

AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, CHAPTER 18, ARTICLE I, ADOPTING NEW SECTION 18-4 RELATING TO EMERGENCY ACCESS PROVISIONS, INCLUDING KEY LOCK BOXES; PROVIDING REQUIREMENTS AND DEFINITIONS; PROVIDING FOR RELATED FIRE-PROTECTION MEASURES; PROVIDING FOR PENALTIES; AND RELATED MATTERS**, ADOPTED AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON MAY 20, 2015.

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**WHEREAS**, the Bartow County fire department's experience shows that when fire occurs in a building, the fire department is often faced with delayed entry into the structure; and that a requirement for a lock box, containing a key to the building, is of great assistance in emergencies; as are provisions relating to sprinkler systems, standpipes, Fire Department Connections and emergency electrical shut-offs; and that such emergency entry also facilitates Emergency Medical Services and Law Enforcement access; and

**WHEREAS**, Fire Chief and Fire Marshal have recommended the adoption of the following emergency access provisions, based on similar ordinances in effect in other jurisdictions, to provide for the public health, safety and welfare; and

**WHEREAS**, the Commissioner deems it to be in the best interest of the citizens of Bartow County to adopt an ordinance requiring lock boxes;

**NOW THEREFORE, BE IT ORDAINED, and it is hereby ordained**, that new Section 18-4 of Chapter 18, Article I of the Code of Bartow County is adopted as follows:

**Section 18-4 Emergency Access Provisions**

**(a) Definitions:**

Commercial building – any building designed or used for commercial, industrial or multi-family purposes.

Existing building – a building which has been completed and lawfully occupied on or before effective date of this ordinance.

Fire Chief – the Chief and Director of the Bartow County Fire Department, or his or her designee.

Fire Department Connection (FDC) – An appliance used by the fire department to supply water to a building's sprinkler system.

Fire Marshal – the Fire Marshal of Bartow County or his or her designee.

Lock Box – a high security, U.L. 1037 listed, key vault system approved by the chief of the Bartow County Fire Department for secure containment for any or all of the following: access keys, material safety data sheets, and/or other pertinent site information which may

assist responding emergency agency personnel to gain rapid entrance to a building or property.

Multi-family occupancy – An occupancy that provides sleeping accommodations for more than two dwelling units for purposes other than health care or detention/correction.

New building – a building newly constructed and occupied after the effective date of this ordinance.

Owner – the owner of record, tenant, lessee or other person having a possessory or proprietary interest in a building or property.

Power Shutdown Switch – a U.L. 508 listed shutdown switch inside a lock-box designed to remotely operate the buildings shunt trip switch which will disconnect all electrical power to the building

Remodeled building – a building undergoing additions, alterations or repairs which shall cause the same to conform to current provisions of any of the building or property codes or ordinances of Bartow County at the time of the remodel.

Secured – for the purpose of this ordinance will refer to those properties that are locked or otherwise inaccessible to emergency vehicles or personnel by mechanical or other means.

Standpipe – A pipe with fire department hose connections for use by fire departments and those trained in handling fire streams.

**(b) Requirements:**

The fire chief shall be authorized to implement rules and regulations for the use of a key lock system. The fire chief shall designate the type of key lock system to be implemented within Bartow County and shall have the authority to require all structures to use the designated system.

The owner or operator of a structure required to have a lock box shall, at all times, keep a key in the box that will allow for access to the structure or premises. At any time it becomes necessary for the content of the box to change, the fire department shall be notified so that a fire department representative will be available to open the box. The owner or person in control of any building or facility required to have a lock box shall be present, personally or through an agent, during access to the box, except during an emergency at the property. Keys to open the lock boxes will be kept in a secure device on fire department vehicles and will be capable of monitoring the presence of the key and recording the time, date, and person removing the key.

**(c) Lock boxes:**

**(1) Where Required:** A lock box shall be installed and maintained for the following facilities and locations:

- a) All new commercial and industrial buildings prior to the issuance of a certificate of occupancy or business license.
- b) All existing buildings where a change of occupancy takes place. This applies to either the building as a whole or where a change of occupancy takes place in an individual tenant space or suite.
- c) Existing buildings which are equipped with an automatic fire or smoke alarm system, a sprinkler system or other automatic extinguishing system within one year after the adoption of this ordinance.
- d) Any premises with manual or power operated gates necessary to be opened for emergency access and where security personnel may not be available to provide immediate entrance.
- e) All existing structures undertaking additions, alterations or repairs which shall cause the same to conform with current provisions of any of the building or property codes or ordinances of Bartow County prior to the issuance of a certificate of occupancy.
- f) Any location deemed necessary by the Fire Chief or Fire Marshal.

*Exceptions:*

- a) Unsecured commercial buildings occupied twenty-four (24) hours a day.
- b) One and two family dwellings. Providing that owners/occupants of one and two family dwellings will not be prohibited from installing appropriate lock boxes as approved by the Fire Marshal.
- c) Any building owned or occupied by a state or federal unit of government.
- d) Individual apartments or rented rooms in residential occupancies.
- e) Where not possible or feasible to install a lock box, such as on a fence or gate, a padlock or suitable device purchased from the approved lock box company shall be used.

**(2) Content:**

- a) Lock boxes will contain easily identified labeled keys to provide entrance to the building and access to all parts of the interior.
- b) If the building is equipped with elevators, an appropriate elevator key will be required in the box.

*Exception:* An elevator key lock box containing the appropriate key may be installed next to the elevator.

- c) For buildings manufacturing or storing hazardous or controlled chemicals or substances, material safety data sheets (MSDS) and/or other relevant data will be required to include locations and amounts of material.
- d) A card or sheet with information for a minimum of 3 emergency contacts for each business.

**(3) Installation:**

- a) The lock box will be permanently affixed per the manufacturer's requirement to the building or structure in such a way as to prevent removal or damage of the box by vandals.
- b) For new construction, a recessed box shall be used.  
*Exception:* Where approved by the Fire Marshal, surface mount boxes may be used.
- c) The lock box will be located at or near the opposite of the hinged side of the recognized public entrance on the exterior of the building or structure and/or at such other location required by the fire marshal.
- d) The lock box shall be located at a height of not less than four (4) feet and not more than six (6) feet above final grade.  
*Exception:* Where approved by the Fire Marshal, the box may be installed at a greater height not to exceed 8 feet.
- e) The final location shall be approved by a representative of the Fire Marshal.
- f) Where the building/premises is protected by an alarm system, tampering or opening of the box shall produce a supervisory signal through the alarm panel.
- g) Alert Decals, approved by the Fire Marshal, to alert fire companies of the presence of security features covered by this ordinance, will be displayed on any outside doors or windows as designated by the fire marshal.

**(4) Access:**

- a) No displays, signs or other fixtures, or vegetation shall be allowed that will block or otherwise obscure the lock box.
- b) A clear minimum distance of 36 inches shall be maintained to and in front of the lock box.

**(d) Application for Lock Box:** Application for a lock box shall be made on forms provided to the owner, occupant or their agent by the county building official's office upon application for building or remodel permits. Any fees shall be paid at the time of application. The owner, occupant, or agent shall be responsible for the cost to purchase, install and maintain the lock box. It will be the owner, occupant, or their agent's responsibility to order the appropriate lock box using instructions provided to them upon application.

**(e) Key Switch:** A key switch keyed the same as lock boxes shall be installed where required by the fire marshal.

**(f) Locking FDC and Standpipe Caps:** Where an automatic sprinkler system or standpipe is installed, appropriate FDC plugs, caps, and fittings with locking devices which have been approved by the fire chief shall be provided by the building owner, occupant, or agent. These devices shall be provided for all new sprinkler and standpipe installations and when the installation of lock boxes are mandatory in existing buildings.

**(g) Remote Electrical Power Shutdown Switches:** Remote electrical power shutdown switches designed to remotely operate a shunt trip switch which will disconnect all electrical power to the building shall be installed in all buildings where a lock box is required.

The remote electrical power shutdown switch will be installed in a location approved by the fire marshal.

**(h) Violation and Penalties:** Any person who violates, neglects or refuses to comply with any provision of this ordinance shall upon conviction thereof be fined not less than \$100 nor more than \$500 for each offense and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect or refusal to comply shall continue.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance, being the intent of the County that this ordinance shall be fully severable.

**SO ORDAINED**, this 20<sup>th</sup> day of May, 2015, to be effective immediately, the public health, safety and welfare demanding.

ATTEST:

BARTOW COUNTY, GEORGIA

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Kathy Gill, County Clerk

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Steve Taylor, Sole Commissioner