

Final for Adoption

**Chapter 11-FIRE PREVENTION
AND LIFE SAFETY**

Article I-In General

Secs. 11-1—11-17 Reserved

Article II-Fire Prevention

Sec. 11-18. Title

This ordinance shall be known as the Fire Prevention and Life Safety Ordinance of Franklin County, North Carolina and may be cited as such and referred to herein as the "Ordinance".

Sec. 11-19 Authority

Pursuant to N.C.G.S. § 153A-234, the County has the authority to appoint a Fire Marshal, and pursuant to N.C.G.S. § 160D, Article 11, the County has the authority to enforce the Building Codes and establish a fire prevention inspector.

Sec. 11-20. Intent of Ordinance

- (a) It is the intent of the Ordinance to adopt and enforce the North Carolina Fire Code as it is currently in effect and as it may be amended from time to time.
- (b) It is the intent of the Ordinance to prescribe and enforce regulations consistent with nationally recognized good practices for the safeguarding of life and property within the jurisdiction of Franklin County (the "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.
- (c) To the extent allowed by law, the Ordinance shall not be construed to hold the County responsible for any damage to persons or property by reason of (i) the inspection or re-inspection; (ii) failure to inspect or re-inspect; (iii) the issuance or denial of any permits; or (iv) the approval or disapproval of any equipment as provided herein.

Sec. 11-21. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Chief of the bureau of fire prevention or fire official.* Whenever the term "chief of the bureau of fire prevention" or the term "fire official" is used in North Carolina State Fire Prevention Code and all technical codes, appendixes and standards adopted in this ordinance, it shall be held to mean the county fire marshal or his officers.

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- (b) *Fire prevention bureau.* Whenever the term "fire prevention bureau" is used in North Carolina State Fire Prevention Code and all technical codes, appendixes and standards adopted in this ordinance, it shall be held to mean the county fire marshal's office.
- (c) *Fire prevention* means those services and actions undertaken to eliminate fire hazards and perils, reduce the risk of occurrences of fire and passively protect property and persons from damage and injury and reduce the extent of the same in the event of fire.
- (d) *North Carolina State Fire Code* shall mean the North Carolina State Building Code: Fire Prevention Code as adopted by the North Carolina Building Code Council, as it may be updated and amended from time to time.
- (e) *Primary Fire District* shall mean the "Primary Fire Districts" as defined by municipal ordinances.
- (f) Other words, phrases and terms used in this chapter to the extent possible shall be given the meanings set forth in the North Carolina State Fire Prevention Code, as adopted by the North Carolina Building Code Council, as it may be updated and amended from time to time.

Sec. 11-22. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Sec. 11-23. Applicability

- (a) This Ordinance shall supersede and replace all ordinance provisions related to Fire Prevention and Life Safety, including Fire Inspections.
- (b) This Ordinance shall apply equally to new and existing conditions, except those existing conditions not in strict compliance with the terms of this chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the opinion of the Fire Marshal or his or her acting agent.
- (c) This Ordinance applies to all unincorporated areas of the County. In addition, this Ordinance, in its entirety, may apply within the corporate limits of any municipality located within Franklin County, if a municipality, by resolution, requests that the Ordinance be applicable within the municipality and enters into a memorandum of understanding with the County as to applicability of the Ordinance.

Sec. 11-24. Duties of the Fire Marshal

- (a) *Duties of the Fire Marshal.* Duties of the Fire Marshal shall include, but are not limited to:
 - (1) Keeping the County Manager and the Board of Commissioners informed of the progress and development of fire departments in consultation with fire departments;
 - (2) Keeping the County Manager and the Board of Commissioners informed of any matters pertaining to the fire departments in consultation with fire departments;

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- (3) Aid and assist fire departments as requested;
- (4) Being the County Manager's and Commissioners' adviser concerning understanding the requirements of the state's Fire Insurance Rating Bureau in consultation with fire departments;
- (5) Making fire prevention inspections of schools as required by G.S. Chapter 115C and of day care facilities as authorized by G.S. Chapter 110;
- (6) Making inspections of places of public gathering relative to fire protection and fire prevention;
- (7) Making investigations of (or assisting other officials with) fires of a suspicious nature so as to determine their cause;
- (8) Assisting fire departments in developing a fire prevention program in their respective districts and aiding in developing a fire prevention program for schools;
- (9) Administering this ordinance.

Sec. 11-25. Fire Marshal to Enforce Ordinance

The Ordinance shall be enforced by the Franklin County Fire Marshal and his authorized representatives (collectively, the "Fire Marshal") who shall be certified by the North Carolina Qualifications Board and any other board, association or entity required by law.

Sec. 11-26. Adoption of Technical Codes and Standards By Reference; Copies on File

The North Carolina State Fire Code, together with all future amendments and modifications thereto (collectively, the "Fire Code"), is hereby adopted and incorporated herein by reference as if fully set forth in this Ordinance. Copies of the Fire Code 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.

Sec. 11-27. 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 (or as otherwise required by law), all buildings, structures, and premises within their 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 violation of the provisions or intent of the Code or this Ordinance. Inspections may be announced or unannounced. The Fire Marshal may take photographs and videos while conducting an inspection.

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Sec. 11-28. Inspection Schedule

In order to preserve and to protect public health and safety, and to satisfy the requirements of the N.C.G.S. § 160D-1117, Franklin County shall have a periodic inspection schedule for the purpose of identifying activities and conditions that pose danger of fire, explosion, or related hazards for the following buildings, structures and premises:

Once Every Year: Assembly, Hazardous, Institutional, high-rise, Residential except one- and two-family dwellings, and only the interior common areas of dwelling units of multifamily occupancies. New and existing lodging establishments, including hotels, motels, and tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), bed and breakfast inns, and bed and breakfast homes as defined in N.C.G.S. 130A-247 for the installation and maintenance of carbon monoxide alarms and detectors in accordance with N.C.G.S. 143-138(b2).

Once Every Two Years: Industrial and Educational (except public schools).

Once Every Three Years: Business, Mercantile, Storage, Churches, Synagogues, and miscellaneous Group U occupancies.

Frequency rates for inspections of occupancies as mandated by the General Statutes of the State of North Carolina, or any other applicable law, shall supersede this schedule.

Sec. 11-29. Permits

Before a person or entity shall maintain, store, or handle hazardous materials or conduct hazardous processes as defined in the Code, the person or entity shall first obtain a permit from the Fire Marshal. The Fire Marshal shall evaluate all applications, issue or deny such permits, and make notifications in accordance with the Fire Code. Before a permit may be issued, the Fire Marshal shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes, and conditions related to the permit.

Sec. 11-30. Change of Tenant

When a new tenant occupies a building/space/area, a fire inspection by the Fire Marshal or their designee should be conducted prior to the issuance of a zoning permit for the occupancy.

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Sec. 11-33. Fire Extinguisher

Fire extinguishers shall be installed and maintained per the North Carolina Fire Code.

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Sec. 11-34. Key Boxes

A key box meeting the requirements of the Fire Marshal, at minimum the Fire Code, and additional requirements by the local fire district shall be installed (i) on all new construction where a fire alarm system and/or a sprinkler system has been installed; (ii) on existing construction where nuisance or repeated alarms occur; (iii) on access gates where access may be delayed; and (iv) on any other occupancy or structure where the Fire Marshal has determined that necessary access is delayed, or a delay occurs when returning fire apparatus back to service.

Sec. 11-35. Orders of Violation

The Fire Marshal shall serve orders for violations of the Code or this Ordinance (the “Order”) as follows: service of an Order shall be made upon the owner, occupant or other person responsible for the premises upon which the violation(s) exist, by (i) personally delivering a copy of the Order to such person; or (ii) by delivering the Order to and leaving it with any person in charge of the premises; or (iii) if such personal service is not possible or is unsuccessful, a copy of the Order shall be posted in a conspicuous place upon the door, gate or other entrance to the premises.

The Order shall specify (i) the nature of the violation; (ii) the penalty being imposed for the violation; (iii) the time period in which the violator must pay the penalty; (iv) if applicable, the period of time in which the violator must correct the violation in order to avoid paying the penalty; (v) the time period in which to appeal the Order; and (vi) inform the violator that if an appeal is not properly filed, violation is not corrected, or the penalty is not paid within the time set forth in the Order, that the Fire Marshal may have a criminal summons issued against the violator and that the violator shall be subject to any criminal penalty imposed by a court of competent jurisdiction in addition to the civil penalty specified in the Order and any other remedy authorized by this Ordinance.

Sec. 11-36. Fee Schedule

Fees for inspections required by this Ordinance shall be determined by the Board of County Commissioners. An inspection fee schedule shall be filed with the Clerk of the Board of County Commissioners and the Fire Marshal’s Office for public inspection. Inspection fees shall be paid 30 days from billing invoice date, or date of citation.

Sec. 11-37. Penalties and Appeal

- (a) Criminal Penalty. Any person or entity who shall violate or fail to comply with any Section of this Ordinance or the Code; or who shall violate or fail to comply with an Order, shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with N.C.G.S. § 14-4 of the North Carolina General Statutes. The maximum fine for a misdemeanor is \$500.00. Each day such violation continues, shall constitute a separate offense.
- (b) Civil Penalty. Pursuant N.C.G.S. § 153A-123 and N.C.G.S. § 143-139, any person or entity who shall violate or fail to comply with any Section of this Ordinance or the Code, or who

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shall violate or fail to comply with an Order, shall be subject to a penalty as set forth by the Franklin County Fire Marshal Fee Schedule, except for the following violation:

Burning of materials in violation of the Code, the Franklin County Open Burning Ordinance, the North Carolina Division of Air Quality regulations, or any other applicable air quality regulations of the State of North Carolina shall result in (1) a written warning for a first-time violation; (2) a \$100.00 penalty for a second violation. A violator shall be served with an Order for each violation in accordance with Section 11-35 of this Ordinance.

- (c) Pursuant to N.C.G.S. § 160D-1127, appeals from any Order shall be taken to the Commissioner of Insurance or his designee by filing a written notice with the Commissioner of Insurance and with the Fire Marshal within a period of ten (10) days after the Order is served upon the violator in accordance with Section 11-35 of this Ordinance. Further appeals may be taken to the State Building Code Council or to the courts as provided by law.
- (d) Notwithstanding anything contained herein to the contrary, this Ordinance may be enforced by any means and remedies set forth in N.C.G.S. § 153A-123, including, but not limited to, mandatory or prohibitory injunctions, orders of abatement and other equitable remedies. Further, this Ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123.

Sec. 11-38. Removal of Obstructions; Prohibited Parking

Any vehicle or object found obstructing, any fire hydrant, fire protection equipment, designated and marked fire lane, or fire station, may be issued a citation and penalty, as set out in Section 11-37, removed or towed away by or under the direction of the Fire Marshal to a storage area or garage.

The owner of such vehicle or object 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 and expenses associated with the removal and storage of the vehicle.

Sec. 11-39. Emergency Entry

The Fire Marshal, or such designee, shall have the right to enter any building or premises without permission or warrant in the event of any emergency constituting a fire threat to human life, property or the public safety for the purpose of eliminating, controlling, or abating the dangerous condition or situation.

Sec. 11-40. Investigation of Fires

The Fire Marshal shall investigate the cause, origin and circumstances of every fire occurring in the County when notified by any fire department of a County fire protection district that such circumstances warrant an investigation. Such investigation shall begin immediately upon the occurrence of such fire and, if it appears that such fire is of suspicious origin, the law enforcement

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agency within the jurisdiction shall be immediately notified and all information obtained pursuant to any such investigation shall be provided to the investigating officer.

Sec. 11-41. Fire Records

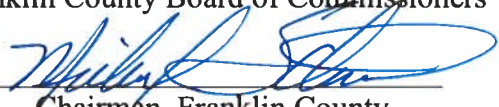
The Fire Marshal shall keep a record of all fires investigated pursuant to Section 11-40 of this Ordinance, and any other records as required by law.

Sec. 11-42. Miscellaneous

This Ordinance shall not be construed to limit the duties or authority of the Fire Marshal to the specific items set forth herein.

Adopted this 21 day of November, 2022

Franklin County Board of Commissioners

By: 
Chairman, Franklin County
Board of Commissioners

Attest:


Clerk to the Board of Commissioners

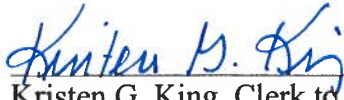


Chapter 11 – FIRE PREVENTION AND LIFE SAFETY

Adopted this 21st day of November, 2022



Michael S. Schriver, Chairman
Franklin County Board of Commissioners



Kristen G. King, Clerk to the Board

