

**COMMONWEALTH OF KENTUCKY
COUNTY OF OLDHAM
ORDINANCE NO. KOC 24-610-
405**

AN ORDINANCE RELATING TO THE INSTALLATION AND VERIFICATION OF WORKING SMOKE DETECTORS IN ALL OLDHAM COUNTY RESIDENTIAL DWELLINGS.

WHEREAS, To provide for the health, safety, and welfare of Oldham County residents, it has become necessary to require the installation of working smoke detectors and verification of same by owners of real property at the time of transfer or lease;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF OLDHAM, COMMONWEALTH OF KENTUCKY:

SECTION ONE: Definitions.

- (A) "Smoke detector" means a device that, when activated by the presence of smoke, provides an alarm suitable to warn the occupants within the individual dwelling unit in which it is attached and that has been listed for use by a nationally recognized independent testing laboratory.
- (B) "[Dwelling unit](#)" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (C) "[Rooming unit](#)" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

SECTION TWO: Smoke detectors required.

(A) In all dwelling units, smoke detectors powered by a hard wire AC primary power source or a self-monitored, non-removal ten-year lithium battery shall be installed and maintained after the effective date of this Ordinance. Single station detectors presently installed utilizing standard batteries may continue to be used as long as the units remain operational. Should an inspection of the concerned properties by the local fire Marshall having jurisdiction of the property or the County Code Enforcement Officer, reveal these units out of service due to a low or no battery, it will be cause to replace the units with at least smoke detectors powered by a hard wire AC primary power source or a self-monitored, non-removal ten-year lithium battery by the property owner within 7 days.

(B) In order to comply with this Ordinance, only ionization or photoelectric type detectors listed by a nationally recognized testing laboratory shall be installed.

(C) Smoke detectors shall be installed in accordance with applicable NFPA standards and the manufacturers' recommendations. Detectors may be ceiling or wall mounted, provided that wall mounted detectors shall be mounted at a minimum of four inches and a maximum of 12 inches from the ceiling, and not closer than four inches from

the point at which the ceiling and wall meet.

In a dwelling unit, which contains a well-defined sleeping room separated from the other activity areas of the same unit, the detector shall be located in the corridor within the unit or interior area giving access to the rooms used for sleeping purposes. Where sleeping areas are separated and/or where a single smoke detector will not adequately service all sleeping areas, there shall be a smoke detector installed adjacent to each sleeping area. In a rooming unit, the detector shall be centrally located.

(D) In a dwelling containing two or more dwelling units or any rooming unit, in addition to the requirements for individual smoke detectors in each dwelling unit or rooming unit, detectors shall be placed in centrally located common areas so that smoke detectors will adequately service all sleeping areas. In multiapartment buildings three or more stories in height, approved smoke detectors must also be installed in each corridor and hallway on each floor.

SECTION THREE: Noninterference. A person may not knowingly interfere with or make inoperative any smoke detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the detector or make it inactive. The detector must be immediately reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

SECTION FOUR: Rental units. In a single-family residence or unit occupied under the terms of a rental agreement or under a month-to-month tenancy:

(A) At the time of each occupancy, the landlord shall provide smoke detectors if they are not already present. The smoke detectors must be in working condition. After notification, in writing, of any deficiencies by the tenant, the landlord shall repair or replace the smoke detectors.

(B) The tenant shall keep the smoke detectors in working condition by keeping charged batteries in the smoke detectors, if installed prior to this ordinance, by testing the smoke detectors periodically, and by refraining from disabling the smoke detectors.

SECTION FIVE: Transfer or Lease. Prior to transferring title to any real property, or leasing any rental unit, containing a residential building designed to be occupied by one or more families, the Transferor or Lessor of such real property shall present to the Transferee or Lessee an affidavit certifying that such residential building is equipped with smoke detectors complying with this Ordinance. The following shall be exempt from the requirements of this subsection: (1) Any transfer from one or more co-owners solely to one or more of the other co-owners; (2) transfers made to the spouse, mother, father, brother, sister, child, grandparent or grandchild of the transferor where no consideration is paid; (3) transfers pursuant to an order of the court; (4) transfers by the federal government or any political subdivision thereof; (5) transfers by deed in lieu of foreclosure; (6) any transfer of title incident to the refinancing of an existing debt secured by a mortgage.

SECTION SIX: Severability. Should any section, subdivision, sentence or clause of this Ordinance be held unconstitutional or invalid for any reason by any court of competent jurisdiction, then such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions of this Ordinance.

SECTION SEVEN: Any person violating this ordinance shall be subject to a fine of \$250 for the first occurrence \$500 for the second occurrence and \$1,000 for the third or more occurrence by the same property owner.

SECTION EIGHT: Inconsistent Ordinances Repealed. All ordinances and resolutions. or parts thereof, to the extent they are inconsistent herewith, are hereby repealed.

SECTION NINE: Publication Requirement. This Ordinance shall take effect upon passage and publication as required by law.

Given first reading at a Regular Meeting of the Oldham County Fiscal Court on the **6th day of February, 2024.**

Given second reading and voted upon at a Regular Meeting of the Oldham County Fiscal Court on the **5th day of March, 2024.**