

FIRE PROTECTION AND PREVENTION

Ordinance Number 1039 – Adopted May 13th, 2013

ARTICLE I. - GENERAL PROVISIONS

Sec. 10-1. - Adoption of fire code.

Certain documents, one (1) copy of each which is on file in the office of the city clerk, being marked and designated as the International Fire Code, 2009 edition, including appendix chapters B, C, D, E, F, and G as published by the International Code Council, the National Fire Protection Association Life Safety Code (NFPA 101), 2003 edition, and any subsequent codes of the International Code Council and the National Fire Protection Association, adopted by the state fire marshal, is hereby adopted as the code of the city for regulating, governing, and the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulars, provisions, conditions and terms of such International Fire Code, 2009 edition published by the International Code Council, and the National Fire Protection Association Life Safety Code (NFPA 101), 2003 edition are hereby referred to, adopted and made a part hereof as if fully set out in this article.

(Ord. No. 1039, 5-13-13)

Sec. 10-2. - Bureau of fire prevention—Establishment, supervision and personnel.

(a)

A bureau of fire prevention in the fire department of the city is hereby established and shall be operated under the supervision of the fire chief and shall consist of one (1) or more persons appointed by the fire chief.

(b)

The bureau of fire prevention is responsible for investigating fires and conducting fire code inspections as well as any duties deemed necessary for fire prevention. The fire chief may from time to time detail members of the fire department to assist the bureau of fire prevention in activities as part of the detailed fire department members' regular duties, without compensation other than regular pay as a firefighter.

(Ord. No. 1039, 5-13-13)

Sec. 10-3. - Enforcement of rules and regulations.

All rules and regulations whether set out in a code or ordinance now or hereafter adopted, pertaining to the prevention of fire, shall be enforced by the bureau of fire prevention, ordinance enforcement officer or any police officer.

(Ord. No. 1039, 5-13-13)

Sec. 10-4. - Appeals.

Any person, firm or corporation who disagrees with any decision of the bureau of fire prevention may appeal to the mayor and city council by giving written notice to the city clerk within five (5) business days of the issuance of the decision in writing by the bureau of fire prevention.

(Ord. No. 1039, 5-13-13)

Sec. 10-5. - Procedure.

Whenever the fire chief or his designee shall disapprove an application, or refuse to grant a license or permit applied for under any fire prevention code now or hereafter adopted by reference, or when it is claimed that the provisions of such codes do not apply, or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire chief or his designee to the mayor and city council. The mayor and council shall hold a public hearing concerning the appeal with the fire chief or his designee, the appellant and all concerned parties having been given at least ten (10) days' notice to be present. Notice to appellant may be given by United States postal service standard mail to the address provided with the appellants written notice of appeal. The mayor and council will have the authority after a hearing to uphold or modify the decision appealed from, or to direct a modification of any portion of the decision.

(Ord. No. 1039, 5-13-13)

Sec. 10-6—10-20. - Reserved.

ARTICLE II. - FIRE PREVENTION CODE

Sec. 10-21. - Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

Combustible means capable of undergoing combustion; i.e., burning; capable of burning; capable of combustion.

Fire code official means the fire chief or his designee.

Live, as applied to cinders and other discharge from burning material, means any such material which is burning or which is hot enough to cause a blaze or set fire to easily combustible material.

Noxious means any gases or by-products emitted into the air as a result of burning that is offensive or harmful to include refuse and petroleum or its by-products.

Definitions not provided herein shall have the meaning as provided in Chapter 2 of the International Fire Code herein adopted.

(Ord. No. 1039, 5-13-13)

Sec. 10-22. - Preserving order, guarding property, and investigation.

(a)

In case of a fire, it shall be the duty of the fire chief, or any member of the fire department, or any police officer present to preserve order and to guard any property that may have been removed from any place in order to prevent its destruction. Any police officer shall arrest any person interfering in any manner with such property or interfering in any manner with any work that is being done in order to prevent the spread of fire or investigate the origin and cause of any fire.

(b)

Any person who shall, upon command by a fireman or peace officer identified to him as such, intentionally disobey a reasonable order or regulation made in relation to the conduct of persons in the vicinity of a fire shall be deemed guilty of a misdemeanor pursuant to Code of Ala. 1975, § 13A-10-6.

(c)

Any person who shall attempt to steal, destroy, tamper with or interfere with any property removed from any burning building or building threatened with fire, or who shall molest or interfere with any firefighter or police officer engaged in so removing such property preventing the spread of such fire, or investigating such fire shall be deemed guilty of a misdemeanor pursuant to Code of Ala. 1975, § 13A-10-2.

(Ord. No. 1039, 5-13-13)

Sec. 10-23. - Demolition or removal of building to prevent spread of fire.

The fire chief, or anyone delegated to act as incident commander at a fire scene, shall have full power to pull down or destroy any building or fence or other combustible structure, when, in such officer's opinion, it is necessary to do so to prevent the spread of fire.

(Ord. No. 1039, 5-13-13)

Sec. 10-24. - Fire hydrants; requirements for new or replacements.

All new commercial and residential construction shall install fire hydrants in compliance with the International Fire Code, and the American Water Works Association. It shall be mandatory that all new or replaced fire hydrants be approved by the fire chief or his designee prior to installation. All new hydrants shall be of a design meeting specifications of the Guntersville Fire Department.

(Ord. No. 1039, 5-13-13)

Sec. 10-25. - Unauthorized tapping or interference with fire hydrants.

It shall be unlawful for any person, except a regularly appointed firefighter or agent of the city, to tap a fire hydrant for any purpose whatsoever or in any way to interfere with the same without permission of the city authorities.

(Ord. No. 1039, 5-13-13)

Sec. 10-26. - Riding on vehicle by unauthorized person.

It shall be unlawful for any person not a member of the fire department to ride on a fire fighting apparatus except as authorized by the fire chief for special events including but not limited to ceremonies and parades. Exceptions for special events shall be at the discretion of the fire chief. Only persons authorized by the city shall drive, operate, or maintain any fire department vehicle.

(Ord. No. 1039, 5-13-13)

Sec. 10-27. - Obstructing fire hydrants, fire department connection (FDC), stand pipe connection.

(a)

It shall be unlawful for any person to place any vehicles within fifteen (15) feet of any public fire hydrant or fire plug.

(b)

It shall be unlawful for any person to place or allow any manmade or natural obstruction within three (3) feet of any public fire hydrant or fire plug.

(Ord. No. 1039, 5-13-13)

Sec. 10-28. - Emergency entry; system required.

All new commercial buildings or alterations to a commercial building that require the services of an architect shall install a Knox Box entry system on the outside of the building in a place prescribed by the fire chief or his designee. The purchase of a Knox Box entry system shall be coordinated through the bureau of fire prevention.

(Ord. No. 1039, 5-13-13)

Sec. 10-29. - Nuisance alarms; violations.

(a)

It shall be unlawful for any person to knowingly cause a false alarm of fire or aid or abet in the commission of such act. Any person violating any of the provisions of this article shall be guilty of a class A misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) for each separate offense. (Code of Ala. 1975, § 13A-10-8.)

(b)

No person or business shall allow a fire alarm system to be kept in disrepair such that it causes false alarms. Any person who maintains or owns a system which causes more than two (2) false alarms within a thirty-day period shall be guilty of a violation and shall be fined not less than fifty dollars (\$50.00) for each false alarm caused beyond two (2) per thirty-day period.

(Ord. No. 1039, 5-13-13)

Sec. 10-30. - Open burning; permit required.

(a)

It shall be unlawful to openly burn without obtaining a conditional open burn permit from the fire department prior to burning.

(b)

It shall be unlawful for any person, directly or indirectly, whether done by oneself or through an agent or employee acting within the line and scope of employment, to discharge or to cause, permit or allow the discharge into the open air from any residence or business establishment either within or without the corporate limits of the city, of which such person is the owner, proprietor or manager, or of which such person has control, direction or management, of any live, hot or burning sparks, cinders or embers or other burning material or noxious odors or smoke generated by petroleum or its by-products in or upon any public street or other public place or in or upon the premises or dwelling of another to the extent that it is a nuisance.

(c)

It shall be unlawful to burn household garbage or waste products, treated lumber or any materials other than natural debris in the corporate limits or police jurisdiction of the city.

(d)

The escape of any live, hot or burning matter to or upon any public street or other public place or upon the premises of another is declared to be a public nuisance and may be summarily abated by any fire department member or by any police officer of the city.

(e)

Any fire department member or police officer of the city is hereby authorized to enter upon any private premises upon which a nuisance described in this section is being created and abate or cause to be abated such nuisance by extinguishing the fire. It shall be unlawful for any person, by word or act, to resist, obstruct, interfere with or in any manner impede any such member of the fire department or police officer in the exercise of such authority.

(f)

The owner, or any person at the time being in immediate control of the premises, who fails to abate such nuisance immediately when directed to do so by any fire department member or police officer shall be guilty of a misdemeanor, and upon conviction, be punished by a fine of no more than five hundred dollars (\$500.00) and up to one (1) year in jail.

(Ord. No. 1039, 5-13-13)

Sec. 10-31. - Accumulations of combustible material.

It shall be unlawful for any person to allow combustible material to accumulate in or upon any building or lot in the city so as to endanger any building whether adjacent to or otherwise, and such is a violation of the International Fire Code, Chapter 3, Section 304. It shall be the duty of the fire chief or his designee to order the same removed within a reasonable time and any failure to comply with such order shall constitute a misdemeanor.

(Ord. No. 1039, 5-13-13)

Sec. 10-32. - Overcrowding.

(a)

Buildings or portions thereof shall be provided with a means of egress system as required by Chapter 10, Means of Egress, of the International Fire Code.

(b)

It shall be unlawful for the owner or person in control to permit overcrowding or admittance of any person beyond the approved capacity, as set out in Chapter 10 of the International Fire Code.

(c)

Whenever the fire chief or his designee determines that a violation of International Fire Code, Chapter 10, Means of Egress, has occurred, such official shall issue an order to the owner or person in control of the premises to disperse or reduce the number of occupants. If the owner or person in control of the premises fails to promptly comply with the order, or after complying with the initial order from the fire chief or his designee, subsequently violates any of the above provisions of this subsection, the fire chief or designee may determine that the violation poses a hazard to the health, safety and welfare of the occupants and order the establishment closed for a period of time not to exceed twenty-four (24) hours.

(Ord. No. 1039, 5-13-13)

Sec. 10-33. - Penalty for violation of fire codes.

Any person, who shall violate any of the provisions of the codes hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, shall severally for each such violation and noncompliance respectively, be guilty of a misdemeanor, and, upon conviction, be punished by a fine of no less than one dollar (\$1.00) and no more than five hundred dollars (\$500.00) and up to one (1) year in jail. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Repeated violations of the provisions of this section shall be grounds for revocation of business license after a hearing before the city council.

(Ord. No. 1039, 5-13-13)

Sec. 10-34—10-50. - Reserved.

ARTICLE III. - FIRE AND PROTECTION SYSTEMS

Sec. 10-51. - Application of article.

The rules, regulations, and standards set out in this article shall apply to and shall govern the installation and maintenance of master fire alarm boxes and interior fire alarm systems in the city.

(Ord. No. 1039, 5-13-13)

Sec. 10-52. - Fire alarms.

(a)

Installation and maintenance, persons and companies performing programming, testing, installation, alterations, additions, maintenance, testing and/or repair of fire alarms shall be permitted through the office of the state fire marshal. Owners of fire alarm systems shall maintain all records which apply to the system installation, alterations and additions indefinitely, in a place accessible to city officials. Owners shall maintain all records of the fire alarm system tests and repairs on site, in a place accessible to city officials, for a period not less than two (2) years. Owners of alarm systems shall have an agreement or contract with a company who is permitted through the office of the state fire marshal to periodically inspect and test the system as specified in the fire code.

(b)

Fire alarm connection; prohibited. Fire alarms systems are not permitted to connect directly to city services.

(c)

Location of alarm boxes. All new installations of fire alarm control panels (FACP) shall be located as prescribed by the fire chief or his designee.

(Ord. No. 1039, 5-13-13)

State Law reference— State fire marshal's permit; application; competency test, Code of Ala. 1975 § 34-33A-5.

Sec. 10-53. - Sprinkler system requirements; general.

(a)

Approved system of automatic sprinklers. When sprinklers are required by the International Fire Code or other building code, they shall also be installed and maintained in accordance with industry standards and the International Fire Code.

(b)

Sprinkler system plans required in this section shall be stamped and signed by a qualified fire protection engineer and shall be submitted to the fire chief or his designee for approval prior to installation.

(c)

Persons and companies performing testing, installation, alterations, additions, maintenance or repair of fire sprinkler systems shall be permitted through the office of the state fire marshal. Owners of fire sprinkler systems shall maintain all records which apply to the system installation, alterations and additions indefinitely, in a place accessible to city officials. Owners shall maintain all records of the fire sprinkler tests and repairs on site, in a place accessible to city officials, for a period not less than two (2) years. Owners of fire sprinkler systems shall have an agreement or contract with a company who is permitted through the office of the state fire marshal to periodically inspect and test the system as specified in the fire code.

(Ord. No. 1039, 5-13-13)

Sec. 10-54—10-70. - Reserved.

ARTICLE IV. - INSPECTION FOR BUSINESS LICENSE

Sec. 10-71. - Business license; inspection required.

(a)

All new businesses, changes of business ownership, or relocation of existing businesses shall be inspected by the fire prevention bureau to ensure all fire and life safety codes as adopted by the city are met before being issued a business license.

(b)

Upon application of any new business license, the city clerk shall provide the applicant with the general fire and life safety code requirements. The city clerk shall notify the fire prevention bureau of the name of the business, the address of the business, name of the person applying for license and contact information, within two (2) business days following submission of the business application. Once this information is received by the bureau of fire prevention, the fire chief or his designee shall contact the applicant and with the coordination of the applicant, set a time for inspection of the business premises. Once the bureau of fire prevention has completed the inspection(s), and has insured that the business meets the fire and life safety codes as adopted by the city, the city clerk shall be notified in writing or electronically after which a business license may be issued.

(c)

Businesses who do not meet the fire and life safety code shall be re-inspected at a time prescribed by the bureau of fire prevention after completion of required modifications.

(d)

A business license shall not be approved nor issued until all fire and life safety code requirements as adopted by the city are met and approved by the bureau of fire prevention.

(Ord. No. 1039, 5-13-13)

Sec. 10-72—10-90. - Reserved.

ARTICLE V. - FIRE AND LIFE SAFETY PLANS REVIEW

Sec. 10-91. - New construction; building alteration; plans review required.

(a)

All architect's plans for new construction or alterations of commercial property requiring an architect's drawing pursuant to building or fire code, shall be reviewed by the bureau of fire prevention, to ensure adopted fire and life safety code requirements are met.

(b)

One (1) stamped, signed copy of all architect's plans shall be provided by the architect to the bureau of fire prevention.

(c)

Once certificate of occupancy is issued by the city building official, the architect's plans will be available to the owner of said construction for a period of thirty (30) days, after which all plans still in the possession of the bureau of fire prevention will be destroyed.

(Ord. No. 1039, 5-13-13)

Sec. 10-92—10-110. - Reserved.

ARTICLE VI. - FEES

Sec. 10-111. - Fire report; business license re-inspection; fees to be paid.

(a)

Generally. The bureau of fire prevention provides fire incident reports and inspection reports. These reports are available to involved parties as provided herein.

(b)

Fees for the issuance of fire reports will be as follows:

(1)

Residential fire report:

Initial report for the property owner and/or lessee or renter: No charge

Each additional report: Ten dollars (\$10.00)

(2)

Commercial fire report: Fifteen dollars (\$15.00) each.

(3)

Fire reports for insurance companies and other interested parties: Fifteen dollars (\$15.00) each.

All fees for fire reports shall be paid at the city clerk's office prior to release of reports. Receipts shall be presented to the City Fire Station No. 1, fire prevention bureau, during normal business

hours Monday through Friday, 8:00 a.m. until 5:00 p.m., in order to receive the report. In emergency cases, arrangements can be made after hours by calling City Fire Station No. 1.

(c)

Business inspection fees. There shall be no fees for an initial fire and life safety code inspection and the first re-inspection. Fees for each subsequent re-inspections of the same business, for the purpose of obtaining a license shall be twenty-five dollars (\$25.00) per additional inspection. Fees provided in this section shall be paid in addition to the required business license fee at the time the business license is issued.

(d)

The above referenced fees shall be distributed to the fire prevention bureau by the city clerk.

(Ord. No. 1039, 5-13-13)