

AN ORDINANCE

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AMENDING THE CODE OF GRIFFIN, GEORGIA AT CHAPTER 46, FIRE PREVENTION AND PROTECTION; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia, is hereby amended at Chapter 46, by deleting the present chapter in its entirety and enacting in lieu thereof the following:

Chapter 46 - FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

Secs. 46-1—46-30. - Reserved.

ARTICLE II. - FIRE PREVENTION

Sec. 46-31. - Code adopted.

The city hereby adopts, for the purposes of fire prevention, enforcement of minimum fire and life safety standards, the state minimum fire safety standards, as promulgated pursuant to the rules and regulations of the safety fire commissioner of the state, under authority contained in O.C.G.A. § 25-2-1 et seq., including all subsequent revisions thereof. These standards shall henceforth be the code for fire and life safety within the jurisdiction of the city and the fire chief and the local fire marshal shall apply such code in performing the duties of their offices.

Sec. 46-32. - Inspections for fire hazards.

It shall be the responsibility of the fire chief to inspect, or cause to be inspected by the local fire marshal, as often as may be necessary, all buildings and structures within the jurisdiction of the city, except those buildings and structures listed in O.C.G.A. § 25-2-13 and those buildings which are owned, occupied or operated by the state. Fire safety inspections shall be routinely conducted at least annually in all commercial and industrial buildings and all structures occupied by a business licensed by the city under chapter 82, article VII of this Code. Private residences shall only be inspected upon the fire chief or local fire marshal first having probable cause to inspect for violations of the fire and life safety codes.

Sec. 46-33. - Enforcement procedures.

- (a) *Written notice of violation; contents, time period for compliance.* Upon inspection and discovery of a violation of the state minimum fire safety standards within any building or structure within the jurisdiction of the city, the fire chief or local fire marshal shall serve written notice of the violation upon the owner or his designated agent, and upon all tenants of the structure. Such notice may either be personally served, by statutory overnight delivery, or served by certified mail, return receipt requested. The notice shall state that the owner shall have 30 calendar days in which to correct or repair the violation and to bring the building or structure into compliance with code standards. Upon good cause shown, the fire chief may extend the period for compliance if the owner demonstrates, in good faith, reasonable effort to correct or repair the violation.
- (b) *Failure to correct violation; citation.* If the owner fails or refuses to correct or to repair the violation within the time provided, the fire chief or local fire marshal shall cite the owner, or his designated agent, in accordance with the procedure for abatement of nuisances under chapter 42, article II of this Code or under the State Minimum Fire Safety Standards with Modifications.
- (c) *Abatement of nuisance; failure or refusal to comply; penalty* Upon hearing and determination that a nuisance exists by the judge of the municipal court, the court shall allow the owner a reasonable time within which to abate the nuisance. If the owner fails or refuses to comply with the order to abate, the court may cite the owner for contempt and impose a fine up to \$200.00 for each day the owner allows the nuisance to continue unabated, order the owner to be imprisoned for up to 20 days, or both.
- (d) *Additional remedies; abatement of nuisance by city at owner's expense; notice.* In addition to enforcing the fine and/or imprisonment against the owner, the city may cause the building or structure to be repaired, any hazardous materials removed, or the dangerous conditions remedied, as the case may be, at the expense of the city. The city manager shall cause written notice of the amount of the expense to be mailed to the owner by certified mail, return receipt requested. If the owner, within 30 days, after notice in writing of the amount of such expense fails, neglects, or refuses to repay the city the expense incurred, the city shall issue a fi. fa. against the owner of the property for the expense actually incurred.

Sec. 46-34. - Compliance with state requirements.

- (a) *Plans and specifications submitted and approved prior to issuance of building permit, etc.* No building permit shall be issued or construction started on any proposed building or structure listed in O.C.G.A. § 25-2-13 until the plans and specifications have been submitted to and approved by the state fire marshal. Any existing building or structure listed in O.C.G.A. § 25-2-13(1)(b) shall be deemed a proposed building in the event such building or structure is subject to substantial renovation, a fire or other hazard of serious consequence, or a change in the classification of occupancy.
- (b) *Posting of certificate of occupancy; enforcement of occupancy load.* Every building and structure for which the state fire marshal has issued a certificate of occupancy shall post the certificate in a prominent location within the business establishment or building. The

occupancy load, as established by the certificate of occupancy, shall be strictly enforced at all times by the owner and business establishment. Failure to strictly enforce the occupancy load shall be deemed an offense against the city, punishable in the municipal court.

Sec. 46-35. - Open burning.

- (a) *General.* No person shall cause, suffer, allow, or permit open burning in any area of the city without a special permit issued by the fire marshal pursuant to standards established by the fire department, except as follows:
 - (1) Open burning in a reasonable fashion for the purpose of cooking food for immediate human consumption, provided; however, except for one and two-family dwellings, it shall be unlawful to use charcoal burners or other open flame cooking devices on combustible balconies or within ten feet of combustible construction;
 - (2) Fires set for the purpose of training firefighting personnel of the city fire department, or for the purpose of teaching fire safety techniques to industrial fire brigades or civilians who reside or work within the city, provided that such training is being conducted by city personnel;
 - (3) Subject to compliance with the Georgia State Minimum Standard Fire Code and other rules and regulations adopted herein, operation of devices using open flames such as candles, lanterns, tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used; and
 - (4) Warming fires in a barrel of 55-gallon capacity or less, other commercially sold outdoor fireplace devices, or fire pits no more than three feet in diameter and two feet in height provided that:
 - a. The fire does not produce dense smoke or obnoxious odors;
 - b. The fire is attended by an individual over the age of 17 years of age; and
 - c. Untreated wood or lumber is the only material or substance allowed in the warming fire.
- (b) *Standards.* Allowable open burning as set forth above shall meet the following standards:
 - (1) Materials such as heavy oils, gasoline, asphaltic materials, plastic, items containing natural or synthetic rubber, or any other material producing dense smoke and/or obnoxious odors shall not be used in an open fire;
 - (2) All burning shall be located on private property so as not to interfere with any traffic on public streets or sidewalks;
 - (3) No burning shall be allowed in violation of restrictions imposed by the federal environmental protection agency or the state environmental protection division or other rules and regulations adopted herein, including the state minimum fire safety standards; and
 - (4) Open burning specially permitted by the fire marshal shall be in accordance with other standards established by the fire department.
- (c) *Penalties.* Any person who violates the provisions shall be cited for such violation and, upon conviction, shall be punished by fine not to exceed \$1,000.00 or imprisonment, or both.

Sec. 46-36. – Schedule of rates, fees and charges.

A schedule of rates, fees and charges for permits, inspections and other services rendered by the fire chief or his designee is hereby adopted. Such rates, fees, and charges shall be determined from time to time by the board of commissioners and set forth in such schedule of rates, fees, and changes, an official copy of which shall be on file in the office of the city manager.

Sec. 46-37. – Private hydrant obstruction and maintenance.

- (a) For private fire hydrants located at one-family and two-family dwellings, including townhouses and condominiums, the fire chief shall have the authority to enforce all codes with regards to fire hydrants including, but not limited to, location, inspections, maintenance, flow test, and obstructions. These private hydrants shall comply with the applicable codes, standards, and local ordinances currently adopted by the City.
- (b) All private hydrants shall be painted silver, as needed. Reflective tape a minimum of one-inch wide shall be placed around the entire circumference of the bonnet with the ends overlapping a minimum of one inch. White reflective tape shall be used on all public fire hydrants. Painted tape or worn tape shall be replaced.
- (c) Hydrants other than those owned and/or maintained by the City of Griffin shall have general maintenance performed annually in accordance with the currently adopted edition of NFPA 25. Maintenance records shall be maintained on the premises for inspection by the fire marshal.
- (d) Hydrants other than those owned and/or maintained by the City of Griffin shall be flow tested every three years. Flow testing shall be done in accordance with requirements in the American Water Works Association M17 manual, "Installation, Field Testing, and Maintenance of Fire Hydrants". A site map showing flow and residual hydrants, numbered accordingly, shall be provided with each report.

Sec. 46-38 – Sec. 46-39. – Reserved.

ARTICLE III. - PLACES OF ASSEMBLY

Sec. 46-40. - Definitions.

For purposes of this article, the following words and phrases shall have the meaning hereinafter defined:

Place of assembly means any building, or portion of a building or structure, other than a building or structure under the jurisdiction of the Georgia Safety Fire Commissioner as described in paragraph (b)(1) of O.C.G.A. section 25-2-13, which, because of floor area, height, location, type of construction, use or intended use as a gathering place for groups of forty (40) persons or more in a single room or assembly hall, constitutes a special hazard to property or to the life and safety of persons on account of fire or overcrowding, or fear of fire or overcrowding.

Overcrowding means the gathering or assembly at any given time of more persons that the place of assembly has been certified for maximum occupancy by the Georgia Safety Fire Commissioner or local fire marshal.

Sec. 46-41. - Compliance with construction, fire and life safety codes.

- (a) Every place of assembly shall comply with all applicable fire, life safety, and construction codes in force in the city. No place of assembly shall be used or occupied until inspected by the city manager or his designee and a certificate of occupancy has been issued.
- (b) Every building or structure, except single-family residences, duplexes and residential condominiums, shall post and display in a conspicuous place a certificate of occupancy for the place of assembly.

Sec. 46-42. - Duty of owner and persons in possession or control.

- (a) It is the duty of the owner of every place of assembly to construct, equip, maintain and use such building or structure as to afford every reasonable and practical precaution and protection against injury from fire and overcrowding.
- (b) No person who owns or controls the use or occupancy of a place of assembly shall permit the use or occupancy of the premises in excess of its posted maximum occupancy limits.
- (c) No person who owns or controls the use or occupancy of a place of assembly shall permit any hazardous use or activity therein unless all reasonable and practical precautions against damage to property or injury to the person have been taken.

Sec. 46-43. - Inspections; right of entry.

Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the city manager or his designated representative has probable cause to believe that there exists in any building or structure or upon any premises within the city used or intended for use as a place of assembly, any use, activity, condition or code violation which makes such building, structure, or premises, unsafe, dangerous or specially hazardous to fire and overcrowding, the city manager or his designated representative, may enter such building, structure, or premises, at all reasonable times to inspect the same or to perform any duty imposed by this article; provided, if such building, structure, or premises is occupied, he shall first present proper credentials and request entry from the building's owner or person in control or possession of the premises. If such building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or person having charge or control of the building, structure or premises and request entry. If entry is refused, the city manager or his designated representative may apply to the judge of the municipal court of the city of griffin for an administrative search warrant.

Sec. 46-44. - Penalty for violation.

Any person, firm, corporation or agent who shall violate any provision of this article, or fails to comply therewith, or with any of the requirements hereof, shall be cited to appear before the municipal court of this city. Upon trial, if convicted, such violation shall carry a fine not to

exceed \$1,000.00 per day. Each and every day, or portion thereof, during which any violation of this article is committed or continued shall be deemed a separate and distinct offense. Continuing violations of this article are hereby further declared to be public nuisances, harmful to the public health, safety, and welfare; and, in addition to all other remedies provided by law, are subject to abatement or injunction by a court of appropriate jurisdiction.

Secs. 46-45—46-49. - Reserved.

ARTICLE IV. - EMERGENCY ACTIONS

Sec. 46-50. - Cost of cleanup or abatement.

- (a) Every responsible person shall have the duty to reimburse the city for and shall be liable for the payment of all costs incurred as a result of any cleanup or abatement resulting from any emergency action taken by the city fire department or any agency at the direction of the city, including, but not limited to: actual labor costs of the city personnel (including workmen's compensation benefits, fringe benefits, and administrative overhead), costs of equipment operation and materials obtained directly by the city, replacement of expended supplies, and other costs incurred. Costs under this section shall not include costs of actual fire suppression services which are normally or usually provided by the fire department.
- (b) The city shall prepare and forward to the responsible person, a bill for the total costs and expenses incurred for which such person is responsible pursuant to this section; provided, however, any cost in connection with any independent cleanup contractor may be billed directly by such contractor. Payment of the total bill from the city shall be made within 30 days of receipt. Any bill or portion of a bill remaining unpaid after 30 days of receipt shall accrue interest on the unpaid balance at the rate of one and one-half percent per month, or fraction of a month.

Secs. 46-51—46-59. - Reserved.

ARTICLE V. - CONSUMER FIREWORKS; SPECIAL USE PERMITS

Sec. 46-60. - Use of consumer fireworks.

The sale, possession, use, ignition and explosion of consumer fireworks within the City of Griffin shall be strictly governed by state law codified at O.C.G.A. § 25-10-1 et seq.

Sec. 46-61. - Special use permit for use and ignition of consumer fireworks.

- (a) On any day, other than January 1, July 3, July 4, and December 31, outside the lawful hours established by general law for the use and ignition of consumer fireworks, the use and ignition of consumer fireworks within the city is prohibited, unless the person, firm, corporation, association, or partnership seeking to use, ignite, or cause to be ignited consumer fireworks holds a special use permit issued by the fire chief of the city. Application for such permit shall be made on forms provided by the city for such purpose

and accompanied by payment of a fee of \$100.00. No permit shall be issued for a time between 11:00 p.m. and 10:00 a.m. on the following day.

- (b) No person, firm, corporation, association, or partnership may use, ignite, or cause to be ignited consumer fireworks at a location within the city prohibited by general state law; provided, however, a special use permit may be issued by the fire chief of the city for a person, firm, corporation, association, or partnership to use, ignite, or cause to be ignited consumer fireworks within any public park, historic site, recreational area, or other property which is owned by the city, or under its custody and control; provided, further that no special use permit shall issue for any location within 100 yards of a hospital, nursing home, or other health care facility regulated under Chapter 7 of Title 31, O.C.G.A., unless the owner or administrator of the health care facility has given written permission for consumer fireworks to be used or ignited within 100 yards of its facility. Application for such permit shall be made on forms provided by the city for such purpose and accompanied by payment of a fee of \$100.00.
- (c) It shall be a violation of this section for any person, firm, corporation, association, or partnership, to use, ignite, or cause to be ignited within the city consumer fireworks at a time or location for which no special use permit has been issued. Citations for violations shall be returnable to the municipal court and, upon conviction, the violator shall be punished by a fine not to exceed \$500.00.

Sec. 46-62 – Sec. 46-69. – Reserved.

ARTICLE VI. – KEY LOCKBOX SYSTEM

Sec. 46-70. – For commercial locations and residential locations with restricted access through locked gates.

- (a) The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the fire marshal:
 - (1) Commercial or industrial structures that have fire alarm and/or sprinkler systems that are secured in a manner that restricts access during an emergency;
 - (2) Multifamily residential structures that have restricted access through locked gates; and
 - (3) Governmental structures and nursing care facilities with gated entrances.
- (b) All newly constructed structures, communities, or complexes subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures, communities, or complexes in existence on the effective date of the ordinance from which this section is derived and subject to this section shall have three years from the effective date of the ordinance to have a key lock box installed and operational.
- (c) The fire marshal shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system.
- (d) The owner or operator of a structure, community, or complex required to have a key lock box shall, at all times, keep a key in the lock box, and maintain the operation of the box.

- (e) The fire marshal shall be authorized to implement rules and regulations for the use of the lock box system.
- (f) Any person who owns or operates a structure, community, or complex subject to this section shall be subject to the penalties set forth in Sec. 38-2 for any violation of this section; provided that the maximum fine for a conviction for a violation of this section shall be \$1,000.00.
- (g) All requests for the designated key lock box system shall be coordinated through the fire marshal and the location of the box on each site shall be approved by the fire marshal.

Section 2. All Code sections, any ordinances, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective immediately upon adoption.

First Reading: November 27, 2018

Second Reading: December 11, 2018