

CITY OF LOGANVILLE
ORDINANCE NO.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LOGANVILLE, GEORGIA, TO AMEND CHAPTER 16, ARTICLE I, TO ADD A PROVISION REGARDING TENT PERMITS; TO REPEAL CONFLICTING LAWS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF LOGANVILLE HEREBY ORDAINS:

Section 1. The City of Loganville code of ordinances is amended by adding the following to Chapter 16, Article I:

“16-7. Tent Permits

16-7.1 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning. Any terms not specifically defined herein shall have their customary dictionary definitions.

Air-Inflated Structure *A structure whose shape is maintained by air pressure in cells or tubes forming all or part of the enclosure of the usable area and in which the occupants are not within the pressurized area used to support the structure.*

Canopy *Any fixed roof-like structure that is self-supporting in whole or in part, but having no sidewalls or curtains other than valances not exceeding 18 inches in depth.*

Tent *A temporary structure, the covering of which is made of pliable material that achieves its support by mechanical means such as beams, columns, poles, arches, rope, and/or cables. Tents might also include a temporary tensioned-membrane structure.*

16-7.2 Permit

(1) No person shall erect, operate or maintain a tent or air inflated structure covering an area in excess of 200 sq. ft. or a canopy in excess of 400 sq. ft. without a permit issued by the City of Loganville's Fire Marshal's office.

(2) Tents with a permit may be erected for a period not exceeding thirty (30) days.

(3) No more than four (4) tent permits shall be permitted within a twelve (12) month period for each property, and a period of at least two (2) months shall be required between each permit period. Two sets of plans must be submitted for approval before installation followed by an inspection after the tent/canopy has been erected, and before it is occupied. Parking requirements (Ord. Chapter 119 Article VI of the City of Loganville Code) shall also be met for the principle use as well as the increased requirement resulting from the use of the permitted tent.

(4) The requirements of these rules shall be in addition to all other licensing, taxing, permits or regulatory provisions of local, state, or federal law and shall not authorize violations of said other applicable laws.

16-8. Tent and Canopy Installation:

All tent and canopy installation shall conform to the standards of the most current International Fire Code Safety requirements adopted by the City. The design, construction, maintenance and use of temporary tents shall be reasonably safe to persons and property and shall further comply with the following standards:

(1) Site plan:

A site plan shall be provided to the City showing an unobstructed fire lane on all sides of the tent. The tent cannot block any fire hydrants or fire department connections.

The site plan shall include the following:

- a) A flame resistant certificate by an acceptable testing laboratory.*
- b) A note on the submitted plan stating “NO SMOKING” signs will be posted.*
- c) A note on the submitted plans stating, “a ABC fire extinguisher will be provided and mounted no higher than 48” above finished floor to the handle.”*
- d) A note on the submitted plan stating, “no smoking, no fireworks, no open flames or devices emitting an open flame or fire will be used in the tent/canopy.”*
- e) Approved tent permit shall be attached to tent in plain view.*

(2) Tent Tarpaulins:

Tent tarpaulins and all decorative materials shall be treated to render the materials flame resistant for the period for which the permit is granted, in accordance with the provisions of the International Fire Code.

(3) Structural Supports:

Tents shall be adequately guyed, supported and braced to withstand a wind pressure of not less than twenty (20) pounds per square foot of projected area. Tent poles shall be stayed with wire ropes; fiber rope shall be used only for mooring to stakes.

(4) Fire Separation:

No tent shall be erected nearer than ten feet (10') to interior lot lines or to any building on the lot and shall not occupy more than seventy five percent (75%) of the lot.

(5) Exit ways:

Not less than twenty two inches (22") exit width shall be provided for each five hundred (500) square feet of public space enclosed, with a minimum width of exit way of forty four inches (44"). When the occupancy load is more than six hundred (600), there shall be at least three (3) exit ways and if more than one thousand (1,000) there shall be at least four (4) exit ways. The line of travel to an exit way shall be not more than one hundred and fifty feet (150').

(6) Aisles and Passageways:

There shall not be more than eleven (11) seats between any seat and the nearest aisle. All exit way aisles and passageways shall be maintained free and unobstructed at all times during the occupancy of the tent. Aisles shall be not less than twenty four inches (24") in width when serving not more than (60) individuals, and not less than thirty six inches (36") in width when serving more than sixty (60) individuals. When aisles are divided by a column or other obstruction, a minimum width of twenty two inches (22") shall be left on each side.

(7) Combustible Materials:

No hay, straw, shavings or similar combustible materials shall be allowed within the tent structure other than that necessary for the daily feeding and care of animals, and sawdust and shavings for use in performances when kept damp. No combustible materials shall be permitted under stands or seats at any time.

(8) Combustible Trash:

The area within and adjacent to tents shall be maintained clear of all grass and underbrush creating a fire hazard within a radius of fifty feet (50'); and all combustible trash shall be removed from the enclosure at all performances.

(9) Exposed Flames:

No gasoline, gas, charcoal or other heating or cooking device or other exposed flame not connected with the performance or exhibit shall be allowed inside or within twenty feet (20') of the tent enclosure.

(10) Spot Lighting:

Spot or effect lighting shall be by electricity only; and all combustible construction within six feet (6') of such equipment shall be protected with flame resistant materials not less than one-quarter inch (1/4") thick or other approved noncombustible insulation.

(11) Fire Protection:

Portable fire extinguishing equipment and fire fighting tools shall be provided, complying with the provisions of the Fire Prevention Code², as directed by the Fire Marshal. When deemed necessary, the Fire Marshal may direct the organization of a fire brigade trained in the operation of fire extinguishing equipment and the emergency evacuating of the occupants.

(12) Fire Watchers:

One or more qualified persons to serve as fire watchers shall be employed by all circuses, carnivals or large exhibitions where such crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exitways remain open and that “No Smoking” rules are enforced. (Ord. Chapter 18 Article III of the City of Loganville Code)

16.9 Revocation of permit and appeals

(1) Revocation of permit.

The fire chief or his designee shall have the authority to revoke any permit issued pursuant to this article if any information supplied by the applicant is discovered to be false or intentionally misleading; if any term, condition, restriction or limitation of the permit has been substantially violated; or if there is any continued violation of the terms, conditions, restrictions or limitations of the permit after the applicant or anyone acting in concert with him is notified of a violation of the permit.

(2) Appeal.

(a) Any person aggrieved by the refusal of the Fire Marshal or his designee to grant a permit or by the revocation of a permit after one has been issued, may appeal the denial or revocation by filing with the city manager’s office, within five working days after the date of the denial or revocation, a written notice of the appeal setting forth the grounds therefore. The city manager shall act upon the appeal within five business days after its receipt by either affirming the decision of the Fire Marshal, overturning the decision of the Fire Marshal by granting the permit, or overturning the decision of the Fire Marshal by granting the permit with conditions.

(b) The decision of the Fire Marshal or the city manager or his designee, may be appealed to the Superior Court of Walton County pursuant to a writ of certiorari.

(c) The city shall meet all deadlines set by the court and by applicable statutes and court rules, and shall otherwise seek to assure that the appeal, including any motion for preliminary relief, is decided as expeditiously as possible. The city shall bear the burden of proof on any appeal under this article.

16.10 Violation of ordinance.

Unless another penalty is expressly provided by law, every person found in violation of any provision of this section shall be subject to the jurisdiction of the City of Loganville Municipal Court and the provisions of Article IV, Section 4.13 of the City of Loganville charter.”

Section 2. Should a court of competent jurisdiction deem any phrase, clause, sentence or section of this Ordinance unconstitutional, such determination shall not affect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. This ordinance shall become effective on the date of its adoption.

CITY OF LOGANVILLE

Ray Nunley, Mayor

ATTEST:

Bill Jones, City Manager