

CHAPTER 92: FIRE PREVENTION

Section

- 92.01 [Authority](#)
- 92.02 [Intent](#)
- 92.03 [Technical Codes and Standards Adopted by Reference](#)
- 92.04 [Inspection of Building and Premises](#)
- 92.05 [Permits](#)
- 92.06 [Service of Orders or Notices](#)
- 92.07 [Emergency Entry](#)
- 92.08 [Investigation of Fires](#)
- 92.09 [Fire Records](#)
- 92.10 [Maintaining a Fire Hazard](#)
- 92.11 [Carelessness with Fire](#)
- 92.12 [Parking in Front of a Fire Hydrant, Fire Station, or Fire Lane](#)
- 92.13 [Severability](#)
- 92.14 [Conflict with Other Laws](#)
- 92.15 [Enforcement Provisions](#)

- 92.99 [Penalties and Remedies for Violations](#)

[Appendix A](#): Civil Penalty Schedule for Fire Prevention Code Violations of Volume V –
Fire Prevention of the North Carolina State Building Code

§ 92.01 AUTHORITY.

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

§ 92.02 INTENT.

(A) It is the intent of this chapter to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the unincorporated limits of Haywood 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.

Haywood County – General Regulations

(B) These regulations shall also be controlling within the corporate limits of any municipality within Haywood County upon request by resolution from the governing body of the municipality and upon approval of the Board of County Commissioners by resolution.

(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 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. passed 12-18-00)

§ 92.03 TECHNICAL CODES AND STANDARDS ADOPTED BY REFERENCE.

(A) There is hereby adopted by reference and incorporated herein that certain code known as and entitled, “*Volume V – Fire Prevention*” of the North Carolina State Building Code, 1996 Edition. Copies of the Fire Prevention Ordinance of Haywood County and all technical codes and standards are available for public inspection in the office of 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 Haywood County at the time such amendments become a part of “*Volume V – Fire Prevention*” of the North Carolina State Building Code.

(Ord. passed 12-18-00)

§ 92.04 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’s 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 cause fire or explosion, endanger life from fire or explosion, or any violations of the provisions of this chapter.

(Ord. passed 12-18-00)

§ 92.05 PERMITS.

(A) *Fire Prevention Permits.*

(1) This chapter shall require permits from the Fire Marshal’s Office as set forth in Chapter 4 of “*Volume V – Fire Prevention*” of the North Carolina State Building Code.

(2) It shall be the duty of the Fire Marshal’s Office or the Fire Inspector to evaluate applications and issue, if approved, all permits for those conditions as prescribed in Chapter 4 of “*Volume V – Fire Prevention*” of the North Carolina State Building Code and this chapter.

(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 Marshal's Office and prescribed in Chapter 4 of "*Volume V – Fire Prevention*" of the North Carolina State Building Code and this chapter. Before a permit may be issued, the Fire Marshal's Office shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.

(4) A permit may be revoked pursuant to the provisions of Chapter 4 of "*Volume V – Fire Prevention*" of the North Carolina State Building Code. Any person may appeal said revocation to the Haywood 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 convenience to the public, authority is granted to the Fire Marshal's Office to act as the 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.
(Ord. passed 12-18-00)

§ 92.06 SERVICE OF ORDERS OR NOTICES.

(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 thereof; 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.
(Ord. passed 12-18-00)

§ 92.07 EMERGENCY ENTRY.

(A) The 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 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 Marshal or his authorized representatives shall seek and obtain an administrative search warrant pursuant to N.C.G.S. §15-27.2.

(Ord. passed 12-18-00)

§ 92.08 INVESTIGATION OF FIRES.

The County Fire Marshal's Office will cooperate in any way with the law enforcement agency having jurisdiction of any fire. The Fire Marshal's 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 Marshal's Office. Investigations will remain the responsibility of the appropriate fire chief until he or she deems necessary to release the scene to the authorized representatives of the Fire Marshal'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.

(Ord. passed 12-18-00)

§ 92.09 FIRE RECORDS.

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.

(Ord. passed 12-18-00)

§ 92.10 MAINTAINING A FIRE HAZARD.

No person shall knowingly maintain a fire hazard.

(Ord. passed 12-18-00)

§ 92.11 CARELESSNESS WITH FIRE.

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

(Ord. passed 12-18-00)

§ 92.12 PARKING IN FRONT OF A FIRE HYDRANT, FIRE STATION, OR FIRE LANE.

(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. Persons loading or unloading supplies or merchandise may park temporarily in 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 with a civil penalty for fire code violations pertinent to the type of occupancy where it occurred not to exceed \$25.00.

(Ord. passed 12-18-00)

§ 92.13 SEVERABILITY.

The Board of Commissioners of the County of Haywood 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.

(Ord. passed 12-18-00)

§ 92.14 CONFLICT WITH OTHER LAWS.

Nothing in this chapter shall be constructed to conflict with Article 18, Chapter 95 of the General Statutes of North Carolina as enacted and as may be amended from time to time.

(Ord. passed 12-18-00)

§ 92.15 ENFORCEMENT PROVISIONS.

(A) The Fire Prevention Ordinance of Haywood County shall be enforced by the Haywood County Fire Marshal or the Fire Inspector as certified by the North Carolina Code Officials Qualification Board or as otherwise provided herein by Haywood County policies.

(B) This chapter and “*Volume V – Fire Prevention*” of the North Carolina State Building Code 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.

(Ord. passed 12-18-00)

§ 92.99 PENALTIES AND REMEDIES FOR VIOLATIONS.

(A) *Criminal Penalties.* Violation of this chapter shall constitute a general misdemeanor punishable by a fine not to exceed \$500 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 provision 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 Haywood County Fire Marshal by and through a Fire Inspector may cause a warrant to be issued for the arrest of the individual.

(3) *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*" as allowed by G.S. §153A-123. Each day's violation shall be treated as a separate offense.

(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 Violation of Volume V – Fire Prevention of the North Carolina State Building Code*" 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 Haywood County Fire Marshal's 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 Haywood County Fire Marshal's 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 civil penalty.

(2) *Civil Penalty.* Failing to comply with the terms of a compliance order issued by the Haywood County Fire Marshal's Office within the time stated in the Order shall subject the violator 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*" as allowed by G.S. §153A-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 such 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 Haywood County Fire Marshal's 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 Haywood County Fire Marshal's 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.
(Ord. passed 12-18-00)

APPENDIX A

**CIVIL PENALTY SCHEDULE
FOR FIRE PREVENTION CODE VIOLATIONS OF VOLUME V – FIRE PREVENTION
OF THE NORTH CAROLINA STATE BUILDING CODE**

A.	Violations of the Ordinance not covered by the Building Code	25.00
B.	Violations covered by the Building Code	<i>Dollar Amount</i>
	<i>Chapter</i>	
	1. Administration	.00
	2. Definitions and Abbreviations	.00
	3. Recognized Standards and Publications	.00
	4. Permits and Certifications	25.00
	5. General Precautions Against Fire	25.00
	6. Fire Protection	25.00
	7. Electrical	25.00
	8. Maintenance of Exit Ways	100.00
	9. Flammable and Combustible Liquids	25.00
	10. Application of Flammable Finishes	25.00
	11. Bowling Establishments	25.00
	12. Dry Cleaning Plants	25.00
	13. Manufacturing of Organic Coatings	25.00
	14. Oil-Burning Equipment	25.00
	15. Compressed Gases	25.00
	16. Liquefied Natural Gas	25.00
	17. Liquefied Petroleum Gases	25.00
	18. Cryogenic Fluids	25.00
	19. Explosives, Blasting Agents, Ammunition	25.00
	20. Fireworks	25.00
	21. Prevention of Dust Explosions	25.00
	22. Hazardous Chemicals	25.00
	23. Cellulose Nitrate Plastic (Pyroxylin)	25.00
	24. Cellulose Nitrate Motion Picture Film	25.00
	25. Fruit Ripening Processes	25.00
	26. Fumigation and Thermal Insecticidal Fogging	25.00
	27. Magnesium	25.00
	28. Mechanical Refrigeration	25.00
	29. Welding and Cutting, Calcium Carbide and Acetylene	25.00
	30. Airports, Heliports, and Helistops	25.00
	31. Assembly Occupancies	100.00
	32. Automobile Tire Rebuilding Plants	25.00

Fire Prevention

9

33. Combustible Fibers	25.00
34. Covered Mall Buildings	25.00
35. Garages	25.00
36. High-Piled Combustible Stock	25.00
37. Lumber Yards and Woodworking Plants	25.00
38. Ovens, Industrial Baking and Drying	25.00
39. Tents and Air Supported Structures	25.00
40. Wrecking Yards, Junk Yards or Waste Material Handling Plants	25.00
41. Decorative Materials	25.00
42. Hazardous Production Material (HPM) Facilities	25.00
43. Furnishings	25.00