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed. One copy of said International Fire Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2015 - 9," with all sections or portions thereof intended to be omitted or changed clearly

marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Fire Chief and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such International Fire Code as may be deemed expedient. (Ord. 2015– 9, Adop. 3/17/2015; Ord. 7651, Adop. 11/09/99; Ord. 7360, Adop. 4/07/92; Ord. 7277, Adop. 5/30/89)

**Sec. 25-102 Local amendments to International Fire Code.**

The International Fire Code, 2012 Edition, adopted by reference by this Article is hereby modified in the following respects:

a. By amending Section 101.1 Title of the International Fire Code, 2012 Edition, to read as follows:

Section 101.1 Title. These regulations shall be known as the Fire Code of the City of Hutchinson, hereinafter referred to as “this code.”

b. By adding a new subsection 105.1.4 Work Commencing Prior to Issuance of Permit to the International Fire Code, 2012 Edition, which section shall read as follows:

Section 105.1.4 Work Commencing Prior to Issuance of Permit.

Any person who commences any work on fire suppression systems or alarm systems before obtaining the required permit from the City of Hutchinson Building Official, shall be subject to two hundred percent (200%) of the usual permit fee in addition to the required permit fee.

Plan review and approval by the City of Hutchinson Fire Department Inspection Division for fire suppression systems and automatic fire alarm systems is required prior to permit issuance.

c. By omitting Section 108 Board of Appeals of the International Fire Code, 2012 Edition.

d. By amending Section 109.4 Violation Penalties of the International Fire Code, 2012 Edition, to read as follows:

Section 109.4 Violation penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than

Five Hundred Dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- e. By amending Section 111.4 Failure to Comply of the International Fire Code

Section 111.4 Failure to Comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment.

- f. By adding a new subsection 307.6 Open Burning to the International Fire Code, 2012 Edition, which section shall read as follows:

Section 307.6 Open Burning.

Within the City limits of Hutchinson, a permit is required for open burning except for recreational fires and portable outdoor fireplaces as defined in Section 202 General Definitions, International Fire Code, 2012 Edition. No open burning, including recreational fires and portable outdoor fireplaces, will be permitted when atmospheric conditions make open burning hazardous, such hazardous conditions are also commonly known as a "Red Flag" day.

- g. By adding a new subsection 904.1.2 Contractors, Installers and Repairmen to International Fire Code, 2012 Edition, which section shall read as follows:

Section 904.1.2 Contractors, Installers and Repairmen

Installation, additions to, repairs, and/or alterations of fire extinguishing systems, including automatic sprinkler systems, and wet and dry standpipes; private fire service mains, and private fire hydrant systems; automatic fire alarm systems shall be done by licensed fire extinguishing system contractors, fire sprinkler system contractors, fire alarm system contractors and/or locally licensed plumbers or electricians. Contractors are to be licensed through and in accordance with the provisions of Chapter 21 Building Regulations of the Hutchinson City Code.

- h. By adding a new subsection 5001.1.7 Hazardous Material Carrier Parking and Garaging to International Fire Code, 2012 Edition, which section shall read as follows:

Section 5001.1.7 Hazardous Material Carrier Parking and Garaging

a. No operator of a commercial delivery vehicle such as a box van, bob tail, truck trailer or tank truck containing products classified by federal, state or local regulatory agencies as hazardous materials, including but not limited to explosives and blasting agents, compressed gasses, flammable and combustible liquids, flammable solids, oxidizers, organic peroxides, pyrophoric material, unstable reactive materials, water reactive materials, corrosives, health and biomedical hazards and irritating materials, shall park or leave such vehicle unattended on any street, highway, avenue or alley within 500 feet of any residential area, apartment or hotel complex or educational, hospital or care facility at any time, or at any other place that would, in the opinion of the Chief, present an extreme life hazard.

b. No tank vehicle shall be parked off a street, highway, avenue or alley for longer than 1 hour, except:

1. Inside a bulk plant and at least 25 feet from any property line, or within a building approved for such use; or

2. at other locations which are at least 200 feet from any building other than a building approved for the storage or service of such vehicle.

c. No tank vehicle shall be garaged in any building other than those specifically approved for such use by the Chief.

d. This section shall not prohibit parking by or absence of the operator (1) in connection with loading or unloading, (2) for meals during the day or night if area is well lighted at the place of parking and (3) for the purpose of securing assistance in case of an emergency.

e. Parking. It shall be unlawful to park a commercial delivery vehicle in any public right-of-way or alley or for any portion of said vehicle to be extended into any public right-of-way or alley while the person operating said vehicle is in the process of delivering or loading hazardous materials or hazardous waste unless barricades or traffic cones are utilized to protect the vehicle.

f. Flagman. It shall be unlawful to back a commercial delivery vehicle into or from a public right-of-way for the purpose of making a delivery or pickup of hazardous materials or hazardous waste without a flagman directing traffic on said public right-of-way.

i. By adding a new subsection 5001.1.8 Recovery of Expenses to International Fire Code, 2012 Edition, which section shall read as follows:

Section 5001.1.8 Recovery of Expenses

a. General. For the purpose of promoting the public health, safety and welfare, it is hereby declared to be in the public interest to provide for recovery, through civil suit if required, of the certain expenses incurred in taking an emergency action in response to a release or threatened release of hazardous materials.

b. Definitions.

1. "Emergency action" means all of the activities conducted in order to prevent or mitigate injury to human health or the environment from a release or threatened release of any material into or upon the environment.

2. "City" means the City of Hutchinson, Kansas.

3. "Person" means any natural person, corporation, partnership, association, firm or other legal entity, and any trustee, legal representative or combination thereof.

4. "Recoverable expenses" means all cost reasonably incurred by the City in connection with or in support of an emergency action; provided, that recoverable expenses shall not include expenses ordinarily incurred in providing traditionally local services such as routine firefighting. Recoverable expenses shall include, but not be limited to, expenditures for:

a. Disposable materials and supplies;

b. Pay and benefits of City employees;

c. Rental or leasing of protective clothing or equipment, and scientific and technical equipment and other equipment;

d. Replacement, repair and cleaning cost for equipment;

e. Expert and other special technical services, not regularly available to the City;

f. Laboratory services for analysis of samples;

g. Cleanup, storage or disposal of a hazardous material;

h. Services, supplies and equipment used in connection with any evacuation;

i. Medical expense for treatment of illness or injury;  
and

j. Legal services, including services rendered to enforcement obligations created by this chapter.

5. "Release" means spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of hazardous materials into or upon the environment.

6. "Hazardous material" means any chemical or substance which is a physical or health hazard, as defined and classified in the International Fire Code, whether such material is in usable or waste condition.

7. Imposition of liability. Each person who causes or contributes to the release of any hazardous material, or who owns or is exercising control over any hazardous material at the time of a release thereof, shall be strictly liable to the City for all recoverable expenses incurred in the course of an emergency action in response to such release.

8. Recovery of expenses. For each emergency action, the City shall maintain a detailed record of all recoverable expenses. Promptly upon completion of an emergency action, the City shall certify all recoverable expenses incurred in connection therewith to each person who is or may be liable therefor pursuant to subsection (g) of Section 5000.1.8. In the event the person or persons liable for such recoverable cost have not paid the same in full within 30 days after notice thereof, or reached some other agreement for compensation to the City, the City Attorney shall be authorized to commence an appropriate action in a court of competent jurisdiction for recovery of all such costs.

j. By adding a new Section 5610 Authorized Fireworks, Sales and Storage, to International Fire Code, 2012 Edition, which section shall read as follows:

Section 5610 Authorized Fireworks, Sales and Storage

- 5610.1 Prohibition
- 5610.2 Sale of Fireworks/Licenses
- 5610.3 Storage of Fireworks

Section 5610.1 Prohibition

The storage, use and handling of fireworks are prohibited.

EXCEPTIONS:

1. Storage and handling of fireworks are allowed as required for explosives in Article 77.
2. The use of fireworks for display is allowed as set forth in Section 7802.4.
3. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks which have been approved for use and sale within the city limits are allowed during legalized time period prescribed by the City of Hutchinson. Such fireworks shall comply with the following guidelines:
  - a. The fireworks comply with CPSC 16 CFR, Parts 1500-1507, and DOTn 49 CFR, Parts 100-185, for consumer fireworks;
  - b. The fireworks shall be classified as Class C and/or 1.4G; and
  - c. Shall emit a shower of sparks no more than six (6) feet (1,828.8 mm) in any direction; and
  - d. Shall not be labeled as emitting flaming balls;
  - e. Shall be stored and sold from June 30<sup>th</sup> through July 4<sup>th</sup> from 8:00 a.m. until 11:00 p.m.;
  - f. Shall be discharged from June 30<sup>th</sup> through July 4<sup>th</sup>, from 8:00 A.M. until 11:00 P.M.;
  - g. Shall be discharged on private property only, which shall not include business, commercial, industrial or public property;
  - h. Members of the Hutchinson Police Department are authorized to enforce this provision and all applicable provisions of Chapter 25 pertaining to the storage, use, handling and possession of fireworks within the City of Hutchinson.

4. It is prohibited to discharge or use fireworks in a reckless manner which creates a risk of injury or death or damage to the property of another.

5. The fire chief, or his/her designee, has the authority to ban the discharge of fireworks when in his/her judgment, a special circumstance exists which indicates that the discharge of fireworks will create a public hazard, including, but not limited to: state-wide or local burn bans, drought, wind, or other climatic or environmental conditions or circumstances.

6. The sale of fireworks shall comply with requirements as determined by the Kansas State Fire Marshall's Office.

7. A violation of this section of the code is a class C misdemeanor.

#### Section 5610.2 Sales of Fireworks/Licenses

a. The Fire Chief shall adopt administrative regulations, which may be amended from time to time, regarding the type of sale facility and all related safety/code requirements, which are hereby incorporated by reference.

b. It shall be unlawful for any person to engage in the business of selling fireworks within the corporate limits of the City without first obtaining a license.

1. Any person desiring to apply for a license shall file with the City Clerk a sworn application in writing on a form to be furnished by the City Clerk.

2. The application shall be referred to the Fire Chief who shall review all the plans submitted with the application and inspect the proposed sale site. The Fire Chief shall have a minimum of three (3) business days and a maximum of fourteen (14) days to investigate.

3. At the time of the filing of the application, a fee of Two Thousand Five Hundred Dollars (\$2,500) for each fireworks sale facility shall be paid to the City Clerk, by certified check or money order.

4. If as a result of the investigation, the Fire Chief approves of the plans for sale of fireworks, he shall endorse upon such application approval thereof before returning such application to the City Clerk, who shall immediately issue to the applicant a license to sell fireworks. Said license shall be prominently displayed at the sale site.

5. All licenses for sale of fireworks shall be renewed annually.

c. Insurance

Licensee shall hold the City harmless from and indemnify it against all claims of liability arising, in any way, from sale of fireworks. Licensee shall further secure and maintain in force a policy of comprehensive general liability with a combined single limit of \$1,000,000. A certificate evidencing such insurance shall be furnished to the City.

Section 5610.3 Storage of Fireworks

Fireworks will be stored at all times pursuant to the requirements of the State Fire Marshal, Kansas Administrative Regulations Chapter 22-6-1 *et seq.* and monitored by the Fire Chief of the City. A vendor who is guilty of violating a provision of these regulations will not be eligible to obtain a license to sell fireworks in the City the next calendar year following such determination.

k. By adding a new subsection 5704.1.1 Storage in Above Ground Tanks, to International Fire Code, 2012 Edition, which section shall read as follows:

Section 5704.1.1 Storage in Above Ground Tanks

Storage of flammable liquids and combustible liquids in above ground tanks is prohibited within the City limits, unless they are properly safeguarded according to NFPA standards and do not involve a hazard to life or property, and have been approved by the Fire Chief or his authorized agents. Existing tanks that are properly safeguarded and do not involve a hazard to life or property may be approved.

l. By adding a new subsection 5704.2.12.3 Tank Testing and Removal Fees, to International Fire Code, 2012 Edition, which section shall read as follows:

Section 5704.2.12.3 Tank Testing and Removal Fees

Inspection fees for underground tank testing, underground tank removal, and underground tank installation shall be set by and payable to the City Building Official.

*(Ord. 2015 – 9, Adop 3/17/2015; Ord. 2011-21, Adop. 10/18/11; Ord. 2010-35, Adop. 12/21/2010; Ord. 2009-01, Adop. 1/06/2009; §b-c, e- h – Ord. 7360, Adop. 4/07/92, §a-d, Ord. 7277, Adop. 5/30/89; §a-h – Ord. 7651, Adop. 11/09/99; §i – Ord. 2008-02; Adop. 2/19/08; Ord. 2007-11, Adop. 3/06/07; (§i-k Ord. 2006-02, Adop. 2/07/06; §i Ord 2012-25, Adop. 11/06/12)*

**Article II. Emergency Alarm Systems.**

**Sec. 25-201. Purpose.**

The purpose of this Article is to establish conditions and requirements for the installation and use of emergency alarm systems in the City of Hutchinson, Kansas. It is intended to provide for more efficient and effective use of emergency response personnel and equipment through the reduction of false alarm occurrences within the city. (Ord. 7547, Adop. 5/13/97)

**Sec. 25-202. Definitions.**

Definitions of terms as used in this Article shall be as follows:

(a) Alarm Company means the business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, receiving, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility;

(b) Alarm User means the person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained;

(c) Automatic Dialing Device means a device which is interconnected to a telephone line and is programmed to transmit by voice message or code signal to a selected telephone number indicating a need for emergency response;

(d) Canceled Alarm is an alarm that is canceled with alarm responders, by the alarm user or the alarm company prior to the arrival of emergency responders and equipment. A canceled alarm shall not constitute a chargeable false alarm;

(e) Central Alarm System shall mean any facility, central station, modified central station, or answering service operated by any person, business, firm, corporation or other commercial entity engaged in occupation of selling, renting, leasing, installing, maintaining, operating or repairing an alarm system which facility is manned at all times by operators employed to receive, record and validate alarm signals transmitted to such facility and to relay information about such signals to Hutchinson/Reno County Emergency Communications by a telephone line;

(f) Chargeable False Alarm means an alarm signal eliciting a response by the police or fire department where an emergency situation does not in fact exist, but does not include an alarm caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user;

(g) Check-In/Check-Out is an alarm system where the alarm user has to call the central alarm station prior to his or her entry or exit from the area protected by the system;

(h) City shall mean the City of Hutchinson;

(i) City Finance Director means the individual designated by the City Manager to issue permits and enforce the provisions of this Article;

(j) Direct Telephone Line means a telephone line directly to Hutchinson/Reno County Emergency Communications;

(k) Fire Alarm System means any assembly of equipment, mechanical or electrical, designed to signal the occurrence of smoke, water flow, natural, propane, or carbon monoxide gas, or a fire or intensive heat within an area protected by the system to which the Fire Department normally responds;

(l) Fire Chief means the Chief of the Fire Department of the City of Hutchinson or his or her designated representative;

(m) Hutchinson/Reno County Emergency Communications (HRCEC) means the Public Safety Answering Point (PSAP) for the City of Hutchinson and Reno County;

(n) Interconnect means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system;

(o) Law Enforcement Alarm means any assembly of equipment, mechanical or electrical, designed to signal the occurrence of illegal activity or other activity requiring urgent attention and to which the police department normally responds;

(p) Local Alarm System means the subscriber, person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained to activate a local alarm on the premises, such as an audible or visual alarm;

(q) Multiple Site means an individual, business, educational or banking institution, or other organization that has a separate alarm or separate alarm systems at several facilities in various locations throughout the city. Said multiple site shall qualify for a multiple site permit. Each site under a multiple site permit shall be treated separately for purposes of determining a chargeable false alarm or chargeable false alarms.

(r) Permit year is January 1 through December 31.

(s) Police Chief means the Chief of the Police Department of the City of Hutchinson, or his or her designated representative,

(t) Primary Trunk Line means a telephone line serving the Law Enforcement Center or any central alarm station that is designated to receive emergency calls;

(u) Single Site means an individual, business, educational or banking institution, or other organization that has a single alarm or single alarm systems at one (1) facility or location in the city. Said single site shall qualify for a single site permit. Each site under a single site permit may have more than one (1) type alarm but shall be treated as only one system for purposes of establishing a chargeable false alarm.  
(Ord. 7547, Adop. 5/13/97)

#### **Sec. 25-203. Alarm Users.**

Alarms from public institutions, federal insured financial institution buildings, industrial, commercial and private buildings equipped with alarms may be monitored by Hutchinson/Reno County Emergency Communications. The monitoring of any alarm system by Hutchinson/Reno County Emergency Communications must be approved by the Police Chief. All automatic dialing devices and supervisory controls (e.g., sprinkler, thermostats, water controls) must use a central alarm station, answering service or local alarm system and will not be monitored by Hutchinson/Reno County Emergency Communications. (Ord. 7547, Adop. 5/13/97)

#### **Sec. 25-204. Permits Required.**

a. All alarm users, except local alarm users, shall obtain a single site or multiple site alarm user's permit for each single site or multiple site alarm system established within the City of Hutchinson, Kansas from the City Finance Director's office upon the effective date of this Article or prior to use of an alarm system. An annual fee, which shall be established from time to time by Resolution of the City's Governing Body, will be collected from the applicant for a single site alarm user's permit by the City Finance Director's office at the time the application is filed with said director's office each permit year. All single site alarms newly installed after January 1 will not be required to pay the annual alarm permit for the remainder of the first calendar year.

b. Each permit shall bear the signature of the City Manager or his designee and be for a one-year period beginning January 1 of each year. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the Police or Fire Chief. All single and multiple site alarm user's permits will be renewed by January 1, regardless of the number of chargeable false alarms.

c. A multiple site permit shall be issued as prescribed for single site permits using a fee schedule as established from time to time by resolution of the City's governing body.

d. All multiple site alarms newly installed after January 1 will not be required to pay the annual alarm permit fee for the remainder of the first calendar year.

e. Failure to obtain either a single site or multiple site alarm permit is a violation of this Section and may be prosecuted in Municipal Court.

(§a – Ord. 2003-06, Adop. 1/28/03)

(§b – Ord. 2004-14, Adop. 5/11/04; Ord. 2003-06, Adop. 1/28/03)

*(§c-e – Ord. 2003-06, Adop. 1/28/03)*  
*(§a-e Ord. 7547, Adop. 5/13/97)*

**Sec. 25-205. Alarm Companies; License.**

a. An alarm company doing business in the City shall obtain a license from the City Finance Director. The license application fee for the first year that an alarm company does business will not be required. An annual renewal fee, as established by Resolution of the City's governing body, will be required for each year thereafter with an annual renewal date of January 1 of each year. Each application for license shall include the following information:

1. Address and phone number of parent company;
2. Local address and telephone number of representative of the parent company;
3. State sales tax number;
4. Brief description of the nature of the company's business;
5. Current list of the names of at least three (3) responsible persons to contact in an event of an emergency regarding the systems for whom the company is responsible

b. A late fee, established by Resolution of the City's governing body, shall be assessed to alarm companies who fail to obtain a license within sixty (60) days after notification of the conditions of this Article, or who are sixty (60) days delinquent in renewing a license.

*(Ord. 2003-06, Adop. 1/28/03; Ord. 7547, Adop. 5/13/97)*

**Sec. 25-206. Automatic Dialing Device; Certain Interconnections Prohibited.**

Provisions relating to automatic dialing device shall be as follows:

a. Within thirty (30) days after September 15, 1997, all existing automatic dialing devices programmed to the Law Enforcement Center lines shall be reprogrammed to another number or disconnected;

b. It is unlawful for any person or alarm company to program an automatic dialing device to select any telephone line assigned to the City; and it is unlawful for an alarm user to fail to disconnect or reprogram such device to another number within twelve (12) hours of receipt of written notice from the Police or Fire Chief that an automatic dialing device is so programmed;

*(Ord. 7547, Adop. 5/13/97)*

**Sec. 25-207. Discontinue Use.**

The alarm user shall immediately discontinue use of his or her alarm system upon being notified by the Police or Fire Chief, by certified mail, that the alarm system of the alarm user is being used in violation of this article. (*Ord. 7547, Adop. 5/13/97*)

**Sec. 25-208. Discontinue Response.**

a. The Police or Fire Chief may discontinue response to alarms after notifying the alarm user by certified mail that the alarm user is not in compliance with the provisions of this article; and

b. In the event of discontinued response the Police or Fire Chief may notify the Alarm Company of the alarm user of such discontinued response.

c. Upon notification to or at the request of an alarm user the Police or Fire Chief may temporarily discontinue full or partial response to a malfunctioning alarm until such time as the alarm has been repaired and placed back into service. In such event any alarm received from the alarm user during this time will not be considered a chargeable false alarm. (*Ord. 7547, Adop. 5/13/97*)

**Sec. 25-209. Chargeable False Alarms; Fees Required; Grace Period; Right of Appeal.**

a. A fee schedule as established from time to time by Resolution of the City's governing body, shall be assessed alarm users who have recorded chargeable false alarms within a permit year.

b. The payment of the fees provided for in paragraph a of this Section shall be submitted to the City Finance Director's office within 30 days of receiving notice that such fee is due;

c. Failure to pay chargeable false alarm fees is a violation of this chapter. Violations may be prosecuted in the Municipal Court; and

d. Any false alarm received from an alarm permit holder during the first thirty (30) days following the installation of a new alarm system will be considered a nonchargeable false alarm. This is intended to afford the new permittee the opportunity to make adjustments to the new alarm system and to complete necessary training to become familiar in the use of the new system. Provided, the provisions of this paragraph are not applicable to alarm users operating an alarm system without a permit. Any false alarm received from an alarm user who does not have a permit will be considered a chargeable false alarm. Upon request, permittees shall provide proof of the date of alarm system installation.

e. Any alarm user receiving notice of a fee due in connection with chargeable false alarm may appeal the notice and fee due to the Police or Fire Chief having jurisdiction over the alarm in question. Any such appeal shall be in writing, setting out the grounds for

appeal, and shall be filed within ten (10) business days of receipt of notice of fee due. The Police or Fire Chief will review the appeal within ten (10) business days of receipt and shall notify the alarm user, in writing, of his or her decision concerning the appeal. The decision of the Police or Fire Chief shall be final. Should the Police or Fire Chief rule against the appellant fees will be due to the Director of Finance's office within thirty (30) days of said finding.

*(§a – Ord. 2003-06, Adop. 1/28/03; Ord. 2001-16, Adop. 6/12/01)*

*(§d – Ord. 2003-15, Adop. 4/15/03)*

*(§a-e Ord. 7547, Adop. 5/13/97)*

### **Sec. 25-210. No Duty Created.**

Nothing contained herein shall:

a. Preclude the police or fire department personnel from responding on a discretionary basis to law enforcement or fire alarms from whatever source received, or

b. Be construed in any fashion to create a duty for the police or fire department personnel to respond under any circumstances, or

c. Limit the City from assessing fees for false alarms or from the Police or Fire Department issuing notices to appear for violations of this chapter.

*(Ord. 7547, Adop. 5/13/97)*

### **Sec. 25-211. Interpretation.**

This Article which is administered by the City of Hutchinson or employees shall be liberally construed to effect the purpose of this Article and to achieve uniform interpretation and application of the respective ordinances. *(Ord. 7547, Adop. 5/13/97)*

## **Article III. Smoke Detectors.**

### **Sec. 25-301. Purpose.**

The purpose of this Article is to establish conditions and requirements for the installation and use of smoke detectors in residences in the City of Hutchinson, Kansas. *(Ord. 7590, Adop. 7/07/98)*

### **Sec. 25-302. Definitions.**

Definitions of terms as used in this Article shall be as follows:

a. Dwelling unit means a single-family residence, multiple-family residence and each living unit in a mixed-use building;

b. Smoke detector means a device or combination of devices which operate from a power supply in the dwelling unit or at the point of installation for the purpose of detecting visible or invisible particles of combustion. Such term shall include smoke detectors approved or listed for the purpose for which they are intended by an approved independent testing laboratory.  
(Ord. 7590, Adop. 7/07/98)

**Sec. 25-303. Scope.**

a. Every single-family residence shall have at least one smoke detector on every story of the dwelling unit;

b. Every structure which:

1. Contains more than one dwelling unit; or

2. Contains at least one dwelling unit and is a mixed-use structure, shall contain at least one smoke detector at the uppermost ceiling of each interior stairwell and on every story in each dwelling unit;

c. The owner of a structure shall supply and install all required smoke detectors. The owner of a structure shall test and maintain all smoke detectors except inside rental unit, the occupant shall test and maintain all smoke detectors after taking possession of the dwelling unit;

d. The smoke detectors required in dwelling units in existence on January 1, 1999 may either be battery-powered or wired into the structure's electrical system, and need not be interconnected. The smoke detectors required in dwelling units constructed after January 1, 1999 shall be wired permanently into the structure's electrical system;

e. For purposes of this chapter, manufactured homes as defined in K.S.A. 58-4202, and amendments thereto, shall be subject to the federal, manufactured home construction and safety standards established pursuant to 42 U.S.C. §5403 in lieu of the standards set forth herein. Owners and occupants of such manufactured homes shall be subject to the testing and maintenance standards for smoke detectors required under this chapter;  
(Ord. 7590, Adop. 7/07/98)

**Sec. 25-304. Enforcement.**

a. Officials responsible for the enforcement of this chapter shall not enter a dwelling unit solely for the purpose of determining compliance with the provisions of this chapter except when:

1. Conducting an inspection prior to the issuance of an occupancy permit or building permit;
2. responding to a report of a fire in a dwelling unit, except in cases of a false alarm;
3. conducting, at the request of the owner or occupant, a home safety inspection.

b. Evidence of the failure of any property owner to provide an operational smoke detector in a residence as required by this section shall not be admissible in any action for the purpose of determining any aspect of civil liability.

Evidence of the failure of any occupant to properly maintain a smoke detector as required by this section shall not be admissible in any action for the purpose of determining any aspect of civil liability;

c. The provisions of this chapter shall not constitute grounds for the purpose of offsetting, reducing or denying the payment of amounts due under any contract for or policy of insurance.

*(Ord. 7590, Adop. 7/07/98)*

**Sec. 25-305. Penalties.**

Failure to place or maintain a smoke detector as provided by this chapter shall be a nonclass nonperson misdemeanor. Any fine imposed for a violation of this section shall not exceed \$25.00. *(Ord. 7590, Adop. 7/07/98)*