

ORDINANCE NO. 5014

AN ORDINANCE AMENDING CHAPTER 50 OF THE BOSSIER PARISH CODE OF ORDINANCES OF BOSSIER PARISH, LOUISIANA, "FIRE PREVENTION AND PROTECTION" TO ADD ARTICLE III "BENTON FIRE DISTRICT NO. 4 FIRE PREVENTION CODE"

BE IT ORDAINED by the Bossier Parish Police Jury in regular and legal session on this 30<sup>th</sup> day of April, 2024, that Chapter 50 be and is hereby amended to add Article III as follows:

**ARTICLE III. BENTON FIRE DISTRICT NO. 4 FIRE PREVENTION CODE**

**Sec. 50-40. Adoption.**

- (a) There is hereby adopted, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the latest edition of NFPA 1 and latest edition of NFPA 101, Life Safety Code, Uniform Fire Code and documents listed in chapter 2 of that code, National Fire Protection Association, Inc., prescribing regulations governing conditions hazardous to life and property. This shall include all appendices except appendix C and save and except such portions thereof as may be deleted as part of the code. Not less than one (1) copy has been and shall be hereafter kept on file in the office of the police jury and Benton Fire District No. 4 Fire Prevention Bureau, and the same is hereby adopted and incorporated as fully as if set out at length herein. This ordinance is only applicable to the property contained within the limits of Benton Fire District No. 4.
- (b) It is the intent of the bureau to prescribe regulations consistent with the provisions provided in R.S. 40:1563 as well as regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property for the hazards of fire and explosion; arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of building or premises. Wherefore, the most current state adopted version of the fire life safety code will be the minimum code which will be utilized by the bureau.
- (c) The term "The Code" in General Provisions make reference to those technical codes adopted by the Benton Fire District No. 4 Fire Prevention Bureau to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion, including, but not limited to, the most recent state adopted version of the National Fire Protection Agency Life Safety Code and, as a maintenance code, the State of Louisiana Uniform Fire Prevention Code as defined in R.S. 40:1578.7.
- (d) It shall be unlawful to conduct any business, perform any act, repair or construct any building, structure, or vehicle or transport or handle any product or material for which a permit is required by the provisions of the NFPA Uniform Fire Code without having first secured a permit therefor, or in violation of any of the provisions of this chapter.
- (e) Violation of this section shall be construed as a misdemeanor and upon conviction shall be punishable by a fine of no less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or up to thirty (30) days in jail or both.

**Sec. 50-41. Definitions.**

- (a) Whenever the word "authority having jurisdiction" is used in the Uniform Fire Code, it shall refer to the fire chief of the Benton Fire District No. 4, as the designee for the Bossier Parish Police Jury.
- (b) Whenever the term "corporation counsel" is used in the Uniform Fire Code, it shall mean the parish attorney.
- (c) Whenever the phrase "the code" or "this code" is used in this chapter, it shall mean the latest edition of NFPA 1 and latest edition of NFPA 101, Life Safety Code.
- (d) Whenever the word "NFPA" is referred to it shall pertain to the National Fire Protection Association.
- (e) Whenever the term "the bureau" is used, it shall mean Benton Fire District No. 4 Fire Prevention Bureau.
- (f) All definitions as per chapter 3 of NFPA Uniform Fire Code Handbook shall be deemed acceptable as prescribed by this bureau.

**Sec. 50-42. Amendments to the code.**

The following provisions of the NFPA 1 are amended as follows:

Section 1-17, in particular 1-17, 1, shall be adhered to through the state fire marshal's review architect's division. It is the applicant's responsibility to adhere to requirements of the state fire marshal's office and also the building official for the Bossier Parish Police Jury.

Note:	Section 1-7: Board of Appeals
	Section 3-4: Amended by DEQ, Title 33 Regulations

It shall also be recognized that the 1992 edition of the official manual of the office of the state fire marshal is and shall be another resource of the Benton Fire District No. 4 Fire Prevention Bureau in the performance of enforcing prescribed mandates of the state within the jurisdiction limits of Benton Fire District No. 4.

Section 3-5, "Fire Lanes," is hereby amended so as to add subsection 3-5.6 thereto, to read as follows:

All premises which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Fire lanes as prescribed by the chief of the fire prevention bureau shall be provided for all buildings. The designation and maintenance of fire lanes on private property shall be accomplished as specified by the chief of the fire prevention bureau. It shall be unlawful for any person to park motor vehicles on, or otherwise obstruct, any fire lane.

**Sec. 50-43. Duties to fire marshal.**

The fire prevention bureau will conduct maintenance inspections on behalf of the fire marshal. Copies of the inspection reports shall be filed with the office of the state fire marshal. The Bureau shall be staffed by qualified individuals whose credentials are reviewed and accepted by the State Fire Marshal. All inspectors shall be required to participate in continuing education through an office of state fire marshal approved training program. The fire marshal shall have the authority to monitor the performance of the fire prevention bureau in the performance of those functions which would otherwise be performed by the office of the state fire marshal.

**Sec. 50-44. Appeals.**

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code hereby adopted do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief, or fire district board of commissioners, to the Bossier Parish Police Jury within thirty (30) days from the date of the decision appealed.

**Sec. 50-45. Penalty.**

- (a) Any person who shall violate any of the provisions of the fire prevention code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the district board of commissioners, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not less than thirty (30) days nor more than sixty (60) days, or by both such fine and imprisonment. The imposition of one (1) penalty for violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

- (b) The imposition of the penalties herein authorized shall not be construed as in any way limiting the right of the district or the Bossier Parish Police Jury, as the governing authority thereof, to institute judicial proceedings for the purpose of requiring compliance with or enforcing the provisions of this chapter or the fire prevention code adopted hereby.
- (c) The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

This ordinance shall take effect and be in force 30 days from and after its approval by the Bossier Parish Police Jury.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinance in conflict herewith are hereby repealed.

The ordinance was offered by Mr. Benton, seconded by Mr. Cochran. Upon unanimous vote, it was duly adopted on this 30<sup>th</sup> day of April, 2024.

MEGAN RAMOS  
INTERIM PARISH SECRETARY

PHILIP RODGERS, PRESIDENT  
BOSSIER PARISH POLICY JURY