

**AN ORDINANCE TO ADOPT  
AN AMENDED FIRE PREVENTION AND PROTECTION ORDINANCE;  
TO PROVIDE FOR AN EFFECTIVE DATE;  
TO REPEAL CONFLICTING PROVISIONS;  
AND FOR OTHER PURPOSES**

**WHEREAS**, the Newton County Board of Commissioners is authorized by Article 9, Section 2, Paragraph III of the Georgia Constitution to provide fire protection services;

**WHEREAS**, Newton County has adopted a Fire Prevention and Protection Ordinance to serve the public health, safety and welfare of its citizens; and


**WHEREAS**, the current Fire Prevention and Protection Ordinance is in need of updating.


**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners, Newton County, Georgia, and by the authority of the same as follows:

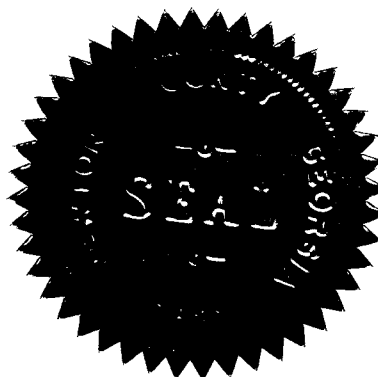
1. Chapter 10 of Division II of the Code of Newton County, Georgia, 2001, entitled Fire Prevention and Protection, is hereby deleted in its entirety and a new Chapter 10, attached as Exhibit "A" hereto and incorporated herein by reference, is adopted in lieu thereof.
2. This ordinance shall become effective immediately.
3. All conflicting ordinances or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing any licenses issued under previous ordinances.

**SO ORDAINED** this 21st day of June, 2016.

**Newton County Board of Commissioners**

By:   
William K. Ellis, Chairman

Attest:   
Jackie Smith, Clerk



## Newton County Fire Services Fee Schedule

<b><u>Plan Review</u></b>	
Site	\$100.00
Building $\leq$ 5,000 sq. ft.	\$150.00
Building $>$ 5,000 sq. ft.	\$0.030 per sq. ft.
(Includes site inspections up to and including final & 1 <sup>st</sup> follow-up)	
2 <sup>nd</sup> follow-up	\$50.00
3 <sup>rd</sup> and any additional follow-ups	\$100.00
Fire Alarm $\leq$ 10,000 sq. ft.	\$150.00
$>$ 10,000 sq. ft.	\$200.00
Fire Sprinkler $<$ 5,000 sq. ft.	\$100.00
$>$ 5,000 sq. ft.	\$150.00
<b><u>Inspections</u></b>	
Annual	No Charge
1 <sup>st</sup> follow-up	No Charge
2 <sup>nd</sup> follow-up	\$25.00
3 <sup>rd</sup> and any additional follow-ups	\$50.00
After hours	\$30.00 per hour/ 2 hour minimum
Change of Occupancy	\$150.00
(New Tenant/Business License)	
Commercial Burn Permit	\$100.00
(30 day maximum)	
Fire Watch	\$40.00 per hour/per person
Incident Reports	\$3.00 per copy

## **Chapter 10: Fire Prevention and Protection**

### **Section 10-101 Newton County Fire Service Fire Standards**

#### **Article 1. State Minimum Fire Safety Standards; Adoption of Codes**

- A. The State Minimum Fire Safety Standards adopted in the rules and regulations promulgated by the Safety Fire Commissioner pursuant to O.C.G.A. § 25-2-4, including all subsequent revisions thereof (the “State Rules and Regulations”), are adopted herein by reference.
  
- B. For the purpose of prescribing rules and regulations governing hazardous conditions to life and property due to fire and explosions, and the risks incidental thereto, and for the purpose of establishing further standards, rules, and regulations relative to the construction, alteration, removal, demolition, use, and occupancy and maintenance of the buildings and structures of every character within the limits of Newton County, Georgia, except as herein expressly provided, there are hereby adopted and incorporated by reference as fully and completely as if set out verbatim herein, the following codes:
  - 1. Fire Code, as published by the National Fire Protection Association;
  - 2. Life Safety Code, as published by the National Fire Protection Association;
  - 3. International Fire Code, as published by the International Code Council;
  - 4. International Mechanical Code, as published by the International Code Council;
  - 5. International Fuel Gas Code, as published by the International Code Council;
  - 6. International Building Code, as published by the International Code Council; and
  - 7. Georgia 120-3-20, or otherwise known as the Accessibility Code.
  
- C. Complete copies of the Codes set forth in subsection B are on file at the Newton County Fire Service Office, 4136-A Highway 278, Covington, Georgia 30014.
  
- D. Notwithstanding any other provision of law or any local ordinance to the contrary, in the event of a conflict between the State Rules and Regulations and any other code adopted by reference herein, the provisions of the State Rules and Regulations shall prevail. Subject to the foregoing, in the event of any conflict between any specific code or standard, the following shall act as the guide:

<b>Area</b>	<b>Primary</b>	<b>Supplement</b>
Occupancy Classification	LSC	IBC
Building Construction Types Including allowable height allowable building areas, and the requirements for sprinkler protection related to minimum building construction types.	IBC	LSC
Means of Egress	LSC	None
Standpipes	IBC	IFC
Interior Finish	LSC	None
HVAC Systems	IMC	None
Vertical Openings	LSC	None
Sprinkler Systems minimum construction standard	LSC	None
Fire Alarm Systems	LSC	None
Smoke Alarms and Smoke Detection Systems	State Statute and LSC	None
Portable Fire Extinguishers	IFC	None
Cooking Equipment	LSC and NFPA 96	None
Fuel Fired Appliances	IFGC	NFPA 54
Liquid Petroleum Gas	NFPA 58	IFGC
Compressed Natural Gas	NFPA 52	None

LSC = Life Safety Code  
 IFC= International Fire Code  
 IBC= International Building Code  
 IMC=International Mechanical Code  
 IFGC= International Fuel Gas Code  
 NFPA=National Fire Protection Association Fire Code

## **Article 2. Applicability**

- A. The State Rules and Regulations and the Codes incorporated by reference in Article 1, and the provisions of this Section 10-101, shall be collectively referred to as the Newton County Fire Standards.
- B. The Newton County Fire Standards shall apply to all buildings, structures, premises, facilities, occupancies, conditions and regulated activities as herein specified within unincorporated Newton County except one-family and two-family dwellings.
- C. Every building and structure shall comply with the provisions of the Newton County Fire Standards, or applicable portions thereof, which were in effect at the time such building or structure was constructed, except that any nonconformance noted under the electrical standards adopted at the time such building or structure was constructed shall be corrected in accordance with the current electrical standards adopted pursuant to this Section 10-101. A less restrictive provision contained in any subsequently adopted minimum fire safety standard may be applied to any existing building or structure.
- D. Every proposed building and structure shall comply with the Newton County Fire Standards, or applicable portions thereof, that were in effect on the date that plans and specifications therefor were received by the Fire Marshal for review and approval.

## **Article 3. Newton County Fire Prevention Bureau**

### **I. Establishment and Duties of Fire Prevention Bureau**

- A. There is hereby created under the supervision of the Newton County Fire Chief, the Newton County Fire Prevention Bureau. The purpose of the Newton County Fire Prevention Bureau is to better conserve property and safeguard human lives and to assist in the enforcement of various rules, regulations and ordinances of Newton County and the State of Georgia pertaining to fire prevention and life safety.
- B. The Fire Marshal in charge of the Fire Prevention Bureau shall be appointed by the Fire Chief on the basis of examination to determine qualifications. The appointment of the Fire Marshal shall continue during good behavior and satisfactory service. The Fire Marshal's employment shall otherwise be governed by the Newton County Personnel Policy. The use of the term "Fire Marshal" shall mean the head of the Fire Prevention Bureau.
- C. Except as otherwise expressly provided herein, the Fire Prevention Bureau and the Fire Marshal shall be charged with responsibility for the direct administration and enforcement of all codes, regulations and ordinances dealing with fire prevention and life safety, including but not limited to all provisions of the Newton County Fire Standards. Further, the term "authority having jurisdiction" or its equivalent, as may be used in the Newton County Fire Standards or in any standard Code adopted under this Section shall mean the Fire Prevention Bureau and the Fire Marshal thereof.

- D. Every fire shall be reported in writing by Newton County Fire Service staff to the Fire Prevention Bureau. Such reports shall be in such form as shall be prescribed by the Fire Chief. The Fire Prevention Bureau shall investigate the cause, origin and circumstances of every fire occurring in Newton County by which property has been destroyed or damaged, or loss of life has occurred and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigation shall begin immediately upon the occurrence of a fire. The Fire Marshal shall notify any other proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of any cases.
- E. The Fire Marshal shall compile and keep a record of all fires and of all facts concerning the same including injuries, deaths, rescues of persons, and statistics as to the extent of such fires and damage caused thereby. The Fire Marshal shall make a monthly report of the activities of the Fire Service and the Fire Prevention Bureau and shall transmit this report to the Fire Chief.

## **II. Building Permits and Certificates of Occupancy Subject to Review by Fire Marshal.**

- A. Plans and specifications for all proposed buildings which come under the fire code enforcement jurisdiction of Newton County Fire Service, as defined in O.C.G.A. § 25-2-12(a)(2), shall be submitted to and receive approval by the Fire Marshal before any building permit may be issued by the Department of Development Services. All such plans and specifications submitted as required by this subsection shall be accompanied by a fee as set forth in a fee schedule promulgated by Newton County Fire Service. All such plans and specifications submitted as required by this subsection shall bear the seal and Georgia registration number of the drafting architect or engineer.
- B. A complete set of approved plans and specifications shall be maintained on the construction site, and construction shall proceed in compliance with the minimum fire safety standards under which such plans and specifications were approved. The owner of any such building or structure or his authorized representative shall notify the Fire Marshal upon completion of approximately 80 percent of the construction thereof and shall apply for a certificate of occupancy when construction of such building or structure is completed.
- C. Every building or structure which comes under the fire code enforcement jurisdiction of Newton County Fire Service, as specified in Article 2(B) hereof, shall have a certificate of occupancy issued by the Fire Marshal before such building or structure may be occupied. The application for a certificate of occupancy shall be on such form as specified by the Fire Marshal. The fee for a certificate of occupancy for a new building shall be included in the general plan review fee. The fee for a certificate of occupancy for an existing building (new tenant/business license) shall be as set forth in a fee schedule promulgated by Newton County Fire Service. The Fire Marshal shall proceed to inspect the subject building or structure to ensure compliance with the provisions of the Newton County Fire Standards. Within ten (10) days after said application, the Fire

Marshal shall either issue a certificate of occupancy to the applicant or notify the applicant in writing of the reasons for denial of the certificate of occupancy. Such certificates of occupancy shall be issued for each business establishment within a building, and when issued, shall state the occupant load for such business establishment or building, and shall be posted in a prominent location within such business establishment or building. A certificate of occupancy, when issued, shall run for the life of the building, provided that the building is not subject to a substantial renovation, a fire or other hazard of serious consequence, or a change in the classification of occupancy. For the purpose of this subsection, substantial renovation means any construction project involving exits or internal features of such building or structure costing more than the building's or structure's assessed value at the time of renovation.

#### **Article 4. Inspection of Buildings**

##### **I. Inspection of Buildings and Premises; Authority to Enter Premises; Inspection Warrants**

- A. The Fire Chief, Fire Marshal and designated Newton County Fire Service Personnel have the authority at all times of the day and night to enter in or upon and to examine any building or premises where a fire is in progress or has occurred, as well as other buildings or premises adjacent to or near the same. The Fire Chief and his delegated authorities shall have the right to enter in and upon all buildings and premises subject to this Section 10-101, at any reasonable time, for the purpose of examination or inspection.
- B. Upon the complaint of any person, the Fire Chief, Fire Marshal and designated Newton County Fire Service Personnel may inspect or cause to be inspected all buildings and premises within their jurisdiction whenever deemed necessary.
- C. Notwithstanding anything to the contrary elsewhere in these ordinances, any inspections of buildings and premises not otherwise open to the public shall be made only upon securing the consent of the owner or occupant of said premises or upon securing an inspection warrant as provided in subsection II herein.

##### **II. Inspection Warrants**

- A. Inspection warrants may be obtained from any judge of the superior or magistrate court upon proper oath or affirmation showing probable cause for the purpose of conducting inspections authorized herein. For the purposes of issuance of inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of the Newton County Fire Standards sufficient to justify inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant.
- B. A warrant shall be issued only upon affidavit of the Fire Chief, Fire Marshal or any person authorized to conduct inspections, sworn to before the judicial officer and establishing the grounds for issuing the warrant.

- C. The issuing judge may issue the warrant when he is satisfied that the following conditions are met:
1. The one seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property; and
  2. The issuing judge determines that the issuance of the warrant is authorized by this Section 10-101.
- D. The warrant shall:
1. State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;
  2. Be directed to persons authorized to conduct inspections to execute it;
  3. Command the persons to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;
  4. Identify the item or types of property to be seized, if any; and
  5. Designate the judicial officer to whom the warrant shall be returned.
- E. A warrant issued pursuant to this subsection must be executed and returned within ten days of its date of issuance unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided upon request to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. A copy of the inventory shall be delivered upon request to the person from whom or from whose premises the property was taken and to the applicant for the warrant.
- F. The judicial officer who issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the superior court for the county in which the inspection was made.

### **III. Correction of Deficient Conditions**

- A. When the Fire Chief, Fire Marshal or other personnel authorized to conduct inspections finds any building or other structure which, for want of repair or by reason of age or dilapidated condition or any other cause is especially liable to fire hazard or which is so situated as to endanger other property or the safety of the public, or when, in or around



any building, such officer finds combustible or explosive matter, inflammables, or other conditions dangerous to the safety of the building, notice may be given to the owner or agent and occupant of the building to correct such unsafe conditions as may be found.

- B. If any owner, agent, or occupant fails to comply with the notice within the time specified therein, the Fire Marshal may issue a citation or, with the approval of the Fire Chief, may petition the court for a rule nisi to show cause why an order should not be issued by the court that the same be removed or remedied. Such court order shall forthwith be complied with by the owner or occupant of the premises or building within such time as may be fixed in the court order.
- C. If any person fails to comply with the order of the court within the time fixed, the county shall cause the building or premises to be forthwith repaired, torn down, or demolished, the hazardous materials removed, or the dangerous conditions remedied, as the case may be, at the expense of the county. If the owner thereof, within 30 days after notice in writing of the amount of such expense, fails, neglects, or refuses to repay the county the expense thereby incurred, the county shall issue a fi. fa. against the owner of the property for the expense actually incurred.
- D. The final authority for ordering the carrying out of the enforcement of the provisions of Article III to ensure compliance with this Section 10-101 shall be by Order of the Court and not by the Fire Chief or Fire Marshal.

## **Article 5. Additional Regulations**

### **I. Outdoor Burning**

- A. No person shall kindle or maintain any outdoor burning of hand piled natural vegetation or authorize such outdoor burning to be kindled or maintained without first obtaining a permit from the Georgia Forestry Commission.
- B. No person shall kindle or maintain any outdoor burning of machine piled natural vegetation or authorize such outdoor burning to be kindled or maintained without first obtaining a permit from Newton County Fire Service. The rules and regulations pertaining to said burning shall be approved by the Fire Chief and contained on the Commercial Burning Permit.
- C. Outdoor burning of manmade materials is prohibited.
- D. No person shall kindle or maintain a bonfire without first obtaining a bonfire permit from Newton County Fire Service.

### **II. Clearing Property of Debris and Refuse Where a Building is Burned**

- A. Where a building or structure has burned, the premises must be cleared of all debris and refuse within ninety (90) days thereafter unless such building is under investigation. Any

premises under investigation shall be cleared of all debris and refuse within ninety (90) days after notice is sent to the property owner of the close of the investigation. If such premises are not cleared within said period, the same shall constitute a violation and may be treated accordingly.

- B. If the remains of a building mentioned under subsection II.A above constitute a safety hazard, the Building Inspector or any other official or citizen of this County may at any time file a complaint with the Newton County Board of Commissioners to have such condition declared to be a nuisance and for the abatement of same.
- C. The provisions of this subsection are and shall be construed to be cumulative of all other provisions regarding the condition of property within the County and shall not be construed to alter, amend or repeal any other such provisions.

### **III. Fire Watch**

- A. Fire Watch is the assignment of a person or persons to an area for the express purpose of notifying Fire Service and/or building occupants of an emergency, preventing a fire from occurring, extinguishing small fires, or protecting the public from fire or life safety dangers.
- B. The Fire Marshal shall have the authority to require standby fire personnel or an approved fire watch in the following situations when deemed essential for the protection of public safety:
  - 1. Potentially hazardous conditions or a reduction in a life safety feature exists due to the type of performance, display, exhibit, occupancy, contest or activity being conducted;
  - 2. An impairment to a fire protection feature or system has occurred; or
  - 3. The number of persons present justifies additional fire protection.
- C. The owner, agent or lessee of an event for which fire watch is required (the "Event Sponsor") shall employ one or more qualified persons, as required and approved, to be on duty. The cost of standby fire personnel shall be paid by the Event Sponsor.
- D. All standby fire personnel or fire watch personnel shall be subject to the orders of the Fire Marshal, or his designee, at all times, shall be identifiable as fire watch personnel and, unless expressly relieved of duty by order of the Fire Marshal, shall 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.

### **IV. Driving Across Fire Hose Prohibited**

It shall be unlawful for anyone to drive any vehicle of any kind over or across any fire hose of the County.

#### **V. Prohibition on Use of Inverting-type Fire Extinguishers**

Due to the discontinuance of the listing by Underwriters' Laboratories, Inc. of inverting types of fire extinguishers and difficulties encountered in finding suitable replacement parts and recharge materials, notwithstanding any provision contained in the Codes incorporated by reference in Article 1 or and the State Rules and Regulations, as same apply to Newton County, Georgia, inverting types of fire extinguishers shall not qualify as an approved fire extinguisher that may be required under any of the aforesaid provisions.

#### **VI. Discharge of Combustible/Flammable Liquids or Other Hazardous Substances**

It shall be unlawful to place, deposit, discharge or to permit to be placed, deposited or discharged on or into any public or private street or roadway, public or private property, natural outlet, drainage ditch, storm sewer or sanitary sewer combustible or flammable liquids or vapors or any other hazardous substance which may create a safety hazard to persons or property. Nothing contained herein, however, shall prohibit the proper storage and/or transportation of such combustible or flammable liquids or other hazardous substances otherwise in accordance with the various Codes and Regulations adopted pursuant to Article 1. It shall be the responsibility of the person or persons responsible for the discharge of combustible or flammable liquids or other hazardous substances to bear the costs of the removal and proper disposition of the discharged liquid or hazardous substances.

#### **VII. Sprinkler Systems**

Requirements for sprinkler systems are set forth in the section entitled "Fire Sprinkler Systems" within Chapter 36 of the Newton County Code of Ordinances).

#### **VIII. Blasting**

No person shall conduct any blasting (defined as the use of black powder in excess of five pounds, guncotton, giant powder, dynamite, nitroglycerine, fulminate of mercury, or any other similar substance or other explosive article, but not including non-commercial use of fireworks) without first obtaining a permit and pre-blast inspection from Newton County Fire Service.

#### **IX. Sale of Fireworks**

In accordance with O.C.G.A. § 25-10-5(c), licenses for temporary consumer fireworks retail sales stands shall be obtained from Newton County Fire Service.

### **Article 6. Mutual Aid Agreements**

#### **I. Fire Calls Inside the City Limits.**

Newton County Fire Service will answer all calls inside municipal limits in accordance with any Mutual Aid Agreements approved by the Newton County Board of Commissioners and the Fire Chief.

## **Article 7. Administration.**

### **I. Fees**

- A. Fees for services provided by Newton County Fire Service shall be established by the fee schedule adopted by the Newton County Board of Commissioners.
- B. All federal, state, county or city publicly owned buildings covered by this Section are exempt from any fee or license. Such fees or licenses may be waived by a resolution of the Board of Commissioners where such fees are chargeable to churches and other charitable organizations

### **II. Variances**

- A. The Fire Marshal shall have the power to modify any of the provisions of the Newton County Fire Standards upon application in writing by the owner, lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the requirement, provided that the intent of this Section 10-101 and the applicable Code shall be observed, public safety secured, and substantial justice done. Notwithstanding the foregoing, the Fire Marshal is not authorized to grant any variances to the State Rules and Regulations.
- B. The particulars of such modifications and the decision of the Fire Marshal shall be entered upon the records of the Fire Prevention Bureau and a signed copy shall be furnished to the applicant.

### **III. Appeals.**

- A.
  - A. Whenever the Fire Marshal has disapproved an application or refused to grant a permit applied for, or when it is claimed that a provision of this Section 10-101 does not apply or that the true intent and meaning of the within mentioned Codes have been misconstrued or wrongly interpreted, the applicant shall be entitled to appeal from the decision of the said Fire Marshal to the Fire Chief by filing a written notice of appeal with the Fire Marshal within ten (10) days of the decision being appealed. If the matter is not satisfactorily resolved by the Fire Chief, the applicant may file a written notice of appeal to the Newton County Board of Commissioners within ten (10) days from Fire Chief's decision.

#### **IV. Penalties.**

Any person who shall violate any of the provisions of this Section 10-101, including the Codes and State Rules and Regulations adopted under Article 1 hereof, or who should fail to comply therewith or who should fail to comply with or who should violate any order made thereunder, or who should 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 should fail to comply with such an order as affirmed or modified by the Fire Chief or governing body, or by any other court of competent jurisdiction, within the time fixed therein, shall be a violation of this section and upon conviction thereof shall be punished by a fine of not less than \$500.00 for each offense. The maximum fine shall be \$1,000.00 for each offense. 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 such violations or defects within a reasonable time. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

#### **V. Nonliability of Persons Enforcing Section.**

Any public employee, officers or other person responsible for the enforcement of this section 10-101, including the Fire Marshal, acting for the governing body in the discharge of its duties, shall not therefore render himself liable personally and each person is hereby relieved from all personal liability from any damage that may occur to persons and/or property as a result of any act required or permitted in the discharge of duties.

#### **VI. Sovereign Immunity.**

Nothing contained in this Section 10-101 shall be construed to constitute a waiver of the sovereign immunity of the County or official immunity any officer or employee thereof in carrying out the provisions of this Section. No action shall be maintained against the County or any officer, elected officer, or employee thereof for damages sustained as a result of any fire or related hazard covered by this section by reason of any inspection or other action taken or not taken pursuant to this section. Nothing in this Section shall be construed to relieve any property owner or lessee thereof from any legal duty, obligation or liability incidental to the ownership, maintenance and use of such property.