

## **RESOLUTION 20-2016**

### **A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO AMEND CHAPTER 54 (“FIRE PROTECTION AND PREVENTION”) TO ADD A NEW ARTICLE III (“FIRE SAFETY STANDARDS”)**

**WHEREAS**, the Georgia General Assembly created the office of the Safety Fire Commissioner (“Commissioner”) and assigned certain powers and responsibilities to the Commissioner (see O.C.G.A. § 25-2-1 et seq.); and

**WHEREAS**, pursuant to the authority given to the Commissioner, the Commissioner has promulgated certain rules and regulations commonly referred to as the “State Minimum Fire Safety Standards” (see Ga. Comp. R. & Regs. r. 120-3-3-.01 et seq.); and

**WHEREAS**, these rules and regulations have the force and effect of law, have statewide application, and may be enforced by any such municipality or county (see O.C.G.A. § 25-2-4 and Ga. Comp. R. & Regs. r. 120-3-3-.02(1)(a)); and

**WHEREAS**, the Georgia General Assembly and the Commissioner both authorize municipalities to enact such ordinances as they deem necessary for certain buildings and structures (see O.C.G.A. § 25-2-12(b) and 13(f) and Ga. Comp. R. & Regs. r. 120-3-3-.02); and

**WHEREAS**, the Fire Marshall for the City of Carrollton, Georgia has recommended that the Mayor and City Council of Carrollton, Georgia adopt additional fire safety standards applicable to certain buildings and structures within the City of Carrollton, Georgia; and

**WHEREAS**, the Mayor and City Council of Carrollton, Georgia find it in the public interest to adopt additional fire safety standards applicable to certain buildings and structures within the City of Carrollton, Georgia.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and City Council of Carrollton do hereby amend Chapter 54 (“Fire Protection and Prevention”) by adding a new Article III (“Fire Safety Standards”) as follows:

#### **Article III. Fire Safety Standards**

##### **Sec. 54-30. Application.**

(a) The rules and regulations adopted by the Georgia Safety Fire Commissioner, Ga. Comp. R. & Regs. r. 120-3-3-.01 et seq., as may be amended or revised from time to time, are hereby adopted and incorporated by reference. Future amendments and revisions to the Georgia Safety Fire Commissioner’s rules and regulations are hereby adopted and shall become effective in the city upon promulgation without the necessity of further action on the part of the city.

(b) In addition to the rules and regulations adopted by the Georgia Safety Fire Commissioner, sections 54-31 through 54-39 shall apply to all buildings and structures within the

city, except for one-family and two-family dwellings, one- and two-family row houses (townhouses) separated by a 2-hour fire wall and two-family townhouses separated by a 2-hour fire wall.

(c) For purposes of this article, a townhouse must be owner occupied. If at anytime the townhouse or a room within the townhouse is rented to a non-owner, the townhouse will be considered a multifamily dwelling for purposes of this article, and the property must comply with sections 54-31 through 54-39. Any townhouse not constructed to the standards set forth in sections 54-31 through 54-39 may only be owner occupied, and in order to obtain a certificate of occupancy, a deed restriction limiting such townhouses to owner occupancy must be recorded and proof of which must be provided to the city.

(d) In the event of any conflict between the provisions of this article and the rules and regulations adopted by the Georgia Safety Fire Commissioner, the more stringent provisions shall apply.

**Sec. 54-31. Fire apparatus access roads.**

Appendix D “Fire Apparatus Access Roads” of the 2012 International Fire Code, as may be amended or revised from time to time, is hereby adopted and incorporated by reference. Future amendments to Appendix D “Fire Apparatus Access Roads” of the 2012 International Fire Code are hereby adopted and shall become effective in the city upon promulgation without the necessity of further action on the part of the city.

**Sec. 54-32. Sprinkler systems.**

(a) Multifamily dwellings, as defined in section 1.09.01 of the City of Carrollton Unified Development Ordinance, and commercial buildings exceeding 5,000 square feet shall have a supervised sprinkler fire suppression system. All such sprinkler fire suppression systems shall be National Fire Protection Association Standards 13, 13R, and 13D, and as approved by the city fire marshal.

(b) Supervised sprinkler fire suppression systems shall be required on all new buildings that are more than two (2) stories and less than twenty five (25) linear feet from another structure that is one story or more, regardless of construction type.

(c) Supervised sprinkler fire suppression systems shall be required for any existing commercial building being remodeled that has sleeping accommodations on any floor of the building.

(d) Sprinkler fire suppression systems shall be required to be installed in attics of new commercial buildings consisting of 12,000 square feet or more, regardless of how many stories are in the building.

(e) Residential kitchen fire suppression systems and residential-style hood systems ducted to the outside shall be required for all multifamily dwellings, as defined in section 1.09.01 of the

City of Carrollton Unified Development Ordinance, personal care homes and facilities, day care facilities, community living arrangement facilities, board and care facilities, or assisted living facilities, where cooking units are installed and the stove can be used for food warming, cooking, limited cooking, rehabilitation training, or which produce grease laden vapors.

**Sec. 54-33. Fire alarm systems.**

(a) Multifamily dwellings, as defined in section 1.09.01 of the City of Carrollton Unified Development Ordinance, shall be required to have a supervised fire alarm system connected to sprinkler fire suppression system.

(b) All new commercial buildings requiring sprinkler fire suppression systems shall be required to have a supervised fire alarm system.

**Sec. 54-34. Fire hydrants.**

For all multifamily dwellings, as defined in section 1.09.01 of the City of Carrollton Unified Development Ordinance, townhouse or duplex developments, fire hydrants shall be located every three hundred (300) feet or as required by the city fire marshal or his designee.

**Sec. 54-35. Construction materials.**

Multifamily dwellings, as defined in section 1.09.01 of the City of Carrollton Unified Development Ordinance, shall be built as type one (1) or two (2) limited or non-combustible material buildings, as set forth in the International Building Code, and all breezeways, decks, or porches for new construction shall consist of non-combustible material.

**Sec. 54-36. Inspections.**

The city fire marshal is hereby authorized to enforce both the rules and regulations adopted by the Georgia Safety Fire Commissioner and this article, and the city fire marshal is hereby authorized to conduct inspections in accordance therewith.

**Sec. 54-37. Unsafe buildings.**

(a) *General.* If the city fire marshal's inspection of a premises, building, structure, or any building system reveals, in whole or in part, a clear and inimical threat to human life, safety, or health, the city fire marshal shall issue such notices or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the premises, building, structure, or building system to the city's building inspector and codes enforcement officer for any repairs, alterations, remodeling, removal or demolition required.

(b) *Unsafe conditions.* Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure

which is not secured against unauthorized entry shall be deemed unsafe.

(c) *Structural hazards.* When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this article, the city fire marshal shall immediately notify the city's building inspector and codes enforcement officer.

(d) *Evacuation.* The city fire marshal or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the city fire marshal or the fire department official in charge of the incident.

(e) *Summary abatement.* Where conditions exist that are deemed hazardous to life and property, the city fire marshal or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this article.

(f) *Abatement.* The owner, operator or occupant of a building or premises deemed unsafe by the city fire marshal shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

#### **Sec. 54-38. Stop work orders.**

(a) *Order.* Whenever the city fire marshal finds any work subject to this article being performed in a manner contrary to the provisions of this article, or in a dangerous or unsafe manner, the city fire marshal is authorized to issue a stop work order.

(b) *Issuance.* A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

(c) *Emergencies.* Where an emergency exists, the city fire marshal shall not be required to give a written notice prior to stopping the work.

(d) *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be punished as provided in section 54-39 below.

#### **Sec. 54-39. Violations.**

(a) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish, utilize, or occupy a building, premises or system regulated by this article, or cause same to be done, in conflict with or in violation of any of the provisions of this

article.

(b) *Owner/occupant responsibility.* Correction and abatement of violations of this article shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this article, the occupant shall be held responsible for the abatement of such hazardous conditions.

(c) *Notice of Violation.* When the city fire marshal finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this article, the city fire marshal is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for compliance and re-inspection.

(d) *Service.* A notice of violation issued pursuant to this section shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

(e) *Punishment.* Violations of any provision of this article shall be punished as provided in section 1-11.

ADOPTED this 1<sup>st</sup> day of August, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON

  
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Mayor, City of Carrollton

  
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Clerk, City of Carrollton

