

Chapter 11

FIRE PREVENTION CODE

Sec. 11-1. Adopted.

- (a) For the purpose of preventing loss of life and property from fire, panic from fear of fire, explosions or related hazards, the city hereby adopts the State of Georgia Rules and Regulations for the State Minimum Fire Safety Standards, Chapter 120-3-3 as adopted by the Insurance and Safety Fire Commissioner. All subsequent revisions to said Rules and Regulations are adopted and incorporated, except those provisions which are in conflict with any other ordinance of the city. Such Rules and Regulations are hereby incorporated as part of this Code at the same extent as if set out at length in this Code.
- (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.

Sec. 11-2. Enforcement.

This chapter shall be enforced by the Fire Chief, or his or her designee. The Fire Chief may designate certain city firefighters as inspectors. If necessary, these inspectors may be reassigned to the firefighting force at the discretion of the Fire Chief.

Sec. 11-3. 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, lessee, or duly authorized agent of a property in question, when there are serious difficulties in carrying out the strict letter of the code. In the case of any modification of the code, the Fire Chief or designee shall ensure 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 shall be entered upon the records of the fire department and a signed copy shall be furnished to the applicant.

Sec. 11-4. Appeals.

- (a) Any person aggrieved by an action of the Fire Chief or other employee of the City of Forsyth fire department, including but not limited to disapproval of an application, refusal to grant a permit, or a determination that the fire code or city ordinances do not apply or have been misconstrued may appeal and be heard by the City Council. Those actions or violations which are subject to the jurisdiction of municipal, State, or Federal Court are excluded from the City Council appeals process.
- (b) All appeals pursuant to this section, must be filed in writing with the City Manager within 30 calendar days from the date of the decision or action from which the aggrieved party appeals.

Sec. 11-5. Penalties.

- (a) Any person may be issued a citation and prosecuted for violations of this chapter by the Fire Chief or a duly authorized police officer of the City of Forsyth, or the Monroe County Sheriff's Office, in accordance with a schedule of fines to be adopted by resolution of the Forsyth City Council.
- (b) In addition to all other provisions of this section, any violation of this chapter is deemed to be a continuing nuisance and may be abated by an application of injunction in the Superior Court of Monroe County or any other court of competent jurisdiction.

Sec. 11-6. Citations.

(a) Procedures

- (1) If after investigation, the Fire Chief or his or her designee determines that a violation of the City Fire Prevention and Protection Code has occurred, 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 or 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 the State of Georgia Rules and Regulations for the State Minimum Fire Safety Standards
 - 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. 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 Municipal Court Judge may suspend ½ of any citation fine, provided 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. The City Council shall, by resolution, set a fine schedule for violations of this chapter.

- (4) 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.

Sec. 11-7. Authority at fires.

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

Sec. 11-8. Obstruction of or tampering with fire hydrants and apparatuses prohibited.

- (a) It is unlawful for any person to park vehicles or place dirt, rubbish, building materials, or any other material near any fire hydrant so as to cause hindrance or delay in access to the hydrant or prevent its use by the fire department.
- (b) No person, except an active member of the fire department, shall at any time ride upon any 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. 11-9. Certain acts interfering with firefighting activities.

- (a) No person, except an active member of the fire department, shall:
 - (1) Enter within the territory or vicinity of any fire when the area is roped off, or access is denied by authorized law enforcement personnel, except as authorized by the Fire Chief, or his or her designee;
 - (2) Interfere with or attempt to operate any of the apparatuses, hydrants, or equipment of the fire department; 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.

Sec. 11-12. Open burning.

Except as otherwise provided in this article or in state law, no person shall kindle an open fire on any public or private place in the city outside any building without first receiving a burning permit. 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. 11-13. Burning permit.

- (a) The Fire Chief or designee 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 designee that a limitation stated in 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. 11-14. 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. 11-15. Open flame cooking/heating devices.

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.

- (a) The use of open flame cooking/heating devices on balconies or breeze ways of an apartment complex, condominium, hotel, or motel is prohibited.

- (b) The use of open flame cooking/heating devices within 10' of any structure of an apartment complex, condominium, hotel, or motel is prohibited.
- (c) Owner, managers or residents may be held responsible for violating this code section. Every day a violation occurs shall constitute a separate offense as prescribed under this section. The City Council shall, by resolution, set a fine schedule for violations of this section.

Sec. 11-16. 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 to be highly visible, will be reflective to be seen easily in darkness and will not be obstructed at any time by natural or man-made objects.
- (c) All Strip Mall type properties shall also post the address on the rear entrances.
- (d) If the person does not remedy the violations outlined in this section, every 30 days shall be deemed a separate offense. The City Council shall, by resolution, set a fine schedule for violations of this section.

Sec. 11-17. Automatic sprinkler systems.

All sprinkler requirements will be in accordance with the State of Georgia Rules and regulations for the State Minimum Fire Standards as adopted in this ordinance.

Sec. 11-18. Fire lanes.

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

Authorized emergency vehicle. A motor vehicle belonging to a public utility corporation and designated as an emergency vehicle by the city, county, or state government; 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). Any duly authorized law enforcement officer employed by the City of Forsyth or Monroe County.

Fire lane(s). Areas designated by the fire officials for 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. The Fire Chief or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the fire prevention code.

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

Plats. 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). Each person, firm, corporation, or entity possessing any estate, or leasehold right in the property being designated as fire lane(s).

- (a) Every existing building and all new buildings shall be accessible to fire department apparatuses 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 asphalt topping on at least 6 inches of bound crushed stone, or the equivalent, capable of supporting the gross vehicle weight of a 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 calendar 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 calendar 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 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 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. The City Council shall, by resolution, set a fine schedule for failure to meet the applicable requirements specified in this section; however, that fine will be waived if the required specifications are made within 14 calendar 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 calendar days he shall, on the 15th calendar day after receiving the citation, be subject to an additional fine as scheduled by the City Council through resolution.
- (k) No person shall park any motor vehicle, including a motorcycle, in a fire lane. 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 citation, 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 City Council shall, by resolution, set a fine schedule for the violation of parking in a fire lane. 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 a designated officer of the Forsyth Fire Department shall have the authority for enforcement of fire lanes.

Sec. 11-19. Hazardous materials.

- (a) The City of Forsyth Fire Department shall provide emergency hazardous materials response, but shall not act as a cleanup contractor, nor shall it provide cleanup or disposal services. 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) Any applicable services rendered to a person, entity or agency shall be billed to that person, entity or agency. 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. The Fire Chief, in his sole discretion, may waive reimbursement in instances where only minimal response services were required.
- (c) A procedure for billing services related to hazardous material response shall be approved by resolution of the Forsyth City Council and maintained by the City of Forsyth Fire Department.

Sec. 11-20. 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.
- (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 Section 1-14 of this Code for any violation of this section.

Sec. 11-21. Smoke detectors required.

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

Dwelling. 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. 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. 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.

Occupant. Any person living, sleeping, cooking, or having actual possession of a 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 room unit.

Owner. Any person, who along or jointly or severally with others:

- (1) Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Has charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, 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. Any natural person, entity, business, firm, association, partnership, limited partnership, sole proprietorship, corporation, or any group acting as a unit.

Rental property. Any real property containing a rental unit or units.

Rental Unit. Any single unit of a rooming house, dwelling, apartment, or other similar building, excluding hotels which are held for lease or rent.

Rooming Unit. 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 are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Smoke detector. A device which detects particles or products of combustion other than heat and emits a loud warning sound or alarm. 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, or a non-replaceable, non-removable battery, that can power the smoke alarm for a minimum of 10 years, or powered by 110-volt alternating current with battery backup.

Tenant. 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.

- (a) All residential dwellings shall be equipped with smoke detectors. It is the owner's responsibility to install approved smoke detectors in rental property.
- (b) Smoke detectors shall be installed according to manufacturer's recommendations in all locations as specified by NFPA 101 Life Safety Code.
- (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.
- (d) The owner is responsible for the installation of the smoke detector as well as:
 - (1) Replacing non-operational, damaged, or missing smoke detectors.
 - (2) Replacing smoke detectors that are beyond their life expectancy. (Ten years unless otherwise specified).
 - (3) Providing all tenants with the manufacturer's maintenance and testing instructions.
 - (4) Inspecting and insuring smoke detector is operational prior to new tenant moving in.
 - (5) Prior to allowing a tenant to move in notifying 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 10 years unless the manufacturer specifies a different service life.
- (f) The tenant shall be responsible for:
 - (1) Maintaining and testing, in according 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. Upon receipt of such written notice, the owner shall immediately 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 by the owner, or his or her designee 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 Section 1-14 of this Code. 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 Americans with Disabilities Act, 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 this section.