

## **Chapter 7 FIRE PREVENTION <sup>(1)</sup>**

[§ 7-1. Adoption of Fire Prevention Code.](#)

[§ 7-2. Compliance.](#)

[§ 7-3. Bureau of fire prevention; fire chief.](#)

[§ 7-4. Same—Duties.](#)

[§ 7-5. Same—Investigation.](#)

[§ 7-6. Inspection.](#)

[§ 7-7. Combustible or explosive matter.](#)

[§ 7-8. Records.](#)

[§ 7-9. Fire chief; annual report and amendments to Fire Prevention Code.](#)

[§ 7-10. Public and private property.](#)

[§ 7-11. Authorization required for removal or destruction of restrictive barriers.](#)

[§ 7-12. Refusal to grant permit; appeal.](#)

[§ 7-13. Authority of fire official.](#)

[§ 7-14. Obstructing the fire department.](#)

[§ 7-15. Exceptions to fire line barriers.](#)

[§ 7-16. Penalty for violation.](#)

[§ 7-17. Preserving order and property at fires.](#)

[§ 7-18. Demolition or removal of buildings to prevent spread of fire.](#)

[§ 7-19. Unauthorized tapping or interference with fire hydrants.](#)

[§ 7-20. Open burning.](#)

### **§ 7-1. Adoption of Fire Prevention Code.**

- (a) This chapter shall provide the City of Fayette with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use, and maintenance of equipment; regulating the use of structures, premises, and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

This code shall be known as the Fire Prevention Code of the City of Fayette. This code adopts NFPA 1, Fire Prevention Code, of the National Fire Protection Association, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association and listed in Annex A of the NFPA Fire Prevention Code and being particularly the 1988 edition thereof, save and except those portions such as are hereinafter deleted, modified, or amended by this chapter. The same are hereby adopted and incorporated as fully as if set out at length herein. Not less than one copy of the adopted issue of NFPA 1, Fire Prevention Code, of the National Fire Protection Association, and the adopted standards and codes of the National Fire Codes shall be filed in the office of the fire chief of the city and the provisions thereof shall be controlling within the limits of the city.

## Chapter 7 FIRE PREVENTION

- (b) This act shall be deemed an exercise of the police powers of the city for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Fire Prevention Code shall be liberally construed for that purpose.

(Ord. No. 1990-7, § 1, 10-1-90)

### **§ 7-2. Compliance.**

It shall be unlawful for any person to violate this chapter, to permit or maintain such a violation, to refuse to obey any provisions thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the fire chief in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

(Ord. No. 1990-7, § 2, 10-1-91)

### **§ 7-3. Bureau of fire prevention; fire chief.**

The fire chief of the city fire department shall be responsible for the enforcement of the Fire Prevention Code. The fire chief may detail qualified members of the fire department as inspectors as shall from time to time be necessary. To assist in the performance of the responsibilities and duties placed upon the fire chief, a bureau of fire prevention in the fire department of the city is hereby created.

This bureau shall operate under the supervision of the fire chief. The fire chief shall be the administrator of the bureau of fire prevention. The fire chief shall be responsible for the direct administration and enforcement of the Fire Prevention Code.

(Ord. No. 1990-7, § 3, 10-1-90)

### **§ 7-4. Same—Duties.**

It shall be the duty of the officers of the bureau of fire prevention to enforce all laws and ordinances of the City of Fayette, covering the following:

- (1) The prevention of fires;
- (2) The storage, sale and use of combustible, flammable or explosive materials;
- (3) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
- (4) The maintenance and regulation of fire escapes;
- (5) The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of person work, live, or congregate, from time to time, for any purpose;
- (6) The investigation of the cause, origin, and circumstances of fires;
- (7) The maintenance of fire cause and loss records.

They shall have such other powers and perform such other duties as are set forth in other sections of this chapter, and as may be conferred and imposed from time to time by law.

(Ord. No. 1990-7, § 4, 10-1-90)

**§ 7-5. Same—Investigation.**

The bureau of fire prevention shall investigate the cause, origin and circumstances of every fire occurring in the city by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire. The fire chief shall take charge immediately of the physical evidence, shall notify the 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 the case. Every fire shall be reported in writing within one day after the occurrence of the same by the fire chief. Such report shall be in such form as shall be prescribed by the fire chief of the city fire department, and shall contain a statement of all facts relating to the cause, origin, and circumstances of such fire, the extent of the damage thereof, and the insurance upon such property, and such other information as may be required, including the injury, death, or rescue of persons.

(Ord. No. 1990-7, § 5, 10-1-90)

**§ 7-6. Inspection.**

- (a) Before permits may be issued as required by this Code, the fire chief or his assistants shall inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for any such purposes.
- (b) The fire chief shall inspect or cause to be inspected all premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

(Ord. No. 1990-7, §§ 6, 7, 10-1-90)

**§ 7-7. Combustible or explosive matter.**

Whenever any inspector, as defined above, shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the fire department or egress of occupants in cause of fire, the inspector shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to the appeals procedure provided for in the Fire Prevention Code.

Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to penalties as hereinafter provided.

The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, or leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address.

(Ord. No. 1990-7, § 8, 10-1-90)

**§ 7-8. Records.**

The fire chief shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons, statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount.

(Ord. No. 1990-7, § 9, 10-1-90)

**§ 7-9. Fire chief; annual report and amendments to Fire Prevention Code.**

- (a) The fire chief shall make an annual report of the activities of the city fire department and shall transmit this report to the Mayor and Council of the City of Fayette. The report shall contain all proceedings under the Fire Prevention Code with such statistics as the fire chief may wish to include therein.
- (b) The fire chief shall also recommend any amendments to the Fire Prevention Code or ordinance that shall be desirable.

(Ord. No. 1990-7, §§ 10, 11, 10-1-90)

**§ 7-10. Public and private property.**

The provisions of the Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified.

(Ord. No. 1990-7, § 12, 10-1-90)

**§ 7-11. Authorization required for removal or destruction of restrictive barriers.**

No person, except a person authorized by the fire official in charge of an emergency scene or a public officer acting within the scope of public duty, shall remove, unlock, destroy, or tamper with or otherwise molest in any manner any locked gate, door or barricade, chain, enclosure, sign, tag or seal that has been lawfully installed by the fire department or by its order or under its control.

(Ord. No. 1990-7, § 20, 10-1-90)

**§ 7-12. Refusal to grant permit; appeal.**

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code does not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within thirty (30) days from the date of the decision appealed.

(Ord. No. 1990-7, § 15, 10-1-90)

**§ 7-13. Authority of fire official.**

- (a) The fire official conducting operations in connection with the extinguishment and control of any fire, explosion or other emergency shall have full power and authority to direct all operations of fire extinguishment or control and to take the necessary precautions to save life, protect property, and prevent further injury or damage. In the pursuit of such operation, including the investigation of the cause of such emergency, the fire official may control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or thing and all persons.

## Chapter 7 FIRE PREVENTION

- (b) The fire official in charge of an emergency scene shall have the authority to establish fire line barriers to control access in the vicinity of such emergency, and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such fire line barrier. No person, except as authorized by the fire official in charge of the emergency, may cross such fire line barriers.

(Ord. No. 1990-7, §§ 16, 18, 10-1-90)

### **§ 7-14. Obstructing the fire department.**

No person shall obstruct the operations of the fire department in connection with extinguishing any fire, or actions relative to other emergencies, or disobey any lawful command of the fire official in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

(Ord. No. 1990-7, § 17, 10-1-90)

### **§ 7-15. Exceptions to fire line barriers.**

The fire chief is authorized to issue passes entitling the holders thereof to cross fire line barriers. Such passes shall not authorize trespass at the scene of an emergency. Credentials that clearly establish the authority and identity of the holder thereof to enter the premises, whether or not issued by the fire chief, may be honored by the fire official in charge of the emergency scene if concurred with by the person in charge of the premises involved in the emergency.

(Ord. No. 1990-7, § 19, 10-1-90)

### **§ 7-16. Penalty for violation.**

Any person who shall violate any of the provisions of the code hereby adopted; or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statements, specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the fire chief or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not less than one day nor more than six (6) months or by both such fines and imprisonment. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 1990-7, § 14, 10-1-90)

### **§ 7-17. Preserving order and property at fires.**

- (a) In case of a fire, it shall be the duty of the chief of police, or any police officer, or any member of the fire department present, to preserve order and to guard any property that may have been removed from any place in order to prevent its destruction.
- (b) Any person who shall attempt to steal, destroy, tamper with or interfere with any property removed from any burning building or building threatened with fire, or who shall molest or interfere with any firefighter or police officer engaged in so removing such property from such burning building or building threatened with fire, or engaged in the extinguishment or preventing the spread of such fire, shall be deemed guilty of a misdemeanor.

(Ord. No. 2005-03, § 1, 6-14-05)

**§ 7-18. Demolition or removal of buildings to prevent spread of fire.**

The chief of the fire department, or anyone acting as chief in the chief's absence, shall have full power to pull down or destroy any building or fence or other combustible structure, when, in such officer's opinion, it is necessary to do so to prevent the spread of fire.

(Ord. No. 2005-03, § 2, 6-14-05)

**§ 7-19. Unauthorized tapping or interference with fire hydrants.**

It shall be unlawful for any person except a regularly appointed firefighter, water works department employee or agent of the city or water works department to tap a fire hydrant for any purpose whatsoever or in any way to interfere with the same without permission of the city authorities.

(Ord. No. 2005-03, § 3, 6-14-05)

**§ 7-20. Open burning.**

- (a) *Purpose.* This section is enacted to protect, preserve, and promote the health, safety, welfare, and peace for the citizens of Fayette, Alabama, through the control of open burning. It is the intent of this section to establish standards that will control open burning so that it will comply with all applicable state regulations and will not be detrimental to individuals and the community in the enjoyment of life, property, and conduct of business. This section is not intended to supersede legislation or regulations of state-wide applicability governing open burning nor does compliance with this section ensure compliance with such legislation or regulations.
- (b) *Open burning standards.*
  - (1) No person shall kindle or maintain any open fire at any location or time within the city and its police jurisdiction without a permit from the city, except for the following purposes:
    - a. Open fires for the cooking of food for human consumption.
    - b. Fires set in salamanders or other devices used by construction or other workers for heating purposes.
    - c. Fires for recreational or ceremonial purposes.
  - (2) Fires for the erection of any structure, construction of any transportation, utility or communications line, maintenance of rights-of-way, development or modification of a recreational area or park, or plant husbandry practices may be permitted by the city fire department. Permits may only be issued if the proposed open burning meets the following criteria:
    - a. The location of the burning must be at least five hundred (500) feet from the nearest occupied dwelling other than a dwelling located on the property on which the burning is conducted.
    - b. Only untreated wood and vegetation may be open burned. Materials that may not be burned include paper, cardboard, heavy oils, paint, asphaltic materials, rubber, plastics, refuse and garbage.
    - c. No fire may be started or combustible material added to the fire except during the period from 6:00 a.m. to 6:00 p.m.
    - d. The fire shall be attended at all times. There shall be a hose connected to a water supply or other extinguishing equipment readily available for use.

## Chapter 7 FIRE PREVENTION

- e. No burning shall be conducted during a "drought emergency" declared by the governor or if there is a "no burn" advisory issued by the Fayette Fire Department.
- (c) *Revocation of burning permits.* The city fire chief or the State of Alabama may revoke a burning permit issued by the city any time after it is issued if the open burning creates a danger or serious nuisance for individuals or property.

(Ord. No. 2005-03, § 4, 6-14-05)

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### FOOTNOTE(S):

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**Editor's note**— An ordinance adopted April 18, 1960, pertaining to fire prevention, has been deleted as being superceded by Ord. No. 1990-7, adopted Oct. 1, 1990, pertaining to similar subject matter. ([Back](#))