

## MEMO

**Date: October 27, 2023**

**To: Bridget Herring, Chair, NCBCC  
Jason Shepherd, Chair, Fire Committee**

**From: Charlie Johnson,  
Staff, Chief Fire Code Consultant**

**Re: GS 143-138(e) NC State Building Code  
Local Fire Prevention Regulations**

---

**Request is for approval to adopt the amendments to Chapter 22 - Fire Prevention and Protection as part of the Morrisville Town Code of Ordinances**

**Amendments include:**

**Editorial changes requested by town administrative staff**

**22-38. Adopts appendices A-H**

**22-43. Revised to require all permits from Section 105**

**22-51. Adds requirements for sprinkler riser rooms**

**22-61. Modifies the state mandated inspection schedule**

**22-63. Removes all existing private hydrant language**

**22-79. Additions for permissible open burning without a permit**

**22-83 – Repeals towns language regarding emergency responder communication systems and requires compliance with NC Fire Code**

**The ordinance was approved by the Morrisville Town Council on March 14, 2023.**

Staff has reviewed the ordinance for the following statutory requirements and identified items that are:

1. More stringent than the adopted statewide fire prevention code, and
2. Which are found to regulate only activities and conditions in buildings, structures, and premises, and
3. That pose dangers of fire, explosion or related hazards, and
4. Are not matters in conflict with the State Building Code.

**Staff has reviewed and recommends approval of this ordinance.**

**§ 143-138. North Carolina State Building Code.**

(e) Effect upon Local Codes. - Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3.

However, any political subdivision of the State may adopt a fire prevention code and floodplain management regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas of the county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local fire prevention codes and regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not matters in conflict with the State Building Code, may be approved. Local governments may enforce the fire prevention code of the State Building Code using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

A local government may not adopt any ordinance in conflict with the exemption provided by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the exemption provided by subsection (c1) of this section.



**ORDINANCE 2023-6-0 OF THE MORRISVILLE TOWN COUNCIL AMENDING THE TABLE OF CONTENTS AND CHAPTERS 1, 2, 10, 14, 18, 22, 26, 30, 34, 38, 46, 50, 54, 56, 58, 66, AND 67 OF THE MORRISVILLE TOWN CODE OF ORDINANCES AND ADDING CHAPTER 3 OF THE MORRISVILLE TOWN CODE OF ORDINANCES**

---

**WHEREAS**, the Town Code of Ordinances addresses a variety of topics related to the safety and quality of life of our residents and visitors, the safety of our staff, and the efficient and effective operations of the Town; and

**WHEREAS**, the Code of Ordinances were last fully reviewed and updated in 2017; and

**WHEREAS**, it is important to keep the Code of Ordinances current and in alignment with the North Carolina General Statutes and other North Carolina rules and code so they are enforceable and reflect current Town policies and practices; and

**WHEREAS**, the Town is committed to diversity, equity, and inclusion and recognizes that inclusivity should be addressed in the Code of Ordinances; and

**WHEREAS**, Town staff and the Town Attorney have conducted a thorough and detailed review of the Code of Ordinances to identify needed changes; and

**WHEREAS**, the recommended changes to the Code of Ordinances address each of these areas.

**NOW, THEREFORE, BE IT ORDAINED BY THE MORRISVILLE TOWN COUNCIL** that the table of contents and Ordinance Chapters 1, 2, 10, 14, 18, 22, 26, 30, 34, 38, 46, 50, 54, 56, 58, 66, AND 67 of the Code of Ordinances of the Town of Morrisville, North Carolina are hereby amended by adding the underlined text and removing ~~stricken text~~ as described in the documents attached hereto; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE MORRISVILLE TOWN COUNCIL** that Chapter 3 of the Code of Ordinances, Town of Morrisville, is hereby added by adding the Chapter and numbering as described in the documents attached hereto; and Chapter 54 of the Code of Ordinances, Town of Morrisville, is hereby amended by adding new Ordinance Sections and numbering as described in the documents attached hereto; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE MORRISVILLE TOWN COUNCIL** that these amendments and additions are effective immediately upon adoption of this Ordinance.

Adopted this the 14<sup>th</sup> of March, 2023.

  
\_\_\_\_\_  
TJ Cawley, Mayor

ATTEST:

  
\_\_\_\_\_  
Eric W. Smith II, Town Clerk



## **Chapter 22**

### **FIRE PREVENTION AND PROTECTION\***

#### **Article I. In General**

Secs. 22-1--22-35. Reserved.

#### **Article II. Fire Prevention Code**

Sec. 22-36. Jurisdiction.  
Sec. 22-37. Purpose.  
Sec. 22-38. Relationship to other laws and standards.  
Sec. 22-39. Application.  
Sec. 22-40. Duties of Fire Chief.  
Sec. 22-41. Authority to enter premises.  
Sec. 22-42. Inspection of buildings and premises.  
Sec. 22-43. Permits.  
Sec. 22-44. Site plan approval.  
Sec. 22-45. New construction approval.  
Sec. 22-46. Immediately dangerous or hazardous conditions.  
Sec. 22-47. Notice of violation; order to correct.  
Sec. 22-48. Enforcement.  
Sec. 22-49. Appeals.  
Sec. 22-50. Installation of aboveground tanks.  
Sec. 22-51. Inspection of Knox box rapid entry system.  
Sec. 22-52. Alarm communication system.  
Sec. 22-53. Installation of hazardous material data storage box.  
Sec. 22-54. Contents, types and locations of data storage box.  
Sec. 22-55. Street addresses.  
Sec. 22-56. Definitions.  
Sec. 22-57. Administration and application.  
Sec. 22-58. Display of street address numbers.  
Sec. 22-59. Enforcement.  
Sec. 22-60. Severability.  
Sec. 22-61. Inspection schedule.  
Sec. 22-62. Fire hydrant and fire lane regulations.  
Sec. 22-63. Private fire hydrant policy.  
Sec. 22-64. Hydrant water flow estimates.  
Secs. 22-65--75. Reserved.

#### **Article III. Open Burning**

Sec. 22-76. Purpose and scope.  
Sec. 22-77. Definitions.  
Sec. 22-78. Permissible open burning with a permit.  
Sec. 22-79. Permissible open burning without a permit.

#### **Article IV. Pit-Burning**

Sec. 22-80. Purpose and scope.  
Sec. 22-81. Definitions.  
Sec. 22-82. Permissible pit-burning with a permit.

#### **Article V. Emergency Responder Communications Coverage**

Sec. 22-83. Purpose and scope.  
Sections 22-84 through 22-88. Repealed.

**Article VI. Combustible Landscaping Material**

**Sec. 22-89. Purpose.**

**Sec. 22-90. Scope.**

**Sec. 22-91. Exemptions.**

**Sec. 22-92. Penalties.**

---

\* **Cross References:** Buildings and building regulations, ch.10; civil emergencies, ch.14; firefighters authorized to direct traffic at fires, § 58-4.

**State Law References:** Fire protection in municipalities, G.S. 160A-291 et seq.

---

**ARTICLE I.**  
**IN GENERAL**

**Secs. 22-1--22-35. Reserved.**

## ARTICLE II.

### FIRE PREVENTION CODE

#### **Sec. 22-36. Jurisdiction.**

This article is effective in all areas of the municipality and the municipal extraterritorial jurisdiction.

(Ord. No. 92-54, § 2, 9-1-92; Ord. No. 94-62, 3-27-95)

#### **Sec. 22-37. Purpose.**

The purpose of this article is to prescribe regulations governing conditions hazardous to life and property from fire, explosion or exposure to hazardous materials.

(Ord. No. 92-54, § 3, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 03-23a of 03-10-03; Ord. 2013-096, 10-22-13; Ord. No. 2023-6-0, 3-14-23)

#### **Sec. 22-38. Relationship to other laws and standards.**

(1) The provisions of the North Carolina Fire Code, as amended periodically, are incorporated by reference in this article. If any provision of this article is in material conflict with a provision of the North Carolina Fire Code, then the state code provision shall take precedence over the conflicting provision of this article.

(2) The current edition of the North Carolina Administration and Enforcement Requirements Code, as amended, is incorporated herein by reference for the administration of the North Carolina Fire Code, including Appendices A- H

(3) The current edition of the North Carolina Existing Buildings Code, as amended, is incorporated herein by reference for provisions regarding periodic inspections of buildings altered, repaired or rehabilitated in accordance with the North Carolina Existing Buildings Code.

(Ord. No. 92-54, § 4, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 2023-6-0, 3-14-23)

---

\* **State Law References:** North Carolina state building code fire protection standards, G.S. 143-138; adoption of technical codes by reference, G.S. 160A-76.

#### **Sec. 22-39. Application.**

(1) The provisions of this article shall apply to new and existing conditions, and to the repair, use, occupancy and maintenance of existing buildings or structures specified in the State Fire Code, and to other conditions hazardous to life or property in the opinion of the Fire Chief or their designee.

(2) Nothing contained in this article shall be construed as applying to the transportation of any substance shipped in compliance with regulations prescribed by state and federal law nor as applying to the military forces of the United States.  
(Ord. No. 92-54, § 5, 9-1-92; Ord. No. 94-62, 3-27-95)

#### **Sec. 22-40. Duties of the Fire Chief.**

The Chief of the Fire Department shall be the executive officer of the department, under the direction of the Town Manager, and shall perform all the duties prescribed for the Chief. With the Town Manager's approval, the Chief of the Fire Department may designate a deputy to perform their functions temporarily during any particular absence or disability.

The duties of the Fire Chief shall include but are not limited to:

- (1) Keeping the Town Manager and the Town Council informed of the progress and development of the Fire Department.
  - (2) Keeping the Town Manager and the Town Council informed of any matters pertaining to the present condition and future expansion of the Fire Department.
  - (3) Serving as advisor to the Town Manager and Town Council concerning requirements of the North Carolina Department of Insurance/Office of State Fire Marshal.
  - (4) Conduct or cause to be conducted fire prevention inspections and electrical inspections of public schools required by G.S. 115C-1 et seq., and fire prevention inspections of licensed day care facilities, licensed foster care homes and licensed rest home facilities as required by state law.
  - (5) Conduct or cause to be conducted periodic fire inspections of buildings, structures and premises within the Town's corporate limits and within the Town's extraterritorial jurisdiction, as set forth in section 22-42.
  - (6) Conduct or cause to be conducted investigations (jointly with other fire and law enforcement officials) of fires of a suspicious nature so as to determine their point of origin and cause.
  - (7) Assisting school authorities in developing and managing fire prevention programs for each public and private school.
  - (8) Maintaining an adequate staff of fire inspectors certified by the State Code Officials' Qualification Board to properly execute all provisions of this article.
- (Ord. No. 92-54, § 6, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 2023-6-0, 3-14-23)

---

\* **Cross References:** Officers and employees, § 2-61 et seq.  
**State Law References:** Duties of Fire Chief, G.S. 160A-292.



**Sec. 22-41. Authority to enter premises.**

(1) The Fire Chief or their designee may, at all reasonable hours, enter any building or premises for the purpose of conducting any inspection or investigation which, under provisions of this article, they deem necessary to be made.

(2) The Fire Chief or their designee shall be permitted by the owner, lessee, manager or operator of any building or premises to enter and inspect the building or premises at the time and for the purpose stated in this section.

(Ord. No. 92-54, § 7, 9-1-92; Ord. No. 94-62, 3-27-95)

**Sec. 22-42. Inspection of buildings and premises.**

(1) It shall be the duty of the Fire Code Official to inspect, or cause to be inspected, according to the attached schedule, all buildings and premises except the interiors of one- and two-family dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or to endanger life from fire, and enforcing the State Fire Prevention Code, or any violations of the provisions or intent of this article creating a fire hazard.

(2) The Fire Code Official or their designee shall charge inspection fees for inspections of buildings according to the approved Budget User Fee Schedule, except when such buildings are occupied by an organization that is tax-exempt under Section 501 (c)(3) of the IRS code or, owned or occupied by state or local government, and for all re-inspections made to ascertain compliance with a notice of violation and order of correction issued under section 22-47.

(Ord. No. 92-54, § 8, 9-1-92; Ord. No. 94-62, 3-27-95, Ord. 2009-078, 10-27-09, Ord. 2012-032, 3-27-12; Ord. No 2023-6-0, 3-14-23)

---

\* **State Law References:** Inspection of premises, G.S. 58-79-1 et seq.

**Sec. 22-43. Permits.**

Chapter 1, Section 105, of the North Carolina Fire Code, Permits, is hereby adopted by reference. A property owner or owner’s authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed shall first make application to the Fire Code Official and obtain the required permit.

The Fire Code Official or their designee shall issue all applicable State Fire Code permits to businesses that require such permits under the State Fire Code. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a time as prescribed in the permit. Permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require a new permit to be issued.

Permit fees will administered following the Budget User Fee Schedule.

(Ord. No. 92-54, § 9, 9-1-92; Ord. No. 94-62, 3-27-95, Ord. 2009-078, 10-27-09; Ord. 2012-032, 3-27-12; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-44. Site plan approval.**

The Fire Code Official or their designee shall review construction or development site plans to ensure compliance with Chapter 5 and Appendix A–H of the State Fire Code before final site plan approval is granted.

(Ord. No. 92-54, § 10, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. 2009-078, 10-27-09; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-45. New construction approval.**

(1) The Fire Code Official ~~The Fire Chief~~ or their designee shall review and approve all commercial and multifamily residential building plans to ensure compliance with the State Fire ~~Prevention~~ Code before final approval is granted.

(2) The Fire Code Official ~~The Fire Chief~~ or their designee shall conduct inspections of buildings under construction to ensure compliance with the provisions of the State Fire Code before the building inspector issues a certificate of occupancy for the building.

(Ord. No. 92-54, § 11, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. 2012-032, 3-27-12; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-46. Immediately dangerous or hazardous conditions.**

Whenever the Fire Code Official or their designee finds in any building or upon any premises dangerous conditions or materials as described below, they shall order such dangerous conditions or materials removed or remedied in such manner as the Fire Code Official may specify:

- (1) Dangerous storage or unlawful amounts of combustible, flammable or explosive, or otherwise hazardous materials.
- (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, flammable or explosive, or otherwise hazardous materials.
- (3) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly combustible materials.
- (4) Accumulations of dust or waste material in air conditioning or ventilation systems, or grease in kitchen or other exhaust ducts, or inadequate clearances to unprotected combustible materials from hoods, grease extractors, and ducts.
- (5) Obstructions to or in fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors, or windows liable to interfere with the operations of the fire department or impede egress of occupants in the case of fire.

- (6) Overcrowding in violation of occupancy limits established according to the State Building Code and required under the State Fire Code.  
(Ord. No. 92-54, § 12, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-47. Notice of violation; order to correct.**

(1) When the Fire Code Official or their designee determines that a violation of this article exists or that any commercial building or structure required to have a permit under the State Fire Code does not have a valid permit in effect, the Fire Code Official shall issue a notice of violation and order to correct the violation. Such notice and order shall:

- (a) State the nature of the violation and the penalty to be imposed.
- (b) Direct the violator to pay any unpaid fees and/or civil penalties as instructed in the notice.
- (c) Notify the offender that failure to pay unpaid fees or penalties within the prescribed time in the notice may subject the offender to civil action in the nature of debt for the collection of any unpaid fee or additional penalties and may be collected by penalty plus any additional penalties, together with the cost of the action to be taxed by the court.
- (d) Provide and state that any unpaid penalty must either be paid as set forth above, or an exception to the requirement to pay must be authorized by the Town Manager within a specified period of time from the issuance of the violation notice and correction order. The notice and order shall further state that if the violation is not corrected and the order is not cleared within the specified time period, the filing of a civil complaint for the collection of any unpaid penalty may be initiated, together with other legal proceedings, including the filing of criminal charges. As used in this section, an order will be deemed cleared when either full payment has been made, or when arrangements for payment have been made, or when the offender has made a prima facie showing to the Fire Chief that the notice and order was issued as a result of mistake, inadvertence or inexcusable neglect and when all identified violations of State Fire Code have been corrected.

(2) Service of notice of violation and order to correct shall be made upon the owner, operator or occupant, or other person having control over the premises where the violation exists. Service shall be made by delivering a copy of the notice and order by hand delivery or by registered or certified mail, return receipt requested, sent to the owner, operator, occupant or tenant at their last known address listed in the county tax assessor's records, or by leaving a copy of the notice and order with an agent or employee of such person.

- (a) If the owner, operator, occupant or tenant cannot be located on the premises, the Fire Chief or their designee may effectuate service by affixing a copy of the violation notice and order prominently on the main entrance of the building where the violation exists.
- (b) Where correcting the violation will require improvement to real property or may result in administrative penalties against the property owner, the property owner must be notified by mailing a copy of the notice and order to the owner's address as listed in the county tax assessor's office.

(Ord. No. 92-54, § 13, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-48. Enforcement.**

- (1) Failure to comply with the provisions of this article shall constitute a class 3 misdemeanor under G.S. 160A-175 and G.S. 14-4 and will subject the offender to a fine not exceeding \$500 (five hundred dollars). Additionally, the Fire Code Official or their designee may enforce the provisions of this article in civil court and seek any and all appropriate remedies authorized by G.S. 160A-175, subject to the restrictions of this section. Each day's continuing violation shall constitute a separate and distinct offense.
- (2) Compliance with the Fire Code Official's notice of violation and order to correct:
  - (a) Immediate action orders. The Fire Code Official or their designee may issue immediate correction orders for violations of the State Fire Code that constitute an imminent hazard to life and property. Any condition listed in section 22-46 shall be deemed an imminent hazard. Failure to correct such violation within 24 hours shall result in imposition of a civil penalty in the amount approved in the Budget User Fee Schedule per day, per violation, until the violation has been completely corrected and the Fire Code Official's correction order to correct shall so state. The order shall also state that if the violation is not corrected within 24 hours, a civil complaint for collection of penalties and any unpaid fees owed under this article may be initiated and that other legal proceedings including criminal prosecution related to the violation may be initiated. Repeated violations shall subject the violator to higher civil penalties set forth in the Budget User Fee Schedule.
  - (b) Other correction orders. All other correction orders issued under this article for violations that do not constitute imminent hazards shall be corrected within 30 days. Failure to correct such violations within 30 days shall result in imposition of civil penalty in the amount approved in the Budget User Fee Schedule per day per violation as well as the reinspection fee, until all identified violations have been completely corrected, and the correction order shall so state.

The correction order shall also state that if the violation is not corrected within 30 days, a civil complaint for the collection of penalties and any unpaid fees owed under this article may be initiated, and that other legal proceedings including criminal prosecution may be initiated.

(Ord. No. 92-54, § 14, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. 2009-078, 10-27-09; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-49. Appeals.**

(1) Any person who has been served with a notice of violation and order for correction of violations of the State Fire Code may appeal the notice and order to the State Department of Insurance, State Building Code Council within ten days from date of issuance.

(2) Any person who has been served with a notice of violation and order for correction of violations of the provisions of this article which are not violations of the State Fire Code or which relate to fees or penalties charged under this article may appeal to the Town Manager, whose decisions shall be final. Appeals must be filed within ten days from the date of issuance of the order.

(Ord. No. 92-54, § 15, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-50. Installation of aboveground tanks.**

(1) For purposes of this section, the term "motor fuel" shall mean a refined or blended petroleum product used for the propulsion of self-propelled motor vehicles, including all products commonly or commercially known or sold as gasoline.

(2) It shall be unlawful for any person, firm, or corporation to erect or maintain an aboveground storage tank capable of holding 1,200 gallons or more of motor fuel. It shall also be unlawful for any person, firm, or corporation to allow such an aboveground storage tank to be erected or maintained on property owned by that person, firm, or corporation.

(3) Aboveground storage tanks less than 1,200 gallons shall be thermally protected against a flammable liquid fuel fire for a minimum of two hours.

(4) To the extent that this section conflicts with any provision of the State Fire Code adopted by the Town, this section shall control.

(Ord. No. 91-23, § 1, 6-10-91; Ord. No. 92-54, § 16, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 2023-6-0, 3-14-23)

## **Sec. 22-51. Installations of Knox box rapid entry system.**

(1) All new or newly renovated commercial buildings equipped with an automatic fire sprinkler system and/or building fire alarm system shall provide a "Knox box" key entry system. All existing commercial buildings with a sprinkler system and/or fire alarm system shall provide a "Knox box" by March 31, 2013. This Knox box shall be mounted on the exterior entrance of the dedicated riser room. The Knox box shall be mounted on the wall at five feet above finished floor on the door handle side of the dedicated sprinkler riser room or fire alarm access door. This Knox box shall be ordered through the Knox Box Company web site <https://www.knoxbox.com> and shall be installed with proper keys before a certificate of occupancy is issued. Keys to access the facility or tenant spaces within the facility shall be provided to the Fire Department by the owner/manager or tenant.

(2) A dedicated sprinkler riser room is required providing an entry door to the room from the exterior of the building. The exterior door leading to the dedicated sprinkler riser room shall be labeled with a minimum of three-inch lettering designating "SPRINKLER RISER ROOM" in a contrasting color. Durable vinyl lettering is suggested.

(3) Sprinkler rooms shall be built large enough for equipment placement, maintenance, inspection, and testing, and constructed to protect equipment from damage and accumulation of water with a floor drain.

(4) When a building is protected by an automatic sprinkler system and has a fire alarm system, the fire alarm control panel or a remote annunciator of the fire alarm control panel shall be placed in the sprinkler riser room. This control panel shall have the capability of silencing and resetting the alarm system. Adjacent to the fire alarm control panel shall be a framed zone map. Sprinkler zone nomenclature shall correspond with the zone map. (Ord. No. 94-62, 3-27-95, Ord 2012-032, 3-27-12; Ord. No. 2023-6-0, 3-14-23)

## **Sec. 22-52. Alarm communication system.**

(1) All buildings equipped with automatic sprinkler systems shall have alarm communication equipment that complies with NFPA 72. Equipment must be fully functional and reporting to a U.L. approved central receiving station (NFPA 72) before a certificate of occupancy is issued for the facility.

(2) All new fire alarm systems shall be addressable systems. Only one fire panel per building; a fire barrier or other means of separation for this purpose shall not constitute two separate spaces requiring individual panels. Combination alarms will not be allowed within the Town Limits. For the purpose of this section, combination alarms shall include devices combining burglary and fire alarms, devices combining burglary and hold-up alarms, and devices combining burglary and trouble alarms. There must be a distinct separation in the transmittal of any specific alarm activation.

(3) It shall be a violation of this ordinance for any fire alarm system to be reset without prior authorization from the Fire Department. The owner or user of said system shall be subject to a fire alarm system reset fee as outlined in the Budget Fee schedule for each resetting occurrence except when conducting alarm system maintenance or testing provided the owner gives prior notice to its monitoring company (if applicable) and the Town of Cary Emergency Communications Center.

(Ord. No. 94-62, 3-27-95, Ord. 2009-078, 10-27-09, Ord. 2013-096, 10-22-13; Ord. No. 2023-6-0, 3-14-23)

### **Sec. 22-53. Installation of hazardous material data storage box.**

All commercial enterprises, businesses or industries in the Town which use, store or manufacture EXTREMELY HAZARDOUS SUBSTANCES (EHSs) that must be reported under the State Hazardous Chemicals Right-to-Know Act, G.S. 95-173, et seq., or under Title III of the Federal Super Fund Amendments and Reauthorization Act and the regulations promulgated thereunder and the State Building Code, must have an approved on-site hazardous materials data storage box at each facility where hazardous materials may be found.

(Ord. No. 94-62, 3-27-95, Ord. 2012-032, 3-27-12; Ord. 2013-096, 10-22-13; Ord. No. 2023-6-0, 3-14-23)

### **Sec. 22-54. Contents, types, and locations of the data storage box.**

(1) This data storage box must contain keys providing access to secured portions of the facility. The box shall contain current information to assist fire departments and hazardous materials teams responding to emergencies at the facility, including but not limited to Hazardous Materials Management Plan (HMMP), Hazardous Materials Inventory Statements (HMIS), and Emergency Plan as described in the North Carolina Fire Code Appendix H.

(2) All information required in the data storage box must be on forms provided by the Town or on a substantially similar format as provided by the North Carolina Fire Code Appendix H. Such information must be updated continuously to ensure its accuracy.

(3) The data storage box shall be of the type designated and approved by the County Local Emergency Planning Committee and the location of the data box shall be approved by the Fire Code Official.

(Ord. No. 94-62, 3-27-95; Ord. No. 2023-6-0, 3-14-23)

### **Sec. 22-55. Street addresses.**

In accordance with Section 505.1 of the State Fire Code, all new and existing buildings shall display a number or address in such a manner as to be visible and legible from the street or roadway. The purpose and intent of this section are to provide a uniform system of street addresses for all properties and buildings throughout the Town in order to facilitate provision of adequate public safety and emergency response service and to minimize difficulty in locating properties and buildings.

(Ord. No. 94-62, 3-27-95; Res. 2004-150, 1-24-05; Ord. 2009-078, 10-27-09)

**Sec. 22-56. Definitions.**

The following words and phrases when used in this section shall have the following interpretation assigned to them.

- (1) *Address administrator.* The Town employee designated to assign street address numbers to properties in the Morrisville area.
- (2) *Building.* A totally enclosed structure having a roof supported by columns or walls. For the purpose of this article, each separate and distinct unit within a single structure shall also be considered a separate building.
- (3) *Official address number.* The street address assigned by the address administrator which uniquely identifies a particular building or lot. This term is synonymous with "street address number".
- (4) *Driveway/private street.* An access way owned and maintained by private interests leading to a building, use or structure.
- (5) *Public street.* A dedicated and accepted public right-of-way for vehicular traffic.

(Ord. No. 94-62, 3-27-95)

**Sec. 22-57. Administration and application.**

- (1) The Town will be responsible for the interpretation and administration of this section including:
  - (a) Assigning all numbers for properties and buildings;
  - (b) Maintaining address records of each property and building;
  - (c) Changing existing addresses when necessary to achieve sequential house numbering along a road or regularizing an existing numbering scheme;
  - (d) Designating individual unit addresses within multifamily housing.
- (2) This requirement shall apply within the corporate limits of the Town and with the Town's accepted extra-territorial jurisdiction.

(Ord. No. 94-62, 3-27-95)

**Sec. 22-58. Display of street address numbers.**

- (1) Street address numbers shall be displayed so that the location can be identified easily from the street.



- (a) The official address number of single-family residential units shall be prominently displayed on the side of the dwelling which is most clearly visible from the street during both day and night hours. Each number or letter shall be at least four inches in height and one-half inch in width and in a contrasting color to the mounting surface or of reflective material.
- (b) If the official address number is not visible from the public street or private street that serves as the primary access road to the residence on which the address number is located, or if the subject residential building is located more than 50 feet from such access road, the address numbers shall also be displayed at the end of the driveway or easement nearest the road, on a mailbox or reflective post.
- (c) Each number or letter on a roadside mailbox shall be at least three inches in height and one-half inch in width, be of a contrasting color to the mailbox or made from reflective material and be displayed on both sides of the mailbox.
- (d) Each number or letter on a on a reflective post shall be of a contrasting color to the mounting surface and shall be at least four inches in height and one-half inch in width. Letters or numbers shall be placed on both sides of the post, with the lowest letter or number displayed being no less than 24 inches above the finished grade. The reflective post shall be placed so that the address is visible from both directions of travel and shall have no obstructions within 15 feet of either side of the address.
  - 1) Individual units of multifamily dwellings shall be identified with a system approved by the Town. The numbers or letters shall be a minimum of three inches in height. Where numerical addresses are posted to identify suites or rooms within buildings, the first digit of the suite or room number shall match the floor number signage as authorized by G.S. 143-136 and G.S. 143-138.
  - 2) All lettering, and numerals used for addresses on multifamily units shall be of a contrasting color to the mounting surface.
- (e) Building addresses for non-residential buildings may be displayed in one of two options:
  - 1) Option I: Addresses placed directly on the building. Under this option, the letters or numerals will be placed in the front upper quarter portion of the building or on the side of the building which is most clearly visible from the street or streets accessing the building. In instances where the building is served by two streets, address letters or numerals may be required on sides facing both streets.

- 2) Option II: Building addresses placed on a sign with individual addresses placed on the door of each leased/owned space. Under this option, a sign permit must be obtained from the Town.
- 3) Numerals or letters for nonresidential buildings shall be installed in accordance with Table 22-58.1 or as designated by the Fire Code Official.
- 4) Numerals or letters shall be displayed in a color that contrasts with the color of the background to which it is affixed.
- 5) The Fire Code Official will have the right to authorize and approve alternate methods of displaying street address numbers that are in keeping with the content of this article when strict adherence to these standards cannot reasonably be met.

TABLE 22-58.1

Distance from building to street or to the front of the first row of parking area, whichever is less	Minimum size of letter/numeral
0--50'	6 inches in height and 3/4 inch in width
51--75'	12 inches in height and 1 inch in width
76' and greater	18 inches in height and 1 1/2 inches in width

Note: On multi-story buildings, the size of the letter/numeral will be increased in proportion to the building height and distance from the street.

(Ord. No. 94-62, 3-27-95; Res. 2004-150,1-24-05; Ord. 2009-078, 10-27-09; Ord. 2012-032, 3-27-12; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-59. Enforcement.**

- (1) No building permit shall be issued until an official street address number has been assigned for the building lot or unit.
- (2) No certificate of occupancy shall be issued until the official street address number or numbers are properly displayed.
- (3) Owners or occupants of buildings that do not comply with the provisions of this section will be notified in accordance with section 22-47 of this article.

(Ord. No. 94-62, 3-27-95)

**Sec. 22-60. Severability.**

If all or part of this article or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given separate effect and to this end the provisions of this article are declared to be severable. (Ord. No. 94-62, 3-27-95)

**Sec. 22-61. Inspection Schedule.**

- (1) The fire inspection schedule is as follows:  
 Fire inspections are billed accordingly with the Town’s adopted fee schedule. Non-profit organizations that are 501(c)(3) per IRS standards are exempt from the initial fire inspection fees. This exemption does not apply to reinspection fees or permit fees.

Occupancy Classification	Inspection Frequency
Hazardous	Every Year
Institutional	Every Year
High Rise	Every Year
Assembly (>100 Occupant Load)	Every Year
Residential (except 1 and 2 family dwellings)	Every Year
Group Home	Every Year
Licensed Day Care	Every Year
Industrial	Every 2 Years
Educational (Except Public Schools)	Every 2 Years
Business	Every 2 Years
Mercantile	Every 2 Years
Storage	Every 2 Years
Churches and Synagogues	Every 2 Years
Assembly (<100 Occupant Load)	Every 2 Years


- (2) After hours fire inspections
  - (a) The Fire Department offers fire inspections after normal business hours. The program is a voluntary fire inspection service designed to provide contractors with a code-certified fire inspector after normal office business hours from 8:00 am to 5:00 pm. After-hours inspections are dependent upon the availability of inspectors. The Fire Prevention Division reserves the right to deny requests as appropriate and/or necessary.

- (b) Projects eligible for after-hours inspections:
  - 1) New Construction
  - 2) Alterations
  - 3) Up-fits
  - 4) Change of use, in which fire alarm or sprinkler inspection is required.
- (c) A two (2) day notice is required (not including holidays and/or weekends) to schedule an after-hours inspection. However, the Fire Marshal or the Director of Inspections has the discretion to waive this requirement when they deem necessary.
- (d) Exceptions to the after-hours inspection process:
  - 1) The after-hours inspections program is for non-emergency inspections only.
  - 2) Client must have a valid permit prior to scheduling an after-hours inspection and client must pay after-hours inspection fees prior to date of inspection.

(Ord. No 2008-076, 6-24-08; Ord. 2009-078, 10-27-09; Ord. 2012-032, 3-27-12; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-62. Fire Hydrant and Fire Lane Regulations.**

- (1) *Parking prohibited near fire hydrants and in fire lanes.*
  - (a) It shall be unlawful for any person to stop, stand or park any vehicle or equipment within 25 feet in either direction of a fire hydrant and ten feet in front of or behind the hydrant between street right-of-way unless a greater or lesser distance is designated by action of the Town Council and appropriate signs or markings are displayed.  
(Ord. No. 94-62, 3-27-95)
  - (b) For commercial properties, fire lanes shall be marked with painting/outlining or signage or a combination thereof as outlined below. Requirements for fire lanes to be marked utilizing both paint and signs in conjunction shall be determined by Fire Code Official. Said specifications shall include, but are not limited to, the following:
    - 1) Signs shall measure 12 inches by 18 inches and have red letters on a white reflective background.
    - 2) Signs must be metal construction only. Plastic or wooden signs are not acceptable.
    - 3) Signs shall be mounted at a minimum height of four feet to the maximum of seven feet.

- 4) Signs shall be placed along the fire lane at intervals not to exceed 50 feet and as designated by the Fire Code Official.
  - 5) Signs shall be placed on both sides of the lane when striping is required on both sides of the lane by the North Carolina Fire Code.
  - 6) Outlining or painting the fire lane & hydrant zone on the roadway surfaces shall be done as follows:
    - a) Curb top and side shall be painted red and the words, “NO PARKING FIRE LANE” shall be stenciled in reflective white on the top and side of all red curbs at a maximum interval of 50 feet. Letters shall be a minimum of three inches (3”) in height with a minimum  $\frac{3}{4}$  inch stroke.
    - b) Alternatively, if the roadway has no curbing, a 6-inch-wide red stripe with the words “NO PARKING FIRE LANE” in white may be painted along the curb and parallel with the roadway. The lettering shall be a minimum of 3 inches high with a  $\frac{3}{4}$  inch stroke.
  - 7) Existing fire lanes shall continue in effect as installed until such time as they are in need of re-striping due to wear or re-paving. Responsibility for properly maintaining the fire lanes and signs shall be that of the owner of the property or the owner’s designee.
- (c) For residential properties, limited to townhomes and one- and two-family dwellings (detached and attached), fire lanes shall be marked as follows:
- 1) Fire access roads 20’-25’11”, parking shall not be allowed on either side. For fire access roads 26’-32’, parking shall be allowed on one side. For fire access roads greater than 32’, parking shall be allowed on both sides. Aerial fire access road requirements shall be separately evaluated in accordance with the adopted appendices of the North Carolina Fire Code and may result in wider fire access road requirements.
  - 2) Fire access roads shall be marked with signage, as indicated below. Signage shall be placed at intervals not to exceed 150’, or as otherwise designated by the Fire Code Official. Signs shall measure 12 inches by 18 inches and have red letters on white reflective background. Lettering shall indicate “No Parking - This Side” and shall include directional arrows.

(Ord. 2009-078, 10-27-09; Ord. 2012-032, 3-27-12; Ord. 2017-028B, 3-28-17; Ord. No. 2023 6-0, 3-14-23)

(2) *Access to fire hydrants.* It shall be unlawful for any person(s) or contractor(s) performing construction work to block or otherwise prevent access to a fire hydrant for any reason. The general contractor shall be responsible for keeping fire hydrants fully accessible and operational during construction work.

(3) *Landscape clearance.* A minimum three-foot clearance around all fire hydrants must be maintained free of any plant material, except grass used for lawn purposes. In addition, landscaping material is not permitted to block access or impair the use of any fire hydrant.

(4) *Unauthorized use of fire hydrants.* It shall be unlawful for any person to use or tamper with any fire hydrant within the Town or to release water from any public fire hydrant, except duly authorized Town of Morrisville or Town of Cary employees in the discharge of their duties, unless approval is first obtained from the Fire Chief.  
(Ord. No. 94-62, 3-27-95; Ord. No. 2023-6-0, 3-14-23)

(5) *Violations and Enforcement.*

(a) Any person who parks a vehicle in, obstructs or allows the obstruction of a designated fire lane or fire hydrant shall be liable for a civil penalty as approved in the Budget User Fee Schedule upon receipt of a citation issued by the Fire Chief or designee or by the Morrisville Police Department.

(b) Any vehicle or object obstructing a designated fire lane, and or fire hydrant whether public or private, may be towed or removed without prior notification of the owner, and at the owner's expense.

(c) The registered owner of the vehicle parked in the fire lane and or in front of a fire hydrant shall be responsible for all civil penalties issued and any towing or related charges accruing hereunder. The offender shall be issued a written citation to be placed on the vehicle or on the obstruction or given to the owner of the obstruction or to a representative or occupant of the adjacent firm or building.

(d) Civil penalties due hereunder shall be collected under the provisions set forth in the Budget User Fee Schedule.

(Ord. 2009-078, 10-27-09; Ord. No. 2023-6-0, 3-14-23)

### **Sec. 22-63. Private Fire Hydrant Policy.**

Private Fire Hydrants shall comply with North Carolina Fire Code Chapter 5 Section 507.5.3

(Ord. 2009-078/10-27-2009; Ord. No. 2023-6-0, 3-14-23)

**Sec.22-64. Hydrant water flow estimates.**

- (1) *Purpose and scope.*
  - (a) To perform a fire flow test on fire hydrants when required for hydraulic calculations of sprinkler systems and water flow requirements for projects.
  - (b) If recent (less than one-year-old) fire flow test information is available in the Town's files in the vicinity of the desired test location, the information will be provided to the applicant at no charge.
  - (c) If it is determined that a new fire flow test is needed, a request must be submitted to the Town on its online portal and an appropriate fee must accompany the fire flow test request from the applicant prior to the commencement of the test.
  - (d) Once the request is processed and the appropriate fee collected according to the Budget User Fee Schedule, the request is forwarded to the Fire Prevention Division of the Fire Department. If the test is to be conducted by the Fire Department, it is assigned to the appropriate staff. If the test is to be conducted by an approved third party, a member of the Fire Department must be present to supervise the procedure.
  - (e) Information provided is an indication of the water supply characteristics in the immediate area on the date and time noted. The Town and Fire Department do not guarantee that this data will be representative of the water supply characteristics at any time in the future.

(Ord. No. 2023-6-0, 3-14-23

**Secs. 22-65--22-75. Reserved.**

### ARTICLE III.

#### OPEN BURNING

##### Sec. 22-76. Purpose and scope.

(1) *Purpose.* The purpose of this article is to control air pollution resulting from the open burning of combustible materials and to establish open burning regulations within the Town of Morrisville's jurisdiction.

(2) *Scope.* This article applies to all operations involving open burning. The authority to conduct open burning under this article does not exempt or excuse any person from the consequences, damages, or injuries which may result from this conduct. It does not excuse or exempt any person from complying with all applicable laws, ordinances, rules, or orders of any other governmental entity having jurisdiction even though the open burning is conducted in compliance with this article.

(Ord. No. 98-5, 2-9-98)

##### Sec. 22-77. Definitions.

*Dangerous materials* means explosives or containers used in the holding or transporting of explosives.

*Nuisance* means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.

*Open burning* means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, chimney, or a permitted air pollution control device.

*Person* as used in section 22-76:

- (1) The person in operational control over the open burning, or
- (2) The landowner or person in possession or control of the land when they have directly or indirectly allowed the open burning or have benefited from it.

*Synthetic material* means man-made material including but not limited to tires, asphalt materials such as shingles or asphaltic roofing materials, construction materials, packaging for construction materials, wire, electrical insulation, and treated or coated wood.

(Ord. No. 98-5, 2-9-98; Ord. No. 2023-6-0, 3-14-23)



**Sec. 22-78. Permissible open burning with a permit.**

The following types of open burning are permissible with a permit as long as the open burning activity does not cause a nuisance as defined in section 22-77:

- (1) Fires purposely set to forest lands for forest management practices acceptable to the division of forest resources.
- (2) Fires purposely set to agricultural lands for disease and pest control and fires set for other agricultural or apicultural practices acceptable to the department of agriculture.
- (3) Fires purposely set for wildlife management practices acceptable to the wildlife management commission.
- (4) Fires for the disposal of dangerous materials when it is the safest and most practical method of disposal.
- (5) Fires for the disposal of material generated as a result of a natural disaster, such as a tornado, hurricane, or flood if the State Department of Environmental Health and Natural Resources (DEHNR) regional office supervisor grants permission for the burning. The person desiring to do the burning shall document to the DEHNR regional office supervisor of the appropriate regional office that there is no other practical method of disposal of the waste. Factors that the regional office supervisor shall consider in granting permission for the burning include type, amount, and nature of combustible substances. The regional office supervisor shall not grant permission for the burning if the primary purpose of the fire is to dispose of synthetic materials or refuse or recovery of salvageable materials.
- (6) Fires purposely set by manufacturers of fire extinguishing materials or equipment, testing laboratories, or other persons, for the purpose of testing or developing these materials or equipment in accordance with a valid standard qualification program.

(Ord. No. 98-5, 2-9-98; Ord. No. 2023-6-0, 3-14-23)

**Sec. 22-79. Permissible open burning without a permit.**

The following types of open burning are permissible without a permit unless the burning creates a nuisance as defined in section 22-77, or there is an active burn ban issued by the North Carolina Forestry Service:

- (1) Campfires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions:

- (a) Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition (NC Fire Code section 307.4.2).
- (b) Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material. Exception: Portable outdoor fireplaces used at one-and two-family dwellings. (NC Fire Code section 307.4.3).
- (c) Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.
  - 1) Exceptions: these devices may be operated:
    - a) At one- and two-family dwellings.
    - b) Where buildings, balconies and decks are protected by an automatic sprinkler system.
    - c) When LP-gas cooking devices having an LP-gas container with a water capacity not greater than 2 1/2 pounds [nominal 1 pound (0.454 kg) LP-gas capacity]. (NC Fire Code section 308.1.4).

(2) Small outdoor warming fires used on construction sites or other areas are permissible, subject to the following conditions:

- (a) Warming fires shall be initiated and contained in approved containers at all times.
- (b) Warming fires shall be attended by a responsible individual at all times and approved containers shall be appropriately ventilated in at least three places.
- (c) Warming fires in approved containers shall be located not less than 15 feet from any structure.
- (d) An appropriate means of controlling the fire (i.e. extinguishers with a minimum 4-A rating, a water source, dirt, or sand) shall be available while the fire is burning.

- (e) Only untreated lumber shall be burned in warming fires. Burning construction materials like insulation, asphaltic materials, or treated lumber is prohibited. Warming fires shall not be used to dispose of paper, trash, excess construction materials or other synthetic salvageable materials.

(3) Fires purposely set for the instruction and training of firefighting personnel, including fires at permanent firefighting training facilities, or when conducted under the supervision of or with the cooperation of one or more of the following agencies:

- (a) The North Carolina Division of Forest Resources.
- (b) The North Carolina Department of Insurance.
- (c) North Carolina community colleges, including:
  - 1) The North Carolina Fire College, or
  - 2) The North Carolina Rescue College.

(Ord. No. 98-5, 2-9-98; Ord. No. 2023-6-0, 3-14-23)

**ARTICLE IV.**  
**PIT-BURNING**

**Sec. 22-80. Purpose and scope.**

(1) *Purpose.* The purpose of this article is to control air pollution resulting from the pit-burning of combustible materials and to establish pit-burning regulations within the Town's jurisdiction.

(2) *Scope.* This article applies to all operations involving pit-burning. The authority to conduct pit-burning under this article does not exempt or excuse any person from the consequences, damages, or injuries which may result from this conduct. It does not excuse or exempt any person from complying with all applicable laws, ordinances, rules, or orders of any other governmental entity having jurisdiction even though the pit-burning is conducted in compliance with this article.

(Ord. No. 01-53, 9-10-01)

**Sec. 22-81. Definitions.**

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

*Land clearing* means the uprooting or clearing of vegetation in connection with construction for buildings; right-of-way; agricultural, residential, commercial, or industrial development; mining activities; or the initial clearing of vegetation to enhance property value; but does not include routine maintenance or property clean-up activities.

*Nuisance* means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.

*Pit-burning* means using a portable combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

*Public road* means any road that is part of the state highway system; or any road, street, or right-of-way dedicated or maintained for public use by the Town.

*Structure* means a building in which people may live or work or one intended for housing farm or other domestic animals.

(Ord. No. 01-53, 9-10-01)

**Sec. 22-82. Permissible pit-burning with a permit.**

The burning of waste materials, trees, brush, and other vegetable matter in connection with land clearing activities is permissible with the following limitations and requirements:

(1) Pits must be located a minimum of 1,000 feet from any structure and a minimum of 250 feet from any public road.

(2) The pits dug for burns shall be a minimum size of seven feet deep, nine feet wide, and 35 feet in length.

(3) The Fire Department will be responsible for issuing a pit-burning permit. A pit-burning permit application must be submitted, and the permit fee paid prior to the issuing of the permit.

(4) The location of the pit must be approved by the Fire Department prior to the Fire Department issuing a permit. The pit must be located outside building pad areas, and pits must be cleaned out and backfilled with compacted select backfill at the completion of burning operations.

(5) Prevailing winds at the time of burning must not exceed ten miles per hour. Prevailing winds at the time of burning shall be away from any area, including public road within 300 feet of the burning as measured from the edge of the pavement or other roadway surface, which may be significantly affected by smoke, ash, or other air pollutants from the burning.

(6) Only collected land clearing may be burned (no construction or yard waste materials). Heavy oils, asphaltic materials, items containing natural or synthetic rubber, tires, grass clippings, collected leaves, paper products, plastics, general trash, garbage, or any materials containing painted or treated wood materials shall not be burned. Leaves still on trees or brush may be burned.

(7) Burning is only allowed Monday through Friday, and burning shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m.

(8) The pit must be monitored 24 hours a day or covered at the end of the day with a minimum of 12 inches of soil such that the fire is extinguished and no smoke leaves the pit.

(9) The permittee must check with state forestry services to ensure there are no burning bans or additional burning restrictions in effect prior to burning.

(10) Burning is not allowed on "Code Red" ozone days.

(11) A path for four-wheel emergency vehicles shall be provided.

(12) The pit-burning permit may be revoked by Town staff (Town Manager, Fire Chief, Town Engineer, or their designees) if the pit-burning is determined to be a nuisance.

(13) Burning must comply with applicable state air quality standards.

(14) Pit-burning portable combustion devices shall meet manufacturers' specifications for operation and upkeep to ensure complete burning of material charged into the pit. The manufacturer's specifications shall be kept on-site and be available for inspection by staff.

(15) The owner or operator of the pit-burning operation shall not allow ash to build up in the pit to a depth higher than one-third of the depth of the pit or to the point where the ash begins to impede combustion, whichever occurs first.

(16) The owner or operator of the pit-burning operation shall not load material into the pit such that it will protrude above the portable combustion device or the top of the pit, whichever is lower.

(17) Only distillate oil, kerosene, diesel fuel, natural gas, or liquefied petroleum gas may be used to start the fire.  
(Ord. No. 01-53, 9-10-01; Ord. 2009-078, 10-27-09)

**ARTICLE V.**

**EMERGENCY RESPONDER COMMUNICATIONS COVERAGE.**

**Sec. 22-83.** Emergency Responder Communication Coverage will comply with North Carolina Fire Code Chapter 5 Section 510.

**Sec. 22-84 to 22-88. Repealed**  
(Ord. No. 2023-6-0, 3-14-23)

## ARTICLE VI.

### COMBUSTIBLE LANDSCAPING MATERIALS PROHIBITED

#### **Sec. 22-89. Purpose.**

To restrict pine straw and similar materials as a mulch material within 10 feet of multi-family dwellings including Town Homes.

(Ord. 2009-078, 10-27-09)

#### **Sec. 22-90. Scope.**

No owner or manager of a multi-family dwelling including town homes (as defined by the Town's Unified Development Ordinance) shall allow pine straw or any other material with a fire rate of spread more than 24 inches per minute to be placed, kept, or stored within ten feet of multi-family buildings with combustible exterior construction.

(Ord. 2009-078, 10-27-09; Ord. No. 2023-6-0, 3-14-23)

#### **Sec. 22-91. Exemption to Section 22-89.**

(a) Detached Single Family Dwellings

(Ord. 2009-078, 10-27-09)

#### **Sec. 22-92. Penalties.**

First violations shall be subject to a warning with a reasonable time for compliance. Subsequent violations of any provision of this section shall be subject to a civil penalty as listed in the User Fee Schedule.

(Ord. 2009-078, 10-27-09)