

**AN ORDINANCE TO ~~REPEAL~~ THE FIRE PREVENTION CODE  
FOR THE CITY OF PRICHARD, ALABAMA**

**Sponsored by: MAYOR RON DAVIS**

An Ordinance of the City of Prichard adopting the 2003 Edition of the *International Fire Code* regulating and governing the safeguarding of Life and Property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 1889 adopted February 8, 2001, 1997 adoption of the Standard Fire Prevention Code, and the 1997 National Fire Code of the City of Prichard, and all other ordinances in conflict therewith.

**THE CITY COUNCIL OF PRICHARD, ALABAMA** does ordain as follows:

**SECTION ONE:**

That certain document, a copy of which is on file in the office of the City Clerk of the City of Prichard, Alabama, being marked and designated as the *International Fire Code*, 2003 Edition (as published by the International Code Council, Inc., and copyrighted in December, 2002), including Appendices B through G, inclusive, thereof, which is hereby incorporated by reference as a part of this Ordinance as though fully set forth herein, is hereby adopted as the "Fire Code of the City of Prichard" (sometimes hereinafter called "Fire Code"), regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of

hazardous substances, materials and devices, and from conditions hazardous to life or property in occupancy of buildings and premises as therein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code with the additions, insertions, deletions and changes, if any, prescribed in the following sections of this Ordinance.

## **SECTION TWO:**

Chapter 1, Section 102 of the Fire Code is hereby amended to read as follows:

**Section 102.6. Referenced Codes and Standards.** The Codes and Standards referenced in this Code shall be those that are listed in Chapter 45 and such Codes and Standards, as the same may be revised or amended from time to time, shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between the revisions of This Code and the referenced Standards, the provisions of this Code shall apply.

## **SECTION THREE:**

Section 103 of the Fire Code adopted is hereby amended to add the following:

**Section 103.1. Fire Department.** The person in charge shall be known in this Code as the Fire Official, who shall be called the Fire Chief of the City of Prichard, and who is charged with the implementation, administration and enforcement of the City of Prichard's Fire Code.

## **SECTION FOUR:**

There is hereby added to Section 105.4 of said Fire Code the following new section

105.4.7:

**105.4. Plan Review Fee.**

105.4.7.1. Standard Commercial Fee For each standard commercial construction project involving a set of drawings for a single story structure of less than 15,000 square feet, a plans review fee of \$85.00 will be charged. This fee will include the charge for reviewing one revised or corrected submittal (with clouded revisions). Any third submittal and any subsequent submittals on the same project shall be charged an additional \$85.00 each.

105.4.7.2. Other Commercial Fee. For each commercial construction project involving a set of drawings for a single story structure containing 15,000 square feet or more, multi-story structures, large assembly occupancies or shopping centers, the fee charged for reviewing said plans is \$170.00. This would include review of one revised or corrected submittal (with clouded revisions). Any third submittal and any subsequent submittals on the same project would be charged an additional \$85.00 each.

105.4.7.3. All commercial construction plans submitted for review shall be stamped and signed by an Alabama registered architect or engineer.

## **SECTION FIVE:**

Chapter 1, Section 105.6 of the Fire Code is hereby amended to read, in its entirety, as follows:

**105.6. Permits by Use.** The Fire Official is authorized to issue permits as set forth in Section 105.6.1 through 105.6.17.15, hereinbelow.

### **105.6.1. Automatic Fire Sprinkler Systems.**

105.6.1.1. No person shall install, modify or repair an Automatic Fire Sprinkler System without first obtaining a permit from the Bureau of Fire Prevention.

105.6.1.2. Any persons who installs Fire Sprinkler Systems (hereinafter called in this Section 105.6 "installer") must be certified by the State Fire Marshall's office and approved by the Fire Official on an annual basis renewable in January of each year.

105.6.1.3. Installer must have sprinkler plans approved by the Fire Official before commencing any part of the installation.

105.6.1.4. No company shall perform maintenance or testing on any fire sprinkler system unless a representative of said company is certified by the State Fire Marshal's office and approved by the Fire Official.

105.6.1.5. Upon final inspection, the NFPA Contractor's Material and Test Certificate for Aboveground Piping shall be properly completed and submitted to the Fire Official.

105.6.1.6. The Fire Official shall require certain operational tests upon final inspection.

105.6.1.7. The permit for each new installation, relocating or replacing twenty-five (25) or more sprinkler heads shall cost One Hundred Twenty-Five Dollars (\$125.00) plus One Dollar (\$1.00) for each sprinkler head installed, relocated or replaced. Buildings over three (3) stories in height shall require an additional Twenty-Five Dollars (\$25.00) per floor for every floor above the third floor.

105.6.1.8. Relocating, replacing or installing more than three (3) and fewer than twenty-five (25) sprinkler heads on an existing system requires a permit from the Bureau of Fire Prevention. The permit shall cost Eighty-Five Dollars (\$85.00).

105.6.1.9. Repairs to an existing sprinkler system require a permit. The permit to replace piping that affects more than three (3) sprinkler heads shall cost Eighty-Five Dollars (\$85.00).

#### **105.6.2. Underground Piping for Fire Protection Systems.**

105.6.2.1. Any person who installs underground piping for any fire protection system (hereinafter called in this Section 105.6.2. "installer") must be approved by the Fire Official on an annual basis renewable in January of each year.

105.6.2.2. No person shall install underground piping for any fire protection system without first obtaining a permit. The permit for each installation shall be Two Hundred Dollars (\$200.00).

105.6.2.3. Upon final inspection, the NFPA Contractor's Material and Test Certificate for Underground Piping shall be properly completed and submitted to the Fire Official.

105.6.2.4. The Fire Official shall require certain operational tests upon final inspection.

### **105.6.3. Standpipe Systems.**

105.6.3.1. Any person who installs a Standpipe System (hereinafter called in this Section 105.6.3. "installer") must be certified by the State Fire Marshal's office and approved by the Fire Official.

105.6.3.2. No person shall install a Standpipe System without first obtaining a permit from the Bureau of Fire Prevention. The permit for each installation shall be One Hundred Dollars (\$100.00) Plus Five Dollars (\$5.00) for each hose connection.

105.6.3.3. The Fire Official shall require certain operational tests upon final inspection.

### **105.6.4. Fire Pumps.**

105.6.4.1. Any person who installs, repairs or services fire pumps (hereinafter called in this Section 105.6.4. "installer") must be a licensed Alabama Sprinkler Contractor and be certified by the State Fire Marshal's office and approved by the Fire Official on an annual basis renewable in January of each year.

105.6.4.2. No person shall install or repair (i.e., repairs-anytime the pump itself is disassembled or parts of the pump controller panel are being removed or replaced, a new certification shall be required) a fire pump without first obtaining a permit from the Bureau of Fire Prevention. The permit for each installation or repair shall be One Hundred Dollars (\$100.00).

105.6.4.3. All testing of fire pumps shall comply with NFPA 25.

105.6.4.4. The Fire Official shall require certain operational tests upon final inspection.

#### **105.6.5. Servicing Fire Alarm Systems.**

105.6.5.1. No person shall engage in the business of servicing fire alarm systems without first being approved by the Fire Official on an annual basis renewable in January of each year.

105.6.5.2. No person shall be issued a permit to install, modify, repair, test or service fire alarm systems who does not possess a then-current manufacturer's certification of training from the manufacturer of the type equipment to be installed, modified, repaired, tested or serviced, or be certified by the National Institute of Certification in Engineering Technologies (NICET) fire alarm certified- minimum level II.

105.6.5.3. Owners of buildings may perform maintenance on their own systems as long as the individual who performs the system maintenance possess a then - current certificate of training issued by the manufacturer of that system's equipment or be NICET fire alarm certified- minimum level II.

105.6.5.4. The annual permit fee for servicing fire alarm systems shall be Two Hundred Dollars (\$200.00).

105.6.5.5. A service tag shall be required to be installed by the permitted alarm servicing individual or company at the control panel of each fire alarm system, stating the service company's name, address, phone number, name of the technician performing the service, date, and the type of service performed.

#### **105.6.6. Fire Alarm Systems Installation.**

105.6.6.1. Any person who installs a fire alarm system (hereafter called in this Section 105.6.6. "installer" ) must be approved by the Fire Official on an annual basis renewable in January of each year.

105.6.6.2. No person shall install, modify or repair a fire alarm system without having the plans approved by the Fire Official before commencing any part of the work. No person shall commence working on a fire alarm system without first obtaining a permit from the Bureau of Fire Prevention.

There is excepted from the requirements of this Section 105.6.6. installations in any building with single station detectors only.

105.6.6.3. Any person or entity who designs fire alarm systems must possess written evidence from the manufacturer of the equipment to be installed, certifying that the designer is qualified to design fire alarm systems or be National Institute of Certification in Engineering Technologies (NICET) fire alarm certified - minimum level III.

105.6.6.4. No permit shall be issued pursuant to this Code until after the qualified fire alarm system designer shall have submitted to the Bureau of Fire Prevention written evidence of said designer's responsibility for the supervision of the installation of the system to be installed.

105.6.6.5. Installer must possess written evidence from the manufacturer of the equipment to be installed, certifying that the installer is qualified to install such equipment or the installer must be NICET fire alarm certified - minimum level II.

105.6.6.6. Licensed electricians may pull wire, mount ancillary equipment, and connect the main power to the control panel after a permit has been issued; but no one other than a qualified fire alarm installer shall be allowed to make any other connections inside the control panel.

105.6.6.7. A certified fire sprinkler installer may install devices integral to the operation of the fire sprinkler system, but shall not make any connection to the fire alarm system.

105.6.6.8. Only the permitted fire alarm company that has been approved by the Bureau of Fire Prevention's Fire Official shall be authorized to certify a fire alarm system upon completion of the installation.

105.6.6.9. Upon final inspection, the NFPA Fire Alarm System Record of Completion form shall be properly submitted to the Fire Official and a fire alarm system test shall be performed in the presence of the Fire Official.

105.6.6.10. The replacement and/or relocation of a control panel constitutes an installation which requires a permit under this

Section 105.6.6.

105.6.6.11. The permit for each installation shall cost One Hundred Twenty-Five Dollars (\$125.00) plus One Dollar (\$1.00) for each notification device and / or initiating device installed. Buildings over three (3) stories in height shall require an additional Twenty-Five Dollars (\$25.00) per floor for every floor above the third floor. If relocating, replacing or installing twenty-five (25) or more devices, the above fee schedule applies.

105.6.6.12. Relocating, replacing or installing more than three (3) and less than twenty-five (25) notification and/or initiating devices on an existing system shall require a permit. The permit for the installation and/or relocation of more than three (3) and less than twenty-five (25) notification and/or initiating devices shall be Eighty-Five Dollars (\$85.00),

105.6.6.13. Repairs on an existing system shall require a permit.

105.6.6.13.1. Repairs affecting an existing system with more than three (3) and less than twenty - five (25) notification devices and/or initiating devices shall require a permit. The permit for the repairs on a system with more than three (3) and less than twenty-five (25) notification and / or initiating devices shall be Eighty-Five Dollars (\$85.00).

105.6.6.13.2. Repairs affecting an existing system with twenty - five (25) or more devices constitutes an installation requiring a permit. The permit for each installation shall cost One Hundred Twenty-Five Dollars (\$125.00) plus One Dollar (\$1.00) for each notification device and / or initiating device installed. Buildings over three (3) stories in height shall require an additional Twenty-Five Dollars (\$25.00) per floor for every floor above the third floor.

105.6.6.14. All fire alarm circuit disconnecting means shall have a red marking and shall be identified as "Fire Alarm".

105.6.6.15. All fire alarm wiring junction boxes shall have the cover painted red.

**105.6.7. Portable Fire Extinguisher Service.**

105.6.7.1. No person shall engage in the business of servicing portable fire extinguishers without first being approved by the Fire Official on an annual basis, renewable in January of each calendar year.

105.6.7.2. No person shall be issued a permit to service portable fire extinguishers who does not possess a then - current manufacturer's certification of training for servicing the type extinguisher being installed or serviced.

105.6.7.3. The technician who actually performs the work of servicing portable fire extinguishers shall sign and date the service tag verifying that all work was done in compliance with NFPA standards.

105.6.7.4. The annual permit for servicing portable fire extinguishers shall be Two Hundred Dollars (\$200.00).

#### **105.6.8. Servicing Fixed Fire Extinguishing Systems.**

105.6.8.1. No person shall engage in the business of servicing and/or installing fixed fire extinguishing systems without first being approved by the Bureau of Fire Prevention's Fire Official on an annual basis, renewable in January of each calendar year.

105.6.8.2. No person shall be issued a permit to service or install fixed fire extinguishing systems who does not possess a then-current manufacturer's certification of training for servicing and/or installing the type system to be serviced or installed.

105.6.8.3. The technician who actually performs the work of servicing fixed fire extinguishing systems shall sign and date the service tag verifying that all work was done in compliance with NFPA standards.

105.6.8.4. The annual permit to service fixed fire extinguishing systems shall be Two Hundred Dollars (\$200.00).

#### **105.6.9. Fixed Fire Extinguishing Systems Installation.**

105.6.9.1. No person shall be issued a permit to install a fixed fire extinguishing system who does not possess a then-current

manufacturer's certification of training for installation of the type system to be installed.

105.6.9.2. No person shall install a fixed fire extinguishing system without first having plans approved and obtaining a permit from the Bureau of Fire Prevention.

105.6.9.3. The permit for each system installed shall cost One Hundred Twenty-Five Dollars (\$125.00).

105.6.9.4. The Fire Official shall require certain operational tests upon final inspection.

**105.6.10 Installation of Stationary Aboveground Flammable or Combustible Liquid Storage Tanks (AST).**

105.6.10.1. No person shall install any stationary aboveground flammable or combustible liquid storage tank without first obtaining a permit from the Bureau of Fire Prevention.

105.6.10.2. No person shall be issued a permit until plans showing the complete fueling system have been submitted to the Fire Official for approval. Plans should include the relationship of the AST to the property lines, buildings, public ways, other tanks, and to the dispenser. The plans also shall show and list all the safety devices to be installed on the tank.

105.6.10.3. The installation shall follow recognized industry standards for aboveground tanks and the requirements of NFPA 30 and NFPA 30A.

105.6.10.4. The permit fee for each new installation of an aboveground flammable or combustible liquid storage tank to be Installed is Fifty Dollars (\$50.00).

**105.6.11. Installation of Underground Flammable or Combustible Liquid Storage Tanks.**

105.6.11.1. No person shall install any underground flammable or combustible liquid storage tank without first obtaining a permit from the Bureau of Fire Prevention.

105.6.11.2. Any person who installs underground flammable or combustible liquid storage tanks ( hereinafter called in this Section 105.6.12. "installer" ) shall call for an inspection prior to covering the tank or piping.

105.6.11.3. Installer shall call for a final inspection after completing the installation. The Fire Official shall require certain operational tests upon final inspection.

105.6.11.4. All underground flammable or combustible liquid tanks shall be properly equipped with approved tie-downs to prevent the tank from floating up.

105.6.11.5. The permit fee for each tank to be installed is Two Hundred Fifty Dollars (\$250.00).

**105.6.12. Aboveground Storage Tanks (AST) for Flammable or Combustible Liquids in Excess of 60 Gallons.**

105.6.12.1. An annual permit for all aboveground flammable or combustible liquids storage tanks (AST), whether called portable or stationary, is required. The installation shall follow recognized industry standards for aboveground tanks and the requirements of NFPA 30 and NFPA 30A.

105.6.12.1.1. Gasoline. An AST in excess of 60 gallons and less than 1,000 gallons capacity must also meet the following requirements:

- tank must be listed for aboveground use;
- 110/120 volt AC or 12 volt DC, UL approved explosive-proof dispenser may be mounted directly into bung opening of tank;
- tank location shall be in accordance with NFPA 30A;
- tank must be equipped with normal venting and shall not terminate under an eave or roof. Vent must termination 12 foot above grade;
- tank must be equipped with an emergency relief vent;
- tank must be safeguarded against vandalism, collision, spillage, and overfill;
- the product name "GASOLINE- NO SMOKING IN AREA-STOP MOTOR" shall be posted on tank or dike wall;

- contents shall not be dispensed by gravity and means shall be provided to prevent the release of liquid by siphon flow;
- all piping shall be protected from physical damage.

105.6.12.1.2. Diesel. An AST in excess of 60 gallons and less than 1,000 gallons capacity must also must also meet the following requirements:

- tank must be listed for aboveground use;
- 110/120 volt AC or 12 volt DC, UL approved explosive-proof dispenser may be mounted directly into bung opening of tank;
- tank location- minimum distance to property line that may or can be built upon 15 feet, public way 5 feet, important building 5 feet;
- tank must be equipped with normal venting;
- tank must be equipped with an emergency relief vent;
- tank must be safeguarded against vandalism, collision, spillage, and overfill;
- the product name "DIESEL- NO SMOKING IN AREA- STOP MOTOR" shall be posted on tank or dike wall;
- contents shall not be dispensed by gravity and means shall be provided to prevent the release of liquid by siphon flow;
- all piping shall be protected from physical damage.

\*\*\*Exception: Tanks used for storage of Class IIIB combustible liquids (crankcase draining).

105.6.12.2. It shall be unlawful for anyone to fill or dispense from a flammable or combustible liquids storage tank that does not have displayed a then - current annual inspection sticker from the Bureau of Fire Prevention.

105.6.12.3. The annual permit fee for such tanks shall be as follows:

Storage tank capacity.

| Minimum (gallons) | Maximum (gallons) | Permit Amount |
|-------------------|-------------------|---------------|
| 60                | 1,000             | \$75.00       |
| 1,001             | 6,000             | \$115.00      |

| Minimum (gallons) | Maximum (gallons) | Permit Amount |
|-------------------|-------------------|---------------|
| 6,001             | 12,000            | \$150.00      |
| 12,001            | 50,000            | \$200.00      |
| Over 50,000       |                   | \$250.00      |

**105.6.13. Decommissioning of Flammable or Combustible Liquid Storage Tanks.**

105.6.13.1. No person shall decommission any flammable or combustible liquid storage tank without first obtaining a permit from the Bureau of Fire Prevention.

105.6.13.2. The fee for each permit shall be One Hundred Dollars (\$100.00). A permit is required for each tank.

105.6.13.3. The Fire Official shall require verification of inerting and a written statement of method used prior to issuing a permit.

**105.6.14. Open Burning.**

105.6.14.1. In order to promote public health, safety, and welfare, no person shall be permitted to kindle or maintain any **bonfire**, or to authorize any such fire to be kindled or maintained, except by obtaining a permit from the Bureau of Fire Prevention's Fire Official.

\*\*\*Exception: Recreational fire (as defined in Section 302).

105.6.14.2. In order to promote public health, safety and welfare, no person shall be permitted to kindle or maintain any **rubbish fire**, or to authorize any such fire to be kindled or maintained, except by obtaining a permit from the Fire Official. The fee for each burn permit shall be Five Hundred Dollars (\$500.00).

105.6.14.3. Any person who applies for a burn permit from the Bureau of Fire Prevention must possess a City of Prichard business license and liability insurance. No burn permit shall be

issued to anyone who has not produced written evidence of a liability insurance policy in the amount of not less than One Million Dollars (\$1,000,000.00) which such policy shall list the City of Prichard as being additionally insured and the Bureau of Fire Prevention as the certificate holder.

\*\*\*Exception: Property owner shall not be required to have a business license but shall be required to have the liability insurance coverage as above.

#### **105.6.15. Special Amusement Event.**

105.6.15.1. A permit shall be required to operate a special amusement event and shall apply to any temporary operations such as Haunted Houses, Ghost Walks, or other similar operations where combustible decorative material, confusing sounds and/or visual effects are present.

105.6.15.2. Any person who applies for a special amusement permit from the Bureau of Fire Prevention must possess a City of Prichard business license and liability insurance. No permit shall be issued to anyone who has not produced written evidence of a liability insurance policy in the amount of not less than One Million Dollars (\$1,000,000.00) which such policy shall list the Bureau of Fire Prevention as certificate holder and the City of Prichard as being additionally insured.

105.6.15.3. Any person who applies for a special amusement permit shall submit a written emergency planning and preparedness plan. This plan shall address the issues in Chapter 4 of the International Fire Code.

105.6.15.4. The cost for a special amusement building permit shall be Fifty Dollars (\$50.00) unless otherwise stated therein, each such special amusement building permit shall expire on the thirty-first (31<sup>st</sup>) calendar day after the date of issuance of the same.

105.6.15.5. The Fire Official shall require certain operational tests upon final inspection prior to opening.

#### **105.6.16. General Requirements.**

105.6.16.1. No permit shall be issued to any individual or company who does not possess a then - current City of Prichard business license related to the area of operation or business to be so permitted.

105.6.16.2. No permit shall be issued to any individual or company who does not possess a then - current Certificate of Liability Insurance in the amount of One Million Dollars (\$1,000,000.00) and list the City of Prichard Bureau of Fire Prevention as the certificate holder. Sprinkler contractors shall also have Errors & Omissions and /or Professional Liability Coverage Endorsement on the insurance certificate.

105.6.16.3. It shall be required that a copy of all annual or semi-annual inspection reports be submitted to the Bureau of Fire Prevention with any and all deficiencies clearly noted.

105.6.16.4. No person or company shall be issued a permit under this Code until such time as they show proof of then- current certification of training and be approved by the Fire Official.

105.6.16.5. Violation/Penalties. Where work for which a permit is required by this Code commences prior to obtaining said permit, the permit fee herein specified shall be doubled.

105.6.16.6. Re-Inspection fee(s). A fee of Fifty Dollars (\$50.00) shall be paid for each re-inspection requested or required.

105.6.16.7. Each letter of inspection or copy of an official inspection report shall cost Fifty Dollars (\$50.00).

105.6.16.8. Emergency Repairs. Where equipment replacement and/or repairs must be performed in an emergency situation, the permit application shall be submitted within the next business day at the Fire Official's office.

105.6.16.9. Weekend and emergency inspections shall cost \$50.00 for the first (1<sup>st</sup>) hour and \$25.00 for each additional hour.

105.6.16.10. Prichard Fire - Rescue Department, Bureau of Fire Prevention mailing address is 303 W. Turner Rd. Prichard, Alabama 36610.

105.6.16.11. Payment. All checks and money orders shall be made out to the Prichard Fire-Rescue Department.

105.6.16.12. In addition to all other fees or charges specified herein above in this Ordinance, the fee for each permit issued pursuant to this Section shall be increased by One Dollar (\$1.00) processing fee. This fee to be collected to purchase updated computers and software for the Bureau of Fire Prevention.

105.6.16.13. All installation permits shall automatically expire 180 days from the date of issuance.

105.6.16.14. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.6.16.15. All private fire hydrants shall be color-coded in accordance with NFPA 291 Guidelines, with these additional requirements:

- Marking on private hydrants- they shall be painted light gray, and all discharge caps shall be painted according to the Class-rated capacity of the hydrant to distinguish them from public hydrants.
- All private hydrants shall have a control valve located and clearly marked near the hydrant.
- A blue marker shall be placed in the street for rapid identification at night.

105.6.16.16. A copy of the permit and approved plans shall be on the job site.

## **SECTION SIX:**

Chapter 1, Section 108 of the Fire Code is hereby amended to read, in its entirety, as follows:

**108.1. Board of Appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the Fire Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals composed of the five (5) members to be appointed by the Mayor. The Fire Official shall be an ex officio member of said Board but

shall have no vote on any matter before the Board. The Board may adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Official.

**108.2. Limitations on authority.** An application for appeal shall be based on a claim that the intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent method of protection or safety is proposed. The Board shall have no authority to waive any requirements of this Code.

### **108.3. Appeals**

**108.3.1. General.** Whenever it is claimed that the provisions of this Code do not apply, or when the Fire Official shall reject an alternate material method of construction, or when it is claimed that the true intent and meaning of this Code or any of the regulations hereunder has been misconstrued or incorrectly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decision of the Fire Official to the Board of Appeals. Notice of such appeal shall be in writing and filed within fifteen (15) days after the decision is rendered by the Fire Official. Appeals shall be on forms provided by the Fire Official. Notice of appeal shall be filed with both the office of the City Clerk and with the Fire Chief of the City of Prichard.

**108.3.2. Unsafe or Dangerous Building.** In case of a building, structure or operation which, in the opinion of the Fire Official, is unsafe or dangerous, the Fire Official may, in his order, limit the time for such appeal to a shorter period.

**108.3.3. Variances.** Every decision of the Board of Appeals shall be final, subject, however, to such remedy as an aggrieved party may have at law or in equity. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision of the Board of Appeals shall be properly filed in the office of the City Clerk and shall be open to public inspection; a copy shall be sent to the Fire Chief of the City of Prichard, a copy shall be sent to the appellant by U.S. Certified Mail, return receipt requested, at the address provided for the appellant in said appellant's notice of appeal; and a copy shall be kept publicly posted in the office of the City

Clerk for a period of two (2) weeks after the filing.

**108.3.4. Action.** The Board of Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.

**108.3.5. Decision is Final.** If a decision of the Board of Appeals reverses or modifies a refusal, order or disallowance of the Fire Official, or varies the application of any provision of this Code, the Fire Official shall immediately take action in accordance with such decision.

## **SECTION SEVEN:**

Chapter 1, Section 109 of the Fire Code is hereby amended to read as follows:

**109.3. Violation Penalties.** Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor offense against the City, punishable by a fine of not more than Five Hundred Dollars (\$500.00), or imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after Due notice has been served shall be deemed a separate offense.

## **SECTION EIGHT:**

Chapter 22, Section 2204.3 of the Fire Code is hereby amended to read, in its entirety, as follows:

**2204.3. Unattended Self - Service Motor Fuel Dispensing Facilities.** Unattended self - service motor fuel dispensing facilities that are open to the public shall not be allowed.

## **SECTION NINE:**

This Ordinance shall be in full force and effect on and after the 3rd day of January, 200<sup>8</sup>~~7~~, and all ordinances heretofore adopted by the City of Prichard in conflict herewith are hereby repealed.

**SECTION TEN:**

If any section, sentence, paragraph, clause, phrase or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or declaration shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the City Council of the City of Prichard to pass this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance shall be deemed and held to be valid as if such part of parts had not been included therein.

**SECTION ELEVEN:**

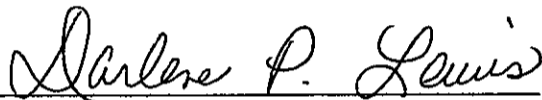
A copy of this Ordinance shall be published pursuant and according to law, after its adoption, but it shall not be necessary for the said *International Fire Code* to be published in a newspaper, nor shall the same be spread at length upon the minutes of this Council, but this Ordinance shall be recorded in the Minutes.

ADOPTED this the 3rd day of January, 2008.

APPROVED:

  
\_\_\_\_\_  
RONALD K. DAVIS, Mayor

ATTEST:

  
\_\_\_\_\_  
DARLENE PALMER-LEWIS, City Clerk