

## ORDINANCE 3921-A

A NEW ORDINANCE OF THE CITY OF MUSKOGEE AMENDING CHAPTER 42, FIRE PREVENTION AND PROTECTION; BY ADDING ARTICLE VI, RAPID ENTRY KEY SYSTEM; BY ADDING SECTION 42-63, DEFINITIONS; BY ADDING 42-64, KNOX-BOX RAPID ENTRY SYSTEM KEY BOX REQUIRED FOR BOTH NEWLY CONSTRUCTED COMMERCIAL AND MULTIFAMILY RESIDENTIAL STRUCTURES – OTHER REQUIREMENTS; PERMISSIVE COMPLIANCE FOR ALL EXISTING COMMERCIAL AND MULTIFAMILY RESIDENTIAL STRUCTURES; BY ADDING 42-65, KEY BOX CONTENTS; BY ADDING 42-66, ALERT DECALS; BY ADDING 42-67, LOCATION OF KEY BOX; BY ADDING 42-68,, KNOX-BOX OPTIONS; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

**WHEREAS**, many properties are equipped with automatic alarm systems and/or sprinkler/standpipe systems, but not limited to, and these automatic systems may cause the Muskogee Fire Department to be summoned at a time when the building or business is not occupied or when the occupant is not available to provide entry for the fire department; and

**WHEREAS**, the Muskogee Fire Department wishes to prevent damage from forcible entry into structures and provide swift entry into structures by the Fire Department; and

**WHEREAS**, the International Building Code and the International Fire Code provide that any Fire Department may require certain occupancies to maintain a Rapid Access system as prescribed by the Fire Department: the Muskogee Fire Department finds a need to establish such a Rapid Entry System for the City of Muskogee, and any areas covered by the Muskogee Fire Department

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Muskogee, Oklahoma.

**Section 1.** That Article VI, *Rapid Entry Key*, Section 42-63, *Definitions* is hereby added as follows:

### **42-63, Definitions.**

**COMMERCIAL STRUCTURE:** Any building with more than 50 percent of its floor space used for commercial activities, including the sale of products or services. Commercial Structures for purposes of this article do not include any building owned or occupied by the federal government, the state of Oklahoma or any of its political subdivisions.

**FDC:** A Fire Department Connection.

**FIRE DISTRICT:** The corporate limits of the City of Muskogee.

FIRE LANES: A road, designated area, or other passageway developed to allow passage of or access by fire apparatus.

FIRE OFFICIAL: The Fire Chief or Fire Marshal of the City of Muskogee and/or his designee

GATED COMMUNITY: means a residential, commercial or mixed use development, which is accessed through a gate or cross arm that impedes ingress through required Fire Lanes by means of a key, swipe card, or manual activation by a stationed guard.

HAZARDOUS MATERIALS: For the purposes of this ordinance only, those chemicals or substances which are physical hazards or health hazards which require the owner or users of such materials to complete Tier II reporting under SARA Title III Regulations.

HAZARDOUS MATERIALS CABINET: A product of the Knox Company which is designed to secure MSDS, CIL other hazardous material information and building plans and uses the same security key code adopted by the Muskogee Fire Department.

KEY BOX: A Knox-Box in size and style approved by the Fire Official that meets the requirements and uses the same security key code adopted by the Muskogee Fire Department.

KEY SWITCH: A product of the Knox Company which is an electric override for perimeter gates, parking garages, and gated communities and uses the same security key code adopted by the Muskogee Fire Department.

MULTIFAMILY RESIDENTIAL STRUCTURE: A structure comprised of 3 or more units used primarily for a dwelling house.

MSDS: Material Safety Data Sheet- Information concerning a hazardous material which is prepared in accordance with the provisions of DOL 29 CFR Part 1910.1200 or in accordance with the provisions of a federally approved state OSHA plan.

RESPONSIBLE PARTY: The property owner, business owner, or other person(s) charged with the responsibility for the use and occupancy of a Commercial Structure.

SECURITY CAP: A Fire Department Connection (FDC) Plug and Cap approved for use in the Muskogee Fire Department.

SECURITY PADLOCK: A padlock approved by the Fire Official that utilizes the approved key code utilized by the Muskogee Fire Department.

**Section 2.** That Section 42-64, *Knox-Box Rapid Entry System Key Box Required for both newly constructed Commercial and Multifamily Residential Structures – Other Requirements; Permissive Compliance for all existing commercial structures*, is hereby added to new Article VI.

**42-64, Knox-Box Rapid Entry System Key Box Required for Newly constructed Commercial and Multifamily Residential Structures - Other Requirements; Permissive compliance for Existing Structures.**

- A. Commercial and Multifamily Residential Structures. Any new or planned Commercial or Multifamily Residential Structure which does not yet have a certificate of occupancy prior to the effective date of this article shall be equipped with an approved Key Box, installed at a location approved by the Fire Official. The Fire Official or his designee shall provide notice of the requirements of this ordinance to the Responsible Party of all new or planned Commercial or Multifamily Residential Structure at the time a building permit is acquired. The cost of purchasing and installing, along with any cost associated with implementation shall be borne solely and exclusively by the Responsible Party.
- B. Hazardous Materials Cabinet. Any newly constructed Commercial or Multifamily Residential Structure storing or dispensing Hazardous Materials, as defined by this article, shall be, at the sole discretion of the Fire Marshal, be required to install a Hazardous Materials Cabinet. This cabinet will serve to store MSDS and other information as required by the Fire Official.
- C. Automatic Gates for Residential and Commercial. All newly constructed Commercial, Multifamily Residential, or Residential structures, such as Planned Unit Developments, which can only be accessed through a gate or cross arm or other like device that impedes ingress through required Fire Lanes by means of a key, swipe card, or manual activation by a stationed guard, shall be equipped with two systems designed to allow for emergency access. The system shall have a Key Switch to be installed as a backup to the public entry system. Both of these systems shall be installed at a location approved by the Fire Official.
- D. Security Padlock. Any newly constructed Commercial or Multifamily Residential Structure that is located on a property protected by a locked fence or gate shall be equipped with an approved Security Padlock to be installed at a location approved by the Fire Official. It shall be the responsibility of the Responsible Party to ensure that the fence or gate is secured properly so that the Security Padlock is accessible.
- E. Construction Sites. Any newly constructed Commercial or Multifamily Residential Structure under construction is to be secured by a locked fence or gate. Until the locked fence or gate is removed, a Security Padlock shall be obtained by the Responsible Party at his expense. A Fire Official will explain the use of the Security Padlock to the Responsible Party and/or a construction company representative. It shall then be the responsibility of the construction company to see that the fence or gate is secured properly so that the Security Padlock is accessible.
- F. Registration required. To obtain a Key Box for a particular location as required by this article, the Responsible Party or his or her designee shall request a form in person from the

Muskogee Fire Department Office, on the City website or through online registration knoxbox.com. Fees as established in Schedule A.

G. Nothing in this Article shall be construed to mandate compliance of any Commercial or Multifamily Residential Structure which has previously been granted a certificate of occupancy from the city; however, all owners and operators of any such building may, and are encouraged to, voluntarily comply with the requirements of this article. Any keys currently in possession of the Muskogee Fire Department related to access of such existing Commercial or Multifamily Residential Structure will be maintained only until December 31, 2013. After such time, no keys absent the provisions of this Article shall be maintained.

**Section 3.** That Section 42-65, *Key Box Contents*, is hereby added to new Article VI as follows:

**42-65, Key Box Contents.**

The Key Boxes shall contain items designated by the Fire Official, including but not limited to:.

- a. Labeled keys to locked points of egress, whether in interior or exterior of such buildings.
- b. Labeled keys to the locked mechanical rooms.
- c. Labeled keys to any fence or secured areas not covered in Section 2, Subsections D, and E.
- d. Labeled keys to any other areas that may be required by the Fire Official.
- e. The number or sets of keys shall be determined based on the following criteria:
  - i. 1 – story building 1-set
  - ii. 2-3 stories 2-sets
  - iii. 4-6 stories 3-sets
  - iv. High rise 5-sets
  - v. Large Assembly Up to 5 sets (Arenas, Stadium, etc.)

In some cases where the Commercial or Multifamily Residential Structure is very large or has unusual configurations, additional set(s) of keys may be required in the sole judgment of the Fire Official.

- f. A card containing the emergency contact people and phone numbers for each occupancy. This card should contain day/night contact information for not less than three individuals. This card should contain the date of the last update or review.
- g. For Commercial Structures of 6 or more stories, floor plans of the rooms within the building may also be required, showing locations of shut offs. These plans shall be placed in a designated position or in an approved cabinet accessible to the fire service.
- h. Hazardous Materials MSDS as required. These plans shall be placed in a designated position or in an approved cabinet accessible to the fire service.

Upon proper installation as outlined in Section 6, the Responsible Party or his designee must call the Muskogee Fire Department Office c/o Fire Marshal to schedule a time when the appropriate item(s) outlined herein can be secured inside the Key Box.

**Section 4.** That Section 42-66, *Alert Decals*, is hereby added to new Article VI as follows:

**42-66, Alert Decals**

Alert Decals, approved by the Fire Official, to alert fire companies of the presence of security features covered by this ordinance, shall be displayed on any outside doors or windows as designated by the Fire Official.

**Section 5.** That Section 42-67, *Location of Key Box*, is hereby added to new Article VI as follows:

**42-67, Location of Key Box**

Unless otherwise specified by the Fire Officials, Key Boxes shall be installed adjacent to the main entrance to the Commercial or Multifamily Residential Structure, and shall be installed at a height no less than 48" from walking grade and no greater than 66" from walking grade at the installation location. Additional Key Boxes may be required at locations as determined by the Fire Official. All Key Boxes shall be installed within 10 feet left of the front doors of the occupancy and approved location by the Fire official.

**Section 6.** That Section 42-70, *Knox-Box Options*, is hereby added to new Article VI as follows:

**42-68, Knox-Box Options**

In order to comply with the provisions of this article, only Knox-Box key boxes, padlocks and Key switches are acceptable. All key boxes shall contain meet the following specifications:


- a. All Knox-Box's shall be hinged and have either surface or recess mount.
- b. Only Knox-Box Series 3200, 4100, 4400, or 1300 are acceptable.

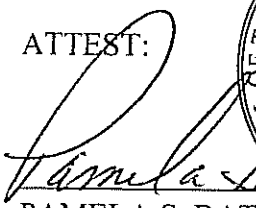
**Section 7.** REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

**Section 8.** SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

**Section 9.** EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after publication.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 8th DAY OF JULY 2013.

  
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JOHN R. COBURN, MAYOR

ATTEST:  
  
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PAMELA S. BATES, CITY CLERK



APPROVED AS TO FORM AND LEGALITY THIS 8 DAY OF July, 2013.

  
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ROY D. TUCKER, CITY ATTORNEY