

ORDINANCE 2016-14

AN ORDINANCE OF THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, CHAPTER 50, FIRE PREVENTION AND PROTECTION, ARTICLE I, IN GENERAL to add Section 50-8 and TO AMEND ARTICLE II, SECTIONS 50-27, 50-28, 50-33, 50-35, 50-37, 50-39, 50-40 and 50-41

Chapter 50 of the Smyrna Code of Ordinances (FIRE PREVENTION AND PROTECTION) is amended as follows:

1. Section 50-8 is added as follows:

Sec. 50-8. Special Use Permit for Consumer Fireworks

- (a) All persons desiring to use, ignite or cause to be ignited consumer fireworks on any day from 9:00pm to 11:59pm, other than on those days allowed by O.C.G.A § 25-10-2(b)(3)(B)(iii), shall obtain a special use fireworks permit and be subject to all rules and regulations of this chapter as well as the provisions of Sec 46-1 of this Code.
- (b) All persons desiring to ignite consumer fireworks within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the City of Smyrna shall obtain written permission from the city administrator or his/her designee to do so and must also obtain a special use fireworks permit and be subject to all the rules and regulations of this chapter.
- (c) No person shall be authorized to use ignite or cause to be ignited fireworks on any day, other than on those days allowed by O.C.G.A § 25-10-2(b)(3)(B)(iii), from 9:00am to 11:59pm until he/she obtains a special use permit from the City of Smyrna Fire Marshal.
- (d) No person shall be authorized to use, ignite or cause to be ignited fireworks within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the City of Smyrna until he/she obtains a special use permit from the City of Smyrna Fire Marshal. All special use consumer fireworks permit applications, together with the required survey, must be filed with the Smyrna Fire Marshal on forms provided by the City of Smyrna a minimum 14 days prior to the date of requested fireworks ignition.
- (e) The applicant, as a condition precedent to the issuance of the permit, shall pay for the permit at the price fixed by the mayor and council.
- (f) The Fire Marshal shall make an inspection of the proposed ignition site, and assess any potential hazardous conditions. The Fire Marshal shall also consider the proximity of residential uses to the proposed ignition site. If the Fire Marshal determines that there are potential hazards at the proposed ignition site or finds that there are residential uses within 300 feet of the proposed ignition site, as measured in a straight line from the ignition site to the property line of

the residence as shown on a survey provided by the applicant, the application shall be denied. The Fire Marshal, within ten business days, shall issue a written decision. This decision may be appealed to the license and variance board within 30 days of the date of issuance.

- (g) A permit under this chapter shall be valid for only the dates, times, and locations approved.

2. Section 50-27 is amended to add the following definitions:

Sec. 50-27 Definitions

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

Class II liquids means those products with a flash point at or above 100 degrees Fahrenheit.

Clean wood means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or composite wood products.

Recreational Fire means an outdoor fire burning in which only logs or clean wood are being burned where the fuel is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes, and which is not used to dispose of rubbish or yard waste.

Rubbish means any waste material other than charcoal or clean wood that includes but is not limited to plastic products, Styrofoam, fiberglass, recycling wire (burning the wire casing to access the metal), tires, painted/varnished wood, clothing, furniture, mattresses, boxes and paper.

Yard Waste means yard debris: leaves, kudzu, pine straw, dry brush and limbs that have fallen or been cut from growth on one's own property.

3. Section 50-28 (a), (b), (c), (d),(f) and (g) are amended to read as follows:

Sec. 50-28. - Establishment and duties of bureau of fire prevention.

- (a) The fire prevention code and the state minimum fire safety standards shall be enforced by the bureau of fire prevention in the fire department of the city, which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- (b) The bureau of fire prevention shall be formed as a division of the fire department. The personnel of the bureau shall consist of a fire marshal and as many fire investigators or fire inspectors, clerks and other personnel as may be authorized.
- (c) The fire marshal and the fire investigators or inspectors shall be designated in writing by the fire chief.

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- (d) The chief of the fire department may detail as fire investigators or fire inspectors such members of the fire department as shall, from time to time, be necessary
- (f) A report of the bureau of fire prevention shall be made annually and transmitted to the Fire Chief for distribution to the mayor and council at a regularly scheduled meeting on or before February 15 each year; it shall contain all proceedings under the fire prevention code, with such statistics as the chief of the fire department may wish to include therein.
- (g) The fire marshal shall recommend to the chief of the fire department any amendments to the codes, which in his/her judgment shall be desirable, for passage to the City Administrator to present to the governing body for adoption.

4. Section 50-33(b)(1) and (3) are amended to read as follows:

Sec. 50-33. - Establishment of fire lanes on private property devoted to public use.

(b) Additional requirements are as follows:

- (1) Fire lanes shall be marked with red or other distinctive colors as approved by the fire marshal. The approved color shall be applied to the curb or ground markings where no curb exists. Fire lanes shall be posted with signs stating "No Parking Fire Lane." (The International No Parking Symbol and the words Fire Lane is acceptable).
- (3) Signs shall be 12 inches by 18 inches or 24 inches by 30 inches or 18 inches by 24 inches. (Maximum of 50 feet between signs.) Where sign installation is deemed impractical by the fire marshal, painting "NO PARKING FIRE LANE" in white minimum 4 inch block letters along the red painted curb face will be allowed at the above required distances.

5. Section 5-35(g)(3) is amended to read as follows:

5-35- Amendments to Fire Prevention Code

(g)

- (3) Lock Boxes can be ordered electronically but must be keyed to the fire department standard.

6. Sections 50-37(a)(1) and(3)c are amended to read as follows,

50-37 - Multifamily Buildings

- (a) The fire prevention code, *Firewall and Firestop Requirements for Apartments, Condominiums from One to Three Stories*, is amended as follows:
 - (1) *Firewall definition.* A firewall shall be defined as self-supporting from the foundation and shall extend through, and 36 inches above, combustible roofs. Firewalls need not extend through fire-resistive roof decks. Firewalls shall be 12 inches thick and 75 percent solid or of UL-approved blocks with a four-hour rating. A combustible roof shall not project around the end of the firewall. There shall be no unprotected openings in firewalls.
 - (3) *Requirements for Early Fire Detection Systems in all Multifamily Occupancies (Duplex, Triplex, Quadruplex, Apartments, Condominium, Town Home or by Other Names)*, is amended to read as follows:
 - c. One ABC extinguisher (4A 60BC rating) shall be provided for every 3,000 square feet of building, or one ABC extinguisher (4A 60BC rating) for every four living units, or one

ABC extinguisher-meeting the state minimum standard for fire extinguisher classification inside each occupied living unit.

7. Sections 50-37(7)(b) 4 a,b and 3 are deleted:

8. Section 50-39 is amended to read as follows:

Sec. 50-39. - Modifications of code requirements.

The fire marshal shall have the power to modify any of the provisions of the codes as they apply to a particular project, and upon application in writing by the owner or lessee, or his/her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision thereof shall be entered upon the permanent records of the department, and a signed copy shall be furnished to the applicant, the fire chief, and members of the fire committee. 10. Section 50-40 is amended to read as follows:

9. Sec. 50-40. - New materials; processes or occupancies which may require permits.

The chief of the fire department and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those enumerated in the fire codes. The fire marshal shall post such list in a conspicuous place in his/her office and distribute copies thereof to interested persons.

10. Section 50-41 is amended to read as follows:

Sec. 50-41. - Appeals.

- (a) The fire prevention code is amended by deleting section A105.
- (b) Whenever the fire marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the codes do not apply or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the applicant may appeal in writing from the decision of the fire marshal to the chief of the fire department within seven days from the date of the decision appealed.
- (c) If the applicant is dissatisfied with the decision of the chief of the fire department, further appeal in writing may be made to the mayor and council within seven days from the date of the decision appealed.

Approved by Mayor and Council this 6th day of June, 2016

A. Max Bacon, Mayor

ATTEST:

Terri Graham, City Clerk

APPROVED AS TO FORM:

Scott Cochran, City Attorney