

ORDINANCE NO. O-06-10**Establishing Fire District and Repealing Section 50-64 of City Code**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GADSDEN, ALABAMA, as follows:

Section 1. The Gadsden City Code is amended by adding a new section as follows:

**Sec. 18-35. Fire district.**

- (a) *Area of fire district.* The fire district shall include all commercial buildings and all multi-family residential buildings located within the corporate limits of the city, as the same may be changed from time to time.
- (b) *Types of construction permitted.* Within the fire district, every building erected shall be either Type I, II, III or IV. Every building shall be constructed as required based on the type of construction indicated in Chapter 6 of the building code. 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 the fire district and no part is more than 10 feet (3048 mm) inside the boundaries of the fire district.
- (c) *Exterior walls.* Exterior walls of buildings located in the fire district shall comply with the requirements in Table 601 of the building code. 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 non-load-bearing walls of Type II buildings 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. In the case of one-story buildings that are 2,000 square feet (186 square meters) 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.
- (d) *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 building code.
- (e) *Structural fire rating.* Walls, floors, roofs and their supporting structural members shall be a minimum of 1-hour fire-resistance-rated construction, except for (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 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), or (5) partitions complying with Section 603.1(8) of the building code.
- (f) *Architectural trim.* Architectural trim on buildings located in the fire district shall be constructed of approved non-combustible materials or fire-retardant-treated wood.
- (g) *Permanent canopies.* Permanent canopies are permitted to extend over adjacent open spaces, provided:

- (1) The canopy and its supports shall be of non-combustible material, fire-retardant-treated wood, Type IV construction, or of 1-hour fire-resistance-rated construction. Any textile covering for the canopy shall meet the fire propagation performance criteria of NFPA 701 after both accelerated water leaching and accelerating 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 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.
- (h) *Roof structures.* Structures, except aerial supports 12 feet (3568 mm) high or less, flagpoles, water tanks and cooling towers, placed above the roof of any building within the fire district shall be of non-combustible material and shall be supported by construction of non-combustible material.
- (i) *Plastic signs.* The use of plastics complying with Section 2611 of the building code for signs is permitted, provided the structure of the sign in which the plastic is mounted or installed in non-combustible.
- (j) *Plastic veneer.* Exterior plastic veneer is not permitted in the fire district.
- (k) *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.
- (l) *Other alterations.* Nothing in subsection (l) 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.
- (m) *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.
- (n) *Exceptions.* The preceding provisions of this section shall not apply in the following instances:
  - (1) Building that is less than 2500 square feet (232 square meters) in area, unless the use is for an assembly occupancy or an educational occupancy.
  - (2) One- and two-family dwellings.
  - (3) Temporary buildings used in connection with duly authorized construction.
  - (4) A private garage used exclusively as such, not more than one story in height, nor more than 650 square feet (60 square meters) in area, located on the same lot with a dwelling.
  - (5) Fences not over 8 feet (2438 mm) high.
  - (6) Coal tipples, material bins and trestles of Type IV construction.
  - (7) Water tanks and cooling towers conforming to Sections 1509.3 and 1509.4 of the building code.

- (8) Greenhouses less than 15 feet (4572 mm) high.
- (9) 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.
- (10) Sheds open on a long side not over 15 feet (4572 mm) high and 500 square feet (46 square meters) in area.
- (11) One- and two-family dwellings where of a type of construction not permitted in the fire district can be extended 25% of the floor area existing at the time of inclusion in the fire district by any type of construction permitted by the building code.
- (12) Wood decks less than 600 square feet (56 square meters) where constructed of 2-inch (51 mm) nominal wood, pressure treated for exterior use.
- (13) Wood veneers on exterior walls conforming to Section 1405.4 of the building code.
- (14) Exterior plastic veneer complying with Section 2605.2 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 2. A violation of this ordinance shall be punished as provided in Section 1-8 of the Gadsden City Code.

Section 3. The provisions of this ordinance shall be effective on the first day of the first month following publication.

Section 4. The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any section, subsection, paragraph, sentence, clause and phrase of this ordinance is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this ordinance. The city council declares that it is its intent that it would have enacted this ordinance without such invalid or unconstitutional provisions.

Section 5. The provisions of this ordinance repeal any prior ordinance or provision of the Gadsden City Code to the extent of any conflict. Section 50-64 is specifically repealed.

I certify that the City Council of the City of Gadsden, Alabama, duly adopted this ordinance at a public meeting held on January 12, 2010.

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Iva Nelson, City Clerk

APPROVED on January \_\_\_\_\_, 2010

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Sherman Guyton, Mayor