

ORDINANCE NO: 18-491

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama as follows:

Section 1. Section 13-31 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 13-31. - Adoption of fire codes.

(a) In accordance with section 11-45-8(c), Code of Alabama, 1975, as amended, the city council hereby adopts by reference the following:

(1) The International Fire Code, 2015 edition (hereafter referred to as "IFC 2015"), as published by the International Code Council, including Appendix Chapters "C", "D" (Excluding section D107), and "E", as such code including said appendix chapters may be amended from time to time, with the following additions, insertions, deletions and changes:

a. Section 101.1 is revised to read as follows:

"These regulations are to be known as a Fire Code of the City of Huntsville, Alabama and shall be hereinafter referred to as "this code"."

b. Section 109.4 is revised to read as follows:

" Violation penalties. Penalty provisions for a violation of this code are as set forth in Section 13-31(c) of the Code of Ordinances of the City of Huntsville, Alabama, as the same may be amended from time to time, and are specifically incorporated herein by reference."

c. Section 111.4 is revised to read as follows:

" Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties as set forth in Section 109.4 of this code."

d. Section 5806.2 is revised to read as follows:

"Limitations". Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by any applicable law, rule, regulation, code or ordinance of the City of Huntsville, Alabama."

e. Section 5704.2.9.6.1 is revised to read as follows:

" Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by any applicable law, rule, regulation, code or ordinance of the City of Huntsville, Alabama."

f. Section 5706.2.4.4 is revised to read as follows:

" Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by any applicable law, rule, regulation, code or ordinance of the City of Huntsville, Alabama."

g. Section 6104.2 is revised to read as follows:

" Maximum capacity within established limits. Within the limits established by any applicable law, rule, regulation, code or ordinance of the City of Huntsville, Alabama, restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570L).

Exception: In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed **LP-gas** containers, degree of fire protection to be provided and capabilities of the local fire department."

(2) The National Fire Codes, 2013 edition (hereafter referred to as "NFC 2013"), as such codes may be amended from time to time, with the following codes to be excepted:

NFPA 3

NFPA 4

NFPA 11

NFPA 11A

NFPA 13E

NFPA 18

NFPA 18A

NFPA 58

NFPA 80A

NFPA 99
NFPA 99B
NFPA 225
NFPA 329
NFPA 402
NFPA 403
NFPA 405
NFPA 412
NFPA 414
NFPA 422
NFPA 424
NFPA 450
NFPA 471
NFPA 472
NFPA 473
NFPA 501
NFPA 501-A
NFPA 502
NFPA 520
NFPA 550
NFPA 551
NFPA 555
NFPA 556
NFPA 557
NFPA 601

NFPA 610
NFPA 730
NFPA 731
NFPA 900
NFPA 901
NFPA 909
NFPA 914
NFPA 921
NFPA 1000
NFPA 1001
NFPA 1002
NFPA 1003
NFPA 1006
NFPA 1021
NFPA 1026
NFPA 1031
NFPA 1033
NFPA 1035
NFPA 1037
NFPA 1041
NFPA 1051
NFPA 1061
NFPA 1071
NFPA 1081
NFPA 1141

NFPA 1142

NFPA 1143

NFPA 1144

NFPA 1145

NFPA 1150

NFPA 1192

NFPA 1194

NFPA 1201

NFPA 1221

NFPA 1250

NFPA 1401

NFPA 1402

NFPA 1403

NFPA 1404

NFPA 1405

NFPA 1407

NFPA 1410

NFPA 1451

NFPA 1452

NFPA 1500

NFPA 1521

NFPA 1561

NFPA 1581

NFPA 1582

NFPA 1583

NFPA 1584

NFPA 1600

NFPA 1620

NFPA 1670

NFPA 1710

NFPA 1720

NFPA 1801

NFPA 1851

NFPA 1852

NFPA 1855

NFPA 1901

NFPA 1906

NFPA 1911

NFPA 1912

NFPA 1914

NFPA 1915

NFPA 1917

NFPA 1925

NFPA 1931

NFPA 1932

NFPA 1936

NFPA 1951

NFPA 1952

NFPA 1961

NFPA 1962

NFPA 1963

NFPA 1964

NFPA 1965

NFPA 1971

NFPA 1975

NFPA 1976

NFPA 1977

NFPA 1981

NFPA 1982

NFPA 1983

NFPA 1984

NFPA 1989

NFPA 1991

NFPA 1992

NFPA 1994

NFPA 1999

NFPA 2112

NFPA 2113

NFPA 5000

PYR 1128

PYR 1129

save and except such portions as are deleted, modified or omitted in this section 13-31, of which codes not less than three copies have been and are now filed in the office of the city clerk-treasurer, except for National Fire Codes, 2013 edition, one set of which shall remain on file only in the bureau of fire prevention; and the codes are adopted and incorporated as fully as if set at length in this section 13-31; and the provisions of such codes shall be controlling within the corporate limits of the city.

(b) The foregoing codes adopted in subsection (a) of this section 13-31 shall be known and referred to collectively as the Fire Codes of the City of Huntsville, Alabama ("Huntsville Fire Codes").

(c) Persons who shall violate a provision of the Huntsville Fire Codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directives of the fire marshal, or of a permit or certificate used under the provisions of the Huntsville Fire Codes, shall be guilty of a violation of this section 13-31 and shall be subject to the general penalty provisions as set forth in section 1-7 of this Code of Ordinances, including without limitation subsection (e) of said section 1-7 concerning continuing violations, which provisions of section 1-7 are specifically incorporated herein by reference as if fully set forth.

(d) Notwithstanding anything in the Huntsville Fire Codes to the contrary, where there is a conflict between the IFC 2015 and the NFC 2013 the more restrictive requirement shall apply, unless the fire marshal shall elect to apply the less restrictive requirement based on his determination that applying the less restrictive provision is more appropriate given the then-existing circumstances; shall not impermissibly lessen health, life and fire safety requirements; and is not preempted by applicable state laws.

Section 2. Section 13-68 of the Code of Ordinances of the City of Huntsville, Alabama is hereby amended to read as follows:

Sec. 13-68. - Exceptions to prohibition.

(a) Open burning may be conducted, subject to the limitations as spelled out in the open burning permit which is issued upon approval by the director. This grant of exception shall in no way relieve the person responsible for such open burning from the consequences of or the damages or injuries resulting from such burning. The director shall issue no open burning permits without the prior approval of the fire marshal or his designated representative. The fire marshal's approval shall be based upon his judgment as to the fire safety potential of the proposed open burning activity.

(1) Open burning of leaves and small tree limbs, less than three inches in diameter, at a residence where collection for such material is not available. The determination of availability will be made by the director. Burning of trees or limbs cut as a commercial service by tree surgeons, landscapers or other persons is prohibited.

(2) Open burning for the disposing of materials grown on that tract of land may be conducted provided the following conditions are met:

a. Burning is done using an air curtain destructor or other approved device, at suitable sites as approved by the director, when such device is operated in a

manner satisfactory to the director, and with a valid open burning permit obtained from the director.

b. The burning will take place on days and hours designated by the director. Designated days of burning will always be tentative and will be regulated according to weather conditions.

(b) Open burning as specified below may be conducted, subject to the limitations as spelled out in the safety permit which is issued upon approval by the fire marshal. This grant of exception shall in no way relieve the person responsible for such open burning from the consequences of or the damages or injuries resulting from such burning.

(1) Ceremonial fires (such as school bonfires) when the fires are approved, ignited and extinguished by fire department personnel. Each school will be permitted one permit per year.

(2) Fires set between October 1 and April 30 for the purpose of providing warmth to workers at construction sites for which a building permit has been issued, providing the following conditions are met:

a. The fire is contained in a noncombustible container not to exceed 55 U.S. gallons, with the opening covered by an ash screen.

b. Fire containers shall be located a minimum of 25 feet from any structure, tree or bush.

c. Fire containers shall be located a minimum of 25 feet from electrical lines and/or electrical service.

d. Only clean fuel not containing garbage, rubber, plastics, metals, shingles, treated lumber, or other hazardous materials is permitted.

e. Fire extinguishing equipment shall be located within five feet of the fire container.

f. Fires shall be extinguished when no worker is in attendance.

g. The contractor shall apply in advance for a safety permit issued in his name from the fire marshal and shall be held liable for all permit violations on the burn site.

(c) Open burning activities as specified below may be conducted without either an open burning permit or a safety permit. Notification of intent to conduct such activity as specified below shall be made to the director 24 hours prior to the time the open burning activity is to begin. The

person conducting any of the following open burning activities shall be responsible for the consequences of such activities and all damages or injuries resulting from such open burning:

- (1) Fires set for the training and instruction of public or private firefighting personnel, provided that all requirements of the asbestos demolition and renovation NESHAP (National Emission Standard for Hazardous Air Pollutants), codified at 40 CFR Part 60 Subpart M, are met.
 - (2) Fires set by or at the direction of responsible fire control agencies for the prevention, elimination or reduction of a fire hazard.
 - (3) Smokeless flares or safety flares for the combustion of waste gases.
 - (4) Fires used for agricultural, horticultural and silvicultural purposes, when specifically recommended by the state extension service or the state forestry commission, provided such fires are conducted only in situations where the actual burning is at least 1,000 feet from the closest occupied building.
 - (5) Fires used to destroy pests, germs, dead animals, etc., when the open burning is being conducted in accordance with or under the direct supervision of personnel of the local or state health department.
- (d) No open burning permit, safety permit or notification is required for fires used for cooking of food, including barbecues and outdoor fireplaces. Only clean fuel not containing garbage, rubber, plastics or other refuse is permitted. In multi-family occupancies, grills, barbecues, heating appliances, and portable outdoor fire pits shall not be stored, used, or kindled on any balcony or under any overhanging portion or within 10 ft. of any structure.
- (e) Portable Outdoor Fire pits used at one- and two-family dwellings are allowed as long as they are used in accordance with the manufacturer's instructions.
- (1) Portable outdoor fire pits shall be used only on brick, concrete, stone, or other masonry surfaces.
 - (2) Portable outdoor fire pits shall be a minimum 10 feet away from building, structures, any flammable items, vehicles, and property lines. Portable outdoor fireplaces shall not be used under any trees, electric lines, or trellises.
 - (3) Portable outdoor fire pits shall be equipped from the manufacturer with an ash screen. Only clean fuel may be used not containing any garbage, rubber, plastics, treated lumber, or any other hazardous materials.
 - (4) Portable outdoor fire pits shall not be overload beyond their capacity.

(5) Portable outdoor fire pits shall not be used during windy conditions or periods where there is a “no burn order” in effect.

(6) Portable outdoor fire pits shall be constantly attended while in use and there shall be an available means available to extinguish the fire either by a portable fire extinguisher or water.

Section 3. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

Section 4. This Ordinance shall become effective upon its adoption and publication.

ADOPTED this the 12th day of July, 2018.

/s/ Mark Russell
President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 12th day of July, 2018.

/s/ Tommy Battle
Mayor of the City of Huntsville,
Alabama