

CHAPTER 93: FIRE PREVENTION; FIREWORKS

Section

Fire Prevention

- 93.01 Title and scope
- 93.02 Intent
- 93.03 Definitions
- 93.04 Fire Department to enforce code
- 93.05 Adoption of technical codes and standards by reference
- 93.06 Inspection of buildings and premises
- 93.07 Permits
- 93.08 Service of orders and notices
- 93.09 Tank installation
- 93.10 Fee schedule
- 93.11 Open burning permit
- 93.12 Emergency entry
- 93.13 Investigation of fires
- 93.14 Fire records

Fireworks

- 93.30 Fireworks display permit requirements
- 93.31 Sale of fireworks

- 93.99 Penalty

Cross-reference:

Fire Department, see Ch. 32

Fire limits, see Ch. 150

FIRE PREVENTION

§93.01 TITLE AND SCOPE

This chapter shall be known as the Fire Prevention and Protection Code of the City, and may be cited as such is hereinafter referred to as "the code," affecting all jurisdictions and applicable to the repair, equipments, use, occupancy, and maintenance of every new and existing building or structure with the exception of one and two-family dwellings and family farms.

§93.02 INTENT

- (A) It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the purpose of identifying activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related hazards in the use or occupancy.
- (B) The code shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect of the permits issued or denied as herein provided or by reason of the approval or disapproval of any equipment authorized herein.
(Ord. 92-12, passed - -92)

§93.03 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LIFE SAFETY HAZARD: Those violations of the Fire Prevention Code which involve hazards which pose severe threat to the life and health of humans. Included are locked or blocked exit doors and egress routes and other hazards which create a significant hazard to the life and safety of humans.

MINOR FIRE HAZARDS: Hazards which can cause a fire but the likelihood of damage is low.

MODERATE FIRE HAZARDS: Fire hazards that are less likely to cause a fire than a severe hazard.

SEVERE FIRE HAZARDS: Violations which create acute fire hazards that pose a high probability of causing a fire. Such examples are but not limited to: improper use of flammable liquids, improper chemical storage and severe overloading of electrical equipment.
(Ord. 94-01, passed 4-11-94)

§93.04 FIRE DEPARTMENT TO ENFORCE CODE

The Fire Prevention and Protection Code of the City shall be enforced by the Fire Department within its jurisdiction.
(Ord. 92-12, passed - -92)

§93.05 ADOPTION OF TECHNICAL CODES AND STANDARDS BY REFERENCE

- (A) There is hereby adopted by reference and incorporated herein that certain codes known as and entitled, "North Carolina Fire Prevention Code ~~2000~~ International Fire Code with North Carolina Amendments, ~~"to also include specifically Section 105 entitled "Permits"~~. Copies of the Fire Prevention and Protection Code and all technical codes and standards adopted by reference, shall be filed with, and available for public inspection in the offices of the City Clerk and the Fire Department.
- (B) Amendments to codes and standards adopted by reference herein which are adopted and published by the North Carolina State Building Code Council shall be effective in the City at the time such amendments become a part of the North Carolina fire Prevention Code 2000 International Fire Code with North Carolina Amendments.
(Ord. 92-12, passed - -92; Am Ord. 02-05, passed 3-4-02)

§93.06 INSPECTION OF BUILDINGS AND PREMISES

- (A) Subject to the limitations and conditions stated in the North Carolina Fire Prevention Code ~~2000~~ International Fire Code with North Carolina Amendments, it shall be the duty of the Fire Department to inspect or cause to be inspected as often as it may deem necessary or appropriate all buildings, structures, and premises within its jurisdiction for the purpose of identifying activities and causing to be corrected any conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related hazards, or any other violations of the provisions of the code.
- (B) Effective January 1, 1993 a mandatory fire prevention inspection schedule frequency has been adopted by the North Carolina Building Code Council. This inspection schedule shall be approved by the local governing body and shall be submitted to the Division of Engineering of the Department of Insurance by January 1, 1993. In no case may inspections be conducted less frequently than described in the schedule below:

<i>Frequency of Inspection</i>	<i>Type of Structure</i>
Once every year	Hazardous, Institutional, High-rise, Assembly, and Residential except one and two family dwellings and only interior common areas of dwelling units of multi-family occupancies
Once every two years	Industrial and Educational (except public schools)
Once every three years	Business, Mercantile, Storage, Churches, and Synagogues

(Ord. 92-12, passed - -92)

§93.07 PERMITS

- (A) This code shall require permits from the Fire Department as set forth in the North Carolina Fire Prevention Code ~~2000~~ Fire Code with North Carolina Amendments and specifically ~~Section 105~~ entitled "Permits."
- (B) It shall be the duty of the Fire Department to evaluate applications and issue, if approved, all permits for those conditions prescribed in North Carolina Fire Prevention Code ~~2000~~ with North Carolina Amendments and this code.
- (C) No person shall maintain, store or handle materials, or conduct processes which produce conditions hazardous to life or property, or install equipment used in connection with such activities without a permit as required by the Fire Department and prescribed in the North Carolina Fire Prevention Code ~~2000~~ International Fire Code with North Carolina Amendments and this code. Before a permit may be issued, the Fire Department shall inspect and approve the receptacles, vehicles, buildings, structure, storage areas, devices, processes and conditions related to the permit.

(Ord. 92-12, passed - -92; Am. Ord. 02-05, passed 3-4-02)

§93.08 SERVICE OF ORDERS OR NOTICES

- (A) The service of orders or notices for the correction of violations of the code shall be made upon the owner, occupant or other person responsible for the conditions, either by personally delivering a copy of same to such person; or by delivering the same to and leaving it with any person in charge of the premises; or by sending a copy of the order or notice by certified mail to the owner's last known address.
- (B) When buildings or other premises are occupied by one other than the owner under a lease or other agreement, the orders or notices issued to correct violations of the code shall apply to the occupant thereof; provided that where the order or notices require the making of additions to or changes in the premises themselves which

may become part of the real property of the owner, then in such cases, the orders or notices shall also be issued to the owner of the premises or real property. Failure to deliver an order or notice to the owner, if other than the occupant, shall not invalidate such order or notice.

(Ord. 92-12, passed - -92)

§93.09 TANK INSTALLATION

(A) Before any tank for underground or above ground storage of volatile flammable or combustible liquids, or any other hazardous material covered by the provisions of this code shall be installed, a permit must be issued and shall be granted only upon written application made to the Fire Department setting forth therein the person or company installing the tank; the location, character, size and capacity of the tank; and the purpose for which it is to be used and an agreement that the application or user will conform to all the provisions of this code and the ordinance then existing, and in case a pump is to be used in connection therewith, the application shall state its location with respect to the tanks and with respect to the property line. The Fire Department shall determine whether the proposed tanks comply with the provisions of this code, the ordinances of the city, and laws of the state, and shall issue the permit if it finds there is compliance.

(B) The Fire Department shall have the right to inspect the tanks and appliances before and after installation, and see that its location, installation and operation are in accordance with this code, the ordinances of the city and laws of the state. After the tank is placed in the excavation, and fittings and connections have been attached, thereto, and before it has been covered or concealed from inspection, the applicant for the permit shall notify the Fire Department and shall wait until the installation of the tank connections and fittings have been approved by the Fire Department before covering them.

(Ord. 92-12, passed - -92)

§93.10 FEE SCHEDULE

(A) Fees for inspections required by this code shall be determined by resolution of the City Council. An inspection fee schedule shall be filed with the City Clerk and the Fire Department for public inspection.

(B) Inspection fees shall be paid within the number of days specified in the filling or notice of the amount of the fee.

§93.11 OPEN BURNING PERMIT

(A) Open burning permits may be issued by the Fire Department. Belmont and Gaston County's solid waste ordinance along with state and federal air quality regulations prohibits the burning of solid waste other than brush, grass, and other vegetation

which actually grew on the property where the burning will occur, and then only permits burning of permitted materials if the burning does not create a nuisance.

- (B) A permit obtained under this section does not relieve the permittee of his responsibility for complying with all air pollution laws, regulations, ordinances, state and federal forest fire laws, and requirements to maintain a competent watch over the fire.

(Ord. 92-12, passed - -92)

§93.12 EMERGENCY ENTRY

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

(Ord. 92-12, passed - -92)

§93.13 INVESTIGATION OF FIRES

- (A) The County Fire Marshall's office shall investigate, or cause to be investigated, the origin, cause, and circumstances of every fire occurring in the county which is of a suspicious nature, which involves loss of life or injury to persons, when requested by any fire department within Gaston County or when circumstances are deemed to warrant an investigation. Such investigation shall begin as soon after the occurrence of the fire as practical. Any information obtained pursuant to any such investigation shall be confidential as authorized by law.

- (B) The Police Department, upon request of the Fire Marshall or his authorized representatives, may render such assistance as necessary in the investigation of any fire. The Police Department shall be promptly advised of incidents where incendiarism or other illegal activities are discovered.

(Ord. 92-12, passed - -92)

§93.14 FIRE RECORDS

The Fire Department shall compile records of fire alarms and other responses and forward these records to the Fire Marshall. The Fire Marshall's office shall maintain these records and forward them to the state Fire Commission as prescribed in G.S. Ch. 58, Art. 79. All such records shall be considered public records.

(Ord. 92-12, passed, - -92)

FIREWORKS

§93.30 FIREWORKS DISPLAY PERMIT REQUIREMENTS

- (A) A letter of application for fireworks displays must first be sent to the City Clerk. The following are the requirements which must be met before a permit may be considered or issued:
- (1) A letter from the applicant's insurance company containing:
 - (a) Certification that liability insurance is in full force at the time and date of the fireworks display.
 - (b) Certification that a minimum of \$500,000 liability insurance per person and \$1,000,00 per occurrence is in force and will cover damage to persons and/or property at the location and area surrounding the fireworks display.
 - (c) Certification that the policy will cover the person(s) doing the discharging of the fireworks and the sponsor of the display.
 - (2) A diagram of the area showing where the display discharge area will be and its relationship in distance to the nearest structures, power or telephone lines, railroads and highways must be submitted. Upon receipt of this, the Fire Department shall make an inspection of the proposed site to determine if all code provisions will be complied with.
 - (3) The permit application shall also contain the following:
 - (a) The name of the organization sponsoring the display together with the names of persons actually in charge of the display
 - (b) The manner and place of storage of such fireworks prior to display.
 - (c) The number, kinds, and size (mortar diameter in inches) of the fireworks to be discharged.
 - (d) Exact location planned (attached diagram as outlined in division (A)(2) above.
 - (e) The date and time of day where the display is to be held.
 - (f) A description setting forth the name, age, experience, address, home and business phone numbers, and copy of current certification of person(s) who are to do the actual discharging of the fireworks.
- (B) The Fire Department (after inspecting the proposed site and reviewing all documentation), shall forward a recommendation for permit approval or denial to the City Manager through the City Clerk to the City Council. The City Manager and/or the City Council shall then approve or deny the permit.
(Ord. 92-12, passed, - -92)

§93.31 SALE OF FIREWORKS

- (A) The sale of fireworks is prohibited in stands, tents, trucks and other non-permanent structures.

- (B) The sale of fireworks is prohibited when the income generated by the sale is more than 25% of the total gross revenue of the business.
(Ord. 94-13, passed 7-11-94)

§93.99 PENALTY

- (A) This code may be enforced by any of the remedies set forth in G.S. 153A-123, in addition to others specifically set out herein, or in the city code, or in the North Carolina State Building Code.
- (B) Any person who shall violate any of the provisions of the code hereby adopted or who shall fail to comply with any judicial warrant, lawful order, or regulation made thereunder or who builds in violation of any specification or plans submitted and approved thereunder or any permit issued thereunder, shall be guilty of a class three misdemeanor. Each day that such violation continues shall constitute a separate offense.
- (C)(1) In lieu of criminal charges, the Fire Department may issue a notice of a civil penalty payable to the city through the office of the Finance Department.
- (2) The schedule of civil penalties for violations of the code is as follows:
- | | |
|---------------------------|-------|
| (a) Life Safety Hazards | \$250 |
| (b) Severe Fire Hazards | \$100 |
| (c) Moderate Fire Hazards | \$50 |
| (d) Minor Fire Hazards | \$25 |
- (D)(1) Penalties for moderate and minor hazards are applicable only after the property representative has received proper notice of the violation and has had 30 days to rectify the situation.
- (2) Penalties for severe fire and life safety hazards shall be applicable only after the property representative has received proper notice of the violation and been given 24 hours to rectify the situation.
- (E) Each day of violation shall constitute a separate and distinct offense. Civil penalties must be paid within 30 days after a citation has been issued by the Fire Department for a violation. Unpaid civil penalties will be forwarded to the Clerk of Court for criminal process as a misdemeanor.
(Ord. 92-12, passed - -92; Am Ord. 94-01, passed 4-11-94)