

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA TO REPEAL THE CURRENT FIRE PREVENTION AND PROTECTION CODE IN ITS ENTIRETY (SECTIONS 18-1 – 18-15) AND SUBSTITUTE IN ITS PLACE A NEW FIRE PREVENTION AND PROTECTION CODE (18-1 – 18-15) SO AS TO PROVIDE FOR THE APPOINTMENT OF A FIRE CHIEF AND FIRE MARSHAL, ESTABLISH FIRE PREVENTION DUTIES, SET FIRE LIMITS OF THE CITY, ESTABLISH A PROCEDURE FOR MODIFICATION OF THE FIRE PREVENTION AND PROTECTION CODE, ESTABLISH A PROCEDURE FOR APPEALS BY AGRIEVED PARTIES, ESTABLISH A PROCEDURE FOR SPECIFYING NEW MATERIALS WHICH MAY REQUIRE PERMITS, ESTABLISH THE UNLAWFULNESS OF SETTING OR TAMPERING WITH FIRE HYDRANTS, IDENTIFY CERTAIN ACTS INTERFERING WITH FIREFIGHTING ACTIVITIES, PRESCRIBE PENALTIES FOR VIOLATIONS OF THE FIRE PREVENTION AND PROTECTION CODE, ESTABLISH AUTHORITY AT FIRES, ESTABLISH REGULATIONS FOR OPEN BURNING AND CONTROLLED BURNING, REQUIRE POSTING OF ADDRESSES FOR OWNERS AND OCCUPIERS OF REAL PROPERTY, DESIGNATE BUILDING AND FIRE RELATED CODES APPLICABLE TO EXISTING BUILDINGS, ESTABLISH A KEY LOCKBOX SYSTEM FOR CERTAIN STRUCTURES AND FOR BUILDINGS AS DESIGNATED BY THE FIRE MARSHAL, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL of the City of Byron, Georgia, and it is hereby so ordained, that the Fire Prevention and Protection Code is hereby repealed in its entirety and a new Fire Prevention and Protection Code (Sections 18-1 – 18-15) is hereby substituted in its place as follows:

CHAPTER 18: Fire Prevention and Protection

Section 18-1: Fire Chief and Fire Marshal

The City Administrator shall appoint the Fire Chief, who shall designate a Fire Marshal.

Section 18-2: Fire Prevention Duties

- (a) The fire prevention code shall be enforced by personnel in the city fire department, which is established and which shall be operated under the supervision of the fire chief.
- (b) The fire chief may detail members of the fire department as inspectors. If necessary these inspectors may be reassigned to the fire fighting force at the discretion of the fire chief.

Section 18-3: Fire limits of city; storage of explosives, flammable liquids and liquefied petroleum gases.

Districts within the city where storage of explosives, flammable liquids or liquefied petroleum gases are restricted or permitted under the fire prevention code shall be legally described in a map entitled City of Byron Fire District.

Maps, which shall be approved by the city council and maintained in the office of the city clerk, for inspection by the public.

Section 18-4: Modifications

The fire chief or fire marshal shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or a duly authorized agent, when there are serious difficulties in carrying out the strict letter of the code provided that the spirit of the

code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the fire chief or fire marshal thereon shall be entered upon the records of the fire department and a signed copy shall be furnished to the application.

Section 18-5: Appeals

- (a) Any person aggrieved by an action of the fire chief, the fire marshal or other city official or employee of the City of Byron fire department, including but not limited to disapproval of an application, refusal to grant a permit, a determination that the fire code or city ordinance does not apply or has 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 city council.
- (b) All appeals, pursuant to this section, must be filed in writing with the City of Byron Planning & Zoning department within 30 days from the date of the decision or action from which the aggrieved party appeals. All appeals must be filed on forms which can be obtained at the City of Byron Planning & Zoning.
- (c) Any person aggrieved by an action of the city council may appeal within 30 days to the Superior Court of Peach County, Georgia by writ of certiorari.

Section 18-6: New Materials, processes or occupancies which may require permits

The City Manager, the fire chief and the Public Safety Committee of city council shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in the fire prevention code. The fire chief shall post the list, if any, in a conspicuous place in his or her office, and distribute copies thereof to interested persons. The list shall be a rule and regulation of the fire department and shall be adopted by the mayor and city council and become effective upon approval, unless otherwise specified.

Section 18-7: Penalties

- (a) Any person who shall violate any of the provisions of the fire prevention and protection code or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statements, specifications, plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken within the time affixed herein may be prosecuted for violations by the city after the person has been issued a citation by a duly authorized officer of the fire department of the City of Byron or an authorized law enforcement officer of the police department of the City of Byron. Upon conviction, the person shall be punished by a fine or imprisonment in accordance with Section 1-8(a) of the City Code, as now or hereafter amended. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy the violations or defects within 30 days. Each day's continuing violation shall be treated as a separate offense.

- (b) In addition to all other provisions of this section, any violation of this chapter is deemed to be a continuing nuisance and may be abated by an application of injunction in the Superior Court of Peach County or any other court of competent jurisdiction.

Section 18-8: Authority at fires

- (a) The fire chief and fire officers under his or her direction shall have full control overall fire apparatus of the fire department in service at any fire. It shall be the duty of the fire chief or his or her designee to superintend the fire department while performing any public duty in fighting a fire; to give general and specific directions as to the manner of fighting fires, the use of hose and apparatus and the specific duties and assignments of the various members of the fire department in attendance at a fire.
- (b) Officers of the fire department, when at the scene of a fire, may direct or assist the city police department in directing traffic in the immediate vicinity.

Section 18-9: Obstruction of or tampering with fire hydrants 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 the 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 therefrom without special authority from the fire chief or his or her designee. Any person who violates this section shall upon conviction be punished in accordance with Section 18-7 of this Code, as now or hereafter amended.
- (b) Without the consent of the fire chief, 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 without the consent of the fire chief.

Section 18-10: Certain acts interfering with firefighting activities.

No person, except an active member of the fire department, shall at any time, enter within the territory or vicinity of any fire, when the area is robed off or access is denied by the city police, or interfere with or attempt to operate any of the apparatus or equipment of the fire department or any fire hydrant, or interfere by giving orders to any individual, unless requested to do so by the fire chief or fire officers under his or her direction; provided however, that the mayor or any member of the council; any police officer or other law enforcement office; the owner or occupant of the property, and the city manager or any other persons as may be specifically authorized by the fire chief or his or her designate, may enter the restricted areas.

Section 18-12: Open burning.

All persons who shall burn any tar kiln or pit of charcoal or set fire or burn any brush, grass or other material, whereby any property may be endangered or burned, shall keep and maintain a careful and competent person in charge of such kiln, pit, brush or other material while burning. Fire escaping from such kiln, pit, brush or other material while burning shall be prima facie evidence of neglect of this section.

- (a) *Permits:* A permit for controlled burning is required, and permits should be obtained in writing through the fire department at least 24 hours before the fire is set.
- (b) *Procedures for application:* Procedures for applicants for the permit are as follows:
 - (1) Applicants must sign an agreement that the permit will not be used if the weather is not calm at the time of the burn.
 - (2) Permits cannot be obtained on Saturday, Sunday or holidays. If someone wants to burn on Saturday, on Sunday or on a holiday, the permit must be issued on a preceding workday.
- (c) *Fines:* Fines for violation of this section are as follows:
 - (1) Burning without a permit \$ 50.00
 - (2) Burning with a permit but allowing it to get out of control \$ 35.00
 - (3) If a fire truck is required to extinguish a fire on the scene, there will be a charge of \$50.00 per hour or fraction thereof.

Section 18-13: Posting of addresses.

- (a) All owners and occupants of improved real property lying 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 of Byron in such manner that said address is clearly visible and legible from the street on which the improvement on such property fronts. 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.
- (b) 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 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 man-made objects. All owners of apartment complexes lying within the city will have a grace period of six months from the effective date of this subsection to come into compliance.
- (c) All persons who violate this section shall be subject to a fine in an amount set by resolution of the City Council. If the person does not remedy the violation, every 30 days shall be deemed a separate offense.

Section 18-14: Application of building and fire related codes to existing buildings.

- (a) The latest edition of the Standard Fire Prevention Code, published by the Southern Building Code Congress International, Inc., with the Georgia State Minimum Standard Fire Prevention Code Amendments, is hereby incorporated by reference in this section.
- (b) OCGA § 8-2-200 et seq., and all subsequent amendments thereto, is adopted and incorporated by reference and shall be controlling in the corporate limits of the city. A copy will be on file in the office of the city clerk for inspection by the public.
- (c) Amendments, deletions, additions or supplements to OCGA § 8-2-200 et seq. may be adopted by an ordinance of council, and thereby incorporated herein; provided that any changes in the standard text shall be made available to the public for inspection in the office of the city clerk.

Section 18-15: Key lockbox system for commercial, residential and other locations

- (a) The following structures shall be equipped with a key lockbox at or near the main entrance or such other location required by the Fire Chief, or, at the direction thereof, the Fire Marshal:
 - (1) Commercial or industrial gated structures that are secured in a manner that restricts access during an emergency;
 - (2) Multi-family residential structures that have restricted access through locked gates;
 - (3) Governmental structures and nursing care facilities with gated entrances;
 - (4) Commercial or industrial structures protected by an automatic suppression system;
 - (5) Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;
 - (6) Governmental structures and nursing care facilities;
 - (7) Such other structures as mandated by state law.
- (b) All newly constructed structures, communities, or complexes defined in this section shall have the key lockbox installed and operational prior to the issuance of any occupancy permit. All structures, communities, or complexes defined in this section and in existence on the effective date of this section and subject to this section shall have a key lockbox installed and operational in accordance with a phase in schedule promulgated by the Fire Chief.

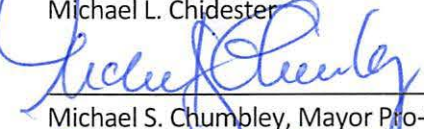
- (c) The Fire Chief or, at the direction thereof, the Fire Marshal shall designate the type of key lockbox system to be implemented within the city and shall have the authority to enforce the requirement that certain structures use the designated system.
- (d) The owner or operator of a structure, community, or complex required to have a key lockbox shall at all times, keep a key in the lockbox, or maintain the operation of the box at all times.
- (e) The Fire Chief or, at the direction thereof, the Fire Marshal, shall be authorized to implement rules and regulations for the use of the lockbox 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 all sections of this code for any violation of this section, provided that the maximum fine for a conviction for a violation of this section shall be \$150.00.
- (g) All requests for the designated key lockbox system shall be coordinated through the Fire Marshal and get approval for the location of the box on each site.
- (h) Except as required above, no existing structure or residential unit shall be required to be equipped with a key lockbox system, and the renovation of any such structure shall not automatically subject it to said requirement unless the use changes to one falling within the definitions of Subsection (a) above.
- (i) This Ordinance shall take effect immediately upon its passage.

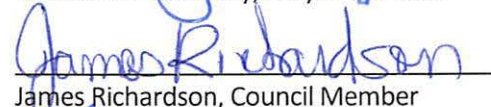
SO ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, on this 14th day of Sept 2020.


CITY OF BYRON, GEORGIA

Mayor:

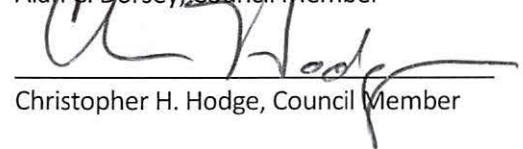

Michael L. Chidester


Michael S. Chumbley, Mayor Pro-Tem



James Richardson, Council Member


Russell G. Adams, Council Member


Alan C. Dorsey, Council Member


Christopher H. Hodge, Council Member

Attest:


Telina Allred, City Clerk

