

227.330 Powers of state fire marshal relating to fire hazards -- Orders -- Appeals.

- (1) Whenever the state fire marshal or any deputy state fire marshal finds that any property is not safe as to fire loss, under the terms and conditions of this chapter and under the administrative regulations promulgated thereunder, or that the practices or methods of construction or operation, or processes or materials employed or used in connection therewith do not afford adequate protection from fire loss, under this chapter or under applicable administrative regulations, he shall order that additions, improvements, repairs, or changes be made and equipment be provided or action be taken that will reasonably render the property safe.
- (2) Orders and notices of the state fire marshal shall be effective only when in writing signed by him or by his authority.
- (3) Every order of the fire marshal shall state its effective date and shall concisely state:
 - (a) The grounds or alleged violations on which based;
 - (b) The provisions of this chapter or the administrative regulations pursuant to which action is so taken or proposed to be taken;
 - (c) The date by which the alleged violation shall be corrected or eliminated and the correction recommended therefor; and
 - (d) All other matters required by law.
- (4) Except as provided by KRS 227.340, an order or notice may be given by delivery to the person to be ordered or notified or his agent or by mailing it, postage prepaid, addressed to him at his principal place of business or residence as last of record in the department.
- (5) Before any order issued under subsection (1) of this section is enforceable, notice and opportunity for a hearing shall be provided the owner or his agent in accordance with KRS Chapter 13B.
- (6) Whenever the state fire marshal or any deputy state fire marshal designated by him for that purpose finds that a violation or violations of the provisions of this chapter or any administrative regulations promulgated thereunder render any property especially susceptible to fire loss, and there is present such hazard to human life or limb that the public safety imperatively requires emergency action, a fire inspector or other state fire marshal employee may be authorized in writing by the state fire marshal to issue an emergency order pursuant to KRS 13B.125 that directs the property to be closed to the public or vacated by its occupants until the violation is corrected.
- (7) Notwithstanding the above upon receipt of notice of an emergency order issued under subsection (6) of this section, an owner or agent may seek a temporary restraining order prohibiting its enforcement in the Circuit Court within whose jurisdiction the property is located. The court shall review the emergency order and may prohibit its enforcement.
- (8) Appeals from any order issued or action taken under this section may be taken in the manner prescribed by KRS 227.335.

- (9) An order prepared by the state fire marshal's designee and approved in writing by the state fire marshal shall be considered the state fire marshal's order.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 397, effective July 15, 2010. -- Amended 1996 Ky. Acts ch. 318, sec. 140, effective July 15, 1996. -- Amended 1978 Ky. Acts ch. 117, sec. 40, effective July 1, 1978; and ch. 305, sec. 12, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 203, sec. 48. -- Created 1954 Ky. Acts ch. 201, sec. 14.