

## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Richard McLeod  
Community Development Director

**Date:** August 12, 2019

**Subject:** Amendment to City of Dunwoody Ordinances  
Chapter 8 – Enhanced Fire Protection for New Apartment and Apartment  
Condominium Buildings

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### **ITEM DESCRIPTION**

Request to consider text amendments to the building code regarding new multi-family residential buildings (Chapter 8). The proposed changes serves to incorporate recommendations from the DeKalb County Fire Department to provide for greater fire protection on new developments.

### **DISCUSSION**

During the 2018 Legislative Session, the Georgia General Assembly passed a bill prohibiting local jurisdictions from banning the use of wood in high-rise apartments. This law negated Dunwoody's 2014 ordinance that required commercial, office, apartment, or condominium buildings more than three stories tall to be framed with noncombustible materials.

To provide for adequate time to assess the city's fire safety code and ordinances, and six-month moratorium on multi-unit building applications, permits, and construction was enacted by City Council on November 19, 2018, expiring on May 19, 2019. In March 2019, DeKalb County Fire Marshall Joseph Cox presented recommended a series of updates the City's building codes that would serve to mitigate fire hazard on new multi-family residential developments.

The proposed amendment incorporates the Fire Marshall's presentation by amending relevant sections of the previously adopted NFPA Life Safety Code and International Building Code. These recommendations include requiring:

- (a) Enhanced sprinkler protection;
- (b) Combustion-resistant stairwells;
- (c) Combustion-resistant roof cladding.

**NOTE:** Per the Uniform Codes Act as adopted by the State of Georgia, local governments may adopt local amendments to state minimum standard codes only after submitting the proposed amendment to the State of Georgia Department of Community Affairs (DCA) for review and recommendation. Proposed amendments must be submitted to the DCA 60 days prior to proposed adoption. However, on June 4, 2019, Brendan Sexton, Code Consultant with DCA, informed the City that the amendments as proposed do not require review from their department. Additionally, the State Fire Marshal's Office informed the City that their department would not require a review, either.

### Attachments:

Chapter 8—Buildings and Building Regulations, with edits

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE NO. 2019-\_\_**

**AN ORDINANCE TO AMEND CHAPTER 8 (BUILDINGS AND BUILDING REGULATIONS); TO AMEND ARTICLE IV (MISCELLANEOUS PROVISIONS); TO AMEND THE REQUIREMENTS OF THE FIRE CODE APPLICABLE TO WOOD FRAME CONSTRUCTION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the Mayor and Council of the City of Dunwoody (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Dunwoody; and

**WHEREAS**, The Mayor and Council believe that creating reasonable regulations which ensure public safety is a primary function of the City of Dunwoody municipal government; and

**WHEREAS**, The Mayor and Council believe that certain amendments to the fire code are necessary in order to mitigate the additional fire risks created by buildings constructed of combustible material; and

**THEREFORE**, THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY ORDAIN:

**Section 1:** Article IV of Chapter 8 is hereby amended by adding Section 8-91 which shall read as follows:

***Section 8-91. – Enhanced Fire Protection for New Apartment and Apartment Condominium Buildings***

*(a) Applicability. The following regulations apply to any new apartment or apartment condominium building constructed with combustible materials.*

*(b) Enhanced sprinkler protection:*

1. 2012 NFPA 101 Life Safety Code. Delete subsection 30.3.5.2 in its entirety and substitute in its place the following:  
*“30.3.5.2 Where an automatic sprinkler system is installed, the system shall be installed in accordance with Section 9.7.1.1 (1) NFPA 13, Standard for the Installation of Sprinkler Systems, as modified by 30.3.5.3 and 30.3.5.4.”*
2. 2013 NFPA 13 Standard for the Installation of Sprinkler Systems. Delete subsections 8.15.7.1, 8.15.7.2, 8.15.7.3, 8.15.7.4, and 8.15.7.5 in their entirety and replace with the following subsection:  
*“8.15.7.1 Sprinklers shall be installed under all occupiable exterior projections.”*

*(c) Enhanced exit enclosure protection:*

1. 2012 NFPA 101 Life Safety Code. Delete subsection 30.2.2.1.2 in its entirety and substitute in its place the following:  
*“30.2.2.1.2 Exit enclosures shall have a minimum 2-hour fire resistance rating, and doors shall have a minimum 1½-hour fire protection rating.”*
2. 2012 NFPA 101 Life Safety Code. Add subsection 30.2.2.3.1.1 to read as follows:  
*“30.2.2.3.1.1 Each stair, platform, landing, guard, and handrail, regardless of building construction type, shall be of noncombustible material throughout.”*
3. 2012 NFPA 101 Life Safety Code. Add section 30.2.2.3.2 to read as follows:  
*“30.2.2.3.2 Enclosure Pressurization. Exit enclosures shall comply with 7.2.3.9.”*

*(d) Enhanced vertical opening protection:*

1. 2012 NFPA 101 Life Safety Code. Delete subsection 30.3.1.1.4 in its entirety and substitute in its place the following:  
*“30.3.1.1.4 Walls enclosing vertical openings shall have a minimum 2-hour fire resistance rating, and the doors shall have a minimum 1½-hour fire protection rating.”*

*(e) Enhanced corridor protection:*

1. 2012 NFPA 101 Life Safety Code. Delete subsections 30.3.6.1, 30.3.6.1.1, and 30.3.6.1.2 in their entirety and replace with the following subsection:

*“30.3.6.1 Corridor walls shall have a minimum 2-hour fire resistance rating, and the doors shall have a minimum 1½-hour fire protection rating.”*

*(f) Enhanced building space separation protection:*

1. *2012 NFPA 101 Life Safety Code. Delete Section 30.3.7 and subsections 30.3.7.1 and 30.3.7.2 in their entirety and replace with the following section:*

*“30.3.7 Subdivisions of Building Spaces. Dwelling units shall be separated from each other by walls and floors constructed as fire barriers having a minimum 2-hour fire resistance rating.”*

*(g) Enhanced range top cooking surfaces protection:*

1. *All range top cooking surfaces shall be protected by an extinguishing system tested and approved to UL300A standards.*

*(h) Enhanced roof cladding protection:*

1. *All roof assemblies shall comply with the 2012 International Building Code section 1505.2 Class A roof assemblies.*

*Secs. 8-92—8-98. - Reserved.*

**Section 2:** Article IV of Chapter 8 is hereby amended by adding Section 8-99 which shall read as follows:

***Section 8-99 – Severability***

*The provisions of these building regulations are separable in accordance with the following rules:*

- (a) Should any court of competent jurisdiction adjudge any section or provision of these building regulations to be invalid, such judgment does not affect the validity or continued application of the land development regulations as a whole or any section or provision other than the sections or provisions specifically adjudged to be invalid.*
- (b) If any court of competent jurisdiction adjudges as invalid the application of any section or provision of these building regulations to a particular*

*property, building or structure, such judgment does not affect the application of the section or provision to any other property, building or structure.*

### **Section 3**

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent

allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4**

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

**Section 5**

This Ordinance shall be codified in accordance with state law and the Code of the City of Dunwoody, Georgia. This Ordinance shall become effective upon adoption.

SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2019.

Approved by:

Approved as to Form and Content

\_\_\_\_\_  
Denis L. Shortal, Mayor

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City Attorney's Office

Attest:

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Sharon Lowery, City Clerk

SEAL