

**CHAPTER VIII. FIRE AND MEDICAL DEPARTMENT**

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**ARTICLE 1. FIRE AND MEDICAL DEPARTMENT**

8-101      **ESTABLISHMENT OF THE LAWRENCE-DOUGLAS COUNTY FIRE AND MEDICAL DEPARTMENT.**

Pursuant to the provisions of the laws of the State of Kansas and the laws of the City of Lawrence, Kansas, and pursuant to the provisions of the Agreement of December 16, 1996 between the City of Lawrence and Douglas County, there is hereby established within the City of Lawrence, Kansas the "Lawrence-Douglas County Fire and Medical Department" with such responsibilities and duties as are established by law and contract, and with such responsibilities and duties as may be determined by the governing body of the City of Lawrence, Kansas and the City Manager of the City of Lawrence, Kansas. (Ord. 6880)

8-102      **CHIEF; POWERS.**

The Chief shall have power and is hereby authorized to call assistance from any and all citizens who shall be present at the time of any fire in the operation of any portion or part of the fire apparatus of the City. All persons who shall refuse to follow the directions so given or shall disobey the orders of the Chief, or shall obstruct or hinder any person in his or her efforts while working under the instructions of the Chief, shall be guilty of a misdemeanor. (Code 1979, 8-101)

8-103      **CHIEF; RESPONSIBILITIES.**

The Chief of the Fire and Medical Department shall be under the direction of the City Manager, and shall have complete control of the Fire and Medical Department and all the firefighting equipment of the City. The Chief shall be responsible for the proper organization, training, discipline and functioning of the Fire and Medical Department and for the proper care, use and safety of the equipment of the department and fire apparatus of the City. (Code 1979, 8-102)

8-104      **INTERFERENCE WITH FIRE DEPARTMENT.**

No person shall in any way interfere with the Fire Department in the discharge of its duties. (Code 1979, 8-102a; Code 1984, 8-103)

**ARTICLE 2. INTERNATIONAL FIRE CODE**

8-201      **ADOPTION OF INTERNATIONAL FIRE CODE.**

The City of Lawrence, Kansas, hereby adopts and incorporates by reference the 2009 edition of the International Fire Code and all appendices thereto, published by the International Code Council. The entire Code is adopted as if it were fully set forth in this ordinance except for those portions that are hereinafter deleted, modified or amended. The purpose of the Code is to prescribe regulations governing conditions hazardous to life and property from fire or explosion. Not less than one (1) copy of the International Fire Code incorporated pursuant to this section shall be marked or stamped "official copy as incorporated by Ordinance No. 8572," with all sections or portions thereof intended to be omitted clearly marked to show any such omission,

and to which shall be attached a copy of the incorporating ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. (Ord. 8055, Ord. 8572)

8-201.1

**AUTHORITY TO SERVE NOTICE TO APPEAR.**

Pursuant to the authority of Charter Ordinance No. 31, employees of the Lawrence-Douglas County Fire Medical Department, who are duly appointed and designated by the Chief of the Department, shall have the authority to prepare and serve a Notice to Appear for alleged violations of the International Fire Code, and amendments thereto, as adopted and amended by law. (Ord. 8055, Ord. 8572)

8-202

**DEFINITIONS.**

Wherever "jurisdiction" or "name of jurisdiction" is used in the International Fire Code, that word or phrase shall mean the City of Lawrence, Kansas. (Ord. 8055, Ord. 8572)

8-203

**ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN STATIONARY OUTSIDE ABOVEGROUND TANKS AND PORTABLE TANKS IS PROHIBITED.**

The storage of flammable or combustible liquids, as those terms are defined in Section 3402 of the International Fire Code, in stationary outside aboveground tanks and portable tanks is prohibited except for: (Ord. 8055, Ord. 8572)

- (A) Uses lawfully existing prior to the effective date of this ordinance; or
- (B) Subsequent storage of Class I, II or III flammable or combustible liquids in above ground vaults in compliance with the requirements of the International Fire Code, specifically Section 2206 and Section 3404.2.8, Vaults. Such storage must be approved by the Fire Chief to be legally valid and shall be additionally restricted as follows:
  - (1) The maximum volume of product is limited to 12,000 gallons.
  - (2) The storage vessel must be U.L. approved for its intended use.
  - (3) Installation is only allowed in Industrial districts as defined by Chapter 20 of the Code of the City of Lawrence, and amendments thereto, and must be located a minimum of 100 feet from all adjacent property lines.

EXCEPTION: Installation is allowed in other zoning districts on fully developed tracts under single ownership which exceed 35 acres in total area and provide an installation site located a minimum of 100 feet from all adjacent property lines.

- (4) The stationary outside aboveground tanks and portable tanks must be installed and maintained in a manner that meets all applicable legal requirements for screening and landscape.

8-204

**ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.**

The storage of liquefied petroleum gas is only permitted: (Ord. 8055, Ord. 8572)

- (A) In Industrial districts as defined by Chapter 20 of the Code of the City of Lawrence, and amendments thereto.
- (B) For uses lawfully existing prior to the adoption of this ordinance.

8-205

**AMENDMENTS MADE TO THE INTERNATIONAL FIRE CODE.**

The International Fire Code, incorporated by reference in Section 8-201, and amendments thereto, is amended as follows. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection. (Ord. 8055, Ord. 8572)

8-205.1 Section 102.4 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 102.4 Application of building code.** The design and construction of new structures shall comply with the *International Building Code*. Repairs, alterations and additions to existing structures shall comply with applicable sections of this code and the *International Existing Building Code*.

8-205.2 Section 102.5 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 102.5 Historic buildings.** The construction, alteration, repair, enlargement, restoration, relocation or movement of existing buildings or structures that are designated as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property shall be in accordance with the provisions of the *International Existing Building Code*.

8-205.3 Section 102.7 of the International Fire Code is hereby amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 102.7 Referenced Codes and Standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 47 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply..

8-205.4 Section 105.1.1 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 105.1.1 Permits Required.** The fire code official is authorized to issue operational and construction permits as provided for in this code. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

8-205.5 Section 105.6.30 of the International Fire Code shall be amended to read as follows: (Ord. 8055, Ord. 8572)

**105.6.30 Open Burning.** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

8-205.6 Section 108.3 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 108.3 Qualifications.** The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems.

8-205.7 Section 109.2.2 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 109.2.2 Compliance with orders and notices.** A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

EXCEPTION: When a written agreement exists between the owner and occupant that the occupant shall be solely responsible for a hazardous condition and that hazardous condition was created by the occupant, the owner shall not be responsible for that hazardous condition.

8-205.8 Section 109.2.3 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 109.2.3 Prosecution of violations.** The fire code official is authorized, pursuant to the authority granted by Charter Ordinance 31 of the City of Lawrence, to serve a Notice to Appear in the City of Lawrence Municipal Court for a violation of this code. Notices to Appear may be issued only by those fire & medical personnel who are designated by the fire chief. The fire code official may also request that the legal counsel of the jurisdiction institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

8-205.9 Section 109.3 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 109.3 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of its requirements or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The violation(s) shall be punished as follows:

- (A) For any violation of Sections 107.6 or 1028.2 of this code, upon a first offense such person shall be fined in an amount not less than \$500 or more than \$2500, or sentenced to a jail term not to exceed 180 days, or both such fine and jail term. Upon a second or subsequent violation within one year from the date of the previous conviction, the person shall be fined in an amount not less than \$1000 or more than \$2500, or sentenced to a jail term not to exceed 180 days, or both such fine and jail term.
- (B) For a violation of any other section of this code, the person shall be punished by a fine not to exceed \$200. Upon a second or subsequent violation of this code within one year from the date of the previous conviction, the person shall be punished by a fine not to exceed \$500 or a jail term not to exceed 180 days, or both such fine and jail term.

8-205.10 The definition of "R-2" contained in Section 202 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**R-2.** Residential occupancies containing more than two dwelling units or four or more unrelated persons where the occupants are primarily permanent in nature, including:  
Apartment houses  
Boarding houses (not transient)

Convents  
Dormitories  
Fraternities and sororities  
Hotels (non transient)  
Live/work units  
Monasteries  
Motels (non transient)  
Vacation Timeshare properties  
Congregate living facilities

8-205.11 The definition of “R-3” contained in Section 202 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**R-3.** Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units;  
Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours;  
Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours;

Adult and child care facilities that are within a single-family home are permitted to comply with the International Residential Code in lieu of compliance with the provisions of this code.

8-205.12 Reserved. (Ord. 8572)

8-205.13 Section 307.2 of the International Fire Code shall be amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 307.2 Permit Required.** A permit shall be obtained from the fire code official or his or her designee, in accordance with Section 105.6. All open burning for the purpose of land clearing or when otherwise required by the fire code official to protect the health or safety of the public shall be conducted utilizing an air curtain destructor or similar device to reduce the level of combustion products released to the atmosphere.

8-205.14 Section 307.4.4 of the International Fire Code is enacted to read as follows: (Ord. 8055, Ord. 8572)

**Section 307.4.4 Air Curtain Destructor.** The air curtain destructor, where required by this code, must be located a minimum of 500 feet from any structure.

8-205.15 Section 307.6 of the International Fire Code is enacted to read as follows: (Ord. 8055, Ord. 8572)

**Section 307.6 Notification.** All applicants for permits for open burning for the purpose of land clearing operations shall be required to notify the occupants of all occupied structures within 1500 feet of the burn site of the intent to burn before a permit will be issued.

8-205.16 Section 310.2 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**310.2 Prohibited Areas.** Smoking is regulated in Chapter 9, Article 8 of the Code of

the City of Lawrence, KS.

8-205.17 Section 403.1 of the International Fire Code shall be amended to read as follows:  
(Ord. 8055, Ord. 8572)

**403.1 Fire Watch Personnel/Medical Standby Personnel.** When, in the opinion of the fire official, it is essential for public safety in a place of assembly or any other place where people congregate because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more experienced firefighters, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

8-205.17.1 Section 403.1.1 of the International Fire Code shall be amended to read as follows:  
(Ord. 8572)

**403.1.1 Duties.** Fire watch personnel shall keep diligent watch for fires, obstructions to means of egress and other hazards during the time such place is open to the public or such activity is being conducted and take prompt measure for remediation of hazards, extinguishment of fires that occur and assist in the evacuation of the public from the structures. Medical Standby personnel shall be assigned on site to respond to and treat medical emergencies per Department Protocol.

8-205.18 Section 503.6 of the International Fire Code shall be amended to read as follows:  
(Ord. 8055, Ord. 8572)

**503.6 Security Gates.** The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed an approved means of emergency operation in the form of a Priority Traffic Signal Control System (commonly referred to as Opticom) shall be provided and both the gates and approved means shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

8-205.19 Section 605.5 is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section 605.5 Extension cords.** Extension cords and flexible cords shall not be a substitute for permanent wiring. The use of extension cords inside structures is prohibited except for those structures that would be subject to the *International Residential Code*. Power Taps must be provided for portable appliances where the appliance cord is of insufficient length to connect to a receptacle. Power tap installations must comply with Sections 605.4.1 through 605.4.3.

8-205.20 Section 901.6.1.1 of the International Fire Code is enacted to read as follows: (Ord. 8055, Ord. 8572)

**Section 901.6.1.1 Sprinkler Systems.** Sprinkler systems shall be inspected at least once every 12 months and serviced after every system activation. Inspection shall be by qualified individuals approved by the fire code official and a certificate of inspection shall be forwarded to the fire code official and displayed at the main sprinkler valve.

8-205.21 Section 901.6.1.2 of the International Fire Code is enacted to read as follows: (Ord. 8055, Ord. 8572)

**Section 901.6.1.2 Fire Alarm Systems.** Upon installation and every 12 months thereafter, an alarm system maintenance test shall be required to be performed on all systems required by NFPA 72. This test shall insure that all functions of the alarm and detection system are operational and maintenance test documentation shall be forwarded to the fire code official and displayed at the alarm panel location. The tests shall be performed by an approved fire alarm system installer, manufacturer or other individual upon approval by the authority having jurisdiction after providing proof of adequate training and/or experience in alarm system maintenance.

8-205.22 Section 903.6.3 of the International Fire Code shall be enacted to read as follows: (Ord. 8055, Ord. 8572)

**903.6.3 Existing Group R2 Occupancies.** Existing Group R2 Occupancies defined as Congregate Residences of 16 or more occupants shall be equipped with an approved fire sprinkler system installed throughout the structure in accordance with NFPA 13R. Quick response sprinkler heads shall be required in all living areas and exit corridors. Basement areas shall be sprinkler as light hazard.

8-205.23 Table 1004.1.1 contained within the International Fire Code shall be amended to read as follows: (Ord. 8055, Ord. 8572)

**TABLE 1004.1.1  
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT**

<b>FUNCTION OF SPACE</b>	<b>FLOOR AREA IN SQ. FT. PER OCCUPANT</b>
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport Terminal	
Baggage Claim	20 gross
Baggage handling	300 gross
Concourse	100 gross
Waiting areas	15 gross
Assembly	
Gaming floors (keno, slots, etc.)	11 gross
Assembly with fixed seats	See Section 1004.7
Assembly without fixed seats	
Concentrated (chairs only-not fixed)	7 net
Standing Space	5 net
Unconcentrated (tables and chairs)	15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms-other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Sleeping Dormitories	25 gross
Educational	
Classroom area	20 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional	

Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Locker rooms	50 gross
Mercantile	
Areas on other floors	60 gross
Basement and grade floor areas	30 gross
Storage, stock, sipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools	
Rink and pool	50 gross
Decks	15 gross
Stages and platforms	15 net
Accessory storage areas, mechanical	
Equipment room	300 gross
Warehouses	500 gross

8-205.24 Section 4604.11 of the International Fire Code shall be amended to read as follows: (Ord. 8572)

**Section 4604.11 Stair Dimensions for Existing Stairs.** Existing stairs in buildings shall be permitted to remain if the rise does not exceed 8.25 inches (210 mm) and the run is not less than 9 inches (229 mm). Existing stairs can be rebuilt.

**Exception:** Other fire escape stairs may be approved if the pitch does not exceed 60 degrees, the width is not less than 18 inches, the treads are not less than 4 inches wide and they extend to the ground or are provided with counterbalanced stairs reaching to the ground. Access shall be by an opening having a minimum dimension of 29 inches when open. The sill shall be not more than 30 inches above the floor and landing. Fire escapes shall be of noncombustible construction or of wood of not less than two inch nominal thickness.

8-205.25 Section 4604.17.1 of the International Fire Code shall be amended as follows: (Ord. 8572)

**Section 4604.17.1 Existing Means of Egress.** Fire escape stairs shall be permitted in existing buildings but shall not constitute more than 50 percent of the required exit capacity.

Existing approved and maintained ladder devices serving an occupant load of nine people or less in residential occupancies of three stories or less shall be allowed to remain.

8-205.26 Section 3301.1.3 of the International Fire Code is amended to read as follows: (Ord. 8572)

**Section 3301.1.3 Fireworks.** The manufacture, storage, sale, use and handling of fireworks is prohibited.

**Exceptions:**

1. The storage of fireworks is allowed as set forth in Section 3304.
2. The use of fireworks for display is allowed as set forth in Section 3308 for supervised public displays by a jurisdiction, fair association, amusement park, and other organization

or for the use of fireworks by artisans in pursuit of their trade.

3. Nothing in this section shall be construed as applying to “Novelties” not classified as fireworks by the United States Department of Transportation. Novelties shall include Party Poppers, containing less than .25 grains of explosive composition, Snappers containing less the .02 grains of explosive composition, Toy Smoke Devices not classified as 1.4G, Snakes with no more than .07 oz. of pyrotechnic material and Toy Caps containing not more than .25 grains of explosive composition per cap.

8-205.27 Sections 3307 through 3307.15, inclusive, of the International Fire Code,are hereby deleted. (Ord. 8527)

8-205.28 The referenced standard ICC in Chapter 47 of the International Fire Code shall be amended by inclusion of the following addition: (Ord. 8527)

IEBC-09 International Existing Building Code 102.4,102.5

8-206 The appendixes of the International Fire Code are hereby amended as follows. The amendment of any section shall not serve to amend or repeal any other discretely numbered provision of the code, whether or not such provision is considered a section or subsection. (Ord. 8055, Ord. 8572)

8-206.1 Appendix D, Section D103.2 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section D103.2 Grade.** Fire apparatus access roads shall not exceed an eight (8) percent grade increase or decrease in any 24 lineal feet of roadway.

8-206.2 Appendix D, Section D105.1 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

**Section D105.1 Where Required.** Buildings or portions of buildings or facilities exceeding 30 feet (9144mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus within 75 feet of all portions of the exterior walls of the first story of the facility. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

8-206.3 Appendix D, Section D103.5 of the International Fire Code is amended to read as follows: (Ord. 8055, Ord. 8572)

1. The minimum gate width shall be 12 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Locking device specifications shall be submitted to the fire code official and such devices must be approved by the fire code official prior to their use.
7. Electric gate operators, where provided, shall be listed in accordance with UL 325.

8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

8-207 Appendix H of the International Fire Code is hereby enacted to read as follows: (Ord. 8055, Ord. 8572)

## **APPENDIX H**

### **DOWNTOWN MIXED OCCUPANCIES**

**Section H101 Purpose:** To provide a reasonable degree of safety for all residential occupancies in a structure with mixed occupancy as defined by the *International Building Code*.

**Section H102 Scope.** This appendix shall apply to all existing Group R occupancies with less than four stories and less than 16 apartments which occupy an area in a structure that has a mixed occupancy classification as defined by the *International Building Code*, and that are located within the City of Lawrence, Kansas on Vermont, Massachusetts or New Hampshire streets on the 600 through 1100 hundred blocks, inclusive, except for single family and duplex structures.

**Section H103 Fire Alarm System.** An approved supervised fire alarm system shall be installed in all exit corridors in the Group R occupancies and in all areas of the other occupancies so as to sound an audible alarm in all areas of the structure.

Single station detectors of either battery or 110 V. wired type shall be provided in each unit of the Group R occupancies.

**Section H104 Fire Extinguishers.** A minimum of a one 1A:10B:C: portable fire extinguisher shall be provided in each unit of the Group R occupancy.

**Section H105 Exits.** Two separate exits shall be required from all levels above the first story.

**Exception:** Second stories and basements may have only one exit so long as the occupant load does not exceed nine.

8-208 Appendix I of the International Fire Code is hereby enacted to read as follows: (Ord. 8055, Ord. 8572)

## **APPENDIX I**

### **RESIDENTIAL DAY-CARE FACILITIES**

**Section I101 Purpose.** The purpose of this Appendix is to provide a reasonable degree of safety to children and providers attending residential day-care facilities.

**Section I102 Scope.** The provisions of this Appendix shall apply to all newly established or existing Licensed and Group Day-care facilities within the City of Lawrence.

#### **Section I103 Definitions.**

1. Licensed Day-care - Care provided for no more than ten (10) children less than 16 years of age.

2. Group Day-care - Care provided for no more than twelve (12) children less than 16 years of age.

#### **Section I104 Exits.**

1. Escape Corridor. Every escape path, including all stairways, shall be clear of obstructions and all doors shall be in proper working condition.
2. Exit Doors. Every required exit door must be capable of being easily opened from the inside at all times when the facility is operating.
3. Exit Pathway Passing by a Basement Stairway. If an exit pathway passes by a basement stairway, the stairway must be separated by a door or gate to prevent children from accidentally entering the basement.

#### **Section I105 Doors.**

1. Closet Doors. At all times, every closet door must be capable of being easily opened from the inside by children.
2. Bathroom Doors. Every bathroom door must be capable of being unlocked from the outside at all times. The unlocking key/device must be readily accessible to the staff.

#### **Section I106 Basement and Second Floor Use.**

1. Before May 1, 1998. Facilities which possess a Certificate or Day-care License dated before May 1, 1998 may use a basement or second floor for day-care only if there are at least two separate exits to the outside. One exit must be a door and one exit may be an approved escape window. Day-care providers must be able to demonstrate that everyone under their care can safely exit the house and go to a designated safe area within four (4) minutes. The code official may require day-care providers to demonstrate their ability to conduct such an exit drill.
2. On or After May 1, 1998. Facilities which possess a Certificate or Day-care License dated on or after May 1, 1998 may use a basement for day-care only if there are at least two exits to the outside. One exit must be a door leading directly to the outside. If the two exits in use are within ten (10) feet of each other, a third exit, which may be an approved exit window, will be required. Residential day-care is not allowed on the second floor of a residence. Bi-level houses must be inspected by the code official to determine if they comply with this provision prior to their use as a day-care facility.

#### **Section I107 Portable Fire Extinguishers.**

1. Type and Location. A fire extinguisher rated at 2A:10B:C: is required and must be placed or mounted so that the unit's operating and mounting mechanisms are located no higher than 48 inches from the floor and no lower than 15 inches above the floor.
2. Maintenance. Fire extinguishers provided for the day-care must be inspected and/or serviced and tagged within the previous 12 months by a person or business licensed by the Kansas State Fire Marshal. If the fire extinguisher is purchased new, a purchase receipt must be retained that shows the date of purchase. Such a new fire extinguisher does not need to be inspected within the first 12 months after the date shown on the purchase receipt.

**Section I108 Smoke Detectors.**

1. Smoke Detector Installation. Smoke detectors shall be installed on every level of the residence according to the manufacturer's instructions. Smoke detectors shall be located in the pathways serving sleeping and use areas and in each sleeping room used for children.
2. Smoke Detector Maintenance. Smoke detectors shall be tested monthly. The batteries in battery-powered smoke detectors shall be changed every six months and records of the tests and battery changes required in this section shall be kept on file for review upon request of the code official.

**Section I109 Heating Devices.**

1. Venting. All natural gas, kerosene, wood, propane heaters, and other open flame heating devices shall be properly vented to the outside of the residence.
2. Protective Barriers. All heating devices shall be shielded by a noncombustible barrier that prevents accidental contact with the devices.
3. Combustible Storage. No combustible storage is allowed within 36 inches of the furnace or hot water heater or other open flame device. All heating devices shall be kept clean and dust free.

**Section I110 Emergency Procedures.**

1. Exit Drills. Exit drill procedures shall be posted and exit drills shall be conducted monthly. Accurate written records of the exit drills conducted in the previous twelve months shall be kept and posted in plain view at the day-care.
2. Tornado Procedures. Written emergency procedures for tornadoes shall be posted and shall be practiced monthly. Accurate written records of the emergency tornado procedures practice conducted in the previous twelve months shall be kept and posted in plain view at the day-care.

**Section I111 General Fire Safety.**

1. Electrical Outlets. All unused electrical outlets in licensed areas shall have child-resistant protective covers in place.
2. Flashlights. A working flashlight shall be available for each staff member in the day-care.

8-209

**APPEALS.**

Whenever the code official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the code official to the Board of Appeals within 30 days from the date of the decision appealed. (Ord. 8055, Ord. 8572)

8-210

**SEVERABILITY.**

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 8055, Ord. 8572)

### ARTICLE 3. INSURANCE PROCEEDS FUND

8-301

#### SCOPE AND APPLICATION.

The City is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the City, arising out of any fire, explosion, or windstorm where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article. (Ord. 5433, Sec. 1)

8-302

#### PROCEDURE.

- (A) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insurers and the company or companies, and the final settlement exceeds seventy-five percent (75%) of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount not to exceed fifteen percent (15%) of the covered claim payment, unless the Building Safety Manager of the City has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.
- (B) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
- (C) Upon the transfer of the funds as required by Subsection (A) of this Section, the insurance company shall provide the City with the name and address of the named insured or insurers, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insurers, whereupon the Building Safety Manager shall contact the named insured or insurers by registered mail, notifying them that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under this Article. (Ord. 5433, Sec. 1)

8-303

#### FUND CREATED; DEPOSIT OF MONEYS.

The City Treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the City Treasurer as provided for by this Article shall be placed in said fund and deposited in an interest-bearing account. (Ord. 5433, Sec. 2)

8-304

#### CODES ENFORCEMENT MANAGER; INVESTIGATION, REMOVAL OF STRUCTURE.

- (A) Upon receipt of moneys as provided for by this Article, the City Treasurer shall immediately notify the Codes Enforcement Manager of said receipt, and transmit all documentation received from the insurance company or companies to the Codes Enforcement Manager.
- (B) Within twenty (20) days of the receipt of said moneys, the Codes Enforcement Manager shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.
- (C) Prior to the expiration of the twenty (20) days established by Subsection (B) of this Section, the Codes Enforcement Manager shall notify the City Treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.
- (D) If the Codes Enforcement Manager has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than thirty (30) days after receipt of the moneys by the City Treasurer.
- (E) Upon notification to the City Treasurer by the Codes Enforcement Manager that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall return all such moneys received, plus accrued interest, to the insured or insurers as identified in the communication from the insurance company or companies. Such return shall be accomplished within thirty (30) days of the receipt of the moneys from the insurance company or companies. (Ord. 5433, Sec. 3)

8-305

**REMOVAL OF STRUCTURE; EXCESS MONEYS.**

If the enforcing officer, as defined in Section 5-301 of this Code, and amendments thereto, has proceeded under the provisions of K.S.A. 12-1750 *et seq.*, as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured. (Ord. 5433, Ord. 8074)

8-306

**SAME; DISPOSITION OF FUNDS.**

If the enforcing officer, as defined in Section 5-301 of this Code and amendments thereto, with regard to a building or other structure damaged by fire, explosion, or windstorm determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under the authority of Section 8-302(A) relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the Codes Enforcement Manager shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under Section 8-302(A), the Codes Enforcement Manager shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred. (Ord. 5433, Ord. 8074)

8-307

**EFFECT UPON INSURANCE POLICIES.**

This Article shall not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy. (Ord. 5433, Sec. 8)

8-308

**INSURERS; LIABILITY.**

Insurers complying with this Article or attempting in good faith to comply with this Article shall be immune from civil and criminal liability and such action shall not be

deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this Article, or releasing or disclosing any information pursuant to this Article. (Ord. 5433, Sec. 9)

8-309

**LIEN CREATED.**

The Governing Body of the City hereby creates a lien in favor of the City on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City, caused by or arising out of any fire explosion, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss. (Code 1987)

8-310

**SAME; ENCUMBRANCES.**

Prior to final settlement on any claim covered by Section 8-309, the insurer or insurers shall contact the County Treasurer, Douglas County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the County Treasurer, Douglas County, Kansas. (Code 1987)

8-311

**SAME; PRO RATA BASIS.**

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure. (Code 1987)

**ARTICLE 4. FEES FOR EMERGENCY MEDICAL SERVICES**

8-401

**EMERGENCY MEDICAL SERVICES; FEES.**

From and after the effective date of this ordinance, the rates for ambulance service in Douglas County shall be as follows: (Ord. 7774, Ord. 8312)

- A. ALS 2: All inclusive advanced life support emergency and routine service provided where at least three medications are administered by intravenous push/bolus or by continuous infusion excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer's Lactate) or one ALS procedure (e.g. Manual defibrillation/cardioversion, endotracheal intubation, central venous line, cardiac pacing, chest decompression, surgical airway, intraosseous line) is provided: base rate \$619.00 plus \$7.38 per loaded mile.
- B. Emergency ALS: All inclusive advanced life support emergency and routine service where specialized services are provided: base rate \$559.00 plus \$7.38 per loaded mile.
- C. Emergency No ALS: All inclusive advanced life support emergency and routine service where no specialized services are provided: base rate \$476.00 plus \$7.38 per loaded mile.
- D. Non-Emergency ALS: All inclusive advanced life support routine scheduled service with specialized services provided: base rate \$559.00 plus \$7.38 per loaded mile.
- E. Non-Emergency No ALS: All inclusive advanced life support routine

scheduled service with no specialized services provided: base rate \$476.00 plus \$7.38 per loaded mile.

- F. Standby Time:  
High School Events, \$13.00 per quarter hour.  
All other events exclusive of High School Events shall be determined by an agreement that has been properly executed for actual employee costs plus a 10% administrative fee.
- H. Medical Equipment:  
Medical equipment will be part of the all inclusive advanced life support base rate.
- I. Additional Service Policies: (Ord. 7774, Ord. 8312)
1. Specialized services for purposes of this section shall be defined as services, which include either electrocardiogram monitoring, intravenous solutions administration or advanced airway establishment.
  2. The all-inclusive base rates will consist of all disposable supplies including pharmaceuticals and solutions.
  3. When a helicopter is used instead of an ambulance to transport the patient from the scene, the patient will be charged the applicable base rate.
  4. When a patient receives specialized services and is not transported, the patient will be charge the applicable base rate.
  5. When service is rendered and either the City of Lawrence or Douglas County would be responsible for the fee, the all fees will be waived.
  6. When service is provided for emergency service personnel while performing their official duties the fee(s) will be waived.
  7. Lawrence-Douglas County Fire Medical shall accept assignment on all Medicare or Medicaid claims or when Medicare/Medicaid benefits have been waived by a beneficiary in conjunction with a managed care plan. In addition, Lawrence-Douglas County Fire and Medical shall accept allowable amounts from the State Crime Victims Fund, the Veterans Administration, Tricare/Champus and Worker Compensation claims.
  8. Lawrence-Douglas County Fire Medical shall be a contracting provider of ambulance services for Blue Shield of Kansas.
  9. All ambulance services must be provided by a Kansas licensed advanced life support capable ambulance. (Ord. 6870)

## **ARTICLE 5. AMBULANCE SERVICE LICENSE REQUIREMENTS AND REGULATIONS**

8-501

### **DEFINITIONS.**

As used in this Article, the following words and phrases shall have the meanings respectively ascribed to them herein: (Ord. 7180)

- (A) **Ambulance** means a vehicle or vehicles for hire, equipped or used for the transportation of wounded, injured, sick, invalid, or deceased persons. The term “ambulance” shall not include the vehicle or vehicles used for the purpose of transporting deceased persons for funeral or burial purposes. The term “ambulance” shall not include helicopters or airplanes.
- (B) **Ambulance Service** means the operation, provision, or the holding out to the public of such operation or provision, of an Ambulance or Ambulances.
- (C) **Attendant** means an emergency medical technician or a mobile intensive care technician, as said terms are defined in K.S.A. 65-4301, whose primary function is ministering to the needs of persons requiring emergency medical services.
- (D) **Driver/Attendant** means an individual who satisfies the criteria for an attendant and who also drives ambulance vehicles for an operator with a license issued pursuant to this Article.
- (E) **City** shall mean the City of Lawrence, Douglas County, Kansas, having geographical limits as now existing or hereinafter altered.
- (F) **County** shall mean Douglas County, Kansas.
- (G) **EMS Board** shall mean the State of Kansas Emergency Medical Services Board.
- (H) **Health Officer** shall mean the Director of the Lawrence-Douglas County Health Department.
- (I) **Person** means any individual, firm, partnership, corporation, municipal corporation or other association of persons.
- (J) **Type I, II, and III**: That class of ambulance services and ambulances as defined by law and the regulations of the EMS Board.
- (K) **Rules and Regulations promulgated by the EMS Board** means duly adopted regulations of the Emergency Medical Services Board as now existing or hereinafter adopted or amended.
- (L) **Operator** means any person who has a license granted pursuant to this Article to operate an ambulance service within the County and the City.
- (M) **Regularly offers and provides** means initiating ambulance service within either Lawrence or Douglas County.
- (N) **Shall** is always mandatory and not merely directory.
- (O) **Termination** means the involuntary withdrawal of the rights and duties conferred by the license for the unexpired term of such license by action of the City and the County, pursuant to the authority of this Article.
- (P) **Surrender** means the voluntary relinquishment of the rights and duties conferred by a license for the unexpired term of such license by action of the operator.

8-502

**LICENSE REQUIRED FOR OPERATION OF AMBULANCE SERVICE;  
PROHIBITION AND PENALTY.**

On and after March 15, 2000 no person except those awarded a joint City-County license pursuant to this Article shall use the streets or other public ways of the City or the County to operate an ambulance service which regularly offers and provides such transportation to residents of the City or the County. No person shall regularly offer and provide an ambulance or ambulance service within Douglas County or Lawrence which is in violation of the provisions of this Article or which is not a Type I ambulance service. Either the City or the County shall have the authority to seek and obtain legal remedies to enforce the provisions of this Article, including the authority to seek and obtain an injunction to prohibit persons from providing an ambulance service in violation of the provisions of this Article. In addition to such legal remedies, it shall be a violation of the laws of the City of Lawrence to regularly offer and provide an ambulance service within the City of Lawrence, and upon conviction of a violation of this Article, such person shall be fined a minimum of \$1000.00 per day for each and every violation. Each day of a violation shall be a separate offense. (Ord 7191)

8-503

**TYPE OF SERVICE REQUIRED FOR LICENSED OPERATION.**

Any ambulance service granted a license by the City and County shall provide Type I service as defined by rules and regulations of the EMS Board. All ambulances shall be Type I ambulances. All equipment, personnel, and services offered and provided by the operator shall conform to such regulations. (Ord. 7180)

8-504

**FINDING PREREQUISITE TO ISSUANCE OF AMBULANCE LICENSE.**

After October 1, 1999, no person shall engage in the operation of any ambulance service nor shall any license be granted to operate an ambulance service pursuant to this Article until 1) the Board of County Commissioners of Douglas County, Kansas approve the granting of license, and 2) the Governing Body of the City of Lawrence, Kansas approve the granting of the license. For purposes of this Article, the license awarded shall be considered a joint non-exclusive license from both the City and the County, requiring the approval of the City and the County prior to issuance, suspension, removal, or conditioning. Both the City and the County shall first find that public convenience will be promoted and public necessity requires such ambulance service under the terms and provisions of this Article. (Ord. 7180)

8-505

**APPLICATION FOR LICENSE.**

Any person may apply for a license to operate an ambulance service by filing with the City Clerk an application for such license on such forms and containing such information as the Health Officer, City, and County, shall require, including, but without limitation, the following: (Ord. 7180)

- (1) The name and address of the applicant, or, if a firm, partnership, association, corporation, municipal corporation, company, or organization of any kind, the names and addresses of persons owning a financial interest therein.
- (2) The number and type of ambulances proposed to be operated by the applicant, together with a current state license for each vehicle.
- (3) The location, description, and zoning of the place or places from which such ambulances are intended to operate. In the event a special permit exists for any such location, the date the special permit for such location was issued by the City or the County.
- (4) A copy of the proposed liability insurance policy which complies with this Article.

- (5) A verified financial statement of the operator at the time the application is submitted.
- (6) A list of the proposed charges to be made by the applicant for services rendered to the public in the event a license is awarded under the provisions of this Article.
- (7) A request for inspection of equipment as required by this Article.

8-506

**RECOMMENDATION OF HEALTH OFFICER, DETERMINATION BY CITY AND COUNTY.**

After filing of an application for a license the Health Officer shall review the application to determine its sufficiency and compliance with the provisions of this Article. The Health Officer shall forward the application for review and approval or disapproval to both the City and the County. The City and the County shall determine whether the public convenience would be promoted and the public necessity would require such ambulance service. The City and the County shall after notice hold public hearings at a regularly scheduled or specially scheduled meetings of such governing bodies, but in no event shall more than forty-five (45) days elapse between the filing of an application and the holding of such hearing. The final decision of the City and the County shall be announced within a reasonable time thereafter, unless the applicant consents to an extension of the time for the announcement of the decision. (Ord. 7180)

In the consideration of whether the public convenience would be promoted and the public necessity would require such ambulance service, the City and the County shall consider, but shall not be limited to the following criteria: (Ord. 7180)

- (1) Whether the applicant's proposed ambulance service would be an unnecessary duplication of existing ambulance services, including whether existing services adequately serve public needs; AND
- (2) Whether the applicant's proposed ambulance service would harm the financial or operational integrity of existing ambulance services; including whether the proposed ambulance service would cause existing ambulance services to need public financial assistance, or additional public financial assistance, to continue operations which are viable, efficient and effective.

8-507

**ISSUANCE; DENIAL.**

If the City and the County shall find that the application complies with the requirements of this Article, a joint non-exclusive license shall be granted by the City and the County, and kept on file in offices of the City and the County. In the event the City or the County, or either entity acting separately finds that the application does not meet the requirements of this Article such license shall not be issued. (Ord. 7180)

8-508

**TERM OF LICENSE.**

The term of each license shall be for five (5) years. Renewal of the license shall be through the same procedure used to obtain an initial license. (Ord. 7180)

8-509

**SERVICE REQUIREMENTS.**

The operator shall at all times during the term of license provide ambulance service to all residents of the City and the County without discrimination on the basis of insurability or economic status of the person or persons to receive ambulance service. The operator shall at all time during the term of the license provide ambulance service to all geographical areas of the City and the County. (Ord. 7180)

8-510

**COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS.**

The operator shall comply with all applicable city, state, county, and federal laws and regulations. (Ord. 7180)

8-511

**RATES.**

(Ord. 7180)

- (A) The operator shall at all times comply with the maximum rates and fee schedules filed with the City Clerk and approved by the City and the County.
- (B) Any proposed change in maximum rates or the rate schedule shall be filed with the City Clerk at least thirty (30) days preceding the proposed effective date of such rates, accompanied by financial statements and documents from which the reasonableness of such rates can be determined.
- (C) Any proposed change in maximum rates or the rate schedule shall be submitted to the County and the City for approval. The County and the City shall approve any proposed change if such proposal is found to be reasonable as defined in subsection "E."
- (D) The County and the City shall at no time take any action regarding approval of maximum rates or the rate schedule which shall prohibit the operator from earning a reasonable rate of return upon the value of the property used and useful in providing such ambulance service. A reasonable rate of return means receipt of revenues from patient charges and public funds, if any, equal to the sum of operating costs, depreciation reserves, and growth and development costs of the operator.
- (E) **Reasonable rates** means maximum rates and a rate schedule which when used as the basis to project future revenues yields a projected reasonable rate of return as defined in subsection "d". If approved rates do not provide such a reasonable rate of return, subsequently proposed rates shall be approved so as to cure the deficit incurred, as well as provide a reasonable rate of return.
- (F) The City and the County shall consider the proposed maximum rates and fee schedules within fifteen (15) days after the filing thereof; provided, however, that the County and the City shall make written approval or disapproval, in whole or in part, of said proposal within twenty (20) days after the filing thereof, unless the operator consents to a reasonable time for such action more than twenty (20) days after the filing of the proposed rate schedule.
- (G) If the County and the City take no final action within forty-five (45) days after the filing of such proposal or within the reasonable time agreed to by the operator, the proposal shall be deemed approved and the operator may institute such rate change.

8-512

**INSPECTIONS.**

Every ambulance service operator shall be subject to inspection at any time, at any place within the County, by either the Health Officer or his or her designated representative, in order to determine whether said service is complying with all applicable laws and regulations of the City, the County, and the State. (Ord. 7180)

8-513

**INSPECTION OF BOOKS AND RECORDS.**

Upon request of the City or County, the operator shall make the books and records

of the operator available for inspection by the City or County or a certified public accountant designated by the City or County at the office of the operator during regular business hours. (Ord. 7180)

8-514

**LIABILITY INSURANCE STANDARDS.**

- (A) During the term of such license and during such time as the operator is providing service pursuant to such license, there shall be on file with the City Clerk an insurance policy, approved as to form and endorsed by the City providing liability coverage for each and every ambulance owned, operated, or leased by the operator. (Ord. 7180)
- (B) Minimum coverage of said insurance policy shall be in the amounts of three hundred thousand dollars (\$300,000.00) for any one person killed or injured in any one accident or occurrence and five hundred thousand dollars (\$500,000.00) for more than one person injured or killed in any one accident or occurrence with passenger or patient hazard included in the policy. Such policy shall also provide one hundred thousand dollars (\$100,000.00) minimum coverage for all damage arising out of injury to or destruction of property. (Ord. 7180)

8-515

**INSPECTION PREREQUISITE TO ISSUANCE.**

Before the issuance of any license, the Health Officer or his or her designee shall inspect or cause to be inspected the ambulances, equipment, and premises designated in such application. No ambulance service license shall be issued until the Health Officer certifies to the City and the County that the applicant has complied with all state laws and regulations, local ordinances, and county resolutions relating to health, safety, sanitation, and emergency medical service. The licensee shall submit a copy of the annual State license update to the Health Officer. (Ord. 7180)

8-516

**RENEWAL OF LICENSE.**

At any time within ninety (90) days prior to the expiration of a license issued pursuant to this Article and at any time after such expiration, revocation, or surrender of a license issued pursuant to this Article, the operator may apply for a license for an additional term not to exceed five (5) years, subject to all the provisions of this Article. (Ord. 7180)

8-517

**REVOCAION OF LICENSE; PROCEDURE.**

Any ambulance service may have its license revoked or suspended for violation of the provisions of this Article. A suspension or revocation must be a joint action of the governing bodies of the City and the County. Before any license is suspended or revoked, the licensee shall be given written notice, to the address stated in the application for a license, of the public hearing to be conducted on the proposed license revocation or suspension. Such written notice shall be mailed, postage pre-paid, at least ten (10) days prior to the public hearing and shall contain the proposed grounds for the revocation or suspension. The licensee may appear and present such relevant evidence as appropriate at the public hearing. The City and the County shall issue a written order on the proposed suspension or revocation within thirty (30) days of the public hearing. The licensee shall have the authority to continue to operate pursuant to the license pending the determination of the proposed revocation or suspension, unless the Health Officer determines that the continued operation would endanger public health and safety in which case the licensee shall cease and desist from operation pending the determination of the City and County governing bodies on the proposed suspension or revocation. (Ord. 7180)

8-518

**VEHICLE SPECIFICATIONS.**

Each ambulance of the operator shall meet the ambulance specifications

promulgated by the EMS Board. No ambulance service shall acquire an ambulance for use in the County unless the ambulance complies with the required ambulance specifications for conforming ambulances. (Ord. 7180)

8-519

**VEHICLE EQUIPMENT.**

Every Type I ambulance of the operator shall be equipped at all times with that medical equipment required by the current EMS Board regulations to be carried in the ambulance except as may be specifically waived by the EMS Board. The Health Officer shall be notified of the application for any waiver presented, in advance of any presentment. The Health Officer shall recognize such waivers. (Ord. 7180)

8-520

**NUMBER OF OPERATIONAL VEHICLES REQUIRED.**

No ambulance service shall operate within the City or County with less than four (4) fully staffed and operational ambulances, all of which shall contain all required equipment and meet all of the requirements of this Article and the regulations promulgated by the EMS Board applicable to Type I ambulances. (Ord. 7180)

8-521

**EFFECTIVENESS OF LAW.**

- (A) For purposes of effectiveness as a City ordinance, this ordinance shall take effect upon publication in the official City newspaper. (Ord. 7180)
- (B) For purposes of effectiveness as a County resolution, this resolution shall take effect upon publication in the official County newspaper. (Ord. 7180)

**ARTICLE 6. BLASTING REGULATIONS**

8-601

**SCOPE.**

Possession and use of explosive materials as defined by this Chapter for subsurface blasting shall be in accordance with this article. (Ord. 7925)

8-602

**DEFINITIONS.**

(Ord. 7925)

- (A) **“Applicant”** shall mean the person applying for the blasting permit and the party responsible for compliance with this article.
- (B) **“Blast site”** shall mean the area in which explosive materials are being or have been loaded and which includes all holes loaded or to be loaded for the same blast and a distance of 50 feet (15 240 mm) in all directions.
- (C) **“Blasting agent”** shall mean a material or mixture consisting of fuel and oxidizer, intended for blasting provided that the finished product as mixed for use or shipment, cannot be detonated by means of a No. 8 test detonator when unconfined. Blasting agents are labeled and placarded as Class 1.5 material by U.S. Department of Transportation.
- (D) **“Blasting expert”** shall mean a professional engineer licensed in the State of Kansas with blasting experience, or a consultant whose primary business involves blasting operations and blasting analysis.
- (E) **“Chief”** shall mean the chief officer of the Lawrence-Douglas County Fire and Medical Department.
- (F) **“Division of Fire Prevention”** shall mean the fire prevention division of the Lawrence-Douglas County Fire and Medical Department.

(G) **“Explosive”** shall mean a chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters and display fireworks, (1.3G (Class B, Special.)).

The term “explosive” includes any material determined to be within the scope of USC Title 18: Chapter 40 and also includes any material classified as an explosive other than consumer fireworks, 1.4G (Class C, Common) by the hazardous materials regulations of Department of Transportation 49 CFR.

(H) **“Explosive materials”** shall mean explosives, blasting agents, and detonators.

(I) **“NFPA”** shall mean the National Fire Protection Association.

(J) **“Owner”** shall mean persons having vested or contingent interest in the property in question and their duly authorized agents or attorneys.

(K) **“Person”** shall mean a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or agent of any of the aforesaid.

(L) **“Property”** for the purposes of this article shall mean real property; land.

(M) **“Structure”** shall mean a combination of materials or piece of work built or composed of parts joined together in some definite manner for occupancy, use or ornamentation. The term “structure” shall include everything that is built or constructed and affixed to the real property. The term “structure” shall not include utility lines, and accessory apparatus.

(N) **“Utility lines”** shall mean an electric, cable, fiber optic line, water line, sanitary sewer line, pipeline or other type of conduit used to transport or transmit electricity, gases, liquids, and telecommunications lines.

8-603

**PERMITS REQUIRED.**

A permit application to use or possess explosive materials subject to regulation under this article shall be made to the Fire Prevention Division which shall issue the same only if the Fire Marshal or his or her designated representative shall after inspection and review approve issuance of the permit. The Fire Marshal or his or her designated representative shall have seven days after receipt of a completed application to review the application, including all supporting documentation, and to issue or deny a permit. The process to apply for a permit shall be as follows: (Ord. 7925)

(A) For blasting operations occurring at a distance greater than 1,500 feet of any structure or utility line:

(1) The application for a permit shall be accompanied by a Blasting Plan for the blasting operation. The Blasting Plan shall contain the following information:

(a)The name of the contractor conducting the blasting operation, and

(b)The names of all responsible on-site personnel with copies of their permits to blast explosives issued by the State of Kansas Fire Marshal.

- (2) The applicant shall maintain and provide proof of liability insurance coverage for the purpose of payment of damages to persons or property which arise from, or are caused by, the blasting operations. The policy or policies shall provide for the following minimum coverage:
- (a) Liability insurance to cover injuries or damages to persons or property which might result from blasting operations:
    - 1. General Aggregate (or a combination of general liability insurance and an umbrella policy insuring the blasting operations): \$5,000,000
    - 2. Each Occurrence: \$2,000,000
  - (b) Automobile Liability Insurance Combined Single Limit: \$1,000,000
  - (c) Workers Compensation: Statutory Coverage
- (3) The applicant shall pay an application fee of \$100.00.
- (B) For blasting operations occurring at a distance equal to or less than 1,500 feet and greater than 500 feet of any structure or utility line:
- (1) The application for a permit shall be accompanied by a Blasting Plan for the blasting operation. The Blasting Plan shall contain the following information:
- (a) Name of the contractor conducting the blasting operation,
  - (b) Names of all responsible on-site personnel with copies of their permits to blast explosives from the Kansas State Fire Marshal.
  - (c) Scale drawing prepared by the City of Lawrence GIS Coordinator or his or her designee which accurately allows dimensions and all distances relative to the application to be calculated for the following:
    - 1. Distances to all structures, to the extent such data is available on the City's GIS system, within 1500 feet of the blast site;
    - 2. Distances from structures to the explosive storage magazines.
  - (d) Evidence of the notice required by this article, sent by United States mail, to owners of property and/or utility lines located within 1500 feet of the blast site. The required evidence shall include a copy of the written notification and a list of names and addresses of those notified. Said written notification shall contain the following information:
    - 1. Notice of intent to blast;
    - 2. Name of the blasting contractor;
    - 3. Estimated duration of blasting operations and the general location of the blast site, with a copy of the map included with the notice;
    - 4. Name of the insurance agency providing the blasting contractor's liability insurance coverage and the agency's contact information; and
    - 5. The date, time, and location of the informational meeting with property owners and/or utility company representatives.

- (e) Proof that the seismology equipment to be used at the blasting site has been calibrated and certified within one year of the proposed blasting.
- (2) The applicant shall maintain and provide proof of liability insurance coverage for the purpose of payment of damages to persons or property which arise from, or are caused by, the blasting operations. The policy or policies shall provide for the following minimum coverage:
  - (a) Liability insurance to cover injuries or damages to persons or property which might result from blasting operations:
    - 1. General Aggregate (or a combination of general liability insurance and an umbrella policy insuring the blasting operations): \$5,000,000
    - 2. Each Occurrence: \$2,000,000
  - (b) Automobile Liability Insurance Combined Single Limit: \$1,000,000
  - (c) Workers Compensation: Statutory Coverage
- (3) The applicant shall pay an application fee of \$100.00.
- (C) For blasting operations occurring at a distance equal to or less than 500 feet of any structure or utility line:

No blasting shall occur within 100 feet of any structure or utility line unless the owner(s) of the structure(s) and/or utility line(s) consent in writing, and the blasting conforms to the limits recommended by the U.S. Bureau of Mines Table of Scaled Distances.

- (1) The application for a permit shall be accompanied by a Blasting Plan for the blasting operation. The Blasting Plan shall contain the following information:
  - (a) The name of the contractor conducting the blasting operation,
  - (b) The names of all responsible on-site personnel with copies of the blasters certificates,
  - (c) Scale drawing prepared by the City of Lawrence GIS coordinator or his or her designee that accurately allows dimensions and all distances relative to the application to be calculated for the following:
    - 1. Distances to all structures, to the extent such data is available on the City's GIS system, within 1500 feet of the blast site.
    - 2. Distances from structures to the explosive storage magazines.
    - 3. Designation of proposed pre-blast surveyed structures within 500 feet of the blast site.
  - (d) Name of the independent firm, approved by the Fire Prevention Division and reporting directly to the Fire Marshal, which shall conduct the seismographic monitoring of blasts occurring within 500 feet of any structure or utility line.
  - (e) Proof that the seismology equipment to be used at the blasting site has been calibrated and certified within one year of the proposed blasting.

(f) Evidence of the notification required by this article, sent by U.S. mail, to owners of property and utility lines located within 1500 feet of the blast site. The required evidence shall include a copy of the written notification and a list of names and addresses of those notified. Said written notification shall contain the following information:

1. Notice of intent to blast;
2. Name of the blasting contractor;
3. Estimated duration of blasting operations and the general location of the blast site, with a copy of the map included with the notice;
4. Name of the insurance agency providing the blasting contractor's liability insurance coverage and the agency's contact information; and
5. The date, time, and location of the informational meeting with property owners and/or utility company representatives.

(g) Evidence of the notification required by this article, sent by certified mail, return receipt requested, not less than 15 days before blasting commences to owners of property and utility lines located within 500 feet of the blast site. The required evidence shall include a copy of the written notification and a list of names and addresses of those notified. Said written notification shall contain the following information and/or statements:

1. Notice of intent to blast;
2. Name of blasting contractor;
3. Estimated duration of blasting operations and the general location of the blast site, with a copy of the map included with the notice;
4. Name of the insurance agency providing the blasting contractor's liability insurance coverage and the agency's contact information;
5. The date, time, and location of the informational meeting with owners of property located within 500 feet of the blast site and/or with representatives of utility companies with utility lines located within 500 feet of the blast site;
6. Name of the company performing the pre-blast surveys;
7. Contact information for the company performing the pre-blast surveys;
8. An offer to permit representatives of notified utility companies to be present during blasting operations;
9. A statement advising the utility company or companies that if it fails within ten (10) days of receipt of the notice to object to the intent to blast, or to request additional time to review the plans, any objections are deemed waived; and
10. A statement advising the utility company or companies that the utility company is responsible for identifying the need for, and requesting, a pre-blast survey of utility company structures.

(h) A copy of a pre-blast survey log which contains a list of properties with

structures and/or utility lines eligible for pre-blast surveys, and a list of properties with structures and/or utility lines which received pre-blast surveys.

(i) The name, address, and telephone number of the qualified blasting expert who shall review and analyze the blasting plan, including the items listed below, anytime blasting occurs within 500 feet of any structure or utility line. The qualified blasting expert shall be experienced in blasting operations. The blasting expert shall be approved by, and report to, the Fire Marshal. Said blasting expert shall be independent of the blasting contractor and shall be compensated by the applicant. The blasting expert shall provide the Fire Marshal with proof of general liability insurance in an amount consistent with industry standards. The blasting expert shall review and analyze the following:

1. Pre-blast survey records to confirm the pre-blast surveys were performed in accordance with this article;
2. The notice of the informational meeting for property and utility line owners, to verify it was sent in accordance with this article;
3. Proposed location and time of the blast(s);
4. Credentials of the certified blaster designated to be in charge of the blasting operation;
5. Type of material to be blasted;
6. Number of proposed holes to be bored and the spacing thereof;
7. Proposed diameter of, and proposed depth of, holes;
8. Type and amount of explosives to be used;
9. Amount of explosives per delay of 8 milliseconds or greater;
10. Proposed method of firing and proposed type of circuit to be used;
11. Verification that no blasting shall occur within one hundred (100) feet of any structure or utility line, unless a written consent from the owner(s) of the structure or utility line is on file with the Fire Marshal, and the planned blasting conforms with the limits recommended by the U.S. Bureau of Mines Table of Scaled Distances (NFPA 495);
12. Whether or not mats or other precautions will be used;
13. Type of proposed detonators and delay periods;
14. Type and height of proposed stemming;
15. Proposed locations of seismology equipment during blasting operations and verification of the equipment's calibration / certification within one year of the proposed blasts;
16. Verification of notice to utility companies; and
17. Subsurface analysis of the site.

(j) Upon completion of the review and analysis required by Section 8-603(C)(1)(i),

the blasting expert shall provide a written statement to the Fire Marshal certifying that the proposed blasting operation does or does not meet the City Code.

(k) The applicant shall offer pre-blast surveys to residents or owners of structures and utility lines located within 500 feet of the blasting site. The pre-blast surveys shall conform to the requirements of this article. The pre-blast surveys shall be completed before the initiation of blasting may occur, unless permission to conduct a pre-blast survey has been denied or contact with the owner or occupant of the structure or utility line could not be made after due diligence on the part of the pre-blast survey company representative to make such contact.

(2) The applicant shall maintain and provide proof of liability insurance coverage for the purpose of payment of damages to persons or property which arise from, or are caused by, the blasting operations. The policy or policies shall provide for the following minimum coverage:

(a) Liability insurance to cover injuries or damages to persons or property which might result from blasting operations:

1. General Aggregate (or a combination of general liability insurance and an umbrella policy insuring the blasting operations): \$5,000,000
2. Each Occurrence: \$2,000,000

(b) Automobile Liability Insurance Combined Single Limit: \$1,000,000

(c) Workers Compensation: Statutory Coverage

(3) The applicant shall pay an application fee of \$100.00.

#### 8-604 **PRE-BLAST SURVEYS OF STRUCTURES WITHIN 500 FEET OF THE BLAST SITE.**

(Ord. 7925)

(A) Pre-blast surveys offered: Pre-blast surveys shall be offered to the owners and/or occupants of structures and utility lines located within 500 feet of the blast site. The pre-blast surveys shall be conducted by a firm regularly engaged in performing pre-blast surveys and which is independent of the blasting contractor. The pre-blast surveyor shall promptly conduct a pre-blast survey of the identified structures unless permission for a survey has been denied by the owner or occupant of the structure, or after due diligence on the part of the surveyor, contact with the owner or occupant of the structure could not be made. The surveyor shall promptly conduct a pre-blast survey of utility company structures if a utility company representative requests one from the surveyor.

(B) Written Reports: The surveyor shall examine the interior and/or exterior of the structure, documenting through the use of photography or videotaping equipment, any existing damage and other physical factors that could reasonably be affected by the blasting operation. In the event a claim of damage is made, a written report of the surveyor's pre-blast survey or examination of the structure shall be prepared. All photographs shall be identified by number. The written report shall be signed by an authorized representative of the company or firm that performed the pre-blast surveys.

(C) Copies of Pre-blast Surveys: Copies of the pre-blast survey shall be made available to the Fire Marshal and may be provided to the blasting contractor. Upon request, the applicant shall provide to the owner of the structure making the request, a copy of the pre-blast survey of the requesting party's surveyed structure. No person other than the owner or occupant of the surveyed structure shall receive a copy of the pre-blast survey of the structure, unless otherwise provided by law. The applicant may charge the owner or occupant requesting the

copy the actual cost of reproducing the pre-blast survey.

(D) Initiation of Blasting Operations: Before the initiation of blasting operations, the pre-blast surveys shall be completed, unless permission to conduct a pre-blast survey has been denied or contact with the owner or occupant of the structure could not be made after due diligence on the part of the surveyor to make such contact. The applicant shall submit to the Fire Prevention Division a copy of a pre-blast survey log which contains a list of properties and/or utility lines eligible for pre-blast surveys, and which shows a list of properties and/or utility lines which received pre-blast surveys. Blasting may commence if the pre-blast surveys are completed, or permission to conduct a pre-blast survey has been denied, and the ten (10) day period in which a utility company that has utility lines within 500 feet of the proposed blasting site has to object to the intent to blast or to request additional time to review the plans, has expired.

**8-605 PERMIT – EXPIRATION AND REISSUING.**

(Ord. 7925)

A. Expiration: Permits shall expire thirty (30) days after the date of issuance.

B. Reissuing Permits: Permits may be reissued if they have expired or have been terminated, subject to such provisions of inspection, reporting, and amendments contained in this ordinance as the Fire Marshal deems necessary.

If a permit is reissued, the applicant shall notify in writing the owners of property within 1500 feet of the blast site of the new permit period if the time period contained in the original written notification expires. The notice to owners of property within 1500 feet of the blast site shall be by regular U.S. mail. If a permit is reissued, the applicant shall notify in writing the owners of property within 500 feet of the blast site of the new permit period if the time period contained in the original written notification expires. The notice to owners of property within 500 feet of the blast site shall be by certified mail, return receipt requested. The notification to owners of properties within 500 feet of the blast site that the permit is reissued shall also state that the owner of the structure may request a second pre-blast survey if the structure underwent an improvement, construction or remodeling project requiring a building permit after the initial pre-blast survey was completed.

**8-606 REVOCATION OF PERMITS.**

The chief is authorized to revoke a permit issued under the provisions of this article when it is found by inspection or otherwise that: (Ord. 7925)

A. There has been a false statement or representation as to a material fact in the application or construction documents on which the permit or approval was based.

B. The permit is used for a location or establishment other than that for which it was issued.

C. The permit is used for a condition or activity other than that listed in the permit.

D. Conditions and limitations set forth in the permit have been violated.

E. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.

F. The permit is used by a different person or firm than the name for which it was issued.

G. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this chapter within the time provided therein.

H. The permit was issued in error or in violation of any ordinance, regulation, or the Code of

the City of Lawrence, Kansas, as amended.

The Chief, or his or her designee, may delay reissuing a permit that has been revoked pursuant to this article until such time as the chief or the designee deems appropriate taking into account and nature and severity of the conduct which caused the permit to be revoked.

8-607 **BLASTING OPERATIONS.**  
(Ord. 7925)

A. Use and Handling

1. Distance from structures. There shall be no blasting within one hundred feet of any structure or utility line unless the owner of the structure(s) and/or utility line(s) consent in writing, and the blasting conforms with the limits recommended by the U.S. Bureau of Mines Table of Scaled Distances.

2. General. Blasting operations shall be conducted only by approved, competent operators familiar with the required safety precautions and the hazards involved. Blasting operations shall be performed in accordance with the instructions of the manufacturer of the explosive materials being used.

3. Blasting in close proximity. When blasting is done in close proximity to a structure, railway or highway, or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.

4. Restricted hours. Blasting operations shall only be conducted during daylight hours.

5. Personnel. Persons in charge of blasting shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age, and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives or explosive materials. Persons 18 years of age or older are allowed to use and handle explosive materials under the direct supervision of a person who possesses a valid permit to blast explosives issued by the Kansas State Fire Marshal.

6. Open flames and lights. Smoking, matches, flame-producing devices, open flames, fire arms and firearms cartridges shall not be permitted inside of or within the blast site.

7. Blasting safeguards. Before a blast is fired, the person in charge shall make certain that surplus explosive materials are in a safe place, that persons and equipment are at a safe distance or under sufficient cover, and that a loud warning signal reasonably calculated to be heard by individuals not less than 100 feet of the blast site has been sounded.

8. Electric detonator precautions. Precautions shall be taken to prevent accidental discharge of electric detonators from currents induced by radar and radio transmitters, lightning, adjacent power lines, dust and snow storms, or other sources of extraneous electricity.

9. Non-electric detonator precautions. Precautions shall be taken to prevent accidental initiation of non-electric detonators from stray currents induced by lightning or static electricity.

10. Non-sparking tools. Tools used for the opening and closing of packages of explosive materials, other than metal slitters for opening paper, plastic or fiberboard

containers, shall be made of non-sparking materials.

11. Disposal of packaging. Empty containers and paper and fiber packaging materials that previously contained explosive materials shall be disposed of or reused in an appropriate manner.

12. Abandonment. Explosive materials shall not be abandoned.

13. Transportation. Explosive materials shall be transported in accordance with Chapter 8 of the Code of the City of Lawrence, Kansas, and amendments thereto.

14. Blast Records. A record of each blast shall be kept and retained by the applicant for at least five (5) years and shall be available for inspection upon request by the fire marshal or owners of property within 500 feet of the blast site or as provided by law. These records shall contain the following minimum data:

- a. Name of blasting contractor:
- b. Pre-blast survey records.
- c. Location and time of blast.
- d. Name of certified blaster in charge.
- e. Type of material blasted.
- f. Number of holes bored and spacing.
- g. Diameter and depth of holes.
- h. Type and amount of explosives.
- i. Amount of explosives per delay of 8 milliseconds or greater.
- j. Method of firing and type of circuit.
- k. Identification, direction, and distance, in feet, from the nearest blast hole to the nearest building or structure outside the permit area.
- l. Whether or not mats or other precautions were used.
- m. Type of detonators and delay periods.
- n. Type and height of stemming.
- o. Seismograph and airblast records.

15. Post-blast survey of structure. If during the course of the blasting operation, a complaint is made, or a claim of damage is stated, the applicant shall, with the owner's consent, have the surveyor conduct a post-blast inspection of the structure in question. The surveyor, blasting contractor, and/or insurance agency representative shall investigate each complaint or claim thoroughly using where appropriate the surveyor's written report to compare pre-existing damages with those being claimed.

16. Other regulations. Blasting operations shall be conducted in accordance with federal, state and local regulations.

**B. Ground Vibration and Airblasts.**

1. Maximum peak particle velocity. The maximum peak particle velocity at the nearest structure or utility line shall not exceed one inch per second in any one of three mutually perpendicular directions, unless the property or utility line owner(s) consents in writing.
2. Ground vibration. Regardless of the distance to nearby structures and utility lines, the blasting operations shall be carried out in such a manner that they will not cause flyrock damage or damage from exceeding air blast or ground vibration limits.
3. Seismographic monitoring. Seismographic monitoring of blasts occurring within 500 feet of any structure or utility line shall be provided by a firm independent of the blasting contractor, approved by the Fire Prevention Division, reporting directly to the Fire Marshal and compensated by the applicant. The seismograph monitoring site shall be located between the nearest structure or utility line and the blast site. Seismographic monitoring of blasts occurring at a distance greater than 500 feet of any structure or utility line shall be provided by the blasting contractor or by a firm engaged by the blasting contractor.
4. Calibration / certification of seismology equipment. All seismology equipment used on the job site, by either the applicant or a third party independent firm shall have been calibrated and certified within the year preceding the blasting operations.
5. Airblasts. Airblasts at the location of any structure shall not exceed the maximum limits specified in Table 10.2.1 of N.F.P.A. 495.

**Table 10.2.1 Airblast Limits**

Frequency Measuring System [Hz(± 3 dcb)]	Permit Level (dcb)
or lower.....flat response*	10
or lower.....flat response	10
or lower.....flat response	10
weighted.....slow response*	10
where approved by the authority having jurisdiction.	

**C. Notice of New Storage Site:** When a new explosive material storage location, including a temporary jobsite, is established, the applicant shall notify 48 hours in advance, not including Saturdays, Sundays and City of Lawrence holidays, the Lawrence-Douglas County Fire and Medical Department, the Lawrence Police Department, and the Douglas County Emergency Management Department of the type, quantity and location of explosive materials at the site.

1. The Fire Marshal is authorized to limit the quantity of explosive materials allowed at any location.
2. The Fire Marshal is authorized to remove, or cause to be removed or disposed of in an approved manner, at the expense of the applicant, explosives and explosive materials stored, possessed, or used in violation of this article.
3. Storage of explosive materials shall comply with Chapter 8 of the Code of the City of Lawrence, Kansas, and amendments thereto.
4. The applicant shall possess a valid permit to store explosives from the Kansas State Fire Marshal's Office for the storage site.

D. Posting Notification. The applicant shall cause to be posted in a conspicuous location, accessible to the public, a weather protected copy of the site map, a copy of the permit to use or possess explosive materials issued by the Division of Fire Prevention, and copies of the permits to blast explosives issued by the Kansas State Fire Marshal's office for all on-site personnel responsible for blasting operations.

**8-608 INSPECTION AND ENFORCEMENT.**

The Division of Fire Prevention of the Lawrence-Douglas County Fire and Medical Department shall enforce this article under the supervision of the Chief. The Division of Fire Prevention shall adhere to the provisions concerning inspections, enforcement, and appeals procedures adopted in Chapter 8 of the Code of the City of Lawrence, Kansas and amendments thereto. (Ord. 7925)

**8-609 SEVERABILITY.**

If any provision, clause, sentence or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable. (Ord. 7925)

**8-610 EFFECTIVE DATE.**

This article shall take effect on and after January 1, 2006. (Ord. 7925)

**Appendix to Article 6 (for reference only)**

**Application Checklist for Permit to Conduct Blasting Operations**

**PROJECT NAME / LOCATION:** \_\_\_\_\_

<b>DESCRIPTION OF DOCUMENT / INFORMATION</b>											
<p><b>Proof of Liability Insurance:</b>            Liability insurance to cover injuries or damages to persons or property which might result from blasting operations:</p> <p><b>\$5,000,000:</b> General aggregate or a combination of general liability insurance and an umbrella policy insuring the blasting operations;  <b>\$2,000,000:</b> Each Occurrence  <b>\$1,000,000:</b> Automobile combined, single limit  <b>Statutory Amount:</b> Workers Compensation Insurance</p> <table border="1" data-bbox="391 1570 1406 1793"> <tr> <td>Insurance Agency Name:</td> <td></td> </tr> <tr> <td>Insurance Agency Address:</td> <td></td> </tr> <tr> <td>Insurance Agency Telephone No.:</td> <td></td> </tr> <tr> <td>Insurance Expiration Dates:</td> <td></td> </tr> <tr> <td>Certificates of Insurance on file with City Clerk? (Y/N)</td> <td></td> </tr> </table>		Insurance Agency Name:		Insurance Agency Address:		Insurance Agency Telephone No.:		Insurance Expiration Dates:		Certificates of Insurance on file with City Clerk? (Y/N)	
Insurance Agency Name:											
Insurance Agency Address:											
Insurance Agency Telephone No.:											
Insurance Expiration Dates:											
Certificates of Insurance on file with City Clerk? (Y/N)											
<p><b>Copies of Permits to Blast Explosives for all persons responsible for blasting operations on site</b></p>											

<b>Blasting Plan:</b>	
Name of blasting contractor:	
Names of responsible on-site personnel with copies of permits to blast explosives:	
Permit to Store Explosives from Kansas State Fire Marshal's office	
Scale drawing with: *Distances to structures within 1500 feet of blast site *Distances to structures / explosive storage magazines *Designation of proposed pre-blast survey structures within 500 feet of blast site	
Name of Seismographic Monitoring Firm:	
Proof of certification / calibration of seismology equipment	
Evidence of Notification (including copy of notice) to property and utility line owners located within 1500 of blast site	
Evidence of notification sent certified mail return receipt requested (including copy of notice) to owners of property and utility lines within 500 feet of blast site.	
Copy of pre-blast survey log:	
Name, Address, Telephone number of blasting expert	
Proof of insurance for blasting expert:	
Blasting Expert's certification concerning applicant's blasting operation:	
<b>Applicant's Information:</b>	
Name of Person Applying for Permit:	
Address of Person Applying for Permit:	
Telephone Nos. of Person Applying for Permit:	
<b>Applicant's Signature:</b>	
<b>Application Fee of \$100.00</b>	