

Chapter 17 FIRE PREVENTION*

*Cross references: Civil emergencies, Ch. 8; emergency services, Ch. 11; buildings and building regulations, § 20-61 et seq.; fire protection for site development and improvement standards, § 20-316; burning, disposal or dumping of garbage or refuse near occupied building prohibited, § 23-1.

State law references: Fire protection, G.S. 153A-233 et seq.

ARTICLE I. IN GENERAL

Secs. 17-1--17-30. Reserved.

ARTICLE II. FIRE PREVENTION CODE

Sec. 17-31. Title.

This article shall be known as the "Fire Prevention Ordinance of Richmond County, North Carolina" and may be cited as such and referred to as "this article."

(Ord. of 8-8-1994, § 1)

Sec. 17-32. Intent.

- (a) The intent of this article is to prescribe regulations for safeguarding life and property within the unincorporated limits of the county, and in any municipality which requests it apply to the municipality, from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from hazardous conditions in the use or occupancy of buildings or premises.
- (b) This article shall be in effect within the corporate limits of any municipality within the county if requested by the governing body of the municipality and approved by the board of commissioners.
- (c) This article shall not be construed to impose any liability on the county for any damage to persons or property by reason of any inspection or reinspection authorized in this article, or failure to inspect or reinspect, or permits issued or denied, or by reason of the approval or disapproval of any equipment.
- (d) All fire prevention ordinances heretofore adopted by the county are hereby repealed.

(Ord. of 8-8-1994, § 2)

Sec. 17-33. Fire inspector to enforce article.

The office of the County Fire Inspector is hereby established. The duty of the Fire Inspector shall be to make the inspections required of this article and to enforce compliance with this article, and he is invested with authority to do so.

(Ord. of 8-8-1994, § 3)

Sec. 17-34. Adoption of technical codes and standards by reference; copies on file.

- (a) The code known as, and entitled "Volume V--Fire Protection," of the North Carolina State Building Code, 1991 Edition, and any amendments to it are hereby adopted and incorporated by reference as part of this article. Copies of this article and all codes and standards adopted by reference shall be kept on file in the offices of the clerk to the board of commissioners and the Fire Inspector and open to the public.
- (b) Amendments to codes and standards which have been adopted by reference in this section which are adopted and published by the state building code council shall be effective in the county at the time such amendments become a part of "Volume V-Fire Prevention" of the state building code.

(Ord. of 8-8-1994, § 4)

Sec. 17-35. Inspection of buildings and premises.

The Fire Inspector shall inspect or cause to be inspected as often as he deems necessary, all buildings, structures, and premises within his jurisdiction for the purposes of ascertaining and causing to be corrected any condition which may cause fire or explosion, endanger life from fire or explosion, or any violations of the provisions of this article.

(Ord. of 8-8-1994, § 5)

Sec. 17-36. Permits.

Permits from the County Inspection Department are required for the following:

- (1) The tax office shall not issue an initial privilege license for any new commercial endeavor until a certificate of compliance has been issued by the fire inspector or his representative.
- (2) Installation, or abandonment of aboveground or belowground tanks storing volatile flammable or combustible liquids. Permits must be obtained from the county inspection department.
- (3) Before any person shall hold any special event such as fireworks, displays, tent assemblies, or any other public assembly not covered by this Code they shall obtain a permit from the County Inspection Department.

(Ord. of 8-8-1994, § 6)

Sec. 17-37. Removal of obstructions; prohibited parking.

No person shall place or keep any vehicle, fence, growth, trash or other material near any fire hydrant or fire station that would prevent immediate use of a hydrant or delay fire apparatus from responding to any alarm. Fire lanes shall be properly marked, and NO PARKING signs posted. It shall be the responsibility of the management of any commercial property to ensure that the fire lanes are open and accessible to fire apparatus at all times. When such violations are found, the Fire Inspector or his authorized representative is authorized to issue a citation to the person responsible for obstructing a fire hydrant, fire station, or fire lane and to the person responsible for ensuring that the fire lanes are open and accessible.

(Ord. of 8-8-1994, § 7)

Sec. 17-38. Emergency entry.

(a) The Fire Inspector or his authorized representative shall have the right to enter any building or premises without permission or warrant in the event of any emergency situation constituting an immediate threat to human life, property, or the public safety for the purpose of inspecting, eliminating, controlling, or abating the dangerous condition or situation.

(b) If entry or access is denied so as to limit the authorized duties of this Code, the Fire Inspector or his authorized representative shall seek and obtain an administrative search, inspection warrant pursuant to G.S. 15-27.2.

(Ord. of 8-8-1994, § 8)

Sec. 17-39. Investigation of fires.

The County Fire Inspector's office shall be notified by the senior fire officer of a Fire Protection District upon the occurrence of any fire in any building listed in section 17-44.

(Ord. of 8-8-1994, § 9)

Sec. 17-40. Fire records.

(a) Fire Protection Districts shall keep a record of all emergency alarms and submit reports of these alarms to the Fire Inspector's Office in accordance with the schedule the Fire Inspector prescribes.

(b) The Emergency Communications Center shall keep a record of all emergency alarms relating to fire, indicating incident number, time alarm received, time enroute, time arrived and in-service time.

(Ord. of 8-8-1994, § 10)

Sec. 17-41. Maintaining a fire hazard.

No person shall knowingly maintain a fire hazard.

(Ord. of 8-8-1994, § 11)

Sec. 17-42. Carelessness with fire.

No person shall deliberately, or through carelessness or negligence, set fire to or cause the burning of any material, in such a manner as to endanger the safety of any person or property.

(Ord. of 8-8-1994, § 12)

Sec. 17-43. Fees.

- (a) Fees for inspections and penalties for violations of this article shall be determined by resolution of the board of commissioners and may be amended from time to time. The inspection fee schedule shall be kept on record in the offices of the clerk to the board of commissioners and the Fire Inspector.
- (b) Inspection fees shall be paid within the number of days specified in the billing or notice of the amount of the fee.

(Ord. of 8-8-1994, § 13)

Sec. 17-44. Inspection schedule.

- (a) In order to preserve and to protect public health and safety, and to satisfy the requirements of G.S. 153A-351, political subdivisions assuming inspection duties, as set out in G.S. 153A-351, shall have a periodic inspection schedule for the purpose of identifying activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related hazards. Such inspection schedule shall be approved by the local governing body and shall be submitted to the Division of Engineering of the Department of Insurance. In no case may inspections be conducted less frequently than described in the schedule below:

- (1) Once every six months: schools.

- (2) Once every year: hazardous, institutional, high-rise, assembly and residential (only interior common areas) except one-family and two-family dwelling units of multifamily occupancies, and day care.

- (3) Once every two years: educational, (except public schools) and industrial.

- (4) Once every three years: business, mercantile, storage, churches, and synagogues.

- (b) Frequency rates for inspections of occupancies as mandated by the General Statutes shall supersede this schedule. Nothing in this section is intended to prevent a jurisdiction from conducting more frequent inspections than the schedule listed above, or the schedule filed with the Engineering Division of the State Department of Insurance.

(Ord. of 8-8-1994, § 14)

Sec. 17-45. Violations and penalties.

- (a) Any person who shall violate any of the provisions of this article or who shall fail to comply with any judicial warrant, lawful order, or regulation made thereunder, or who builds in violation of any specifications or plans submitted and approved thereunder or any permit issued thereunder, shall be guilty of a misdemeanor punishable by up to a fine of \$500.00. Each day that such violation continues shall constitute a separate offense. In the name of the county, the County Fire Inspector is authorized to institute and prosecute a civil action to enjoin the construction or erection of any facility, building or structure which does not conform to the provisions of this article.
- (b) This article may be enforced by any of the remedies set forth in G.S. 153A-123, in addition to others specifically set out in this article.
- (c) Any person who violates any of the provisions of this article shall be subject to a civil penalty for each violation in the amount established by ordinance of the board of commissioners from time to time. The civil penalty schedule shall be kept on record with the clerk of the board of commissioners and in the Fire Inspector's Office for public inspection. Each day of violation will constitute a separate and distinct offense.
- (d) Civil penalties must be paid within the number of days specified in the citation or notice for a violation of this article. The Fire Inspector is authorized to issue written citations in the name of the county for violations.
- (e) Nothing in this section shall preclude the issuance of an arrest warrant.

(Ord. of 8-8-1994, § 15)

Sec. 17-46. Service of orders or notices.

- (a) Service of orders or notices for the correction of violations of this article will be sufficient if served upon the owner, occupant or other person responsible for the conditions, either by personally delivering a copy of such notice to such person or by delivering the notice to and leaving it with any person in charge of the premises, or by sending a copy of the order or notice by certified or registered mail to the owner's last known address as shown on the records of the County Tax Assessor.
- (b) When buildings or other premises are occupied by one other than the owner under a lease or other agreement, the orders or notices issued to correct violations of this article arising out of operations conducted on the premises shall apply to the occupant thereof; provided that where the order or notices require making of additions to or changes in the premises themselves which may become part of the real property of the owner, then, in such cases, the orders or notices shall also be issued to the owner of the premises or real property. Failure to deliver an

order or notice to the owner, if other than the occupant, shall not invalidate any order or notice duly served on the occupant.

(Ord. of 8-8-1994, § 16)

Sec. 17-47. Appeals.

Any person may appeal an order, decision or determination of the Fire Inspector or his representative to the Commissioner of Insurance through the appeal procedure set forth in Chapter 7 of Volume I-A, Administration and Enforcements of the North Carolina State Building Codes, 1991 Edition, or any amendments made to it, and such appeal procedure is adopted by reference. The Fire Inspector shall make available to any person upon request, a copy of the appeal procedure. In addition, a copy of the appeal procedure shall be kept available in the office of the clerk to the board of commissioners.

(Ord. of 8-8-1994, § 17)