

**CITY OF
NEW ORLEANS
FIRE PREVENTION CODE**



**NEW ORLEANS FIRE DEPARTMENT
317 DECATUR STREET
NEW ORLEANS, LA 70130**

**AMENDMENTS TO
THE 2006
INTERNATIONAL FIRE CODE**

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Mayor

NEW ORLEANS FIRE DEPARTMENT

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ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: December 20, 2007

CALENDAR NO.: 26,830

NO. 22958 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS Fielkow and Clarkson (By Request)

AN ORDINANCE to adopt the International Fire Code, 2006 Edition, as the official Fire Code of the City of New Orleans and to amend the International Fire Code to conform to specifications of the City of New Orleans; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS that the International Fire Code, 2006 Edition, is adopted as The Fire Code of the City of New Orleans, except that the text of said document shall read as modified by the amendments on the following pages, which in the event of conflict shall supersede and take priority over any amended or unamended section. If an amendment is in conflict with only a portion of a section, it shall be construed as superseding only the portion of the section with which it is in conflict.

SECTION 2. The International Fire Code, 2006 Edition, shall be amended to read as follows:

CHAPTER 1

ADMINISTRATION

SECTION 101 - GENERAL

101.1 Title. These regulations shall be known and may be cited as the 2006 Fire Prevention Code of the City of New Orleans, hereinafter referred to as this code.

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SECTION 102 – APPLICABILITY

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102.5 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when, in the opinion of the code official, such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan developed in accordance with the provisions of NFPA 909 and 914. Fire protection in designated historic buildings and structures may, at the discretion of the code official, be provided in accordance with an approved fire protection plan developed in accordance with the provisions of NFPA 909 and 914 or may be appealed to the Board of Building Standards and Appeals for equivalent fire protection.

* * *

SECTION 103 – FIRE PREVENTION DIVISION

103.1 General. There is hereby established an agency to be called the Fire Prevention Division and the person in charge shall be known as the Chief of Fire Prevention. For the purpose of this code, the Chief of Fire Prevention shall be referred to as the Code Official or Fire Official. The function of the division shall be the implementation, administration and enforcement of the provisions of this code.

* * *

103.4 Liability. The code official, officer, or authorized fire department employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to

persons or property as a result of an act required or permitted in the discharge of official duties. No person who institutes or assists in the prosecution of a criminal proceeding under this code, shall be liable to damages hereunder unless he/she acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of any unlawful act or omission.

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103.5 Liability for Damages. The City of New Orleans does not assume any liability under this code for any damage to persons or property, if any, by reason of the inspection or reinspection of buildings or structures authorized hereunder, or failure to inspect or reinspect such buildings, or by reason of any permit issued hereunder or the approval and disapproval of any equipment authorized herein.

SECTION 104 – GENERAL AUTHORITY AND RESPONSIBILITIES

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104.6 Official records. The code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records, except exhibition, convention, and special event plans, shall be retained for a time period not less than required by state statute.

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104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same.

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104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises or equipment or activities subject to the inspection of the Fire Prevention Division, the code official is authorized to require the owner or agent to provide, without charge to the

jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official and shall analyze the fire safety properties of the design, operation or use of the building or premises or equipment or activities and the facilities and appurtenances situated thereon, to recommend necessary changes. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

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104.10 Investigations. The code official is hereby authorized and directed to enforce all the provisions of this code. For such purposes he and his designated officers and authorized fire department employees shall be commissioned with the powers of a police officer and be sworn in as such and shall be provided with badges of authority and permitted to carry and use firearms for the necessary restraint of person(s) arrested or sought to be arrested.

It shall be the duty of the officers of the fire prevention division to do the following:

1. Investigate the origin, cause and circumstances of fires, to determine whether arson has been committed.
2. Perform other departmental investigations as directed by the Superintendent.
3. Administer oaths and affirmations and to examine witnesses and receive evidence.
4. Issue subpoenas and subpoenas duces tecum in the same manner and with the same effect as if issued by the Council of the City of New Orleans.
5. Conduct criminal follow-up investigations in order to determine the identity of person(s) responsible for committing arson.
6. Obtain and execute arrest warrants for those person(s) responsible for committing arson.

7. If arson has been established, the arrest of the arsonist(s).

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104.12 Tampering with fire equipment. No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment or appurtenance belonging to or under the supervision and control of the fire department.

104.13 Tampering with barriers, etc. No person, unless authorized or a public officer acting within the scope of his public duties, shall remove, unlock, destroy, tamper with, or otherwise molest in any manner any lock, gate, door, barricade, chain, enclosure, sign, tag or seal which has been lawfully installed by the fire official or by his order or under his control.

104.14 Removal of Fire Equipment. No person shall remove, tamper with, or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this code except for the purpose of extinguishing fire, training purposes, recharging, or making necessary repairs, or when permitted by the fire official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.

SECTION 105 – PERMITS

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105.2.1 Refusal to issue permits. If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire code official shall not issue a permit.

105.2.2 Inspection authorized. Before a new operational permit is approved, the code official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

* * *

105.3.7 Information on the permit. The code official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the code official. Issued permits shall bear the signature of the code official and the person issuing said permit.

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105.6 Required operational permits. The code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.51.

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105.6.4.1 Mardi Gras / Carnival Parades. All mardi gras and carnival parade related elements and activities shall be governed by the New Orleans Mardi Gras ordinance and/or the related provisions of this code.

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105.6.13 Exhibits and Trade Shows. An operational permit or “NOFD Reviewed Stamp” is required to operate exhibits and trade shows.

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105.6.29 Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or any combustible materials.

105.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be strictly adhered to.

105.6.30.1 Open flame devices. An operational permit is required to utilize or maintain an open flame device for display, entertainment, amusement, or non-food warming

purposes. Any device used to produce an open flame must be used as intended by the manufacturer of that device. A Firewatch may be required.

105.6.30.2 Outdoor Rubbish Fire / Land Clearing. No person shall kindle or maintain an outdoor rubbish fire without a permit. A Firewatch may be required.

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105.6.36 Pyrotechnic, Flame, and Laser special effects. An operational permit is required for use and handling of pyrotechnic, flame, and laser special effects materials and/or devices.

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105.6.40 Airports, rooftop heliports and helistops. An operational permit is required for the operation of an airport, rooftop heliport or helistop.

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105.6.42 Storage of tires, scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of tires, scrap tires and tire byproducts that exceeds 2,500 cubic feet of total volume of tires, scrap tires or tire byproducts and for indoor storage of tires and tire byproducts.

105.6.43 Temporary membrane structures, tents, tarps, and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent, tarp, or canopy having an area in excess of 120 square feet.

Exception:

1. Tents used exclusively for recreational camping purposes.

* * *

105.6.47 Landfills (Type III Construction Demolition). An operational permit is required to operate a construction demolition landfill.

105.6.48 Institutional Facilities. An operational permit is required to operate an institutional

facility as follows:

- a. Daycare
- b. Group Home
- c. Residential Board & Care

105.6.49 Mobile and/or Temporary Vendors. An operational permit is required to operate a mobile and/or temporary vendor stand.

105.6.50 Christmas Tree Retail Lots. An operational permit is required to engage in the business of retail sales of natural Christmas trees.

105.6.51 Special Event. An operational permit is required to engage in, operate, or conduct any "Special Event" not otherwise listed in the "Permit Section" of this code but by the nature of such event, structures, systems, equipment, appliances, devices, materials, or activities are governed by provision of this code or in the opinion of the Code Official constitutes a fire or crowd control danger to the public.

105.7 Required construction permits. The code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.13.

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105.7.6 Flammable and combustible liquids.

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- 4. Plans and specifications for the installation or removal of every aboveground or underground combustible or flammable liquid storage tank shall be submitted to the Fire Official for approval.

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105.7.13 Temporary membrane structures, tents, tarps, and canopies. A construction permit is required to erect an air-supported temporary membrane structure or a tent, tarp, or canopy.

having an area in excess of 120 square feet.

Exception:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.

105.8 Schedule of Fees for Permits and/or Inspections. Any inspection conducted by an employee of the New Orleans Fire Department shall be subject to the following schedule of inspection fees:

SQUARE FOOTAGE FEE SCHEDULE

MORE THAN	LESS THAN	INSPECTION
SQ. FT.	SQ. FT.	FEE
-0-	10,000	50.00
10,000	50,000	75.00
50,000	100,000	100.00
100,000	150,000	125.00
150,000	200,000	150.00
200,000	250,000	175.00
250,000	300,000	200.00
300,000	350,000	225.00
350,000	400,000	250.00
400,000	450,000	275.00
450,000	500,000	300.00
500,000	550,000	325.00

550,000	600,000	350.00
600,000	650,000	375.00
650,000	700,000	400.00
700,000	750,000	425.00
750,000	800,000	450.00
800,000	850,000	475.00
850,000	900,000	500.00
900,000	950,000	525.00
950,000	1,000,000	550.00
1,000,000	1,050,000	575.00
1,050,000	1,100,000	600.00
1,100,000	1,150,000	625.00
1,150,000	1,200,000	650.00

For any area in excess of 1,200,000 square feet, add \$25.00 for each additional 50,000 square feet or any part thereof as per schedule.

FEES IN ADDITION TO INSPECTION OF PREMISES ARE AS FOLLOWS:

******All permits are renewable annually unless otherwise stated******

Firewatch Administrative Fee	10% of total firewatch detail cost
Explosive Shipment Transporting (see late charges)	\$50.00 per shipment
**Tents, Tarps, Canopies, or Temporary Membrane Structures (120 sq.ft. or greater)	Per square footage fee schedule, per structure, per event

Blasting Operations	\$75.00 per day
Bonfires	\$75.00 per day
Paint Burning	\$50.00 per day
* 2006 Fire Prevention Code Amendments	\$25.00 per packet
Cutting or Welding or Hot Work	\$100.00 annually
Plan Review (Exhibit/Exposition, code compliance, fire evacuation, special event, etc.)	Per square footage fee schedule
Photo static copies of files or other records	\$1.00 per page single sided
Pyrotechnic Displays (see late charges)	\$100.00 per display
***Pyrotechnic Displays (Seasonal/Annual)	\$500.00 per season or annually. Any modification to approved display will be deemed a new display
Class "B" Pyrotechnic License (NFPA 1123 / Outdoor)	\$50.00 annually
Class "C" Pyrotechnic License (NFPA 1126 / Indoor)	\$50.00 annually
Class "D" Flame Effect License	\$25.00 annually
Class "B" and "C"	\$100.00 annually
NOFD "NO SMOKING" Signs	\$5.00 each
Flammable or Combustible Liquid Storage Tank Installation or Removal	\$75.00 per tank
Fumigations	Per square footage fee schedule for structures

	\$25.00 each for shipping containers
Fire Incident Report (Suppression Generated)	\$25.00 each
Fire Investigative Report	\$50.00
Arson Investigative Report	\$100.00
Open Flame Device	\$50.00 per month
Outdoor Rubbish Fire / Land Clearing	\$75.00 per day
Special Event	Minimum \$50.00 per event or as per square footage fee schedule
Mobile and/or Temporary Vendor	\$50.00 per vehicle
Any Permit not specifically listed above	Per square footage fee schedule

*Copies of 2006 International Fire Code books may be obtained by contacting 1-888-ICC-SAFE (422-7233)

** Any structure erected for a period greater than 180 days shall comply with applicable sections of International Building Code.

***Seasonal/Annual Pyrotechnic Permits are issued at discretion of fire official for standard repetitive displays.

LATE FEES / CHARGES

Any operation which is commenced without a permit for which a permit is required.	Charges are tripled
Any operation which requires a firewatch, but commence without a firewatch being in place.	Administrative fees are tripled
All annual permits and licenses must be	If late, charges are doubled

renewed within ten days of expiration date. Does not include pyrotechnic licenses.	
Pyrotechnic / special effect permits must be applied for at least five working days prior to the display.	If late, charges are doubled
Explosive Shipment permits must be applied for at least 24 hours prior to shipment.	If late, charges are tripled
Fumigation permits must be applied for at least 24 hours prior to fumigation. Exception: Container fumigation permits must be applied for by 3:00pm the day prior to fumigation.	If late, charges are tripled
Exhibit / Exhibitions plans submitted or re-submitted less than 10 working days of move-in/start of event	Charges are doubled

EXCEPTIONS TO FEES AND CHARGES

- a) Premises owned and operated by city, state, or federal government. Private contractors operating or providing services within these facilities are NOT EXEMPT.
- b) Inspection of private residences consisting of two (2) or less units.
- c) All exceptions or waiver of any fees and charges indicated by this code shall only be made by the Chief Administrative Officer or his/her designee made in writing. Such written exception or waiver shall be made available to the Fire Official prior to the

processing of any permits, licenses, or permission of activity required by this code whereby such fee or charge would apply.

It shall be the responsibility of person(s) or entities seeking such exceptions or waivers to secure the same.

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SECTION 107 – MAINTENANCE

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107.2 Confidence Testing. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as follows:

107.2(a) Confidence testing shall apply to all commercial establishments within the Parish of Orleans, including residential occupancies.

107.2(b) The building owner or his authorized representative shall be responsible for assuring that fire and life safety systems required by the building code or local/state fire codes are maintained in operable condition at all times. Testing of such fire and life safety systems shall be required as specified by Section 107.2(f), and shall be deemed reasonable proof that such systems are operable.

107.2(c) All fire and life safety systems will be tested and certified only by qualified personnel as determined by the Code Official.

107.2(d) Test results shall be recorded on forms stipulated by the New Orleans Fire Department (Copies available at New Orleans Fire Prevention Office at no cost). The completed forms shall be forwarded to the New Orleans Fire Prevention Division, 317 Decatur Street - New Orleans, LA 70130- Attention: Confidence Testing Unit. Copies shall also be maintained on the premises at all times and made available for Fire Department inspections.

107.2(e) The Fire Official shall be notified at least 48 hours before any test required by this

section is performed. N.O.F.D. personnel may witness any required test and shall notify the building owner or his authorized representatives of the test they wish to witness and arrange agreeable appointments for witnessing the tests.

107.2(f) The systems to be tested and frequency of tests will be as follows:

CONFIDENCE TESTING SCHEDULE

TYPE OF SYSTEM	TEST FREQUENCY	FORM NUMBER
(1) Fire Alarm	Annually	CTF-1
(2) Stairway Door	Annually	CTF-2
(3) Fire Pump	Annually	CTF-3
(4) Standpipe/Hose Cabinet	Annually	CTF-4
(5) Automatic Sprinkler System	Annually	CTF-5
(6) Shaft Pressure	Annually	CTF-6
(7) Emergency Power	Annually	CTF-7
(8) Elevators	Annually	CTF-8
(9) Tempered Windows/Smoke Removal	Annually	CTF-9
(10) Foam Systems	Annually	CTF-10
(11) Fire Escapes *	Annually	CTF-11 (Testing Information) and Certifying letter from Engineer
(12) Halon/CO2 and all other gaseous systems	Annually	CTF-12 (Test Instructions) and Serviceman's Tag
(13) Range Hoods	Annually	CTF-13 and Serviceman's Tag

* Fire Escapes approved as per 1027.16

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SECTION 108 – BOARD OF BUILDING STANDARDS AND APPEALS

108.1 General. The Code Official has the authority and it is his duty, subject to the provisions of law and of this code, to pass upon a question relative to the mode, manner of construction or materials to be used in the erection or alteration of any building or other structure erected or to be erected within the City of New Orleans, which is affected by the provisions of this code, or of any existing laws applicable to the City of New Orleans and relating to the design, construction, alteration, maintenance, repair, and removal of buildings or other structures therein, and to require that such design, mode, manner of construction, or materials shall conform to the true intent and meaning of the several provisions of this code. If the Code Official rejects or refuses to issue a permit, or to approve the design, mode, manner of construction or materials proposed to be followed or used in the erection and alteration of any such building or structure, or when it is claimed that the rulings of the Code Official or the provisions of this code do not apply, or that more desirable and equally safe form of construction, from the owners point of view can be employed in a specific case, or whenever the owner of a building or structure shall object to any decision given by the Code Official relative to the extent of damage sustained by any building or structure, by fire or otherwise, or to the extent or value of repairs, alterations or improvements of any existing building or replacement value thereof, the owner of the building may appeal from the decision of the Code Official to the Board of Building Standards and Appeals.

108.2 Appeals. Whenever the owner of an alleged unsafe structure or alleged public nuisance does not agree with the order from the Fire Department, as to the corrections to be made, he shall have the right to appeal to the Board of Building Standards and Appeals within fifteen (15) days from the date of the order stating how he proposes to make the structure safe and, if required by the Board, shall submit detailed engineering analysis or recommendations accompanied by plans and specifications prepared by a Louisiana registered architect or a Louisiana registered civil

engineer, or other substantiating data concerning the removal or other remedial steps to be taken to render the structure safe. In cases of emergency, and when the Code Official considers the structure in imminent danger of collapse, that portion of Section 110 relative to imminently dangerous structures shall govern and no appeal to the Board shall be permitted.

108.3 Actions. All cases in which application for appeals have been filed with the Board shall be heard, and the Board shall inform the Code Official of its decisions, stating the waivers or denials granted and conditions, if any, as they may require in each action. The decisions shall specify the variations allowed and the reason therefore, and shall be filed in the office of the Code Official within thirty (30) days of the public hearing. When building conditions are very unusual, requiring site visit, research and the like, the Code Official may grant a reasonable extension of time. Failure to file the decision shall not delay issuance in accordance with a favorable vote so long as conditions attached to the permits are attached in accordance with the action of the Board. Copies of the decision shall be sent to the applicant and all parties involved in the appeal. If the order or refusal of the Code Official is affirmed, the order or refusal shall have full force and effect. If the order or refusal is modified or annulled, the Code Official shall issue an approval in accordance with the decision.

108.4 Appeals to Courts. A person, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by a decision of the Board of Building Standards and Appeals may present to the Civil District Court of the Parish of Orleans, within one (1) year after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

SECTION 109 – VIOLATIONS

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109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate used under provision of this code, shall be guilty of a misdemeanor, punishable by a fine not more than \$300.00 or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served has been deemed a separate offense.

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109.3.2 Cease and Desist. The Code Official, in order to carry out the purposes of this code for which he is given the responsibility, supervision, licensure, or regulation shall have the authority to order any person to cease and desist from any act or practice when it appears that such person has violated, is violating, or will violate any provision of this code, subject to the right of such person to a hearing by the Department of Health Administrative Adjudication proceedings. Such order shall become effective upon service on such person and shall provide for a hearing within 15 days of the order, unless extended by mutual consent of the parties. Failure to comply with such orders shall subject the person to any sanctions, penalties, or fines authorized by this code.

SECTION 110 – UNSAFE BUILDINGS

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110.1.3 Imminent Danger. Structures deemed by the Code Official to be in imminent danger of collapse and/or constitutes a menace shall have the authority to refer such structure to the Building Official, Housing Official, and/or other appropriate departments having jurisdiction of such structure for immediate abatement.

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SECTION 111 – STOP WORK ORDER

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$300.00 or more than \$1,000.00.

SECTION 112 – EMERGENCY RESPONSE INFORMATION PACKET

112.1 All owners/managers/operators of any high-rise structure, hospital, nursing home, industrial/manufacturing facility and any mercantile or storage establishment over 15,000 sq.ft. gross area; or other occupancies deemed necessary by fire official shall be responsible for completion and installation of an emergency response information packet, herein after referred to as a “Firepak”.

112.2 The Firepak envelope and pertinent information sheets contained within shall be provided by the Fire Prevention Division and available to the public during normal business hours at no cost.

112.3 The Firepak envelope and information sheets contained within are to be kept or stored in an accessible area within the fire command station, security office, or location approved by Fire Official.

112.4 The pertinent information sheets within the Firepak shall contain the following:

- 1) The building address, occupancy type, square footage, height, number of elevators, location of master electrical shut-off and whether or not portions of the building can be isolated electrically, location of gas shut-off and whether or not an emergency generator has been installed. This information shall be included with a plot plan provided by the owner/manager/operator.

- 2) The names and telephone numbers of the building owner, manager, engineer, electrician, security chief, alarm service company and elevator service company.
- 3) The characteristics of building communications and the location of the security office and/or fire command station.
- 4) The characteristics of the sprinkler and standpipe systems, including fire pump.
- 5) The maximum number of employees occupying the building.
- 6) The number and location of employees with physical disabilities.
- 7) The location of supply storage.
- 8) The location and nature of chemical hazards.
- 9) The location and nature of radiological hazards.
- 10) The location and nature of biological hazards.
- 11) Whether or not any guard dogs are used for security purposes, and if so, the location of dogs and the name and telephone number of the handler.
- 12) Whether or not the roof supports any dead loads.
- 13) Whether or not there are any supporting columns in the building.
- 14) Type of roof supports and floor supports.
- 15) Whether or not the building has a basement.
- 16) Whether or not the building has fire doors.
- 17) Whether or not the building has an HVAC System, and if so, can selective isolation take place?

112.5 All owners/managers/operators shall be responsible for completion of the information sheets referred to in Section 112.4 in its entirety. Names and telephone numbers on the notification form shall be updated as changes in staff occur.

CHAPTER 2

DEFINITIONS

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Section 202 - General Definitions

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Exhibitor. An individual or entity engaged in the display of the products or services offered.

Exhibits. A space or portable structure used for the display of products or services.

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Exposition. An event in which the display of products or services is organized to bring together the provider and user of the products or services.

Exposition Facility. A convention center, hotel, or other building at which exposition events are held.

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Fire Code Official. Also known as the Chief of Fire Prevention or his duly authorized representative, and is charged with the administration and enforcement of the Fire Prevention Code.

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Firewatch Personnel. Uniformed New Orleans Fire Department personnel subject to the Fire Official's orders at all times when so employed. The term "firewatch personnel" shall be synonymous with "firewatch", "standby personnel", "standby firefighter" "standby firewatch" or similar term.

* * *

Qualified. People who are regularly engaged in the business of installing, maintaining and testing specific systems as listed on the testing schedule, and are certified as such by the LA

State Fire Marshal's Office or those persons approved by the Chief of Fire Prevention or his duly authorized representative. *Note: Approval may require a written and/or field examination.*

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Tests. A complete check of the system per nationally recognized standards to determine that the system functions as designed.

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CHAPTER 3

GENERAL PRECAUTIONS AGAINST FIRE

SECTION 301 – GENERAL

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301.3 Standby Firewatch Personnel. Whenever it is essential for public safety in a place of public assembly or any other place where people congregate due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, or inadequate signaling/suppression systems, the Fire Official may require the employment of one or more experienced New Orleans Fire Department firewatch personnel, to be on duty at such place. Said New Orleans Fire Department firewatch personnel shall be subject to the Fire Official's orders at all times when so employed, and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted.

* * *

307.1.1 – Prohibited open burning. Outdoor burning of waste material or other combustible material may be conducted in the situations enumerated in 307.1.1.1 below if no public nuisance is or will be created and if the burning is not prohibited by and is conducted in compliance with other applicable laws and with regulations and orders of governmental entities having jurisdiction, including air control regulations and orders. The authority to conduct outdoor

burning under this code does not exempt or excuse the person responsible from the consequences of or the damages or injuries resulting from the burning, and such person or his duly authorized representative must be present at the site of the burning while same is being conducted.

307.1.1.1 - Outdoor burning of trees, brush, grass, and other vegetation in land clearing operations may be permitted if the following conditions are met:

1. Prevailing winds at the time of the burning must be away from any habitations, the ambient air of which may be affected by smoke from the burning;
2. Care must be used to minimize the amount of dirt on the material being burned;
3. The fire shall be constantly attended by N.O.F.D. firewatch personnel until such fire is extinguished. This person shall have a 2-1/2 inch fire hose connected to an approved water supply, or other fire extinguishing equipment readily available for use. All fire extinguishing equipment shall be provided by permit applicant.
4. Heavy oil, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produce unreasonable amounts of smoke may not be burned; nor may these substances be used to start a fire.
5. The burning may be conducted only between the hours of 8:00am to 1 hour before sunset. Piles of combustible material should be of such size to allow complete reduction in this time interval.

Exception: Burning conducted utilizing an approved air curtain incinerator, fire box, or similar equipment may be conducted for extended hours.

6. The burning must be controlled so that a traffic hazard is not created.

307.1.2 Training. Fires set for the purpose of training public firefighting personnel or building occupants when authorized by the Fire Official shall not be prohibited.

* * *

307.2.2 A Firewatch may be required.

* * *

307.4 Location. The location of the burning must be at least one thousand (1000) feet from any dwelling or structure.

Exception: Burning conducted utilizing an approved air curtain incinerator, fire box, or similar equipment may be conducted at lesser distance from dwelling or structures and hours of burning operation may be extended.

* * *

308.5.3 Portable Chimneys (Chimineas) and Outdoor Fireplaces. The outdoor burning of solid fuel (i.e. wood, charcoal) in portable chimneys and outdoor fireplaces used solely for recreational purposes is allowed provided:

1. Fire is supervised at all times by an adult and the smoke does not become a nuisance for adjacent property owners/occupants.
2. Embers are contained within appliance by use of spark arrestor or similar device used to prevent the embers from escaping.
3. Appliance is Underwriters Laboratory (U.L.) listed.
4. Appliance is used on a non-combustible surface and is a minimum of ten (10) feet away from all structures and combustible materials.

* * *

308.7 Cooking operations. Any cooking operation, conducted within structure, tent, or enclosed space (fixed or mobile), which produces smoke or grease laden vapors and is not protect by an exhaust hood with an approved fire extinguisher shall necessitate the employment of one or more N.O.F.D. firewatch personnel.

* * *

314.4.1 When a vehicle is parked inside a place of assembly within a structure of mixed occupancy, such as a hotel, the requirements of 314.4 shall apply, and additionally, a standby firewatch person shall be employed as per 301.3. The Fire Official shall designate the number of standby firewatch personnel to be employed, dependent on the number of vehicles displayed and the configuration of such display. The standby firewatch personnel shall remain on duty for the entire duration of vehicle display.

* * *

SECTION 316 - LANDFILLS

316.1 **Type III Construction Debris Landfill.** It shall be unlawful for any person, firm or corporation to store or process any commercial, industrial, and/or construction debris or solid waste, as defined by the rules and regulations of the Louisiana Department of Environmental Quality, upon any public place, including the public sidewalks, streets and other public places within the corporate limits of the City of New Orleans or upon any property owned by or under the jurisdiction of the City of New Orleans, or upon any private property within the City without a permit. Anyone wishing to operate a construction debris landfill, as defined by the Department of Environmental Quality regulations for Type III facilities, must first secure a permit from the Department of Fire. Prior to issuing such a permit or permit renewal, the applicant shall furnish the Department of Fire written approval from the New Orleans Business Industrial commission, Department of Safety and Permits, the Department of Health, the Department of Sanitation, the Department of Streets, and the City Planning Commission certifying that the permit applicant is in compliance with the rules and regulations of each respective department or commission.

316.2. Any person, firm or corporation wishing to store or process any commercial, industrial and/or construction debris or waste on any open lot or parcel of ground shall conform to the

following requirements annually:

1. A permit application shall be filed with the New Orleans Fire Prevention Division, outlining the details of the proposed operation, including the name, address and telephone number of the property owner, business owner, agent for service, lessee and lessor. In addition, the applicant must submit a survey of the property to be utilized, identifying the square number, lot number and municipal address. The survey must be performed and certified by a registered Louisiana professional land surveyor. In addition to the survey, the applicant must submit evidence of a drainage runoff plan so that drainage or runoff from the property before, during, and after the filling shall not drain on adjacent property. The drainage plan must be certified by a registered Louisiana professional civil engineer. Landfill site ingress and egress shall meet the standards of the New Orleans Streets department and under no circumstances shall the driveway impede the maximum flow created by any drainage ditches along the property adjacent to the property boundaries.
2. A 3' x 5' sign that is plainly visible and legible from the street or roadway shall be provided for all new and existing businesses that shall provide the following information:
 - a) Name of business
 - b) Municipal address
 - c) Hours of operation
 - d) Fire Department permit number
 - e) Department of Environmental Quality site identification number.
 - f) A description of the types of waste that can be received

3. The landfill site shall only be operated between the hours of dawn to dusk, seven days a week.
4. Said area shall be completely enclosed on all boundary lines facing a roadway with a proper, suitable and substantial fence, constructed of wood, metal, or masonry material, in a sound condition, substantially free from deterioration, not less than seven (7) feet nor more than ten (10) feet high to prevent the ready entry of unauthorized persons on such premises or land and properly screening such enclosed area from public view; and provided, further, that such fence shall be kept in a constant state of good repair, and further, that no sign or other advertising material shall be placed upon the fence.
5. An all-weather road, at least twenty (20) feet in width, shall be provided throughout the site rendering all areas of the site accessible to fire fighting equipment.
6. Smoking shall be prohibited within the construction debris area.
7. A telephone or radio communication equipment capable of fire department notification shall be provided by the operator/owner/applicant.
8. An operable bulldozer or front-end loader or similar equipment shall be available on the site. A trained equipment operator shall be present during operation hours. A \$50,000.00 surety bond shall be posted with the New Orleans Fire Department by the landfill operator/owner and/or property owner in order to cover the cost of:
 - a. Providing additional digging equipment, moving equipment, or other services related to and necessary for fighting and extinguishing a fire at the facility.
 - b. Conducting and completing closure activities of the facility as prescribed by local, state, and federal regulations.

- c. Satisfying any outstanding fines/penalties that have been imposed by the City and reduced to a judgment or lien against the property in question.
9. A twelve (12) inch layer of soil/cover material shall be utilized to cover exposed construction debris every fifteen (15) calendar days. A log shall be kept available at the site, verifying the dates that soil/cover material was utilized.
 10. Burning of any materials or solid waste at the landfill facility shall be prohibited.
 11. One (1) fire hydrant, supplied with a water line of no less than six (6) inches in diameter, shall be provided within eighty-five (85) feet of the front entry/exit gate.
Additionally:
 - d. Hydrants shall meet the specifications of the Sewerage and Water Board of New Orleans.
 - e. Hose outlet size and threads are to conform to the hose connections used by the Sewerage and Water Board of New Orleans.
 - f. Center of hydrant hose outlets shall not be less than eighteen (18) inches above the final grade.
 12. It shall be the responsibility of every construction debris business operator or the owner of the land upon which the business is being operated to maintain the grass so that it does not exceed eighteen (18) inches in height. Additionally, the aforementioned person(s) shall maintain the area that begins outside the front fence and extends to street's median, including the removal of any trash, debris, soil, litter, or solid waste in that area.
 13. Adhere to all other provisions of City, State and Federal Laws.
 14. Adhere to all provisions of the Department of Environmental Quality regulations on construction and demolition debris, and wood waste landfills and processing

facilities (Type III).

15. Should any of the requirements of Section 316.1 through 316.2 not be met at anytime, the Departments of Safety and Permits, Fire, or Sanitation shall have the authority to cite the violator(s) and, after serving notice via United States mail services, hold a hearing before a duly authorized administrative hearing officer. If, after said hearing, the violation is determined to have occurred, and be a continuing violation, the respective department may revoke any permits issued, stop any and all processes and operations, and apply the \$50,000.00 surety bond toward:

- g. Costs of conducting and completing closure activities of the facility as prescribed by local, state, and federal regulations; or

- h. Satisfaction of any outstanding fines or penalties assessed against the facility, by the City, which have been reduced to a judgment or lien against the property.

16. This ordinance shall have retroactive effect on any owner/operator and/or property owner/operator and/or property owner operating a Type III Construction Demolition Landfill.

SECTION 317 - COMPOSTING

317.1 Scope. This section applies to storage and composting of agricultural waster material, (hay, straw, manure, or other similar products), exceeding 3000 cubic feet.

317.2 A permit is required from the Fire Official when storage exceeds 3000 cubic feet. Should any of the requirements of this section not be met at any time, the Fire Official shall have the authority to cite the violator(s), and after notice, via United States mails, hold a hearing before a duly authorized administrative hearing officer. If, after said hearing, the violation is determined

to have occurred, and be a continuing violation, the respective department may revoke any permits issued, stop any and all processes and operations, and apply the \$10,000 surety bond required by Section 317.3.

317.3 A \$10,000 surety bond shall be posted with the New Orleans Fire Department by operator/owner and/or property owner in order to cover the cost of: (1) providing additional digging equipment, moving equipment or other services, related to and necessary for fighting and extinguishing a fire at the facility; (2) conducting and completing closure activities of the facility as prescribed by local, state, and federal regulations; (3) satisfying any outstanding fines, penalties; which have been imposed by the City and reduced to a judgment or lien against the property in question.

317.4 General

317.4.1 Agricultural waster material shall be stored in piles with maximum measurements of twenty (20) feet wide by fifty (50) feet long by fifteen (15) high.

317.4.2 Aisles between piles shall be no less than fifteen (15) feet in width.

317.4.3 Piles shall be irrigated as necessary to keep moisture levels between forty (40) to sixty (60) percent. Significant rain fall may be used to satisfy irrigation requirements.

317.4.4 Minimum ten (10) feet buffer zone is required for agricultural waste material storage set back where property lines adjoin other properties.

317.4.5 An operable front-end loader or back-hoe or similar earth moving equipment shall be available on the site. A fire extinguisher with a minimum rating of 2A:10B:C must be on earth moving equipment at all times for use on equipment fires.

317.4.6 A trained equipment operator shall be present on site during operating hours.

317.4.7 Telephone or radio communication equipment, capable of fire department notification, shall be on the site during operating hours.

317.4.8 A plan for fire control and other emergencies shall be developed and routinely rehearsed by all personnel.

317.4.9 All other local, state, and federal regulations must be adhered to by owner/operator.

317.4.10 At closure, excess material shall be removed and the site shall be restored to usable condition.

317.4.11 Water Supply

317.4.12 Agricultural Waste Material and Composting sites must have a water supply meeting on one of the following conditions:

(1) Water Tank

- (a) minimum 3000 gallon capacity.
- (b) minimum 250 gpm rated fire pump.
- (c) 2 ½ inch hose capable of reaching all parts of site.

(2) Natural Body of Water

- (a) minimum 250 gpm rated fire pump.
- (b) 2 ½ inch hose capable of reaching all parts of site.

(3) Hydrant (For lots under 100,000 sq.ft.)

- (a) Hydrant must be located within 150 feet of site.
- (b) ¾ inch water supply outlet shall be provided and so located whereby all piles on site can be reached with seventy-five (75) feet of ¾ inch hose.

317.4.13 Fuel Storage

317.4.13.1 See Chapter 34 for fuel storage requirements.

* * *

**CHAPTER 9
FIRE PROTECTION SYSTEMS**

* * *

901.5 Installation acceptance testing. Before final approval and acceptance of fire suppression, alarm, detection, or any other fire protection device including standby power facilities and fire ventilating systems in any building or structure, the installation shall be subjected to an acceptance test. These tests shall be conducted by qualified personnel and deemed adequate to determine that the system or fire protection device has been properly installed and will function as intended. Acceptance test results shall be recorded on forms stipulated by the New Orleans Fire Department (forms available at the New Orleans Fire Prevention Office at no cost). The completed forms shall be forwarded to the New Orleans Fire Prevention Division, 317 Decatur Street, New Orleans, Louisiana 70130, Attention: Confidence Testing Unit. It shall be unlawful to occupy within portions of a structure until the required fire protection systems within that portion of the structure have been tested and approved.

* * *

901.7 Systems out of service. The fire Official shall be notified before disconnection and interruption of any fire protection, tests, repairs, alterations or additions are started and upon its completion, and shall be advised of the extent of and reason for such work. Protection shall be restored promptly.

Where a required fire alarm system, or automatic sprinkler system is out of service for more than four (4) hours in a twenty-four (24) hour period, the authority having jurisdiction shall be notified and the building shall be evacuated or an N.O.F.D. firewatch shall be provided for all parties left unprotected by the shutdown until the system(s) has (have) been returned to service.

When in the opinion of the Fire Official a required standpipe is out of service for more than four

(4) hours in a twenty-four (24) hour period, the Authority Having Jurisdiction shall be notified and the building shall be evacuated or an N.O.F.D. firewatch shall be provided for all parties left unprotected by the shutdown until the system(s) has been returned to service.

* * *

906.2.1 Inspection tags. Portable fire extinguishers shall have current date tags issued and affixed by Louisiana State Fire Marshal licensed individual or company.

* * *

CHAPTER 10

MEANS OF EGRESS

* * *

1025.9.7 Plan of Exit Ways and Aisles. A plan drawn to scale must be submitted by the building owner, manager, or authorized agent for approval to the Fire Official indicating the seating arrangements, location and width of exit ways and aisles, and the arrangement of furnishings or equipment. The approved plan shall constitute the only acceptable arrangement until revised or additional plans are submitted and approved.

1025.9.8 Exposition Plan. Plans for expositions, in an acceptable form, shall be submitted to the Fire Official for approval prior to the move-in of any exhibit.

The plans shall show all details of the proposed exposition. No exposition shall occupy any exposition facility with-out approved plans.

* * *

CHAPTER 15

FLAMMABLE FINISHES

* * *

1503.2.7 Welding warning signs. Welding, cutting and similar spark-producing operations

shall not be conducted in or adjacent to flammable vapor areas or dipping or coating operations unless precautions have been taken to provide safety. Conspicuous signs with the following warning shall be posted in the vicinity of flammable vapor areas, dipping operations and paint rooms:

NO WELDING
THE USE OF WELDING OR CUTTING
EQUIPMENT IN OR NEAR THIS AREA
IS DANGEROUS BECAUSE OF FIRE AND
EXPLOSION. NO WELDING SHALL
BE CONDUCTED WITHIN 20 FEET
OF SPRAY BOOTH.

* * *

CHAPTER 24

TENTS, CANOPIES AND OTHER MEMBRANE STRUCTURES

* * *

2403.2 Approval required. Air-supported temporary membrane structure or a tent, tarp, or canopy having an area in excess of 120 square feet.

Exception:

1. Tents used exclusively for recreational camping purposes.

* * *

2403.6 Construction documents. A detailed site and floor plan for tents, canopies or membrane structures with tables, chairs or other movables shall be provided with each application for approval. The tent, canopy or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating

and electrical equipment.

* * *

2404.15.5.1 Any cooking operation, within a tent or air supported structure, that produces smoke or grease laden vapors and is not protected by an exhaust hood with an approved fire suppression system shall necessitate the employment of one or more N.O.F.D. firewatch personnel.

* * *

CHAPTER 33

EXPLOSIVES AND FIREWORKS

* * *

3301.1.6 Transportation of Explosives. Transportation of explosives in the following amounts shall require a New Orleans Police escort, consisting of at least two motorcycle police officers:

Division 1.1 or 1.2 Class A:	Greater than 15 lbs. N.E.C. (6.8 kg)
Division 1.3 or Class B	Greater than 300 lbs. N.E.C. (136 kg)
Division 1.4 or 1.5 or Class C	Greater than 600 lbs. N.E.C (272 kg)

* * *

3301.2.4 Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the

location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

* * *

3308.2 Permit application. A permit must be obtained from the Fire Official to manufacture (compound), store or use any fireworks or pyrotechnic special effects material in connection with motion picture, television, theatrical or group entertainment production. A permit for use shall be granted only to a competent operator approved by the fire official and who has an appropriate license from the New Orleans Fire Prevention Division.

* * *

3308.2.3 Standby Personnel and Equipment. The Fire Official may require the employment of one or more experienced New Orleans Fire Department firewatch personnel during the discharge of any permitted outdoor or indoor pyrotechnic display. Said N.O.F.D. firewatch personnel shall be in uniform and subject to the Fire Official's orders at all times when so employed. Use of N.O.F.D. equipment may be required at expense of applicant.

3308.2.4 Commercial displays: License required. No person may engage in the business of producing commercial displays of fireworks without possessing a license issued by the New Orleans Fire Prevention Division. Conducting commercial displays of fireworks includes the display or discharge of Class "B", "C", or "D" fireworks or effects as entertainment before the public or a private group which has been admitted or permitted to view the display.

(See schedule of fees for Class "B", "C", or "D" pyrotechnic or effects licenses.)

(All pyrotechnic licenses are valid for one year following date of issuance.)

3308.2.5 Commercial displays: Application for license. A person applying for a license to produce commercial displays of fireworks must:

- (1) Be a U.S. citizen.

- (2) Be at least 21 years of age.
- (3) Submit an application on the form provided by the New Orleans Fire Prevention Division.
- (4) Applicant must furnish the following:
 - (a) a copy of their "user" permit from the Louisiana State Police as provided in R.S. 40:1471.
 - (b) a copy of their "distributor's" permit from the State Fire Marshal's Office as provided in R.S. 51:656
 - (c) a copy of their "importer's" permit from the State Fire Marshal's Office as provided in R.S. 51:656.
 - (d) a copy of their ATF explosives license.

3308.2.6 Examination Criteria. Applicant must successfully pass a written examination by a minimum score of 70 percent covering one of the following categories:

- a. If the applicant is seeking a Class "B" license, the examination will cover the design, construction, storage and use of fireworks as per NFPA 1123 and the N.O. Fire Prevention Code including precautions and procedures for the safety and protection of spectators.
- b. If the applicant is seeking a Class "C" license, the examination will cover the design, construction, storage and use of fireworks, and systems used to produce flame effects as per NFPA 1126, NFPA 160, and the N.O. Fire Prevention Code including precautions and procedures for the safety and protection of spectators.
- c. If the applicant is seeking a Class "D" license, the examination will cover the design, construction/fabrication, installation, testing, control, operation, maintenance, equipment, procedures, and systems used to produce flame effects as per NFPA 160 and the N.O. Fire Prevention Code including precautions and procedures for the safety and protection of

spectators.

d. If the applicant is seeking a Class "B" and "C" license, the exam will cover those topics outlined in Sections a and b.

e. The above mentioned test shall be developed and administered by members of the N.O. Fire Department, Fire Prevention Division, or its duly appointed agent/designee.

f. If a minimum score of 70 percent is not attained, the applicant must wait at least 30 days before being retested. The fees listed in Section 105.8 will be applicable to all retests. A licensee whose license has been expired for two (2) years or more and makes application for renewal must retake and pass written examination.

3308.2.7 Suspension, revocation or refusal to renew license or certificate.

3308.2.7.1 The Chief of Fire Prevention may suspend, revoke or refuse to renew a license for a pyrotechnic operator of commercial displays of fireworks if the license or registrant has caused or allowed a life safety hazard at a location at which he:

- (a) Stores, handles or prepares fireworks, special effect or pyrotechnic devices; or
- (b) Produces or conducts a commercial display or fireworks or special effects.

3308.2.7.2 If an incident resulting in a life safety hazard is caused or allowed by a license or registrant, he shall submit to the Chief of Fire Prevention upon request a report explaining the incident. The failure to submit this report shall constitute a violation for which a citation may be issued, and if after proper notice and a hearing before a duly authorized administrative hearing officer, may result in the revocation of the license or certificate.

3308.2.7.3 A person whose license or certificate has been revoked must dispose of the fireworks, special effect or pyrotechnic devices in his possession within 30 days after receiving written notice to do so by the Chief of Fire Prevention. In complying with this

subsection, the licensee or registrant may transfer the fireworks, special effects or pyrotechnic devices only to a person who is licensed to produce commercial displays of fireworks or who is otherwise permitted to lawfully purchase and possess fireworks or pyrotechnic devices.

* * *

CHAPTER 34

FLAMMABLE AND COMBUSTIBLE LIQUIDS

* * *

3404.2.9.5.1 Locations where above-ground tanks are prohibited. Storage of flammable or combustible liquids in above-ground tanks outside of buildings is prohibited within the inner fire limits as per the New Orleans Building Code.

Exception: All aboveground tanks that were legally installed prior to adoption of this code.

Plans and specifications for the installation or removal of every above ground or underground combustible or flammable liquid storage tank shall be submitted to the Fire Official for approval.

* * *

3404.2.11.5.2 Leak detection. Underground storage tank systems shall be provided with an approved method of leak detection from any component of the system that is designed and installed in accordance with NFPA 30. Underground flammable or combustible liquid tanks of 1,000 gal (3.79 cubic meters) capacity or larger shall be equipped at the time of installation with a vertical 6-inch (152 mm) diameter or larger perforated pipe, installed within the sand or gravel backfill of the tank excavation hole to the depth of the lowest point of any tank or its foundation. A removable cover for inspection shall be provided over the perforated pipe. The cover shall be designed to withstand traffic over the tank area. A single pipe may serve more than one tank

provided it will monitor leakage from the other tanks.

* * *

CHAPTER 45

REFERENCED STANDARDS

* * *

NFPA

- 1 - 06 Uniform Fire Code
- 101 - 06 Life Safety Code
- 160 - 06 Standard for the Use of Flame Effects Before an Audience
- 909 - 05 Code for the Protection of Cultural Resource Properties, Museums, Libraries, and Places of Worship
- 914 - 01 Code for Fire Protection of Historic Structures
- 1123 - 06 Code for Fireworks Display
- 1124 - 06 Code for Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles
- 1126 - 06 Standard for the Use of Pyrotechnics Before a Proximate Audience

SECTION 3. CITY NOT LIABLE. Nothing contained in this Fire Code shall be construed to relieve or lessen the responsibility or liability of any person for injury or damage to persons or property caused by or resulting from any defects of any nature in any work performed by said person or in any equipment owned, controlled, installed, operated or used by him, nor shall the City of New Orleans, or any officer, agent, or employee thereof incur, or be held to assume any liability by reason or in consequence of any permit, permission, certificate of inspection of approval authorized therein, or issued or given as herein provided, or by any reason of or in consequence of any things done or acts performed pursuant to any provisions of this Fire

Code.

SECTION 4. PRIOR VIOLATIONS. All suits at law or in equity and all prosecutions resulting from the violation of any fire ordinances heretofore in effect, which are now pending in any of the Courts of this State, or of the United States, shall not be abated or abandoned by reason of the adoption of this Fire Code, but shall be prosecuted to their finality the same as if this Fire Code had not been adopted; and nothing in this Fire Code shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending, or which may have heretofore been instituted or prosecuted.

SECTION 5. RETROACTIVE CLAUSE. In the case of violations of fire ordinances committed before the effective date of this ordinance, the Fire Code existing at the time such violations were committed shall apply and govern.

SECTION 6. If any portion of or application of this ordinance is held unconstitutional or invalid by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of or application of the ordinance, but such remaining portion or application shall be and remain in full force and effect.

SECTION 7. EFFECTIVE DATE. The effective date of this ordinance relative to the approval of plans required to be submitted to the Fire Official shall be not less than one-hundred twenty (120) days from the effective date of this ordinance.

SECTION 8. All ordinances or parts of ordinances contrary to or in conflict herewith are hereby repealed.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS January 10, 2008

Arnie Fielkow
PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON January 11, 2008

APPROVED:

~~DISAPPROVED:~~ January 18, 2008

C. Ray Nagin
MAYOR

RETURNED BY THE MAYOR ON January 24, 2008 AT 10:25 am

Peggy Lewis
CLERK OF COUNCIL

YEAS: Carter, Clarkson, Fielkow, Head, Hedge-Morrell, Midura, Willard-Lewis - 7

NAYS: 0

ABSENT: 0