

## Chapter X. Fire Prevention and Protection

### Article I: Generally

#### Section 1: Purpose.

- A. The purpose of this article is to:
1. Prescribe regulations governing conditions that are potentially hazardous to life and property from fire or explosion;
  2. Establish fire protection fees to cover the cost of providing fire protection and suppression and other services by or through the Fire Department; and
  3. Establish requirements and controls to protect and safeguard the general health, safety, and welfare of the public.

#### Section 2: Definitions

- A. The following words, terms, and phrases, when used in the fire codes, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
1. *Alarm contractor* means any person who installs, maintains, repairs, alters, monitors or services alarm systems for compensation.
  2. *Alarm signal* means the audible sound or a transmission of a signal or a message as the result of the activation of an alarm system or an audible alarm.
  3. *Alarm system* means any mechanical or electrical or radio-controlled device which is designed to be used for the detection of smoke or heat or hazardous condition of any unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include audible, silent, fire and panic alarms and proprietor alarms.
  4. *Audible alarm* means a device designed for the detection of fire heat or smoke or hazardous condition or of unauthorized entry on premises which generates an audible sound when it is activated.
  5. *Authority* means the Jekyll Island – State Park Authority.
  6. *False alarm* means an alarm signal which is responded to by the Georgia Department of Public Safety or Fire Department of Jekyll Island when there is no evidence of a crime, heat, medical emergency, hazardous condition, or other activity which warrants a call for immediate police, firefighting or emergency medical assistance. A false alarm shall not be deemed to have

occurred when the responding agency is notified that no response is necessary before any act of response is substantially completed. Only those false alarms occurring on Jekyll Island are punishable by this chapter.

7. *Fire Chief / Director of Public Safety* means the chief of the Jekyll Island Fire Department. This individual reports directly to the Jekyll Island Authority's Deputy Executive Director.
8. *Bureau of fire prevention* means the Fire Marshal Office of the Jekyll Island Fire Department. This position is responsible for enforcing the Georgia State Minimum Fire Safety Standards and performs fire prevention activities.
9. *Corporation counsel* means the legal counsel for the Authority.
10. *Design Professional* means an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the jurisdiction in which the project is being constructed, or other professional with qualifications or credentials acceptable to the jurisdiction in which the project is to be constructed.
11. *False Alarm* means an alarm activated by either environmental conditions, malicious tampering / playing, faulty equipment or testing without notification of the alarm monitoring company.
12. *Fire Alarm System* means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.
13. *Fire Suppression System* means a fire suppression or control device that operates automatically when its heat-activated element is heated to its thermal rating or above, allowing water or fire suppression agent to discharge over a specified area.
14. *Municipality* means the Jekyll Island Authority
15. *N.F.P.A.* means National Fire Protection Association (National Fire Codes).
16. *Person* means any individual, association, partnership, firm or corporation, or any combination of one or more of them, and includes any officer, employee, department, agency or instrumentality of the state.
17. *Recreational Fire*. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**Section 3: Adoption of Fire Codes by Reference.**

- A. There is hereby adopted by the Jekyll Island Authority for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain codes, laws and regulations known as the International Fire Code, 2018 edition and all future editions, with any Georgia Amendments as adopted by Georgia Department of Community Affairs, Georgia State Fire Marshal's Office Rules and Regulations and all current and future National Fire Protection Association Codes. Not less than one copy of the fire code has been and is now filed in the office of the Fire Marshal's Office or at a location designated by the authority. In order to stay current with Code changes the Authority shall immediately adopt any changes to the codes as adopted by the Georgia Department of Community Affairs, Georgia State Fire Marshal's Office and or The National Fire Protection Association. The fire code is adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance from which this article is derived shall take effect, the provisions thereof shall be controlling within the limits of Jekyll Island.
- B. The fire code adopted herein is amended as follows in this article.

**Section 4: Powers of the Jekyll Island Fire Department.**

- A. The Jekyll Island Authority at its discretion shall provide and operate a Fire Department to be known as the Jekyll Island Fire Department ("Jekyll Island Fire Department").
- B. The Jekyll Island Fire Department shall have the powers of a Fire Department of a county, municipality, or other political subdivision as set forth in chapter 3 of title 25 of the Official Code of Georgia Annotated ("O.C.G.A."), and such additional powers as may from time to time be provided by the authority or by law.
- C. The Jekyll Island Fire Department and the Jekyll Island authority and their members, officers and employees shall be immune from any and all actions brought as a result of damages sustained as a result of any fire or related hazard in accordance with O.C.G.A. § 25-2-38.1.
- D. The Executive Director of the Authority shall prescribe the duties of the Jekyll Island Fire Department and all Fire Department personnel shall be employees of the Jekyll Island Authority.

**Article II: Regulations**

**Section 1: Open Burning**

- A. Generally. Except as hereinafter provided in subsection (b) of this section, no person shall kindle an open fire in any public or private place outside any building. Fires started in violation of this article shall promptly be extinguished by the person

responsible for same upon notice by the fire chief or his duly designated agent. Under no circumstances are open fires of any kind allowed on the beach or dunes.

B. Exceptions. Open burning may be done as follows:

1. With a permit:

- a. Application for burning permits shall be on forms provided by the fire chief.
- b. No permit shall be issued unless the issuing officer is satisfied that:
  - i. There is no practical available alternate method for the disposal of the material to be burned;
  - ii. No hazardous condition will be created by such burning;
  - iii. No salvage operation by open burning will be conducted; and
- c. Any permit issued may be limited by the imposition of conditions to:
  - i. Prevent the creation of excessive smoke; or
  - ii. Protect property and the health, safety, and comfort of persons from the effects of the burning.
- d. If it becomes apparent at any time to the fire chief that limitations need to be imposed for any of the reasons stated in subsection (B)(1)c of this section, the fire chief or his duly designated agent shall notify the permittee in writing and any limitations so imposed shall be treated as conditions under which the permit is issued.

2. Without a permit:

- a. Jekyll Island Authority performing prescribed burning in order to reduce fuel load for wood / forest fires.
- b. The establishment of a supervised fire is allowed in a fire pit, chiminea, fire circle, or other such places provided or designated for such purposes on Authority property or leased property, provided it is at least 15 feet from any structure.
- c. Open fires may be set in performance of an official duty of any public officer of the Authority, if the fire is necessary for one or more of the following reasons or purposes:
  - i. For the prevention of a fire hazard which cannot be abated by other means;
  - ii. For the instruction of public firefighters or industrial employees under supervision of the fire chief; or
  - iii. For the protection of public health.

- d. Fires in approved devices may be used for the cooking of food, provided no smoke violation or other nuisance is created.
  - e. Underwriter's Laboratory or Factory Mutual approved devices may be used for heating by construction or other workers, provided no smoke violation or other nuisance is created.
  - f. Open fires, such as campfires, may be set for recreational purposes in designated locations only, such as the campground, provided no smoke violation or nuisance is created.
  - g. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction, with the exception of:
    - i. One-and two-family dwellings.
    - ii. Where buildings, balconies and decks are protected by an automatic sprinkler system.
    - iii. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2.5 pounds [nominal 1 pound {0.454 kg} LP-gas capacity].
- C. Supervision required. Permitted or allowable fires must be under the continuous care and direction of a responsible person. All fires, matches, and smoldering material must be completely extinguished after use. Unattended fires shall constitute a violation of this ordinance.

**Section 2: Emergency Burn Ban**

- A. During the existence of an air pollution alert, excessively dry weather, or a drought, as may be declared by the Executive Director or their designee, all exceptions are void and no open fires shall be kindled.
- B. During periods of high fire danger, the Authority may close all or a portion of the island to lighting or maintaining fires.

**Section 3: Fire protection and suppression services fee.**

- A. Persons holding interests in and to real property on the island, wherever found and no matter in whose possession such real property may be, shall be charged and shall be liable for a fire protection fee.
- B. The fire protection fee so charged shall be derived from a percentage of the assessed value, being a percentage of the appraised value, of each parcel of real property, which method of derivation is and shall be reasonably related to the cost of providing fire protection and suppression and other services by or through the Fire Department. The assessed value and appraised value of each parcel of real

property shall be the same as the respective values for each such parcel of real property as shown on the appropriate official records of the county as of the day the fire protection fee is established.

- C. The fire protection fee shall be charged annually on a fiscal-year basis commencing on July 1 and ending on June 30.
- D. For each fiscal year, the executive director of the Jekyll Island authority shall on or before the first business day in April of each calendar year:
  - 1. Establish the amount of the fire protection fee for each lessee of the Jekyll Island authority for the next succeeding fiscal year; and
  - 2. Mail or otherwise send notices of the amount of the respective fee to each lessee of the authority.
  - 3. For each fiscal year, the fire protection fee shall be due and payable on or before the first business day in July of each calendar year, except for any fees not then established or determined.
- E. Persons charged and liable for the fire protection fee as of the day on which the fire protection fee shall be due and payable, shall be liable for the entire annual fee charged irrespective of whether their leasehold interest shall be sold, conveyed, aliened or assigned during the fiscal year for which the fee is charged.
- F. The fire protection fee shall be collected by officers designated by the authority. The fire protection fee may be paid in person at or mailed to the Authority administration office at 100 James Road Jekyll Island, Georgia 31527, or by phone at 912-635-4000, or at any place hereafter designated by the Executive Director.
- G. Contesting of fee procedure.
  - 1. Any person charged a fire protection fee may contest the amount of such fee by filing with the executive director a written protest within 45 days next succeeding the day that notice of the fire protection fee is mailed or otherwise sent by the executive director to such person. If no such written protest, including all the required information as hereinafter set forth, is filed by the claimant within the prescribed time period, then such claimant shall be deemed to have waived any and all rights to contest the amount of the fire protection fee, and the amount of such fee shall become final.
  - 2. All protests shall be prepared in the form and contain such information as the executive director shall reasonably require and shall include a summary statement of all the grounds upon which the claimant relies and shall set forth with particularity the reasons for contesting the fee and all evidence of the claimant contesting the fee so charged. In the event the claimant desires a conference or a hearing with the executive director, the fact of such desire

must be set out in the written protest, or the claimant shall be deemed to have waived any and all rights to have a conference or hearing with the executive director for the purpose of contesting the amount of the fire protection fee charged claimant. When any claimant requests such a conference or hearing, the executive director shall appoint a time and place for hearing the claimant's objections to the amount of the fire protection fee and shall give notice to such claimant no less than five days before the conference or hearing, stating the time and place of said conference or hearing.

3. The Executive Director shall consider only evidence relevant to the amount of the fee, and any other evidence or matter shall be disregarded. The executive director may request or permit additional evidence, either orally or in writing, which he may determine relevant and appropriate. Upon consideration of the evidence presented, the executive director may reduce or increase the amount of the fee so charged and shall set forth the reasons wherefore in writing. The determination of the executive director shall be the conclusive and final administrative determination of the authority.
- H. Any fire protection fee not paid by holders of leasehold interests on the island when due and payable shall become a lien on such leasehold interests from the day when such fee becomes due and payable until fully paid. For any fee not paid within 45 days next succeeding the day the fee becomes due and payable, the executive director shall cause by affidavit a notice of a lien upon the leasehold interest involved to be filed in the appropriate records of the clerk of the superior court of the county. Except as otherwise expressly provided by law, this lien shall be superior to all other liens, except liens for state and county taxes and taxes levied for any and all school purposes.
- I. Discharge of lien procedure.
1. Upon final payment of the fire protection fee and any and all interest which may have accrued, such lien shall be discharged and the executive director shall cause the notice of the lien filed in the records of the clerk of the superior court of the county to be cancelled of record within ten days after final payment.
  2. The cancellation required shall be in the following form:  
  
Clerk, Superior Court of Glynn County  
  
You are authorized and directed to cancel of record the notice of lien rights which the Jekyll Island-State Park Authority has filed on the leasehold interest owned by (name of owner) on (give date) and recorded by you in Book \_\_\_\_\_, Page \_\_\_\_\_, of notices kept by you.  
  
This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

J. Enforcement of lien procedure.

1. In case of neglect or refusal by a lessee holding a leasehold interest on the island to pay the amount of the fire protection fee due and payable, the executive director is empowered to enforce such lien in the manner hereinafter provided or in such other manner as shall be provided by law.
2. In the event the fire protection fee shall not be paid by the next day succeeding the day upon which a notice of lien is filed, then the executive director or his authorized representative shall be empowered to levy and conduct a judicial sale of the involved leasehold in the manner provided by law for sales by sheriffs and constables.
3. Advertisements of sales shall designate the time and place of the sale, shall give a full and complete description of the leasehold interest to be sold, shall be posted at the offices of the authority and in one public place in the county, and shall be published and inserted at least once a week for four weeks in the newspaper in which sheriff's sales in the county are advertised. If the fire protection fee is not paid by the day of the sale, the leasehold interest shall be sold or so much thereof as may be necessary to satisfy the claims of the authority, together with all costs and charges. Sales shall be at the authority offices located at 100 James Road Jekyll Island, Georgia 315207, or at any place designated by the authority by advertisement, on the first Tuesday of each month and shall be held between the hours of 10:00 a.m. and 4:00 p.m. eastern standard time or eastern daylight saving time, whichever is applicable.
4. The authority may bid and purchase at such sale. Furthermore, the executive director is authorized and empowered to issue a sheriff's deed to any and all leasehold interests sold at such a sale.
5. Whenever any leasehold interest is sold under or by virtue of an execution issued for the collection of the fire protection fee, the holder of the leasehold interest or any person having any right, title or interest in or lien upon such leasehold interest may redeem the leasehold interest from the sale by the payment of the redemption price or the amount required for redemption as hereinafter fixed and provided at any time:
  - a. Within 12 months from the date of the sale; and
  - b. After the sale until the right to redeem is foreclosed, by the giving of notice as provided by O.C.G.A. §§ 48-4-45 and 48-4-46.
6. The amount required to be paid for redemption of the leasehold interest from any sale for satisfaction of the fire protection fee as herein provided, shall be the amount paid for the leasehold interest at the sale, plus a premium of ten percent of the amount for each year or fraction of a year which has elapsed



between the date of the sale and the date on which the redemption payment is made. If redemption is not made until after the required notice has been given, there shall be added to the redemption price:

- a. The authority's cost in connection with serving the notice;
  - b. The cost of publication of the notice, if any; and
  - c. The further sum of ten percent of the amount paid for the leasehold interest at the sale to cover the cost of making the necessary examinations to determine the persons upon whom notice should be served.
- K. All notices regarding any and all matters in this section shall be mailed to each lessee of the authority as shown by the records of the authority, and such lessee of the authority shall be solely responsible for the payment of the fire protection fee unless the records of the authority are otherwise corrected; provided, however, the executive director may mail notices to and accept payment from an agent of any lessee of the authority as the executive director shall determine appropriate.
- L. The fire protection fee shall be exclusive of and in addition to any and all other fees, rents and payments made to the authority, and without limitation of the foregoing, shall be separate from and in addition to any public safety service fee that is either currently charged or may in the future be charged.

**Section 4: False Alarms.**

- A. The following rules shall govern the use of alarm systems on Jekyll Island.
1. No person shall make, cause to be made or suffer to be made any false alarm from any location on Jekyll Island.
  2. No person shall allow, sound or permit the sounding of any burglar or fire alarm or any motor vehicle burglar alarm in the city, which is audible outside the building or vehicle it is installed in unless such alarm is automatically terminated within 15 minutes of activation.
  3. No company or individual shall connect or cause to be connected, by any means whatsoever any alarm system or alarm that transmits directly into the Glynn-Brunswick 911 Center or to any telephone line located at the Jekyll Island Fire Department, or, Georgia State Patrol Dispatch Center. However, it shall not be a violation of this ordinance for an alarm system to be connected or to transmit, first directly to any alarm monitoring company, then to the appropriated dispatch center phone number-maintained Glynn-Brunswick 911 Center or Georgia State Patrol Dispatch Center for such purpose of receiving alarms.

4. No individual or company shall test or cause to be tested any alarm system on Jekyll Island without at least 30 minutes prior notification of the test to the Glynn-Brunswick 911 Center and the Jekyll Island Fire Department. Failure to make such prior notifications will be subject to a \$300.00 fine for each occurrence.
- B. Responsibility for false alarms under this chapter shall be borne by the person or persons occupying or having the right to occupy the premises, unless otherwise stated herein. Responsibility for false alarms under this chapter that occur at a hotel, motel, or short-term rental property shall be borne by the owner of the leased property.
  - C. The following penalties will be assessed for each violation within a 12-month period:
    1. First and second false alarms: Written warning
    2. Third false alarm: \$150.00
    3. Fourth false alarm: \$300.00
    4. Fifth false alarms and thereafter: \$500.00
  - D. Written warnings for first and second false alarms shall be hand delivered or mailed to the location of the false alarm. Failure to make, deliver, mail or receive any warning shall not affect any subsequent enforcement efforts or the penalty for any subsequent false alarm. The fire marshal or his/her designee shall be given the power to issue warnings related to false alarms at their discretion upon each violation.
  - E. False alarms: Requirements and penalties for alarm contractors.
    1. Shall provide each alarm customer with a copy of this section and shall obtain a written acknowledgment of receipt of a copy of this false alarm ordinance signed by the customer.
    2. Shall retain on file for the duration of each alarm contract a copy of this section containing the signed acknowledgment of the customer.
  - F. Each and every time a violation occurs, it shall be deemed a separate offense. No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy there from of any person for injury or damage arising from any violation of this section or other law.
  - G. Any person charged with a violation of this false alarm ordinance may offer proof at any hearing relating to such violation that the false alarm in question was caused by:
    1. A lightning strike or other act of God;

2. The act of some third party whom the person could not control, but which shall not include invited guests, licensees, or short-term tenants of hotels, motels, or short-term rental properties; or
3. Failure of an alarm contractor to repair the alarm system which made the false alarm after being employed by the person to make such repair; provided however, the person has again made a good faith attempt to have the alarm system repaired after the false alarm which is the subject of the charge.

## **Section 5: Required Permits and Reports**

### **A. Fire Alarm System and Fire Suppression System Permits**

1. Where Fire Alarm and Fire Suppression systems are required to be installed, those systems should be installed by a licensed individual or company, and the building owner/agent shall obtain a permit from Jekyll Island Fire Marshal's Office prior to installation. All work must be performed by a licensed individual or company that is licensed by the appropriate authority to install said system. Any person or company not obtaining a permit shall be in violation of this ordinance.
  - a. The owner/agent must submit an Alarm or Suppression System Permit Application with three sets of shop drawings, showing all devices (sensors, detectors, manual activation devices, and remote and main control panels) locations along with specification sheets on the individual devices be used.
  - b. Alarm System permits for Commercial Alarm Systems: (Design must comply with N.F.P.A. 72)
  - c. Suppression System permits shall comply with N.F.P.A. 13, 13D or 13R and Hood Systems shall comply with N.F.P.A. 96)
  - d. An acceptance/certification test will be required after installation is completed. Jekyll Island fire marshal shall be present and confirm the testing has been completed.
  - e. Other specifics may be required by the appropriate fire code section.

### **B. Required Reports**

1. Any Company performing annual or service inspections on fire sprinkler systems, fire alarms, or fire suppression systems shall within seven working days of completing the service or inspection file a copy of the report with the Jekyll Island Fire Marshal's Office.
2. Any Company or Individual not meeting this deadline is in violation of this ordinance. In addition, a complaint will be filed against the company with either

the Georgia Fire Marshal's Office or the Georgia Secretary of State's Office for failure to comply with local ordinances.

#### **Section 6: System and Device Requirements**

A. Schedule for the system and device recertifications:

1. Fire Extinguishers shall be checked monthly by building occupants with Annual Inspections by a licensed fire extinguisher technician every 12 months. In addition, they should be serviced after every use or extinguisher loss of pressure. To verify said certification a "tag" indicating the certification shall be properly installed per N.F.P.A. 10.
2. Fire Sprinkler Systems shall be properly tagged and Serviced / Inspected every 12 months per N.F.P.A. 13.
3. Fire Alarm Systems shall have an annual Inspection / Service every 12 months per N.F.P.A. 72.
4. Commercial Hood Fire Suppression Systems shall be annual inspection / serviced every six months or after every activation per N.F.P.A. 96.

#### **Section 7: Installation of Fire Protection Equipment**

A. Fire Hydrants, Fire Department Connection, Standpipes, and Post Indicator Valves:

1. All new residential and commercial developments from the date of this ordinance shall have fire hydrants every 500 feet apart on at least an 8-inch water main or as sized and determined by the Authority Having Jurisdiction.
2. A site plan showing the proposed locations of all new and existing fire hydrants, post indicator valves, and fire department connections within 1000 feet of a commercial building.
3. All fire hydrant or fire department connections shall be meet all the fire code requirements pertaining to obstructions.
4. All new Installs of fire hydrants shall be mapped by Glynn County G.I.S. Department before acceptance inspection.
5. No Commercial Building shall be allowed to start construction until all fire hydrants are installed and operational.
6. All fire department connections shall be equipped with locking caps as determined by the Fire Marshal to protect against obstructions. The building owner is responsible for purchasing and maintaining these devices.

B. Emergency Building Access

1. An emergency key box is required for all commercial buildings to enable emergency fire department access. The fire department has adopted the use of a specific system to be used. The building owner is responsible for purchasing and maintaining the key boxes. This system expedites the entry to the building while minimizing damage otherwise necessary to make entry.
2. The Fire Marshal shall provide guidance to the building owner on the specific details necessary to meet the type and installation requirements.
3. The occupant of the building shall provide a copy of the master key for the building to be placed in the Knox box by the Fire Department after it is installed.
4. The occupant or building owner shall provide a new master key for the key box anytime the locks are changed out.
5. The fire department shall perform maintenance on the key box every six months.

**Section 8: Penalties and Enforcement.**

- A. Any person who shall violate any of the provisions of the fire code adopted in this article or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall for each such failure, violation or noncompliance be subject to a fine as established by the Authority.
- B. The provisions of this article shall be enforced by the Fire Chief or Fire Marshall and such subordinate officers of the Fire Department and officers and staff of the Authority as are necessary to effectuate the requirements set forth in this article.