

CHAPTER 92: FIRE PREVENTION

Section

- 92.01 Authority
- 92.02 Intent
- 92.03 Technical Codes and Standards Adopted by Reference
- 92.04 Inspection of Building and Premises
- 92.05 Permits
- 92.06 Service of Orders or Notices
- 92.07 Emergency Entry
- 92.08 Investigation of Fires
- 92.09 Fire Records
- 92.10 Maintaining a Fire Hazard
- 92.11 Carelessness with Fire
- 92.12 Parking in Front of a Fire Hydrant, Fire Station, or Fire Lane
- 92.13 Severability
- 92.14 Conflict with Other Laws
- 92.15 Enforcement Provisions

- 92.99 Penalties and Remedies for Violations
- 92.100 Effective Date and Revision of Original Ordinance

(Ord. passed 12-18-00; Am. Ord. passed 10-2-23)

§ 92.01 AUTHORITY.

This chapter is adopted pursuant to N.C.G.S. §153A-121 and §143-138(e).

§ 92.02 INTENT.

(A) It is the intent of this chapter to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the unincorporated limits of Haywood County from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from hazardous conditions in the use or occupancy of buildings or premises.

Haywood County – General Regulations

(B) These regulations shall also be controlling within the corporate limits of any municipality within Haywood County upon request by resolution from the governing body of the municipality and upon approval of the Board of County Commissioners by resolution.

(C) This chapter shall not be construed to hold the County responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permits issued or denied as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

(Ord. passed 12-18-00)

§ 92.03 TECHNICAL CODES AND STANDARDS ADOPTED BY REFERENCE.

(A) There is hereby adopted by reference and incorporated herein the current edition of the North Carolina State Building Code: Fire Prevention Code. Copies of this Fire Prevention Ordinance of Haywood County and all technical codes and standards are available for public inspection in the office of the Fire Marshal.

(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 Haywood County at the time such amendments become a part of North Carolina State Building Code: Fire Prevention Code.

(Ord. passed 12-18-00; Am. Ord. passed 10-2-23)

§ 92.04 INSPECTION OF BUILDINGS AND PREMISES.

Subject to the limitations and conditions stated in the North Carolina State Building Code: Fire Prevention Code, it shall be the duty of the Haywood County Fire Marshal's Office to inspect or to cause to be inspected as often as they may deem necessary or appropriate all buildings, structures, and premises within their jurisdiction for the purposes of ascertaining and causing to be corrected any condition which may cause fire or explosion, endanger life from fire or explosion, or any violations of the provisions of this chapter.

(Ord. passed 12-18-00; Am. Ord. passed 10-2-23)

§ 92.05 PERMITS.

(A) *Fire Prevention Permits.*

(1) This chapter shall require permits from the Fire Marshal's Office as set forth in North Carolina State Building Code: Fire Prevention Code.

(2) It shall be the duty of the Haywood County Fire Marshal's Office to evaluate applications and issue, if approved, all permits for those conditions as prescribed in North Carolina State Building Code: Fire Prevention Code and this chapter.

(3) 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 first obtaining a permit as required by the Haywood County Fire Marshal's Office and prescribed in North Carolina State Building Code: Fire Prevention Code and this chapter. Before a permit may be issued, the Haywood County Fire Marshal's Office shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.

(4) A permit may be revoked pursuant to the provisions of North Carolina State Building Code: Fire Prevention Code. Any person may appeal said revocation to the Haywood County Board of Commissioners within thirty (30) days.

(5) To provide for efficient, timely handling of duties set forth in N.C.G.S. §14-284, §14-410 and §14-413, and for the convenience of the public, the Haywood County Fire Marshal's Office is authorized to act as the agent of the Board of Commissioners to approve/disapprove issuance of permits and licenses for the storage of explosives and the exhibition of pyrotechnics at public celebrations related to the permit or license.

(B) *Other Permits.*

This chapter shall not exempt a person who has obtained a permit pursuant to this chapter from any other permits required by other State, Federal, and Local Laws.
(Ord. passed 12-18-00; Am. Ord. passed 10-2-23)

§ 92.06 SERVICE OF ORDERS OR NOTICES.

(A) The service of orders or notices for the correction of violations of this chapter 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 or registered mail to the owner's last known address. Notices may also be served by any means authorized for the service of civil process.

(B) When building 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 this chapter arising out of operations conducted on the premises shall apply to the occupant thereof; provided that where the order 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 any order or notice duly served on the occupant.
(Ord. passed 12-18-00)

§ 92.07 EMERGENCY ENTRY.

(A) The Haywood County Fire Marshal's Office or their authorized representatives shall have the right to enter any building or premises without permission or warrant in the event of any emergency situation constituting an immediate threat to human life, property, or the public safety for the purpose of eliminating, controlling, or abating the dangerous condition or situation.

(B) If entry or access is denied so as to limit the authorized duties of this chapter, the Haywood County Fire Marshal's office or their authorized representatives shall seek and obtain an administrative search warrant pursuant to N.C.G.S. §15-27.2.

(Ord. passed 12-18-00; Am. Ord. passed 10-2-23)

§ 92.08 INVESTIGATION OF FIRES.

The Haywood County Fire Marshal's Office will cooperate in any way with the law enforcement agency having jurisdiction of any fire. The Haywood County Fire Marshal's Office may designate a team of trained investigators to determine cause and origin of any fire and will assist in their efforts by supplying and equipping resources or other methods as possible and deemed feasible by the Haywood County Fire Marshal's Office. Investigations will remain the responsibility of the appropriate fire chief having jurisdiction until he or she deems necessary to release the scene to the Haywood County Fire Marshal's Office or their authorized representatives. An automatic investigation will be initiated if loss of life occurs during a fire or when other circumstances are deemed to warrant an investigation. Any information obtained pursuant to any such investigation shall be confidential as authorized by N.C.G.S. Chapter 58, Article 79.

(Ord. passed 12-18-00; Am. Ord. passed 10-3-23)

§ 92.09 FIRE RECORDS.

Each fire department shall compile records of fire alarms and other responses and forward these records to the North Carolina Fire Commission as prescribed in N.C.G.S. Chapter 69-1. All such records shall be considered public records. (This is in accordance with the National Fire Incident Reporting System or "NFIRS" and is required by Office of State Fire Marshal for NC.)

(Ord. passed 12-18-00; Am. Ord. passed 10-2-23)

§ 92.10 MAINTAINING A FIRE HAZARD.

No person shall knowingly maintain a fire hazard.

(Ord. passed 12-18-00)

§ 92.11 CARELESSNESS WITH FIRE.

No person shall deliberately, or through carelessness or negligence, set fire to or cause the burning of any person or property.

(Ord. passed 12-18-00)

§ 92.12 PARKING IN FRONT OF A FIRE HYDRANT, FIRE STATION, OR FIRE LANE.

(A) No person shall park a vehicle or permit it to stand, whether attended or unattended, within 15 feet in either direction of a fire hydrant or the entrance to a fire station.

(B) No person shall park a vehicle or permit it to stand unattended in any area designated as a fire lane. Persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is clearly designated as a delivery vehicle. The prima facie rule of evidence created by G.S. §20-162 is applicable to prosecutions for violation of this section. The operator of a vehicle parked in violation of this chapter shall be charged with a civil penalty for fire code violations pertinent to the type of occupancy where it occurred not to exceed \$25.00.

(Ord. passed 12-18-00; Am. Ord. passed 10-2-23)

§ 92.13 SEVERABILITY.

Should any section, paragraph, sentence, or word of this Chapter or of the Code hereby adopted be declared for any reason to be invalid, the remaining provisions shall remain in full force and effect.

(Ord. passed 12-18-00)

§ 92.14 CONFLICT WITH OTHER LAWS.

Nothing in this chapter shall be constructed to conflict with Article 18, Chapter 95 of the General Statutes of North Carolina as enacted and as may be amended from time to time.

(Ord. passed 12-18-00)

§ 92.15 ENFORCEMENT PROVISIONS.

(A) The Fire Prevention Ordinance of Haywood County shall be enforced by the Haywood County Fire Marshal's Office.

(B) This chapter and North Carolina State Building Code: Fire Prevention Code may be enforced by any methods authorized by N.C.G.S. §153A-123, including the criminal provisions of N.C.G.S. 14-4 as referenced below. Each day's continuing violation shall constitute a separate offense. Enforcement by civil or criminal procedures shall be carried out in accordance with the procedures outlined below.

(Ord. passed 12-18-00; Am. Ord. passed 10-2-23)

§ 92.99 PENALTIES AND REMEDIES FOR VIOLATIONS.

(A) *Warning Report*. Upon an initial violation of a particular provision of this chapter a person or entity may be issued a warning report or the Fire Marshal's Office may pursue the other remedies described in this Chapter. A warning report shall identify the particular practice which is in violation of this chapter and shall state the time, date and place of the violation.

(B) *Compliance Order*. Upon making a determination that a person is in violation of this chapter, the Haywood County Fire Marshal's Office may issue a Compliance Order to a person or entity in violation of this chapter. Such order shall identify the circumstances giving rise to the violation, including the times, dates, and places of the violation. Such notification shall further identify the action which is necessary to comply with this chapter. Such notification shall state that if the violator does not comply within a reasonable time not to exceed 45 days the individual will be subjected to a civil penalty. If circumstances exist such that the violator cannot come into compliance within 45 days, the Haywood County Fire Marshal's Office may grant an extension of time commensurate with the magnitude of the violation. The Compliance Order shall further state that failing to comply with the terms of the Compliance Order will subject the violator to a civil penalty, and shall further state the amount of said civil penalty. The issuance of a Compliance Order is not a prerequisite for any enforcement action authorized by this Chapter.

(C) *Warrant*. If an individual violates this chapter within the six (6) months following the issuance of a warning report in a manner that is similar to the violation specified in the warning report, the Haywood County Fire Marshal's Office may seek a warrant for the arrest of the individual. The issuance of a Warning Report is not a prerequisite for any enforcement action authorized by this Chapter.

(D) *Civil Penalties*. Any individual who is found in violation of this chapter may be subject to a civil penalty as set out in the Haywood County Fee Schedule, available at haywoodcountync.gov as allowed by G.S. §153A-123. Each day's violation shall be treated as a separate offense.

(E) *Criminal Penalties*. Violation of this chapter shall constitute a Class 3 misdemeanor under N.C.G.S. 14-4, punishable by a fine not to exceed \$500 or imprisonment for not more than twenty (20) days or both. Each day's violation shall be treated as a separate offense.

(F) Equitable Remedies. This chapter may be enforced by equitable remedies, and any unlawful condition existing in violation of this chapter may be enforced by injunction and order of abatement in accordance with G.S. §153A-123.

(G) Order of Abatement. Where necessary to abate a condition existing upon land in violation of this chapter or a use made of land in violation of this chapter the Haywood County Fire Marshal's Office may institute an action in a court of competent jurisdiction seeking an order of abatement of the use or condition of land in violation of this chapter. Such action may be joined to an action for an injunction and/or an action to recover civil penalties accrued against an individual for the use or condition of land in violation of this chapter.

(H) Other Equitable Remedies. This chapter may be enforced by any other equitable remedy which a court of competent jurisdiction deems just and proper.
(Ord. passed 12-18-00; Am. Ord. passed 1-3-22; Am. Ord. passed 10-2-23)

§ 92.100 EFFECTIVE DATE AND REVISION OF ORIGINAL ORDINANCE

This revised ordinance revises and supplants the ordinance in Chapter 92 originally adopted December 18, 2000, and all subsequent amendments, and shall be effective on and after October 2, 2023.

