

ORDINANCE NUMBER: 626

ORDINANCE TO REQUIRE KNOX BOXES AT ALL COMMERCIAL BUILDINGS AND MULTI-FAMILY BUILDINGS WITH FIVE OR MORE DWELLING UNITS UNDER THE SAME OWNERSHIP, AND ALL BUILDINGS HAVING A FIRE SUPPRESSION SYSTEM OR FIRE ALARM SYSTEM.

WHEREAS, The City of Box Elder common council has determined that an ordinance is necessary to require all commercial buildings, multi-family buildings having five or more dwelling units under the same ownership, and all buildings having a fire suppression system or fire alarm system to install Key Lock (Knox) Boxes, and;

WHEREAS, the benefits of installing Key Lock (Knox) Boxes include: providing immediate emergency access to emergency services personnel leading to increasing efficiency; preventing costly forced entry damage and allowing undamaged doors to be re-secured after the emergency; and, protecting property, inventory, equipment and supplies as well as emergency service personnel against possible injuries.

NOW THEREFORE, BE IT ORDAINED, by the Box Elder Common Council that a new Chapter 94.01 be created in the Code of Ordinances of the City of Box Elder, under Title IX, General Regulations, as follows:

94.01 KNOX BOXES

94.01.01: PURPOSE: The City of Box Elder determines that the health, safety and welfare of residents and property owners are promoted by a requirement that certain properties shall have a key lock box on the exterior of the structure(s) or at the gate entrance to aid Emergency Responders with gaining access to or within a structure when responding to calls for emergency service, and to aid in access into or within a building that is secured or is unduly difficult to gain entry due to being either unoccupied or the occupants being unable to respond.

94.01.02 DEFINITIONS:

Fire Chief: The person duly appointed Fire Chief by the Box Elder Fire Department and recognized by the Box Elder Fire District and the City of Box Elder.

Key Lock Box or "Knox Box": means a secure rapid entry system that is designed to be used by Emergency Personnel in the event of an emergency to gain entry into a structure by using the enclosed owner provided key(s). This box is usually mounted on the exterior of the building/structure or entrance to property in a location that is specified by the local Fire Official. All boxes shall be UL (Underwriter Laboratories) certified and approved by the Fire Official.

Owner: Shall mean each individual who holds record title to the real estate as of the date of the offense and, if the real estate is not owned by individual person(s), with respect to corporations, means the chief executive officer of the corporation, and with respect to partnerships and joint ventures, means each partner or joint venture except that in limited partnership situations, the word “owner” shall be a managing partner(s) and shall exclude limited partners unless they are also managing partners.

Operator: Shall mean the “person in control” of buildings or facilities in regard to day-to-day operation and functioning of the building or facility. An owner may designate the operator by submitting a written and signed communication to the Fire Chief advising of the name, address, day and nighttime telephone numbers of said person and, if designation is made, the owner(s) of the real estate shall not be subject to responsibility for compliance with this ordinance unless the designated operator is no longer in charge of the day-to-day operation and functioning of the building or facility at the time of violation.

94.01.03 INSTALLATION REQUIRED:

- A. **Knox Box Required for New Buildings:** All new commercial and governmental buildings, multi-family buildings having five or more dwelling units under the same ownership, and all buildings having a fire suppression system or fire alarm system, shall have installed a Knox Box, of a UL type and size approved by the Box Elder Volunteer Fire Chief or his/her designee, in a location specified by the Fire Official prior to the issuance of the Certificate of Occupancy.
- B. **Knox Box Required for Existing Commercial Buildings:** All commercial and governmental buildings, with a fire suppression system or fire alarm system, shall have installed a Knox Box, of a UL type and size approved by the Box Elder Volunteer Fire Chief or his/her designee, in a location specified by the Fire Official within twelve (12) months of the effective date of this ordinance.
- C. **Knox Box Required for Existing Multi-Family Structures:** All multi-family buildings having five or more dwelling units under the same ownership, and all buildings having a fire suppression system or fire alarm system, shall have installed a Knox Box, of a UL type and size approved by the Box Elder Volunteer Fire Chief or his/her designee, in a location specified by the Fire Official within twelve (12) months of the effective date of this ordinance.
- D. **Knox Box Contents:** All Knox Boxes shall contain label key(s), easily identified in the field to provide access into the property and/or building, and to any locked areas within the said building as the Fire Official may direct.

94.01.04 GENERAL REQUIREMENTS:

- A. The owner or operator of a structure required to have a Knox Box installed shall, at all times, keep a key(s), access cards and/or key codes in the lock box that will allow for full access to the structure.

- B. The approved manufacturer of the lock box system used in the City of Box Elder, South Dakota shall be by the Knox Company of Phoenix, AZ. Brand Name "Knox Box".
- C. The Fire Chief or his/her designee shall have the authority to approve the location and style of key lock box. Lock boxes shall be installed between five (5) and seven (7) feet above the ground unless approved at a higher level by the Fire Chief.

The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.

- D. All properties with an electronic security gate shall have the lock box installed outside of the gate with the gate access code and required keys inside.
- E. Purchase, installation and maintenance of any required lock box is the sole responsibility of the property owner, operator and/or occupant.
- F. On any building or premises that contains a business where hazardous materials are located on site above the exempt amounts, a lock box (Knox Box) document vault must also be installed. The vault shall contain the copies of the material safety data sheets (MSDS) that are required to be on file within the building as well as a floor plan or written description that indicates the location of the general areas in the building where such materials are located. The MSDS shall be kept current.

94.01.05 MAINTENANCE:

The owner, operator and/or occupant of the property shall immediately notify the Fire Chief or his/her designee when any locks are added, changed or rekeyed. Additional labeled keys, access cards or access codes shall be added to the lock box immediately, if old keys, access cards or access codes are no longer effective.

94.01.06 VIOLATIONS:

Any entity person or entity violation any of the provisions of this Ordinance or failing or neglecting or refusing to obey any order or notice of the Fire Chief or his/her designee as related to this Title, hereunder shall be subject to a penalty as provided herein.

Any person found tampering with or obtaining unauthorized access to key boxes shall be subject to penalties.

94.01.07 PENALTIES:

- A. Enforcement of this Ordinance shall be effected by an action brought by the City of Box Elder Administrator in the same manner provided for the enforcement of summary offenses under South Dakota rules for criminal procedure.

B. Any person(s) who owns or operates a structure subject to this Title shall be subject to the penalties set forth herein, for violation of the provisions of this Title is a Class 2 Misdemeanor punishable by the maximum punishment set forth by the laws of the State of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

C. Each violation of a separate provision of this Ordinance, and each day of violation, shall constitute a separate offense. In addition, if the City is the prevailing party in an enforcement action, the offending party shall also be liable for all reasonable expenses incurred by the City in the enforcement of this Ordinance, including, but not limited to, attorney's fees and costs.

94.01.08 SEVERABILITY AND AMENDMENTS.

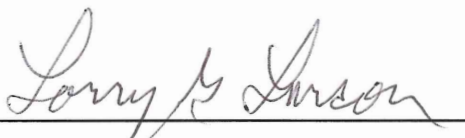
Severability: The invalidity of any portion of this Ordinance shall not invalidate any other part thereof.

Amendments: This Ordinance may be amended from time to time as deemed necessary by the Box Elder Common Council.

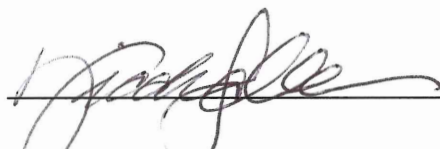
Dated this 16th day of July, 2019

CITY OF BOX ELDER





Larry Larson, Mayor



Nicole Schneider, Finance Officer

First Reading: July 2, 2019
Second Reading: July 16, 2019
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