

STATE OF GEORGIA

COUNTY OF FULTON

AN ORDINANCE TO ADOPT AND APPROVE AN ORDINANCE RELATING TO PUBLIC SAFETY AND PROVIDING FOR INCLUSION AND IDENTIFICATION IN THE CODE OF ORDINANCES FOR THE CITY OF SANDY SPRINGS, GA TO BE REFERENCED IN THE FUTURE AS CHAPTER 15 (HEALTH AND PUBLIC SAFETY) AS ATTACHED HERETO AND INCORPORATED HEREIN AND TO MAKE LOCAL AMENDMENTS TO THE STATE STANDARD CODES

BE IT ORDAINED by the City Council of Sandy Springs, Georgia while in regular session on November 8, 2006 as follows:

SECTION 1. The Mayor and City Council of the City of Sandy Springs wish to adopt a fire prevention code which includes rules and regulations to improve public safety by promoting the control and abatement of fire hazards; and

SECTION 2. A key fire hazard is the point in a fire when conditions change instantly because of the sudden ignition and rapid expansion of fire involving all objects in a room, called flashover; and

SECTION 3. Flashover is a shift in a fire that marks a significant threat to life due to the increase of superheated gases, toxic smoke, and temperature; and

SECTION 4. Flashover is a significant fire event, and preventing this stage of fire behavior is appropriate and should be a factor in establishing a compliment to manual fire suppression; and

SECTION 5. Automatic fire sprinkler systems have been found to be an effective and efficient means of providing life safety by preventing the development of fire into the flashover stage; and

SECTION 6. Numerous other cities and towns throughout the country already require automatic sprinklers as a life saving measure for the prevention of flashover; and

SECTION 7. The Mayor and City Council find that a local amendment to the Georgia State Minimum Codes, which the City Council finds to be not less stringent than the State minimum codes is the most effective means to address these fire safety concerns; and

SECTION 8. The City of Sandy Springs Fire Department has recommended that requiring the installation of residential sprinkler systems in new multi family residential construction, in one and two family dwellings where residences are located in close proximity to one another, and in commercial building larger than 5,000 sf or an occupant load greater than 100 persons, will save lives and reduce property damage due to fires; and

SECTION 9. The City of Sandy Springs Fire Department has recommended that posting of street addresses will allow for a quicker department response time and thus save lives and reduce property damage due to fires; and

SECTION 10. The City of Sandy Springs Fire Department has recommended that fire lanes be permanently identified to facilitate fire department access and thus save lives and reduce property damage due to fires; and

SECTION 11. The Mayor and City Council of City of Sandy Springs have a responsibility under state law to provide for the public health, safety, and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED that the attached ordinance is hereby adopted and shall be identified in the Code of Ordinances as Chapter 15, Health and Public Safety.

BE IT FURTHER ORDAINED, that the International Fire Code shall be amended and modified by the attached "Exhibit B."

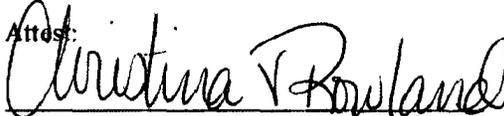
BE IT FURTHER ORDAINED, that a copy of this ordinance and amendments shall be forwarded to the Georgia Department of Community Affairs within 10 days of passage.

BE IT FURTHER RESOLVED, that this ordinance shall become effective on all Land Disturbance Permits submitted on or after 90 days from the date this ordinance is passed and adopted.

ORDAINED this the 8th day of November, 2006.

Approved:


Eva Galambos, Mayor

Attest:

Christina V. Rowland, Interim City Clerk
(Seal)



Article 1: Fire Prevention and Protection Code

1.1 Fire Department

A fire department is created for the city. The department shall be composed of a fire chief and any fire officers or other employees as may be necessary. Subject to the direction of the city manager, the supervision and control of the department is vested in the fire chief. The fire department may provide any and all services as allowed by Georgia law. The City Manager shall appoint the Fire Chief and Fire Marshal.

1.2 Fire Prevention duties.

The fire prevention code shall be enforced by personnel in the city fire department, which is established and which shall be operated under the supervision of the fire chief. The fire chief may detail members of the fire department as inspectors. If necessary these inspectors may be reassigned to the fire fighting force at the discretion of the fire chief. The provisions of the fire prevention code may also be enforced by the code enforcement officials of the City operating under the Community Development Department.

1.3 Fire prevention code.

1.3.1 International Fire Code adopted.

1.3.1.1 There is hereby adopted by the city for the purpose of establishing rules and regulations for the alteration and repair of existing buildings and other similar work in the city, the International Fire Code referenced in O.C.G.A. Section 8-2-20(9)(B), as adopted and amended from time to time by the Department of Community Affairs, and the same is incorporated as fully as if set out at length herein. A current copy of said code shall be maintained on file in the office of the city clerk, where it shall be available for public inspection.

1.3.1.2 The following revisions are hereby made to the International Fire Code:

1.3.1.2.1 Section 101.1: Replace the phrase "[NAME OF JURISDICTION]" with the phrase "the City of Sandy Springs, Georgia."

1.3.1.2.2 Section 109.3: Replace the phrase "[SPECIFY OFFENSE]" with the phrase "violation of the City Code." Replace the phrase "[AMOUNT]" with the phrase "five hundred dollars (\$500)." Replace the phrase "[NUMBER OF DAYS]" with the phrase "ninety (90) days."

1.3.1.2.2 Section 111.4: Replace the first instance of the phrase "[AMOUNT]" with the phrase "one hundred dollars (\$100)."

Replace the second instance of the phrase "[AMOUNT]" with the phrase "five hundred dollars (\$500)."

- 1.3.1.2.3 The geographic limits referred to in the below sections of the International Fire Code shall be as follows:
- 1.3.1.2.4 Section 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): All zoning districts other than M-1 and M-2, except as may be approved by the City Fire Code Official as otherwise conforming to the requirements of this Code.
- 1.3.1.2.5 Section 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): All zoning districts other than M-1 and M-2, except as may be approved by the City Fire Code Official as otherwise conforming to the requirements of this Code.
- 1.3.1.2.6 Section 3406.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): All zoning districts other than M-1 and M-2, except as may be approved by the City Fire Code Official as otherwise conforming to the requirements of this Code.
- 1.3.1.2.7 Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): All zoning districts other than M-1 and M-2, except as may be approved by the City Fire Code Official as otherwise conforming to the requirements of this Code.

1.3.2 Same--New materials, processes or occupancies which require permits.

1.3.2.1 The city manager and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those enumerated in said code.

1.3.2.2 The chief shall post such list in a conspicuous place in such chief's office, and distribute copies thereof to interested persons.

1.3.3 State standards adopted.

In addition to the International Fire Code, the city also hereby adopts the state minimum fire safety standards and the state accessibility code for buildings and facilities (Ga Safety Fire Commissioner Rules and Regs., Chapter 120-3-20) as issued by the safety fire commissioner. In addition to those buildings and structures regulated by the state minimum fire safety standards, such standards shall also apply to all existing and proposed buildings, including warehouses, manufacturing plants and all retail and department stores regardless of size; however, specifically excluding all structures

excepted in said state minimum fire safety standards as amended from time to time. (See O.C.G.A. § 25-2-4)

1.3.4 Conflict of Regulations

In the event provisions of the state minimum fire safety standards, International Fire Code, or the building code, of the city conflict or differ in application, those provisions which are deemed, by the chief of the fire department, as the strictest shall take precedence and be enforced.

1.4 Appeals

1.4.1 Any person aggrieved by an action of the fire chief or other city official or employee of the City of Sandy Springs fire department, including but not limited to disapproval of an application, refusal to grant a permit, regarding a determination that the fire code or city ordinances do not apply or have been misconstrued, but excluding those actions or violations which are within the purview of the state fire marshal, or as otherwise required by law, may appeal and be heard by the city Construction Board of Appeals in accordance with the rules and regulations as set forth by the Code of Sandy Springs, and said board.

1.4.2 All appeals, pursuant to this section, must be filed in writing with the City of Sandy Springs Community Development Department within 30 days from the date of the decision or action from which the aggrieved party appeals. All appeals must be filed on forms which can be obtained at the City of Sandy Springs Community Development Department.

1.4.3 Any person aggrieved by an action of the city Construction Board of Appeals may appeal within 30 days to the Superior Court of Fulton County, Georgia by writ of certiorari or as otherwise required by law.

1.5 Penalties

1.5.1 Any person who shall violate any of the provisions of the fire prevention and protection code or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statements, specifications, plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken within the time affixed herein may be prosecuted for violations by the city after the person has been issued a citation by a duly authorized officer of the fire department of the City of Sandy Springs or an authorized law enforcement officer of the police department of the City of Sandy Springs. Upon conviction, the person shall be punished by a fine or imprisonment in accordance with Chapter 1, General Provisions, Article 3, Violations, Section 1 of the City Code, as now or hereafter amended. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to

correct or remedy the violations or defects within 30 days. Each day's continuing violation shall be treated as a separate offense.

1.5.2 In addition to all other provisions of this section, any violation of this chapter is deemed to be a continuing nuisance and may be abated by an application of injunction in the superior court of Fulton County or any other court of competent jurisdiction.

1.6 Authority at fires.

1.6.1 The fire chief or fire officers under his or her direction shall have full control over all fire apparatus of the fire department in service at any fire. It shall be the duty of the fire chief or his or her designee to superintend the fire department while performing any public duty in fighting a fire; to give general and specific directions as to the manner of fighting fires, the use of hose and apparatus, and the specific duties and assignments of the various members of the fire department in attendance at a fire. The fire chief may immediately suspend any member of the fire department for insubordination at any fire.

1.6.2 Officers of the fire department, when at the scene of a fire, may direct or assist the city police department in directing traffic in the immediate vicinity.

1.7 Obstruction of or tampering with fire hydrants and apparatus prohibited.

1.7.1 It is unlawful for any person to place ashes, cinders, dirt, rubbish, vegetation, building material or any other material around or in close proximity to any fire hydrant so as to cause hindrance or delay in access thereto, or prevent the free use thereof by the fire department. No person shall, in any way, interfere with or tamper with any fire hydrant or attempt to take water therefrom without special authority from the fire chief or his or her designee. Any person who violates this section shall upon conviction be punished in accordance with Chapter 1, General Provisions, Article 3, Violations, Section 1 of this Code, as now or hereafter amended.

1.7.2 Without the consent of the fire chief, no person not an active member of the fire department shall at any time ride upon any of the fire apparatus of the fire department, nor shall any person make use of any fire apparatus, hose, or other equipment of the fire department, other than for the purpose for which the equipment was intended, without the consent of the fire chief.

1.8 Certain acts interfering with firefighting activities.

No person, except an active member of the fire department, shall at any time, enter within the territory or vicinity of any fire, when the area is roped off or access is denied by the city police, or interfere with or attempt to operate any of the apparatus or equipment of the fire department or any fire hydrant, or interfere by giving orders to any

individual, unless requested to do so by the fire chief or fire officers under his or her direction; provided, however, that the mayor or any member of the council; any police officer or other law enforcement officer; the owner or occupant of the property, and the city manager or any other persons as may be specifically authorized by the fire chief or his or her designate, may enter the restricted areas.

1.9 Open burning.

1.9.1 General

No person shall cause, suffer, allow or permit open burning in any area of the city except as follows:

1.9.1.1 Open burning in a reasonable fashion for the purpose of cooking food for immediate human consumption, provided; however, it shall be unlawful to use charcoal burners or other open flame cooking devices on combustible balconies or within ten (10) feet of combustible construction of a multifamily residential structure as hereinafter defined.

1.9.1.2 Fires set for the purpose of training fire fighting personnel of the Sandy Springs Fire Department, or for the purpose of teaching fire safety techniques to industrial fire brigades or civilians who reside or work within the city, provided that such training is being conducted by city personnel.

1.9.1.3 Operation of devices using open flames such as candles, lanterns, tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used.

1.9.1.4 Warming fires in a barrel of fifty-five gallon capacity or less, or other commercially sold outdoor fireplace devices, provided that: (1) that the fire does not produce dense smoke or obnoxious odors, and (2) that the fire is attended by an individual over the age of seventeen (17) years of age. Untreated wood or lumber shall be the only material or substance allowed in the warming fire.

1.9.2 Standards

Allowable open burning as set forth above shall meet the following standards:

1.9.2.1 Materials such as heavy oils, gasoline, asphaltic materials, plastic, items containing natural or synthetic rubber, or any other material producing dense smoke and/or obnoxious odors shall not be used for starting or maintaining an open fire.

1.9.2.2 All burning shall be located on private property so as not to interfere with any traffic on public streets or sidewalks.

1.9.2.3 No burning shall be allowed in violation of restrictions imposed by the Environmental Protection Agency or the State Environmental Protection Division.

1.9.3 Penalties

Any person who violates the provisions of this section shall be cited for such violation and, upon conviction, shall be punished by fine or imprisonment, or both, as established in this Chapter.

1.10 Posting of addresses

1.10.1 All owners and occupants of improved real property lying within the city are required to post the address of such real property owned or occupied by them with the street address assigned to such property by the City of Sandy Springs, in such manner that said address is clearly visible and legible from the street on which the improvement on such property fronts. The obligation hereby imposed shall be the joint duty of all owners and occupants of improved real property lying within the city who are over 18 years of age.

1.10.2 All owners of apartment complexes lying within the city are required to post the building identified for each apartment building within the complex, whether the identifier be a number or letter or a combination thereof, in such manner that said building identifier is clearly visible and legible from the street or private drive on which each building fronts. The identifier for each building within apartment complexes lying within the city will be a minimum of one foot in height, will contrast with the building itself so as to be highly visible, will be reflective so as to be seen easily in darkness and will not be obstructed at any time by natural or man-made objects. All owners of apartment complexes lying within the city will have a grace period of six months from the effective date of this subsection to come into compliance.

1.10.3 All persons who violate this section shall be subject to a fine of \$25.00 for the first offense, \$100.00 for the second offense, and \$200.00 for each subsequent offense thereafter. If the person does not remedy the violation, every 30 days shall be deemed a separate offense.

1.11 Sprinkler protection required.

1.11.1 As used in this section, the following terms shall have the meanings set forth herein:

- 1.11.1.1 "Commercial" refers to a business involved in the exchange of services, productions, or property of any kind; the buying, selling and exchange of articles.
- 1.11.1.2 "Multifamily residential structures" refers to a structure containing three (3) or more dwelling units and not classified as a Townhome under the International Residential Code.
- 1.11.1.3 "New," for the purposes of this section, shall include any additions to existing buildings, whether vertically or horizontally, or any existing building or structure which shall be deemed to be a new building in the event such building or structure is subject to

substantial renovation or a fire or other hazard of serious consequence. For purposes of this subsection, the term "substantial renovation" shall mean any construction project involving exits or internal features of such building or structure costing more than fifty percent (50%) the building's or structure's gross assessed value according to county tax records at the time of such renovation.

1.11.1.4 "Approved system-commercial/residential," for commercial buildings over 5,000 square feet, or residential structures, or those structures required to be sprinkled by some other code, means a sprinkler system designed in accordance with National Fire Protection Association Standards and referenced publications.

1.11.1.4.1 "Approved system-commercial" for areas less than 5,000 square feet, for light hazard areas, i.e. offices and shipping areas of commercial buildings less than 5,000 square feet, a modified sprinkler system may be used. This system may be used upon appeal to the fire marshal's office by the owner of the building.

1.11.2 All new commercial buildings in excess of 5,000 square feet or with an occupant load greater than 100 persons shall be protected throughout with an approved automatic fire protection system, except as follows:

1.11.2.1 For buildings less than 15,000 square feet constructed mainly for the storage of products with limited life loss potential some flexibility may be allowed. The owner may petition to the fire marshal for exception to sprinklers in the storage areas. The fire marshal will give consideration to such things as building construction, products stored, arrangement of storage, number of employees in the area, access to the building, and any other fire protection features provided. This exception will not be allowed for additions to existing sprinkled buildings.

For buildings storing materials that are water reactive or may be damaged by water fighting a fire, than by a fire, the fire marshal's office shall use the same considerations.

1.11.2.2 Additions to existing unprotected buildings where the addition totals less than 1,000 square feet; provided, however, the addition must be separated by a two-hour firebarrier in accordance with the City of Sandy Springs Building Code and is not required to be protected by some other applicable code.

1.11.3 All new multifamily residential structures shall be protected throughout with an approved automatic fire protection system in accordance with National Fire Protection Association Standards as adopted by the Office of the Insurance and Safety Fire Commissioner.

1.11.4 All new one-family and two-family dwellings with a fire separation distance of less than twenty (20) feet from another dwelling structure, or closer than ten (10) feet to the property line, must be sprinkled with an approved automatic fire protection system in accordance with NFPA 13D as adopted by the Office of the Insurance and Safety Fire Commissioner in the kitchen and fuel fired equipment rooms.

1.11.5 There shall be early fire detection systems in all sections of multifamily occupancies as required by the International Property Maintenance Code. All new multifamily structures shall include a hardwired early fire detection system. Existing buildings may have an approved battery operated smoke detector. The fire marshal may require a hard-wire detection system if battery operated detectors are not maintained according to manufacturer's recommendation.

1.11.6 The owner is responsible for the inspection and testing of the sprinkler system in accordance with the rules of the Georgia Safety Fire Commissioner on all structures required to have sprinkler systems pursuant to the Code of Sandy Springs, Georgia.

1.11.7 If this code section in any way conflicts with the provisions in the International Building Code, the Fire Prevention Code, or the Life Safety Code, the more restrictive shall apply.

1.12 Application of building and fire related codes to existing buildings.

1.12.1 O.C.G.A. § 8-2-200 et seq., and all subsequent amendments thereto, is adopted and incorporated by reference and shall be controlling in the corporate limits of the city. A copy will be on file in the office of the city clerk for inspection by the public.

1.12.2 Any other provision(s) of the city Code of Ordinances which does not adopt state law by reference and which is more restrictive than the rules of the Georgia Safety Fire Commissioner shall be controlling over the rules of the Georgia Safety Fire Commissioner.

1.12.3 All amendments, deletions, additions or supplements to O.C.G.A. § 8-2-200 et seq. may be adopted by an ordinance of council, and thereby incorporated herein; provided, that any changes in the standard text shall be made available to the public for inspection in the office of the city clerk.

1.13 Collection of fees and issuance of permits and approvals.

1.13.1 The fire department shall have the authority to collect fees for reimbursement of review and inspection services in an amount set by the Mayor and Council per resolution as it may be amended from time to time.

Article 2: Emergency/Rescue/Disaster Operations

2.1 City emergency management director.

There is established the position of city emergency management director. The fire chief or a designee thereof shall act as the city emergency management director. The director shall be charged with the following duties:

- 2.1.1 To represent the city manager on matters pertaining to natural or manmade emergencies or disasters at interagency or interjurisdiction meetings;
- 2.1.2 To assist city officials in organizing city departments for emergency/disaster operations;
- 2.1.3 To develop, in conjunction with city departments and agencies, an operational plan for use by the city crisis management team. This plan shall be in consonance with the state and federal emergency operation plans. The plan shall be submitted to the city council and thence to the state or federal agencies for approval as may be necessary;
- 2.1.4 To carry out the day to day administration of emergency/crisis preparedness and disaster program which may include the rendering of required reports to the state emergency management agency through the appropriate local emergency management agency; and
- 2.1.5 To render reports such as may be necessary which document such items as event financial statements, activity reports, incident action plans and event critique as required by the city manager in keeping with good business practices.
- 2.1.6 The city emergency management director shall be attached to the office of the city manager and shall be under the general direction of the city manager.
- 2.1.7 The city emergency management director shall coordinate with the appropriate state, federal or mutual aid group in the planning, training and implementation of disaster operations.

2.2 National Incident Management System.

The National Incident Management System of March 1, 2004, developed by the United States Department of Homeland Security is hereby adopted by reference as amended.

Article 3: Fire Lanes

3.1 Purpose and Scope.

It is the declared purpose of this chapter to provide for the designation and identification of the lanes; for the manner, method and language for the posting of signs; to establish the penalty for violation of this chapter; to identify and designate the persons who have authority to enforce the chapter and the limits of such authority; to prohibit

parking in fire lanes; to provide for the method of submitting properties to this chapter; to repeal all ordinances in conflict herewith; and for other purposes.

3.2 Definitions.

The words used in this chapter shall have their normal accepted meanings except as set forth below:

- 3.2.1 "Authorized emergency vehicle" means a motor vehicle belonging to a public utility corporation and designated as an emergency vehicle by the department of public safety; a motor vehicle belonging to a fire department or a certified private vehicle belonging to a volunteer fireman or a firefighting association, partnership, or corporation; an ambulance; or a motor vehicle belonging to a federal, state, or local law enforcement agency, provided such vehicle is in use as an emergency vehicle by one authorized to use it for that purpose.
- 3.2.2 "Enforcement officer(s)" shall refer to any duly authorized law enforcement officer employed by the city.
- 3.2.3 "Fire lane(s)" are areas designated by the fire official, or those properly designated as of the effective date of this Ordinance, providing access for fire department vehicles to buildings, fire department connections and fire hydrants. This includes all alleys, driveways or lanes, devoted to public use, where the parking of motor vehicles or other obstructions can interfere with the ingress or egress of fire department vehicles for the protection of persons and properties including, but not limited to, shopping centers, theaters, hospitals, bowling lanes, churches, multi-family housing, and high-rise buildings.
- 3.2.4 "Fire official" means the fire officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the fire prevention code.
- 3.2.5 "Master plats" means all original plats drawn in accordance with this chapter; all copies distributed shall be from this original drawing.
- 3.2.6 "New building(s)" means any commercial structure or public facility whose certificate of occupancy was issued after the effective date of this Code Section.
- 3.2.7 "Plats" shall refer to maps created by the building owner and approved by the fire marshal which depict the location and boundaries of land and all existing fire lanes in accordance with this chapter. Such maps shall be drawn to scale.
- 3.2.8 "Property owner(s)" shall refer to each person, firm, corporation, or entity possessing any estate, or leasehold right in the property being designated as fire lane(s).
- 3.2.9 "Ticket" shall mean an order issued out of court by an enforcement officer of the city directing a violator of this chapter to comply with all civil fines as set forth.

3.3 Identification.

3.3.1 Every existing building and all new buildings shall be accessible to fire department apparatus by way of designated fire lanes with an all-weather driving surface of not less than 20 feet of unobstructed width. There shall be a minimum roadway outside turning radius at the curb of 40 feet. There shall be a minimum vertical clearance of thirteen feet, six inches (13'6"). Any dead-end fire department access roadway in excess of 150 feet in length shall include a turnaround at the closed end conforming to county construction standards and specifications, latest edition. The minimum hard surface subbase paving specification shall be at least one and one-half inches of asphalted topping on at least six inches of bound crushed stone, or the equivalent, capable of supporting the gross vehicle weight of fire apparatus. During construction, when combustibles are brought onto the site in such quantities as deemed hazardous by the fire official, access roads and a suitable temporary supply of water acceptable to the fire department shall be provided and maintained.

3.3.1.1 Where fire protection systems approved by the fire official are provided, the above required clearances may be modified by the fire official.

3.3.1.2 The fire official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

3.3.1.3 The creation, deletion, or modification of a fire lane shall be done in the best professional judgment of the fire official.

3.3.2 Any owner of a building aggrieved by the decision of the fire official under this section may appeal from the decision of the fire official to the city manager within 30 days from the date of the fire official's decision. All appeals to the city manager shall be in writing setting forth the reasons for the appeal. The city manager shall issue a written decision to the owner within 30 days from the receipt of the written appeal from the owner.

3.3.3 The areas designated as fire lanes shall have signs posted meeting the following criteria:

3.3.3.1 Signs to read "No Parking Fire Lane."

3.3.3.2 Letters shall not be less than two inches in height.

3.3.3.3 One sign shall be posted at the beginning of the fire lane and one at the end of the fire lane; each sign shall be erected not more than 50 feet apart.

3.3.3.4 Signs posted shall not be more than four feet from the edge of the curb and shall be visible from both direction of the driving surface.

The fire official may order curbs to be painted yellow or other distinctive colors.

3.4 Approval; subsequent maintenance.

3.4.1 All fire lanes shall be approved by the fire official pursuant to these regulations, and thereafter these fire lanes shall be maintained by the property owner. Designated fire lanes or roads deemed necessary for fire department access by the fire official shall be maintained in a passable condition.

3.4.1.1 Private property owners or their representatives shall be responsible for keeping all fire lanes on their property free from obstructions.

- 3.4.1.2 Public property owners, the City of Sandy Springs, or their representatives shall be responsible for keeping all fire lanes within the city's jurisdiction free of obstructions.

3.5 Erection of signs.

No person or property owner shall place, erect or maintain any sign for control of parking or traffic which includes the words "Fire Lane" unless such location has been designated a fire lane by the fire official, or was properly designated as of the effective date of this Ordinance. Any failure to meet the applicable requirements specified in Section 3.3 hereof shall be subject to a fine of \$150.00 for each violation, provided, however, that the fine will be waived if the required specifications are made within 14 days from the date of citation. If that private or public property owner fails or refuses to meet said requirements on his property within such 14 days he shall, on the 15th day after receiving the citation, be subject to the \$150.00 fine for each violation and an additional \$10.00 fine for each violation for each day that the owner fails to comply with the provisions of this section until the area is properly designated and constructed. Each additional day shall be construed as an additional violation. All fines assessed under this section shall be paid into the treasury of the city.

3.6 Violations.

3.6.1 No person shall park any motor vehicle, including a motorcycle, in a fire lane; provided, however, this section shall not apply to the parking of an authorized emergency vehicle on official business.

3.6.1.1 Enforcement of this section shall be through a civil action in municipal court by the issuance of a ticket which shall be either left with the vehicle or delivered to the person in possession thereof. For purposes of such civil action, it shall be presumed that the registered owner of said vehicle is in control or possession thereof.

3.6.1.2 Each violation of parking in a fire lane shall be punished by a \$50.00 civil fine.

3.6.1.3 The person receiving a ticket for violation of this section may pay the civil fine(s) by return mail to the municipal court of the city or his designated receiver within 48 hours of the issuance of the ticket or may request a hearing within 48 hours to contest the issuance of the ticket. In the event the civil fine is not paid within 48 hours, the municipal court may issue a citation for contempt requiring the offender to show cause why he failed to pay the fine within the time frame allowed by this section. Upon conviction thereof, the municipal court may impose a fine as provided by law.

3.6.1.4 Upon any person to whom a ticket has been issued under this section, a uniform traffic citation may be obtained with a hearing date thereon from the police officer or uniformed fire inspector whereupon it shall be returnable to the municipal court. Violation of this section shall be enforced through a civil action. The burden of proof shall be on the city.

The standard of proof shall be by a preponderance of the evidence; provided, however, the aforementioned presumption in subsection (A) of this section shall apply.

3.7 Enforcement Authority.

Any duly authorized law enforcement officer employed by the city, code enforcement officer employed by the city, or uniformed fire inspector shall have the authority for enforcement of fire lanes.

3.8 Emergency Authority

In addition to all powers authorized by state law, as amended, in the event of any fire, explosion, bomb threat, or similar emergency, the fire department in the city shall be authorized to prevent the blocking of any public or private street, road or alley, way or driveway, or emergency lane, during any such emergency or remove any vehicles or obstructions necessary. The officers, members, agents or employees of the fire department of the city shall not be liable at law for any act or acts done while actually fighting a fire or performing duties at the scene of an emergency.

3.9 Liability from enforcement of chapter pertaining to maintenance and clearing.

The City of Sandy Springs assumes no liability for any damages, injuries, or deaths resulting from enforcement or lack of enforcement of the laws pertaining to maintenance and clearing of the fire lanes. The City has the authority to issue individual tickets or citations for fire lane violations, but the property owner has the ultimate responsibility to clear the fire lanes.

3.10 Enforceability of properly placed signs.

The disregard or disobedience of the instruction of any sign placed in accordance with the provisions of this chapter by the driver of a vehicle shall be deemed prima facie evidence of a violation of law, without requiring proof by whom and by what authority such sign has been erected.

3.11 Petition requesting application of chapter to properties.

Properties may become subject to this chapter by submitting a petition from the property owner or fully authorized agent of the property owner requesting this chapter to apply. The petition shall be submitted to the fire official and, upon approval, the property shall become subject to this chapter and its subsequent revisions.

3.12 Descriptions for fire official.

Property which falls within the jurisdiction of the City of Sandy Springs shall have all fire delineations visually depicted on a plat. These plats shall be designed by the owner and submitted to the City of Sandy Springs Fire Department and copies shall be maintained with the city clerk. Each visual depiction shall identify all building exterior walls, traffic and parking lanes, and sidewalks. The area(s) to be designated as fire lane(s) shall be delineated in red ink. The plat shall state a scale of measurement and shall be on paper or a series of pages of 8 ½ by 11 inches. The plat identification shall specify the name of the property, a brief legal description of the property, and the length and width of the fire lane(s), as approved by the fire official, with whom all master plats will be filed.

Article 4: Severability

In the event that any one or more of the provisions contained in this Chapter shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this ordinances, but this ordinance shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.

Article 5: Effective Date

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect as of the date of its final passage and adoption.