

CLAY COUNTY FIRE PREVENTION AND PROTECTION ORDINANCE

Sec. 1-1 Title

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

Sec. 1-2 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 Clay County from the hazards of fire and explosion arising from 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 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.

Sec. 1-3 Fire Marshal to Enforce Code

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

Sec. 1-4 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" 1991 Edition. Copies of the Clay County 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 Clay County at the time such amendments become a part of "Volume V - Fire Prevention" of the North Carolina State Building Code.

Sec. 1-4.1. Smoke Detectors Required In All Residential Rental Property Regardless of Date of Construction.

(a). "Residential rental property" is defined to mean every building or part of a building that is offered to or occupied by one or more persons, other than the owner or owners of the building and the owner's or owners' immediate family, for rent or lease for human habitation including, but not limited to, apartments, rental houses, duplex or triplex homes and mobile and modular homes.

(b). The owner or owners of every residential rental property located in Clay County, North Carolina, regardless of when such residential property was constructed, shall cause such residential rental property to be equipped with one or more approved smoke detectors, both battery operated and electrically hard-wired, installed in accordance with NFPA 74 in all new construction, battery operated prior to the date of this ordinance.

(c). The owner or owners of every residential rental property shall be responsible for testing each smoke detector system, and for making any repairs necessary for their proper operation, not less than once every twelve (12) months, and prior to the occupancy of each new tenant.

(d). During his or her occupancy of any residential rental property, every tenant shall periodically test each smoke detector system and, if any smoke detector system is not operating properly, the tenant shall immediately report the same to the owner or owners. No tenant shall tamper with, damage, disconnect or remove any smoke detector system from any residential rental property, nor permit any other tenant or guest to do the same. If any smoke detector system is damaged, disconnected or removed during the occupancy of any tenant or tenants, then that tenant or tenants shall be liable to the owner or owners of the property for the reasonable cost of repairing, re-installing or replacing the smoke detector system.

(e). Any owner or tenant of residential rental property who shall violate any of the requirements of this Section shall be subject to the civil and criminal penalties described in Section 1-9.

Sec. 1-5. 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.

Sec. 1-6. 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.

Sec. 1-7. 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.

Sec. 1-8. Fee Schedule (Appendix A, Section I)

(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 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.

Sec. 1-9. 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 Clay 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 Appendix A, (Section II) 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 Fire Marshal's office within seventy-two (72) hours after a citation has been issued by the Fire Marshal for a violation.

(e) Civil penalties for second or subsequent violations shall be double the amounts specified in Appendix A, (Section II).

Sec. 1-10. 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.

Sec. 1-11. Emergency Entry.

The County 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.

Sec. 1-12. Investigation of fires.

(a) The County Fire Marshal's Office shall investigate the cause, origin, 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 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 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.

Sec. 1-13. 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 1-12.

(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.

CLAY COUNTY
FIRE PREVENTION BUREAU; FIRE DEPARTMENT
PERMITS ALLOWED BY THE NORTH CAROLINA FIRE CODE
ADOPTED BY LOCAL ORDINANCE

N.C. FIRE CODE REFERENCE		SCHEDULED FEE
402.1	Airports, Heliports, and Helistops	\$20.00
402.2	Bowling Pin & Bowling Alley Re- finishing & Resurfacing	20.00
402.3	Cellulose Nitrate Motion Picture Film	20.00
402.4	Cellulose Nitrate Plastics(pyroxylin)	20.00
402.5	Combustable Fibers	20.00
402.6	Compressed Gas	
402.7	Crude Oil Production	60.00
402.8	Cryogenic Fluids	60.00
402.9	Dry Cleaning Plants	20.00
402.10	Explosives, Blasting Agents, and Ammuni- tion	40.00
402.11	Flammable and Combustable Liquids	30.00
402.12	Flammable Finishes	30.00
402.13	Fruit Rippening Process	20.00
402.14	Fumigation and Thermal Insecticide Fogging	20.00
402.15	Hazardous Chemicals	40.00
402.16	High Piled Combustable Stock	20.00
402.17	Liquified Natural Gas	40.00
402.18	Liquified Petroleum Gas	40.00
402.19	Lumber Storage	20.00
402.20	Magnesium	60.00
402.21	Mechanical Refrigeration	20.00
402.22	Motion Picture Projection	20.00
402.23	Organic Coatings	20.00
402.24	Ovens	20.00
402-25	Pipelines for Flammable & Combustable Liquids	20.00
402.26	Places of Assembly	20.00
402.27	Pulverized Particles (Dust)	20.00
402.28	Repair Garages	10.00
402.29	Tank Vehicles For Flammable & Combustable Liquids	20.00
402.30	Tents and Open Air Structures	20.00
402.31	Tire Rebuilding Plant	15.00
402.32	Wrecking Yard, Junk Yard, or Waste Handling Plant.	20.00
501.1	Bonfires	20.00
501.1	Outdoor Rubbish Fires	5.00
other references	13- Other Miscellaneous Permits for Specific Applications.	20.00

***** There will be NO PERMIT FEE for the following
PLACES OF ASSEMBLY.

Gatherings of 100 or more for the purpose of public recreation, worship, awaiting transportation, public instruction, and public deliberation.

The following occupancies are mandated by the State of North Carolina to have annual inspections and shall be exempt from fees: Daycares, Foster Homes, Group Homes, Schools, and Nursing Homes.