

ORDINANCE NO. 133

KEY LOCK BOX ORDINANCE

AN ORDINANCE REQUIRING BUILDINGS TO HAVE A KEY LOCK BOX INSTALLED ON THE EXTERIOR OF THE BUILDINGS FOR FIRE SAFETY PURPOSES; ESTABLISHING A PENALTY FOR A VIOLATION; AND ESTABLISHING AN EFFECTIVE DATE.

THE TOWNSHIP OF LAKETOWN, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN ORDAINS:

ARTICLE I

BACKGROUND AND PURPOSE

Section 1. Background. Experience shows when fires or other emergencies occur in locked buildings, the Graafschap Fire Department (the "Department") is faced with the difficult task of gaining entry into the buildings. Entry into the buildings in some cases must be made by force, which is time consuming and may cause unnecessary damage. In some cases valuable time is wasted waiting for a key holder to arrive on the scene.

Section 2. Purpose. This Ordinance will explain the requirement and installation of emergency access lock boxes.

ARTICLE II

BUILDINGS REQUIRED AND RECOMMENDED TO USE LOCK BOXES

Section 1. General Requirement. An approved emergency access lock box shall be installed on the outside of all new buildings in the Township. However, a lock box is not required to be installed on single-family and two-family dwellings, on multi-family dwellings which have no enclosed common areas (i.e., no lock box is required for a multi-family dwelling which consists

entirely of individual dwellings), on agricultural buildings, or on accessory buildings related to those dwellings or buildings.

Section 2. Renovated or Expanded Buildings. If a building would be required by Section 1 to have an approved emergency access lock box but for the fact that the building is not new, and if the building is thereafter expanded or otherwise renovated or repaired in a way which requires a building permit from the Township, the building shall at that time be equipped with an approved emergency access lock box.

Section 3. Recommendation for Existing Buildings. An approved emergency access lock box is recommended for all existing buildings in the Township which are equipped with an automatic fire suppression system, an automatic fire detection system, or a medical emergency alarm system.

Section 4. Recommendation for Additional Buildings and Structures. An approved emergency access lock box is recommended for all buildings and structures in the Township that will require access with a key during a fire or medical emergency or any other emergency situation.

ARTICLE III

APPROVAL AND INSPECTION OF LOCK BOXES

Section 1. Written Approval. Whenever this Ordinance would require the installation of an approved emergency access lock box, written approval of a proposed emergency access lock box shall be obtained from the Department's Fire Chief or the Fire Chief's designee before an emergency access lock box is installed.

Section 2. Occupancy Permit. No occupancy permit shall be issued for any building in the Township which is required to have an approved emergency access lock box until such a lock box has been installed for that building.

Section 3. Responsibility. It shall be the responsibility of the owner, lessee, tenant, occupant or other party in control of a building, jointly or severally, to assume all costs and obligations associated with the purchase and installation of an approved emergency access lock box required by this Ordinance. Further, they shall all, jointly or severally, be responsible to maintain the lock box in good condition, and to ensure that all keys and information in the lock box are correct.

Section 4. Inspection. The Department will have the right to periodically inspect property in the Township for:

- (A) Proper maintenance of the lock box;
- (B) Visibility of the lock box;
- (C) Accessibility of the lock box; and
- (D) Proper contents of the lock box.

ARTICLE IV

LOCK BOX LOCATION AND CONTENTS

Section 1. Location. An approved emergency access lock box required by this Ordinance shall be installed on the outside of the building or structure, in a location approved by the Department's Fire Chief or the Fire Chief's designee. Written approval of a proposed location for a lock box shall be obtained from the Fire Chief or the Fire Chief's designee before a lock box is installed.

Section 2. Contents. The contents of an approved emergency access lock box shall include all of the following, unless any of the items are deemed unnecessary by the Department's Fire Chief or the Fire Chief's designee:

- (A) Keys to the building or structure, including keys to the exterior and interior doors, except for the doors to individual residences within a multi-family building (if a master key is available, then it shall be provided to eliminate multiple keys);
- (B) Keys to mechanical and equipment rooms;
- (C) Keys to elevator controls;
- (D) Keys to specific areas as required and deemed necessary by the Fire Chief or the Fire Chief's designee;
- (E) Keys necessary for the control of a fire protection system; and
- (F) A list of names and contact numbers of three people familiar with the building or structure who may be contacted in an emergency.

ARTICLE V

MISCELLANEOUS

Section 1. Penalty. Any person who violates a provision of this Ordinance or fails to comply with any of its requirements shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infraction Ordinance adopted by the Township, and subject to a written warning for a person's first infraction. Each day during which any violation continues after a written warning has been served shall be deemed a separate offense. Increased civil fines may be imposed for repeat violations of this Ordinance; a repeat violation means a municipal civil infraction violation committed by a person within any twelve month period after the issuance of a written warning to that person and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

- (A) The fine for any offense which is a first repeat offense shall be \$25.00, plus costs and other sanctions; and
- (B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$50.00, plus costs and other sanctions.

Any Allegan County Deputy Sheriff assigned to the Township pursuant to an agreement between the Township and Allegan County and the Allegan County Sheriff, as well as the Township Manager, are designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the Laketown Township Municipal Ordinance Violations Bureau).

Section 2. Severability and Captions. This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 3. Repeal. All resolutions, ordinances or orders in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 4. Administrative Liability. No officer, agent, employee or Board member of the Township shall be personally liable for any damage which may occur to any person or entity as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 5. Effective Date. This Ordinance was approved and adopted by the Township Board of Laketown Township, Allegan County, Michigan on June 9, 2004. This Ordinance shall become effective 30 days following its publication in a newspaper of general circulation within the Township.

Dan Koeman
Township Supervisor

Robert Lamar
Township Clerk

RB041335

CERTIFICATE

I, ROBERT LAMAR, the Clerk for the Township of Laketown, Allegan County, Michigan, certify that the foregoing Key Lock Box Ordinance was adopted at a regular meeting of the Township Board held on June 9, 2004. The following members of the Township Board were present at that meeting: Koeman, Reed, Lamar, Lubbers and Dewey. No members of the Township Board were absent. The Ordinance was adopted by the Township Board with members of the Board: Koeman, Reed, Lamar, Lubbers and Dewey voting in favor and no members of the Board voting in opposition. The Ordinance was published in *The Holland Sentinel* on _____, 2004.

Robert Lamar, Clerk
Laketown Township

RB041335