



GRAHAM COUNTY FIRE
PREVENTION & PROTECTION
ORDINANCE

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AUTHORITY: SECTION 100

This chapter is adopted pursuant to N.C.G.S 153-A-121 and 143-138(e).

INTENT: SECTION 101

101-A: The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

101-B: These regulations shall also be controlling within the corporate limits of any municipality within Graham County upon request by resolution from the governing body of the municipality and upon approval of the Board of County Commissioners by resolution.

101-C: This chapter shall not be construed to hold the County responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or the permits issued or denied as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

**TECHNICAL CODES AND STANDARDS ADOPTED BY
REFERENCE: SECTION 102**

102-A: There is hereby adopted by reference and incorporated herein that certain code known as entitled, “Volume V- Fire Prevention” of the North Carolina State Building Code-2009 Edition. Copies of the Fire Prevention Ordinance of Graham County and all technical codes and standards are available for public inspection in the office of the Fire Inspections.

102-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 Graham County at the time such amendments become a part of “Volume V – Fire Prevention” of the North Carolina State Building Code-2009 Edition.

INSPECTION OF BUILDINGS AND PREMISES: SECTION 103

Subject to the limitations and conditions stated in the North Carolina State Building Code, it shall be the duty of the Fire Inspections Office to inspect or to 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 which may cause fire or explosion, endanger life from fire explosion, or any violations of the provisions of this chapter.

PERMITS: SECTION 104

(A) Fire Prevention Permits.

- (1) This chapter shall require permits from the Fire Inspections Office as set forth in Chapter 1 “Volume V- Fire Prevention” of the North Carolina State Building Code 2009 Edition.
- (2) It shall be the duty of the Fire Inspection Office to evaluate applications and issue , if approved, all permits for those conditions as prescribed in Chapter 1 of “Volume V – Fire Prevention” of the North Carolina State Building Code 2009 Edition.
- (3) 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 first obtaining a permit as required by the Fire Inspections Office and prescribed in Chapter 1 “Volume V – Fire Prevention” of the North Carolina Building Code 2009 Edition. Before a permit may be issued, The Fire Inspection Office shall inspect and approve the receptacles, vehicles, building, structures, storage areas, devices, processes and conditions related to the permit.
- (4) A permit may be revoked pursuant to the provisions of Chapter 1 of “Volume V – Fire Prevention” of the North Carolina State Building Code 2009 Edition. Any person may appeal said revocation to the Graham County Board of Commissioners within thirty (30) days.
- (5) To provide for efficient, timely handling of duties set forth in N.C.G.S. 14-284, 14-410 AND 14-413, and with greater

convince to the public, authority is granted to the Fire Inspections Office to act as agent of the Board of Commissioners to approve /disapprove issuance of permits and licenses for the storage of explosives and the exhibition of pyrotechnics at public celebrations, related to the permit.

(B) Other Permits

This chapter shall not exempt a person who has obtained a permit pursuant to this chapter from any other permits required by other State, Federal, and Local Laws.

SERVICE OF ORDERS OR NOTICES: SECTION 105

(A) The service of orders or notices for the correction of Violations of this chapter 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 building 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 chapter arising out of operations conducted on the premises shall apply to the occupant therefore; provided that where the order 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.

EMERGENCY ENTRY: SECTION 106

(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 eliminating, controlling, or abating the dangerous condition or situation.

- (B) If entry or access is denied so as to limit the authorized duties of this chapter, the Fire Inspector or his authorized representative shall seek and obtain an administrative search warrant pursuant to N.C.G.S. 15-27.2.

INVESTIGATION OF FIRES: SECTION 107

The County Fire Chiefs Office will cooperate in any way with law enforcement agency having jurisdiction of any fire. The Fire Chiefs Office may designate a team of trained investigators to determine cause and origin of any fire and will assist in their efforts by supplying and equipping resources or other methods as possible and deemed feasible by the Fire Chiefs Office. Investigations will remain the responsibility of the appropriate fire chief until he or she deems necessary to release the scene to the authorized representative of the Fire Chief's Office. An automatic investigation will be initiated if loss of life occurs during a fire or when other circumstances are deemed to warrant an investigation. Any information obtained pursuant to any such investigation shall be confidential as authorized by N.C.G.S. Chapter 58, Article 79.

FIRE RECORDS: SECTION 108

Each fire department shall compile records of fire alarms and other responses and forward these records to the North Carolina Fire Commission as prescribed in N.C.G.S. Chapter 69-1. All such records shall be considered public records.

MAINTAINING A FIRE HAZARD: SECTION 109

No person shall knowingly maintain a fire hazard.

CARELESSNESS WITH FIRE: SECTION 110

No person shall deliberately, or through carelessness or negligence, set fire to or cause the burning of any person or property.

OVERCROWDING: SECTION 111

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which institutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

PARKING IN FRONT OF A FIRE HYDRANT, FIRE STATION, OR FIRE LANE: SECTION 112

- (A) No person shall park a vehicle or permit it to stand, whether attended or unattended, within 15 feet in either direction of a fire hydrant or the entrance to a fire station.

- (B) No person shall park a vehicle or permit it to stand Unattended in any area designated as a fire lane located in A shopping center or mall parking lot as long as the vehicle is clearly designated as a delivery vehicle. The prima facie rule of evidence created by G.S. 20-162 is applicable to prosecutions for violation of this section. The operator of a vehicle parked in violation of this chapter shall be charged a civil penalty for fire code violations pertinent to the type of occupancy where it occurred not to exceed \$ 25.00.

SEVERABILITY: SECTION 113

The Board of Commissioners of the County of Graham hereby declares that should any section, paragraph, sentence, or word of this Chapter or of the Code hereby adopted be declared for any reason to be invalid, the remaining sections shall be in full force and effect.

ENFORCEMENT PROVISIONS: SECTION 115

- (A) The Fire Prevention Ordinance of Graham County shall be enforced by the Graham County Fire Inspections Office, as certified by the North Carolina Code Officials Qualification Board or as otherwise provided herein by Graham County policies.
- (B) This chapter and “Volume V- Fire Prevention” of the North Carolina State Building Code 2009 edition may be enforced by any methods authorized by N.C. G.S. 153A-123. Each day’s continuing violation shall constitute a separate offense. Such methods shall be carried out in accordance with the procedures outlined below.
- (C) Any of the below stated actions or combination thereof may be pursued for any violation of this chapter.

PENALTIES AND REMEDIES FOR VIOLATIONS: SECTION 116

- (A) **Criminal Penalties:** Violation of this chapter shall constitute a general misdemeanor punishable by a fine not to exceed \$50.00 or imprisonment for not more than thirty (30) days or both. Each day’s violation shall be treated as a separate offense.
- (1) **Warning Report:** Upon an initial violation of a particular provisions of this chapter an individual may be issued a warning report. Such warning report shall identify the

particular practice which is in violation of this chapter and shall state the time, date and place of the violation.

(2) Warrant: If an individual violates this chapter within the six (6) months following the issuance of a warning report in a manner that is similar to the violation specified in the warning report, The Graham County Fire Chiefs by and through a Fire Inspector may cause a warrant to be issued for the arrest of the individual.

(B) CIVIL PENALTIES: Any individual who is found in Violation of this chapter may be subject to a civil penalty as set out in Appendix A “Civil Penalty Schedule for Fire Prevention Code Violations of Volume V – Fire Prevention of the North Carolina State Building Code” 2009 edition, as allowed by G.S. 153A-123. Each day’s violation shall be treated as a separate offense.

(1) Compliance Order: Upon making a determination that a Person is in violation of this chapter, the Graham County Fire Inspections Office shall issue a Compliance Order to the person in violation of this chapter. Such order shall identify the circumstances giving rise to the violation, including the times, dates, and places of the violation. Such notification shall further identify the action which is necessary to comply with this chapter. Such notification shall state that if the violator does not comply within a reasonable time not to exceed 45 days the individual will be subjected to a civil penalty. If circumstances exist such that the violator cannot come into compliance within 45 days, the Graham County Fire Inspections Office may grant an extension of time commensurate with the magnitude of the violation. The Compliance Order shall further state that failing to comply with the terms of the Compliance Order will subject the violator to a civil penalty, and shall further state the amount of said penalty.

(2) **Civil Penalty:** Failing to comply with terms of a Compliance Order issued by the Graham County Fire Inspection Office within the time stated in the Order shall subject the violator to civil penalty as set out in Appendix A “Civil Penalty Schedule for Fire Prevention Code Violations of Volume v – Fire Prevention of the North Carolina State Building Code” 2009 edition as allowed by G.S. 153 A-123. Each day that the violation continues shall be considered a separate offense and may subject the violator to an additional civil penalty for each separate offense.

(C) **EQUITABLE REMEDIES:** This chapter may be enforced by equitable remedies, and any unlawful condition existing in violation of this chapter may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.

(1) **Injunction:** Where necessary to effectuate compliance with this chapter, the Graham County Fire Inspections Office may institute an action in a court of competent jurisdiction seeking an injunction against the further violation of this chapter. Such action instituted to collect accrued civil penalties in accordance with the provisions above.

(2) **Order of Abatement:** Where necessary to abate a condition existing upon land in violation of this chapter or a use made of land in violation of this chapter the Graham County Fire Inspections Office may institute an action in a court of competent jurisdiction seeking an order of abatement of the use or condition of land in violation of this chapter. Such action may be joined to an action for an injunction and/or an action to recover civil penalties accrued against an individual for the use or condition of land in violation of this chapter.

(3) Other Equitable Remedies: This chapter may be enforced by any other equitable remedy which a court of competent jurisdiction deems just and proper.

ADOPTION AND EFFECTIVE DATE: SECTION 117

This ordinance shall take effect upon adoption.

Date: _____

Sandra Smith, Chairman, Graham County Commissioner

Bruce Snyder-Vice Chairman, Graham County Commissioner

Billy Cable, Member, Graham County Commissioner

Steve Odom, Member, Graham County Commissioner

Eugene Trull, Member, Graham County Commissioner

David Sawyer, Graham County Attorney

ATTEST:

Kim Crisp, Clerk to the Board

APPENDIX A
FEE SCHEDULE

Section A. 1 Inspections:

Fire Permit
Fee & Schedule

Place	Fee	Schedule
Public Schools	NO CHARGE	Semi/ annual
Private Schools	\$30.00	1-Year
Restaurants	\$30.00	1 Years
Convenience Stores /Grocery	\$30.00	3-Years
Churches- less than 100	NO CHARGE	3-Years
Churches -more than 100	NO CHARGE	1-Year
Business, mercantile, storage	\$30.00	3-Years
Service Station / Garages	\$30.00	1-Year
Body Shop	\$30.00	1-Year
Lumber Yards	\$30.00	3-Years
Educational above 12th grade	\$30.00	1-Year
Industrial/ Factory less than 2500 ft.	\$30.00	2-Years
Industrial/ Factory more than 10,000 ft	\$200.00	2-Years
High Rise Building	\$100.00	1-Year
Assembly - 100 to 1000	\$30.00	1-Year
Hazard Material	\$100.00	1-Year
Hotel/ Motel- 0-10 units	\$30.00	1-Year
Hotel/ Motel- 10-50 units	\$50.00	1-Year
Hotel/ Motel- 50-100 units	\$150.00	1-Year
Hotel/ Motel- above 100 units	\$150.00 + \$50.00 per 100 units	1-Year
Institution/ Nursing home 0-10	\$30.00	1-Year
Institutional/ Nursing home 10-50	\$50.00	1-Year
Institutional/ Nursing home 50-Above	\$100.00	1-Year
Day Care 0-25	\$30.00	1-Year
Day Care 25-100	\$50.00	1-Year
Private Foster Homes	\$30.00	1-Year
All County Owned Buildings	NO CHARGE	Based on occupancy

Section A. 2 Violations

**** Violation (s) of the Code including all referenced enforceable material contained within (may issue citation).

- 1st Offense-----\$ 50.00
- 2nd Offense-----\$ 100.00
- 3rd Offense-----\$ 200.00

