

CLEAN VERSION

Chapter 92

Proposed Amendment

June 2019

CHAPTER 92: FIRE PREVENTION AND PROTECTION

Section

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 CHIEF OF FIRE DEPARTMENT; DUTIES

(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.

§ 92.02 DEPARTMENT RULES AND REGULATIONS; ORGANIZATION OF PERSONNEL.

With the approval of the Town Manager, the Chief of the Fire Department may adopt such rules, regulations and organization of personnel, job titles and job duties as are necessary and proper for the operation of the Department.

§ 92.03 INTERFERING WITH FIREFIGHTERS; LOITERING AROUND FIRE DEPARTMENT.

No person shall obstruct or interfere with any firefighter engaged in the performance of his or her duty, nor loiter about a Fire Department station. 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. Fire Department 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

§ 92.04 RIDING ON FIRE DEPARTMENT VEHICLES PROHIBITED.

It shall be unlawful for any person who is not authorized to do so to ride or attempt to ride in or on any fire apparatus or other vehicle of the Fire Department,.

Penalty, see § 92.99

§ 92.05 DAMAGING, REMOVING OR INTERFERING WITH FIRE DEPARTMENT EQUIPMENT 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.

§ 92.06 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 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 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 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.

Penalty, see § 92.99

§ 92.07 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 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.

FIRE PREVENTION CODE

§ 92.09 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 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. 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 is kept on file in the office of the Town Clerk and is available for public inspection during regular business hours.

§ 92.10 DESIGN OF AUTOMATIC SPRINKLER, STANDPIPE, FIRE ALARM AND FIXED FIRE EXTINGUISHING SYSTEMS.

(A) Plans and specifications for 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 must submit plans and specifications to the fire department for plan review, and may proceed with installation or renovation only upon approval and issuance of a permit by the Fire Department.

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

Penalty, see § 92.99

§ 92.11 BUILDING PERMIT PLAN REVIEW.

Except in the case of one- and two-family residential dwellings, all building plans submitted to the Boone Planning and Inspections Department for the issuance of a building permit shall be reviewed by Fire Department personnel. This review will be for the determination of compliance with this chapter and the Fire Code, 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.

§ 92.12 FIRE LANES.

(A) *Fire lanes required.* The Fire Department shall have 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 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:



(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. Parking of motor vehicle in or otherwise obstructing a required fire lane is prohibited at all times .

Penalty, see § 92.99

§ 92.13 DISPLAY OF ADDRESS NUMBERS.

(A) In accordance with the Fire Code, NC Building Code and this ordinance, all new and existing buildings shall display their assigned address numbers.

(B) One and two family dwellings shall display address numbers as required by §§ 150.01 and 150.02, The minimum size of the 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 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 Fire Department to enforce the displaying of assigned address numbers in accordance with the Fire Code and town ordinances.

Penalty, see § 92.99

§ 92.14 FIRE HYDRANT PROTECTION POLICY.

The following policy shall be utilized in the installation of water mains, water supplies and hydrant installations for fire protection. All such installations must conform with the Fire Code.

(A) *Introduction.* In order to provide adequate fire protection to the town, 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 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. This policy will be made available to all persons by the Fire 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.*

(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 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 Department shall be submitted to determine the criteria for 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 of building construction except as specifically provided in this section. Hydrant installations shall be in accordance with the policy stated herein.

(c) For new subdivisions, 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 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 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 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. Upgrading of existing lines to provide the necessary water flow capacity for the building or project.

(2) In the case of building additions, renovations, changes of use and the like, the existing water system may be deemed adequate for the existing building if there are hydrants with a flow certified as adequate by the Fire Department. If changes to the building require additional water flow requirements to meet Fire Code requirements, the owner shall provide for such additional capacity at the owner's expense.

(C) *Existing development.*

The following guidelines shall apply to existing industrial, commercial and multi-family residential buildings and subdivisions.

(1) 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.

(2) 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) The water flow available for fire protection ("fire flow") required to provide adequate fire protection in the town will be determined in accordance with Chapter 50 of this code. The required fire flow will assure sufficient water flow for fire protection while also maintaining normal usage for other water users in the area without interruption or damage to other users' systems.

(2) Fire flow requirements may be modified by the Fire Department to 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 adjacent buildings, storage of hazardous materials, occupancy classification, etc.

(3) 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 feet for all floor levels within the exterior walls or under the horizontal projection of the roof of a building.

(4) 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.

(5) 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.

(6) 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.

(7) A hydrant is required within 100 feet of each connection to an approved sprinkler system requiring Fire Department hose connection.

(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 and replacements of existing hydrants.

(1) Hydrants shall be installed in accordance with 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.

(3) All completed hydrant installations must be inspected by the Fire Department sure for compliance with all applicable requirements.

(4) All 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. Hydrant spacing may not exceed 500 feet, and commercial and multi-family developments may require additional hydrants to compensate for long hose lays and/or greater water demand.

(2) Hydrants shall be located no closer than 50 feet from a building. If the probable collapse zone of a building exceeds 50 feet, , then 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. Where a curb protects the hydrant from normal parking and is marked for no parking, no other type of protection is needed.

(5) Where a hydrant is located on a street with side-street parking, at least one parking space shall be marked at the hydrant to provide for no parking. In shopping centers and similar parking areas, at least one parking space in front of or behind the hydrant (whichever provides access), shall be designated as no-parking and for Fire Department access only. The area around the hydrant shall be marked in yellow 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 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 be tested by the 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 Department and Public Works Department for approval prior to installation. All new supply lines shall be inspected prior to 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 § 92.99

§ 92.15 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 or fire alarm systems.

(B) An authorization order form can be obtained from the Fire Department or the applicant can

go online to: www.knoxbox.com to place their order for an approved Knox Box.

(C) The owner and/or tenant of the building is responsible for ensuring that all required and current entry keys for that business are in the Knox box at all times.

PERMIT REQUIREMENTS

§ 92.16 OPEN BURNING.

- (A) Per the North Carolina Division of Air Quality, debris burning 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.
- (C) Bonfires for public enjoyment are permitted with the approval and a permit from the Fire Department.
- (D) Burning bans.

(1) In the event the NC State Forest Service issues a ban on all outdoor burning, no open burning shall be conducted at in the town including fire pits and bonfires.

(2) A burning ban on all fire pit use may be issued by the Fire 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 Department, the local press shall be notified by the Fire Department at the time the burning ban is issued and when it is lifted.

Penalty, see § 92.99

§ 92.17 SPECIAL USE PERMITS.

- (A) Definition. A **SPECIAL USE PERMIT** is a permit required by the Fire Department authorizing certain one-time or occasional activities or assemblies that 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, craft shows, tent assemblies and the like.
- (B) Permit issuance and display requirements shall be in accordance with the Fire Code.
- (C) A special use permit shall be required for the following activities and events:
 - (1) Fireworks for public display;
 - (2) Tents for public usage exceeding 800 square feet with sides or 1800 square feet in size with open sides;
 - (3) Use of inflatable air structures with a gross area (footprint) exceeding 800 square feet
 - (4) Temporary kiosks;
 - (5) Insecticide fogging or fumigation, except in one- and two-family residential dwellings
 - (6) Blasting (explosives); and
 - (7) Special assemblies of persons, including but not limited to:
 - a. Haunted houses;

- b. Craft shows/festivals;
 - c. Merchandising shows;
 - d. Mall exhibitions; and
- (8) Any other type of activity or event that is determined by the Fire Department to pose similar risk to persons or property.

(C) *Procedure for issuance of permit.* It will be the responsibility of the person or organization, requiring a special use permit to contact the Fire Department to fill out a special use permit application. The fee necessary for the permit will be collected upon submission. The permit will not be issued until an inspection has been conducted and all applicable regulations have been met.

(D) *Permit conditions.* A special use permit must be posted for public view during the specified time period or event. Special use permits are not transferable or renewable.

(E) *Revocation.* The Fire Department may revoke a permit if it determines that 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, the permit holder will not be entitled to a refund of the permit fee. The special activity or event authorized per the permit shall cease immediately upon revocation of the permit.

Penalty, see § 92.99

§ 92.18 USER PERMITS.

(A) *User permit; definition.* A **USER PERMIT** is a permit required by the Fire Department 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.

(B) *Permits required.* Permits shall be obtained from the Fire Department pursuant to the procedures and considerations set forth herein and in Chapter 1 of the Fire Code, and 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 submitted to the Fire Department together with the appropriate fees and such information and documentation as may required by the Fire Department.

(D) *Review and issuance.* 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, the applicant shall be advised, in writing, of the reasons for the rejection.

(E) *Revocation.* The Fire 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 Official shall advise the permit holder, in writing, of the reason for the revocation.

(F) *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.

(G) *Fee administration.* 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 the highest fee required for any one of these permits shall be charged.

(H) *Inspections.* An inspection shall be conducted by the Fire Department to determine if the occupancy or use is in compliance with the Fire Code. 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 Department will mail the user permit to the occupant.

(I) *Permit displayed.* The applicant must display the issued user permit so that the public or other users can confirm that the occupancy or use has met Fire Code requirements.

Penalty, see § 92.99

§ 92.19 FIRE PROTECTION SYSTEMS.

(A) *Permit required.* A permit must be obtained from the Planning and Inspections Department for the installation, modification, renovation or removal of any fire protection equipment such as fire alarm systems, fire sprinkler systems, hood suppression systems, standpipe systems.

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

(C) *Permit issuance.* Once the plans are approved, a permit will be issued by the Planning and Inspections Department.

(D) *Inspection required.*

(1) The Fire 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.

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

(H) *Inspection report and finalization.* The Fire Department will complete an inspection report after each inspection conducted on a fire protection system. The contractor will be notified of system deficiencies and when all the necessary requirements have been met for 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 note such on the permit.

Penalty, see § 92.99

§ 92.20 APPEALS

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 ENFORCEMENT; PENALTIES.

(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.

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

(E) Violation of the Fire Code or any other provision of this Chapter, except for those violations set forth in paragraph (D) above or paragraph(F) below, shall subject the offender to a civil penalty in the amount of \$100 to be recovered by the town.

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