

ORDINANCE \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 30 "FIRE PREVENTION AND PROTECTION" OF THE COUNTY  
CODE OF ORDINANCES

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WHEREAS, Buncombe County previously adopted Chapter 30, Article II, the Fire Prevention Ordinance, of the Code of Ordinances County of Buncombe, North Carolina; and

WHEREAS, following review by Buncombe County personnel, certain amendments to said Ordinance have been suggested relating to the clarification of the duties of the Fire Marshal and the setting of fines for violations of the North Carolina Building Code: Fire Prevention Code Sec. 107.6 concerning Overcrowding.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That Chapter 30, Article II, the Fire Prevention Ordinance, of the Code of Ordinances County of Buncombe, North Carolina is hereby amended as follows:

a. Sec. 30-36. - Responsibilities.

The county fire marshal, or designee, is the Fire Code Official charged with the administration and enforcement of the North Carolina Building Code: Fire Prevention Code and any future iterations thereof, and shall be responsible for the enforcement of this article, the North Carolina Building Code: Fire Prevention Code, and all laws and ordinances covering the following:

- (1) The prevention of fires;
- (2) The storage, sale and use of combustible, flammable or explosive materials;
- (3) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;
- (4) The maintenance and regulation of fire escapes;
- (5) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres;
- (5.1) The adequacy of ingress, egress and regress to and from the construction and/or development of a tract of land into individual residential dwelling units, including mobile homes, modular homes or manufactured homes designed for and occupied by one family only, and being completely detached from other dwellings, and one or more

buildings thereon for multifamily use, including but not limited to condominiums, townhouses, row houses, apartments and other forms of group housing.

- (6) The investigation of the cause, origin, and circumstances of fires;
- (7) The maintenance of fire cause and loss records.

(Ord. No. 97-3-7, § 2, 3-18-97; Ord. No. 06-11-07, § 1, 11-21-06)

b. Sec. 30-44. - Violation; penalty.

A violation of this article shall be a misdemeanor punishable by a fine of not more than \$50.00 or by imprisonment for not more than 30 days or by both such fines and imprisonment. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Also such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant or person in charge shall not be deemed to relieve any of the others.

Violations of the North Carolina Building Code: Fire Prevention Code Sec. 107.6 concerning Overcrowding, as well as any future iterations thereof, may, in addition to the penalties set forth above and/or any other penalties and/or remedies available at law, be punished as a civil penalty as follows:

First Offense – Written Warning or \$50 Fine

Second Offense - \$100 Fine

Third Offense - \$500 Fine

Additionally, upon the discovery of any Violation of the North Carolina Building Code: Fire Prevention Code Sec. 107.6 concerning Overcrowding, the fire marshal, or the fire marshal’s designee, is authorized to order the evacuation of a building, premise, or portion thereof to abate the overcrowded condition.

(Ord. No. 97-3-7, § 10, 3-18-97)

- 3 That if any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance;
- 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and

5. That these ordinance amendments are effective upon adoption.

This the 7<sup>th</sup> day of December, 2020.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

By: \_\_\_\_\_  
Brownie Newman, Chairman

APPROVED AS TO FORM

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County Attorney