

FIRE PREVENTION AND PROTECTION ORDINANCE

AN ORDINANCE TO ADOPT THE STATE MINIMUM FIRE SAFETY STANDARDS, REGULATE POTENTIAL FIRE HAZARDS WITHIN THE CITY, AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council seek to minimize the danger posed by fire and fire related damage, as such can seriously jeopardize the public health, welfare, and safety of the city's residents.;


WHEREAS, the Mayor and Council seek to adopt the state minimum fire standards and related portions of the International Fire Code;

WHEREAS the Mayor and City Council desire to regulate hazardous explosive chemicals, fireworks and open burning within the City;


NOW, THEREFORE, THE COUNCIL OF THE CITY OF TUCKER HEREBY ENACTS AND ORDAINS that Chapter 12 FIRE PREVENTION AND PROTECTION as attached hereto, is hereby adopted and approved as part of the Code of Ordinances for the City of Tucker, Georgia effective on 27 day of February, 2017.

SO ORDAINED this 27 day of February 2017.

Approved:


Frank Auman, MAYOR

Attest:


Jennifer Davis, City Clerk

(Seal)



Chapter 12 - FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

Sec. 12-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment building means buildings containing three or more living units with independent cooking and bathroom facilities, whether designated as an apartment house, tenement, garden apartment, or by any other name.

Battery backup means any emergency power supply for power-assisted gates operated by electrical power.

Breakaway security gate means any gate designed to fall away under pressure.

Case hardened metal means a steel alloy formed by diffusing carbon or nitrogen into the outer layer of the steel at high temperature such that the metal cannot be cut with a saw, and will not shatter.

Combustible means any material that is capable of supporting ignition or the process of burning under heat exposure.

Delayed response means any postponement of an emergency vehicle gaining access through security barriers.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous substances or hazardous waste into or on any land or water so that such substances or waste may enter the environment or be emitted into the air or discharged into any water, including groundwater.

Dormitory means buildings or spaces in buildings where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories or other housing for students, fraternity houses, military barracks; with or without meals, but without individual cooking facilities.

Emergency shutoff button means a device used to release hydraulic pressure on power-assisted gates operated by hydraulic power.

Fire apparatus means any vehicle or equipment used by fire and rescue services.

Fire marshal means a qualified officer who will perform fire marshal services for the city.

Gamewell lock box means a box, sometimes called an elevator lock box, which must be opened with a special key carried on fire response vehicles.

Gravity gate means a gate with no power assistance and which operates freely under manual manipulation.

Hazardous explosive chemicals means all picric acids, nitro-based chemicals, ethers, peroxides, oxidizers, and such other chemicals as may be determined by the fire marshal to be hazardous explosives.

Hazardous substance means a substance that satisfies any one of the following requirements:

- (1) A substance which, because of the toxic or hazardous properties which it exhibits, is determined by the director of the environmental protection division of the state department of natural resources to represent a significant risk to the public health and safety as a result of foreseeable use, handling, accidental spill, exposure or contamination;
- (2) A substance that is known to present a significant risk of personal injury or illness as the foreseeable result of use, handling, accidental spills, exposure or contamination; or
- (3) A substance or material that has been determined to pose an unreasonable risk to health, safety, and property.

Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal regulation in force and effective February 1, 1986, codified as 40 CFR 261—Identification and Listing of Hazardous Waste, as amended.

Hazardous waste generation means the act or process of producing hazardous waste.

High-rise residential occupancy building means residential properties, hotels, dormitories, apartments, lodging or room houses, or board and care facilities three or more stories in height.

Hotel/motel means a building in which separate sleeping rooms are rented that provide sleeping accommodations for 15 persons or more on either a transient or permanent basis, with or without meals, whether designated as a hotel, inn, club, motel, or by any other name.

Improper storage means storage of chemicals past the expiration date on the label or chemicals stored in any area or container not designed for storage of the particular chemical. If there is no date listed for the expiration date, the expiration date shall be 12 months past the date that the chemical was received by the person or entity storing the chemical.

Knox Box Rapid Entry System means a key box that is authorized by section 506 of the International Fire Code and allows firefighting access for fire department purposes. Examples of structures or areas in which a key box is required include commercial and industrial structures protected by an automatic alarm system or automatic suppression system or structures that are secured in a manner that restricts access during an emergency; multi-family residential structures that have restricted access through locked doors and have a common corridor for access to all the living units; governmental structures and nursing care facilities; hazardous material occupancies; and occupancies where a large number of medical or fire alarms occur and entry can be delayed.

Lodginghouse or roominghouse means a building in which separate sleeping rooms are rented which provides sleeping accommodations for 15 or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.

Pad lock means any lock that is not constructed of case hardened metal.

Power assisted gate means any gate that is operated through a power source, whether electrical, hydraulic or pneumatic.

Residential property means buildings containing three or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, condominium or by any other name.

Substance means any element, entity, compound, combination, or any mixture thereof, whether organic or inorganic.

Toggle switch means a device used to operate a power-assisted gate and override the power supply to the gate.

Sec. 12-2. - Scope.

- (a) The provisions of this chapter shall apply equally to both public and private property, and to all structures and their occupants, except as otherwise specified herein or by other applicable law.
- (b) The city shall have the authority to contract with any other government entity for the enforcement of this chapter and to enter into any intergovernmental agreements for the provision of fire and rescue services.

During the duration that the Intergovernmental Agreement for the Provision of Fire Rescue Services with DeKalb County (the "Fire IGA") is in effect, all sworn DeKalb County fire and rescue personnel shall be considered sworn fire and rescue personnel of the City of Tucker.

Sec. 12-3. - False fire alarm.

It shall be unlawful for any person to transmit or cause to be transmitted in any manner to fire and rescue services a false report of a fire, knowing at the time there is no factual basis for believing that such a fire exists. Such a violation shall be prosecuted under applicable state law as a misdemeanor.

Secs. 12-4—12-24. - Reserved.

ARTICLE II. - ADMINISTRATION

Sec. 12-25. - Duties of the fire marshal.

- (a) Pursuant to the Intergovernmental Agreement for the Provision of Fire Rescue Services with DeKalb County (the "Fire IGA"), the services to be performed by the fire marshal shall include the inspections of new buildings and renovations to existing buildings for compliance with the fire code, including the following:
 - (1) Reviewing and approving plans for both new construction and renovations of existing structures;

(2) Final inspections for life safety for all commercial and multifamily buildings;

(3) Inspections for new business licenses or change of occupancy, in conjunction with the building official; and

(4) Inspections required for setting occupancy load, in conjunction with the building official.

(b) The fire marshal shall possess the education, training and experience required by state law for such position.

(c) The fire marshal or his designee shall remit all site plans receiving an approval for life safety by the fire marshal to the county's fire chief.

Sec. 12-26. - Construction plans approval.

It shall be unlawful to construct, erect or alter any building without construction documents approved by the fire marshal for fire department accessibility, fire hydrant requirements, fire code requirements, occupancy load, aboveground and underground flammable and combustible liquids tank installations and fire protection and suppression systems, including, but not limited to, sprinklers.

Sec. 12-27. - Permits.

The city shall have the authority to issue permits and to collect fees for plan review, permit and inspection in connection with commercial and multifamily buildings constructed or renovated in the city in amounts set by resolution of the city council as well as for reimbursement for other review or inspection services provided in this chapter, in this Code or by law.

Secs. 12-28—12-57. - Reserved.

ARTICLE III. - REGULATIONS AND ADOPTED CODES

Sec. 12-58. - Adoption of state fire safety rules.

Pursuant to O.C.G.A. § 25-2-1 et seq. and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the state minimum fire safety standards now and as may hereafter be promulgated by the Georgia Safety Fire Commissioner. In the event the fire marshal determines that the provisions of the state minimum fire safety standards conflict with the provisions of the International Fire Code adopted in section 12-59, then the most restrictive provision as determined by the fire marshal shall govern.

Sec. 12-59. - Adoption of International Fire Code.

Pursuant to O.C.G.A. §§ 8-2-20 and 8-2-25 and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the International Fire Code, including chapter 1, Administration. As allowed in O.C.G.A. § 8-2-25, the provisions of the International Fire Code are modified and amended in sections

12-60 through 12-63. In the event the fire marshal determines that the provisions of the International Fire Code conflict with the provisions of the state minimum fire safety standards adopted in section 12-58, then the most restrictive provision as determined by the fire marshal shall govern.

Sec. 12-60. - Amendments to the International Fire Code.

(a) The International Fire Code is hereby amended by omitting section 108, Board of Appeals of chapter 1, Administration and section 108 shall not be adopted by the city.

(b) The International Fire Code is hereby amended by adopting Appendix C—Fire Hydrant Locations and Distribution and Appendix D—Fire Apparatus Access Roads.

Sec. 12-61. - Spread of fire.

(a) All combustible landscaping materials shall be placed at least 36 inches away from the edge of any building having an external skin of either combustible sheathing or combustible siding. Aluminum siding, vinyl siding, non-treated wood siding and similar materials shall be considered combustible for the purpose of this section. This section shall not be interpreted to prohibit the planting of shrubs, trees and other live plant materials closer than 36 inches away from the edge of any other building.

(b) Except as provided in Article VI herein, it shall be unlawful for any person to ignite a fire of any type within ten feet of a combustible building, including ignition under combustible overhangs and balconies.

Sec. 12-62. - Automatic fire extinguisher system required.

(a) All new or substantially rehabilitated multifamily dwellings properties shall be fully sprinkled in accordance with the latest adopted edition of the National Fire Protection Association publications 13 (NFPA-13) or 13R (NFPA 13R).

(b) All high-rise residential occupancy buildings shall have an approved sprinkler system installed in accordance with NFPA-13.

Sec. 12-63. - Security gate/barrier installation requirements other than one- and two-family dwellings.

(a) Installation requirements for all gates.

(1) All gates shall have a minimum width of 20 feet to allow for fire apparatus access.

(2) All gates shall have signage indicating gate direction of travel.

(3) All objects on a gate that may obstruct the path of emergency vehicles must be covered with reflective paint, tape or lights sufficient to guide vehicles around the obstruction.

(4) The owner of the property shall ensure that all hydraulic gates are disabled and left in the open position when the temperature is expected to drop below 25 degrees Fahrenheit.

(5) If a gate is located on a turn, the turn must have a 35 foot clear inside radius and a 50 foot clear outside radius.

(6) Gate installers shall provide information on the operational features of the gate to the fire marshal prior to the installation of any security gate.

(7) The fire marshal prior to installation of any security gate must approve its operational features.

(8) When gates are opened for emergency access, they shall remain open until reactivated.

(9) Construction plans or blueprints shall be submitted to the community development department for approval by the fire marshal prior to an owner or applicant beginning work on the installation of a gate.

(b) Installation requirement for power-assisted gates.

(1) Property owners shall ensure that Gamewell lock boxes or any means of security approved by the fire marshal shall conform to the requirements of this chapter.

(2) Power assisted gates shall contain a toggle switch to manually operate the gate and override the power.

(3) The property owner shall install in gates operated by electrical means a battery backup to keep the toggle switch operational.

(4) The property owner shall also ensure that the power-assisted gate is equipped to operate manually.

(5) Property owners shall ensure that hydraulic gates have an emergency button or knob to release pressure. The button or knob shall be located at the hydraulic arm, and one shutoff is required for each arm. If the emergency shutoff is used, the gate must be capable of being secured to prevent it from swinging back to the closed position.

(c) Installation requirements for gravity gate locking devices.

(1) Pad locks may be used to secure a gate only if the pad lock is not constructed of case hardened metals.

(2) Gates shall be installed to allow fire apparatus to access the property and not impede the flow of traffic. This includes a sufficient distance to allow gates to open if swinging in the direction of the fire apparatus.

(d) Installation requirements for chain and pole security barriers.

(1) Property owners must seek approval from the fire marshal prior to the use of chain and pole barriers.

(2) Chains and pole barriers must not be constructed of case hardened metal.

(e) Installation requirements for break away security gates.

(1) When the security gate arm is raised, the property owner must ensure that the arm remains raised until reset for normal operation.

(2) The mechanism for overriding the gate shall be accessible to the employees of the fire rescue service provider.

(3) When in use, the gate arm should be open to an angle greater than 90 degrees to the terrain of the driveway.

Secs. 12-64—12-84. - Reserved.

ARTICLE IV. - INSPECTIONS, VIOLATIONS AND PENALTIES

Sec. 12-85. - Responsibility for violations.

It shall be unlawful for any person to violate the provisions of this chapter, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation.

Sec. 12-86. - Penalties for violation.

(a) Any person who violates any of the provisions of this chapter as hereby adopted or fails 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 statement or specifications of plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall for each and every such violation or noncompliance, be guilty of an ordinance violation and, where applicable, state or federal law. Upon conviction of the violation in a court of competent jurisdiction, the individual shall be subject to fine and/or imprisonment in accordance the City Charter.

(b) The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Any person convicted of a violation under this chapter shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the penalty stated in this section shall not be held to prevent the enforced removal of prohibited conditions.

Secs. 12-87—12-115. - Reserved.

ARTICLE V. - HAZARDOUS EXPLOSIVE CHEMICALS

Sec. 12-116. - Improper storage prohibited.

It shall be unlawful for any person or institution to keep hazardous explosive chemicals, which are used or stored for which the expiration date has passed.

Secs. 12-117—12-145. - Reserved.

ARTICLE VI. - OPEN BURNING

Sec. 12-146. - Permitted and prohibited burning.

(a) No person shall cause, suffer, allow or permit open burning in any area of the city 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) Operation of devices using open flames such as candles, lanterns, tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment where appropriate safety measures are used.

(3) Warming fires in a barrel of 55-gallon capacity or less, or other commercially sold outdoor fireplace devices, provided that:

- a. The fire does not produce dense smoke or obnoxious odors; and
- b. The fire is attended by an individual over the age of 17 years.

Untreated wood or lumber shall be the only material or substance allowed in the warming fire.

(b) Open burning allowed as set forth in subsection (a) of this section 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 or obnoxious odors shall not be used for starting, maintaining, or placed into 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.

Secs. 12-147—12-175. - Reserved.

ARTICLE VII. - FIREWORKS

Sec. 12-176. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. In the event that any definitions used in this article conflict with those contained in O.C.G.A. § 25-10-1 et seq., the definitions contained in O.C.G.A. § 25-10-1 et seq., as amended, shall control.

Consumer fireworks means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations (16 CFR 1500 and 1507), the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations (49 CFR 172), and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The term "consumer fireworks" shall not include:

(1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term "consumer fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and

(2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Fireworks means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term "fireworks" does not include:

(1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor does the term "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and

(2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Sec. 12-177. - Fireworks activities restricted.

Except as permitted under state law and as otherwise permitted in this article, it shall be unlawful for any person, firm, corporation, association or partnership to offer for sale at retail or wholesale, or to use or explode or cause to be exploded, or to possess, manufacture, or store any consumer fireworks or fireworks within the city.

Sec. 12-178. - Location and hours of use regulated.

(a) It shall be unlawful to use fireworks, consumer fireworks or any items defined in O.C.G.A. § 25-10-1(b)(2) indoors.

(b) Except as provided in subsection (c) of this section, it shall be lawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks:

- (1) On any day between beginning at the time of 10:00 A.M. up to and including the ending time of 9:00 P.M.;
- (2) On any day after the time of 9:00 P.M. and up to and including the time of 11:59 P.M. if such use or ignition is lawful pursuant to the noise ordinance of the City of Tucker in the location in which such use or ignition occurs;
- (3) On January 1, July 3, July 4, and December 31 of each year after the time of 9:00 P.M. and up to and including the time of 11:59 P.M.; and
- (4) On January 1 of each year beginning at the time of 12:00 Midnight and up to and including the ending time of 1:00 A.M.

(c) Any person may use or explode or cause to be exploded any consumer fireworks on any day at a time provided for under this subsection if such person, firm, corporation, association, or partnership is issued a special use permit by the city for the use or explosion of consumer fireworks. Such special use permit shall designate the time or times and location that such person, firm, corporation, association, or partnership may use or explode or cause to be exploded such consumer fireworks. Such fee assessed by the City for the issuance of a special use permit pursuant to this subsection shall not exceed \$100.00.

(d) It shall be unlawful for any person, firm, corporation, association, or partnership to use or explode or cause to be exploded any consumer fireworks within 100 yards of a nuclear power facility or a facility engaged in the retail sale of gasoline or the production, refining, processing, or blending of gasoline for such retail purposes.

Sec. 12-179. - Public exhibitions or displays of fireworks.

Public exhibitions or displays of fireworks shall be allowed if properly permitted according to the provisions of O.C.G.A. ch. 25-10.

Sec. 12-180. - Penalty for violation of article.

Any person violating the provisions of this article shall be subject to punishment, and upon conviction, subject to fine and/or imprisonment in accordance with the City Charter.