

**AN ORDINANCE TO AMMEND CHAPTER 22: FIRE PRVENTION AND  
PROTECTION OF THE MILTON CODE OF ORDINANCES**

**WHEREAS**, Chapter 22 of the City of Milton Code of Ordinances regulates Fire Prevention and Protection Standards within the City of Milton; and

**BE IT ORDAINED** by the City Council of the City of Milton, GA while in a regularly called council meeting on September 19, 2011 at 6:00 p.m. as follows:

**SECTION 1.** That the Ordinance that relates to Fire Prevention and Protection Standards in the City of Milton is amended, is hereby adopted and approved; and is attached hereto as if fully set forth herein, and;

**SECTION 2.** All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

**SECTION 3.** That this Ordinance shall become effective upon its adoption.

**ORDAINED** this the 19<sup>st</sup> day of September, 2011.

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Joe Lockwood, Mayor

Attest:

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Sudie AM Gordon, City Clerk

(Seal)

## ARTICLE I. - IN GENERAL

[Secs. 22-1—22-18. - Reserved.](#)

**Secs. 22-1—22-18.-** Reserved.

## ARTICLE II. - FIRE DEPARTMENT

[Sec. 22-19. - Fire chief and fire marshal appointed.](#)

[Sec. 22-20. - Fire prevention duties.](#)

[Sec. 22-21. - Authority at fires.](#)

[Sec. 22-22. - Unlawful acts interfering with firefighting activities.](#)

[Secs. 22-23—22-41. - Reserved.](#)

**Sec. 22-19.-** Fire chief and fire marshal appointed.

The city manager shall appoint the fire chief and the fire marshal.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 1), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 1), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 1), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 1), 8-18-2008)

**Sec. 22-20.-** Fire prevention duties.

(a) *Code enforcement.* 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) *Inspectors.* The fire chief may detail members of the fire department as inspectors. If necessary these inspectors may be reassigned to the firefighting force at the discretion of the fire chief.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 2), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 2), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 2), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 2), 8-18-2008)

**Sec. 22-21.-** Authority at fires.

(a) The fire chief or fire officers under his or her direction shall have full control over all fire apparatus of the fire department in service at any fire.

(1) It shall be the duty of the fire chief or his or her designee to:

a. Superintend the fire department while performing any public duty in fighting a fire;

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b. Give general and specific directions as to the manner of fighting fires, such as:

1. The use of a hose and apparatus; and

The specific duties and assignments of the various members of the fire department in attendance at a fire.

(2) The fire chief may immediately suspend any member of the fire department for insubordination at any fire.

(b) Officers of the fire department, when at the scene of a fire or other emergency that could impact public safety may direct or assist the city police department in directing traffic in the immediate vicinity.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 8), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 8), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 8), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 8), 8-18-2008)

**Sec. 22-22.-** Unlawful acts interfering with firefighting activities.

(a) No person, except an active member of the fire department, shall at any time:

(1) Enter within the territory or vicinity of any fire, when the area is roped off or access is denied by the city police or firefighters at the direction of the incident commander;

(2) Interfere with or attempt to operate any of the apparatus or equipment of the fire department or any fire hydrant; or

(3) Interfere by giving orders to any individual, unless requested to do so by the fire chief or fire officers under his or her direction.

(b) However, the following persons may be specifically authorized by the fire chief or his or her designee to enter the restricted areas:

(1) The mayor or any councilmember;

(2) Any police officer or other law enforcement officer;

(3) The owner or occupant of the property;

(4) The city manager; or

(5) Any other persons.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 10), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 10), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 10), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 10), 8-18-2008)

**Secs. 22-23—22-41.-** Reserved.

## ARTICLE III. - FIRE CODE

DIVISION 1. - GENERALLY  
DIVISION 2. - REGULATIONS

### DIVISION 1. - GENERALLY

[Sec. 22-41.](#) Applicability of State Minimum Fire Safety Standards within the corporate limits of the City of Milton.

[Sec. 22-43.](#) - Authority to amend article.

[Sec. 22-44.](#) - New materials, processes or occupancies which may require permits.

[Sec. 22-45.](#) - Appeals.

[Secs. 22-46—22-64.](#) - Reserved.

**Sec. 22-41.-** Applicability of State Minimum Fire Safety Standards within the corporate limits of the City of Milton.

(a) Pursuant to Milton 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 Milton will enforce the state minimum fire safety standards as set forth in subsection (a) of Code Section 25-2-12 with respect to those buildings and structures listed in Code §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 City of Milton 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 and structures, issue building permits when plans are approved, and conduct fire safety inspections of such buildings and structures;
- (3) Issue permanent and temporary certificates of occupancy;
- (4) Conduct origin and cause and arson investigations.

5. The City of Milton will charge and retain appropriate fees for performing the above listed duties in accordance with the fee schedule established by the City.

**Sec. 22-43.-** Authority to amend article.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire marshal in conjunction with the fire chief shall have power to modify any of the provisions of this article of Milton City Code upon an application in writing by the owner or lessee, or a duly authorized agent;

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provided that the fire chief and fire marshal shall first find that special individual reason makes the strict letter of the code impractical and the modification is in compliance with the spirit of the code, that public safety is secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the fire chief and fire marshal thereon shall be entered upon the records of the fire department and a signed copy shall be furnished to the applicant.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 4), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 4), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 4), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 4), 8-18-2008)

**Sec. 22-44.-** New materials, processes or occupancies which may require permits.

(a) The city manager, the fire chief and the fire marshal 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 this article.

(b) 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.

(c) 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.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 6), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 6), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 6), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 6), 8-18-2008)

**Sec. 22-45.-** Appeals.

Any person aggrieved by an action of the fire chief, the fire marshal or other city official or employee of the city fire department including, but not limited to, disapproval of an application, refusal to grant a permit, a determination that the fire code or city ordinances 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 construction board of appeals in accordance with Chapter 10, Buildings and Building Regulations, of the city code and the rules of the construction board of appeals.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 5), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 5), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 5), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 5), 8-18-2008)

**Secs. 22-46—22-64.-** Reserved.

## DIVISION 2. - REGULATIONS

[Sec. 22-65. - City fire limits; storage of explosives, flammable liquids and liquefied petroleum gases.](#)

[Sec. 22-66. - Obstruction of, or tampering with fire hydrant and apparatus prohibited.](#)

[Sec. 22-67. - Open burning.](#)

[Sec. 22-68. - Sprinkler protection required.](#)

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[Sec. 22-69. - Plan review and inspection fee schedule relating to fire marshal requirements.](#)  
[Secs. 22-70—22-89. - Reserved.](#)

**Sec. 22-65.-** City fire limits; storage of explosives, flammable liquids and liquefied petroleum gases.

(a) Districts within the city where storage of explosives, flammable liquids or liquefied petroleum gases are restricted or permitted under this article shall be legally described in a map entitled "City of Milton Fire District."

(b) Maps, which shall be approved by the city council and maintained in the city clerk's office, shall be available for inspection by the public.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 3), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 3), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 3), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 3), 8-18-2008)

**Sec. 22-66.-** Obstruction of, 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 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 the general penalty in section 1-5

(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.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 9), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 9), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 9), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 9), 8-18-2008)

**Sec. 22-67.-** 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 in all zoning districts other than agricultural districts 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 department;

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(3) Warming fires in barrels of 55-gallon capacity or less are allowed at construction sites; provided that the outside temperature is 50 degrees Fahrenheit or less and the fire does not produce dense smoke or obnoxious odors. Untreated wood or lumber shall be the only material or substance allowed in a warming fire. Warming fires must be attended and are authorized only at sites where no certificate of occupancy has been issued. It is specifically declared the responsibility of all city building inspectors and other enforcement personnel to assist the fire marshal in the regulation and enforcement of these warming fire provisions; and

(4) Fires set for purposes of training city firefighting personnel are allowed.

(c) *Burning under hazardous conditions.* The fire marshal may prohibit any open burning when atmospheric conditions or local circumstances make such burning hazardous.

(d) *Liability of applicant.* Nothing herein shall be construed to limit the liability of the landowner/applicant for any damages caused as a result of fire.

(Ord. No. 06-11-60, § 1(ch. 12, art. 5, § 3, ch. 15, art. 3, § 12), 11-21-2006; Ord. No. 07-04-23, § 1(ch. 12, art. 5, § 3), 4-19-2007; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 12), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 12), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 11), 8-18-2008)

**Sec. 22-68.-** 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, productions, 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 structures* 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

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county tax records at the time of such renovation.

(b) All new commercial buildings shall be protected throughout with an approved automatic fire protection system.

(1) For buildings less than 15,000 square feet, constructed mainly for the storage of products with limited life loss potential, some flexibility may be allowed. The owner may petition to the fire marshal for exception to sprinklers in the storage areas.

a. The fire marshal will give consideration to such things as:

1. Building construction;  
Products stored;
3. Arrangement of storage;
4. Number of employees in the area;
5. Access to the building; and
6. Any other fire protection features provided.

b. This exception will not be allowed for additions to existing sprinkled buildings.

c. For buildings storing materials that are water reactive or may be damaged more by water fighting a fire, than by a fire, the fire marshal's office shall use the same considerations.

(2) Additions to existing unprotected buildings where the addition totals less than 1,000 square feet; provided, however, the addition must be separated by fire-rated construction in accordance with the city building code and is not required to be protected by some other applicable code.

(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.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 14), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 14), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 14), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 13), 8-18-2008)

**Sec. 22-69.-** Plan review and inspection fee schedule relating to fire marshal requirements.

The city and fire department, in accordance with common professional practice, have 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.

(Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 16), 8-18-2008)

**Sec. 22-70.-** Prohibited use of open-flame cooking devices.

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 10 feet of combustible construction.

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

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

**Secs. 22-71—22-89.-** Reserved.

## ARTICLE IV. - KEY LOCKBOX SYSTEM

[Sec. 22-90. - For commercial, residential and other locations with restricted access through locked gates.](#)

[Sec. 22-91. - For certain buildings as designated by the fire marshal.](#)

[Secs. 22-92—22-110. - Reserved.](#)

**Sec. 22-90.-** For commercial, residential and other 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 gated structures 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

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derived and subject to this section shall have one year from the effective date of the ordinance from which this section is derived 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, or maintain the operation of the box at all times.

(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 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 \$1,000.00.

(g) All requests for the designated key lock box system shall be coordinated through the fire marshal and get approval for the location of the box on each site.

(h) This article shall take effect immediately upon its passage.

(Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 16), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 16), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 17), 8-18-2008)

**Sec. 22-91.-** For certain buildings as designated by the fire marshal.

(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 protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;

(2) Multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units; and

(3) Governmental structures and nursing care facilities.

(b) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of the ordinance from which this section is derived and subject to this section shall have one year from the effective date of the ordinance from which this section is derived 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 required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.

(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 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 \$1,000.00.

(g) All requests for the designated key lock box system shall be coordinated through the fire marshal and get approval for the location of the box on each site.

(h) This article shall take effect immediately upon its passage.

(Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 17), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 17, 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 18), 8-18-2008)

**Secs. 22-92—22-110.- Reserved.**

## ARTICLE V. - FIRE LANES

[Sec. 22-111. - Definitions.](#)

[Sec. 22-112. - Purpose and scope.](#)

[Sec. 22-113. - Specifications for easy identification.](#)

[Sec. 22-114. - Approval; property owner responsible for maintenance.](#)

[Sec. 22-115. - Unlawful to place "Fire Lane" signs in areas not so designated.](#)

[Sec. 22-116. - Violations; exception for authorized emergency vehicle.](#)

[Sec. 22-117. - Authority of law enforcement officer and fire inspector to enforce article.](#)

[Sec. 22-118. - Authority in emergency situations.](#)

[Sec. 22-119. - Disclaimer of liability for enforcement of article pertaining to maintenance and clearing.](#)

[Sec. 22-120. - Enforceability of properly placed signs.](#)

[Secs. 22-121—22-139. - Reserved.](#)

**Sec. 22-111.- Definitions.**

The words used in this article shall have their normal accepted meanings except as set forth in this section:

*Authorized emergency vehicle* means:

- (1) A motor vehicle belonging to a public utility corporation and designated as an emergency vehicle by the public safety department;
- (2) A motor vehicle belonging to a fire department or a certified private vehicle belonging to a volunteer fireman or a firefighting association, partnership, or corporation;
- (3) An ambulance; or
- (4) A motor vehicle belonging to a federal, state, or local law enforcement agency; provided such vehicle is in use as an emergency vehicle by one authorized to use it for that purpose.

*Enforcement officer* means any duly authorized law enforcement officer employed by the city.

*Fire lanes* means areas designated by the fire official providing access for fire department vehicles to

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buildings, fire department connections and fire hydrants. The term "fire lanes" includes all alleys, driveways or lanes, devoted to public use, where the parking of motor vehicles or other obstructions can interfere with the ingress or egress of fire department vehicles for the protection of persons and properties including, but not limited to:

- (1) Shopping centers;
- (2) Theaters;
- (3) Hospitals;
- (4) Bowling lanes;
- (5) Churches;
- (6) Multifamily housing; and
- (7) High-rise buildings.

*Fire official* means the fire officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of this article.

*Master plats* means all original plats drawn in accordance with this article; all copies distributed shall be from this original drawing.

*New building* means any commercial structure or public facility whose certificate of occupancy was issued after the effective date of Ordinance No. 4782 from which this article is derived.

*Plats* means the maps created by the building owner and approved by the fire marshal which depict the location and boundaries of land and all existing fire lanes in accordance with this article. Such maps shall be drawn to scale.

*Property owner* means each person possessing any estate, or leasehold right in the property being designated as a fire lane.

*Ticket* means an order issued out of court by a city enforcement officer directing a violator of this article to comply with all civil fines as set forth in section 22-1160.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 2), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 2), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 2), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 2), 8-18-2008)

**Sec. 22-112.- Purpose and scope.**

It is the declared purpose of this article to:

- (1) Provide for the designation and identification of the lanes;
- (2) Provide for the manner, method and language for the posting of signs;
- (3) Establish the penalty for a violation of this article;
- (4) Identify and designate the persons who have authority to enforce this article and the limits of

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such authority;

- (5) Prohibit parking in fire lanes;
- (6) Provide for the method of submitting properties to this article;
- (7) Repeal all ordinances in conflict herewith; and
- (8) Provide for other purposes.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 1), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 1), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 1), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 1), 8-18-2008)

**Sec. 22-113.-** Specifications for easy identification.

(a) *Minimum requirements.* Every existing building and all new buildings shall be accessible to fire department apparatus by way of designated fire lanes with an all-weather driving surface of not less than 20 feet of unobstructed width.

- (1) There shall be a minimum roadway turning radius of 35 feet.
- (2) There shall be a minimum vertical clearance of 13 feet, six inches.
- (3) The minimum hard surface subbase paving specification shall be at least 1½ inches of asphalted topping on at least six inches of bound-crushed stone, or the equivalent, capable of supporting the gross vehicle weight of a fire apparatus.
- (4) During construction, when combustibles are brought onto the site in such quantities as deemed hazardous by the fire official, access roads and a suitable temporary supply of water acceptable to the fire department shall be provided and maintained.
- (5) Where fire protection systems approved by the fire official are provided, the required clearances stated in subsections (a)(1) through (a)(3) of this section may be modified by the fire official.
- (6) The fire official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.
- (7) The creation, deletion, or modification of a fire lane shall be done in the fire official's best professional judgment.

(b) *Appeal.* Any owner of a building aggrieved by the decision of the fire official under this section may appeal the fire official's decision to the city manager within 30 days from the date of the fire official's decision. All appeals to the city manager shall be in writing setting forth the reasons for the appeal. The city manager shall issue a written decision to the owner within 30 days from the receipt of the written appeal from the owner.

(c) *Sign criteria.* The areas designated as fire lanes shall have signs posted meeting the following criteria:

- (1) Signs to read "No Parking Fire Lane."

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- (2) Letters shall not be less than two inches in height.
- (3) One sign shall be posted at the beginning of the fire lane and one at the end of the fire lane; each sign shall be erected not more than 50 feet apart.
- (4) Signs posted shall not be more than four feet from the edge of the curb and shall be visible from both direction of the driving surface.

(d) *Additional requirements.* The fire official may order curbs to be painted yellow or other distinctive colors.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 3), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 3), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 3), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 3), 8-18-2008)

**Sec. 22-114.-** Approval; property owner responsible for maintenance.

All fire lanes shall be approved by the fire official pursuant to these regulations, and thereafter these fire lanes shall be maintained by the property owner. Designated fire lanes or roads deemed necessary for the fire department access by the fire official shall be maintained in a passable condition as follows:

- (1) Private property owners or their representatives shall be responsible for keeping all fire lanes on their property free from obstructions.
- (2) Public property owners, the city, or their representatives shall be responsible for keeping all fire lanes within the city's jurisdiction free of obstructions.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 4), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 4), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 4), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 4), 8-18-2008)

**Sec. 22-115.-** Unlawful to place "Fire Lane" signs in areas not so designated.

(a) No person or property owner shall place, erect or maintain any sign for control of parking or traffic which includes the words "Fire Lane" unless such location has been designated a fire lane by the fire official. Any failure to meet the applicable requirements specified in section 22-113 shall be subject to a fine of \$150.00 for each violation; provided, however, that the fine will be waived if the required specifications are made within 14 days from the date of the citation.

(b) If that private or public property owner fails or refuses to meet said requirements on his or her property within such 14 days he or she shall, on the 15th day after receiving the citation, be subject to the \$150.00 fine for each violation and an additional \$10.00 fine for each violation for each day that the owner fails to comply with the provisions of this section until the area is properly designated and constructed. Each additional day shall be construed as an additional violation.

(c) All fines assessed under this section shall be paid into the city treasury.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 5), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 5), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 5), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 5), 8-18-2008)

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**Sec. 22-116.-** Violations; exception for authorized emergency vehicle.

(a) No person shall park any motor vehicle, including a motorcycle, in a fire lane; provided, however, this section shall not apply to the parking of an authorized emergency vehicle on official business.

(b) Enforcement of this section shall be through a civil action in the municipal court by the issuance of a ticket which shall be either left with the vehicle or delivered to the person in possession thereof. For purposes of such civil action, it shall be presumed that the registered owner of said vehicle is in control or possession thereof.

(1) *Fine amounts.* The first violation of parking in a fire lane within any 30-day period shall be punished by a \$25.00 civil fine; provided, however, the second violation within any 30-day period shall be punishable by a civil fine of \$40.00; and a civil fine of \$50.00 may be levied for each violation thereafter occurring within any 30-day period.

(2) *Payment within 48 hours or request for hearing required.* The person receiving a ticket for a violation of this section may pay the civil fine by return mail to the city municipal court or its designated receiver within 48 hours of the issuance of the ticket or may request a hearing within 48 hours to contest the issuance of the ticket. In the event the civil fine is not paid within 48 hours, the municipal court may issue a citation for contempt requiring the offender to show cause why he or she failed to pay the fine within the time frame allowed by this section. Upon conviction thereof, the municipal court may impose a fine as provided by law.

(c) Upon any person to whom a ticket has been issued under this section, a uniform traffic citation may be obtained with a hearing date thereon from the police officer or uniformed fire inspector whereupon it shall be returnable to the municipal court.

(d) Violation of this section shall be enforced through a civil action. The burden of proof shall be on the city. The standard of proof shall be by a preponderance of the evidence; provided, however, the aforementioned presumption in subsection (a) of this section shall apply.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 6), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 6), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 6), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 6), 8-18-2008)

**Sec. 22-117.-** Authority of law enforcement officer and fire inspector to enforce article.

A duly authorized law enforcement officer employed by the city and uniformed fire inspectors shall have the authority for enforcement of fire lanes.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 7), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 7), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 7), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 7), 8-18-2008)

**Sec. 22-118.-** Authority in emergency situations.

(a) In addition to all powers authorized by state law, in the event of any fire, explosion, bomb threat, or similar emergency, the city fire department shall be authorized to prevent the blocking of any public or private street, road or alley, way or driveway, or emergency lane, during any such emergency or remove any vehicles or obstructions necessary.

(b) The officers, members, agents or employees of the city fire department shall not be liable at law

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for any act done while actually fighting a fire or performing duties at the scene of an emergency.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 8), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 8), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 8), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 8), 8-18-2008)

**Sec. 22-119.-** Disclaimer of liability for enforcement of article pertaining to maintenance and clearing.

The city assumes no liability for any damages, injuries, or deaths resulting from enforcement or lack of enforcement of the laws pertaining to maintenance and clearing of the fire lanes. The city has the authority to issue individual tickets or citations for fire lane violations, but the property owner has the ultimate responsibility to clear the fire lanes.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 9), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 9), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 9), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 9), 8-18-2008)

**Sec. 22-120.-** Enforceability of properly placed signs.

The disregard or disobedience of the instruction of any sign placed in accordance with the provisions of this article by the driver of a vehicle shall be deemed prima facie evidence of a violation of law, without requiring proof by whom and by what authority such sign has been erected.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 10), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 10), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 10), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 10), 8-18-2008)

**Secs. 22-121—22-139.-** Reserved.

## ARTICLE VI. - APPLICABILITY OF FIRE REGULATIONS

[Sec. 22-140. - Petition requesting application of chapter to properties.](#)

[Sec. 22-141. - Plat descriptions for fire official.](#)

[Secs. 22-142—22-160. - Reserved.](#)

**Sec. 22-140.-** Petition requesting application of chapter to properties.

Properties may become subject to this chapter by submitting a petition from the property owner or fully authorized agent of the property owner requesting this chapter to apply. The petition shall be submitted to the fire official and, upon approval, the property shall become subject to this chapter and its subsequent revisions.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 11), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 11), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 11), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 11), 8-18-2008)

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**Sec. 22-141.-** Plat descriptions for fire official.

(a) Any property which falls within the city's jurisdiction shall have all fire delineations visually depicted on a plat. These plats shall be designed by the owner and submitted to the city fire department and copies shall be maintained with the city clerk. Each visual depiction shall identify all:

- (1) Building exterior walls;
- (2) Traffic and parking lanes; and
- (3) Sidewalks.

(b) The area to be designated as a fire lane shall be delineated in red ink. The plat shall state a scale of measurement and shall be on paper or a series of pages of 8½ by 11 inches. The plat identification shall specify the name of the property, a brief legal description of the property, and the length and width of the fire lane, as approved by the fire official, with whom all master plats will be filed.

(Ord. No. 06-11-60, § 1(ch. 15, art. 4, § 12), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 4, § 12), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 4, § 12), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 5, § 12), 8-18-2008)

**Secs. 22-142—22-160.-** Reserved.

## ARTICLE VII. - BUILDING NUMBERING

[Sec. 22-161. - Responsibility of property owner or occupant.](#)

[Sec. 22-162. - Six month grace period.](#)

[Sec. 22-163. - Fine.](#)

**Sec. 22-161.-** Responsibility of property owner or occupant.

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, 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.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 13), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 13), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 13), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 12), 8-18-2008)

**Sec. 22-162.-** Six month grace period.

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

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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.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 13), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 13), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 13), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 12), 8-18-2008)

**Sec. 22-163.-** Fine.

All persons who violate this section shall be subject to a fine in an amount set by city council resolution. If the person does not remedy the violation, every 30 days shall be deemed a separate offense.

(Ord. No. 06-11-60, § 1(ch. 15, art. 3, § 13), 11-21-2006; Ord. No. 08-03-05, § 1(ch. 15, art. 3, § 13), 3-17-2008; Ord. No. 08-06-08, § 1(ch. 15, art. 3, § 13), 6-2-2008; Ord. No. 08-08-19, § 1(ch. 15, art. 4, § 12), 8-18-2008)