

Councilman J. V. Cochran introduced the following Ordinance and asked for unanimous consent for immediate consideration of same:

ORDINANCE NO. 1059

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND PROVIDING FOR THE ENFORCEMENT THEREOF AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS.

Be it ordained by the City Council of the City of Prichard, Alabama, as follows:

Section 1. Adoption of Fire Prevention Code.

There is hereby adopted by the City Council of the City of Prichard, Alabama, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1960 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the City of Prichard, Alabama, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Prichard, Alabama, and its police jurisdiction.

Section 2. Duties of Enforcing Officer

a. The Fire Prevention Code shall be enforced by the Chief of the Fire Department of the City of Prichard.

b. The Chief of the Fire Department may designate such members of the Fire Department as Marshalls or Inspectors as shall from time to time be necessary to the enforcement hereof.

c. The Chief of the Fire Department shall have the authority to establish within the Fire Department a detail or

bureau to be known as the Bureau of Fire Prevention, which shall be operated under the supervision of the Chief of the Fire Department. 119

Section 3. Definitions.

a. Wherever the word "Municipality" is used in the Fire Prevention Code, it shall mean the City of Prichard, Alabama.

b. Wherever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall mean the City Attorney of the City of Prichard, Alabama.

Section 4. Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Above-ground Tanks is to be Prohibited.

a. The limits referred to in section 16.22a of the Fire Prevention Code in which storage of flammable liquids in outside above-ground tanks is prohibited, are hereby established as follows: Storage of such flammable liquids shall be prohibited in all areas of the City of Prichard except those areas zoned E-3, M-1, and M-2, and shall be prohibited in those areas zoned E-3, M-1, and M-2, in the areas thereof which shall be congested by mercantile establishments or residences.

b. The limits referred to in section 16.51 of the Fire Prevention Code, in which new bulk plants for flammable liquids are prohibited, are hereby established as follows: Such bulk plants shall be prohibited in all areas of the City of Prichard except in areas zoned M-2, and shall be prohibited in areas zoned M-2 in the areas thereof which shall be congested by mercantile establishments, warehouses or residences.

Section 5. Establishments of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

The limits referred to in section 21.6a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows: Such bulk plants shall be prohibited in the City of Prichard except in areas zoned M-2, and shall be prohibited in areas zoned M-2 in the areas thereof which shall be congested by mercantile establishments, warehouses or residences.

Section 6. Establishments of Limits of Districts in which Storage of Explosives and Blasting Agents is to be prohibited.

The limits referred to in section 12.6b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: Such bulk plants shall be prohibited in the City of Prichard except in areas zoned M-2, and shall be prohibited in areas zoned M-2 in the areas thereof which shall be congested by mercantile establishments, warehouses or residences.

Section 7. Modification.

The Chief of the Fire Department shall have power to

modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 8. Appeals.

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 do 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 of the City of Prichard within 30 days from the date of the decision appealed.

Section 9. New Materials, Processes or Occupancies which may Require Permits.

The Building Inspector, the Electrical Inspector and the Chief of the Fire Department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The Chief of the Fire Department shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Section 10. Penalties.

a. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit 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 Chief of the Fire Department, the City Council, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$10.00 nor more than \$100.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. 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; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 11. Repeal of Conflicting Ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

Section 12. Validity.

The City Council hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 13. Date of Effect.

This ordinance shall take effect and be in force from and after its approval and publication as required by law.

Adopted this the 7th day of February, 1966.

APPROVED:

E. C. Lapp
MAYOR

ATTEST:

Rebecca H. Cantam
CITY CLERK

On a yeas and nay vote the following voted yeas:

Council President, Everette L. Turner
J. V. Cochran
E. G. Sansom
W. J. Rodgers
Alford W. Turner

The following voted nay: None.

Motion by Councilman J. V. Cochran and seconded by Councilman Alford W. Turner that the foregoing Ordinance be adopted as read and set out above.

On a yeas and nay vote the following voted yeas:

Council President, Everette L. Turner

J. V. Cochran
E. G. Sansom
W. J. Rodgers
Alford W. Turner

The following voted nay: None.

The Ordinance was declared adopted.

Rebecca H. Cantam, Clerk

Everette L. Turner
President of the Council

