

STATE OF GEORGIA
CITY OF STOCKBRIDGE

ORDINANCE # OR19-478

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA TO AMEND CHAPTER 4.08 – FIRE PREVENTION AND PROTECTION OF THE CODE OF THE CITY OF STOCKBIRDGE, GEORGIA; TO REPEAL AND REPLACE PROVISIONS PERTAINING TO THE REGULATION OF FIRE PREVENTION SERVICIS AND RELATED PROVISIONS GOVERNING FIRE SAFETY AND PREVENTION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Stockbridge ("City Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Stockbridge; and

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Stockbridge Municipal to further protect the public health, safety, and welfare of the citizens of Stockbridge;

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. That Chapter 4.08 of the Stockbridge Municipal Code is hereby deleted in their entirety and replaced with the provisions attached hereto as Exhibit A.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 6. The effective date of this Ordinance shall be April 1, 2019.

ORDAINED this 11th day of February, 2019.

CITY OF STOCKBRIDGE, GEORGIA



Anthony S. Ford, Mayor

ATTEST:



Vanessa Holiday, City Clerk

APPROVED AS TO FORM:



Michael Williams, City Attorney

Date Presented to Mayor: 2-13-19

Date Received from Mayor: 2-13-19

ATTACHMENT A

Chapter 4.08 – FIRE PREVENTION AND PROTECTION

ARTICLE I. – FIRE DEPARTMENT

4.08.010 – FIRE DEPARTMENT (Reserved.)

Editorial Note: Henry County will continue to provide all emergency response services including but not limited to Fire Suppression and Fire Rescue Services, the approval of permits for the sale or display of Fireworks, and the issuance of Burn Permits within the city of Stockbridge pursuant to this ordinance, an intergovernmental agreement or State Law, except as specifically listed in ARTICLE II – FIRE PREVENTION set forth below.

ARTICLE II. – FIRE PREVENTION

4.08.020 - Definitions.

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

- *Apartment building* means buildings containing three or more living units with independent cooking and bathroom facilities, whether designated as an apartment house, tenement, garden apartment, or by any other name.
- *Battery backup* means any emergency power supply for power-assisted gates operated by electrical power.
- *Breakaway security gate* means any gate designed to fall away under pressure.
- *Case hardened metal* means a steel alloy formed by diffusing carbon or nitrogen into the outer layer of the steel at high temperature such that the metal cannot be cut with a saw and will not shatter.
- *Combustible* means any material that is capable of supporting ignition or the process of burning under heat exposure.
- *Delayed response* means any postponement of an emergency vehicle gaining access through security barriers.
- *Disposal* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous substances or hazardous waste into or on any land or water so that such substances or waste may enter the environment or be emitted into the air or discharged into any water, including groundwater.
- *Dormitory* means buildings or spaces in buildings where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories or other housing for students, fraternity houses, military barracks; with or without meals, but without individual cooking facilities.
- *Emergency shutoff button* means a device used to release hydraulic pressure on power-assisted gates operated by hydraulic power.

- *Fire apparatus* means any vehicle or equipment used by fire and rescue services.
- *Fire Marshal* means a qualified officer who will perform fire marshal services for the city.
- *Gamewell lock box* means a box, sometimes called an elevator lock box, which must be opened with a special key carried on fire response vehicles.
- *Gravity gate* means a gate with no power assistance and which operates freely under manual manipulation.
- *Hazardous explosive chemicals* means all picric acids, nitro-based chemicals, ethers, peroxides, oxidizers, and such other chemicals as may be determined by the fire marshal to be hazardous explosives.
- *Hazardous substance* means a substance that satisfies any one of the following requirements:
 - (1) A substance which, because of the toxic or hazardous properties which it exhibits, is determined by the director of the environmental protection division of the state department of natural resources to represent a significant risk to the public health and safety as a result of foreseeable use, handling, accidental spill, exposure or contamination;
 - (2) A substance that is known to present a significant risk of personal injury or illness as the foreseeable result of use, handling, accidental spills, exposure or contamination; or
 - (3) A substance or material that has been determined to pose an unreasonable risk to health, safety, and property.
- *Hazardous waste* means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal regulation in force and effective February 1, 1986, codified as 40 CFR 261—Identification and Listing of Hazardous Waste, as amended.
- *Hazardous waste generation* means the act or process of producing hazardous waste.
- *High-rise residential occupancy building* means residential properties, hotels, dormitories, apartments, lodging or room houses, or board and care facilities over 75 feet or 23 meters in height measured from the lowest level of fire department vehicle access to the floor of the highest occupied story.
- *Hotel/motel* means a building in which separate sleeping rooms are rented that provide sleeping accommodations for 15 persons or more on either a transient or permanent basis, with or without meals, whether designated as a hotel, inn, club, motel, or by any other name.
- *Improper storage* means storage of chemicals past the expiration date on the label or chemicals stored in any area or container not designed for storage of the particular chemical. If there is no date listed for the expiration date, the expiration date shall be 12 months past the date that the chemical was received by the person or entity storing the chemical.
- *Knox Box Rapid Entry System* means a key box that is authorized by section 506 of the International Fire Code and allows firefighting access for fire department purposes. Examples of structures or areas in which a key box is required include commercial and industrial structures protected by an automatic alarm system or automatic suppression system or structures that are secured in a manner that restricts access during an emergency; multi-family residential structures that have restricted access through locked doors and

have a common corridor for access to all the living units; governmental structures and nursing care facilities; hazardous material occupancies; and occupancies where a large number of medical or fire alarms occur and entry can be delayed.

- *Lodginghouse or roominghouse* means a building in which separate sleeping rooms are rented which provides sleeping accommodations for 15 or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.
- *Pad lock* means any lock that is not constructed of case-hardened metal.
- *Power assisted gate* means any gate that is operated through a power source, whether electrical, hydraulic or pneumatic.
- *Residential property* means buildings containing three or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, condominium or by any other name.
- *Substance* means any element, entity, compound, combination, or any mixture thereof, whether organic or inorganic.
- *Toggle switch* means a device used to operate a power-assisted gate and override the power supply to the gate.

4.08.021 - Scope.

1. The provisions of this chapter shall apply equally to both public and private property, and to all structures and their occupants, except as otherwise specified herein or by other applicable law.
2. The city shall have the authority to contract with any other government entity for the enforcement of this chapter and to enter into any intergovernmental agreements for the provision of Enforcement of State Minimum Fire Safety Standards.

4.08.022 - 4.08.029 - Reserved.

4.08.030 - Enforcement of State Minimum Fire Safety Standards

1. The City of Stockbridge, Georgia adopts the State minimum fire safety standards adopted in the rules and regulations promulgated pursuant to Chapter 2 of Title 25, including all subsequent revisions thereof.
2. The City of Stockbridge will enforce the State minimum fire safety standards as set forth in subsection (a) of O.C.G.A § 25-2-12 with respect to those buildings and structures listed in O.C.G.A § 25-2-13, except for hospitals, nursing homes, jails, ambulatory health care centers and penal institutions and except for buildings and structures which are owned and operated or occupied by the State.
3. The Safety Fire Division of the office of the Insurance and Safety Fire Commissioner shall continue to perform those duties specified in O.C.G.A § 25-1- 12(a)(2) with respect to hospitals, nursing homes, jails, ambulatory health care centers and penal institutions and except for buildings and structures which are owned and operated or occupied by the State.
4. The City of Stockbridge will be responsible for enforcing such fire safety standards within its jurisdiction and will:
 - (A) Conduct fire safety inspections on existing buildings and structures;

- (B) Review plans and specifications for proposed building and structures, issue building permits when plans are approved and conduct fire safety inspections of such buildings and structures;
 - (C) Issue permanent and temporary certificates of occupancy; and
 - (D) Conduct arson investigations.
5. The City of Stockbridge will charge and retain appropriate fees for performing the duties required in subparagraphs (A) and (B) of paragraph (2) of O.C.G.A § 25-2-12.

4.08.031 - Duties of the fire marshal.

1. Other than those services provided by the county, the services to be performed by City of Stockbridge fire marshal shall include the inspections of new buildings and renovations to existing buildings for compliance with the fire code, including but not limited to the following:
- (A) Reviewing and approving plans for both new construction and renovations of existing structures, fire sprinkler and suppression systems, and other required operational permits;
 - (B) Necessary mid-construction and final inspections for life safety for all commercial and multifamily buildings;
 - (C) Inspections for new business licenses, Occupational Tax Certificates, or change of occupancy, in conjunction with the building official; and
 - (D) Inspections required for setting occupancy load, in conjunction with the building official.
2. The fire marshal shall remit all plans receiving an approval for life safety by the fire marshal to the Henry County's fire chief.

4.08.032 - Construction plans approval.

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

4.08.033 - Permits.

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

4.08.034 - 4.08.040 - Reserved.

4.08.041 - Adoption of state fire safety rules.

Pursuant to O.C.G.A. § 25-2-1 et seq. and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the state minimum fire safety standards now and as may hereafter be promulgated by the Georgia Safety Fire Commissioner. In the event the fire marshal determines that the provisions of the state minimum fire safety standards conflict with the provisions of the International Fire Code adopted in 4.08.042, then the most restrictive provision as determined by the fire marshal shall govern.

4.08.042. - Adoption of International Fire Code.

Pursuant to O.C.G.A. §§ 8-2-20 and 8-2-25 and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the International Fire Code, including chapter 1, Administration. As allowed in O.C.G.A. § 8-2-25, the provisions of the International Fire Code are modified and amended in sections 4.08.043 through 4.08.046. In the event the fire marshal determines that the provisions of the International Fire Code conflict with the provisions of the state minimum fire safety standards adopted in section 4.08.041, then the most restrictive provision as determined by the fire marshal shall govern.

4.08.043. - The International Fire Code, Chapter 1, Administration, Section 108, is hereby amended by replacing “Board of Appeals” with “City of Stockbridge Planning and Zoning Commission”.

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

4.08.045 - The International Fire Code, Section 308.1.4 Open Flame Cooking Devices, is hereby amended to read: Charcoal burners, solid fuel-fired cooking equipment, and other open-flame cooking devices, both covered and uncovered, shall not be operated on any combustible balconies and/or deck, shall be not be operated on the premises of any commercial or multi-family occupancy within 30 feet of combustible construction and overhangs, within 75 feet of the Right of Way, and within 30 feet of any property boundary unless approved and permitted by the Fire Marshal and Building Safety Division as a permanent and fixed outdoor cooking facility or kitchen, and approved by the County Board of Health.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. L.P-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1pound (0.454 kg) LP-gas capacity].

4.08.046 - The International Fire Code, Section is hereby amended by adopting Appendix C—Fire Hydrant Locations and Distribution and Appendix D—Fire Apparatus Access Roads

4.08.047. - Automatic fire extinguisher system required.

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

4.08.048. - Violations and Penalties

1. It shall be unlawful for any person to violate the provisions of this chapter, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation.
2. Any person violating said codes shall be punished as provided in Section 1.04.080 of this code.

4.08.049 - Open burning regulated.

In order to regulate burning within the city limits, residents of the city shall be required to secure a permit at no charge at the fire station prior to commencing burning.

No commercial burning shall be permitted within the city limits of the city.

Article III. – Fireworks - Reserved.

Editorial Note: The Georgia General Assembly legalized the sale of fireworks and significantly limited the regulation of the sale or use of fireworks by local governments in 2015.