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**TO:** Honorable Mayor and City Council Members  
**FROM:** Gabe Benmoussa, Fire Chief  
**DATE:** Submitted on July 3, 2024, for the August 5, 2024, Regular Council Meeting (First Presentation on July 22, 2024)

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**AGENDA ITEM:** Consideration of an Ordinance to Amend Chapter 22 – Fire Prevention and Protection of the Milton Code of Ordinances to Article III Fire Code, Division 1.-Generally, Sec. 22-43 Authority to Amend Article

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**DEPARTMENT RECOMMENDATION:** Approval

### **EXECUTIVE SUMMARY**

The City of Milton Fire Marshal is tasked with enforcing the rules and regulations of the state adopted minimum fire safety standards and Milton City Code Chapter 22 – Fire Prevention and Protection.

### **BACKGROUND**

When there are practical difficulties involved in carrying out the provisions of Chapter 22 – Fire Prevention and Protection, Article III. – Fire Code, of Milton City Code, the Fire Marshal in conjunction with the Fire Chief shall have power to modify any provisions of Article III of Milton City Code upon an application in writing by the owner or lessee, or a duly authorized agent; provided that the Fire Chief and Fire Marshal shall first find that special individual reason makes the strict letter of the code impractical and the modification is in compliance with the spirit of the Code, that public safety is secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Chief and Fire Marshal thereon shall be entered upon the records of the fire department and a signed copy shall be furnished to the applicant.

### **ANALYSIS**

When there are practical difficulties involved in carrying out the provisions of Chapter 22 of Milton City Code in Articles other than Article III, the Fire Marshal in conjunction with the Fire Chief do not have the power to modify any provisions.

## RECOMMENDATION

It is recommended that Sec. 22-43. – Authority to amend article – be amended to state - Sec. 22-43. – Authority to amend chapter – and in that section, amend the word “article” and replace it with “chapter” to give the Fire Marshal in conjunction with the Fire Chief the power to modify any provisions of all Articles of Chapter 22 – Fire Prevention and Protection of Milton City Code.

## FUNDING AND FISCAL IMPACT

There is no funding or fiscal impact to the City of Milton.

## ALTERNATIVES

Other Council directed action.

## LEGAL REVIEW

(Ken Jarrard), Jarrard & Davis

## CONCURRENT REVIEW

Steve Krokoff, City Manager

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*Steven Krokoff*  
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## ATTACHMENT(S):

- **Ordinance**
- **Chapter 22, Article III, Division 1, Sec. 22-43- Redlines**

**AN ORDINANCE TO AMEND CHAPTER 22 – FIRE PREVENTION AND PROTECTION OF THE MILTON CODE OF ORDINANCES TO ESTABLISH ARTICLE III – FIRE CODE, DIVISION 1.-GENERALLY, SEC. 22-43. – Authority to amend chapter.**

**BE IT ORDAINED** by the City Council of the City of Milton, GA while in a regularly called council meeting on August 05, 2024, at 6:00 p.m. as follows:

**SECTION 1.** That the amendment of Chapter 22 – Fire Prevention and Protection of the Milton Code of Ordinances Article III Fire Code, Division 1.-Generally, Sec. 22-43 Authority to amend chapter - is hereby adopted and approved; and is attached hereto as if fully set forth herein, and;

**SECTION 2.** All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

**SECTION 3.** That this Ordinance shall become effective upon its adoption.

**ORDAINED** this the 5<sup>th</sup> day of August 2024.

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Peyton Jamison, Mayor

Attest:

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Tammy Lowit, City Clerk

PART II - CODE OF ORDINANCES  
Chapter 22 - FIRE PREVENTION AND PROTECTION  
ARTICLE III. - FIRE CODE  
DIVISION 1. GENERALLY

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*DIVISION 1. GENERALLY*

**Secs. 22-43. — Authority to amend ~~article~~ chapter.**

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the fire marshal in conjunction with the fire chief shall have power to modify any of the provisions of this ~~article~~ chapter of Milton City Code upon an application in writing by the owner or lessee, or a duly authorized agent; provided that the fire chief and fire marshal shall first find that special individual reason makes the strict letter of the code impractical and the modification is in compliance with the spirit of the Code, that public safety is secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the fire chief and fire marshal thereon shall be entered upon the records of the fire department and a signed copy shall be furnished to the applicant.