ORDINANCE # 2017-32
INTRODUCED BY O'Keefe
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DATE AMENDED

ADOPTION INTRODUCTION

AMENDED
CITY OF COVINGTON
STATE OF LOUISIANA

ORDINANCE NUMBER 2017-32

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: CHAPTER 46 - FIRE PREVENTION AND PROTECTION, ARTICLE I. IN GENERAL AND ARTICLE III. FIRE PREVENTION CODE

WHEREAS, certain amendments have been suggested to the Covington Code of Ordinances, Chapter 46 - Fire Prevention and Protection, Article I. In General and Article III. Fire Prevention Code; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the City Council has held its public hearing in accordance with law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 46 Fire Prevention and Protection, Article I. In General, Sec. 46-2. Trash fires, shall be amended to read as follows:

Sec. 46-2. - Trash fires.
~~It shall be unlawful for any person to start or set any trash fire or to burn paper, grass, trash or debris, where such fire is not protected by a proper furnace or incinerator, within the city limits.~~ Within the city of limits of Covington, no person shall burn any garbage, solid waste, commercial solid waste, yard waste, household waste, junk, refuse, rubbish, construction waste, hazardous waste, buildings or structures.

BE IT FURTHER ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 46 Fire Prevention and

Protection, Article I. In General, shall be amended to include Section 46-6. - Fire pits, chimineas and bonfires, to read as follows:

Sec. 46-6. Fire pits, chimineas and bonfires.

A. The use of outdoor grills and barbecues for cooking is permitted.

B. Recreational fires shall be allowed in approved containers or fire pits.

C. Recreational fires shall be defined as an outdoor fire whose purpose is for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

D. Fire pits and chimineas.

(1) For the purpose of this section, an approved container shall be defined as a device specifically designed for the use of burning wood or charcoal, including but not limited to portable fireplaces, fire pits or chimineas. All portable devices shall be equipped with a spark arrestor (i.e. screen or chimney). The approved container may not be larger than forty-two (42) inches in diameter. The use of devices made of stone, metal, or ceramic construction designed for the purpose of containing a fire shall also be permitted provided the total fuel area does not exceed three feet in diameter and two feet in height. Wood contained in permissible fires shall be no more than three feet in length.

(2) No approved fire pit shall be located within fifteen (15) feet of a structure or public way.

(3) Only clean, dry firewood or charcoal may be used for recreational fires. Construction materials or yard waste are strictly prohibited. The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is strictly prohibited.

(4) All recreational fires shall be constantly attended by a responsible adult until the fire is extinguished. A minimum of one portable fire extinguisher with a 4-A rating or a functional garden hose attached to a functional water source shall be available for immediate use.

(5) All recreational fires shall be properly extinguished at the end of activities or time limit. Regardless of when the fire was initiated, it is not allowed to extend later than ~~11:00 P.M.~~ 12:00 A.M. and may begin no earlier than 7:00 A.M.

(6) The fire shall be immediately extinguished any time wind conditions become strong (at or above 15 MPH or greater) or if there are sustained wind gusts in excess of 20 MPH, or if the wind begins to carry brands or embers creating a potential for fire extension.

E. Bonfires.

Bonfires may be allowed only for officially-sponsored activities of civic, educational and religious organizations. Bonfires are not approved for the general public. Allowed bonfires are subject to the following conditions:

(1) The organization requesting the bonfire must obtain a bonfire burn permit at least seven days prior to the lighting of the bonfire. The organization shall attach a site map of the burn site to the application. The site map must show emergency access points to the site (i.e. roads, parking lots, alleys, etc.), burn sites proximity to buildings/structures, location of hydrants, and approximate number and location of participants. A fire department official will need to inspect the site the day of the burn.

(2) The location of the bonfire shall be no closer than 50 feet to any structure, tree, shrub or combustible material and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure or combustible

material.

(3) The organization requesting the bonfire will appoint a minimum of two adults to act as bonfire supervisors throughout the entire event. These supervisors shall each have a means of communication (cell phone, etc.) to alert the Fire Department in the event of any issues.

(4) The fuel for the bonfire shall consist only of clean, dry non-treated lumber or firewood stacked no more than eight feet in height and with a diameter of not to exceed eight feet at the base of the pile.

(5) The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is strictly prohibited. Small amounts of paper and kindling should be used. Only dedicated bonfire supervisors will initiate the fire.

(6) No one, except the bonfire supervisors and/or emergency personnel shall be allowed within 10 feet of the bonfire throughout the duration of the event. Adequate security measures must be in place to prevent the audience from encroaching on the pile.

(7) The bonfire shall be properly extinguished at the end of activities, but in any case will not be allowed after ~~11:00 P.M.~~ 12:00 A.M.

(8) The bonfire may be suspended or cancelled at any time during the event if wind conditions become strong (15 MPH or greater) or if there are sustained gusts in excess of 20 MPH, or if the wind begins to carry brands or embers creating a potential for fire extension. Bonfires identified as offensive or objectionable due to excessive smoke or odor emissions may be extinguished by fire department officials.

F. The Fire Chief/Police Chief or their designee may prohibit any type of burning that becomes a nuisance based on complaints of irritation of eyes or breathing of others, when the atmospheric conditions or local conditions make such fires hazardous and may order the extinguishment of any fire which creates or adds to a hazardous or objectionable situation.

BE IT FURTHER ORDAINED by the City Council of the City of Covington, at its regular session convened, that Chapter 46 Fire Prevention and Protection, Article III. Fire Prevention Code, Sec. 46-63. – Same—Enacted by city council, shall be amended to read as follows:

Sec. 46-63. - Same—Enacted by city council.

This section shall be reserved for certain changes and/or additions or deletions to the National Fire Prevention Code as enacted by the city council in order to particularize such fire prevention code to the needs of the community. These changes are as follows:

~~*Section 7-33.1.*~~ *A. Violations.* It shall be unlawful for any person to violate this ordinance [code], 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 regulations except as variation may be allowed by the action of the Covington Fire Prevention 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.

~~*Section 7-33.2.*~~ *B. Enforcement officer.*

~~(A)~~(1) The fire prevention chief of the City of Covington shall be responsible for the enforcement of the Covington Fire Prevention Code. The fire prevention chief shall detail such members of the Covington 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 prevention chief, a bureau of fire prevention in the Covington Fire Department may be created.

~~(B)~~(2) Intent of the Bureau. It is the intent of the bureau to prescribe regulations consistent with the provisions provided in Louisiana R.S. 40:1563 as well as regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of building or premises. The most current State of Louisiana adopted version of the fire life safety code will be the minimum code which will be utilized by the bureau.

The Code. The term "The Code" in General Provisions makes reference to those technical codes adopted by the City of Covington to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion, including, but not limited to, the most recent State of Louisiana adopted version of the National Fire Protection Agency Life Safety Code (NFPA 101) and, as a maintenance code, the National Fire Protection Agency Fire Code (NFPA 1).

The Bureau. The fire prevention bureau will be headed by the Chief of the Fire Department or a person designated by the Chief of the Fire Department. Bureau will be staffed by qualified individuals whose credentials have been reviewed and accepted by the State Fire Marshal.

The bureau will conduct maintenance inspections on behalf of the fire marshal. The fire marshal shall have the authority to monitor the performance of the fire prevention bureau in the performance of those functions which would otherwise be performed by the fire marshal.

~~(C)~~(3) The fire prevention chief shall be appointed on the basis of examinations or other methods for determining his qualifications. The Covington City Council and mayor may also designate such number of technical inspectors as shall from time to time be necessary. Such technical inspectors shall be selected through an examination to determine their fitness for the position.

~~*Section 7-33.3.*~~ *C. 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 Covington covering the following:

(1) The prevention of fires;
(2) The storage and use of explosives and flammables;
(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 persons 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 ordinance [article] and as may be conferred and imposed from time to time by law. The Covington Fire Chief may delegate any of his powers or duties under this ordinance [article] to the Covington Fire Prevention Chief.

~~*Section 7-33.4.*~~ *D. Recommending ordinances.* It shall be the duty of the Covington Fire Prevention Chief to recommend for the City of Covington such additional ordinances or amendments to existing ordinances as he may deem necessary for safeguarding life and property against fire.

~~*Section 7-33.5.*~~ *E. Forms and reports.* The fire chief of the Covington Fire Department shall prepare instructions for the fire prevention chief and his assistants, and forms for their use in the reports required by this ordinance [article].

~~*Section 7-33.6.*~~ *F. Investigations.* The fire prevention chief shall investigate the cause, origin and circumstances of every fire occurring in the City of Covington 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 prevention 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 to the bureau of fire prevention within seven days after the occurrence of the same by the fire department officer in whose jurisdiction such a fire has occurred. Such report shall be in such form as shall be prescribed by the Covington 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 person.

~~*Section 7-33.7.*~~ *G. Inspections.* Before permits may be issued as required by this code, the fire prevention chief or his assistants shall inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for any such purposes.

~~*Section 7-33.8.*~~ *H. Periodic inspections.* The fire prevention 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.

~~*Section 7-33.9.*~~ *I. Orders of inspections.* 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 case of fire, he 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 City of Covington.

Any owner or occupant failing to comply with such order within a reasonable period after the service of the such 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 by delivering the same to and 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 such 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 such person a copy of the such 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.

~~*Section 7-33.10.*~~ *J. Fire prevention chief records.* The fire prevention chief shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons and 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. Such record shall be made immediately from the reports made by the technical inspectors under the provisions of this ordinance [article]. All such records shall be turned in to the Covington Fire Chief.

~~*Section 7-33.11.*~~ *K. Annual report.* The fire prevention chief shall make an annual report of the activities of the bureau of fire prevention and shall transmit this report to the mayor of the City of Covington. The report shall contain all proceedings under the Covington Fire Protection Code with such statistics as the fire chief may wish to include therein.

~~*Section 7-33.12.*~~ *L. Recommending amendments.* The fire chief of the Covington Fire Department or the Covington Fire Prevention Chief shall also recommend any amendments to the Covington Fire Prevention Code or ordinance which, in his judgment shall be desirable.

~~*Section 7-33.13.*~~ *M. Application of provisions.* The provisions of the Covington Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupants, except as otherwise specified.

~~*Section 7-33.14.*~~ *N. Police powers.* This act shall be deemed an exercise of the police powers of the City of Covington for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Covington Fire Protection Code shall be liberally construed for that purpose.

~~*Section 7-33.15.*~~ *O. Penalties.* 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 issues 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 marshal 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 $100.00 nor more than $500.00 or by imprisonment for not less than 30 days nor more than 90 days 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.

~~*Section 7-33.16.*~~ *P. Board of appeals.* Appeals from any decision of the fire prevention chief shall be as provided under Section 111 of the Southern Standard Building Code as amended by the City of Covington.

~~*Section 7-33.17.*~~ *Q. Amendments.* This section shall be reserved to the specific amendments to the national fire prevention code as are made by the City of Covington periodically and those amendments shall be with the corresponding reference to the National Fire Prevention Code and shall read as follows:

The Fire Prevention Code of the National Fire Protection Association, NFPA No. 1, is amended and changed in the following respects:

Section 13-5.2.1 of Life Safety Code, Publication No. 101 (listed under Occupancy Protection, Annex A of NFPA No. 1) is amended to read:

All buildings over 35 feet in height shall be provided throughout with automatic sprinkler protection, fully electrically supervised and designed in accordance with Standard for Installation of Sprinklers (NFPA 13-1974. See especially Chapter 8); or shall be designed with a system that will provide equivalent life safety as permitted by the provisions of sections 1-3.7, 1-4.2.1 and 1-4.2.2. Building height shall be measured from the lowest level of fire department access to the floor of the highest occupiable story.

~~*Section 7-33.18.*~~ *R. Appendices.* The following appendices of the fire prevention code of the National Fire Protection Association, NFPA No. 1, are hereby included as part of Covington's Fire Prevention Code save and except those portions which are deleted, modified or amended by ~~section 18~~ section 18 of this ordinance [subsection ~~7-33.17~~ Q of this section]: Appendices A through L. The same are hereby adopted and incorporated as fully as if set out at length herein.

~~*Section 7-33.19. Fee Schedule.* The following fees shall be established for the permits, certificates, approvals, and other functions performed under this code and shall be payable to the fire prevention bureau. Such fees shall accompany each application for such permit, approval, certificates, or other fee-related code provision.~~

~~FEE SCHEDULE~~

~~Bonfires, per day ..... $50.00~~

~~Outdoor rubbish fires, per permit ..... 20.00~~

~~Contractor's burn permits, per inspection ..... 15.00~~
~~Combustible dust-producing operations, per inspection ..... 15.00~~
~~Compressed and liquefied gases, per inspection ..... 20.00~~
~~Explosive materials, per inspection ..... 20.00~~
~~Flammable and combustible liquids, per inspection ..... 20.00~~
~~Flammable finishing, per inspection ..... 20.00~~
~~Fireworks (pyrotechnic displays), per day ..... 37.50~~
~~Pyroxylin plastics (cellulose nitrate), per day ..... 25.00~~
~~Tank vehicles (flammable liquids), per inspection ..... 20.00~~
~~Tents, per inspection ..... 15.00~~
~~Welding, cutting and other hot works, per permit ..... 15.00~~
~~Temporary permits, per day ..... 15.00 and up~~
~~Consolidated permits ..... Total of all concerned~~

~~*Hazardous Materials and/or Operations*~~

~~Underground tank inspections (NFPA No.1), per inspection ..... 15.00~~
~~Blasting operations (NFPA No. 1), per day ..... 10.00~~
~~Certified copies of reports:~~
~~Picked up ..... 3.00~~
~~Mailed ..... 5.00~~
~~Exception to fee charges. No fees should be charged to:~~
~~(A) Premises owned by city, parish, state or federal government.~~
~~(B) Premises owned and occupied solely by and full time by charitable and/or nonprofit making organizations.~~
~~(C) All private residences consisting of four units or less.~~
~~*Dedication of funds.* All funds collected under this ordinance [article] shall be used toward improving and expanding the fire prevention bureau, (i.e., fire prevention, arson detection, prevention and prosecution), and education of public awareness in the important areas.~~

~~*Section 7-33.20.*~~ *S. Repeal of conflicts.* All formal ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance [article] or of the code hereby adopted are hereby repealed.

BE IT FURTHER ORDAINED that all other sections of Chapter 46 - Fire Prevention and Protection shall remain the same and in full force.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which

can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana, was then submitted to an official vote as a whole, the vote thereon being as follows:

MOVED FOR ADOPTION, as amended, by Coner, seconded by McMath.

YEAS: 6 **ABSENT:** 0

NAYS: 0 **ABSTAIN:** 0

PASSED AND ADOPTED this 12th day of December, 2017.

R.S. "SAM" O'KEEFE
COUNCIL PRESIDENT

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK

Presented to the Mayor on this 13th day of December, 2017, at 4:30 o'clock P.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK

Approved ✓ or Vetoed ___ by the Mayor on this 14th day of December, 2017.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on this 14th day of December, 2017, at 10:10 o'clock A.M.

Bonnie D. Champagne

BONNIE D. CHAMPAGNE
COUNCIL CLERK