

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: MAY 24, 2018 AGENDA ITEM NUMBER: 12

SUBJECT: ORDINANCE REVISING CHAPTER 10 OF THE FORSYTH COUNTY CODE ENTITLED, "FIRE PREVENTION AND PROTECTION" (FORSYTH COUNTY ATTORNEY'S OFFICE)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: Yes No

SIGNATURE: *J. Dudley Watts, Jr.* DATE: May 23, 2018
COUNTY MANAGER

**ORDINANCE REVISING CHAPTER 10
OF THE FORSYTH COUNTY CODE ENTITLED
"FIRE PREVENTION AND PROTECTION"
(FORSYTH COUNTY ATTORNEY'S OFFICE)**

BE IT ORDAINED by the Forsyth County Board of Commissioners that Chapter 10 of the Forsyth County Code, entitled, "Fire Prevention and Protection" consisting of Sections 10-1 through 10-14, is hereby revised as shown in the attached Sections 10-1 through 10-14.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon final adoption.

Adopted this 24th day of May 2018.

Chapter 10 - FIRE PREVENTION AND PROTECTION^[1]

Editor's note—~~Ord. No. 6-91, § 1, adopted May 28, 1991, repealed former Ch. 10, fire prevention and protection, substantive sections thereof being, §§ 10-16—10-20, 10-32—10-49, 10-61—10-65, as derived from an ordinance adopted Oct. 18, 1971, §§ 1—3; an ordinance adopted Jan. 21, 1974, §§ 1—4; an ordinance adopted Apr. 1, 1974; and Ord. No. 7-78, §§ 1, 2, adopted Aug. 21, 1978. Further, Ord. No. 6-91 enacted a new Ch. 10 which pertained to the same subject matter and is set out herein as §§ 10-1—10-14.~~

Cross reference—~~Provision of air quality control ordinance permitting the setting of fires for training of public and industrial fire-fighting personnel, § 3-45(a)(1); buildings and building regulations, Ch. 7; water connections for fire protection facilities, § 22-6.~~

State Law reference— County fire protection generally, G.S. § 153A-233—153A-235; authority to levy taxes to provide fire protection services and fire prevention programs, G.S. § 153A-149(c)(11).

Sec. 10-1. Title.

Sec. 10-2. Intent of Code.

Sec. 10-3. Fire Marshal to enforce Code.

Sec. 10-4. Adoption of technical codes and standards by reference; copies on file.

Sec. 10-5. Inspection of buildings and premises.

Sec. 10-6. Permits.

Sec. 10-7. Service of orders or notices.

Sec. 10-8. Reserved.

Sec. 10-9. Fee schedule.

Sec. 10-10. Violations and penalties.

Sec. 10-11. Removal of obstructions; prohibited parking.

Sec. 10-12. Emergency entry.

Sec. 10-13. Investigation of fires.

Sec. 10-14. Fire records.

Sec. 10-1. - Title.

This chapter shall be known as the Fire Prevention and Protection Code of Forsyth County, North Carolina, and may be cited as such and referred to herein as the Code.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-2. - 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 Forsyth County 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) 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-3. - Fire Marshal to enforce Code.

The Fire Prevention and Protection Code of Forsyth County shall be enforced by the Forsyth County Fire Marshal and his authorized representatives or as otherwise provided herein.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-4. - Adoption of technical codes and standards by reference; copies on file.

- (a) There is hereby adopted by reference and incorporated ~~herein that certain code known as and entitled " the~~ North Carolina State Building Code: Fire Prevention Code, including ~~Appendices B, C, D, F, and H."~~ all appendices and all subsequent amendments and revisions. Copies of the Fire Prevention and Protection Code of Forsyth County, North Carolina and all technical codes and standards adopted by reference, shall be filed with, and available for public inspection in the offices of the ~~e~~Clerk to the ~~b~~Board of ~~e~~County ~~e~~Commissioners and the Forsyth County 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 Forsyth County at the time such amendments become a part of North Carolina State Building Code: Fire Prevention Code, ~~including Appendices B, C, D, F, and H.~~
(Ord. No. 6-91, § 1, 5-28-91; Ord. No. 2-2007, 7-23-07; Ord. No. 1-2009, 10-12-09)

Sec. 10-5. - Inspection of buildings and premises.

Subject to the limitations and conditions stated in the North Carolina State Building Code: Fire Prevention 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-6. - Permits.

- (a) This Code shall require permits from the Forsyth County Fire Marshal as set forth in North Carolina State Building Code: Fire Prevention Code, including ~~Appendices B, C, D, F, and H~~ all appendices.
- (b) It shall be the duty of the Forsyth County Fire Marshal to evaluate applications and issue, if approved, all permits for those conditions as prescribed in North Carolina State Building Code: Fire Prevention Code, including Appendices ~~B, C, D, F, and H~~ 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 Forsyth County Fire Marshal and prescribed in North Carolina State Building Code: Fire Prevention Code, including Appendices ~~B, C, D, F, and H~~ and this Code. Before a permit may be issued, the Forsyth County Fire Marshal shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.
(Ord. No. 6-91, § 1, 5-28-91; Ord. No. 2-2007, 7-23-07; Ord. No. 1-2009, 10-12-09)

Sec. 10-7. - Service of orders or notices.

- (a) The service of orders or notices for the correction of violations of ~~the~~ this 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~~ this 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-8. - Reserved.

~~Editor's note— Ord. No. 1-2000, adopted Sept. 11, 2000, deleted § 10-8, which pertained to tank installation and derived from Ord. No. 6-91, § 1, 5-28-91.~~

Sec. 10-9. - Fee schedule.

- (a) Fees for inspections required by this Code shall be determined by resolution of the Forsyth County 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 number of days specified in the billing or notice of the amount of the fee.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-10. - 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~~ Forsyth County, the County Fire Marshal, through the County Attorney, may enjoin the construction or erection 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 Forsyth 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 established by ordinance of the ~~b~~Board of eCounty eCommissioners. Said civil penalty schedule shall be filed with the ~~e~~Clerk to the bBoard of eCounty eCommissioners and in the Fire Marshal's Office for public inspection. Each day of violation shall constitute a separate and distinct offense.
- (d) Civil penalties must be paid within seventy-two (72) hours after a citation has been issued by the Fire Marshal for a violation. The Fire Marshal is authorized to issue written citations in the name of ~~the~~ Forsyth County for violations.
- (e) If any person shall violate this ordinance or chapter or any provision thereof, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).
(Ord. No. 6-91, § 1, 5-28-91; Ord. No. 2-92, §§ 3, 4, 4-13-92; Ord. No. 3-95, §§ 1, 2, 7-10-95)

Sec. 10-11. - 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. It shall be the responsibility of the property owner to ensure that fire lanes are clearly marked and open and accessible to fire apparatus at all times.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-12. - Emergency entry.

The County Fire Marshal or his authorized representatives or any fire chief or their authorized representatives of fire departments serving fire protection districts 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-13. - Investigation of fires.

- (a) The County Fire Marshal's Office shall investigate the cause, origin, and circumstances of every fire occurring in ~~the~~ Forsyth 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 Sheriff's ~~department~~ Office, 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-14. - 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 10-13.
- (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.
(Ord. No. 6-91, § 1, 5-28-91)

Chapter 10 - FIRE PREVENTION AND PROTECTION^[1]

State Law reference— County fire protection generally, G.S. § 153A-233—153A-235; authority to levy taxes to provide fire protection services and fire prevention programs, G.S. § 153A-149(c)(11).

Sec. 10-1. Title.

Sec. 10-2. Intent of Code.

Sec. 10-3. Fire Marshal to enforce Code.

Sec. 10-4. Adoption of technical codes and standards by reference; copies on file.

Sec. 10-5. Inspection of buildings and premises.

Sec. 10-6. Permits.

Sec. 10-7. Service of orders or notices.

Sec. 10-8. Reserved.

Sec. 10-9. Fee schedule.

Sec. 10-10. Violations and penalties.

Sec. 10-11. Removal of obstructions; prohibited parking.

Sec. 10-12. Emergency entry.

Sec. 10-13. Investigation of fires.

Sec. 10-14. Fire records.

Sec. 10-1. - Title.

This chapter shall be known as the Fire Prevention and Protection Code of Forsyth County, North Carolina, and may be cited as such and referred to herein as the Code.

(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-2. - 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 Forsyth County 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) 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-3. - Fire Marshal to enforce Code.

The Fire Prevention and Protection Code of Forsyth County shall be enforced by the Forsyth County Fire Marshal and his authorized representatives or as otherwise provided herein.

(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-4. - Adoption of technical codes and standards by reference; copies on file.

- (a) There is hereby adopted by reference and incorporated the North Carolina State Building Code: Fire Prevention Code, including all appendices and all subsequent amendments and revisions. Copies of the Fire Prevention and Protection Code of Forsyth County, North Carolina 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 Forsyth County 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 Forsyth County at the time such amendments become a part of North Carolina State Building Code: Fire Prevention Code.
(Ord. No. 6-91, § 1, 5-28-91; Ord. No. 2-2007, 7-23-07; Ord. No. 1-2009, 10-12-09)

Sec. 10-5. - Inspection of buildings and premises.

Subject to the limitations and conditions stated in the North Carolina State Building Code: Fire Prevention 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-6. - Permits.

- (a) This Code shall require permits from the Forsyth County Fire Marshal as set forth in North Carolina State Building Code: Fire Prevention Code, including all appendices.
- (b) It shall be the duty of the Forsyth County Fire Marshal to evaluate applications and issue, if approved, all permits for those conditions as prescribed in North Carolina State Building Code: Fire Prevention Code, including Appendices 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 Forsyth County Fire Marshal and prescribed in North Carolina State Building Code: Fire Prevention Code, including Appendices and this Code. Before a permit may be issued, the Forsyth County Fire Marshal shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.
(Ord. No. 6-91, § 1, 5-28-91; Ord. No. 2-2007, 7-23-07; Ord. No. 1-2009, 10-12-09)

Sec. 10-7. - Service of orders or notices.

- (a) The service of orders or notices for the correction of violations of this 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 this 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-8. - Reserved.

Sec. 10-9. - Fee schedule.

- (a) Fees for inspections required by this Code shall be determined by resolution of the Forsyth County 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 number of days specified in the billing or notice of the amount of the fee.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-10. - 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 Forsyth County, the County Fire Marshal, through the County Attorney, may enjoin the construction or erection 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 Forsyth 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 established by ordinance of the Board of County Commissioners. Said civil penalty schedule 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) Civil penalties must be paid within seventy-two (72) hours after a citation has been issued by the Fire Marshal for a violation. The Fire Marshal is authorized to issue written citations in the name of Forsyth County for violations.
- (e) If any person shall violate this ordinance or chapter or any provision thereof, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).
(Ord. No. 6-91, § 1, 5-28-91; Ord. No. 2-92, §§ 3, 4, 4-13-92; Ord. No. 3-95, §§ 1, 2, 7-10-95)

Sec. 10-11. - 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. It shall be the responsibility of the property owner to ensure that fire lanes are clearly marked and open and accessible to fire apparatus at all times.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-12. - Emergency entry.

The County Fire Marshal or his authorized representatives or any fire chief or their authorized representatives of fire departments serving fire protection districts 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-13. - Investigation of fires.

- (a) The County Fire Marshal's Office shall investigate the cause, origin, and circumstances of every fire occurring in Forsyth 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 Sheriff's Office, 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.
(Ord. No. 6-91, § 1, 5-28-91)

Sec. 10-14. - 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 10-13.
- (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.
(Ord. No. 6-91, § 1, 5-28-91)