

ORDINANCE 2016-06

AN ORDINANCE BY THE GOVERNING AUTHORITY FOR THE CITY OF STONE MOUNTAIN TO AMEND CHAPTER 10, FIRE PREVENTION AND PROTECTION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

PART I

The Council of the City of Stone Mountain hereby ordains that Chapter 10, Fire Prevention and Protection, of the *The Code of the City of Stone Mountain, Georgia* be amended as follows:

Delete in its entirety Chapter 10 and add new Chapter 10 which shall read as follows:

ARTICLE I. IN GENERAL

Sec. 10-1. Title. The title of Chapter 10 shall be: FIRE PREVENTION AND PROTECTION

Sec. 10-2. Fire Services

- (a) The city shall participate in the DeKalb County Fire District for emergency services, including but not limited to, fire suppression, emergency medical services, search and rescue, and hazardous material mitigation.
- (b) The city shall provide fire prevention services as defined in this chapter.

Sec. 10-3. Fire Marshal

- (a) Appointment. The position of fire marshal shall be established by the personnel classification plan or by contract with a third party entity.
- (b) Qualifications. The Fire Marshal must have the following certifications from the International Code Council:
 - (1) Fire Inspector I
 - (2) Fire Inspector II
 - (3) Fire Plans Examiner
 - (4) Certified Fire Marshal
- (c) Duties. The Fire Marshal shall be responsible for the administration and enforcement of this code chapter.

Secs. 10-4 through 10-10 Reserved

ARTICLE II. FIRE PREVENTION CODE

DIVISION 1. - GENERALLY

Sec. 10-11. Applicability of state minimum fire safety

- (a) Pursuant to Stone Mountain Resolution 07-09-59, the city adopts the state minimum fire safety standards established in the rules and regulations promulgated pursuant to chapter 2 of title 25, including all subsequent revisions thereof. The City of Stone Mountain will enforce the state minimum fire safety standards as set forth in O.C.G.A. § 25-2-12(a) with respect to those buildings and structures listed in O.C.G.A. § 25-2-13, except for hospitals, nursing homes, jails, ambulatory health care centers, and penal institutions and except for buildings and structures which are owned and operated or occupied by the state.

(b) The fire marshal for the City of Stone Mountain will be responsible for enforcing such fire safety standards within its jurisdiction and will:

- (1) Conduct fire safety inspections on existing buildings and structures;
- (2) Review plans and specifications for proposed buildings, structures, and developments, and conduct fire safety inspections of such buildings and structures;
- (3) Issue/approve permanent and temporary certificates of occupancy;
- (4) Conduct inspections for special events, tents, public fireworks displays, and outdoor burning as required; and
- (5) Coordinate fire arson investigations by the Georgia Fire Marshal's Office.

(c) The City of Stone Mountain will charge and retain appropriate fees for performing the above listed duties in accordance with the fee schedule established by the city council.

Sec. 10-12. Appeals.

(a) Any person aggrieved by an action of the fire marshal or other city official or employee of the city including, but not limited to, disapproval of an application, refusal to grant a permit, a determination that the fire code or city ordinances do not apply or have been misconstrued, but excluding those actions or violations which are within the purview of the state fire marshal or code violations which are subject to the jurisdiction of municipal, state or federal court, may appeal and be heard by the Mayor and City Council.

(b) Notice. A notice of appeal shall be in writing to the City Clerk and filed within 30 calendar days of the decision giving rise to the appeal. Appeals shall be in a form acceptable to the fire marshal.

(c) Unsafe or dangerous buildings or service systems.

In the case of a building, structure, or service system, which, in the fire marshal's opinion is unsafe, unsanitary, or dangerous, the fire marshal may, in his or her order, limit the time for such notice of appeal to a shorter period.

Secs. 10-13 through 10-20 Reserved.

DIVISION 2. REGULATIONS

Sec. 10-21. City fire limits

The city fire limits for purposes of this article shall include all real property within the incorporated boundaries of the city.

Sec. 10-22. Obstruction or tampering with fire hydrant and apparatus prohibited.

(a) It is unlawful for any person to place ashes, cinders, dirt, rubbish, building material or any other material around or in close proximity to any fire hydrant so as to cause hindrance or delay in access thereto, or prevent the free use thereof, by the fire department. No person shall, in any way, interfere with or tamper with any fire hydrant or attempt to take water from a fire hydrant without special authority from the fire chief or his or her designee.

(b) Without the fire chief's consent, no person not an active member of the fire department shall at any time ride upon any of the fire apparatus of the fire department, nor shall any person make use of any fire apparatus, hose, or other equipment of the fire department, other than for the purpose for which the equipment was intended.

Sec. 10-23. Open burning.

(a) State regulations incorporated. Open burning is prohibited in the city, with certain exemptions as set forth in this section. The provisions of O.C.G.A. § 391-3-1.02(5) of the regulations promulgated by the state environmental protection department under the Georgia Air Quality Act,

as amended from time to time, are adopted and incorporated herein by reference. A copy of said regulation shall be kept on file by the city clerk for inspection by the public.

(b) When permitted. Open burning is prohibited except under the following circumstances and conditions:

(1) Open burning in a reasonable fashion for the purpose of cooking food for immediate human consumption is allowed;

(2) Bonfires, recreation fires or fires used for promoting an outdoor event are allowed; provided fires in excess of three feet across are subject to permitting by the fire marshal;

(3) Fires set for purposes of training firefighting personnel.

(c) Prohibited. It shall be unlawful for any person to build or maintain a fire on any public street, alley, or property except in city parks that are open for recreational purposes. Fires in city parks must be built and maintained in permanently mounted grills or personal grills.

(d) Burning under hazardous conditions. The fire marshal may prohibit any open burning when atmospheric conditions or local circumstances make such burning hazardous and may restrict burning in accordance with the International Fire Code as adopted and amended by the state fire marshal and incorporated by reference into the City of Stone Mountain Code.

(e) Liability. Nothing herein shall be construed to limit the liability of any person for any damages caused as a result of building or maintaining a fire.

Sec. 10-24. Sprinkler protection required.

(a) Definitions. As used in this section, the following terms shall have the meanings set forth herein:

Approved system-commercial areas means commercial areas less than 5,000 square feet, for light hazard areas, i.e., offices and shipping areas, of commercial buildings less than 5,000 square feet a modified sprinkler system may be used. This system may be used upon appeal to the fire marshal's office by the owner of the building.

Approved system-commercial/residential means commercial buildings over 5,000 square feet, or residential structures, or those structures required to be sprinkled by some other code. The term "approved system-commercial/residential" means a sprinkler system designed in accordance with National Fire Protection Association Standards and referenced publications.

Commercial means:

(1) A business involved in the exchange of services, products, or property of any kind; and

(2) The buying, selling and exchange of articles.

Modified sprinkler system means a combination sprinkler system operating off the domestic water supply designed in accordance with specifications on file in the fire marshal's office.

Multifamily residential structure means a structure with a maximum of four stories in height, except duplex and freestanding single-family residences. The term "story" means that portion of a building included between the upper surface of the floor and the upper surface of the floor or roof next above. New includes any additions to existing buildings, whether vertically or horizontally, or any existing building or structure which shall be deemed to be a new building in the event such building or structure is subject to substantial renovation or a fire or other hazard of serious consequence. The term "substantial renovation" means any construction project involving exits or internal features of such building or structure costing more than the building's or structure's gross assessed value according to county tax records at the time of such renovation.

(b) Sprinkler Systems shall be installed in accordance with the International Fire Code standards for new construction and renovations.

(c) All new multifamily residential structures shall be protected throughout with an approved automatic fire protection system.

(d) There shall be early fire detection systems in all sections of multifamily occupancies. Existing buildings may have an approved battery operated smoke detector. The bureau of fire prevention may require a hard-wire detection system if battery operated detectors are not maintained according to the manufacturer's recommendation.

(e) The owner is responsible for the inspection and testing of the sprinkler system in accordance with the rules of the state safety fire commissioner.

(f) If this Code in any way conflicts with the provisions in the city's building code, the fire prevention code, or the State Minimum Fire Safety Standards, the more restrictive shall apply.

Sec. 10-25. Plan review and inspection fee schedule relating to fire marshal requirements.

The city, in accordance with common professional practice, has established fees for plan reviews and inspections conducted by the fire marshal or his/her designee. These fees are established in addition to any and all fees levied by the other relevant city departments. The plan review and inspection fees are included in the city's fee schedule.

Sec. 10-26. Prohibited use of open-flame cooking devices.

(a) With the exception of one- and two-family dwellings, and occupancies where buildings, balconies and decks are protected by an automatic sprinkler system, the use of charcoal burners, gas grills, and other types of open-flame cooking device shall be prohibited on balconies, in breezeways, within the means of emergency egress, or within ten feet of combustible construction.

(b) No prohibited-use grills as defined by this section may be stored in breezeways, balconies/patios, stairways or exit access areas of the above.

(c) Electric grille or similar electrical apparatus shall be permitted so long as they are not modified to charcoal or wood use or produce an open flame.

Secs. 10-27 through 10-40 Reserved.

ARTICLE III. BUILDING NUMBERING

Sec. 10-41. Responsibility of property owner or occupant.

All owners and occupants of improved real property within the city are required to post the address of such real property owned or occupied by them with the street address assigned to such property by the city, in such manner that said address is clearly visible and legible from the street on which the improvement on such property fronts. The address may be written in one or two languages provided one language is English. The obligation hereby imposed shall be the joint duty of all owners and occupants of improved real property lying within the city who are over 18 years of age.

Sec. 10-42. Apartment complexes.

All owners of apartment complexes lying within the city are required to post the building identified for each apartment building within the complex, whether the identifier be a number or letter or a combination thereof, in such manner that said building identifier is clearly visible and legible from the street or private drive on which each building fronts. The identifier for each building within apartment complexes lying within the city will be a minimum of one foot in height, will contrast with the building itself so as to be highly visible, will be reflective so as to be seen easily in darkness and will not be obstructed at any time by natural or manmade objects. All owners of apartment complexes lying within the city will have a grace period of six months from the effective date of the ordinance from which this article is derived to come into compliance.

Sec. 10-43. Violations

- (a) Except for Article III, all persons who violate any provision of Chapter 10 shall be subject to the general penalty found in Section 1-11 of *The Code of the City of Stone Mountain, Georgia*.
- (b) Persons who violate any provision of Article III shall be subject to a fine in an amount set by a resolution of the city council. Every 30 days shall be deemed a separate offense if the person does not remedy the violation.
- (c) Upon notice from the Fire Marshal work on any building, structure, electrical, gas, mechanical, or plumbing system that is being done contrary to the provisions of the fire codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the property owner, or to his or her agent, or to the person doing the work, and shall state the conditions under which the work may be resumed. Where an emergency exists, the Fire Marshal shall not be required to give a written notice prior to stopping the work.

Secs. 10-44 through 10-50 Reserved.

PART II

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

PART IV

This ordinance shall become effective on March 14, 2016.

This ordinance was proposed by Council Member Chakira Johnson with a motion to adopt. Thereafter, the motion was seconded by Council Member Susan Colette. 5 Council Members voted in favor of the motion and 0 Council Members voted against the motion.

Patricia Wheeler
Mayor Patricia Wheeler

Chaquias Thornton
Chaquias Thornton, City Clerk

Approved as to form: Joe Fowler
City Attorney Joe Fowler

February 15, 2016
First Read

March 1, 2016
Second Read