

**AN ORDINANCE**

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF SENOIA, GEORGIA, ADOPTING THE STATE MINIMUM FIRE SAFETY STANDARDS AS PROMULGATED BY THE STATE SAFETY FIRE COMMISSIONER, PURSUANT TO O.C.G.A. §25-2-4; CREATION OF THE POSITION OF LOCAL FIRE MARSHAL AND DESIGNATION OF THE DUTIES THEREOF; PROVIDING FOR THE INSPECTION AND ENFORCEMENT OF ALL BUILDINGS AND STRUCTURES WITHIN THE JURISDICTION OF THE CITY FOR COMPLIANCE WITH THE STATE MINIMUM FIRE SAFETY STANDARDS, EXCEPT ONE AND TWO-FAMILY DWELLINGS AND THOSE BUILDINGS AND STRUCTURES LISTED IN O.C.G.A. §25-2-13 AS SPECIAL FIRE HAZARDS UNDER THE JURISDICTION OF THE STATE FIRE MARSHAL; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF SENOIA, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SENOIA, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:**

The Code of Senoia, Georgia is hereby amended at Chapter 34, FIRE PREVENTION AND PROTECTION, by enacting the following Article II, Fire Code Adopted; Local Fire Marshal; Fire Inspections, Enforcement and Plan Reviews, to read as follows:

“Chapter 34. FIRE PREVENTION AND PROTECTION

Article I: In General

Sec. 34-1. Open burning

Secs 34-2 through 34-30. Reserved.

Article II: Fire Code Adopted; Local Fire Marshal; Fire Inspections, Enforcement and Plan Reviews

**Sec. 34-31. Code Adopted.**

The “State Minimum Fire Safety Standards”, as promulgated by the Georgia Safety Fire Commissioner pursuant to O.C.G.A. §25-2-4, and the rules and regulations enacted thereby, shall hereby be enforced within the City of Senoia on all buildings and structures except one and two-family dwellings and those buildings and structures listed in O.C.G.A. §25-2-13 as being within the exclusive jurisdiction of the State Fire Marshal, to-wit: hospitals, nursing homes, jails, ambulatory health care centers, and penal institutions, and those buildings and structures which are owned and operated or occupied by the State of Georgia.

### **Sec. 34-32. Local Fire Marshal; Duties Defined.**

There is hereby created the position of Local Fire Marshal, who shall be the employee of and report to the City Manager, who shall set the compensation, qualifications, and terms of employment for the position, subject to Mayor and Council approval. Based upon the City Manager's assessment of workload, the person appointed to this position may hold other employment with the City as a Fire Chief, Building Official or Building Inspector. The person holding this position shall not have arrest powers, unless he or she is a POST-certified law enforcement officer or has been deputized by the State Fire Marshal.

- (a) It shall be the duty of the Local Fire Marshal to enforce fire safety standards within the City, including but not limited to:
  - (1) Conducting annual fire safety inspections of all existing buildings and structures within the City for compliance with the State Minimum Fire Safety Standards, except for those buildings and structures heretofore listed as exempt from local jurisdiction. The duty to inspect includes those existing buildings and structures listed in O.C.G.A. §25-2-13, except for hospitals, nursing homes, jails, ambulatory health care centers, and penal institutions, and those buildings and structures which are owned and operated or occupied by the State of Georgia.
  - (2) Reviewing plans and specifications for proposed buildings and structures, except those which, pursuant to O.C.G.A. §25-2-13, are within the exclusive jurisdiction of the State Fire Marshal; and, in conjunction with the City's Building Official, to issue building permits only when such plans are approved; and
  - (3) Issuing permanent and temporary Certificates of Occupancy.
- (b) When making an inspection of a building or structure listed in O.C.G.A. §25-2-13, or state-owned and operated or occupied, the Local Fire Marshal shall not be authorized to take any enforcement action if violations are observed, however, he or she shall promptly file a written report, noting any violations or conditions observed, and file the same with the State Fire Marshal. The Local Fire Marshal shall not be authorized to grant any waiver or variance that would excuse any building, structure, or proposed plans for buildings or structures from compliance with the State Minimum Fire Safety Standards and/or statewide minimum construction codes. The Georgia Safety Fire Commissioner shall be responsible for all interpretations of the State Minimum Fire Safety Standards as promulgated by O.C.G.A. §25-2-4 and the Local Fire Marshal shall seek his written guidance for interpretation and application of the Standards, as needed.

### **Sec. 34-33. Enforcement Procedures.**

- (a) Upon inspection and discovery of a violation of the State Minimum Fire Safety Standards, the Local Fire Marshal shall serve a written notice of the violation

- upon the owner of the building or structure and upon each tenant therein, if the building or structure is not occupied or operated by its owner as shown on the most recent tax digest of the County. When feasible, such notice shall be served in person in order that the Local Fire Marshal may explain to the owner/tenant the action needed to correct the violation; if not feasible, notice may be served by statutory overnight delivery or certified mail. The notice shall state a reasonable time, depending upon the nature of the violation, in which the owner/tenant shall remedy the violation.
- (b) If the owner/tenant fails or refuses to correct or to repair the violation within the time provided, the Local Fire Marshal shall issue a written citation to the responsible party(s) to appear before the Municipal Court for the City of Senoia to show cause why such violator should not be sanctioned for maintaining the violation.
  - (c) Upon hearing and finding by the Court that the condition(s) found to exist in the building or structure constitutes a nuisance, the Court shall enter its Order to Abate the condition(s) constituting a nuisance and impose a reasonable time within which to do so. The Court may also impose such sentence upon the violator as it deems appropriate to compel compliance with its Order, including assessment of the costs to the City for bringing an enforcement action.
  - (d) In those circumstances where the nature of the violation is so severe as to pose an immediate danger to life or property, the Local Fire Marshal, with consent of the City Manager, shall seek an injunction to immediately cause the vacation of the building or structure from the Superior Court of Coweta County.

#### **Sec. 34-34. Enforcement of Occupancy Loads.**

Every building or structure, except one and two-story dwellings, shall be issued a Certificate of Occupancy stating the conditions and limitations on its occupancy; such notice shall be conspicuously posted in the structure at or near the main point of access. The occupancy load, as established by the Certificate of Occupancy, shall be strictly enforced at all times by the owner/all tenants and any persons responsible for the occupancy of the building or structure. With consent of the owner/tenant, the Local Fire Marshal may enter onto premises at any reasonable times to inspect and enforce occupancy limits and availability of required fire and life safety equipment in operating condition. If consent is refused, the Local Fire Marshal, with probable cause, may seek a warrant from the Municipal Court Judge or other magistrate in Coweta County. Failure to strictly enforce the occupancy load shall be deemed an offense against the City, subject to citation and punishment before the Municipal Court.

#### **Sec. 34-35. Schedule of Rates, Fees and Charges.**

A schedule of rates, fees and charges for permits, inspections, plan reviews, and other services required by Article, as from time to time revised, shall be initially adopted by the Mayor and Council and maintained on file in the office of the City Manager.”

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Senoia, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The city attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The city clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

Section 5. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading:        June 15, 2020

Second Reading:     July 6, 2020