

**COUNTY OF ANSON
FIRE PREVENTION ORDINANCE**

SECTION 1: TITLE

This Ordinance shall be known as the Fire Prevention Ordinance of Anson County, North Carolina and may be cited as such and referred to herein as the Ordinance.

SECTION 2: INTENT OF THE ORDINANCE

- (a) The intent of this Ordinance is to prescribe regulations for safeguarding life and property within the unincorporated limits of Anson 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 Ordinance shall be in effect within the corporate limits of any municipality within Anson County if requested by the governing body of the municipality and approved by the Board of County Commissioners.*
- (c) This Ordinance shall not be construed to impose any liability on the County of Anson for any damage to persons or property by reason of any inspection or re-inspection authorized herein, or failure to inspect or re-inspect, or permits issued or denied, or by reason of the approval or disapproval of any equipment.*
- (d) All fire prevention ordinances heretofore adopted by Anson County are hereby repealed.*

SECTION 3: FIRE INSPECTOR TO ENFORCE ORDINANCE

The Anson County Fire Inspector is hereby established. The duty of the Fire Inspector shall be to make the inspections required of this Ordinance and the NC State Volume V –Fire Prevention Code and to enforce compliance with both. The designated inspector is invested with authority to do so.

**SECTION 4: ADOPTION OF TECHNICAL CODES AND STANDARDS BY REFERENCE;
COPIES ON FILE**

- (a) The code known as and entitled “Volume V-Fire Protection” of the NC State Building Code, 1996 Edition and any amendments to, are hereby adopted and incorporated by reference as part of this Ordinance. Copies of this Ordinance and all codes and standards adopted by reference, shall be kept on file in the offices of the Anson County Inspection/Fire Department and available to the public.*

- (b) *Amendments to codes and standards which have been adopted by reference herein which are adopted and published by the North Carolina State Building Code Council shall be effective in Anson County at the time such amendments become a part of “Volume V-Fire Prevention” of the North Carolina State Building Code.*

SECTION 5: 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 the Ordinance.

SECTION 6: PERMITS

The NC State Building Code Volume V-Fire Prevention Chapter 4; 401.1.4 states : “ The Fire Official shall issue all Fire Prevention Code permits as deemed necessary, subject to the approval of local governing body.”

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

- (a) *Each business, manufacturing, industrial, etc., shall be issued a permanent permit to remain on premises as long as occupancy and owner remain the same. Any change will result in new issuance of permit.*
- (b) *Installation, or abandonment of above-ground or below-ground tanks storing volatile flammable or combustible liquids. Permits must be obtained from the Anson County Inspection Department.*
- (c) *Before any person or persons shall hold any special event such as fireworks, displays, tent assemblies, or any other public assemblies not covered by this Code they shall obtain a permit from the Anson County Inspection Department.*

SECTION 7: 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 uses 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 representatives 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.

SECTION 8: EMERGENCY ENTRY

- (a) The Fire Inspector 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 an immediate threat to human life, property or the public safety for the purpose of inspecting, eliminating, controlling, or abating the dangerous condition or situations.*
- (b) If entry or access is denied so as to limit the authorized duties of this Code, the Fire Inspector or his authorized representatives shall seek and obtain an administrative search, inspection warrant pursuant to G.S. 15-27.2.*

SECTION 9: INVESTIGATION OF FIRES

The County Fire Inspector's office shall be notified by the Fire Chief or Head Fireman of each Fire protection district, upon the occurrence of any fire located in the areas listed in SECTION 14 of this Ordinance.

SECTION 10: FIRE RECORDS

- (a) Fire Protection Districts shall keep a record of all emergency alarms, available upon request by County Fire Inspector.*
- (b) The Emergency Communications Center shall keep a record of all emergency alarms relating to fire, indicating incident number, time alarms received, time en-route, time arrived and in-service time. Records available to County Fire Inspector when requested.*

SECTION 11: MAINTAINING A FIRE HAZARD

No person shall knowingly maintain a fire hazard.

SECTION 12: 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.

SECTION 13: FEES

- (a) Fees for inspections and penalties for violations of this Ordinance shall be determined by resolution of the Board of County 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 County Commissioners and the office of the County Fire Inspector.*
- (b) Inspection fees shall be paid within the time specified by the fire inspection department.*

SECTION 14: INSPECTION SCHEDULE

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:

Once Every Six (6) Months:

Schools

Once Every Year:

Hazardous, Institutional, High Rise, Assembly and Residential (only interior common areas) except one and two family dwelling units of multi-family occupancies, and Day Care.

Once Every Two (2) Years:

Educational, (except public schools) and Industrial

Once Every Three (3) Years:

Business, Mercantile, Storage, Churches and Synagogues

Frequency rates for inspections of occupancies as mandated by the N.C. 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 N.C. Department of Insurance.

SECTION 15: VIOLATIONS AND PENALTIES

- (a) Any person who shall violate any of the provisions of this Ordinance or who shall fail to comply with any judicial warrant, lawful order, or regulations 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 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 Code.

- (b) This Ordinance may be enforced by any of the remedies set forth in G.S. 153A-123, in addition to others specifically set out herein.*
- (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 from time to time. The civil penalty schedule shall be kept on record with the Clerk of the Board of County 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 the Fire Prevention Ordinance of Anson County. The Fire Inspector is authorized to issue written citations in the name of the County for violations.*
- (e) Nothing in this subsection shall preclude the issuance of an arrest warrant.*

SECTION 16: SERVICE OF ORDERS OR NOTICES

- (a) Service of orders or notices for the correction of violations of this Ordinance will be sufficient if served 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 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 the Ordinance 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.*

SECTION 17: APPEALS

Any person may appeal an Order, decision or determination of the Fire Inspector or his representative to the Commissioner of Insurance of North Carolina through the appeal procedure set forth in Chapter 7 of Volume I-A Administration and Enforcement of the North Carolina State Building Codes, 1996 Edition or any amendments hereafter made to it. That appeal procedure is adopted by reference. The Fire Inspector shall make available to any person requesting it, 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 Anson County Board of Commissioners and in the Fire Inspection Department.

SECTION 18: SEVERABILITY

Invalidation of any section of this Ordinance by a court, shall not invalidate other section.

SECTION 19: CONFLICT WITH OTHER LAWS

Nothing in this Ordinance shall be construed to conflict with Article 18, Chapter 95 of the General Statutes of North Carolina as enacted and as may be amended from time to time.

SECTION 20: EFFECTIVE DATE

*This Ordinance Adopted This The _____ Day Of _____
1999.*

Chairman, Anson County Board of Commissioners

ATTEST:

Bonnie M. Huntley

*Bonnie M. Huntley
Clerk to the Board*