

Chapter 42 - FIRE PREVENTION AND PROTECTION^[1]

Footnotes:

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State Law reference— The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings, O.C.G.A. § 8-2-200 et seq.; providing of fire escapes by building owners, O.C.G.A. § 8-2-50 et seq.; obstruction or hindering of firefighters, O.C.G.A. § 16-10-24.1; regulation of fire and other hazards to persons and property generally, O.C.G.A. § 25-2-1 et seq.; local fire departments generally, O.C.G.A. § 25-3-1 et seq.; authority to enact ordinances or fire and life safety codes, O.C.G.A. § 25-3-4; firefighter standards and training, O.C.G.A. § 25-4-1 et seq.; mutual aid resource pacts, O.C.G.A. § 25-6-1 et seq.; Georgia Fire Academy Act, O.C.G.A. § 25-7-1 et seq.; regulation of fireworks, O.C.G.A. § 25-10-1 et seq.

ARTICLE I. - IN GENERAL

Secs. 42-1—42-18. - Reserved.

ARTICLE II. - FIRE CODE

Sec. 42-19. - Adoption of fire safety law.

There is hereby adopted by the county board of commissioners for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or related emergencies, those certain codes and standards adopted and amended by the Rules and Regulations of the Safety Fire Commissioner, Rules and Regulations for the State Minimum Fire Safety Standards of the State of Georgia, under authority of O.C.G.A. §§ 25-2-4 and 25-2-12, and the Georgia Administrative Procedure Act (O.C.G.A. § 50-13-21 et seq.). There shall be not less than one copy of such codes and standards filed in the office of the fire marshal, and the codes and standards are hereby adopted and incorporated as fully as if set out completely in this article.

(Code 1994, § 46-26; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-20. - Construction of codes.

All codes, ordinances, standards, and pamphlets adopted in this article and by the Rules and Regulations of the Safety Fire Commissioner, Rules and Regulations for the State Minimum Fire Safety Standards, shall be construed as the standard for fire code compliance among buildings within the county and shall prevail in matters of life safety over all other local codes, ordinances, or standards which apply to the same building components or systems covered by this article, and shall be known as the fire code. Final approving authority for fire code compliance covered in this section shall be the community risk reduction division of the county department of fire and emergency services, also known as the fire prevention section and the county fire marshal's office.

(Code 1994, § 46-27; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-21. - Enforcement of article.

The provisions of this article shall be enforced by authorized personnel of the county department of fire and emergency services, or by authorized officers of the county department of police services. In addition, the provisions of this article may be enforced by authorized officers of the police department of any municipality within the county.

(Code 1994, § 46-28; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-22. - Penalties for violation of article.

- (a) Any person who shall violate any of the provisions of this article or the codes or standards adopted by reference in this article or fail to comply therewith or who shall violate or fail to comply with any order made pursuant to this article, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of commissioners within the time set forth in this article, shall constitute a violation of a county ordinance. Any person violating this article or any of the codes, standards, and/or laws incorporated in this article shall be deemed guilty of violating a county ordinance and shall be punished by a minimum fine of \$250.00 for a first offense, and a minimum fine of \$500.00 for subsequent violations, not to exceed \$1,000.00 per day or by imprisonment in the common jail of the county not to exceed 60 days, or by both fine and imprisonment. The imposition of one penalty shall not excuse the violation nor permit it to continue, and such persons shall be required to correct or remedy such violations or defects within a specified time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate violation of this article.
- (b) The application of the penalty in subsection (a) of this section shall not be held to prevent the enforced removal of the prohibited conditions.
- (c) Upon written notice from the fire marshal or his designee, work on any project that is being performed contrary to the provisions of this article and the codes or standards adopted in this article, or otherwise being done in a dangerous or unsafe manner, shall cease immediately. Such notice shall be given to the owner of the property, his agent, or the person doing the work and shall state the conditions under which the work may be resumed.
- (d) Permits or approvals may be revoked by fire plan review, or by the fire marshal, or his designee, when there has been any false statement or misrepresentation as to any materials or facts contained in plans or other information on which the permit or approval has been based.
- (e) Whenever any of the officers or inspectors of the department of fire and emergency services find conditions which are unsafe and/or in violation of the provisions or intent of the codes, standards, or ordinances enforced by the fire marshal's office, written notice may be given to the owner, the owner's agent or the occupant or occupant's representative requiring that any activities impacted by the conditions shall cease until the condition is corrected.

(Code 1994, § 46-29; Ord. No. FPP-2012, 3-20-2012)

State Law reference— Magistrate courts, O.C.G.A. § 15-10-1 et seq.; violation of county ordinances, O.C.G.A. § 15-10-60 et seq.; punishment for misdemeanors, O.C.G.A. § 17-10-3; maximum punishments which may be imposed for violations of county ordinances, O.C.G.A. § 36-1-20(b); county responsibility for sentencing and maintenance of inmates, O.C.G.A. § 42-5-51(a).

Sec. 42-23. - Establishment and duties of the fire prevention section.

- (a) The fire code shall be enforced through the fire prevention section, by the director/chief of the department of fire and emergency services of the county or his designee, and fire plan review.
- (b) The fire marshal in charge of the fire prevention section shall be appointed by the chief of the department of fire and emergency services.
- (c) The chief of the department of fire and emergency services may detail such members of the fire services as inspectors as shall from time to time be necessary. The chief of the department of fire

and emergency services may appoint technical inspectors, referred to as deputy fire marshals, who may be selected in accordance with the county Merit System Rules and Regulations.

(Code 1994, § 46-30; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-24. - Limits on storage of explosives and blasting agents.

Locations for the storage of explosives and blasting agents shall comply with the rules promulgated by the safety fire commissioner of the state, as they may be amended, entitled Rules and Regulations of the Safety Fire Commissioner, chapter 120-3-10, "Rules and Regulations for Explosives and Blasting Agents."

(Code 1994, § 46-31; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-25. - Limits on storage of flammable liquids in outside aboveground tanks.

Permanent installations for the storage of flammable liquids in aboveground tanks shall comply with the county zoning resolution, as amended, as well as rules promulgated by the safety fire commissioner of the state, as they may be amended, entitled Rules of the Safety Fire Commissioner, chapter 120-3-11, "Rules and Regulations for Flammable and Combustible Liquids."

(Code 1994, § 46-32; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-26. - Limits on bulk storage of liquefied petroleum gases.

Bulk storage of liquefied petroleum gas shall comply with the county zoning resolution, as amended, as well as rules promulgated by the safety fire commissioner of the state, as they may be amended, entitled Rules of the Safety Fire Commissioner, chapter 120-3-16, "Rules and Regulations for Liquefied Petroleum Gasses."

(Code 1994, § 46-33; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-27. - Administrative variances.

A committee comprised of the fire marshal, assistant fire marshal, and fire planning manager, or their designees, shall have the power to implement systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives to those prescribed by the codes, provided technical documentation is submitted to the committee to demonstrate equivalency, and the system, method, or device is approved for the intended purpose. Variances granted shall be as nearly equivalent as practical to the codes and standards required in this article. The decision of the committee or chief of the department of fire and emergency services may be appealed to the county board of construction adjustments and appeals.

(Code 1994, § 46-34.5; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-28. - Appeals.

Any appeal or request for a variance from the provisions of the codes set out in this article shall be submitted in writing to the fire marshal's office with the explanation and reason why the variance should be granted. In response thereto, the fire marshal's office shall furnish a statement as to the purpose of the requirement along with a response which approves or denies the request. Should the affected party wish to appeal the decision of the fire marshal or the chief of the department of fire and emergency services,

the appeal shall be submitted in writing on forms provided by planning and development or the department of fire and emergency services and shall be accompanied by a fee as established by the county land development, and other services fee schedule as may be amended, to be submitted to the board of construction adjustments and appeals.

(Code 1994, § 46-36; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-29. - Standards for minimum size water mains and spacing of fire hydrants for new construction, additions, and renovations on private property.

- (a) Subdivisions of freestanding single-family homes shall have eight-inch or larger water mains with three-way fire hydrants spaced no more than 450 feet apart.
- (b) Approved subdivisions of multifamily residential units, including town homes, shall have eight-inch or larger water mains installed. Three-way type fire hydrants, with a minimum of two 2½ inch and one large diameter discharge nozzles, shall be located to permit all exterior portions of all buildings to be reached with hose lays not to exceed 400 feet by road travel. Each hydrant shall be capable of providing a minimum flow of 1,000 gallons per minute (GPM) at 20 pounds per square inch (psi) residual pressure. Verification of water flow GPM shall be conducted as set forth in NFPA 291, *Fire Flow Testing and Marking of Hydrants*.

Exception: Hose lays may be extended to 500 feet for buildings with NFPA compliant automatic fire sprinkler systems.

- (c) Industrial, commercial, and other nonresidential developments shall have 12-inch or larger water mains installed with three-way fire hydrants, with a minimum of two 2½ inch and one large diameter discharge nozzles, spaced no more than 300 feet apart along dedicated roadways. Fire hydrants shall be placed so that all exterior portions of all buildings shall be reached with hose lays not to exceed 400 feet by road travel. Water mains of a minimum of eight inches with a minimum flow of 1,250 gallons per minute may be used for hydrants not located along dedicated roadways. Verification of water flow GPM shall be conducted as set forth in NFPA 291, *Fire Flow Testing and Marking of Hydrants*.
- (d) Existing six-inch or larger water mains and fire hydrants may be continued in use if all of the following criteria are met:
 - (1) The existing fire hydrant is in compliance with the specified hose lay requirements.
 - (2) Any additional water mains and fire hydrants to be installed to meet hose lay requirements shall be supplied by a minimum of eight-inch or larger water main.
 - (3) The existing fire hydrant shall provide a minimum of 1,000 gallons of water per minute at 20 psi residual pressure. Verification of water flow shall be in accordance with NFPA 291, *Fire Flow Testing and Marking of Hydrants*.
- (e) Commercial, industrial, or nonresidential buildings provided with automatic fire sprinkler or standpipe systems shall have a three-way type fire hydrant placed within 150 feet of the fire department connection (FDC).
- (f) Residential multifamily occupancies, residential board and care large facilities, and day care centers provided with automatic fire sprinkler protection or standpipe systems shall have a three-way fire hydrant placed within 150 feet of the fire department connection (FDC).

(Code 1994, § 46-37; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-30. - Location of hydrants and hydrant specifications.

- (a) Water mains and fire hydrants shall be installed, be under water pressure, and ready for fire service use as soon as combustible material arrives on site, prior to beginning construction with combustible materials.

Exception: Materials used in forming for footings and foundations on grade.

- (b) Hydrants, fittings, valves, and fire department connections shall be approved by fire plan review and the department of fire and emergency services. Connections shall not be less than 18 inches nor more than 36 inches above the level of the adjoining finished grade. The thread of such connections shall be uniform with that used by the department of fire and emergency services.
- (c) Hydrants shall meet the requirements of NFPA 24, Private Fire Service Mains and Their Appurtenances, and have not less than a six-inch connection with the mains. The number, size and arrangement of the outlets, the size of the main valve opening and size of barrel shall be suitable for the protection to be provided and shall be approved by the department of water resources and the department of fire and emergency services.
- (d) The size and the shape of the operating nut as well as the direction the hydrant stem operates shall be uniform with hydrants as provided in the county water distribution system specifications and those used by the department of fire and emergency services.
- (e) The department of fire and emergency services or department of water resources shall, with their own employees or by contract or agreement with a service provider, be allowed to conduct periodic maintenance and checks of fire hydrants to verify their operable condition, remove obstructions to operation or visibility, and to apply paint to those fire hydrants.

(Code 1994, § 46-38; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-31. - Obstruction of approach or visibility of fire hydrants and connections.

It shall be unlawful for any person, vegetation, or object to obstruct the approach or visibility of any fire hydrant or fire department connection closer than five feet in any direction, parallel with street access. A minimum three foot clear space shall be maintained around the circumference of fire hydrants and fire department connections.

(Code 1994, § 46-39; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-32. - Requirements pertaining to fire protection systems.

- (a) Buildings shall be equipped with an approved standpipe system when required by the building or fire code. Required standpipes shall be installed in accordance with the building code, fire code, and NFPA 14, Installation of Standpipe and Hose Systems.
- (b) Hotels, motels, dormitories, lodginghouses or roominghouses, residential board and care facilities with four or more residents, multifamily residential occupancies, and health care facilities of combustible construction (Types III, IV, or V according to the International Building Code) shall have complete automatic fire sprinkler systems installed in accordance with appropriate NFPA standards.

Exception: Hotels, motels, dormitories, lodginghouses or roominghouses, residential board and care facilities, multifamily residential occupancies, and health care facilities of combustible construction with plans submitted prior to adoption of the ordinance from which this article is derived, must meet the sprinkler requirements adopted at the time plans were submitted.

- (c) Hotels, motels, dormitories, lodginghouses or roominghouses, residential board and care facilities with four or more residents, multifamily residential dwellings, educational occupancies, day care occupancies, and health care facilities with three or more floor levels, regardless of type of

construction shall have complete, automatic fire sprinkler systems installed in accordance with appropriate NFPA standards.

Exception: Hotels, motels, dormitories, lodginghouses or roominghouses, residential board and care facilities, multifamily residential dwellings, educational occupancies, day care occupancies, and health care facilities with three or more floor levels, with plans submitted prior to adoption of the ordinance from which this article is derived, must meet the sprinkler requirements adopted at the time plans were submitted.

(Code 1994, § 46-40; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-33. - Requirements for tenant separations and attic separation within multi-tenanted commercial, industrial, and nonresidential buildings.

- (a) Tenant separations shall have a minimum fire resistance rating of one hour. Fire barriers shall be continuous from outside wall to outside wall and from one fire barrier to another or a combination thereof, including continuity through all concealed spaces. Rated assemblies shall extend from the floor of the lowest level to the underside of a fire resistance rated floor/ceiling or roof assembly. All rated assemblies shall have been tested and listed by an approved, accredited testing laboratory or meet the requirements for prescriptive or calculated fire resistance rated assemblies in accordance with the International Building Code. All openings and/or penetrations within rated assemblies shall be tightly sealed using an approved, listed, detail or method complying with ASTM-E814 or UL 1479.

Exception: Executive suites, flea markets, and similar sublets or subleases, complying with the requirements for non-separated use according to the International Building Code and meeting all of the following requirements:

- (1) All tenants must be of the same general occupancy classification or meet the fire and building code requirements for the most restrictive and stringent occupancy classification represented.
- (2) All tenants share amenities such as rest rooms, means of egress, break rooms, conference/class rooms, and office support.

Buildings with tenant areas separated so as to allow the possibility of leasing to separate tenants with separate restrooms and means of egress shall not be granted the executive suite or sublet exception.

Each tenant occupying spaces qualifying for the tenant separation exception may be required to have an individual certificate of occupancy at the discretion of the authority having jurisdiction.

- (b) Attic draft-stopping shall be constructed of wood or metal studs with one layer of fire rated gypsum board on each side to divide combustible attic spaces into areas of 3,000 square feet or less. Access panels, 24 inches by 36 inches in size, shall be located leading into each area from the floor level immediately below the compartmentalized area.

(Code 1994, § 46-41; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-34. - Requirements for tenant separations and attic separation within multifamily residential buildings.

- (a) All tenant separations shall have a minimum fire resistance rating of one hour. All tenant separation walls shall extend from the floor of the lowest level to the underside of the roof deck, unless the top floor/ceiling assembly has a one-hour fire resistance rating in which event attic draft-stops shall be installed at 3,000 square foot intervals or at every other tenant line, whichever is less. Attic draft-stopping shall run with the roof trusses and be placed to create compartments covering no more than two units.

- (b) All rated assemblies, both walls and floor/ceiling assemblies, shall have been tested and listed by an approved, accredited testing laboratory or meet the requirements for prescriptive or calculated fire resistance rated assemblies in accordance with the International Building Code. All openings and/or penetrations within rated assemblies shall be tightly sealed using an approved, listed, detail or method complying with ASTM-E814 or UL 1479.
- (c) Attic areas shall be draft stopped at 3,000 square foot intervals or every other tenant line, whichever results in a smaller area.
- (d) Access panels, 24 inches by 36 inches in size, shall be located leading into each area from the floor level immediately below the compartmentalized area.

(Code 1994, § 46-42; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-35. - Accessibility for firefighting equipment and personnel.

- (a) When access to or within a structure or project is unduly difficult because of secured openings, the owner and/or tenant shall be responsible for ensuring quick access into the area for fire services use.
- (b) An all-weather fire apparatus access road, designed and maintained to support the imposed loads of fire apparatus, shall be provided to or around all buildings, to extend within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building.

Exception: The fire code official is authorized to increase the dimension of 150 feet where:

- (1) The building is equipped throughout with an approved automatic sprinkler system installed in accordance with the appropriate NFPA standards.
- (2) A fire apparatus access road cannot be installed because of location on property, topography, waterways, nonnegotiable grades, or similar conditions, and an approved, alternative means of fire protection is provided.
- (c) Fire department access shall be maintained throughout all stages of construction.
- (d) Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet six inches.
- (e) Dead-end roadways more than 150 feet in length shall be provided at the closed end with a cul-de-sac having a 50-foot radius at the outside curblines, or other approved means for turning around.

(Code 1994, § 46-43; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-36. - Submission of plans and specifications required.

- (a) Owners, their agents, or designees of all buildings, tenant spaces, and commercial sites, covered by this article, are required to submit plans and specifications of the project to fire plan review, prior to obtaining the required fire permits.
- (b) Permits must be obtained prior to construction, demolition, change of use or occupancy classification, tenant name change, or ownership change, in buildings, tenant spaces, or commercial sites and prior to addition, removal or changes of any fire protection system(s) therein.
- (c) A final inspection and certificate of occupancy, for each business establishment, must be obtained from the fire marshal's office prior to occupying any building covered by this article or conducting business.
- (d) Plans, specifications, and other required information must be submitted to fire plan review prior to obtaining the required temporary use permits for activities, including, but not limited to, bonfires, commercial burning for land clearing, use of certain tents and canopies, and certain fireworks and

pyrotechnic displays. A final inspection must be passed and permits activated prior to conducting permitted activities.

(Code 1994, § 46-44; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-37. - Required plans and drawings.

- (a) Construction documents shall be submitted in one or more sets with each permit application. Plans submitted shall be in accordance with state law, rules, and regulations. Construction documents shall be dimensioned, and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the fire official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work conforms to the provisions of the fire code, and relevant laws, ordinances, rules and regulations, as determined by the fire official.
- (b) The seal of an appropriate registered design professional, architect, or engineer, in accordance with state laws, rules and regulations, with original signature currently licensed by the state shall be affixed to the plans of the following projects:
 - (1) All places of assembly with a calculated occupant load of 100 or more persons using occupant load calculations as set forth in the NFPA Life Safety Code.
 - (2) All healthcare facilities as defined by NFPA 101, Life Safety Code.
 - (3) All penal and correctional institutions.
 - (4) All day care centers with 12 or more clients.
 - (5) All educational facilities.
 - (6) All residential board and care facilities with an occupant load of seven or more persons and considered a "large facility" as set forth in the fire code.
 - (7) Any structure or tenant space with a "cumulative construction" area of 5,000 square feet or more or \$100,000.00 in cost or three stories in height.
 - (8) Where required by state law.

Exception: Unless required by state law, the fire official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional, if it is found that the nature of the work applied for is such that a review of construction documents is not necessary to obtain compliance with the fire code.

(Code 1994, § 46-45; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-38. - Revision of plans.

- (a) All drawings, specifications and/or pertinent documents, required to bear the stamp, seal, and signature of a registered designer, shall be revised by the designer of record and bear his stamp or seal and signature on all revisions and details. Required revisions to stamped plans are subject to the designer of record's approval, which shall be in the form of "hard-line" drawings. Fax transmittals, electronic submittals, or written correspondence may be deemed acceptable alternatives subject to the approval of the fire plan review supervisor, fire marshal, or assistant fire marshal, and/or building official.
- (b) Certain minor corrections to plans, such as relocation of exit signs, sprinkler heads, smoke detectors or change of door swings, may be "redlined" as determined by each department. Redlined corrections shall be shown on all required sets of plans and/or specifications and shall bear the name and signature of the individual submitting the project for code compliance review.

- (c) Examples of items not allowed to be "redlined" are as follows:
- (1) Changes to the means of egress such as direction of travel, number of means of egress, egress widths, travel distance, and other egress components.
 - (2) Changes to the number of exits.
 - (3) Changes to features necessary for accessibility for the disabled.
 - (4) Changes to fire alarm systems except as stated in this section.
 - (5) Changes to sprinkler systems to include site plans except as stated in this section.

(Code 1994, § 46-46; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-39. - Inspections required.

- (a) The fire marshal shall inspect, or cause to be inspected, at various intervals all construction work pertaining to fire codes and a final inspection shall be made of every building, structure, site or facility.
- (b) Owners, or their agents or designees, of all buildings, tenant spaces, and/or commercial sites covered by this article are required to submit plans and specifications of the project to fire plan review prior to obtaining the necessary fire permits.
- (c) An 80 percent completion inspection, a 100 percent final inspection, and a certificate of occupancy shall be obtained from the fire marshal's office prior to the occupancy of the facility. Fifty percent inspections may be required to inspect methods of sealing penetrations, fire department access, and other provisions affiliated with larger projects.
- (d) Upon a satisfactory final inspection of buildings, the necessary certificate of occupancy or certificate of completion shall be issued. Certificates of occupancy shall be displayed prominently in a public or common area of the building.
- (e) Plans, specifications, and other required information must be submitted to fire plan review prior to obtaining the required temporary use permits for activities, including, but not limited to, bonfires, commercial burning for land clearing, use of certain tents and canopies, and certain fireworks and pyrotechnic displays. A final inspection must be passed and permits activated prior to conducting permitted activities.

(Code 1994, § 46-47; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-40. - Collection of fees and issuance of permits and approvals.

The fire marshal's office and fire plan review shall collect fees as established in the "Gwinnett County Land Development and Other Services Fee Schedule," as may be amended, for construction permits, certificates of occupancy, and other fire related permits, plan reviews, revisions, variances, certificates, and re-inspections.

(Code 1994, § 46-48; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-41. - Governmental organization facilities exemptions.

Fees in section 42-40 may be waived for projects that serve a governmental purpose in accordance with the county's permit fee waiver policy and the county land development and other services fee schedule.

(Code 1994, § 46-49; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-42. - Temporary occupancy.

- (a) A temporary certificate of occupancy may be issued for a portion or portions of a facility. The fire marshal's office shall forward written comments to the building official of the county allowing or disallowing occupancy of a partially completed facility.
- (b) All facilities described in this section shall be equipped with the following minimum features in order for a temporary certificate of occupancy to be issued:
 - (1) All required portions of the means of egress shall be complete (does not include floor or wall-covering).
 - (2) All exit signage shall be in place and in proper working order.
 - (3) All illumination of means of egress and emergency lighting fixtures shall be in place and in proper working order.
 - (4) All required exit components shall be installed and equipped with approved hardware.
 - (5) All automatic sprinkler systems (if so equipped) shall be installed, tested, and in proper working order.
 - (6) All fire barriers shall be installed and properly sealed.
 - (7) All required fire alarm and detection systems shall be installed, tested and in proper working order.
- (c) Any facility where a temporary certificate of occupancy has been issued shall be in compliance with the above features. If necessary, certain portions of a facility may be issued a temporary certificate of occupancy as long as all the above criteria have been met. The field inspection supervisor and the field inspector conducting the inspection shall agree upon, and document, the terms of the temporary certificate of occupancy and the document shall bear the names and signatures of both parties granting the approval.

(Code 1994, § 46-50; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-43. - Persons allowed in the vicinity of a fire.

No persons except firefighters, police officers, members of the governing body of the county, the owners of the subject property or their agents, and the agents of insuring companies shall be allowed within the immediate vicinity of any fire without being requested there by the fire chief or the officer in charge at the time. Any person refusing to obey the orders and directions of the officer in charge of a fire, medical, or related emergency, may be charged with violation of this section and, on conviction thereof, be punished for the violation of a county ordinance.

(Code 1994, § 46-51; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-44. - Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm or any other emergency vehicle closer than 200 feet and shall not park such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm. Any person refusing to obey the orders and directions of the officer in charge of a fire may be charged with violation of this section and on conviction thereof be punished for violation of a county ordinance.

(Code 1994, § 46-52; Ord. No. FPP-2012, 3-20-2012)

State Law reference— Similar provisions, O.C.G.A. § 40-6-247.

Sec. 42-45. - Crossing fire hose prohibited.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire, without consent of the fire department official in command. Any person refusing to obey the orders and directions of the officer in charge of a fire may be arrested for violation of this section and, on conviction thereof, be punished for the violation of a county ordinance.

(Code 1994, § 46-53; Ord. No. FPP-2012, 3-20-2012)

State Law reference— Similar provisions, O.C.G.A. § 40-6-248.

Sec. 42-46. - Rules and regulations for outdoor and open burning.

(a) *Permits and fees.*

- (1) Permits for open burning at or on development sites for the purpose of clearing land for new construction shall be obtained from fire plan review. Permits shall be registered with the Fire Services Communications Center by the fire marshal's office.
- (2) The applicant shall complete an application for an open burning permit issued by fire plan review. The applicant shall submit a plat or site plan showing the proposed location of the burn pit and information relating to the proximity of any occupied or unoccupied structure.
- (3) The application, if approved, shall be accompanied by fees as established in the "Gwinnett County Land Development and Other Services Fee Schedule," as may be amended.
- (4) No burning shall commence prior to an inspection of the site and the burn pit by a representative of the county fire marshal's office. Upon approval of the burn pit, the permit shall be valid for a period of 30 days. Permits may be extended for increments of 15 day periods without additional fees, with a maximum of two extensions.

(b) *Fires requiring written permits.*

- (1) The only types of fires permitted for the purpose of land clearing are pit fires. Non-pit fires are not permitted for land clearing in the county. All pit fires shall be conducted in strict accordance with the "Air Curtain Destructor Operating Guide and Procedures" as published by the North Georgia Region of the environmental protection division.
- (2) Pit fires shall comply with the following stipulations:
 - a. The pit shall be at least 300 feet from any occupied or habitable structure. This distance may be required to be increased by the fire marshal's office if needed.
 - b. Where a site cannot be excavated to the recommended depth(s) due to high water table and/or subsurface rock, the pit may be constructed above ground level, subject to the same state standards and procedures for a pit below ground level.
 - c. Only wood wastes consisting of trees, logs, large brush, stumps, leaves, and untreated lumber may be burned in the pit.
 - d. Leaves, sawdust or other densely packed wood wastes, paper (any type); chemically treated, coated or impregnated wood; or non-wood construction materials shall not be burned. The amount of dirt/soil mixture shall be kept to a minimum.

- e. No more than one air curtain destructor is allowed to be operated within a ten-acre permitted site at one time. The air curtain destructor must be under the supervision of a trained operator at all times during operation. In the event there is a need for multiple burning pits there shall be a minimum of 1,000 feet between each burning pit.
- f. Air curtain destructors shall pass an even, non-turbulent flow of air across the top of the pit. Air curtain destructors with an air duct or manifold that has been altered by bends, dents, holes, etc., and are incapable of providing an even and non-turbulent flow of air across the top of the pit shall not be approved for use.
- g. The air curtain destructor shall be operated in a manner to prevent air, land or water pollution, safety/health hazards, or nuisances.
- h. Tires or other rubber products, plastics, heavy oils or asphaltic base or impregnated materials, shall not be used to start or maintain air curtain destructor operations.
- i. No smoke emissions exceeding 40 percent opacity may be produced during operation except for a reasonable period during ignition and charging of the pit.
- j. When the pit is cleared of ash, airborne particulate is to be minimized by wetting or mixing the ashes with dirt.
- k. Diesel fuel or kerosene may be used to start pit fires.

(c) *Types of burning allowed without a written permit.*

- (1) Burning of leaves, limbs, and natural vegetation that may fall on one's property.
 - a. The location for open burning of natural vegetation shall not be less than 50 feet from any structure, and not less than 25 feet from a property line. Provisions shall be made to prevent the fire from spreading to within 50 feet of any structure and 25 feet from a property line.

Exception: The minimum required distance from a structure shall be 25 feet when the pile size is less than three feet in diameter and less than two feet high.
 - b. Fires shall be limited to a size that can be easily controlled under the conditions and with the resources available on the property.
- (2) Fires for the purpose of keeping warm.
 - a. Warming fires shall be contained within a metal barrel of 55 gallon capacity or less.
 - b. Untreated wood or lumber shall be the only material or substance permitted to be burned.
 - c. The container for the warming fire shall not be less than 50 feet from any structure.
 - d. No on-ground warming fires shall be permitted.
 - e. The outside temperature shall be 50 degrees Fahrenheit or less.
- (3) Fires for the purpose of cooking food for human consumption.
 - a. Charcoal, wood, and gas grills and other open flame cooking devices shall not be operated on combustible balconies or within ten feet of combustible construction.

Exception: One- and two-family dwellings.
 - b. LP gas grills and burners having an LP gas container with a water capacity greater than 2.5 pounds (one pound LP gas capacity) shall not be located on combustible balconies or within ten feet of combustible construction.

Exception: One- and two-family dwellings.

- c. Open fires used for cooking food for human consumption shall not be less than 50 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Exception: The minimum required distance from a structure shall be 25 feet when the pile size is less than three feet in diameter and less than two feet high.

- d. Fires shall be limited to a size that can be easily controlled under the conditions and with the resources available on the property.

(4) Recreational fires in commercially available chimineas or outdoor fire places.

- a. Chimineas or outdoor fireplaces shall be used according to their intended use, the manufacturer's recommendations, and the rules in section 42-46(c)(4).
- b. Chimineas or outdoor fireplaces shall have a chimney, screen, or other approved method to arrest sparks.
- c. Chimineas or outdoor fireplaces shall not be operated inside structures, on combustible surfaces or balconies, or within 25 feet of combustible construction.
- d. Chimineas or outdoor fireplaces shall have a noncombustible surface underneath to safely catch sparks or dropping coals and ashes.
- e. Untreated wood, lumber, manufactured fire logs, or charcoal shall be the only materials or substances permitted to be burned in chimineas or outdoor fireplaces.

(5) Bonfires; permit required; no fee.

- a. No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any private or public land unless the location is no less than 50 feet from a structure with a size not to exceed four cubic feet of combustible materials and 100 feet from a structure with a size not to exceed five cubic feet of combustible materials.
- b. For purposes of clarification, bonfires shall be limited to activities sponsored by civic, educational, religious or other groups for purpose of celebration, etc. An example would be a high school pep rally.
- c. Bonfires shall be constantly attended by a competent person until such fire is extinguished.
- d. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment, capable of extinguishing the fire, readily available for use.
- e. Access to communications to the fire department shall be maintained within 500 feet of the bonfire.

(d) *Burning restrictions.* The following rules govern all burning in the county, whether or not a written permit is required:

- (1) The fire marshal's office may temporarily prohibit any and/or all outdoor fires when atmospheric conditions or local circumstances make such fire hazardous.
- (2) No burning is permitted on Sundays or nights. Burning at construction sites for the clearing of land for new development shall not be conducted before or after daylight hours.

Exception: Compliant bonfires, cooking fires, and recreational fires in chimineas and outdoor fireplaces may be burned on Sunday and at night provided all other criteria and restrictions are applied.

- (3) No burning is permitted when prevailing winds are predicted to be, or are in excess of 15 miles per hour.
- (4) No burning is permitted when the National Weather Service has issued a "Red Flag Warning." Burning shall be limited or prohibited as conditions warrant, when the National Weather Service has issued a "Fire Weather Watch."

- (5) No burning is permitted during an air pollution episode, such as an air pollution alert/warning/emergency declared by proper authorities.
 - (6) No burning is permitted when there is fog, rain, or a cloud base that is diffused, or ill defined, or for at least one day following the passage of a cold front.
 - (7) No burning of solid waste or household garbage is allowed.
 - (8) No burning of any materials that emit a heavy dark smoke, such as rubber products, oils, roofing material, petroleum-based products, etc.
 - (9) No burning when smoke presents a health hazard to persons in the vicinity of the fire. The fire marshal's office shall be authorized to ban outdoor burning in a limited geographical area upon receipt of medical certification from a resident that the resident has a medical condition(s) adversely affected by smoke.
 - (10) No burning shall be conducted within 20 feet of flammable, combustible or explosive materials unless otherwise specified by the fire code.
 - (11) Burning of leaves, limbs, etc., that fall on a person's own property may only be conducted during daylight hours.
 - (12) Prior notification shall be given to the state forestry commission before any agricultural burning is conducted. The term "agricultural" refers to land zoned RA-200 as defined by the county zoning ordinance.
 - (13) All fires shall be constantly attended by a competent person until extinguished.
 - (14) There shall be a garden hose connected to a water supply or other fire extinguishing equipment capable of extinguishing the fire readily available for use.
- (e) *Summary abatement.* The staff of the fire marshal's office and personnel of the department of fire and emergency services shall have the authority to summarily abate any condition(s) which are in violation of any of the provisions of this section, and which may constitute an immediate threat to life and property. In no event shall a pit fire or other open burning continue after the fire marshal's office has revoked the permit.

(Code 1994, § 46-54; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-47. - Setting fire to motor vehicle; notice required.

No person shall set fire to an automobile, truck, or any other type of motor vehicle without first obtaining written permission from the chief of the department of fire and emergency services or his designee.

(Code 1994, § 46-55; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-48. - Burning of certain materials prohibited.

No material or substance which emits noxious or poisonous gases such as nitrogen dioxide, hydrogen cyanide or chlorine or other poisonous gases that will not readily dissipate in the atmosphere may be burned within the county limits.

(Code 1994, § 46-56; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-49. - Certain officers vested with police authority.

The chief of the department of fire and emergency services or authorized officers acting pursuant to his authority shall be sworn in as police officers with the powers to make arrests pertaining to arson within the county.

(Code 1994, § 46-57; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-50. - Authority to cut electric wires.

The chief of the department of fire and emergency services or other authorized officers acting pursuant to his authority are hereby authorized to cut any electrical, or other, wire which shall be deemed necessary on the occurrence of any fire, medical, or related emergency, without expense to the county for so doing, provided that nothing contained in this section shall imply that the county has authorized any person to undertake the risk of cutting any such wires or renders itself liable for any injury to the person so doing.

(Code 1994, § 46-58; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-51. - Obstructing a fire station.

It shall be unlawful for any person to block any access route or put any obstruction of any nature in front of any fire station or location where fire service equipment is located.

(Code 1994, § 46-59; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-52. - False alarms.

No person shall intentionally make, turn in, or report a false alarm of fire or false report for police or ambulance assistance, or aid or abet in the commission of such an act.

(Code 1994, § 46-60; Ord. No. FPP-2012, 3-20-2012)

State Law reference— False alarms, O.C.G.A. § 16-10-27 et seq.

Sec. 42-53. - Response to malfunctioning alarms.

- (a) When emergency responses to a malfunctioning fire, medical, or similar alarm system exceed two in a 12-month period, a fee shall be assessed for each additional incident. A fee of \$50.00 will be assessed for the third incident in a 12-month period; and a fee of \$100.00 shall be assessed for each of the fourth through the sixth false alarms within that period.
- (b) Fees shall be payable to the county. Failure to pay false alarm fees shall constitute a violation of a county ordinance and be subject to penalties as set forth in this article.
- (c) When emergency responses to a malfunctioning fire, medical, or similar alarm system, exceed six in a 12-month period, a citation will be issued and a minimum fine of \$100.00, but not exceeding \$1,000.00, shall be assessed per response.
- (d) Exception: The provisions of this section shall not apply to newly installed residential fire or medical alarms for a period of 90 days following installation.

(Code 1994, § 46-61; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-54. - Fire extinguishing equipment installation in restaurants or other facilities having cooking equipment.

- (a) Approved ventilation hoods and hood fire suppression equipment shall be installed in restaurants or other occupancies with food preparation facilities having cooking appliances capable of producing grease laden vapors, such as ranges, deep fat fryers, grills, broilers, or other similar appliances.
- (b) The standards for approval of such facilities shall be based on the fire code, including NFPA 96, Ventilation Control and Fire Suppression of Commercial Cooking Operations, or an equivalent measure deemed acceptable to the fire marshal or assistant fire marshal.

(Code 1994, § 46-62; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-55. - Family day care homes.

- (a) Family day care homes, for purposes of the fire code, shall be defined as a day care home in which more than three, but fewer than seven, clients receive care, maintenance, and supervision by other than their relative(s) or legal guardian(s) for less than 24 hours per day, generally within a dwelling unit.
- (b) Owners, their agents, or designees of all family day care homes are required to submit plans and specifications and obtain the required fire permits prior to construction or renovation and, fire inspections, and a certificate of occupancy, prior to conducting business in accordance with this article.
- (c) Family day care homes as defined by subsection (a) of this section shall meet all codes and standards applicable to day care homes.

(Code 1994, § 46-63; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-56. - Designed fire lanes.

- (a) Streets or drives adjacent to the following locations shall have designated fire lanes:
 - (1) Any building 22,500 square feet or more with storage facilities, except for storage warehouse occupancies which are equal to or greater than 80 percent of the total building area and which comply with subsection (b) of this section.
 - (2) Place of assembly with occupant load of 300 or more.
 - (3) The area five feet on each side of fire hydrants, fire department connections, and associated appliances used for fire protection.
 - (4) All points of exit from nursing homes, hospitals, multi-storied office buildings and places of assembly.
- (b) Buildings not required to have fire lanes shall maintain fire service access according to applicable laws, ordinances, codes, and standards.
- (c) Where designated fire lanes are required, they shall meet the following criteria:
 - (1) The curbing shall be painted traffic yellow. Where curbing is not present, there shall be designated a 20-foot-wide, cross hatched, traffic yellow way of access kept free of obstructions.
 - (2) Signs meeting the specifications described in this article shall be spaced no less than 30 feet apart and legible from both directions of travel.

Specifications for fire lane signs shall be as indicated on the official "Specifications for Fire Lane Signs" document maintained at fire plan review and in the office of the fire marshal. No Parking—Fire Lane signs

must meet the specifications of and be installed according to the Manual of Uniform Traffic and Control Devices (MUTCD).

- (d) Building driveways shall be kept clear of any obstruction which would hinder access by fire services equipment.

(Code 1994, § 46-65; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-57. - Unlawful ignition of combustible materials.

Any persons smoking or attempting to light or smoke a cigarette, cigar, pipe or tobacco in any form for which lighters, matches, flammable liquids or chemicals are used, and who sets fire to any bedding, furniture, curtains, drapes, house or household furnishings, in any hotel, roominghouse or multifamily house, as a result of such smoking or attempting to smoke, shall be in violation of this article.

(Code 1994, § 46-66; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-58. - Reporting of fires.

Any damage by fire having a total dollar value of \$200.00 or more shall be reported to the department of fire and emergency services within 24 hours.

(Code 1994, § 46-67; Ord. No. FPP-2012, 3-20-2012)

Sec. 42-59. - Fire watch.

- (a) The fire marshal, or his designee, shall have the authority to require standby fire personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest or activity, an impairment to a fire protection feature, or the number of persons present.
- (b) The owner, agent, or lessee shall employ one or more qualified persons, as required and approved, to be on duty.
- (c) The cost of standby fire personnel shall be at no cost to the department of fire and emergency services.
- (d) Such standby fire personnel or fire watch personnel shall be subject to the orders of the fire marshal, or his designee, at all times and shall be identifiable and remain on duty during the times such places are open to the public, when such activity is being conducted, or while such impairment or condition remains, as required by the office of the fire marshal.

(Code 1994, § 46-68; Ord. No. FPP-2012, 3-20-2012)