

ORDINANCE NO. 16-0-25

**AN ORDINANCE REPEALING AND REPLACING
CHAPTER 11 OF THE CODE OF ORDINANCES
RELATING TO FIRE PREVENTION**

NOW THEREFORE, BE IT ORDAINED by the City Council for the City of Anniston, Alabama as follows:

Section 1. The City Council hereby repeals Chapter 11 of "The Code of the City of Anniston, Alabama, 1981" and does amend, adopt and restate Chapter 11 of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

Chapter 11 - FIRE PREVENTION AND PROTECTION

ARTICLE I. - IN GENERAL

Sec. 11.1 - 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:

- (1) *False alarm* means the willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.
- (2) *Fire alarm* means the giving, signaling or transmission to any public fire station, or company or any officer or employee thereof, whether by telephone, spoken word or otherwise, of information to the effect that there is a fire at or near the place indicated by the person giving, signaling, or transmitting such information.
- (3) *Fire chief* means the chief officer of the fire department serving the jurisdiction or a duly authorized representative.
- (4) *Fire code official* means the fire chief or other designated authority charged with administration and enforcement of the fire prevention code, or a duly authorized representative.
- (5) *Fire department* means a department of the City of Anniston providing rescue, fire suppression, emergency medical care, special operations, and related activities.
- (6) *Fire department connection* means a connection through which the fire department can pump supplemental water into the sprinkler system,

standpipe, or other system furnishing water for fire extinguishment to supplement existing water supplies.

- (7) *Fire hydrant* means a valve connection on a water main for the purpose of supplying water to fire hose or other fire protection apparatus.
- (8) *Fire lane* means a road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.
- (9) *Fire Marshal* is a designated Fire Code Official as referenced in section 103 of the International Fire Code, 2015 edition.
- (10) *Fire Prevention Code* is currently the International Fire Code, 2015 edition, as referenced in the Chapter 6, Article I, Section 6.1 of the Code of Ordinances. This code is subject to revision every 3-6 years to stay consistent with the State of Alabama. Regardless of the current edition, it will always be listed in the above listed chapter and article.
- (11) The *Fire Prevention Division* is a reference to as the "Fire Prevention Department" in Section 103 of the International Fire Prevention Code, 2015 edition; this is the division within the Fire Department responsible for inspection, code enforcement, investigation and public education; this division's personnel may include, in addition to the Fire Chief, members that are assigned to Operations.
- (12) *Fire suppression* means the activities involved in controlling and extinguishing fires.
- (13) *Fire watch* means a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.
- (14) *Standard* means a document, the main text of which contains only mandatory provisions using the term "shall" to indicate requirements and which is in a form generally suitable for mandatory reference by another standard or code or adoption into law.

Sec. 11.2 - References to Standards.

Unless stated otherwise, all references in this chapter to technical standards are to such standards as now or hereafter adopted by the city.

Sec. 11.3 - Fire Department; Fire Chief.

- (1) The Fire Department shall exist as a department of the City of Anniston.
- (2) The position of the Fire Chief shall exist within the Fire Department. The Fire Chief shall be the head of the Fire Department.

Sec. 11.4 - Responsibilities; Powers; Duties.

- (a) The Fire Chief shall further be responsible for the following functions and duties:
 - (1) The Fire Chief shall initiate all disciplinary matters, promotions, transfers and other personnel action necessary for the effective operation of the Fire Department subject to the rules and regulations of the Civil Service Board and the City of Anniston's Policies and Procedures Manual.
 - (2) The Fire Chief shall have the authority to draft policy, rules and regulations and other directives for the good of the operation of the Fire Department.
 - (3) The Fire Chief shall make such reports as he deems necessary or as requested by the city manager.
 - (4) The Fire Chief shall discharge such other duties as required of him by ordinance or assigned to him by the city manager.
 - (5) The Fire Chief shall administer the affairs of the Fire Department, which shall include the immediate direction and control of the fire and rescue forces. The Fire Chief is charged with responsibilities for the prevention, control, and suppression of fires, mitigation of hazardous incidents, and the provision of emergency medical and rescue services.
- (b) The responsibilities of the Fire Department shall include, but not be limited to, the activities of fire administration, fire training, fire prevention, firefighting, hydrant installation and maintenance, fire equipment maintenance and operation, emergency medical training and operation, building inspections, building plan review, code enforcement and fire investigation.

Sec. 11.5 - Fire Department; Composition, Rules, Appointment, Powers.

- (a) *Composition.* There shall be such number of positions of firemen within the Fire Department as shall be determined by the city council. There shall be, in addition to the Fire Chief, three (3) assistant chiefs in the Suppression Division, one assistant chief in the Training Division, one assistant chief in the EMS Division, and one assistant chief in the Fire Prevention Division of the Fire Department. The Fire

Department shall be further composed of such other officers, firefighters, firemedics, EMTs and employees as the city manager may determine.

- (b) *Rules.* The Fire Chief shall have immediate direction and control of the Fire Department pursuant to such rules, regulations, and orders as may be prescribed by the city council. The Fire Chief shall promulgate all orders, rules and regulations for the government of the Fire Department.
- (c) *Powers.* The Fire Chief and the Chief's assistants are authorized to exercise the power of police officers while responding to, attending or returning from an emergency call or any incident which could cause harm to the city or its citizens.
- (d) *Certificate of appointment.* The Fire Chief and the Chief's assistants shall have issued to each of them a certificate of appointment signed by the mayor in which the date of appointment shall be stated, and such certificate shall be each such person's commission.

Sec. 11.6 - Fire Prevention Division

- (a) There shall be a Fire Prevention Division within the Fire Department, which shall enforce the International Fire Prevention Code (IFC), the International Building Code (IBC), and the International Property Maintenance Code, as adopted by the city, subject to the supervision of the Fire Chief.
- (b) The Fire Chief shall appoint a person from the Fire Department to serve as the Fire Marshal, who shall be in charge of the Fire Prevention Division. The position of Fire Marshal shall be a noncompetitive position in the city.
- (c) The Fire Chief may detail members of the Fire Department as assistant fire marshals, inspectors, and fire prevention specialists from time to time as shall be necessary or appropriate for the Fire Prevention Division to fulfill its mission.
- (d) The Fire Prevention Division shall make a report to the Fire Chief on a monthly basis, which shall be transmitted to the city manager and the city council. The Fire Prevention Division shall also compile the monthly reports as an annual report to be submitted at the end of each calendar year. The reports shall contain all proceedings under this article and the fire prevention code along with such statistics as the Fire Chief deems appropriate.

Sec. 11.7 - Arson Investigative Branch.

- (a) The Fire Chief shall assign one or more members of the Fire Department to the Arson Investigative Branch and said Arson Investigators shall be designated as law enforcement officers as defined by Ala. Code § 11-43-181 (1975), and Rule 1.4, Alabama Rules of Criminal Procedure.

- (b) Arson Investigators shall maintain public order and investigate the commission or suspected commission of offenses related to arson or fire prevention and are hereby authorized to be armed and empowered with the full authority of law enforcement officers to make arrests and to take other such actions as may be legal, proper and necessary for the enforcement of the laws of the city and state.
- (c) Arson Investigators shall meet the minimum standards required of law enforcement officers, including those set forth Ala. Code § 36-21-46 (1975). Arson Investigators shall complete the Alabama Peace Officers Standards and Training Commission (A-POSTC) Law Enforcement Academy and maintain certification as law enforcement officers as required by A-POSTC.

Sec. 11.8 - Temporary Assignment to the Arson Investigative Branch.

- (a) The Fire Chief shall assign temporary members to the Arson Investigative Branch from the employees of the Fire Department employees, when necessary or appropriate, to assist with investigations and other related duties of the Fire Prevention Division.
- (b) Temporary members of the Arson Investigative Branch shall carry out all duties in accordance with the Standard Operating Procedures and guidelines of the Arson Investigative Branch and in accordance with Ala. Code § 11-43-210 (1975).

ARTICLE II. - FIRE PREVENTION CODE

DIVISION I. GENERALLY

Sec. 11.9 - Purposes.

The purposes of this chapter are to extinguish and prevent fires and to compel citizens to render assistance to the Fire Department through training and public relations in case of need and to establish, regulate the size, materials and construction of buildings, fences and other structures hereafter erected, and to require the same to be done in such manner as public safety and convenience may require, to remove or require to be removed, any building or structure or addition thereto which by reason of dilapidation, defect of structure or other cause, may have become dangerous to life or property or which may be erected contrary to law, to establish and designate from time to time fire limits within which limits, and to direct that any future buildings within such limits shall be constructed as required in the codes and regulations adopted by the city.

Sec. 11.10 - Premises to be inspected by Fire Chief.

The Fire Chief shall inspect or cause to be inspected by Fire Department officers or members, as often as may be necessary, all buildings, premises and public thoroughfares, except the interiors of private dwellings not subject to a landlord/tenant rental agreement

or intended for such occupancy, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of any law or ordinance relating to fire hazards. If the Fire Chief or his designee shall find any accumulations of trash, leaves or other combustible matter in alleys or other places that constitute fire hazards, he shall notify the director of public works.

Sec. 11.11 - Modifications of Fire Prevention Code.

The Fire Chief shall have power to modify any of the provisions of the fire prevention code adopted by the city upon application in writing by the owner or lessee, or duly authorized agent of the owner or lessee, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Chief thereon shall be entered upon the records of the Fire Department and a signed copy shall be furnished to the applicant.

Sec. 11.12 - Investigation of Fires.

The Fire Marshal's office of the fire department or his assigned investigator shall investigate the cause, origin, and circumstance of every fire occurring in the city which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall begin immediately upon the occurrence of such fire and the Fire Chief shall be immediately notified of the facts identified in the investigation. The Fire Chief shall immediately take charge of the physical evidence and shall notify the proper law enforcement officials and the state fire marshal, if needed.

Sec. 11.13 - Building Permits and Plan Checking.

Prior to the issuance of any building permit for building construction, building modification, building alteration, etc., a member of the Fire Department and/or the Fire Marshal, as delegated by the Fire Chief, shall review all plans submitted to evaluate the same for fire safety features, such as vertical separation, exits, exit corridors and stairs, combustibility of materials to be used, fire extinguishing apparatus and exit lights, and exit ways and entranceways to and from such property. Single-family residences shall be exempt from this requirement, unless the owner or builder requests a fire department evaluation. Final inspections and a Certificate of Occupancy will be required for all structures, commercial and residential.

Sec. 11.14 - Violation Penalties.

Persons who violate a provision of this chapter or who fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair, fail to repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of

six (6) months, or both such fine and imprisonment. Each day that any violation of this chapter continues, after due notice has been served, shall constitute a separate offense.

Sec. 11.15 - 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 liable for fines of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00). Each day that a violation continues, after due notice has been served, shall constitute a separate offense.

DIVISION II. FIRE SCENE

Sec. 11.16 - Threatening to Burn, Damage or Destroy Property.

It shall be unlawful for any person, knowing the contents thereof, to send, deliver or cause to be received by another, or post on the premises of another, any letter or writing or any verbal message threatening to burn, damage or destroy, conditionally or unconditionally, any house, store, shop, barn, or other building, or any vehicle.

Sec. 11.17 - Delay by citizens in reporting fires.

It shall be unlawful for any person to delay immediately reporting any fire or emergency discovered to the Fire Department (911) or the police department so that emergency vehicles may be dispatched.

Sec. 11.18 - Report of Fire Injury or Death.

It shall be unlawful for any person to fail to notify or delay the notification to the Fire Chief of a fire injury or death.

Sec. 11.19 - Certain acts prohibited at or near fires or emergencies.

It shall be unlawful to commit any of the following acts at the burning of a building or at any other incident, time, and place where any employee of the Fire Department is discharging or attempting to discharge an official duty:

- (1) To possess any flammable, explosive or combustible material or substance, or any device in an arrangement or preparation with intent to willfully and maliciously use such material to set fire to or burn any building or property;
- (2) To possess, manufacture, or dispose of a fire bomb containing a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less having a wick or similar device capable of being ignited, excluding commercial manufactured devices primarily for the purpose of illumination.

DIVISION III. FIRE HYDRANTS

11.20 - Installation Requirements.

All residential subdivisions, commercial developments, shopping centers and apartment developments shall have fire hydrants installed by the developer in accordance with the following requirements:

- (1) Fire hydrant spacing shall be installed according to the fire flow demand as outlined in accordance with the insurance service office grading schedule for municipal fire protection and the requirements of the IFC 2015 edition.
- (2) Fire hydrants shall be of the type recommended by the American Water Works Association (AWWA), National Fire Protection Association (NFPA), Standard 24, and approved by the public water system supplying such hydrants and the city fire department.
- (3) Fire hydrants shall be equipped with not less than one 4½-inch outlet and two 2½-inch outlets with national standard threads. All outlets shall be male, with the direction of the discharge parallel to the street served by the hydrant.
- (4) All fire hydrants shall be connected to and supplied by water mains of not less than six inches in size. The water mains shall meet the specifications established by the American Water Works Association and approved by the public water system supplying the hydrants.
- (5) An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of building are hereafter constructed or moved into or within the jurisdiction. The approval authority lies with the Fire Department.
- (6) No building permit shall be issued in any area affected by this section for any development that has failed to comply with the terms and conditions of this section. All water mains and fire hydrants shall be installed under pressure, and ready for firefighting use, before any sheathing may be installed on walls and on roofs of any buildings in a development.

Sec. 11.21 - Breaking, Defacing, etc.

It shall be unlawful for any person to break, deface or carry away without lawful authority any part of any fire hydrant.

Sec. 11.22 - Unauthorized Tapping.

It shall be unlawful for any person, except in case of a fire under the direction of the fire department or by direction of some officer or person legally authorized to so direct, to open any fireplug or hydrant and allow the water to escape.

DIVISION IV. FIRE LANES

Sec. 11.23 - Creation and Maintenance.

It shall be the duty of the Fire Department or its authorized representative to create or establish and maintain, at the property owner's expense, such fire lanes as may be required for the protection of commercial properties within the city limits. It shall be unlawful to block or obstruct any designated fire lane when such lane is located on public property or private property dedicated to public use.

DIVISION V. FIRE PRECAUTIONS

Sec. 11.24 - Sale, Purchase, Possession, and Explosion of Fireworks and Pyrotechnics.

(a) *Definitions.* When used in this division, the term "fireworks" or "pyrotechnics" means and includes one or more of the following:

- (1) Sparklers;
- (2) Squibs;
- (3) Rockets;
- (4) Firecrackers;
- (5) Roman candles;
- (6) Fire balloons;
- (7) Signal lights;
- (8) Torpedoes;
- (9) Torpedo caps;
- (10) Railroad and track torpedoes;
- (11) Flashlight compositions;
- (12) Firecrackers of all kinds; or
- (13) Other devices or compositions that are used to obtain visible or audible pyrotechnic displays.

(b) *Possession.* Except as provided in subsection (c) of this section, it shall be unlawful for any person to have in possession, keep, store, use, manufacture, sell, offer for sale, give away, or handle any pyrotechnics within the corporate limits of the city; provided, however, nothing in this section shall be held to apply to articles manufactured for use as signaling devices and used as such in the operation of railroads, boats, or airplanes, or other required emergency purposes; and provided further, nothing in this section shall be held to apply to a normal supply

of flashlight compositions in the hands of photographers or dealers in photographic supplies.

Sec. 11.25 - Combustible trash to be removed from premises daily; containers for ashes, etc.

It shall be the duty of the occupant of any building to collect and remove daily to a place convenient for city garbage collection, empty boxes, barrels, rubbish, trash, wastepaper, excelsior or other like combustible materials. No person shall be allowed to place ashes within any building in any box, barrel or other wooden vessel or upon any wooden vessel or floor.

Sec. 11.26 - Bonfires and Outdoor Rubbish Fires.

- (a) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization from the fire department of the city.
- (b) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land or street unless:
 - (1) The location is not less than fifty (50) feet from any structure or lumber or wood yard and adequate provision is made to prevent fire from spreading within fifty (50) feet of any structure or lumber or wood yard; or
 - (2) The fire is contained in an approved waste burner located safely not less than fifteen (15) feet from any structure or lumber or wood yard.
- (c) Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.
- (d) The Fire Department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

Sec. 11.27 - Smoke Nuisance.

No person within the city personally or by agent or employee shall cause or allow smoke or soot to escape or be discharged into the air in such manner or in such quantities as to cause or tend to cause injury, damage or annoyance to other persons or to the public or to endanger the comfort, repose, health or safety of other persons or the public or to cause or tend to cause injury or damage to property or business; provided, that this section shall not apply to the operation of locomotive engines.

Sec. 11.28 - Barbeque Grills and Outdoor Cooking.

Barbeque grills and similar cooking equipment shall not be used or stored on balconies, terraces, or porches of multistory buildings. They shall be used only outside and at a safe distance, not less than ten feet, from the nearest building.

Sec. 11.29 - Storage of Explosives and Blasting Agents, Class I Liquids and Liquefied Petroleum Gas Restricted.

The limits referred to in the fire prevention code in which storage of explosives and blasting agents is prohibited, in which storage of class I liquids in outside aboveground tanks is prohibited, and in which bulk storage of liquefied petroleum gas is restricted, shall be the limits for the same within the city.

Sec. 11.30 - False Fire Alarms or Rumors.

It shall be unlawful for any person to intentionally start any false fire rumor or sound any false alarm at or from any box or other source within the city.

Sec. 11.31 - Interfering with Fire Alarm System.

It shall be unlawful for any person, except for the purpose of turning in a bona fide alarm of fire, to interfere with the fire alarm apparatus in any manner whatsoever or do injury to any box, wire or other property connected therewith.

Sec. 11.32 - Routes for Transportation of Explosives and Blasting Agents.

The routes established for vehicles transporting explosives and blasting agents are hereby established as follows:

- (1) U.S. Highway 431
- (2) AL Highway 202
- (3) AL Highway 21

Sec. 11.33 - Routes for Transportation of Hazardous Chemicals, etc.

The routes established for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows:

- (1) U.S. Highway 431
- (2) AL Highway 202
- (3) AL Highway 21

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance, or any code or provision adopted by reference herein, is held or declared to be illegal or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or of the codes adopted by reference herein.

Section 3. Nothing in this ordinance or in the codes adopted herein shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired, existing, under any act, ordinance, or code repealed herein.

Section 4. This ordinance shall become effective upon its passage and adoption and publication one time in the The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama.

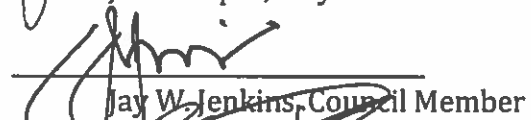
21st November

PASSED AND ADOPTED this the ___ day of _____, 2016.

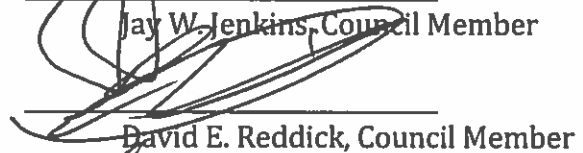
CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA



Jack Draper, Mayor



Jay W. Jenkins, Council Member



David E. Reddick, Council Member



Benjamin L. Little, Council Member



Millie Harris, Council Member

ATTEST:



Alan B. Atkinson, City Clerk