

**BUNCOMBE COUNTY FIRE PREVENTION ORDINANCE**

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BE IT ORDAINED by the Board of Commissioners of Buncombe County as follows:

SECTION 1. An ordinance to provide Buncombe County with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installment, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

This ordinance shall be known as the Buncombe County Fire Prevention Ordinance. This code adopts by reference Volume V of the North Carolina Building Code, and its incorporated standards and codes as published in the Building Code. The same are hereby adopted and incorporated as fully as if set out verbatim herein. Not less than one copy of the adopted issue of Volume V of the North Carolina Building Code and the adopted standards and codes shall be filed in the office of the Buncombe County Fire Marshal and the provisions thereof shall be controlling within the unincorporated area of the County and the municipalities that have requested inspections by the County.

SECTION 2. The Buncombe County Fire Marshal, or designee, shall be responsible for the enforcement of this Ordinance 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, amphitheaters;
6. The investigation of the cause, origin, and circumstances of fires;
7. The maintenance of fire cause and loss records.

SECTION 3. The Buncombe County Fire Marshal, or designee, shall prepare instructions and forms for the reports required by this ordinance.

SECTION 4. The Buncombe County Fire Marshal, or designee shall investigate the cause, origin, and circumstances of every fire occurring within the jurisdiction of this ordinance by which property has been destroyed or damaged, and so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such fire. The Buncombe County Fire Marshal, or designee, is empowered by this ordinance to take possession of any

evidence relevant to the fire. Every fire shall be reported in writing to the Buncombe County Fire Marshal's Office within five (5) days of its occurrence by the Fire Department primarily responsible for fire protection in the area where such fire has occurred. Such report shall be in the form prescribed by the Buncombe County Fire Marshal, and shall contain a statement of all facts relating to the cause, origin, and circumstances of such fire, the extent of the damage thereof, the insurance upon such property, and such other information as may be required, including the injury, death or rescue of persons. All reports of fire department activities shall be submitted to the Buncombe County Fire Marshal's Office no later than the tenth of the following month.

SECTION 5. The Fire Marshal, or designee, shall inspect all premises on a periodic basis for compliance with this ordinance and other fire prevention regulations as follows:

Semi-annual	Public Schools
Annual	Non-public Schools, Day Cares, Foster Homes, Family Care Homes, Hazardous, Institutional, High Rise and residential other than one and two family dwellings.
Every Two Years	Industrial, Educational, Business, Mercantile and storage
Every Three Years	Churches and Synagogues

SECTION 6. Whenever any fire inspector shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of waste paper, boxes, shavings, or any highly flammable materials, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, windows, likely to interfere with operations of a fire department or egress of occupants; or any violation listed in the Fire Code of the North Carolina Building Code, the inspector shall order the remediation of same.

Any owner or occupant failing to comply with such order within a reasonable period after service shall be subject to a penalty of \$100 for each violation deemed to be "Life Safety" and \$25 per violation for every other violation.

Any owner or occupant may appeal said order to the North Carolina Building Code Council through the procedure provided for by the North Carolina Building Code.

The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy to such occupant personally, or by leaving it with any person in charge of the premises, or if no such person is found upon the premises, by affixing a copy thereof in a conspicuous place or on the door to the entrance of said premises. Where the order cannot be served either by delivering to or leaving with the person a copy of the order, or if the owner is absent from the jurisdiction of the officer issuing the order, the order may be served by certified mail, return receipt requested, to the owner's last known address.

SECTION 7. The Buncombe County Fire Marshal shall maintain a record of all fires and facts concerning the same, including injuries, deaths, rescue of persons and statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such records shall be made daily from the reports made by the technical inspectors under the provisions of this ordinance. All such records shall be public.

SECTION 8. The Buncombe County Fire Marshal shall submit an annual report of activities to the County Manager, which shall contain all proceedings under this ordinance and any recommendations for amendments which the Fire Marshal deems appropriate.

SECTION 9. This ordinance shall apply equally to both public and private property, and all structures and their occupancies, except as otherwise specified; and shall be liberally construed as an exercise of the police powers of Buncombe County.

SECTION 10. A violation of this ordinance shall be a misdemeanor punishable by a fine of not more than \$50 or by imprisonment for not more than thirty (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.

#### SECTION 11. General

- a) During the installation of new water lines, fire hydrants shall be installed every 500 feet.
- b) Private roadways, driveways, and areas adjacent thereto shall be properly maintained and kept free of all obstructions that would reduce or limit access of fire apparatus and other emergency vehicles.
- c) Repeated false alarms due to alarm malfunctions, improper care of fire protection equipment or testing of systems may result in a fine not to exceed \$100 per alarm.
- d) Street numbers that are visible from the road shall be posted at each residence. Structures off of main roads will have the number posted at the road and at the structure.

SECTION 12. The Fire Marshal may require warning signs wherever hazardous materials are stored, processed, or handled. Such warning signs shall be conspicuously lettered in accordance with NFPA 704, Identification of the Fire Hazards of Materials; however, nothing in this section shall be held in conflict with Article 18 of Chapter 95 of the North Carolina General Statutes.

SECTION 13. Fees may be established by the Buncombe County Board of Commissioners for permits, certificates, approvals and other functions performed under this ordinance and shall be payable to Buncombe County. Upon adoption of fee schedule the fee shall accompany each application for permit, approval, certificate, or other fee related code provision. No fee shall be charged for any function unless specifically adopted by the Buncombe County Board of Commissioner.

SECTION 14. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 15. Where a conflict exists between this ordinance and the requirements of the State Building Code, the requirements of the State Building Code shall prevail.

SECTION 16. This ordinance shall take effect upon its adoption.