



ALEXANDER COUNTY FIRE PREVENTION AND PROTECTION ORDINANCE

140.01 Title

This ordinance shall be known as the Fire Prevention and Protection Code of Alexander County, North Carolina, and may be cited as such and referred to herein as "the code."

140.02 Intent of code

(a) It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the safe guarding of life and property within the jurisdiction of Alexander County from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, 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 re-inspection 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.

140.03 Fire Marshal to enforce Code

The Fire Prevention and Protection Code of Alexander County shall be enforced by the Alexander County Fire Marshal and his authorized representatives.

140.04 Adoption of technical codes and standards by reference; copies of file.

(a) There is hereby adopted by reference and incorporated herein that certain code known as and entitled "Volume V - Fire Prevention" 1999

Edition. Copies of the Alexander County Fire Prevention and Protection Ordinance and all technical codes and standards adopted by reference, shall be filed with, and available for public inspection in the office of 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 Alexander County at the time such amendments become a part of "Volume V - Fire Prevention" of the North Carolina State Building Code.

140.05 Inspection of buildings and premises.

Subject to the limitations and conditions stated in the North Carolina 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 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 hazards.

140.06 Permits.

(a) This code shall require permits from the Fire Marshal as set forth in "Volume V - Fire Prevention" of the North Carolina State Building 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" of the North Carolina State Building Code and this Code.

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

140.07 Service of orders or notices

(a) The service of orders or notices for the correction of violations of the 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 occupied by one other than the owner under a lease or other agreement, the orders or notices issued 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.

140.08 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 30 days, as specified in the billing or notice of the amount of the fee.

140.09 Violations and Penalties

(a) Any person who shall violate any of the provisions of the Code hereby 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 County Fire Marshal, through the County Attorney, may file suit to enjoin the construction or maintenance of any facility, building or structure, which does not conform to the provisions of the Code.

(b) This Code may be enforced by any of the remedies set forth in G.S. 153A - 123, in addition to others specifically set out herein or in the Alexander 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 shown in the attached Civil Penalty Schedule which 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) The Fire Marshal or his authorized representative is authorized to issue written citations in the name of the County for violations. Civil penalties must be paid to the Alexander County Clerk within thirty days after a citation has been issued by the Fire Marshal for a violation.

(e) Civil penalties for second or subsequent violations penalties shall be double the amounts specified in the Civil penalties schedule.

140.10 Removal of obstructions; prohibited parking

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 costs incidental to the removal and storage of the vehicle due for the violation of prohibited parking.

140.11 Emergency Entry.

The Fire Marshal or his authorized representatives 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.

140.12 Investigation of fires.

(a) The Fire Marshal's Office shall investigate the origin, cause, and circumstances of automobile and structure fires occurring in the county which is of a suspicious nature or which involves loss of life or injury to persons, or when notified by any fire department of a fire protection district or when circumstances warrant. Such investigation shall begin immediately upon the occurrence of such a fire and, if it appears that such fire is of

suspicious origin, the 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 local law enforcement agency, upon 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.

140.13 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 140.12.

(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.