

**ORDINANCE NO. 2007-13**

**TOWN OF HIGHFILL, BENTON COUNTY, ARKANSAS**

**AN ORDINANCE REQUIRING CERTAIN STRUCTURES TO HAVE A KEY LOCK BOX INSTALLED ON THE EXTERIOR OF THE STRUCTURE FOR FIRE SAFETY PURPOSES; DECLARING AN EMERGENCY; AND OTHER MATTERS RELATING THERETO.**

**WHEREAS**, the Mayor and Town Council have determined that the health, safety and welfare of the citizens of the Town of Highfill are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Highfill Volunteer Fire Department in gaining access to the structure when responding to calls for emergency service; and

**WHEREAS**, the key lock box system is being adopted nationally and will operate on a master key basis that will expedite entry into a structure during an emergency; and

**WHEREAS**, the key lock box system will help to minimize or eliminate forced entries into structures, thereby avoiding costly and time consuming efforts in gaining access to locked structures during an emergency.

**NOW THEREFORE, BE IT ENACTED**, by the Town Council of the Town of Highfill, as follows:

**Section 1: Definitions.** As used herein, the following terms shall have the meanings assigned to them below:

Fire Official: The Fire Chief or his designee.

Fire Department: The Highfill Volunteer Fire Department.

Fire District: The corporate limits of the Town of Highfill, Arkansas.

Key Box or Key Lock Box: A UL "Listed" box, with the size and style to be determined and approved by the Fire Official that meets the requirements and uses the same security key code adopted by the Fire Department.

Security Padlock: A padlock approved by the Fire Official that utilizes the approved key code utilized by the Fire Department.

## **Section 2. Structures Required to Have a Key Lock Box.**

The following structures or properties located within the Fire District shall be equipped with a key lock box at an accessible location near the main entrance of the structure or property or at such other location as shall be approved by the Fire Official:

- a. All commercial and industrial buildings;
- b. All buildings which have fire sprinkler systems and/or alarm systems;
- c. All multi-family residential dwellings that have restricted access through locked doors and have common corridors for access to the living units or mechanical rooms;
- d. Any building where the Fire Official determines that lack of access may result in loss of life or extensive property or environmental damage, based on factors including, but not limited to fire load, occupant load, exposures, building construction, age of building, and storage and use of hazardous materials; and
- e. All properties having security gates or devices which limit access to the building or property.

## **Section 3. Exemptions.**

The following structures and properties are exempt from the key lock box requirements:

- a. All single and two family dwellings;
- b. All structures or properties listed in Section 1 hereof that are in existence and occupied on the effective date hereof, subject to the provisions of Section 10 hereof;
- c. Any structure or property where the Fire Official determines, on a case by case basis, that a key lock box is not necessary, provided that the owner and tenant, if any, of the structure or property executes and delivers to the Fire Department a waiver of liability, on a form to be provided by the Fire Official, for any damage caused by the Fire Department upon entering the structure or property during an emergency.

## **Section 4. Installation and Location.**

All key lock boxes shall be installed in accordance with the requirements of the Fire Department, with the prior approval of the Fire Official, in accordance with the provisions hereof:

a. All newly constructed structures subject hereto shall have the key lock box installed and operational prior to the issuance of a certificate of occupancy, and no certificate of occupancy shall be issued by the Town of Highfill except in accordance herewith.

b. Any structure or property exempt pursuant to Section 3 hereof that is subsequently structurally altered or modified in any way, or that is sold or leased to a new tenant, shall be reviewed by the Fire Official to determine whether it shall be required to have a key lock box installed and operational prior to issuance of a certificate of compliance or occupancy for the property, or prior to the closing of the sale or commencement of the lease for the structure or property if no certificate of compliance or occupancy is issued for the structure or property.

c. The key lock box shall be located at or near the recognized main public entrance on the exterior of the structure, or such other location as shall be approved, in advance, by the Fire Official. The key lock box shall be located at a height of not less than four (4) feet and not more than six (6) feet above ground, unless approved at a higher or lower level by the Fire Official.

#### **Section 5. Type of Key Lock Box.**

The Fire Official shall designate the type of key lock box system to be implemented within the Town of Highfill, and shall have the authority to require all structures or properties listed in Section 2 hereof to use the designated system.

#### **Section 6. Rules and Regulations.**

The Fire Official shall be authorized to promulgate rules and regulations for the use of the key lock box system. These rules and regulations will be submitted to the Town Council and filed with the Town Recorder and shall be effective immediately after submission to the Town Council.

#### **Section 7. Contents.**

The key lock box shall contain, but not be limited to the following items, as designated by the Fire Official:

a. All keys for locked points of ingress or egress, whether on the interior or exterior of such building or property, that will allow for complete and unobstructed access to the structure, and said keys shall be marked and identified in a manner approved by the Fire Official;

b. Keys to all fire alarm panels;

c. Keys to elevator rooms and controls;

- d. Keys to all locked electrical or mechanical equipment rooms;
- e. Keys to any other areas that may be required by the Fire Official;
- f. A card containing the emergency contact people and phone numbers for each occupancy;
- g. Floor plans of the rooms within the building may also be required, showing locations of shutoffs;
- h. Where a building contains a business that is required to maintain Material Safety Data Sheets (MSDS), the Fire Official may require copies of the MSDS that are required to be on file within the buildings, as well as a floor plan or written description that indicates the location of the general areas where these materials will be found within the building or structure; and
- i. Any other keys or information as required by the Fire Department or Fire Official.

**Section 8. Security Padlocks.**

When a property is protected by a locked fence or access gate, and where immediate access to the property is necessary for lifesaving or firefighting purposes, the Fire Official may require a security padlock to be installed at a location approved by the Fire Official. The padlock shall be of the type approved by the Fire Official and keyed to the Fire Department access key. In addition, when a construction site is to be secured by a locked fence or gate, that site will fall under the provision of this Section during the duration of the construction or until said fence or gate is removed.

**Section 9. Owner's Responsibility.**

Building and property owners, subject to the requirements hereof, are required to:

- a. Purchase and install, at the owner's cost, an approved key lock box device by contacting the Fire Official or the Fire Department to obtain the necessary authorization forms;
- b. Provide the proper keys to the Fire Official or Fire Department for the required access;
- c. Provide the Fire Official or Fire Department with floor plans of the building showing the rooms within the building;

d. Where a building contains a business that is required to maintain Material Safety Data Sheets (MSDS), provide the Fire Official copies of the MSDS that are required to be on file within the buildings, and a floor plan or written description that indicates the location of the general areas where these materials will be found within the building or structure;

e. Provide the Fire Official with any additional documents, information or keys as may be required by the Fire Department or Fire Official;

f. Notify the Fire Official or Fire Department when the locks or keys have been changed; and

g. Keep the immediate area of the key lock box free and clear of any and all obstructions.

**Section 10. Time for Compliance.**

All newly constructed buildings and structures not yet occupied, or buildings and structures currently under construction, and all buildings and businesses applying for a certificate of occupancy, shall comply with the provisions hereof immediately from and after the effective date hereof. All buildings and structures in existence on the effective date hereof, and subject to the provisions hereof, shall have six (6) months from the effective date hereof to have the key lock box installed and operational.

**Section 11. Return of Keys.**

Within six (6) months from the effective date hereof, all keys currently in possession of the Fire Department will be returned to the appropriate party.

**Section 12. Violation and Penalties.**

Any person, firm or corporation in violation of the provisions hereof shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of up to \$500.00 per violation. Further, continued non-compliance with the provisions hereof may result in the revocation of the certificate of occupancy by the Town's Code Enforcement Officer.

**Section 13. Repeal of Conflicting Ordinance and Resolutions.**

All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 14. Severability Provision.**

In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**PASSED AND APPROVED** this 16th day of August, 2007.

**APPROVED:**

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Chris Holland, Mayor

**ATTEST:**

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Stacy Digby, Town Recorder

(SEAL)