

**CHAPTER 11
FIRE PREVENTION AND PROTECTION**

ARTICLE I. FIRE PREVENTION CODE

Sec. 11-1 Adopted.

- A. There is hereby adopted, for the purpose of prevention of loss of life and property from fire, panic from fear of fire, explosions or related hazards, the State of Georgia Rules and regulations for the State Minimum Fire Safety Standards, Chapter 120-3-3 effective January 30, 2014 as adopted by the Safety Fire Commissioner and all subsequent revisions thereto are adopted and incorporated by reference and the whole thereof, except those provisions which are in conflict with any other ordinance of the City. Such code is hereby incorporated as a part hereof the same extent as set out at length herein and the provisions thereof shall be controlling within the City.
- B. A copy of the Rules and Regulations for the State Minimum Fire Safety Standards shall be maintained in the office of the City Clerk for inspection by the public.
- C. In the event of a conflict between the Rules and Regulations for the State Minimum Fire Safety Standards and any other ordinance of the City, such other ordinance shall control.
- D. The rules and regulations of the Safety Fire Commissioner entitled, Rules and Regulations for the "State Minimum Fire Safety Standards" are promulgated to establish the State's minimum fire safety standards as specified in the Official Code of Georgia Annotated (OCGA) Section 25-2-4.

Sec. 11-1-1 Enforcement.

- A. The fire prevention code shall be enforced by the Fire Chief or his/her designee. 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.
- B. The Fire Chief shall also recommend any amendments to the code which, in his or her judgment, shall be desirable.

Sec. 11-1-2 Modifications.

The Fire Chief or designee shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or 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 modifications, when granted or allowed, and the decision of the Fire Chief thereon shall be entered upon the records of the fire department and a signed copy shall be furnished to the applicant.

Sec. 11-1-3 Appeals.

- A. Any person aggrieved by an action of the Fire Marshal or other employee of the City of Forsyth 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 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 Forsyth Manager/Administrator within 30 days from the date of the decision or action from which the aggrieved party appeals.

Sec. 11-1-4 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, or 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 in the Forsyth Municipal Court for violations after the person has been issued a citation by the Fire Chief or a duly authorized officer of the fire department of the City of Forsyth or an authorized law enforcement officer of the police department of the City of Forsyth or sworn officer of the Monroe County Sheriff's Department. Upon conviction, the person shall be punished by a fine or imprisonment in accordance with Section 4.103(c) of the City Charter, 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 Charter is deemed to be a continuing nuisance and may be abated by an application of injunction in the Superior Court of Monroe County or any other court of competent jurisdiction.

Sec. 11-1-4A Citations.

A. General

- 1. This Policy shall be effective upon adoption of this ordinance.
- 2. It is the purpose to provide direction in the issuance and processing of citations for hazards observed, and/or violations found at the time of inspection.
- 3. This policy applies to all areas where the City of Forsyth Fire Department has authority.
- 4. The citation program has been initiated in response to code violations that endanger the public. Citations provide an immediate financial impact on those responsible for code violations.

B. Specific

1. Authority

- a. OCGA Title 25-2-4, 25-2-13(f), 33-2-9, and 50-13-21
- b. City Ordinance
- c. International and National Fire Code.

C. Procedures

- 1. If after investigation, the Fire Chief/Fire Marshal determines that a violation of the City Fire Prevention and Protection Code has occurred, that the person, entity or owner/occupant committing the violation knew or should have known that the action was in violation of this title, a citation answerable in the Municipal Court may be issued to the person, entity or owner/occupant committing the violation. Citable violations include, but are not limited to:
 - a. Failure to adhere to assigned occupant load
 - b. Exit blocked, obstructed while building occupied

- c. Exit sign missing or not working
 - d. Fire Extinguisher obstructed, missing, discharged or wrong type
 - e. Failure to maintain smoke detector in rental property
 - f. Parking on fire lane
 - g. Blocking or obstructing any fire hydrant or fire department connection
 - h. Burning in violation of Fire Code
 - i. Address not posted
 - j. Violations that would constitute or contribute to an immediate and/or imminent hazard to life and/or property
 - k. Combustible materials stored in exits or exit enclosures for stairways or ramps
2. Each day a person, owner or occupant violates or fails to comply with fire regulations may be considered a separate violation for which a citation may be issued.
3. Fines Authorized. Citations shall result in monetary fines as set forth in Section 4.103(c) of the City Charter. Fines may escalate for two or more occurrences of the same or similar violations by the same person, owner or occupant within a four year period. The City Judge may suspend ½ of any citation fine, providing the person, owner or occupant cited agrees in writing to immediately cease and/or abate the violation. If the person, owner or occupant is found to be in violation of the same or similar violation within a four year period, the original fine may be reinstated and shall be in addition to any other fine authorized by this title.
4. Fee Schedule.
- a. Failure to adhere to assigned occupant load limit
 - i. OCGA 25-2-4; International Fire Code Section 1004; City Ordinance 11-1 Not to exceed fines as set out in Section 4.103(c) of the City Charter: \$1,000.00
 - b. Exit blocked, obstructed while building occupied
 - i. OCGA 25-2-37; City Ordinance 11-1 Not to exceed fines as set out in Section 4.103(c) of the City Charter: \$1,000.00
 - c. Exit sign or Emergency lighting missing or not working
 - i. International Fire Code 1011.6.3 City Ordinance

11-1: \$25.00 per sign

- d. Fire Extinguisher obstructed, missing, discharged or wrong type
 - i. International Fire Code 905.5; 906.6; City Ordinance 11-1: \$25.00 per extinguisher
- e. Failure to maintain smoke detector in good working order in rental property
 - i. OCGA Title 25-2-40; City Ordinance 11-8: 1st offense \$25.00, 2nd offense not to exceed \$250.00
- f. Parking in fire lane
 - i. International Fire Code 503.4; City Ordinance 11-5
 - ii. The first violation of parking in a fire shall be punished by a \$50.00 civil fine; a subsequent violation within any 30-day period shall be punished by a civil fine of \$100.00; and a civil fine of \$250.00 may be levied for each violation thereafter occurring within any 180-day period.
- g. Blocking or obstructing any fire hydrant or fire department connection
 - i. International Fire Code 507.4; City Ordinance 11-1
 - ii. First offense \$50.00, Second offense \$100.00
- h. Burning in violation of Fire Code
 - i. City Ordinance 11.2
 - ii. First offense \$50.00, Second offense \$100.00, and \$200.00 for each subsequent offense thereafter.
- i. Address not posted
 - i. International Fire Code 505.1; City Ordinance 11-3
 - ii. First offense \$25.00, Second offense \$50.00, and \$100.00 for each subsequent offense thereafter.
- j. Violations that would constitute or contribute to an immediate and/or imminent hazard to life and/or property
 - i. OCGA Life Safety Code, International Fire Code, International Building Code, National Fire Code; City Ordinance 11-1. Fire Official or Law Enforcement may do what it takes to correct immediately, to evacuate building, secure power or gas to building to a minimum. Fine not to exceed Section 4.103(c) of the City Charter and

possible criminal arrest for endangerment:
\$1,000.00

- k. Combustible materials stored in exits or exit enclosures for stairways or ramps
 - i. International Fire Code 315.32; City Ordinance 11-1
 - ii. \$200.00 per occurrence

Section 4.103(c) of City Charter: "The court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1000.00 or imprisonment for not more than six months or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing, including probation, as now and hereafter provided by law."

5. Citation Process. Citation shall be delivered as would reasonably be expected to provide notice, including in person, by certified mail or posted conspicuously on property. Citation shall include:

- a. Name and address of person, owner or occupant being cited
- b. A description of property where the violation occurred
- c. Date(s) of violation
- d. Reference to the particular code(s) violated
- e. A statement explaining actions required of person, owner or occupant being cited
- f. A statement of applicable monetary penalty, and
- g. A statement of the right to appeal the citation.

D. Issuance of Citations

1. No handwritten citation is necessary to be left on site. However the Fire Chief or his/her designee shall attempt to notify the owner or responsible party that they will be receiving a citation via the mail.
2. Notify the responsible party of their right to appeal the citation.

Sec. 11-1-5 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. 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. The Fire Chief may immediately suspend any member of the fire department for insubordination at any emergency scene.
- B. Officers of the fire department, when at the scene of an emergency, may direct or assist the city police department in directing traffic in the immediate vicinity.

Sec. 11-1-6 Obstruction of or tampering with fire hydrants and apparatus prohibited

- A. It is unlawful for any person to park vehicles or place dirt, rubbish, building materials 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 water department or Fire Chief or his or her designee. Any person who violates this section shall upon conviction be punished in accordance with Section 11-1-4 of this code, as now or hereafter amended.
- B. No person, except 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.

Sec. 11-1-7 Certain acts interfering with firefighting activities

- A. 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 roped off or access is denied by the City Police or Monroe County Sheriff's deputy, 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 law enforcement officer, 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 designee, may enter the restricted areas.

ARTICLE II OPEN BURNING

Sec. 11-2 Open burning

The provisions of this article shall be enforced by the fire or police department of the City of Forsyth.

Sec. 11-2-1 Violations of this article

- A. Any person who violates any provision of this article shall be subject to the penalty prescribed by Section 11-1-4 of this code.
- B. Subsection (A) of this section shall not be construed to bar either of the following:
 - 1. Maintenance of any private action or other appropriate proceeding by any person for damages or other relief on account of injuries to persons or property;
 - 2. Issuance of any injunction or other appropriate remedy to abate unauthorized burning.

Sec. 11-2-2 General prohibition

Except as otherwise provided in this article, no person shall kindle an open fire on any public or private place in the city outside any building. Fires started in violation of this section shall be promptly extinguished by the person responsible for the same upon notice by the Fire Chief or his duly designated agent.

Sec. 11-2-3 Burning permit

- A. Notwithstanding the provisions of 11-2-2, the Fire Chief or his

duly authorized agent may issue a permit authorizing open burning. No such permit shall be issued unless the issuing officer is satisfied that:

1. No hazardous condition will be created by such burning;
 2. No salvage operation by burning will be conducted;
- B. Any permit issued under this section may be limited by the imposition of conditions to:
1. Prevent the creation of excessive smoke; or
 2. Protect property and the health, safety and comfort of persons from the effects of the burning.
- C. If it becomes apparent at any time to the Fire Chief or his duly authorized agent that a limitation stated in the subsection (B) above needs to be imposed, such officer shall notify permittee of the limitation and such limitation shall be treated as a condition under which the permit was issued.
- D. It shall be unlawful for any person to violate the terms and conditions of a permit issued under this section.

Sec. 11-2-4 Authorized burning without a permit

Notwithstanding any other provisions of this article, open burning may be done without a permit as follows:

- A. Open fires may be set in the performance of an official duty of any public safety officer, if necessary to prevent a fire hazard or to carry out his or her official duties.
- B. Fire may be used for the cooking of food or for recreational purposes, such as camp fires, provided no smoke violation or other nuisance is created.

Sec. 11-2-5 Open flame cooking/heating devices

Definition: Open flame cooking/ heating device per this ordinance is defined as hibachi, gas fired grill or smoker, charcoal grill or smoker or other similar devices used for cooking, heating, or any other purpose.

Note: Many apartment complexes or condominiums have regulations on the

use of grills and other heating devices that exceed fire code requirements. Please check with your management staff to see what requirements or expectations apply to grills at your complex.

- A. The use of open flame cooking/heating devices on balconies or breeze ways of an apartment complex or condominium is prohibited.
- B. The use of open flame cooking/heating devices within 10' of any structure of an apartment complex or condominium is prohibited.

Enforcement: Owner, managers or residents may be held responsible for violating this code section.

Whoever violates any provision of this section shall be fined not more than \$300.00. Every day a violation occurs shall constitute a separate offense as prescribed under this section.

ARTICLE III POSTING OF ADDRESS

Sec. 11-3 Posting of address

- 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 Forsyth, 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 identifier 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 is clearly visible and legible from the street or private drive on which each building fronts. The identifier for each building within the apartment complexes lying within the city will be a minimum of 4 inches 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 adoption of this ordinance to come into compliance.

- C. All Strip Mall type properties shall also post the address on the rear entrances.
- D. All persons who violate this section shall be subject to a fine of \$25.00 for the first offense, \$50.00 for the second offense, and \$100.00 for each subsequent offense thereafter. If the person does not remedy the violation, every 30 days shall be deemed a separate offense.

ARTICLE IV AUTOMATIC SPRINKLER SYSTEMS

Sec. 11-4 Automatic sprinkler systems

As used in this section, the following terms shall have the meaning set forth herein:

Commercial refers to a business involved in the exchange of services, products or property of any kind; the buying, selling and exchange of articles.

New for the purpose of this section, shall include 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 or serious consequence. For purposes of this subsection, the term "substantial renovation" shall mean 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 county tax records at the time of such renovation.

Approved system-commercial for commercial buildings or those structures required to be sprinkled by some other code, means a sprinkler system designed in accordance with National Fire Protect Association Standards and referenced publications.

Approved system 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.

Modified sprinkler system is a combination sprinkler system operating off the domestic water supply designated in accordance with specification on file in the Fire Marshal's office.

- A. All new commercial buildings shall be protected throughout with an approved automatic fire protection system.
- B. 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. The Fire Marshal will give consideration to such things as building construction, products stored, arrangement of storage, number of employees in the area, access to the building, and any other fire protection features provided. 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.
- D. 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 of Forsyth Building Code and is not required to be protected by some applicable code.
- E. There shall be early fire detection systems in all sections of multifamily occupancies. Existing buildings may have an approved battery operated smoke detector. The Fire Chief or Fire Marshal may require a hard-wire detection system if battery operated detectors are not maintained according to manufacturer's recommendations.
- F. The owner is responsible for the inspection and testing of the sprinkler system in accordance with the rules of the Georgia Safety Fire Commissioner.
- G. If this code section in any way conflicts with the provisions in the Standard Building Code, the Fire Prevention Code, or the Life Safety Code, the more restrictive shall apply.

OCGA § 8-2-200 et seq., (The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings) 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.

Any other provision of the City Code of Ordinances which does not adopt state law by reference and which is more restrictive than the rules of the

Georgia Safety Fire Commissioner.

ARTICLE V FIRE LANES

Sec. 11-5 Fire lanes

It is the declared purpose of this Chapter to provide for the designation and identification of fire lanes; for the manner, method and language for the posting of signs; to establish the penalty for violation of this Chapter; to identify and designate the persons who have authority to enforce the Chapter and the limits of such authority; to prohibit parking in fire lanes; to provide for the method of submitting properties to this Chapter; to repeal all ordinances in conflict herewith; and for other purposes.

The words used in this Chapter shall have their normal accepted meanings except as set forth below.

Authorized emergency vehicle means a motor vehicle belonging to a public utility corporation and designated as an emergency vehicle by the department of public safety; a motor vehicle belonging to a fire department; an ambulance; or 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(s) shall refer to any duly authorized law enforcement officer employed by the City of Forsyth or Monroe County.

Fire lane(s) are areas designated by the fire officials providing access for fire department vehicles to buildings, fire department connections and fire hydrants. This includes alleys, driveway 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, shopping centers, theaters, hospitals, bowling lanes, churches, multifamily housing, and high-rise buildings.

Fire officials means the fire officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the fire prevention code.

Master plats means all original plats drawn in accordance with this Chapter, all copies distributed shall be from this original drawing.

New building(s) means any commercial structure or public facility whose certification of occupancy was issued after the effective date of this ordinance.

Plats shall refer to 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 Chapter. Such maps shall be drawn to scale.

Property owner(s) shall refer to each person, firm, corporation, or entity possessing any estate, or leasehold right in the property being designated as fire lane(s).

Ticket shall mean an order issued out of court by an enforcement officer of the City directing a violator of this Chapter to comply with all civil fines as set forth.

- A. 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. There shall be a minimum roadway turning radius of 35 feet. There shall be a minimum vertical clearance of 13 feet 6 inches. The minimum hard surface sub base paving specification shall be at least one and one-half inches of asphaltic topping on at least 6 inches of bound crushed stone, or the equivalent, capable of supporting the gross vehicle weight of fire apparatus.
- B. Where fire protection systems approved by the fire official are provided, the above required clearances may be modified by the fire officials.
- C. 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.
- D. The creation, deletion, or modification of a fire lane shall be done in the best professional judgment of the fire official.
- E. Any owner of a building aggrieved by the decision of the fire official under this section may appeal from the decision of the fire official to the City Manager within 15 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 15 days from the receipt of the written appeal from the owner.
- F. The areas designated as fire lanes shall have signs posted meeting the following criteria:

1. Signs to read "No Parking Fire Lane."
 2. Letters shall not be less than 2 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 4 feet from the edge of the curb and shall be visible from both directions of the driving surface.
 5. The fire official may order curbs to be painted yellow or other distinctive colors.
- G. 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 fire department access by the fire official shall be maintained in a passable condition.
- H. All private property owners or their representatives shall be responsible for keeping all fire lanes in their property free from obstruction.
- I. Public property owners, the City of Forsyth, or their representatives shall be responsible for keeping all fire lanes within the City's jurisdiction free from obstructions.
- J. No person or property owner shall place, erect or maintain any sign for control of parking of 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 this Article V 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 citation. If that private or public property owner fails or refuses to meet said requirements on his property within such 14 days he 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. All fines assessed under this section shall be paid onto the treasury of the City.
- K. 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.

- L. Enforcement of this section shall be through a civil action in 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.
- M. The first violation of parking in a fire lane shall be punished by a \$50.00 civil fine; a subsequent violation within any 30-day period shall be punished by a civil fine of \$100.00; and a civil fine of \$250.00 may be levied for each violation thereafter occurring within any 180-day period.

Upon any person whom violates this ordinance, a Uniform Traffic Citation or Ordinance and Code Violation Citation shall be provided from the police office or uniformed fire official providing the court date to appear in the Municipal Court.

Violations of this section shall be enforced through 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.

A duly authorized law enforcement officer of the Forsyth Police Department, a sworn deputy of the Monroe County Sheriff's Department, the Fire Chief of the City of Forsyth Fire Department or an appointed officer of the Forsyth Fire Department shall have the authority for enforcement of fire lanes.

- N. In addition to all powers authorized by State law, as amended, in the event of any fire, explosion, bomb threat, or similar emergency, the fire department in the City shall be authorized to prevent the blocking of any public or private street, road or alley way or driveway, or emergency access, during any such emergency or remove any vehicles or obstructions necessary. The officers, members, agents or employees of the fire department of the City shall not be liable at law for any act or acts done while actually fighting a fire or performing duties at the scene of an emergency.

The City of Forsyth 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.

The disregard or disobedience of the instruction of any sign placed in accordance with the provisions of this Chapter 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.

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. This petition shall be submitted to the fire official and, upon approval, the property owner shall become subject to this Chapter and its subsequent revisions.

ARTICLE VI HAZARDOUS MATERIALS

Sec. 11-6-1 Purpose

The purpose of this ordinance is for the protection of public health and safety in the City of Forsyth, through prevention and control of hazardous materials incidents and releases the timely reporting of releases thereto.

Sec. 11-6-2 Applicability

This ordinance shall apply to all parties who manufacture, use or store hazardous materials in quantities prescribed by this ordinance as defined herein, within the City of Forsyth.

Sec. 11-6-3 Definitions

For purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Consumer Product means any tangible personal property that is distributed in commerce and that normally is used for personal, family, or household purposes, including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or

installed.

Employee means any person who works, with or without compensation, in a workplace.

Employer means any person, firm, cooperation, partnership, association, government agency, or other entity engaged in a business or in providing services that has employees.

Environment means the navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, land, subsurface strata, outdoor impervious surface, storm sewer, or publicly or privately-owned treatment works (other than those handling only wastewater generated at a facility) with boundaries of the City of Forsyth.

Facility

1. Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or
2. Any site or area where a hazardous material has been deposited, stored, disposed of, or placed or otherwise come to be located, but does not include any consumer product in consumer use or any vessel, unless in dry dock.

Hazardous Materials

1. Any substance designated pursuant to Section 311(b)(2)(a) of the Federal Water Pollution Control Act.
2. Any element, compound, mixture, solution, or substance designated by the U.S. Environment Protection Agency (EPA) pursuant to the Comprehensive Environment Response, Compensation, and Liability Act of 1980, Section 102 (CERCLA).
3. Any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act or RCRA), but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by the Act of Congress.
4. Any toxic pollutant listed under Section 307(a) of the Federal

Water Pollution Control Act.

5. Any hazardous air pollution listed under Section 112 of the Clean Air Act.
6. Any imminently-hazardous chemical substance or mixture with respect to which the Administrator of the U.S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act.
7. Any substance designated an extremely hazardous substance pursuant to Section 302(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA). The term does include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs of this definition, and the term does include, if stored, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas, or synthetic gas). Hazardous materials shall include those contained in the most recent version of 40 CFR 302.4. Hazardous materials shall not include household wastes and other materials excluded by 40 CFR 261.4

Hazardous Materials Incident shall mean the actual release of a hazardous material which:

1. (a) poses an imminent threat to the environment or to the health, safety, or welfare of either individual at the site of the incident, or of the general population; and
(b) requires immediate response, incident assessment, control, containment, and abatement of the immediate hazard by an outside agency; or
2. Involves a reportable quantity of hazardous materials, regardless of whether abatement occurs by employees at the site of the incident, or by any outside agencies.

Routine Hazardous Materials Incident shall mean a hazardous materials response that requires no more apparatus, personnel, equipment and/or supplies than was dispatched upon the initial response, and which extends for a period of less than three (3) hours in duration.

Extra Hazardous Materials Incident refers to a hazardous materials response that requires more apparatus, personnel, equipment and or supplies that was dispatched upon the initial response, and which

extends for a period of less than three (3) hours or more in duration.

Major Hazardous Materials Incident means a hazardous material response that requires more apparatus, personnel, equipment and or supplies that was dispatched upon the initial response, and which extends for a period of less than three (3) hours or more in duration.

Manufacture means to produce, import, or compound a hazardous material, whether produced as an end product or by-product in the production of another substance. The term shall also include hazardous materials that remain in end products as impurities.

Navigable Water means the waters of the United States, including the territorial seas, as defined under the Federal Water Pollution Control Act (also known as the Clean Water Act).

Party refers to any individual, trust, firm, company, society, corporation, joint-stock company, partnership, consortium, association, cooperative, joint venture, city, county, special district, the state, or any department, or agency or political subdivision thereof, United States government, or other commercial or legal entities.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes:

1. With respect to a claim which such parties may assert against the employer of such parties as provided by CERCLA regulations, any release which results in exposure to parties solely within a workplace;
2. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; and
3. The normal application of fertilizer and pesticides.

Release, Authorized

1. A release which is federally permitted under 42 U.S.C. 9601(10);
2. A release to waters of the United States or adjoining shorelines which is exempt from notification under 40 CFR 117.11 through 40 CFR 117.14;
3. The introduction of any pollutant into a publicly owned

treatment works which is not in violation of applicable pretreatment requirements or other regulations controlling the introduction of pollutants into the publicly-owned treatment works;

4. Any release which is specifically authorized by the administering agency after review of the HMPC Plan submitted pursuant to Section 95.07, provided that the HMPC Plan is part of an approved permit.

Responding Agency refers to any agency of local government and any outside agency that is needed to assist in the mitigation of an incident.

Store shall mean to deposit or place a substance within the City of Forsyth for a period of 10 days or more, provided that such substance is not otherwise in transit.

Threatened Release is a circumstance which presents a substantial threat of a hazardous material incident as a result of a transportation incident or incident when container structure damage is apparent or the potential for container structure damage exists; a circumstance which presents a substantial threat of a hazardous material incident at a fixed site facility as a result of damage or failure to a production system(s) or as a result of a non-functional process safety engineering control.

Use is to store, maintain, treat, process, handle, generate, dispose of, or otherwise manage. USE shall include any mode of transportation other than on-site transportation.

Sec. 11-6-4 Policy

- A. The City of Forsyth, GA and its government recognizes the need for emergency hazardous materials response within the jurisdictional limits. Therefore, no person or agency requiring an emergency hazardous materials response shall be denied those services due to a lack of insurance coverage or the inability to pay for those services.
- B. The City of Forsyth Fire Department provides emergency hazardous materials response only, and does not act as a cleanup contractor, and does not provide cleanup or disposal services.
- C. Any applicable services rendered to a person, entity or agency shall be billed to that person, entity or agency.

- D. The Fire Chief, in his sole discretion, may waive reimbursement in instances where only minimal response services were required.
- E. Other emergency response agencies assisting the Fire Department may submit their list of expenses to the Fire Department for inclusion in the bill submitted to the responsible person, entity or agency. Neither, the City of Forsyth, GA government, nor its fire department, shall accept any liability for payment of such costs incurred by other fire departments or law enforcement agencies.

Sec. 11-6-5 Procedure for billing services

- A. A detailed, listing of hazardous materials response services provided to persons, entities and/or agencies will be compiled by the Fire Department. This information shall be forwarded to the City of Forsyth government, which shall be responsible for the billing. This information shall include:
 - 1. Name and address of the owner, lessee, occupant and/or responsible party(s).
 - 2. Date, time and location of incident.
 - 3. City of Forsyth Fire Department fire incident report number.
 - 4. Description of services rendered.
 - 5. Itemized list of costs.
- B. The applicable charges for services shall be determined by reference to the following:
 - 1. Response to a routine hazardous materials incident: A routine hazardous materials response shall have standardized recovery costs. Recovery cost charges shall begin upon arrival of the first responding fire department unit(s), and shall include, but limited to:
 - a. Loss, consumption, repair and decontamination of equipment, vehicles, instruments, clothing, supplies and other items, at actual cost.
 - b. Miscellaneous expenses, at actual cost.
 - 2. Response to an extra hazardous materials incident: An extra hazardous materials response shall have standardized recovery costs. Recovery cost charges shall begin upon arrival of the first responding fire department unit(s), and

shall include, but not limited to:

- a. Hazardous materials, responders, at twenty-five dollars(\$25.00) per hour, per person.
- b. Loss, consumption, repair, and decontamination of equipment, vehicles, instruments, clothing, supplies and other items, at actual cost.
- c. Subsistence supplies, at actual cost.
- d. Miscellaneous expenses, at actual cost.

3. Response to a major hazardous materials incident: An extra hazardous materials response shall have standardized recovery costs. Recovery cost charges for items 1 – 5, shall begin upon arrival of the first responding fire department unit, and shall include, but not limited to:

- a. Hazardous materials, responders, at twenty-five dollars(\$25.00) per hour, per person.
- b. Hazardous materials command staff, at thirty-five dollars (\$35.00) per hour, per person.
- c. Loss, consumption, repair, and decontamination of equipment, vehicles, instruments, clothing, supplies and other items, at actual cost.
- d. Subsistence supplies, at actual cost.
- e. Miscellaneous expenses, at actual cost. Additional recovery cost charges, shall begin after the third hours of on-scene operation, and shall include, but not be limited to:
 - Each engine company, truck company, rescue unit, hazardous materials at one hundred dollars (\$100.00) per hour.

C. All funds received from persons, entities or agencies that have been billed for services will be placed in the City of Forsyth Fire Department budget and designated for decontamination, repair, replacement and purchase of items of both durable and consumable categories.

ARTICLE VII

KEY LOCK BOX SYSTEM

Sec. 11-7 Key lock box system

- 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 Chief.
 - 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
- B. The key lock box shall be located:
 - 1. At or near the recognized public entrance, adjacent to the fire annunciator panel, on the exterior of the structure, or above the fire department connection when occupancy is serviced by fire sprinkler system and/or fire alarm system approved by the Forsyth Fire Department.
 - 2. No steps, displays, signs or other fixtures, or protrusions shall be located under the box which would allow intruders to access the box without assistance.
- C. 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 this section and subject to this section shall have one year from the effective date of this section to have a key lock box installed and operational.
- D. The Fire Chief 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.
- E. The owner or operator of a structure required to have a key lock box shall at all times, keep a key in the box that will allow for access to the structure.
- F. The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.

G. Any person who owns or operates a structure subject of this section shall be subject to the penalties set forth in City Charter Section 4.103(c) for any violation of this section.

**ARTICLE VIII
SMOKE DETECTORS FOR RENTAL PROPERTIES**

Sec. 11-8 Smoke detectors for rental properties

A. Definitions

As used in this article, the following terms shall have the meanings ascribed in this section.

Common Area shall mean the area shared by tenants in a multiple dwelling rental property or the public area of any rental property.

Dwelling shall mean a building or structure which is wholly or partially used or intended to be used as a residence for one or more persons or family, but does not include recreational vehicles.

Dwelling Unit shall mean a room or group of rooms located within a dwelling and forming a complete and independent habitable unit for a person or a family which includes facilities to be used for living, sleeping, eating, cooking and sanitation.

Hotel means every building or structure kept, used or maintained as, and advertised or held out to the public to be, an inn, hotel, motel, family hotel, apartment hotel, lodging house, dormitory, or place where sleeping or rooming accommodations are furnished for hire or used or maintained for the accommodations of guest, lodgers or roomers.

Multiple dwelling means any dwelling containing more than two dwelling units.

Occupant shall mean any person living, sleeping, cooking or having actual possession of a dwelling unit, other than guest, or using the property as a legal address for any purpose; or any person having actual possession of any building or structure other than a dwelling unit or room unit.

Owner means any person, who alone or jointly or severally with others:

- a. Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- b. Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this article, and of the rules and regulations adopted pursuant to this article, to the same extent as if he or she were the owner.

Person means any natural person, entity, business, firm, association, partnership, limited partnership, sole proprietorship, corporation or any group acting as a unit.

Rental property shall mean any real property containing a rental unit or units.

Rental Unit shall mean any single unit of a rooming house, dwelling, apartment or other similar building, excluding hotels which are held for least or rent.

Rooming Unit mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who not husband or wife, son or daughter, mother or father, or sister or brother of the owner operator.

Smoke detector shall mean a device which detects particles or products of combustion other than heat and emits a loud warning sound or alarm and is approved by Underwriters Laboratories, Inc. or Factory Mutual. The smoke detector device shall be equipped with a test button. The smoke detector device may be either batter powered with a minimum nine volt replaceable power supply, no-replaceable, non-removable battery, this is capable of powering the smoke alarm for a minimum of ten years, or powered by 110 volt alternating current with battery backup.

Tenant shall mean any person living, sleeping, cooking or having actual possession of a rental dwelling unit, other than a guest, or using the property as a legal address for any purpose; or any person having actual possession of any building or structure other than a dwelling unit or rooming unit.

B. Smoke detectors required

1. All residential dwellings shall be equipped with smoke

detectors. It is the owner's responsibility to install approved smoke detectors in rental property.

2. Smoke detectors shall be installed according to manufacturer's recommendations in all locations as specified by NFPA 101 Life Safety Code as required in Title 25 OCGA 25-2-40:
 - a. In all sleeping rooms.
 - b. Outside of each separate sleeping area, in the immediate vicinity of the sleeping rooms.
 - c. On each level of the dwelling unit including basement.
- C. If a smoke detector is A.C. powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply and must be battery backed up. The installation of A.C. powered detectors shall conform to all other electrical standards adopted by the City. A smoke detector required under this Chapter shall be installed according to the directions and specifications of the manufacturer, but not in conflict with any City electrical standards, the City electrical standard shall take precedent.
- D. The owner is responsible for the installation of the smoke detector as well as:
 1. Replace non-operational, damaged, or missing smoke detectors.
 2. Replace smoke detectors that are beyond their life expectancy. (Ten years unless otherwise specified).
 3. Provide all tenants with the manufacturer's maintenance and testing instructions.
 4. Inspect and insure smoke detector is operational prior to new tenant moving in.
 5. Prior to allowing a tenant to move in notify them of their responsibilities concerning the smoke detectors and the law that prohibits them to destroy or damage a smoke detector or otherwise render inoperable.
- E. No smoke detector may remain in service for more than ten years unless the manufacturer specifies a different service life.

F. The tenant shall be responsible for:

1. Maintaining and testing, in accordance with the manufacturer's instructions, smoke alarms that are within the dwelling unit during the term of the tenancy.
2. Notifying the owner in writing if a smoke detector becomes inoperable. The owner shall have five days from the receipt of such written notice to repair and replace the inoperable alarm(s).

G. Tampering with smoke detectors is unlawful

1. It shall be unlawful for any person to tamper with or remove any smoke detector or its batteries except when it is necessary for maintenance or inspection purpose. Any smoke detector removed for repair or replacement shall be re-installed or replaced so that it is in place with functioning batteries during normal sleeping hours.
2. At every change of tenant in every rental dwelling unit, smoke detectors shall be tested to see that they are in operable condition.

H. Injunctive relief

1. In addition to pursuing in the Superior Court for the County of Monroe the penalty of this Chapter, the Chief of the Fire Department or the Chief Fire Marshal thereof may also bring an action in the name of the City in the Municipal Court or the Superior Court for mandatory or prohibitory injunctive relief to enforce the provisions of this subchapter, including the securing of compliance with any other order of the Chief of the Fire Department or Fire Marshal, and any such action for injunctive relief may be joined with it an action to recover the applicable penalties in this Chapter.

I. Penalty

1. Whoever violates any provision of this section shall be fined in accordance with City Charter 4.103(c). Every day a violation occurs shall constitute a separate offense as prescribed under this section.

J. Provisions must be made for the hearing impaired in accordance with Title 2 of the ADA, NFPA 72, and NFPA Life Safety Code 101.

K. No dwelling unit or premises may be occupied, used, or rented which does not comply with Section 11-8 of this ordinance.

2.

This ordinance shall be effective as of the date of its adoption by the Mayor and Council of the City of Forsyth.

3.

All ordinances and parts of ordinances and resolutions in conflict with this ordinance are hereby repealed.

4.

Should any portion of this ordinance be declared unenforceable or invalid for any reason by any Court of competent jurisdiction then the remaining portions of this ordinance shall be considered valid as if such sections had not been a part of the ordinance.