

**AN ORDINANCE TO REVISE CHAPTER 92 OF THE TOWN OF BOONE CODE  
OF ORDINANCES RELATING TO FIRE PREVENTION AND PROTECTION**

WHEREAS, the Boone Town Council finds that current Town Code Chapter 92 (“Fire Prevention”) is outdated and otherwise in need of revision because, among other things, it does not reflect the current organization of the Fire Department; is unclear and redundant in certain respects; and unnecessarily cites certain detailed provisions of the N.C. Fire Prevention Code that are already incorporated by reference in the chapter;

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its general police powers to protect the public health and safety, and pursuant to its specific authorities to establish, organize and direct a municipal fire department per the North Carolina General Statutes, including §160A-175(c1) and §160A-292;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

**SECTION 1.** Chapter 92 of the Boone Code of Ordinances is hereby amended as follows (additions being underlined in blue and deletions struck through ~~in red~~):

**CHAPTER 92: FIRE PREVENTION AND PROTECTION**

Section

***~~General Provisions~~***

- ~~—92.01 Composition of Fire Department and qualifications of members~~
- ~~—92.02 Powers and duties; Chief of Fire Department~~
- ~~—92.03 Rules and regulations of Fire Department~~
- ~~—92.04 Bureau of Fire Prevention; Fire Marshal~~
- ~~—92.05 Fire prevention personnel~~
- ~~—92.06 Interfering with firefighters; loitering around Fire Department~~
- ~~—92.07 Riding on Fire Department vehicles~~
- ~~—92.08 Damaging, removing or interfering with fire apparatus, equipment or implements~~
- ~~—92.09 Fire protection outside town limits~~
- ~~—92.10 False fire alarms~~
- ~~—92.11 Repeal of conflicting ordinances~~
- ~~—92.12 Fire inspections~~
- ~~—92.13 Jurisdiction~~
- ~~—92.14 Enforcement provisions; violations~~

***~~Fire Prevention Code~~***

- ~~—92.25 Fire Code adopted by reference~~
- ~~—92.26 Amendments~~
- ~~—92.27 Permits~~
- ~~—92.28 Fee administration~~
- ~~—92.29 Warning signs required in coin-operated dry cleaning establishments~~
- ~~—92.30 Flammable liquids, liquified petroleum gases~~

- ~~—92.31 Design of automatic sprinkler systems, standpipe systems, fire alarm systems and fixed fire extinguishing systems~~
- ~~—92.32 Plan review~~
- ~~—92.33 Fire lanes~~
- ~~—92.34 Hazardous materials~~
- ~~—92.35 Display of address numbers~~
- ~~—92.36 Fire hydrant protection policy~~
- ~~—92.37 Knox box~~

#### ***Permit Requirements***

- ~~—92.50 Open burning~~
- ~~—92.51 Fireworks for public display~~
- ~~—92.52 Haunted houses~~
- ~~—92.53 Special use permits~~
- ~~—92.54 User permits~~
- ~~—92.55 Sprinkler/standpipe permits~~
- ~~—92.56 Fire alarm system permits~~
- ~~—92.57 Fixed fire suppression system~~
- ~~—92.58 Service and permit fee schedule~~
- ~~—92.59 Apparatus fee schedule~~
- ~~-~~
- ~~—92.99 Penalty~~

#### **General Provisions**

- 92.01 Powers and duties; Chief of Fire Department
- 92.02 Department Rules and Regulations; Organization of Personnel
- 92.03 Interfering with firefighters; loitering around Fire Department
- 92.04 Riding on Fire Department vehicles prohibited
- 92.05 Damaging, removing or interfering with Fire Department equipment prohibited
- 92.06 False fire alarms, damage to fire alarm or response equipment prohibited
- 92.07 Annual fire inspections required
- 92.08 Fees and Charges

#### **Fire Prevention and Protection**

- 92.09 NC Fire Prevention Code adopted by reference
- 92.10 Design of automatic sprinkler, standpipe, fire alarm and fixed fire extinguishing systems
- 92.11 Building permit plan review
- 92.12 Fire lanes
- 92.13 Display of address numbers
- 92.14 Fire hydrant protection policy
- 92.15 Knox Box requirements

#### **Permit Requirements**

- 92.16 Open burning

- [92.17 Special Use Permits](#)
- [92.18 User permits](#)
- [92.19 Fire protection systems](#)
- [92.20 Appeals](#)
- [92.99 Enforcement; Penalties](#)

## GENERAL PROVISIONS

### ~~§ 92.01 COMPOSITION OF FIRE DEPARTMENT AND QUALIFICATIONS OF MEMBERS.~~

~~(A) The Fire Department of the town shall consist of the Chief, firefighters and other personnel as the Town Council shall deem necessary.~~

~~(B) The members of the Fire Department shall be not less than 18 years of age.~~

### ~~§ 92.012 POWERS AND DUTIES; CHIEF OF FIRE DEPARTMENT; DUTIES.~~

~~(A) The Fire Department's mission is to minimize the risk of fire and other hazards to the life and property of the citizens of the town. To accomplish this mission, the Department shall provide effective fire prevention, rescue, fire suppression, fire investigation and arson mitigation.~~

~~(A) 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 his or her functions temporarily during any particular absence or disability.~~

~~(B) The duties of the Fire Chief are to preserve and care for fire apparatus and equipment; to have charge of fighting and extinguishing fires and training the fire department; to seek out and have corrected all places and conditions dangerous to the safety of the town and its citizens from fire and related hazards; to enforce the NC Fire Prevention Code; and to make annual reports to the Town Council concerning these duties.~~

Commented [AM1]: Explanation for deletion: (A) goes without saying; (B) already town policy(?)

### ~~§ 92.023 DEPARTMENT RULES AND REGULATIONS; ORGANIZATION OF PERSONNEL FIRE DEPARTMENT.~~

~~With the approval of the Town Manager, the Chief of the Fire Department, with the approval of the Town Manager, shall have power to may adopt the such rules, and regulations and organization of personnel, job titles and job duties as are necessary and proper for the operation of the Department; provided that, the rules and regulations shall not be inconsistent with state law, the Charter of the town or this chapter.~~

### ~~§ 92.04 BUREAU OF FIRE PREVENTION; FIRE MARSHAL.~~

~~There is hereby established within the Fire Department the Bureau of Fire Prevention, which shall be operated under the supervision of the Chief of the Fire Department. The Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the Chief of the Fire Department upon the approval of the Town Manager.~~

### ~~§ 92.05 FIRE PREVENTION PERSONNEL.~~

~~The Chief of the Fire Department may detail the members of the Fire Department as deputy fire marshals, fire inspectors or other staff as shall, from time to time, be necessary. The Chief of the Fire Department may recommend to the Town Manager the employment of fire inspectors or other staff.~~

### ~~§ 92.036 INTERFERING WITH FIREFIGHTERS; LOITERING AROUND FIRE DEPARTMENT.~~

~~No person shall obstruct or interfere, in any way, with any firefighter while engaged in the performance of his or her duty, nor loiter about the a Fire Department stations. It shall be unlawful for persons to congregate in the streets, lanes, alleys or squares adjacent to a fire so as to interfere with the operations of the Fire Department. The Incident Commander in charge of Fire Department~~

Commented [AM2]: Derived from 160A-292

personnel engaged in a firefighting operation may declare a safety zone around the fire within which no unauthorized person may enter.

Penalty, see § 92.99

#### § 92.047 RIDING ON FIRE DEPARTMENT VEHICLES PROHIBITED.

It shall be unlawful for any person ~~who is, not a member of the Fire Department~~ not authorized to do so, to ride or attempt to ride in or on any fire apparatus or other vehicle of the Fire Department, ~~when going to or returning from a fire, unless so authorized by the Incident Commander or the Town Manager.~~

Penalty, see § 92.99

#### § 92.058 DAMAGING, REMOVING OR INTERFERING WITH FIRE DEPARTMENT APPARATUS, EQUIPMENT OR IMPLEMENTS PROHIBITED.

No person shall willfully or carelessly break, destroy, carry away or interfere with any of the apparatus, equipment or implements belonging to the Fire Department.

Penalty, see § 92.99

#### ~~§ 92.09 FIRE PROTECTION OUTSIDE TOWN LIMITS.~~

~~(A) The Fire Chief and Town Manager, with the approval of Town Council, may enter into contracts with neighboring fire departments for mutual aid. Also with Council approval, the officials may enter into contracts with the county for fire districts. Fire protection at all times shall be maintained within the town limits.~~

~~(B) The Town Manager is authorized to enter into contracts for the protection of other properties outside of the town limits that are served by the town water system and are within 500 feet of a hydrant. The form of the contract shall be approved by the Town Council.~~

#### § 92.0640 FALSE FIRE ALARMS, DAMAGE TO FIRE ALARM OR RESPONSE EQUIPMENT PROHIBITED.

(A) Unless there is a fire or a reasonable apprehension of fire or other circumstances justifying the making of an alarm of fire, it shall be unlawful for any person ~~or persons to wantonly and willfully give or cause to be given or to advise, counsel or aid and abet anyone in giving~~ to make a false alarm of fire or to break the glass key protector or to pull the slide, arm or lever of any station or signal box of any fire alarm system.

~~(B) It shall be unlawful for any person to, except in case of fire or willfully misuse or damage a portable fire extinguisher or in any way to willfully interfere with, damage, deface, molest or injure any part or portion of any fire alarm, fire detection, smoke detection or fire extinguishing system.~~

~~(C) The Fire Official is authorized to~~ Department may impose penalties and/or response fees and charges upon fire alarm users who have three or more false alarms caused by equipment malfunction within a 30-day period.

~~(C) The town may pay a monetary reward to anyone leading to the conviction of this offense. Payment of monetary reward will be coordinated with the town's Area Crimestoppers.~~

Penalty, see § 92.99

~~(Ord. passed 2-21-2008) Penalty, see § 92.99~~

#### ~~§ 92.11 REPEAL OF CONFLICTING ORDINANCES.~~

~~All former ordinances or parts thereof which conflict or are inconsistent with the provisions of this subchapter hereby adopted are repealed.~~

#### § 92.0742 ANNUAL FIRE INSPECTIONS.

All businesses and multi-tenant residential dwellings must obtain an annual fire inspection, and user permit in accordance with state law and this Chapter. This requirement does not apply to ~~single-family residences or duplexes~~ one- or two-family dwellings.

#### § 92.08 FEES AND CHARGES.

Fire Department permit fees and all other fees and charges shall be assessed as provided per the town's current adopted schedule of fees.

**Commented [AM3]:** Explanation for deletion: Unnecessary to state these powers of Council.

**Commented [AM4]:** Explanation of deletion: unnecessary in light of general code provisions and established law regarding repeal and amendment of town code.

**Commented [AM5]:** Redundant with later provisions governing special use permits.

**Commented [AM6]:** Redundant with later provisions governing user permits.

~~The business or residential dwelling must be inspected by a representative of the Town Fire Prevention Bureau. The business or residential dwelling must comply with all the provisions of the Fire Code. The owner of the business or residential dwelling must pay a fee to the Town Fire Department.~~

~~(Ord. passed 3-18-2004)~~

#### ~~§ 92.13 JURISDICTION.~~

~~This chapter shall apply to all property located within the corporate limits of the town.~~

#### ~~§ 92.14 ENFORCEMENT PROVISIONS; VIOLATIONS.~~

~~(A) The Fire Code adopted by reference by this chapter in § 92.25 shall be enforced by the Bureau of Fire Prevention of the Fire Department of the town. All Fire Code enforcement officials designated to enforce the Fire Code shall be certified by the State Code Officials Qualification Board. Only certified fire officials may enforce the Fire Code or the provisions of this chapter.~~

~~(B) Violators shall be issued written notice of the violation which must be paid within 72 hours after receipt of the notice. If the violator does not pay the penalty within 72 hours, the town may recover the penalty and all subsequently accruing penalties, in a civil action.~~

~~(C) Each day's continuing violation of any section of this chapter shall be a separate and distinct violation.~~

~~(D) In the event it is necessary for the town to institute a civil action to collect a civil penalty for violation of any section of this chapter, the offender shall pay all court costs and attorney's fees incurred by the town.~~

~~(E) Notwithstanding divisions (B) and (C) above, all sections of this chapter may also be enforced by appropriate equitable remedies issuing for a court of competent jurisdiction.~~

~~(F) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Also, it shall not be held to prevent the enforced removal of prohibited conditions.~~

Commented [AM7]: Covered elsewhere

Commented [AM8]: Explanation for deletion: unnecessary; a matter of general law.

Commented [AM9]: Moved and condensed with penalty section at 92.99

## FIRE PREVENTION CODE

### ~~§ 92.0925~~ **NC FIRE PREVENTION CODE ADOPTED BY REFERENCE.**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion or exposure to hazardous materials, the ~~current edition of the State~~ [NC Fire Prevention Code](#), as ~~currently~~ [adopted and published by the NC State Building Code Council, together with all appendices](#) and as ~~such may be~~ [amended from time to time \(hereinafter, "Fire Code"\)](#), is hereby adopted by reference and is set forth herein as the Fire Code for the town. ~~Copies. Any amendment to the Fire Code shall be effective in the town as of the date such amendment is declared in effect by the NC State Building Code Council. A copy of the~~ Fire Code ~~are~~ [is](#) kept on file in the office of the Town Clerk and ~~are~~ [is](#) available for public inspection during regular business hours.

~~(Ord. passed 2-21-2008)~~

#### ~~§ 92.26 AMENDMENTS.~~

~~Amendments to the Fire Code adopted by reference in this chapter, which are from time to time adopted and published by the State Building Code Council, shall be effective in the town at the time the amendments are declared in effect by the Council.~~

#### ~~§ 92.27 PERMITS.~~

~~(A) Permits required.~~

~~(1) In accordance with the detailed requirements of the town, a permit shall be obtained from the Fire Marshal pursuant to the procedure set forth in Ch. 1 of the Fire Code and this chapter.~~

~~(2) Permits shall be obtained to conduct those activities or operations as set forth in the permit and service fee schedule as approved by Town Council. All permits will be issued on an individual basis upon demonstration of compliance with the applicable Fire Code regulations.~~

~~—(B) Application for permit. Applications for permits shall be made to the Fire Marshal on forms provided by the town and shall include the applicant's answers in full to inquiries set forth on the forms. Applications for permits shall be accompanied by appropriate fees and the dates as may be required by the Fire Marshal.~~

~~—(C) Review, issuance, revocation and fees.~~

~~(1) The fire Marshal shall review all applications submitted. An on-site inspection shall be conducted to determine compliance with applicable provisions of the Fire Code. If an application for a permit is rejected by the Fire Marshal, the applicant shall be advised, in writing, of the reasons for the rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.~~

~~(2) The Fire Marshal may revoke a permit upon determination that the permit holder or any agents or employees of the permit holder, has violated any provision of the Fire Code or of this chapter or any stated condition of the permit. The electrical inspector may be requested to remove electric service to structure due to revocation. The Fire Marshal shall advise the permit holder, in writing, of the reason for the revocation.~~

~~(3) An applicant for a permit or a permit holder, as appropriate, may appeal the fire Marshal's refusal to issue or revocation of, a permit. Appeals shall be in accordance to G.S. §§ 143-140 and 143-141. All appeals shall follow the prescribed method as set forth in these statutes not only as to permits, but as to interpretation or variation of the Fire Code.~~

~~(4) All Permits issued shall not be transferable. Permits shall be valid only as specified on the permit for the time period, use and/or project specified.~~  
~~(Ord. passed 2-21-2008)~~

#### ~~§ 92.28 FEE ADMINISTRATION.~~

~~(A) Special permit fees for specific events, projects or time periods shall be the amount specified for that particular permit. Special permits may not be combined. An individual permit with appropriate permit fee shall be charged for each event or project.~~

~~—(B) Annual use permits may be combined into a single permit. In the event that an occupancy requires more than one annual use permit, then the highest fee required for any one of these permits shall be charged. For each other permit required, then a charge of \$10 for each shall be added with the total amount not to exceed \$100.~~

#### ~~§ 92.29 WARNING SIGNS REQUIRED IN COIN-OPERATED DRY CLEANING ESTABLISHMENTS.~~

~~—Each coin-operated dry-cleaning establishment using the below mentioned solvent, shall display prominently upon or near each dry cleaning machine, a sign warning the public of the danger of excessive solvent vapor inhalation or prolonged or repeated contact with skin or eyes of the dry-cleaning solvent known as "perchloroethylene".~~

~~Penalty, see § 92.09~~

#### ~~§ 92.30 FLAMMABLE LIQUIDS, LIQUIFIED PETROLEUM GASES.~~

~~(A) The storage of class I liquids in above-ground tanks outside of buildings is prohibited in all fire districts as established, described and defined under this chapter, per § 3404.2.9 of the Fire Code. No new bulk plant shall be constructed within any fire districts as established, described and defined under this chapter or in any residential areas, neighborhood trading areas, business districts and institutional districts as established, described and defined in the zoning map and ordinance per § 3406.4 of the Fire Code.~~

~~—(B) Restrictions on the location of containers storing liquified petroleum gas as set forth in § 1701.4 of the Fire Code shall be held applicable to all residential areas, neighborhood trading areas, institutional districts and commercial districts as established, described and defined in the zoning map and ordinance.~~

**Commented [AM10]:** Explanation of deletion: This section is largely redundant with subsequent section ("User permits") and is re-combined with that subsequent section.

**Commented [AM11]:** Redundant with later provisions governing special use permits.

**Commented [AM12]:** Covered in fire code

~~(C) Bulk storage of liquified petroleum gases is prohibited in all fire districts as established, described and defined under this chapter and the town's zoning ordinance.~~

~~(Ord. passed 2-21-2008) Penalty, see § 92.99~~

#### **§ 92.1031 DESIGN OF AUTOMATIC SPRINKLER SYSTEMS, STANDPIPE SYSTEMS, FIRE ALARM SYSTEMS AND FIXED FIRE EXTINGUISHING SYSTEMS.**

(A) Plans and specifications for automatic sprinkler systems ~~and for standpipe systems shall meet Ch. 9 of the Fire Code. All automatic sprinkler systems,~~ standpipe systems, fire alarm systems and fixed fire extinguishing systems must meet the requirements of the Fire Code. Applicants proposing to install or renovate such systems that are to be installed or renovated shall must have submit plans and specifications submitted to the fire Marshal department for plan review, and may proceed with installation or renovation only upon approval and issuance of a permit by the Fire Department. ~~These plans shall be reviewed and approved by the Fire Marshal with the appropriate permit issued prior to commencement of any work.~~

(B) The water demand for any ~~sprinkler systems and/or standpipe systems~~ shall not be greater than 90% of the available water supply.

Penalty, see § 92.99

~~(Ord. passed 2-21-2008) Penalty, see § 92.99~~

#### **§ 92.1132 BUILDING PERMIT PLAN REVIEW.**

Except in the case of one- and two-family residential dwellings, a All building plans submitted to the Boone Planning and Inspections Department ~~Inspection Division of the town~~ for the issuance of a building permit shall be reviewed by the Fire Marshal, Fire Department personnel. This review will be for the determination of compliance with this chapter and the Fire Code. ~~This review, and~~ shall be completed within a reasonable time of receipt of the plans. The results of this plan review shall be submitted to the Chief Building Official giving either denial or approval for the issuance of a building permit. ~~This plan review shall not apply to one- and two-family dwellings.~~

#### **§ 92.1233 FIRE LANES.**

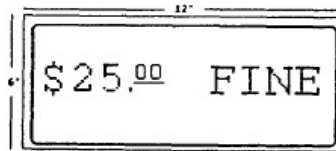
(A) Fire lanes required. ~~In accordance with § 503 of the Fire Code, the Fire Marshal,~~ The Fire Department shall have ~~the~~ authority consistent with the Fire Code to designate fire lanes necessary for fire apparatus accessibility.

(B) Marking.

(1) All designated fire lanes shall be marked accordingly. The perimeter of the fire lane designated by the fire ~~Marshal,~~ inspector shall be marked with a solid four-inch yellow stripe. The interior of this area will then be marked with four-inch yellow stripes at 45-degree angles to the perimeter stripe or curbing at four feet on center. The wording "FIRE LANE" shall be painted by stencil in the interior of the stripping.

(2) A "no parking" sign of the type specified in the following figure shall be installed adjacent to the fire lane at the beginning and end of the fire lane perimeter:

Commented [AM13]: Covered in fire code



(3) Additional signs shall be posted at intervals not exceeding 75 feet.

(C) All fire lanes previously designated and described by this chapter prior to this amendment shall remain as fire lanes and maintained as such. ~~The parking of motor vehicle in~~s or otherwise obstructing a required fire lane shall be is prohibited at all times per § 503.4 of the Fire Code. Penalty, see § 92.99

~~(Ord. passed 2-21-2008) Penalty, see § 92.99~~

~~§ 92.34 HAZARDOUS MATERIALS.~~

- ~~(A) Hazardous materials disclosure shall be as specified in G.S. §§ 95-173 through 95-218.~~
- ~~(B) Per § 2703.5 of the Fire Code, hazard and identification signs as outlined in NFPA 704 shall be placed accordingly at all entrances to and in locations where hazardous materials are stored, handled or used. The Fire Marshal shall determine the placement of the placard on the structure.~~
- ~~(C) The size and type of signs used to identify hazardous materials shall be of the type and size specified in NFPA 704. A reference guide on the sizes of signs and signals will be made available to the public from the Fire Marshal's office upon request.~~

~~(Ord. passed 2-21-2008)~~

**§ 92.1335 DISPLAY OF ADDRESS NUMBERS.**

(A) In accordance with ~~§ 505.1~~ of the Fire Code, NC Building Code and this ordinance, all new and existing buildings shall display their assigned address numbers ~~in accordance with §§ 150.01 and 150.02.~~

(B) ~~All property~~ One and two family dwellings shall display address numbers, as required by §§

Commented [AM14]: Covered in fire code



150.01 and 150.02 ~~to be displayed shall be a~~. The minimum size of ~~three inches high~~. However, the ~~building number of an apartment, townhouse or condominium complex~~ numbers shall be not less than ~~four inches height~~.

(C) Commercial buildings shall display address as required by the Fire Code with numbers not less than six inches ~~high and in height~~. The address numbers shall be placed either in the approximate center of the building or on the street end of the building so that it is clearly visible from either the public or private street by which it is accessed. These numbers shall be of a contrasting color to the background of which they are attached and located in a manner as to be readily identified by emergency personnel at all times.

(C) It shall be the responsibility of the ~~Bureau of Fire~~ ~~Prevention~~ Department to enforce the displaying of assigned address numbers in accordance with the Fire Code and ~~the town ordinance~~ ordinances.

~~(Ord. passed 2-21-2008)~~ Penalty, see § 92.99

~~(Ord. passed 2-21-2008)~~

#### **§ 92.1436 FIRE HYDRANT PROTECTION POLICY.**

The following policy shall be utilized in the installation of water mains, water supplies and hydrant installations for fire protection. ~~It shall be the responsibility of the Fire Marshal's office for the enforcement and interpretation of this policy. At no time shall this policy allow any.~~ All such installations must conform ~~installation that is not in conformance~~ with the Fire Code.

(A) *Introduction.* In order to provide adequate fire protection to the town ~~in regards to life and property~~, the following policy has been adopted as to support the Fire Department in its need for water supply adequacy. Information used to provide the criteria necessary for proper fire protection include Fire Department experience; National Fire Codes; ANSI Standards; AWWA Standards; Fire Insurance Regulations from the State Department of Insurance (I.S.O.); and practices of the town's ~~Public Utilities~~ ~~Public Works~~ Department. The primary goals of the policy are to attain adequate fire protection of life and property, set forth an orderly development of a fire hydrant protection system and set forth the guidelines and rules for the fire hydrant protection system. ~~The policy shall be commensurate with the Public Utilities Department and the Fire Department.~~ This policy will be made available to all persons by the ~~Bureau of Fire~~ ~~Prevention~~ Department upon request. It is recommended that all persons who wish to locate business or residential properties in the jurisdiction of the town request a copy of this policy prior to application for building permits or the time of submittal for approval of the Planning Board or Planning and Inspections staff.

(B) *New development;* building ~~renovations~~, additions ~~and~~ changes of ~~use~~ ~~occupancy~~.

(1) The following guidelines shall apply to new buildings for which a building permit is required, new subdivisions approved by the Planning Commission or any new commercial, industrial or residential project. Any new project shall be considered as new development.

(a) The Fire ~~Marshal's office~~ Department shall review all plans that fall under any of the categories of "new development". The building plans will be reviewed to determine fire hydrant protection requirements for the proposed building or development. Sufficient information as required by the Fire ~~Marshal~~ Department shall be submitted to determine the criteria for ~~fire-flow~~ water flow quantity, hydrant number, location and spacing.

(b) Hydrants shall be installed in accordance with ~~this Chapter and Chapter-~~ 50 of this code and shall be available for service prior to the beginning ~~and development~~ of building construction, ~~except as specifically provided in this section~~. Hydrant installations shall be in accordance with the policy stated herein.

(c) ~~Exception:~~ for new subdivisions ~~approved by the Planning Commission~~, where a performance guarantee is accepted for completion of water utilities in lieu of actual completion of the utility work prior to acceptance of the final plat, single-family dwelling construction may begin without hydrants and water mains being ready for service. Construction sites shall be limited so as

not to cause an undue fire hazard, with the Fire ~~Marshal~~ Department being notified prior to the beginning of each construction. No dwelling shall be occupied until all fire protection requirements have been met and are ready for service. For those new subdivisions where water mains are not available, then the fire protection requirements necessary to compensate for this deficiency shall be approved by the Fire ~~Marshal~~ Department. This may include, but is not limited to, draft points, proper road construction to allow for tanker operations, water fill points and the like.

(d) Unless otherwise agreed to by the Public ~~Utilities-Works~~ Department, hydrants shall be installed at the developer's or owner's expense, including, but not limited to:

1. Extension of town-owned water lines in order to provide service for the new development as required by this policy;
2. Addition of fire hydrants to existing water lines;
3. Private fire lines; and
4. ~~The cost of possible~~ upgrading of existing lines to provide the necessary water flow capacity for the building or project.

(2) ~~For in the case of buildings building additions, renovations, changes of use and the like, which are under renovation or remodeling of which a building permit is required or a certificate of occupancy is being applied for due to a change in ownership, change in type of occupancy or any other reason,~~ the existing water system shall may be deemed ~~as~~ adequate for the existing building; ~~so long as a required number of if there are~~ hydrants with a flow certified as adequate by the Fire ~~Marshal's office~~ Department ~~is acceptable to the Fire Marshal. If hazardous materials or dangerous processes are a part of the change of occupancy, then if changes to the building require~~ additional water flow requirements shall to meet Fire Code requirements, the owner shall provide for such additional capacity at the owner's expense.

(C) *Existing development.*

~~(4)~~ The following guidelines shall apply to existing industrial, commercial and multi-family residential ~~projects,~~ buildings and subdivisions.

(1a) The town shall determine the deficient areas in fire hydrant protection which are located in the public right-of-way. A plan of correction shall be developed in accordance with monies available.

(2b) Where existing development poses a danger to life and property due to fire hydrant deficiencies existing on private property, the Fire Department may require the deficiency to be corrected. The cost of this type of fire hydrant protection shall be borne by the owner or developer.

(D) *Required fire flow.*

(1) ~~Determining the~~ The required fire water flow available for fire protection ("fire flow") for- required to provide adequate fire protection in the town will be determined in accordance with ~~Chapter-~~ 50 of this code. The required fire flow ~~is~~ will assure sufficient water flow for fire protection while also maintaining normal usage for ~~allowing~~ other water users in the area ~~to maintain a normal usage without any interruption or damage to the other user's' systems.~~

(2) ~~These~~ fire flow requirements may be modified by the ~~Fire Official of the~~ Fire Department to ~~allow account for any condition that may warrant an increase in fire flow to provide adequate fire protection, including but not limited to factors such as the siting of for exposure problems of adjacent buildings, storage of hazardous materials, occupancy classification, etc or any other condition that may warrant an increase in fire flow to provide adequate fire protection.~~

(3) ~~**FIRE AREA.** the total floor area in square foot for all four levels within the exterior walls or under the horizontal projection of the roof of a building.~~ Four-hour fire separation walls may be considered as dividing a building into separate fire areas for the purpose of determining fire flow. For purposes of this section, a "fire area" is the total floor area in square fee for all floor levels within the exterior walls or under the horizontal projection of the roof of a building.

(4a) The minimum fire-flow requirements for one- and two-family dwellings shall be 1,000

GPM. (Exception) This requirement may be reduced 50% if the building is equipped with an approved sprinkler system.

(5b) The minimum fire flow requirement for buildings other than one- or two-family dwellings may be reduced 50% if the building is equipped with an approved sprinkler system. However, the flow requirement shall not be reduced below the requirements of the sprinkler system as determined per NFPA 13.

~~(c) Multi-story buildings may have modifications to the fire flow. The Fire Official of the Fire Department shall assist in these determinations.~~

(6d) Hydrants installed to meet the provisions of the fire flow requirements shall be calculated at providing 1,500 GPM each. If the required fire flow does not exceed the hydrant flow calculation by 500 GPM or more, then an additional hydrant shall not be required.

~~(e) Additional hydrants may be necessary for the adequate fire protection of a building, due to the accessibility of fire apparatus, extended hose lays or other situations that may dictate Fire Department procedures. The Fire Official of the Fire Department will be able to help the developer in making these determinations. In no case shall the spacing distance of hydrants that are installed under the provisions of this policy be more than is allowed under these guidelines.~~

(7f) A One additional hydrant shall be required within 100 feet of each connection to an approved sprinkler system requiring for Fire Department hose connections to an approved sprinkler system if hose length exceeds 100 feet to other hydrants.

(8) Additional hydrants may be required as necessary for adequate fire protection of a building due to accessibility limitations or other circumstances.

(E) *Fire hydrant installation.* The following guidelines shall apply to the installations of all new hydrants ~~required by the Fire Official~~ and replacements of existing hydrants ~~that are already in service.~~

(1) Hydrants shall be installed in accordance with ~~the town water and sewer use ordinance~~ Chapter 50 of this code.

(2) Upon completion of installation, each hydrant shall be flushed of all sediment or debris that may hinder its operation. The caps will then be greased and the hydrant set ready for service. The Fire Department will then be notified of the completion of the installation and that the hydrant is in service and ready for an inspection ~~by the Fire Official.~~

(3) All completed hydrant installations ~~shall~~ must be inspected ~~by the Fire Official~~ by the Fire Department ~~in order to be sure that the hydrant is in~~ for compliance with ~~this policy~~ all applicable requirements.

(4) All ~~the~~ hydrants shall be painted to match the existing hydrants in the town. Unless otherwise specified, this color shall be Top #7216 white reflective or equivalent and a oil-based red paint for barrel and caps.

(F) *Hydrant spacing.*

(1) Hydrants shall be located as close as possible to street intersections or areas of direct vehicular access. ~~Recommended hydrant spacing for developed areas will be 500 feet. At no time will h~~ Hydrant spacing may not exceed 500 feet. ~~Larger industrial, and commercial and/or multi-family developments may require additional hydrants to compensate for long hose lays and/or greater water demand. These determinations shall be made by the Fire Official at the time of the plan's review or at the Planning Commission meeting.~~

(2) Hydrants shall be located no closer than 50 feet from a building. If ~~the~~ a probable collapse zone ~~of a building exceeds 50 feet, exists due to the height of the building that provides a greater distance than 50 feet,~~ then ~~the~~ hydrants shall be located out of this zone.

(3) Hydrants should be located close to street access so as to facilitate easy hook-up.

(4) Hydrants located in areas designated for parking shall be afforded some type of protection from collision of vehicular traffic. ~~(Exception: side street parking where~~ Where a curb protects the

**Commented [AM15]:** Chapter 50 allows no more than 500 feet between hydrants. No need to reiterate.

**Commented [AM16]:** Chapter 50 as well as subsequent provision of this chapter provides for 500 feet between hydrants. No need to reiterate.

hydrant from normal parking and is marked for no parking; no other type of protection is needed.)

(5) ~~For parking on a street beside a hydrant,~~ Where a hydrant is located on a street with side-street parking, a hydrant, at least one parking space shall be marked at the hydrant to provide for no parking. In shopping centers ~~or other type parking and similar parking~~ areas, at least one parking space in front ~~and or back of or behind the hydrant (whichever provides access), for whichever provides the means of access,~~ shall be designated as no-parking and as for Fire Department access only. The area around the hydrant shall be marked with in yellow ~~markings~~ and designated in letters "No Parking".

(6) Hydrants shall be located at least 15 feet from any solid object (such as a power pole, tree, building, dumpster and the like), that may hinder access to and use of the hydrant. Brush and/or trees shall be cleared around the hydrant to at least 15 feet ~~from port side, plus 15 feet from rear of hydrant~~ in all directions. A clear area of access shall be maintained to the hydrant at all times.

(G) Water supply lines for hydrants. Installation of piping for supply of water to a hydrant or protection system shall be in accordance with ~~Chapter~~ 50 of this code.

(1) Hydrants installed on existing water lines will ~~need to have a flow test conducted~~ be tested by the ~~Fire Marshal's office~~ Fire Department to ensure that the existing line can supply an adequate flow of water as needed per I.S.O. fire flow requirements.

(2) It shall be the responsibility of the developer, property owner or person in charge of the development project to submit plans of construction of the water lines or hydrant location and spacing to the ~~Fire Marshal's office and Utilities~~ Fire Department and Public Works Department for approval prior to installation. All new supply lines shall be inspected prior to ~~their covering of fill material~~ being covered to ensure compliance with the submitted plans.

(3) Once the system is completed, a final inspection will be conducted. This inspection will also include a flow test to ensure proper fire flow adequacy.

Penalty, see § 92.999

#### **§ 92.1537 KNOX BOX REQUIREMENTS.**

(A) A Knox box key entry system is required in all new and existing commercial and multi-tenant residential structures containing automatic sprinkler systems ~~and or~~ fire alarm systems.

(B) An authorization order form ~~shall can~~ be obtained from the Fire ~~Prevention Bureau, which will identify~~ Department or the appropriate size, type and placement of the key applicant can go online to: [www.knoxbox.com](http://www.knoxbox.com) to place their order for an approved Knox Box.

(C) ~~Notwithstanding the sale of the structure or change of tenant, the owner/tenant is~~ The owner and/or tenant of the building is responsible for ensuring that for all required and current entry keys for that business ~~are retained~~ in the Knox box ~~to be current~~ at all times.

~~(D) For existing commercial and multi-tenant residential structures presently without a Knox box system but, otherwise containing an automatic sprinkler system and or alarm system prior to January 1996, a Knox box is not required.~~

~~(E) Response to the structure shall be provided by the owner or a designated key holder within 15 minutes of the initial alarm for Fire Department access. This shall be provided 24 hours a day, 365 days a year.~~

~~(F) A current list of key holders shall be submitted to the Fire Prevention Bureau.~~

~~(G) Failure to meet these requirements shall automatically constitute the immediate conformance to the Knox box key system designated and described by this chapter.~~

~~(Ord. passed 10-21-2004)~~

## PERMIT REQUIREMENTS

### **§ 92.1650 OPEN BURNING.**

~~(A) Permit required.~~

**Commented [AM17]:** This is potentially a matter of life and death and should apply to existing structures as well as new development. See NC Fire Prev. Code §102.1

~~(A) — (1) In accordance with § 307 of Per the Fire Prevention Code, all outdoor open North Carolina Division of Air Quality, debris burning shall require of any kind is not permitted within the Town limits.~~

~~(B) Fire pits are permitted within the Town limits for leisure purposes, and do not require permitting.~~

~~(A)(C) Bonfires for public enjoyment are permitted with the approval and a permit to be issued by from the Fire Department. All provisions of Ch. 1 of the Fire Prevention Code regarding permits shall be met.~~

~~(2) Only a Fire Official certified by the Code Officials Qualification Board of the state shall issue any permits. All requirements of § 307 of the Fire Prevention Code shall be met.~~

~~(3) Under the supervision or approval of the Fire Marshal, a fire official may approve a burning permit if all requirements have been met.~~

~~(4) A permit fee, if applicable, as specified in the permit and service fee schedule shall be required upon issuance of an open burning permit to be collected by the Fire Official prior to or at the time of the permit issuance.~~

~~(B) Burning site requirement.~~

~~(1) Piles of material to be burned shall not exceed 30 feet in diameter, ten feet in height or 10,000 cubic feet, unless authorized by the Fire Marshal.~~

~~(2) An area ten feet wide shall be cleared completely around the material to be burned. This area shall be cleared down to the dirt with no combustibles or the like that may burn in this area.~~

~~(3) Only natural materials, such as limbs, brush, grass, leaves or wood, may be burned. Heavy oils, asphaltic materials, polar solvents, items containing natural or synthetic rubber or any materials other than plant growth shall not be burned.~~

~~(4) A competent person shall constantly attend the fire until the fire is extinguished.~~

~~(5) A garden hose, other suitable water supply or other fire extinguishing equipment, as deemed acceptable by the Fire Official, shall be readily available for immediate use during the course of the burning.~~

~~(6) The location of the material to be burned shall be a minimum of 50 feet from any structure. If a possible hazard exists, the Fire Official may require this distance increased.~~

~~(C) Permit issuance procedure.~~

~~(1) Any person wishing to obtain a burning permit shall first contact the Fire Prevention Bureau during normal office hours to set an appointment for the burning site inspection.~~

~~(2) The person taking the call for the open burning permit shall obtain and complete the required information on a permit form. This permit form will then be forwarded to the appropriate fire official. It will be the responsibility of the fire official to verify or to set an appointment for the burning site inspection. No site shall be inspected until the applicant is actually ready to burn.~~

~~(3) The applicant shall verify all information and shall read all the rules and regulations on the open burning permit. The applicant will then be required to sign the permit acknowledging the understanding and responsibility to obey these regulations.~~

~~(4) The Fire Official, upon completion of the inspection of the burn site and collection of the appropriate permit fee shall then complete the open burning permit and give a copy (white section of the permit) to the applicant.~~

~~(5) It will be the responsibility of the applicant to keep this permit available at the burn site at all times.~~

~~(6) The Fire Official will return the necessary copies of the burning permit to the Fire Prevention office. One copy (yellow section of the permit) shall be kept on file at the Fire Prevention office with another copy (pink section of the permit) forwarded to Boone Communications Center. This information will be recorded on the burning permit log sheet which shall be kept at Station 2. All fees will be turned into the Fire Department Administrative Assistant.~~

~~The assistant will then be responsible to turn in any fees collected to the Finance Department at the end of the business day.~~

~~(7) The maximum period of time that a burning permit shall be valid for will be five days. Burning that is necessary past the five-day maximum shall require a new permit. Extended time may be permitted under the authority of the Fire Marshal.~~

~~(8) In (D) Burning bans.~~

~~(1) In the event a person wishes to obtain a burning permit at a time other than the normal office hours of the Fire Prevention Bureau, that person shall contact the Boone Fire Station 1 for notification by telephone or radio a fire official for inspection and permitting.~~

~~(9) All permits issued other than fire prevention personnel shall be issued in accordance with the same procedures as stated herein.~~

~~(D) Revocation of permits.~~

~~(1) If at any time during the burning, the smoke and/or odors create a neighborhood nuisance, the burning shall be ceased and the open burning permit made invalid.~~

~~(2) If, at any time during the burning, the regulations regarding open burning are not met or are neglected in any way, the open burning permit shall be made invalid.~~

~~(3) All open burning permits shall be made invalid in the event of a burning ban issued by the State Forest Service or the Fire Marshal of the town. All permits made invalid due to a burning ban may be reinstated once the burning ban is lifted with no additional inspection or fee required.~~

~~(4) Once a permit has been made invalid for any reason other than a burning ban, then a new permit shall be required. Repeat violations or repeat revocation of open burning permits may be just cause to deny a permit. Denial of a permit shall require same approval of the Fire Marshal or Fire Chief.~~

~~(5) Willful neglect and/or willful violations of the Fire Prevention Code shall be subject to a civil citation. Any action shall be brought to the Fire Marshal with proper documentation to be acted upon.~~

~~(6) Any open burning permits made invalid by any reason other than a burning ban will not be subject to a refund of the permit fee. Any refund must be approved by the Fire Marshal.~~

~~(E) Burning ban.~~

~~(1) In the event that the NC State Forest Service issues a ban on all outdoor burning, then in accordance with state law all open burning permits issued shall be deemed invalid with no issuance of any new permits until the ban is lifted by the State Forest Service. During this ban, no open burning shall be conducted at all in the town including fire pits and bonfires.~~

~~(2) A burning ban on all outdoor burning fire pit use may be issued by the Fire Marshal or the Fire Chief Department in the event that atmospheric conditions or local circumstance make the fires hazardous. Written evidence will accompany the issuance of the town's ban on permitted outdoor burning.~~

~~(a) Atmospheric conditions that may warrant a burning ban include, but are not limited to:~~

- ~~1. Extended periods of low humidity (below 50%);~~
- ~~2. High winds;~~
- ~~3. Elevated temperatures; and~~
- ~~4. Lack of substantial rainfall.~~

~~(b) Local conditions that may warrant a burning ban include, but are not limited to:~~

- ~~1. Flammable and/or combustible liquid spills or leaks close to a burning site;~~
- ~~2. A hazardous materials incident where the proximity of the burn site could cause a possible ignition source or prove hazardous to operations controlling the incident; and~~
- ~~3. The proximity of adjacent structures or other hazards.~~

~~(3) In the event a burning ban is issued, whether by the NC State Forest Service or the Fire Marshal, all permit holders shall be notified that the permit is invalid and all fires should be~~

**Commented [AM18]:** These details are covered in the Fire Code



extinguished immediately. ~~Department~~, the local press shall be notified by the Fire Marshal's office that the ban is into effect and ~~Department at the time the burning ban is issued and when it is lifted~~ that no new permits will be issued until the ban is lifted.

~~(4) Any burning bans issued other than by the State Forest Service shall be issued only by the Fire Marshal or Fire Chief. Repeals of the burning ban shall be done also in the same manner.~~

~~Penalty, see § 92.99~~

~~(Ord. passed 2-21-2008) Penalty, see § 92.99~~

#### **§ 92.1751 FIREWORKS FOR PUBLIC DISPLAY.**

~~(A) Permit required.~~

~~(1) In accordance with Ch. 33 of the Fire Prevention Code, no person shall use or explode any fireworks for public display without having first obtained a permit from the Fire Marshal's office.~~

~~(2) A permit fee in accordance with the fee schedule shall be required prior to issuance of the permit and shall be collected by the Fire Marshal or designated Fire Official at the time of application for the permit.~~

~~(B) Permit issuance procedure.~~

~~(1) Any person wishing to obtain a permit for fireworks for public display shall first submit an application with the Fire Marshal's office and pay the designated fee.~~

~~(2) The Fire Official responsible for making the site inspections shall make inspections as deemed necessary to assure the site is in compliance with the Fire Code and NFPA 1123.~~

~~(3) Once the Fire Official is satisfied that the site is ready and in compliance with the provisions of the Fire Code, then the permit shall be issued. The permit shall not be transferable. The permit shall be valid only as specified as per the conditions of the permit.~~

~~(C) Permit revocation.~~

~~(1) If due to atmospheric conditions or conditions that may cause a danger to life and/or property from the display of the fireworks, then the Fire Marshal may revoke the permit.~~

~~(2) In the event that a permit is revoked, the applicant shall be entitled to a refund of the permit fee.~~

~~(3) Failure to abide by the rules and regulations of the Fire Code shall be subject to a civil citation and immediate revocation of the permit. In this case, no refund of the permit fee shall be entitled to by the permittee.~~

~~(Ord. passed 2-21-2008) Penalty, see § 92.99~~

#### **§ 92.52 HAUNTED HOUSES.**

~~(A) Introduction. Maintaining a safe environment from the threat of fire for all occupants of the town is a primary function and goal of the Fire Prevention Bureau. "Halloween haunted houses" present a difficult problem in trying to meet the provisions of the Fire Code and maintain a safe environment. The following provisions will be required to be met to assure the safety of all persons participating and attending Halloween haunted houses.~~

~~(B) Permit required. A special use permit shall be required to be obtained from the Fire Prevention Bureau for anyone wishing to open a Halloween haunted house to the public. The permit fee shall be based upon the service and permit fee schedule set forth in § 92.58. This permit shall be completed on a special use permit form.~~

~~(C) Permit issuance procedure.~~

~~(1) The person wishing to obtain a special use permit for the haunted house shall first contact the Fire Prevention Bureau. An appointment for a fire inspection shall be made to inspect the~~

building planned to be used as a haunted house. The permit fee should be paid at this time.

(2) A copy of the guidelines for use of haunted houses will be given to the applicant. The fire inspection should not be conducted until the requirements for safety systems of the building are in place and the facility is ready for use.

(3) The inspector, upon completion of the fire inspection and satisfied that all guidelines and provisions of the Fire Code have been met, shall then sign and complete the special use permit and give the pink copy to the applicant. This permit must be kept at the facility at all times. The inspector will then return the original copy to the Fire Prevention Bureau for filing.

(D) *Inspection and revocation of permit.*

(1) At any time the haunted house is open to the public, a fire inspection may be conducted by a fire official to assure compliance with all guidelines and the Fire Code.

(2) In the event that the specified guidelines and/or the Fire Code regulations are not being met, then the person that obtained the special use permit will be subject to a civil citation. If the violations are of such a severe nature as to be hazardous to the lives and/or well being of the public, then the fire official may revoke the special use permit which will not allow the further use of the haunted house. If the violations are corrected, then the special use permit may be reinstated with no charge.

(3) In the event a special use permit is revoked and the occupant refuses to comply with the required regulations, a refund of the permit fee will not be allowed.

(E) *Regulations regarding the use of Halloween haunted houses.*

(1) Emergency exits shall be provided throughout the structure to ensure the safe and prompt egress of occupants in the event of an emergency. These exits shall not be covered or concealed in any way and shall be available for immediate use without any type of hindrance. These exits shall be marked "Exit". All exit signs shall be of a fluorescent type with minimum size three-inch letters. All staff personnel shall know the location of all exits.

(2) No obstacles shall be placed in the floor area that may slow or impede the occupant's escape in the event of an emergency. For areas where the means of egress may be confusing or difficult to find, arrows pointing to the exits shall be placed or painted on the floor. This should be a fluorescent color which can be easily identified.

(3) All steps, ramps or outside porches shall be lighted at all times.

(4) Lights shall be installed in all areas of the structure which will be occupied. They shall be turned on in the event of an emergency to provide sufficient light for a safe means of exiting the building.

(5) Flashlights shall be provided to all staff persons conducting the tours or going into the structure at any time.

(6) Multi-purpose fire extinguishers shall be installed throughout the structure so that the maximum travel distance to an extinguisher does not exceed 25 feet. The minimum size extinguisher allowed will be five pounds.

(7) All staff personnel shall know the location and use of all fire extinguishers in the structure.

(8) There shall be absolutely no smoking allowed inside the structure. "No Smoking" signs shall be posted at all entrances and at or near any ticket booth or ticket collection area. It will be the responsibility of the permit holder to enforce this rule.

(9) No open flame, candle or pyrotechnics shall be used within or in near proximity of the structure.

(10) The use of straw, hay or sawdust near the exits or in the structure shall be used only if approved by the Fire Inspector.

(11) Spliced electrical cords, home-made switching devices and/or open junction boxes and connections shall not be permitted.

(12) Extension cords of the lamp cord type number 16 gauge or smaller shall not be used as a



wiring method. If extension cords are required, only type S, SJ or SJO cords number 14 gauge or larger shall be permitted or approved power bars with built in thermal protection may be used. All cords shall contain a grounding means and shall be properly connected.

(13) All temporary wiring shall be in accordance with § 605 of the Fire Code and the State Electrical Code. All wiring shall be properly secured to the wall or ceiling to prevent damage or shock injury. All splices shall be made in closed junction boxes.

(14) The number of persons allowed inside the structure per group shall not be more than ten. Each group shall be led through the structure by a competent staff person. There will be no more than two groups allowed inside the structure at any time. All staff persons leading groups shall be familiar with all the guidelines required for haunted houses.

(15) In the event of an emergency, a warning signal will be sounded to notify all occupants to evacuate the structure. This signal shall indicate that the lights are to be turned on. The method of alarm shall be approved by the Fire Inspector. The alarm shall be tested each night prior to the opening of the structure to the public, with all staff people present.

(16) Other considerations for the safety of the public that may be necessary such as decorations, fire lanes and the like shall be enforced by the Fire Inspector.

(Ord. passed 2-21-2008) Penalty, see § 92.09

#### § 92.53 SPECIAL USE PERMITS.

Commented [AM19]: These details are covered by the Fire Code

(A) ~~(A)~~ Definition. A **SPECIAL USE PERMIT** is a permit required by the Fire Prevention Bureau Department to permit authorizing certain one-time or occasional applications, activities or operations, assemblies or procedures to be conducted which that may be hazardous, dangerous, unusual or involves a high risk or life involvement pose hazards to persons or property. A special use permit will be issued for a specific event, operation and/or a specified time period. Examples of special use permits include blasting permits, insecticide fogging, ~~gun shows,~~ craft shows, tent ~~meetings~~ assemblies and the like. ~~;~~

~~(B)~~ Permit issuance and display requirements shall be in accordance with the Fire Code.

~~(C)~~ Permit required.

~~(1)~~ A special use permit shall be required for the following ~~type functions~~ activities and events- and/or operations:

~~(1a)~~ Fireworks for public display;

~~(2b)~~ Tents for public usage exceeding ~~420~~ 800 square feet; with sides or 1800 square feet in size with open sides;

~~(3e)~~ Use of inflatable air structures with a gross area (footprint) exceeding 800 square feet;

~~(4d)~~ Temporary kiosks ~~or displays for merchandising;~~

~~(5e)~~ Insecticide fogging or fumigation, ~~except in one- and two-family residential dwellings~~

~~(6f)~~ -Blasting (explosives); and

~~(g7)~~ Special assemblies of persons, which include, including but ~~are~~ not limited to:

~~a1.~~ Haunted houses;

~~b2.~~ Gun Craft shows/festivals;

~~c3.~~ Craft shows/festivals;

~~4.~~ Merchandising shows;

~~5.~~ Car shows;

~~6d.~~ Mall exhibitions; and

~~7.~~ Other type exhibits, shows or festivals.

~~(8)~~ Any other type of activity or event that is determined by the Fire Department to pose similar risk to persons or property.

~~(2)~~ The permit fee shall be based upon the service and permit fee schedule.

(C) Procedure for issuance of permit. It will be the responsibility of the person or organization.

requiring a special use permit ~~to come by the Fire Prevention Bureau to~~ to contact the Fire Department to fill out a special use permit application. The fee necessary for the permit will be ~~required to be collected at this time~~ upon submission. The permit will not be issued until an inspection has been conducted and ~~the appropriate Fire Code~~ all applicable regulations have been met.

(D) Permit conditions. ~~Inspections. Once the application, event or assembly noted on the application is ready for use, an inspection shall be conducted to assure Fire Code compliance. The Fire Official upon approval of the special use permit shall sign the permit and give the appropriate copy (pink) to the applicant. A special use~~ The permit will must be posted for public view during the specified time period or event. Special use permits are not transferable or renewable. ~~The Fire Official will then return the other portions of the permit to the Fire Prevention Office to be appropriately filed. Guidelines to be used during the inspection shall be dependent upon the appropriate section of the Fire Code which covers the event, application, process and the like that is listed on the application. Public safety shall be considered during any inspection and shall be the prime direction for any code enforcement measures.~~

(E) Revocation. The ~~Fire Marshal~~ Fire Department may revoke a permit ~~upon determination if it determines~~ that the permit holder ~~or any agents or employees of the permit holder~~ has violated any provision of the Fire Code, town code or any stated condition of the permit. In the event that a permit is revoked ~~by the Fire Marshal~~, the permit holder will not be entitled to a refund of the permit fee. ~~Any operating condition~~ The special activity or event authorized per the permit shall cease immediately upon revocation of the permit.  
Penalty, see § 92.99

#### **§ 92.1854 USER PERMITS.**

(A) User permit; definition. A **USER PERMIT** is a permit required by the Fire ~~Prevention Bureau~~ Department which shall constitute permission to ~~in connection with its duties to safeguard life and property in connection with:~~ (1) the hazard of fire and explosion arising from the storage, handling or use of structures, materials, or devices; (2) conditions hazardous to life, property or public welfare in the occupancy of structures or premises; (3) fire hazards in the structure or on the premises arising from occupancy or use; (4) matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems; and (5) conditions affecting the safety of fire fighters and emergency responders during emergency operations. ~~maintain, store or handle certain materials or to conduct processes which produce conditions hazardous to life or property or to occupy a premises which is available to the public or staffed by employees or other personnel.~~

(B) Permits required. ~~In accordance with the requirements of the town code and the Fire Code, a permit~~ Permits shall be obtained from the Fire ~~Prevention Bureau~~ Department pursuant to the procedures ~~and considerations~~ set forth herein and in Chapter 41 of the Fire Code. ~~Permits shall be obtained to conduct those activities or operations as set forth in the permit and service fee schedule. All, and will~~ permits will be issued on an individual basis upon demonstration of compliance with the applicable Fire Code regulations.

(C) Application for permit. ~~Applications for permits shall be made to the Fire Marshal on forms provided by the Fire Prevention Bureau and shall include the applicant's answers in full to inquiries set forth on the forms. Applications for permits shall be accompanied by~~ submitted to the Fire Department together with the appropriate fees and ~~the~~ such information and documentation data as ~~may~~ may be required by the Fire ~~Marshal~~ Department.

(D) Review and issuance. ~~The Fire Marshal shall review all applications submitted.~~ An on-site inspection shall be conducted to determine compliance with applicable provisions of the Fire Code. If an application for a permit is rejected ~~by the Fire Marshal~~, the applicant shall be advised, in writing, of the reasons for the rejection. ~~Permits for activities requiring evidence of financial~~

Commented [AM20]: List derived from 101.2 (Scope) of NC Fire Cde

~~responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.~~

(E) *Revocation.* The Fire ~~Marshal~~Official may revoke a permit upon determination that the permit holder or any agents or employees of the permit holder, has violated any provision of the Fire Code or any stated condition of the permit. The Fire ~~Marshal~~Official shall advise the permit holder, in writing, of the reason for the revocation.

~~(F) Appeals. An applicant for a permit or a permit holder, as appropriate, may appeal the Fire Marshal's refusal to issue or revocation of, a permit. Appeals shall be in accordance with G.S. §§ 143-140 and 143-141. All appeals shall follow the prescribed method as set forth in these statutes not only as to permits but as to any interpretation or variation of the Fire Code.~~

(FG) *Non-transferable.* All permits issued shall not be transferable. Permits shall be valid only as specified on the permit for the time period, use and/or project specified. User permits will be valid for a period of one year from the date of issuance unless otherwise specified in the permit.

(GH) *Fee administration.* ~~Annual user permits may be combined into a single permit. In the event that a use or occupancy requires more than one annual user permit, multiple permits may be combined into a single permit, and then the highest fee required for any one of these permits shall be charged. For each other permit required, a charge of \$10 for each shall be with the total amount not to exceed \$100. For those occupancies which consist of only one office or one room which opens up to a commons area of a building, then a permit fee for this occupancy shall be \$10.~~

(HI) *Inspections.* An inspection shall be conducted by a ~~Fire Official~~the Fire Department to determine if the occupancy or use is in compliance with the Fire Code. ~~The inspection shall cover all aspects of the occupancy that are listed in the Fire Code. The Fire Official will also verify all information that is listed on the user permit application and note all provisions which must be listed on the user permit. The Fire Official will complete the inspection report form, leave the appropriate copy (white) with the occupant and return the remaining forms to the Fire Prevention Office. The Fire Official will indicate whether the occupancy is approved or disapproved for the user permit. The Fire Official will conduct as many inspections as necessary to assure compliance with the Fire Code and approval for the user permit. Once the occupancy is approved for the permit, the Fire Official~~Department will delivermail the user permit to the occupant ~~and explain the provisions of the permit.~~

(I) *Permit displayed.* ~~It will be the responsibility of the~~The applicant must ~~occupant to~~ display the issued user permit ~~once issued. This will help the so that the public or other users can confirm to identify that the occupancy or use has been inspected and has met the Fire Code requirements.~~ Penalty, see § 92.99

#### **§ 92.1955 SPRINKLER/STANDPIPE PERMITS FIRE PROTECTION SYSTEMS.**

(A) *Permit required.* A permit ~~will be required to~~must be obtained from the ~~Fire Prevention Bureau~~Planning and Inspections Department for the installation, modification, renovation or removal of ~~a new~~any fire protection equipment such as fire alarm systems, fire sprinkler and or systems, hood suppression systems, standpipe system or renovations to any existing type systems.

~~(B) Permit fee. The permit fee will be based on the service and permit fee schedule as set forth in § 92.58.~~

(BC) *Plans required.* Plans, blueprints and or hydraulic calculations for the system being installed shall be submitted to the Fire ~~Prevention Bureau~~Department for review and approval prior to the issuance of a permit. No work may commence until a permit has been issued. ~~One set~~Three sets of all plans, blueprints and/or hydraulic calculations shall be submitted.

(CD) *Permit issuance.* Once the plans are approved, ~~then~~ a permit will be issued by the Planning and Inspections Department. ~~to the contractor. It will be the responsibility of the contractor~~

Commented [AM21]: Moved to separate section at end of chapter

~~to come by the Fire Prevention Bureau and pick up the permit and pay the permit fee. Failure to pay the permit fee by the time specified on an invoice will result in immediate revocation of the permit causing all work on the project to cease. Once the fee is paid, then the permit will be reinstated.~~

~~(D)~~ **(E) Inspection required.**

(1) The Fire ~~Prevention Bureau~~ **Department** must be notified at least 24 hours in advance to schedule any inspections. Inspections required include:

- (a) Inspection of pressure testing of all piping;
- (b) Rough-in inspection of any piping which may be concealed;
- (c) Inspection of any underground piping prior to covering;
- (d) Inspection of any hydrants, yard or city;
- (e) Final inspection and complete system testing; and
- (f) An approved/stamped set of drawings must stay on job site.

(2) It will be the responsibility of the contractor to have the necessary personnel present to conduct any tests.

~~(F) Renovations or remodeling work. A set of shop drawings showing the extent of the renovation shall be submitted to the Fire Prevention Bureau. These drawings shall be reviewed and approved in the same manner as for a new system. One set of all submittals will be required. All provisions for billing and paying invoices required for new systems will also be required. The Fire Prevention Bureau must be notified at least 24 hours in advance to schedule any inspections. The Fire Prevention Bureau must be notified if any existing system is to be shut down for any renovations.~~

~~(G) Materials test and certification. Once a fire protection system has been deemed approved by the Fire Official~~ **Fire Department**, the contractor will be responsible for issuing **a materials test and certification letter** to the Fire ~~Prevention Bureau~~ **Department**, ~~a materials test and certification letter~~. This letter shall state that the system has been installed in accordance to the appropriate NFPA standards and ~~of manufacturer's recommendations~~; **has been successfully tested**; ~~that~~ **that** all materials used are approved for their use; and **that** the system is in full operation. A letter shall be submitted for any ~~new system or any renovation~~ **fire protection system** work ~~for which a permit has been issued.~~

~~(H) Inspection report and finalization. An~~ **The Fire Department will complete an** inspection report ~~will be completed~~ after each inspection conducted on ~~the a fire protection sprinkler and or standpipe system. A copy will be left with~~ The contractor ~~with the remaining copies~~ **will be notified** of the ~~inspection report filed in the Fire Prevention Bureau. Once all system deficiencies and when all the necessary requirements have been met for the sprinkler and or standpipe system, the~~ **Inspector** ~~each fire protection system. Once all requirements have been met and all fees paid, the~~ **Fire Department** may then consider the permit complete and final and ~~may note as such on the permit. No permit may be considered final until all requirements including receipt of the permit fee are completed.~~

Penalty, see § 92.09

~~§ 92.56 FIRE ALARM SYSTEM PERMITS.~~

~~(A) Permit required. A permit will be required to be obtained from the Fire Prevention Bureau for the installation of a new fire alarm system or renovations to an existing fire alarm system.~~

~~(B) Permit fee. The permit fee will be based on the service and permit fee schedule set forth in § 92.58.~~

~~(C) Plans required. Prior to the issuance of an alarm system permit, plans showing the alarm system installation or renovations shall be submitted to the Fire Prevention Bureau for approval. One set of these plans shall be submitted. These plans shall show the location and type of all devices, alarm panels and equipment. The various alarm zones, wiring methods, monitoring and~~

Commented [AM22]: Already covered per (A)

Commented [AM23]: Details of this and subsequent section are covered by Fire Code, other more general provisions of this chapter.

other criteria shall be indicated. All systems shall meet NFPA #72 requirements. An approved/stamped set of drawings shall be kept on job site.

~~—(D) *Permit issuance.* Once the plans are approved then a permit will be issued to the contractor. It will be the responsibility of the contractor to come by the Fire Prevention Bureau and pick up the permit and pay the permit fee. Failure to pay the permit fee by the time specified on an invoice will result in immediate revocation of the permit causing all work on the project to cease. Once the fee is paid, then the permit will be reinstated.~~

~~—(E) *Inspections required.* It will be the responsibility of the alarm contractor to contact the Fire Prevention Bureau at least 24 hours in advance to schedule an inspection. An inspection will be required on all rough-in wiring prior to any concealment by building finishes. A final inspection will be conducted once the entire system is completed and ready for operation. A random check of various devices will be required such as pull stations, smoke detectors and the like. All zones in a structure or premises shall be tested. It will be the responsibility of the contractor to have the necessary personnel present to conduct the test.~~

~~—(F) *Materials test and certification.* Once the system has been deemed approved by the Fire Official, the contractor will be responsible for issuing to the Fire Prevention Bureau, a materials test and certification letter. This letter shall state that the system has been installed in accordance to the appropriate NFPA standards and or manufactures recommendations, has been tested, all materials used are approved for their use and the system is in full operation.~~

~~—(G) *Inspection report and finalization.* An inspection report will be completed after each inspection conducted on the alarm system. A copy will be left with alarm contractor with the remaining copies of the inspection report filed in the Fire Prevention Bureau. Once all the necessary requirements have been met for the alarm system, the inspector may then consider the permit complete and final and may note as [note](#) such on the permit. No permit may be considered final until all requirements including receipt of the permit fee are completed.~~

Penalty, see § 92.99

#### **§ 92.57 – FIXED FIRE SUPPRESSION SYSTEM.**

~~—(A) *Permit required.* A permit will be required to be obtained from the Fire Prevention Bureau for the installation of a new fire suppression system or renovations to an existing fire suppression system.~~

~~—(B) *Definition.* A **FIXED FIRE SUPPRESSION SYSTEM** is a system containing a supply of an extinguishing agent that can be automatically or manually activated to discharge through a distribution system onto or into a protected hazard, equipment, process and the like:~~

~~—(1) Examples of the system include:~~

- ~~—(a) Dry chemical systems;~~
- ~~—(b) Wet chemical systems;~~
- ~~—(c) Foam deluge systems;~~
- ~~—(d) CO<sub>2</sub> systems;~~
- ~~—(e) Foam water spray systems; and~~
- ~~—(f) Halon systems.~~

~~—(2) Examples of protected hazards, equipment and processes include:~~

- ~~—(a) Cooking equipment;~~
- ~~—(b) Storage tanks;~~
- ~~—(c) Flammable liquid processing areas; and~~
- ~~—(d) Computer equipment areas.~~

~~—(C) *Permit fee.* The permit fee will be based on the service and permit fee schedule set forth in § 92.58.~~

~~—(D) *Plans required.* Prior to the issuance of a fire suppression system permit, plans showing the fire suppression system installed or renovations shall be submitted to the Fire Prevention Bureau.~~

for approval. One set of these plans shall be submitted. These plans shall show the location and type of all devices and equipment. The various alarm zones, wiring methods, piping methods, monitoring and other criteria shall be indicated. All systems shall meet NFPA requirements. An approved/stamped set of drawings shall be kept on the job site.

—(D) *Permit issuance.* Once the plans are approved then a permit will be issued to the contractor. It will be the responsibility of that contractor to come by the Fire Prevention Bureau and pick up the permit and pay the permit fee.

—(E) *Inspections required.* It will be the responsibility of the alarm contractor to contact the Fire Prevention Bureau at least 24 hours in advance to schedule an inspection. An inspection will be required on all rough-in wiring or piping prior to any concealment by building finishes. A final inspection will be conducted once the entire system is completed and ready for operation. A check of all devices will be required. Any system utilizing pull stations or cables with fusible links shall be tested for proper operation for the Fire Official. Any tests deemed necessary by the Fire Official to determine the system operation capabilities shall be conducted by the contractor. It will be the responsibility of the contractor to have the necessary personnel present to conduct the test.

—(F) *Materials test and certification.* Once the system has been deemed approved by the Fire Official, the contractor will be responsible for issuing to the Fire Prevention Bureau a materials test and certification letter. This letter shall state that the system has been installed in accordance to the appropriate NFPA standards and or manufacturer's recommendations, has been tested, all materials used are approved for their use and the system is in full operation.

—(G) *Inspection report and finalization.* An inspection report will be completed after each inspection conducted on the fixed fire suppression system. A copy will be left with the contractor with the remaining copies of the inspection report filed in the Fire Prevention Bureau. Once all the requirements have been met for the fixed fire suppression system, the Inspector may then consider the permit complete. No permit may be considered final until all requirements including receipt of the permit fee are completed.

Penalty, see § 92.99

**§ 92.58 SERVICE AND PERMIT FEE SCHEDULE.**

<b><i>-SERVICE AND PERMIT FEE SCHEDULE-</i></b>	
<b><i>Special User Permit for Special Event or Time Period Fees</i></b>	
<i>Special Event or Time Period</i>	<i>Fee</i>
Any other special function requiring Fire Prevention Bureau inspection and approval	\$20
Blasting permits (explosives)	
—48 hours	\$20
—90 days	\$50
Fireworks for public display	\$50
Insecticide fogging or fumigation	\$20
Special assemblies such as gun shows, crafts shows and the like	\$20
Temporary kiosks or displays for merchandising	40
Tents or air structures	\$20
<b><i>Special Tests, Inspections and Services Fees</i></b>	
<i>Special Test, Inspection or Service</i>	<i>Fee</i>
Alarm system renovations	\$20
Annual inspection permit	\$30
Annual inspection permit (multi-tenant up to two buildings)	\$40

**Commented [AM24]:** Schedule of fees deleted from the Town Code, to be added to town's annual general schedule of fees. (So fees can be reconsidered annually, and do not require code amendment.)

Any other inspection required or requested (minimum charge)	\$20
Certificate of occupancy inspections	\$20
Copies of fire reports	\$2
Day care inspection (other than annual user permit)	\$20
Fire alarm testing (existing systems)	\$20
Fire flow test	\$100
Fixed fire suppression systems	\$50
Fixed fire suppression systems (existing systems)	\$20
Grease removal test (existing systems)	\$20
Hydrant installations (private contractors only)	\$30
Multi-tenant inspection (three or more buildings)	\$50
New alarm systems	\$50
New sprinkler systems (per square foot)	\$0.04
Occupancy permit inspection (ABC)	\$20
Reinspection (per visit)	\$20
Renovations to these systems	\$20
Sprinkler certification test (existing systems)	\$20
Sprinkler renovations	\$20
Standpipe certification test (existing systems)	\$20
Standpipes	\$20
Underground storage tanks	
New installations (per tank)	\$50
removal (per tank)	\$50

(Ord. passed 3-17-2005; Ord. passed 4-10-2011)

**§ 92.59 – APPARATUS FEE SCHEDULE.**

<b>-APPARATUS FEE SCHEDULE</b>	
Aerial	\$200
Gar/pickup	\$25
Class A engine	\$150
Haz-mat trailer (per county)	\$200
Squad	\$150
Tanker	\$75
Utility Service Vehicle	\$50

**§ 92.20 APPEALS**

(Ord. passed 4-10-2011)

An applicant for a permit or a permit holder, as appropriate, may appeal an action taken by the Fire Department in connection with the Department's enforcement of the Fire Code as provided at §§ 143-140 through 143-141 of the North Carolina General Statutes. Such actions may include



refusal to issue, or revocation of, a permit; interpretation of the requirements of the Fire Code; or imposition of civil penalties. Any appeal relating to a matter not arising under the Fire Code may be taken as provided in Chapter 10 of this Code.

**§ 92.99 ~~99~~ ENFORCEMENT; PENALTIES~~Y~~.**

(A) The Fire Code adopted by reference pursuant to this chapter and all other provisions of this Chapter shall be enforced by the Boone Fire Department. All Fire Department personnel designated to enforce the Fire Code shall be certified by the State Code Officials Qualification Board.

(B) Except as specifically provided in this §92.99, the general penalty provisions of §10.99 of this code apply to any violation of this Chapter.

(C) Violators shall be issued written notice of the violation which must be paid within 30 days after receipt. If the violator does not pay the penalty within 30 days, the town may recover the penalty and all subsequently accruing penalties, in a civil action.

(DA) Violation of any provision of the ~~State~~ Fire Code, incorporated into this ~~C~~chapter by reference, ~~shall~~that poses an imminent threat to life or property shall subject the offender to a civil penalty in the amount ~~of~~ of \$500 to be recovered by the town.

(EB) Violation of ~~the Fire Code or any other provision section~~ of this ~~C~~chapter, ~~except for those sections set forth~~violations set forth in ~~division~~paragraph (DA) above or ~~division~~paragraph (EG) below, shall subject the offender to a civil penalty in the amount of \$100 to be recovered by the town.

(EG) Any person ~~violating any of~~who violates the provisions of § 92.06(A) or § 92.06(B),~~40~~ shall be guilty of a misdemeanor punishable by a fine not to exceed \$500, imprisonment for not more than six months, or both.

~~(Ord. passed 2-21-2008)~~

**SECTION 2:** This Ordinance shall be effective upon the date it is adopted by Town Council.

Adopted this \_\_\_\_th day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Rennie Brantz, Mayor

ATTEST: \_\_\_\_\_  
Town Clerk