FIRST READING April 12, 2016

PASSED April 19, 2016

AN ORDINANCE NO. 2016-04-19(b)

AN ORDINANCE TO AMEND THE BLUE RIDGE CODE OF ORDINANCES; BEING AN ORDINANCE TO AMEND THE ORDINANCE ADOPTING CERTAIN TECHNICAL BUILDING CODES AND AS TO WHICH THE CITY OF BLUE RIDGE, GEORGIA HAS ELECTED TO ENFORCE; TO ESTABLISH THE LEGISLATIVE FINDINGS OF THE CITY COUNCIL OF THE CITY OF BLUE RIDGE THAT DEMONSTRATE A NEED FOR A FIRE DISTRICT; TO ESTABLISH A FIRE DISTRICT WITHIN THE CITY OF BLUE RIDGE; TO ESTABLISH A MAP OF SAID FIRE DISTRICT; TO PROVIDE FOR CERTAIN BUILDING RESTRICTIONS WITHIN THE FIRE DISTRICT; TO PROVIDE CERTAIN EXCEPTIONS TO THE BUILDING RESTRICTIONS; TO PROVIDE WHEN THE FIRE DISTRICT PROVISIONS ARE APPLICABLE TO EXISTING BUILDINGS OR TO NEW BUILDINGS WITHIN THE FIRE DISTRICT; TO PROVIDE WHEN THE FIRE DISTRICT RESTRICTIONS ARE APPLICABLE TO BUILDINGS LOCATED PARTIALLY WITHIN THE FIRE DISTRICT; TO PROVIDE FOR OTHER EXCEPTIONS TO THE RESTRICTIONS WITHIN THE FIRE DISTRICT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Blue Ridge, Georgia, on November 1, 2005 adopted certain standard codes and technical regulations, elected to enforce said codes, and adopted certain administrative procedures as to said codes;

WHEREAS, based upon the legislative findings of the City Council of the City of Blue Ridge, as shown within this ordinance, the City Council finds that it is appropriate to establish a fire district within the City of Blue Ridge, Georgia due to the access to the buildings in the

downtown area being hindered by a narrow street network that negatively impacts access by emergency vehicles, and other factors as outlined within this ordinance; and

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1. AMENDMENT TO THE CODE OF THE CITY OF BLUE RIDGE REGARDING BUILDING REGULATIONS.

This ordinance shall amend the Building Code Ordinance and all ordinances which deal with standards for construction of buildings and structures within the City of Blue Ridge, Georgia, and shall amend Chapter 150 of the Blue Ridge Code of Ordinances, and adding in their entirety new Sections 150.30, et seq. which shall read as follows:

Section 150.30. Legislative Findings.

After review of the International Building Code, and the local climatic, geologic, topographic, and public safety factors concerning the downtown area of the City of Blue Ridge, Georgia, the City Council makes the legislative determination that it is in the best interest of the public welfare and safety of the City, that a fire district area be established for the downtown area of the City of Blue Ridge, Georgia. The International Building Code, within Appendix D of said code, provides that it is optional for the governing authority to adopt the fire district provisions of Appendix D [being essentially the provisions of this ordinance], but the City Council makes the legislative findings and determination that a fire district is appropriate for the downtown area due to the following factors:

(1) Blue Ridge, due to its geologic location and local climate, is more subject to ice and snow events than most of the State of Georgia;

(2) Blue Ridge is subject to earthquakes, and the density of development of the downtown area would call for greater fire protection;

(3) The topography of the downtown district is such that firefighting abilities are

hampered by the slope of the natural terrain;

(4) The access to the buildings in the downtown area is hindered by a narrow street network that negatively impacts access by emergency vehicles;

(5) The proximity of the buildings in the downtown area to overhead power lines makes access to the buildings from the street by laddering a safety hazard;

(6) And the City's Zoning Ordinance allows buildings within the downtown area to be constructed with no sideline setback.

Due to these legislative findings, the City of Blue Ridge, Georgia, by and through its City Council, finds that it is appropriate to create a fire district for the downtown area, and as provided hereinafter.

Section 150.31. General.

Section 150.31.1. Scope. The fire district shall include such territory or area as outlined in this ordinance. Whenever, in such ordinance creating and establishing a fire district, reference is made to the fire district, it shall be construed to mean the fire district designated and referred to in this ordinance.

Section 150.31.1.1. Mapping. The fire district complying with the provisions of Section 150.31.1 shall be shown on a map that shall be available to the public. This map can be that portion of the City of Blue Ridge Zoning Map and which designates the Central Business District (CBD) area of the City under said zoning map.

Section 150.31.2. Establishment of area. For the purpose of this code, the fire district shall include that territory or area as described on the City of Blue Ridge Zoning Map as CBD.

Section 150.32. Building Restrictions.

Section 150.32.1. Types of construction permitted. Within the fire district every building hereafter erected shall be either Type I, II, III or IV as designated by the International Building Code, except as permitted in Section 150.34.

Section 150.32.2. Other specific requirements.

Section 150.32.2.1. Exterior walls. Exterior walls of buildings located in the fire district shall comply with the requirements in Table 601 within the International Building Code except as required in Section 150.32.2.6.

Section 150.32.2.2. Group H prohibited. Group H occupancies as described within the International Building Code shall be prohibited from location within the fire district.

Section 150.32.2.3. Construction type. Every building shall be constructed as required based on the type of construction indicated in Chapter 6 of the International Building Code.

Section 150.32.2.4. Roof covering. Roof covering in the fire district shall conform to the requirements of Class A or B roof coverings as defined in Section 1505 of the International Building Code.

Section 150.32.2.5. Structural fire rating. Walls, floors, roofs and their supporting structural members shall be a minimum of 1-hour fire-resistance-rated construction.

Exceptions:

1. Buildings of Type IV construction.
2. Buildings equipped throughout with an *automatic*

sprinkler system in accordance with Section 903.3.1.1. of the International Building Code.

3. Automobile parking structures.

4. Buildings surrounded on all sides by a permanently open space of not less than 30 feet (9144 mm).

5. Partitions complying with Section 603.1, Item 10 of the International Building Code.

Section 150.32.2.6. Exterior walls. Exterior load-bearing walls of Type II buildings shall have a *fire-resistance rating* of 2 hours or more where such walls are located within 30 feet (9144 mm) of a common property line or an assumed property line. Exterior nonload-bearing walls of Type II building located within 30 feet (9144 mm) of a common property line or an assumed property line shall have fire resistance ratings as required by Table 601, but not less than 1 hour. Exterior walls located more than 30 feet (9144 mm) from a common property line or an assumed property line shall comply with Table 601.

Exception: In the case of one-story buildings that are 2,000 square feet (186 m^2) or less in area, exterior walls located more than 15 feet (4572 mm) from a common property line or an assumed property line need only comply with Table 601.

Section 150.32.2.7. Architectural trim. Architectural *trim* on buildings located in the fire district shall be constructed of *approved* noncombustible materials or *fire-retardant-treated wood.*

Section 150.32.2.8. Permanent canopies. Permanent canopies over private property are permitted to extend over adjacent open spaces provided all of the following are met:

1. The canopy and its supports shall be of noncombustible material, *fire-retardant-treated wood*, Type IV construction or of 1-hour fire-resistance-rated construction.

Exception: Any textile covering for the canopy shall be flame resistant as determined by tests conducted in accordance with NFPA 701 after both accelerated water leaching and accelerated weathering.

2. Any canopy covering, other than textiles, shall have a *flame spread index* not greater than 25 when tested in accordance with ASTM E 84 or UL 723 in the form intended for use.

3. The canopy shall have at least one long side open.

4. The maximum horizontal width of the canopy shall not exceed 15 feet (4572 mm).

5. The *fire resistance of exterior walls* shall not be reduced.

Section 150.32.2.9. Roof structures. Structures, except aerial supports 12 feet (3658 mm) high or less, flagpoles, water tanks and cooling towers, placed above the roof of any building within the fire district shall be noncombustible material and shall be supported by construction of noncombustible material.

Section 150.32.2.10. Plastic signs. The use of plastics complying with Section 2611 of the International Building Code for signs is permitted provided the structure of the sign in which the plastic is mounted or installed is noncombustible.

Section 150.32.2.11. Plastic veneer. Exterior plastic veneer is not permitted in the fire district.

Section 150.33. Changes to Buildings.

Section 150.33.1. Existing buildings within the fire district. An existing building shall not hereafter be increased in height or area unless it is of a type of construction permitted for new buildings within the fire district or is altered to comply with the requirements for such type of construction. Nor shall any existing building be hereafter extended on any side, nor square footage or floors added within the existing building unless such modifications are of a type of construction permitted for new buildings within the fire district.

Section 150.33.2. Other alterations. Nothing in Section 150.33.1 shall prohibit other alterations within the fire district provided there is no change of occupancy that is otherwise prohibited and the fire hazard is not increased by such *alteration*.

Section 150.33.3. Moving buildings. Buildings shall not hereafter be moved into the fire district or to another lot in the fire district unless the building is of a type of construction permitted in the fire district.

Section 150.34. Buildings Located Partially in the Fire District.

Section 150.34.1. General. Any building located partially in the fire district shall be of a type of construction required for the fire district, unless the major portion of such building lies outside of the fire district and no part is more than 10 feet (3048 mm) inside the boundaries of the fire district.

Section 150.35. Exceptions to Restrictions to Fire District.

Section 150.35.1. General. The preceding provisions of this ordinance shall not apply in the following instances:

1. Temporary buildings used in connection with duly authorized

construction.

2. A private garage used exclusively as such, not more than one *story* in height, nor more than 650 square feet (60 m^2) in area, located on the same lot with a *dwelling*.

3. Fences not over 8 feet (2438 mm) high.

4. Coal tipples, material bins and trestles of Type IV construction.

5. Water tanks and cooling towers conforming to Sections 1509.3 and 1509.4 of the International Building Code.

6. Greenhouses less than 15 feet (4572 mm) high.

7. Porches on dwellings not over one *story* in height, and not over 10 feet (3048 mm) wide from the face of the building, provided such porch does not come within 5 feet (1524 mm) of any property line.

8. Sheds open on a long side not over 15 feet (4572 mm) high and 500 square feet (46 m^2) in area.

9. One- and two-family *dwellings* where a type of construction not permitted in the fire district can be extended 25 percent of the floor area existing at the time of inclusion in the fire district by any type of construction permitted by the International Building Code.

10. Wood decks less than 600 square feet (56 m^2) where constructed of 2-inch (51 mm) nominal wood, pressure treated for exterior use.

11. Wood veneers on *exterior walls* conforming to Section 1405.5 of the International Building Code.

12. Exterior plastic veneer complying with Section 2605.2 of the International Building Code where installed on exterior walls required to have a *fire-resistance*

rating not less than 1 hour, provided the exterior plastic veneer does not exhibit sustained flaming as defined in NFPA 268.

SECTION 150.36. REFERENCED STANDARDS.

Section 150.36.1. General. The standards within the fire district are based upon the following references:

ASTM E 84-04	Test Method for Surface Burning Characteristics of Building Materials	Section 150.32.2.8
NFPA 268-01	Test Method for Determining Ignitability of Exterior Wall Assemblies Using a Radiant Heat Energy Source	Section 150.35.1
NFPA 701-99	Methods of Fire Tests for Flame-Propagation of Textiles and Films	Section 150.32.2.8
UL 723-03	Standard for Test for Surface Burning Characteristics of Building Materials, with Revisions through May 2005	Section 150.32.2.8

All of the provisions of this ordinance are essentially Appendix D to the International Building Code [2012 version], and which are allowed to be adopted and enforced by the City pursuant to O.C.G.A. Section 8-2-21(2).

SECTION 2. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to

the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

SECTION 3. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4. EFFECTIVE DATE.

The effective date of this ordinance shall be upon its passage by the City Council

SO ORDAINED, this 19 day of April, 2016.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

_____
Councilperson

Angie Alp
Councilperson

Harold Henderson
Councilperson

Bruce Cook
Councilperson

Councilperson

Attest:

Kelsey Ledford
Kelsey Ledford, City Clerk

RDS/llc/2881/W183809