REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 22.

Date of Request: June 25, 2007

Board Meeting Date Requested: July 9, 2007

Short Title: Resolution To Amend The Pender County Fire Prevention And Protection Ordinance And Adoption Of New Civil Citation Fees.

Background: The current Pender County Fire Prevention and Protection Ordinance was adopted in July of 1991. Since that time, the North Carolina Fire Prevention Code has changed several times and is now based upon the International Fire Prevention Code. This revised ordinance reflects changes in the Fire Prevention Code as well as changes in enforcement of outdoor burning regulations.

The Civil Penalties as set forth by the County Commissioners also needs to be revised to match current Fire Code refereced Chapters.

A copy of the revised code and fee schedule are attached.

Specific Action Requested: The County Commission is requested to approve text amendments and revisions Pender County Fire Prevention and Protection Ordinance and approve the revised Fire Prevention Code Fees Schedule.

Requested by:	Eddie King
Department:	Emergency Management
Title:	Director
Contact Phone:	910-259-1210
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Date Request Received: June 25, 2007

Board Meeting Date Assigned: June 18, 2007

Request Status:

- ☒ Request is proceeding to Board of Commissioners
- ☐ More information is needed – see attached
- ☐ Request on hold – no further information needed
- ☐ Other:

(Administrative Use Only)

CONTRACT TYPE

- ☐ Renewal
- ☐ Revision
- ☐ For Service(s)
- ☐ For Equipment
- ☐ Intergovernmental – County as Grantee
  - ☐ Federal Grantor
  - ☐ State Grantor
  - ☐ Grantor
- ☐ County as Grantor
  - ☐ County Funds
  - ☐ Other Funds:

PURCHASING
Date Rec'd:
Budgeted Item: ☐ Yes ☐ No
☐ Reviewed and Approved
☐ Comments on Reverse

Date Sent:
Signed:

ATTORNEY
Date Rec'd:
☐ Reviewed and Approved
☐ Legal Problem(s)
☐ Comments on Reverse

Date Sent:
Signed:

FINANCE
Date Rec'd
Sufficient Funds ☐ Available ☐ Not Available
☐ Budget Amendment Necessary
☐ Budgeted Amendment is Attached
☐ Comments on Reverse

Date Sent:
Signed:

CLERK
Signature(s) Required:
☐ Board Chairman/County Manager
☐ Other:

Date Rec'd
Approved by Board: ☐ Yes ☐ No
At meeting on

Chapter 6.5

FIRE PREVENTION AND PROTECTION*

Sec. 6.5-1. Title.

This chapter shall be known as the Fire Prevention and Protection Code of Pender County, North Carolina, and may be cited as such and referred to herein as the code.
(Ord. Of 7-1-91, § 1 (1))

Sec. 6.5-2. Intent.

(a) It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the jurisdiction of the county 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) The code shall not be construed to hold the county responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permits issued or denied as herein provided or by reason of the approval or disapproval of any equipment authorized herein.
(Ord. of 7-1-91, § 1(2))

Sec. 6.5-3. Enforcement.

This chapter shall be enforced by the county fire marshal and his authorized representatives or as otherwise provided herein.
(Ord. of 9-1-91, § 1(3))

Sec. 6.5-4. Adoption of technical codes and standards by reference; copies on file.

(a) There is hereby adopted by reference and incorporated here that certain code known as and entitled ~~"Volume V – Fire Prevention," of the North Carolina State Building Code, 1991 Edition.~~ North Carolina State Building Code: Fire Code, 2006 Edition. Copies of the fire prevention and protection code and all technical codes and standards adopted by reference shall be filed with and available for public inspection in the offices of the clerk to the board of county commissioners and the fire marshal.

(b) Amendments to codes and standards adopted by reference herein which are adopted and published by the North Carolina State Building Code Council shall be effective in the county at the time such amendments become a part of ~~"Volume V – Fire Prevention"~~ the North Carolina Fire Code.
(Ord. of 7-1-91, §1(4))

Sec. 6.5-5. Inspection of buildings and premises.

Subject to the limitations and conditions stated in the state building code, it shall be the duty of the fire marshal to inspect or cause to be inspected as often as he may deem necessary or appropriate all buildings, structures and premises within his jurisdiction for the purposes of ascertaining and causing to be

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* **Cross references** – Administration, Ch. 2; buildings and building regulations, Ch. 4; emergency management, Ch. 5; environmental protection, Ch. 6; mobile homes and mobile home parks, Ch. 8; streets, sidewalks and other public places, Ch. 11.

corrected any condition which may cause fire or explosion, endanger life from fire or explosion, or any violations of the provisions of the code or any other ordinances pertaining to fire or explosion.
(Ord. of 9-1-91, § 1(5))

Sec. 6.5-6. Permits

(a) This code shall require permits from the fire marshal as set forth in ~~"Volume V—Fire Prevention"~~ the North Carolina Fire Code.

(b) It shall be the duty of the fire marshal to evaluate applications and issue, if approved, all permits for those conditions as prescribed in ~~"Volume V—Fire Prevention"~~ the North Carolina Fire Code and this code.

(c) No person shall maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property of install equipment used in connection with such activities without a permit as required by the fire marshal and prescribed in ~~"Volume V—Fire Prevention"~~ the North Carolina Fire Code and this code. Before a permit may be issued, the fire marshal shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.
(Ord. of 7-1-91, § 1(6))

Sec. 6.5-7. Service of orders or notices.

(a) The service of orders or notices for the correction of violations of this code shall be made upon the owner, occupant, or other person responsible for the conditions, either by personally delivering a copy of same to such person or by delivering the same 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.

(b) When buildings or other premises are occupies by one other than the owner under a lease or other agreement, the orders or notices to correct violations of the code shall apply to the occupant thereof; provided that where the order or notices require the 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 such order or notice.
(Ord. of 7-1-91, § 1(7))

Sec. 6.5-8. Tank installation.

Before any tank for underground or aboveground storage of volatile flammable or combustible liquids or any other hazardous material covered by the provisions of this code shall be installed, a permit must be issued and shall be granted only upon written application made to the director of inspections and the fire marshal setting forth therein the location, character, size and capacity of the tank, and the purpose for which it is to be used and an agreement that the applicant or user will conform to all the provisions of this code and the ordinance then existing, and in case a pump is to be used in connection therewith, the application shall state its location with respect to the tanks and with respect to the property line. The ~~superintendent~~ director of building inspections and the fire marshal shall determine whether the proposed tanks comply with the provisions of this code, the ordinances of the county, and laws of the state and shall issue the permit if he finds there is compliance. The ~~superintendent of building inspections~~ fire marshal shall have the right to inspect the tanks and appliances before and after installation, and see that its location, installation and operation are in accordance with this code, the ordinances of the county, and laws of the state. After the tank is placed in the excavation and fittings and connections have been attached thereto, and

before it has been covered or concealed from inspection, the applicant for the permit shall notify the ~~superintendent of building inspections~~ fire marshal and shall wait until the installation of the tank connections and fittings have been approved by the ~~superintendent~~ fire marshal before covering them.
(Ord. of 7-1-91, § 1(8))

Sec. 6.5-9. Fee Schedule.

(a) Fees for inspections required by this code shall be determined by resolution of the board of county commissioners. An inspection fee schedule shall be filed with the clerk to the board of county commissioners and the fire marshal's office for public inspection.

(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 7-1-91, § 1(9))

Sec. 6.5-10. Violations and penalties.

(a) Any person who shall violate any of the provisions of the code herby adopted 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. Each day that such violation continues shall constitute a separate offense. In the name of the county, the fire marshal, through the county attorney, may enjoin the construction or erection of any facility, building or structure that does not conform to the provisions of the code.

(b) This code may be enforced by any remedies set forth in G.S. 153A-123, in addition to others specifically set out herein or in the County Code.

(c) Any person who violates any of the provisions of this code shall be subject to a civil penalty for each violation in the amount established by ordinance of the board of county commissioners. Such civil penalty schedule shall be filed with the clerk to the board of county commissioners and in the fire marshal's office for public inspection. Each day of violation shall constitute a separate and distinct offense.

(d) Civil penalties must be paid within three (3) working days after a citation has been issued by the fire marshal for a violation. The fire marshal is authorized to issue written citations in the name of the county for violations the North Carolina Fire Code and this code.
(Ord. of 7-1-91, § 1(10))

Sec. 6.5-11. Removal of obstructions; prohibited parking.

(a) Any vehicle found obstructing any fire hydrant, fire protection equipment, designated and marked fire lane or fire station may be removed or towed away by or under the direction of the fire marshal to a storage area or garage. The owner of such vehicle shall be deemed to have appointed the fire marshal as his agent for the purpose of arranging for the transportation and safe storage of the vehicle. The owner of such vehicle, before obtaining possession thereof, shall pay all reasonable cost incidental to the removal and storage of the vehicle due for the violation of prohibited parking.
(Ord. of 7-1-91, § 1(12))

(b) Any plantings, landscape materials, fencing or any other similar items found obstructing any fire hydrant or fire protection equipment may be removed by or under the direction of the fire marshal, or his authorized representative, for the purpose of providing access to said fire protection equipment.

Sec. 6.5-12. Emergency Entry.

The county fire marshal, director of emergency management, or his authorized representatives or any fire chief or their authorized representatives of fire departments serving fire protection districts shall have the right to enter any building or premises without permission or warrant in the event of any emergency situation constituting a threat to human life, property or the public safety for the purpose of eliminating, controlling or abating the dangerous condition or situation.
(Ord. of 7-1-91, § 1(12))

Sec. 6.5-13. Investigation of fires.

(a) The county fire marshal's office shall investigate the cause, origin and circumstances of every fire occurring in the county which is of a suspicious nature or which involves loss of life or injury to persons (requiring medical treatment), or when notified by any fire department of a fire protection district or when circumstances warrant. Such investigations shall begin immediately upon the occurrence of such a fire and, if it appears that such fire is of suspicious origin, the county fire marshal shall be immediately notified and coordinate investigation activities with the fire department having jurisdiction. Any information obtained pursuant to any such investigation shall be confidential as authorized by law.

(b) The sheriff's department, North Carolina State Bureau of Investigation, or any other state or federal agency charged with determining the cause, origin and circumstances of fires, upon the request of the fire marshal, or his authorized representatives, may render such assistance as necessary in the investigation of any fire determined to be of suspicious origin.
(Ord. of 7-1-91, § 1(13))

Sec. 6.5-14. Fire records.

(a) The fire marshal's office shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damages caused thereby. All such records shall be public except as provided in section 6.5-13.

(b) Fire protection districts shall keep a record of all emergency alarms and submit reports of these alarms to the fire marshal's office as the fire marshal prescribes.
(Ord. of 7-1-91, § 1(14))

Sec. 6.5-15. Illegal Burning.

(a) The open burning of household garbage, construction and demolition debris, business related debris, tires, rubber products, plastic products, and non-site generated vegetative debris shall be regulated as defined in 15 NCAC 2D.0520. The county fire marshal, or his authorized representative, shall have the authority to issue civil penalties for the violation of these provisions as provided in section 6.5-10.

(b) The county fire marshal, or his authorized representatives, shall have the authority to enforce those provisions of the Pender County Solid Waste Ordinance as they pertain to burning of waste materials. (Solid Waste Ordinance, Section 10-4)

I. Fees

A. Routine Inspections. Pender County does not charge fees for routine or annual inspections as prescribed in Section 106 of the North Carolina Fire Code.

B. Compliance Inspections. When, during the course of routine or annual inspections, a violation of the code is found, the owner or operator of the facility will be given a reasonable time to make needed corrections to bring the facility into compliance. A reinspection date will be noted on the inspection form. Failure to correct said violations upon reinspection will result in possible fines as outlined in the Civil Citation fee schedule below, as well as a $50.00 reinspection fee. The amount of the fine will be based upon the chapter of the code addressing the compliance issue. Each separate violation (device or condition) will be considered a separate and distinct code offense.

C. Repeat Licensure Inspections. Facilities such as, but not limited to, Foster Care Homes, Day Care Homes and Centers, Adult Care Facilities, certain medical treatment facilities, and retail outlets that sell alcoholic beverages are required to have routine inspections to maintain their licensure. As a routine inspection, each facility shall receive the first inspection of each licensure period at no charge. Any repeat inspection of a licensed facility, at the request of the owner/operator, whether the same or differing owner/operation from the previous inspection, within 11 calendar months shall result in a $75.00 reinspection fee.

D. Illegal Burning. Violations of Sect. 6.5-15, Illegal Burning, of the Pender County Fire Prevention and Protection Ordinance shall be as follows:

1st Offense . . . $100.00
2nd Offense . . . $250.00 and notification of NC-DENR, Air Quality
3rd and Subsequent Offenses . . . $500.00

II. Civil Penalties by Code Chapter

Chapter	Title	Penalty
1	Administration	100.00
3	General Precautions Against Fire	100.00
4	Emergency Planning & Preparedness	100.00
5	Fire Service Features	100.00

6	Building Service Features	100.00
Chapter	Title	Penalty
7	Fire Resistance-Related Features	100.00
8	Interior Finish, Decorative Materials & Furnishings	100.00
9	Fire Protection Systems	100.00
10	Means of Egress	250.00
11	Aviation Facilities	100.00
12	Dry Cleaning	100.00
13	Combustible Dust-producing Operations	100.00
14	Fire Safety During Construction & Demolition	100.00
15	Flammable Finishes	100.00
16	Fruit & Crop Ripening	100.00
17	Fumigations & Thermal Insecticidal Fogging	100.00
18	Semiconductor Fabrications Facilities	100.00
19	Lumber Yards & Woodworking Facilities	100.00
20	Manufacture of Organic Coatings	100.00
21	Industrial Ovens	100.00
22	Motor Fuel-Dispensing Facilities & Repair Garages	100.00
23	High-Piles Combustible Storage	100.00
24	Tents, Canopies, & Other Membrane Structures	100.00
25	Tire Rebuilding & Tire Storage	100.00
26	Welding & Other Hot Works	100.00
27	Hazardous Materials – General Provisions	100.00
28	Aerosols	100.00
29	Combustible Fibers	100.00
30	Compressed Gases	100.00
31	Corrosive Materials	100.00
32	Cryogenic Fluids	100.00
33	Explosives & Fireworks	100.00
34	Flammable & Combustible Liquids	100.00
35	Flammable Gases	100.00
36	Flammable Solids	100.00
37	Highly Toxic & Toxic Materials	100.00
38	Liquefied Petroleum Gas	100.00
39	Organic Peroxides	100.00
40	Oxidizers	100.00
41	Pyrophoric Materials	100.00
42	Pyroxylin (Cellulose Nitrate) Plastics	100.00
43	Unstable (Reactive) Materials	100.00

44	Water-Reactive Solids and Liquids	100.00