

AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY FOR THE PURPOSE OF **AMENDING THE CODE OF BARTOW COUNTY, CHAPTER 18, ARTICLE I, ADOPTING SECTION 18-6 RELATING TO THE REGULATION OF COMMUNITY LIVING ARRANGEMENT AND PERSONAL CARE HOMES; IMPOSING SPRINKLER INSTALLATION REQUIREMENTS AND OTHER SAFETY REQUIREMENTS**; AND FOR OTHER PURPOSES, AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON JULY 11, 2018.

---

**WHEREAS**, Fire Chief and Fire Marshal have recommended the adoption of this amendment to the Code of Bartow County to provide greater safety regulations and greater clarity for personal care homes and community living arrangements, which structures often provide housing for persons with developmental disabilities or physical limitations that would prevent them from being able to exit a burning structure in three minutes or less; and

**WHEREAS**, the Commissioner deems it to be in the best interest of the citizens of Bartow County to make said amendments;

**NOW THEREFORE, BE IT ORDAINED, and it is hereby ordained**, that Chapter 18, Article I, of the Code of Bartow County is amended by adding new Section 18-6 as follows:

**I. Section 18-6 is added as follows:**

**18-6. Special Sprinkler and Fire Safety Regulations for Community Living Arrangements and Personal Care Homes and Similar Uses.**

(a) **Scope:** This document covers all new buildings or portions thereof and all existing one- and two-family dwellings being converted to be used as Personal Care Homes, Community Living Arrangements, Lodging or Rooming Houses and Residential Board and Care Homes of six (6) or less residents who are not related to the owners or operators by either blood or marriage, whether licensed by a State agency or not. This also applies to changes of occupancy to such uses in existing buildings, and change of ownership of existing buildings. No portion of this document should be construed to refer to one- or two-family dwelling units used as a private residence. In the event of any conflict between this ordinance and the state minimum fire safety standards as adopted by the State of Georgia, the more stringent code shall apply.

(b) **Definitions:**

Board and care occupancy – a building or space used for lodging and boarding of four or more residents, not related by blood or marriage to the owners or operator, for the purpose of providing personal care services.

Change of occupancy – the change in occupancy classification of a structure or portion of a structure to another occupancy classification. Subject to the approval of the Authority Having Jurisdiction (AHJ), the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups

without conforming to all of the requirements of the new occupancy provided the new or proposed use has less stringent requirements.

Change of use – A change in the purpose or level of activity within a structure that involves a change in application of the requirements of the Code.

Community Living Arrangement (CLA) – any residence whether operated for profit or not which is subject to being licensed by the State, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care or treatment exclusively for two or more adults who are not related to the owner or manager by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Human Services, Division of Mental Health, Developmental Disabilities, and Addictive Diseases.

Existing building – buildings, structures, facilities or conditions which are already in existence or constructed and officially authorized prior to the effective date for the adoption of the ordinance.

Lodging or rooming house – a building or portion thereof that does not qualify as a one-or two-family dwelling, that provides sleeping accommodations for a total of 15 or fewer people on a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants. Foster homes, group homes, battered spouse shelters, or similar facilities providing lodging and boarding for four but not more than 15 residents or clients, not related by blood or adoption to the owner(s) or operator(s) shall be deemed a lodging or rooming house.

NFPA – National Fire Protection Association.

Personal care home – a facility licensed by the Georgia Department of Community Health as a personal care home. A personal care home is further defined as any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage.

Occupancy – the purpose for which a building or portion thereof is used or intended to be used.

Occupancies Subject to this Ordinance - all Community Living Arrangements, Personal Care Homes, Lodging and Rooming Houses, and all Board and Care Occupancies regardless of building size where two or more clients are provided for.

One- and two-family dwelling unit – a building that contains not more than two dwelling units with independent cooking, bathroom and sanitation facilities where each dwelling unit is occupied by members of a single family with not more than three occupants who are not related either by blood, marriage, or adoption.

Substantial renovation – any construction project involving exits or internal features of such building or structure costing more than the building or structure's assessed value according to the Bartow County tax records at the time of renovation.

**(c) Fire Protection Sprinkler Systems Requirements:**

1. Subject to the exceptions in subsection (g) below, all Occupancies Subject to this Ordinance shall have a minimum NFPA 13R sprinkler system installed.
2. When a complete automatic fire sprinkler system is provided, either as a requirement or as an alternate to another requirement of the Code, the system shall be adequately supervised to ensure reliable operation as follows:
  - a. The extinguishing system shall be electrically connected, either directly to the fire department by such method as approved by the fire chief, or to the fire department through an approved central station or another of its equivalent as approved by the fire chief.
  - b. Where a system may be disabled by the closing of valves, interruption of power, etc., adequate supervision acceptable to the building official and fire marshal shall be provided to sound at least a local trouble alarm when the system is deactivated. The alarm shall be in a location within the protected building or premises which is constantly attended by qualified personnel during periods the protected building is occupied, or in an approved remote receiving facility.
  - c. When a fire alarm system(s) are required or provided, activation of the fire sprinkler system shall cause the building fire alarm system to sound.
  - d. Portable fire extinguishers in accordance with 9.7.4.1. of NFPA 101, as adopted by the State of Georgia, shall be provided.
  - e. At least one 2A-rated multipurpose ABC fire extinguisher shall be provided on each occupied floor and in the basement that shall be readily accessible.
  - f. Required portable fire extinguishers shall be inspected and maintained annually by a licensed fire safety technician in accordance with NFPA 10.

**(d) Detection and Alarm Systems:**

1. Subject to the exceptions in subsection (g) below, all Occupancies Subject to this Ordinance shall have a fire alarm system meeting the minimum requirements for Single- and Multiple Station Alarms and Household Fire Alarm Systems per NFPA 72 installed.
2. Carbon Monoxide detectors shall be provided in the residence where natural gas, LP gas or heating oil is used to heat the residence or for cooking.
3. Carbon Monoxide detectors shall be provided in the residence if a solid fuel-burning fireplace or fixed heating device is installed in the residence.

**(e) Signage**

All Occupancies Subject to this Ordinance shall have signage in a form approved by the Fire Department attached to the building at a location approved by the Fire Department, to inform first responders of the nature of the activity in the building.

**(f) Egress:**

1. Subject to the exceptions in subsection (g) below, in all Occupancies Subject to this Ordinance, every sleeping room and every living area shall have not less than one primary means of escape and one secondary means of escape.

2. A secondary means of escape shall not be required where the bedroom has a door leading directly to the outside of the room at or to grade level, or the living area has a door leading directly to the outside of the area at or to grade level.
3. A facility serving a resident dependent upon a wheelchair or other mechanical device for mobility shall provide at least two (2) exits from the facility remote from each other, which are both accessible to the resident(s).

**(g) Exceptions:**

These requirements shall apply to any new building constructed for the purpose of one of the Occupancies Subject to this Ordinance. They shall also apply to a change of use – that is, the conversion of any existing building or portion of a building – to any one of the Occupancies Subject to this Ordinance. They shall also apply when the ownership changes of any existing Occupancy Subject to this Ordinance in an existing building. The signage requirements of subsection (e) shall apply to all existing and new Occupancies Subject to this Ordinance; this provision shall become effective September 1, 2018.

**(h) Administration and Enforcement:**

This ordinance shall be administered and enforced by the Bartow County Fire Marshal with the cooperation of the Building Official. The Building Official shall be authorized to revoke or withhold Certificates of Occupancy for non-compliant buildings and structures. The County shall be authorized to issue citations under Sec. 1-19 of the Code or take legal action to enforce this ordinance. The County shall be authorized to withhold other approvals under other Chapters of the Code of Bartow County as a means to require compliance. The operation of a Occupancy Subject to this Ordinance in violation of this ordinance is deemed a public nuisance, creating a hazard to public health, safety and welfare, and the County shall be authorized to exercise its remedies in Magistrate or Superior Court to seek abatement of such nuisance by order enforcing this ordinance or closing down the occupancy, or other such relief as the Court may craft.

**SO ORDAINED**, this 11<sup>th</sup> day of July, 2018, to be effective immediately, the public health, safety and welfare demanding, except as noted above.

ATTEST:

BARTOW COUNTY, GEORGIA

---

Kathy Gill, Clerk

---

Steve Taylor, Commissioner