

Columbus County
Fire Protection and Prevention Ordinance

**Columbus County
Fire Protection & Prevention
Ordinance**

Approved By: _____ **SIGNED** _____ **Date:** _____
Chairman, Columbus County Commissioners

Attest: _____ **SIGNED** _____ **Date:** _____
Clerk to the Board

Seal

Approved By: _____ **SIGNED** _____ **Date:** _____
Columbus County Manager

Approved By: _____ **SIGNED** _____ **Date:** _____
Columbus County Fire Marshal

Approved By: _____ **SIGNED** _____ **Date:** _____
Columbus County Emergency Services Director

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CHAPTER 1

COLUMBUS COUNTY FIRE PREVENTION AND PROTECTION ORDINANCE

Section 1.1 – Title

These regulations shall be known as the “Fire Prevention and Protection Ordinance of Columbus County, North Carolina,” and may be cited as such and referenced to herein as the code.

Section 1.2 – Intent

It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire and explosion within the jurisdiction of the county. The code shall not be construed to hold the county responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein, failure to inspect or re-inspect or the permits issued or denied as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

Section 1.3 – Code and Amendments

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or exposure to hazardous materials, the North Carolina Fire Prevention Code and appendices of said code, along with the North Carolina Amendments of said code is hereby adopted by reference and is set forth herein as the Fire Code for the County. Any Amendments to the aforementioned code, which are adopted, amended, and published by the North Carolina Building Code Council, shall be effective in the County at the time such amendments are declared in effect by the North Carolina State Building Code Council.

Section 1.4 – Applicability

The provisions of this ordinance shall apply to all buildings and occupancies in the North Carolina Building Code Volume 1, General Construction and the North Carolina Building Code Volume V, Fire Prevention and any other building referenced by this ordinance. The provisions of this code shall apply equally to existing as well as new buildings.

Section 1.4.1 – Inapplicability of Code

Where the North Carolina Fire Prevention Code or its references are inapplicable to a specific occupancy of process, the appropriate NFPA (National Fire Protection Association) or other nationally recognized standard shall be used.

Section 1.4.2 – Copy on File

A copy of the fire prevention and protection ordinance, and all technical codes and standards adopted by reference shall be available for public inspection at the fire marshal's office.

Section 1.5 – Jurisdiction

In accordance to the general statutes of the State of North Carolina and the provisions of the Columbus County Fire Prevention and Protection Ordinance, it will be the responsibility of the Columbus County Fire Marshal's Office to issue all fire prevention permits, conduct all fire inspections for the county and enforce the provisions of the North Carolina Building Code Volume V, Fire Prevention and the Columbus County Fire Prevention and Protection Ordinance in the unincorporated areas of the county.

Section 1.5.1 – Contracting for Services

Where a Columbus County Municipality or Sanitary District who is legally obligated to provide fire inspection services to a specified area cannot do so, they may contract with the county fire marshal's office to provide these services. Any area contracted to the fire marshal's office for fire inspection services shall be bound to all the provisions of the Columbus County Fire Prevention and Protection Ordinance.

Exception: Where a municipality provides fire inspection services and only requires the assistance of the fire marshal's office due to the inability to inspect a building whose occupancy requires a more qualified Inspector than supplied by the municipality, then the provisions of this ordinance shall not apply.

Section 1.6 – Effective Date

These regulations shall become effective on the date this ordinance is adopted by the Columbus County Board of Commissioners.

Section 1.6.1 – Definitions and Abbreviations

For the purpose of this code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as set forth in this and following sections.

Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural includes the singular.

Fire Code Official – The Fire Chief or other designated authority charged with administration and enforcement of the code, or a duly authorized representative that holds a certification certificate issued by the North Carolina Code Qualifications Board.

Section 1.6.2 – Terms Not Defined

Where terms are not defined in this code and are defined in the *International Fire Code*, *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* or

International Plumbing Code, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.

Chapter 2

INSPECTION SCHEDULE FOR EXISTING BUILDINGS

Section 2.1 – Frequency of Inspection

Inspection schedules of existing buildings shall be in accordance with Section 106 of the N.C. Fire Prevention Code, and shall be conducted no less frequently than described in the schedule below:

OCCUPANCY CLASSIFICATION	INSPECTION FREQUENCY
Public Schools	Every Six Months
Hazardous	Every Year
Institutional	Every Year
High Rise	Every Year
Assembly	Every Year
Residential* (Excludes one and two family dwellings)	Every Year
Industrial	Every Two Years
Educational (Except Public Schools)	Every Two Years
Foster Care Home (G.S. 131-D)	Every Two Years
Group Care Home	Every Two Years
Business	Every Three Years
Mercantile	Every Three Years
Storage	Every Three Years
Churches and Synagogues	Every Three Years

*The North Carolina Fire Code definition of a residential occupancy is a multi-family building, the Fire Code does not apply to one and two family dwellings.

*For Scheduled Inspection Fee see Columbus County Fire Protection and Prevention Fee Schedule approved by Columbus County Commissioners.

Chapter 3

PERMITS, PLAN REVIEW & FEES

Section 3.1 – Definition

Permit is an official document issued by the Fire Marshal’s Office authorizing performance of a specified activity, use, operation or installation. This includes, but is not limited to the following types: Use Permit, Special Use Permit, Burning Permit, Operational Permit, Construction Permit and Permits for Fire Protection Systems, Storage Tanks, and any other items needing a permit.

Section 3.2 – Required Permits

In accordance with the detailed requirements of the County, a permit shall be obtained from the Fire Marshal’s Office pursuant to the procedure set forth in Chapter 1, Section 105 of the N.C. Fire Prevention Code, along with the N.C. Amendments and this ordinance. Permits shall be

obtained to conduct those activities or operations as set forth in the permit and service fee schedule as approved by the Columbus County Board of Commissioners. An operational permit must be obtained from the Columbus County Fire Marshal's Office as per the schedule of fees as adopted by the Columbus County Board of Commissioners.

3.2.1 – Renewal. All permits will be valid for a period of 1, 2, or 3 years and will be renewable upon completion of fire inspection in accordance with Section 105 of the NC Fire Prevention Code. Renewal fees will be based on fee schedule proposed for inspections in accordance with Section 105.

Section 3.3 – Information Required With Applications

An application for a permit shall be filed with the Fire Marshal's Office on a form furnished for that purpose, provided by the County and shall include the applicant's answers in full to inquiries set forth in such forms. Applications for permits shall be accompanied by appropriate fees and such data as may be required by the Fire Marshal or Fire Code Official.

3.3.1 – Contractor's License Required. When the General Statutes requires that general construction, plumbing, mechanical, electrical, fire protection, or gas work be performed by the appropriately licensed individual(s), no permit for such type work shall be issued to an unlicensed person or firm.

3.3.2 – Additional Data. The Fire Marshal's Office may require details, computations, stress diagrams, professional certification and other data necessary to describe the construction or installation of a system.

Section 3.4 – Plan Review

Shall apply to all buildings and occupancies in the N.C. Building Code General Construction and the N.C. Fire Prevention Code. This review will be for the determination of compliance with this ordinance and the Fire Code, and shall be completed within a reasonable time of receipt of plans. If the Fire Marshal's Office review of these plans indicates the need for a fire permit, as outlined in this ordinance and the Fire Code or if there are corrections to be made to the plans, the building permit shall not be issued until the fire permit has been applied for or until the corrections are made to the plans. This plan review shall not apply to one and two family dwellings.

3.4.1 – Penalties See Civil Penalties Schedule in Chapter 5 of this ordinance.

3.4.2 – Revocation

The Fire Marshal and or Fire Code 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 N.C. Building Code Fire Prevention or of this Ordinance, or any stated condition of the permit. The Fire Marshal or Fire Code Official shall advise the permit holder, in writing, of the reason for the revocation.

3.4.3 – Nontransferable

Any 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. Permits shall be valid only for the individual listed on the permit application.

Chapter 4

UNSAFE BUILDINGS

4.1 – Unsafe, Defected Buildings or Systems

All buildings or service systems, which are unsanitary, constitute a fire hazard, or constitute a hazard to safety or health, bad conditions of walls, overload floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress are considered unsafe. All such unsafe building or service systems shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the technical codes. (G.S. 153A-365, 153A-366, 153A-367, 153A-368, 153A-369, 153A-370 and 153A-371).

4.1.1 – Summary Abatement. Where conditions exist that are deemed hazardous to life and property, the Fire Marshal or Fire Code Official is authorized to abate summarily such hazardous conditions that are in violation of this code.

4.1.2 – Abatement- The owner, operator or occupant of a building or premises deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Chapter 5

Section 5.1 – Civil Penalties

Any person who shall violate any of the provisions of the N.C. Fire Prevention Code or this ordinance adopted by the Columbus County Board of Commissioners, or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under or any certificate or permit issued there under, shall be subject to penalties as specified below as approved by the Columbus County Board of Commissioners. These penalties shall be recovered by the County in a Civil Action in the nature of debt if the offender does not pay the penalties within a period of 30 days after the issuance of the notice of violation. The notice of violation shall be in writing, signed by the Fire Marshal and/or the Fire Official charged with the enforcement of the N.C. Fire Prevention Code or this ordinance, and shall be delivered or mailed to the offender either at his/her residence or place of business or at the location where the violation occurred. Each day's continuing violation shall be a separate and distinct offense. Any action to recover such penalties may be joined in an action for appropriate equitable remedy, including injunctions and orders of abatement and including an action to recover

damages by the County in abating, correcting, limiting, and otherwise dealing with the harmful effects of the offending action. Civil penalties are assessed in accordance with North Carolina G.S. 153A and G.S. 160A.

* For Civil Penalty Schedule see Columbus County Fire Protection and Prevention Fee Schedule approved by Columbus County Commissioners.

Violation(s) consisting of locked and/or blocked exits, impedance of the occupants to quickly evacuate a structure or premise, or conditions posing imminent danger to the occupants on or about the premise or Violation(s) of Occupancy Limits established pursuant to the North Carolina State Building and/or Fire Code must be corrected during the time of the inspection if at all possible

CHAPTER 6

REPORTING A HAZARD OR VIOLATION

Section 6.1 – Hazards and Violations

The Fire Marshal's Office will respond to any complaint regarding a life safety hazard, illegal burning, and any other fire code violation or fire ordinance violation in Columbus County.

6.1.1 – How to report a hazard or violation. A hazard or violation may be reported at any time. They may be reported directly to the Fire Marshal's Office at 910-640-6610. If it is after normal business hours please call 640-1428.

6.1.2 – Required Information for Complaints. All complaints will require the following information to be recorded in order for the complaint to be processed:

1. Name of the person filing the complaint
2. Address and phone number of person filing complaint
3. Location of hazard or violation
4. Type of problem, hazard or violation

6.1.3 – Records. A written record of all complaints will be maintained in the Fire Marshal's Office. A report will be attached to the complaint stating any violations or hazards found and what actions were taken.

Chapter 7

Collection of Fees

- 7.1.1 Inspection Fees (New Construction) – In the event additional fees are required to be assessed during a construction project, any and all fees must be paid in full prior to the issuance of the buildings Certificate of Occupancy. Occupying a building that has not been issued a Certificate of Occupancy will constitute a civil penalty for each days continued offense.

- 7.1.2 Inspection Fees (Existing Buildings) – The fee for an inspection of an existing building shall be assessed and an invoice will be supplied to the owner, occupant, or designee. Subjects will have thirty (30) days to remit payment. After thirty (30) days the bill will be placed in a past due status and a second invoice will be sent to the subject. After a period of sixty (60) days of non-payment, the account will be subject to a 10% late fee and the account will be placed on hold and no additional inspections or permits will be issued, civil action will be taken through the court system after a period of ninety 90 days.

APPENDIX A

FORMS

****** GUIDELINES FOR OPEN BURNING *****
(Within 100 feet of a Structure)

- YARD TRIMMINGS ONLY (Leaves, Limbs, Grass, Vines, etc.) (Excludes logs and stumps)
- Must originate on the premises of a private residence. Businesses are prohibited from burning.
- Fire must be at least 50 feet from any structure and must not spread to within 50 ft.
- Fire must not create a nuisance when burned
- A competent person shall constantly attend the fire until such fire is extinguished
- Must provide fire control tools to match the size of the pile being burned (garden hoses, rakes, shovels, extra help, etc.)
- Non-vegetative materials, such as household garbage, lumber or any other synthetic materials are not burned
- Piles of material shall not exceed 30 feet in diameter, 10 feet in height, or 10,000 cubic feet
- An area 10 feet wide shall be cleared completely around the material to be burned
- If a burning ban has been issued all fires shall be extinguished immediately
- If at any time during the burning, the regulations regarding open burning are not met or are neglected in any way, the fire will be extinguished and a civil citation may be issued

REPORTING A HAZARD OR VIOLATION FORM

Name of Person Filing Complaint

Address of Person Filing Complaint

Phone Number of Person Filing Complaint

Location of Hazard (address - name of business – name of owner or operator if known)

Type of Problem, Hazard or Violation Reported

A written record of all complaints will be maintained in the Fire Marshal's Office. A report will be attached to the complaint stating any violations or hazards found and what actions were taken.

Fire Marshal Use Only
Date of resulting inspection: _____ Was property found to be in violation Yes___ No ___
Comments/Resolution _____

Appendix B

FALSE ALARM ORDINANCE

1. PURPOSE

- (A) The purpose of this ordinance is to encourage alarm users and alarm companies to maintain the operational reliability of alarm systems and to properly use alarm systems in order to reduce or eliminate false/accidental alarm dispatches of fire apparatus.
- (B) This ordinance governs systems intended to summon a fire response, establishes a fee associated with penalties for violations.

2. DEFINITIONS

- (A) For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (1) Alarm Business: means the business by any individual, partnership or corporation serving, repairing, altering, replacing, moving or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any commercial or residential building, structure or premises, and shall not include any other activity of the business.
 - (2) Alarm Dispatch Request: means a notification to public safety officials by an alarm company that an alarm has been activated at an alarm site.
 - (3) Alarm Installation: means any alarm device or combination of devices installed for one or more commercial or residential buildings, structures or premises.
 - (4) Alarm System: means a device or series of devices, including but not limited to, systems interconnected with a radio frequency signal, which are designed to warn of fire by emitting or transmitting a remote or local audible, visual, or electronic signal indicating an alarm condition that may require attention by a fire department.
 - (5) Automatic Telephone Dialing Device or Digital Alarm Communication System: An alarm system that automatically sends a prerecorded voice message or coded signal over regular telephone lines by direct connection or any other digital method indicating the existence of the emergency situation that the alarm system is designed to detect.

- (6) Alarm: means the activation of an alarm signal that produced either an audible sound that can be heard from the interior or exterior of a commercial or residential building, structure, or premise housing the alarm system, or the emission of a signal to a direct monitoring service which in turn notifies the Columbus County Communications Center or directly notifies local officials that an alarm has been activated.
- (7) False Fire Alarm: means any transmitted alarm signal in which there is no sign of smoke, fire or water-flow conditions.

3. GENERAL REGULATIONS

- (A) The alarm user shall maintain the premises and the alarm system in a manner that will minimize or eliminate false/accidental alarm dispatches and activate the alarm only for the occurrence of events it was designed to report.
- (B) The alarm user shall respond or cause a responsible representative to respond to the alarm site within 30 minutes when notified by officials.
- (C) Each alarm user shall furnish to the county in writing the names and telephone number of at least one, but no more than five, persons authorized and able to deactivate the alarm system.
- (D) The alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of the alarm site shall sound no longer than (15) minutes, requiring an automatic reset.

4. ALARM RESPONSE

- (A) It shall be determined that three (3) or more fire false alarm within a 12-month period is excessive and constitutes a public nuisance. The county will allow three (3) fire false alarm response to any alarm user within any calendar year without penalty. A civil penalty shall be issued for any excess false alarm responses as follows:

Fire False Alarms:

4 th False Alarm	\$ 50.00
5 th False Alarm	\$ 75.00
6 th False Alarm	\$100.00
7 th False Alarm	\$150.00
8 th False Alarm	\$200.00
9 th False Alarm	\$250.00
10 or more False Alarms	\$500.00

- (B) No fee shall be assessed if the false/accidental alarm dispatch is:
 - (1) Caused by a hurricane, tornado or lightning strike where there is clear evidence of physical damage to the alarm system.

- (2) Activated by an electrical power outage to the electric meter on the commercial or residential building housing the activated alarm system.
 - (3) An alarm system activated during alarm system tests conducted by the Fire Marshal's Office for the purpose of computing alarm times.
- (C) No fee shall be assessed if the alarm is caused by:
- (1) Actual fire.
 - (2) Smoke condition without fire.
 - (3) Sprinkler water-flow has tripped system due to a sprinkler head activating with or without fire.

5. PROHIBITED ACTS

Except for alarm testing as provided in Section 4, it shall be unlawful for any person to knowingly activate an alarm when no fire exists.

6. ENFORCEMENT OF VIOLATIONS

- (A) This ordinance shall only apply and be enforced in the unincorporated areas of Columbus County and within Municipalities where the County Fire Marshal's Office has jurisdiction. The County Fire Marshal and or Fire Code Official shall have enforcement authority of this ordinance.
- (B) Civil penalties under Section 4, if not paid within (15) days of the issuance of the citation, may be recovered by the county in a civil action in the nature of a debt.
- (C) As of the effective date of this ordinance, alarm users shall be deemed to have zero alarm responses for the purposes of Section 4.

7. COLLECTED FUNDS

All collected funds will be placed in an account to be designated for false fire alarms. Monies collected within this account will be reimbursed to the fire department in the district the alarm was activated according to the approved fire district maps.

Appendix C

OPEN BURNING

Section 1.1 – Definitions

Open Burning – The burning of leaves, grass clippings, and other natural, unprocessed vegetation in which the products of combustion pass into the open air without passing through any type of chimney or duct.

Recreational Fire – An outdoor fire utilized for the cooking of food for human consumption.

Structure – For the purpose of this section of the ordinance, a structure shall be defined as an occupied building.

Illegal Burning- The burning of trash, paper, plastics, lumber, tires, chemicals and other man-made materials.

Section 1.2 – Where Allowed

Open burning may be allowed not within 50 feet of any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. It is the burners responsibility to ensure that the fire is maintained on their property and not allowed to spread to adjoining property.

Section 1.2.1 – Exceptions

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

Section 1.3 – Notification Required

Notification is required for all open burning when the vegetation to be burned is piled such that the pile size exceeds 5 feet wide x 5 feet long x 5 feet high, or when the vegetation burns longer than 5 hours. Two or more piles on a single piece of property shall be considered a single pile. Notification is also required when the vegetation to be burned is larger than 6 inches in diameter. A phone number will be established for the public to utilize to make notification of open burning. 910-640-1428

Section 1.3.1 – Exceptions

1. Agriculture, civilculture, or burning of land for wildland management.
2. Fires set for the training of firefighting personnel.
3. Recreational fires.

Section 1.4 – Accordance

Open burning in Columbus County shall be conducted in accordance with all applicable State and Federal Air Quality and Solid Waste Disposal Laws, and shall also be in accordance with the North Carolina Fire Prevention Code.

Section 1.5 – Prohibited Open Burning

In accordance with Section 307.2.2 of the North Carolina Fire Prevention Code, open burning permitted by this ordinance that is deemed to be offensive or objectionable due to smoke or odor emissions shall be prohibited.

Section 1.6 – Illegal Burning

In accordance with North Carolina Administrative Code 15A 2D .1900 “Open Burning”, any person found in violation of this section shall be subject to the Civil Penalties outlined in Chapter 5 of this ordinance.

Section 1.7 – Attendance

Open burning must be constantly attended at all times by a competent person. In accordance with Section 307.4 of the North Carolina Fire Prevention Code, a minimum of one portable fire extinguisher with a minimum 4-A rating or other approved onsite fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.

Section 1.8 – Extinguishment

Any open burning found to be in violation of this Section, the North Carolina Fire Prevention Code or any State or Federal law shall be extinguished immediately by the responsible party, and open burning will be immediately discontinued.

Section 1.9 – Burning Ban

In the event that the Columbus County Fire Marshal’s Office issues a ban on outdoor burning within 100 feet of a structure, then in accordance to state law all Open Burning shall be immediately discontinued until such ban is lifted by the Columbus County Fire Marshal’s Office.

During this ban, no open burning shall be conducted at all within 100 feet of a structure; this includes any outdoor burning at residences. A civil citation may be issued for violations.

1.9.1 – Conditions Warranting. A burning ban on outdoor burning within 100 feet of a structure may be issued by the Columbus County Fire Marshal’s Office in the event that atmospheric conditions or local circumstance make such fire hazardous. Atmospheric conditions that warrant a burning ban include, but are not limited to:

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

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.
3. The proximity of adjacent structures or other such hazards.

1.9.2 – Notification. In the event a burning ban is issued, citizens shall be notified through the news media or in person that a burning ban is in place, and fires shall be extinguished immediately. In conjunction with North Carolina Forest Service burning ban, the Columbus County Fire Marshal’s Office shall issue a burning ban of all-open burning within 100 feet of a structure and all fires shall be extinguished immediately. The local press shall be notified by the Fire Marshal’s Office that such ban is in effect and that no permits will be issued until such ban is lifted and no open burning will be allowed.

1.9.3 – Repeal. Any burning ban issued by the Fire Marshal’s Office shall be repealed in the same manner.

Section 1.10 – Civil Penalties

Any person found in violation of this Section of the Columbus County Fire Prevention and Protection Ordinance shall be subject to the Civil Penalties outlined in Chapter 5 of this Ordinance. Failure to make notification of open burning that falls under jurisdiction of this section shall constitute a violation.

Appendix D

UNIFORM PROPERTY ADDRESS AND ADDRESS DISPLAY

Section 1.1 – Uniform Property Address and Address Display

New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property

Section 1.1.2 – Address Numbers. Address numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Number shall be Arabic numerals or alphabet letters, and shall contrast with their background.

Section 1.1.3 – Accordance. Addressing for all buildings shall be in accordance with *Section 505.1 of the 2000 International Fire Code*