

ORDINANCE NO. 2011-06

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA, CHAPTER 11. FIRE PREVENTION, SECTIONS 11.1 THROUGH 11.14.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Phenix City, Alabama that the Code of Ordinances of the City of Phenix City, Alabama, Chapter 11. Fire Prevention, Sections 11.1 through 11.14 are hereby amended to read as set out below:

Sec.11-1. Oath of Office

I, _____, do hereby promise to uphold and support the Code, Ordinances and Laws of this City, State, and Nation and to protect those with whose safety I am charged from the ravages of fire and disaster. I will obey the orders of those appointed over me and will always be considerate to those who I am charged to supervise. I will endeavor always to be mindful of the long tradition of honorable service and willful risk of one's life to protect others.

Sec 11-2. Appointment and Authority of Fire Chief

The fire chief shall be appointed by the city manager and shall be responsible for the overall management of the Phenix City Fire Rescue Services. The fire chief shall have the authority to appoint an assistant chief, training chief, training captains, fire marshal, fire prevention captains as well as any other administrative staff.

Sec. 11-3. 2006 International Fire Code.

The 2006 International Fire Code was adopted by reference on February 5, 2008 with exception of Section D 107.

Sec. 11-4. Definitions.

- (a) Wherever the term "authority having jurisdiction" is used in the 2006 International Fire Code, it shall mean the Fire Chief of Phenix City Fire / Rescue Services.
- (b) Wherever the term "legal representative of the jurisdiction" is used in the 2006 International Fire Code, it shall be held to mean the attorney for the City of Phenix City Alabama.

Sec. 11-5. Establishment and duties of the Fire Prevention Division.

- (a) The 2006 International Fire Code shall be enforced by the Fire Prevention Division (previously established) of the Phenix City Fire Rescue / Services and shall operate under the supervision of the Chief of the Phenix City Fire / Rescue Services.

- (b) The 2006 International Fire Code shall be amended / modified as follows:
- 103.1 Fire Prevention Department shall mean Fire Prevention Division throughout.
 - 103.2 Fire Code Official shall mean Fire Marshal throughout.
 - 103.3 Appointing authority shall mean Fire Chief throughout.

(c) The Fire Marshal shall be appointed by the Fire Chief. His / Her appointment shall continue during good behavior and satisfactory service, and he / she shall not be removed from office except for just cause as determined by the Fire Chief.

(d) A report of the Fire Prevention Division shall be made annually and submitted to the Fire Chief. The report shall contain all information and statistics requested by the Fire Chief. The Fire Chief shall also recommend any amendments / modifications to the 2006 International Fire Code as his / her opinions are needed.

Sec. 11-6. Board of Appeals.

Section 108 of the 2006 International Fire Code is amended modified as follows:

Whenever the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the 2006 International Fire Code do not apply or that the true intent and meaning of the 2006 International Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal the Fire Marshal's decision / interpretation to the Board of Adjustment of the City of Phenix City of Phenix City, Alabama within fifteen (15) days from the date of the decision / interpretation rendered.

Sec. 11-7. Parking in prohibited areas generally.

No person shall park a motor vehicle in any designated area when said prohibited area is properly marked with yellow paint.

(Reference: Article IV: Stopping, Standing, and Parking Sec. 66-91 Traffic and Vehicles)

Sec. 11-8. Fireworks prohibited.

It shall be unlawful to possess, have in possession, sell, dispose of, give away, or otherwise dispose of, or explode fireworks within the corporate limits or police jurisdiction of the city.

Sec. 11-9. Following or parking near apparatus.

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp and audible signal as is required by law, the driver of every other vehicle shall immediately drive to a position parallel to, and as close as

possible to, the right-hand edge or curb of the roadway clear of any intersection and stop and remain in such a position until the authorized emergency vehicle has passed, except within otherwise directed by a police officer.

- (b) It shall be unlawful for the driver of any vehicle, except when traveling on official business relative to the emergency, to follow an authorized emergency vehicle answering an emergency call closer than 500 feet.
- (c) Violations of this section shall be punishable as provided in Section 32-5-312 of the Code of Alabama 1975.

Sec. 11-10. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without consent of the fire department official or police officer in command.

(Reference: Section 32-5A-59 of the Code of Alabama 1975).

Sec. 11-11. Rendering a false alarm.

- (a) A person commits the crime of rendering a false alarm if he / she knowingly causes a false alarm of fire or other emergency involving danger to person or property to be transmitted to or within an official or volunteer fire department or any other governmental agency or to be transmitted to or within a hospital or nursing home or any building housing handicapped or immobile people.
- (b) Rendering a false alarm except a false alarm concerning a hospital or nursing home or other building housing handicapped or immobile people to or within an official or volunteer fire department or any other governmental agency is a Class A misdemeanor. Rendering a false alarm concerning or to or within a hospital or nursing home or any building housing handicapped or immobile people shall be a Class C felony.

(Reference: Section 13A-10-8 of the Code of Alabama 1975).

Sec. 11-12. Falsely reporting an incident.

- (a) A person commits the crime of falsely reporting an incident if with knowledge that the information reported, conveyed, or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, bomb, explosion, crime catastrophe, or emergency under circumstances in which it is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm.

(b) Falsely reporting an incident is a Class A misdemeanor except that falsely reporting an incident of a bomb or explosion is a class C felony.

(Reference: Section 13A-11-11 of the Code of Alabama 1975).

Sec. 11-13. Fire Hydrants.

All fire hydrants shall be of three-way design with a least one four-inch or larger discharge and all discharges shall be fitted with NST threads. The location and number of fire hydrants shall be designated by the fire code official, but in no case shall the distance between installed fire hydrants exceed five hundred feet for residential construction.

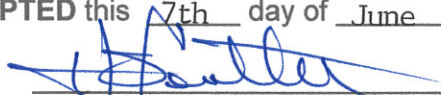
Sec. 11-14. Violation penalties of the code.

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 marshal, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety days (90), or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

This ordinance shall take effect 60 days after passage. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

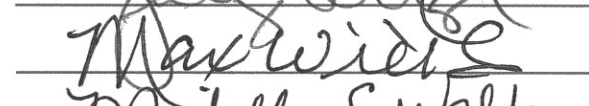
If any part of this ordinance is declared unconstitutional, it should not automatically void the remaining sections.

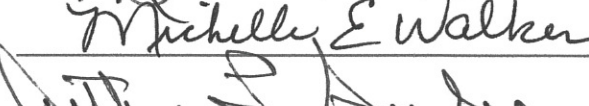
PASSED, APPROVED AND ADOPTED this 7th day of June, 2011.



MAYOR



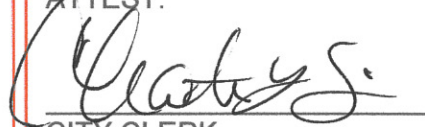






MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

ATTEST:



CITY CLERK