

MONTREAT CODE OF GENERAL ORDINANCES

CHAPTER C – FIRE PROTECTION AND PREVENTION

(Revised 06/24/2002)

ARTICLE I: FIRE PREVENTION CODE

AN ORDINANCE FOR ADOPTION OF THE 2000 INTERNATIONAL FIRE CODE AS AMENDED BY THE STATE OF NORTH CAROLINA AND THE TOWN OF MONTREAT.

An ordinance of the Town of Montreat adopting the 2002 North Carolina Edition of the 2000 International Fire Code, including the Appendix Chapters as amended, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Town of Montreat; providing for the issuance of permits for hazardous uses or operations; repealing Chapter C, Entitled “Fire Protection and Prevention” and all other ordinances and parts of the ordinances in conflict therewith.

The Town of Montreat does ordain as follows:

NC Building Code, Volume 5, Fire Prevention and Protection, is hereby repealed in its entirety and replaced as set out with these new provisions as a new Chapter C, Entitled “Fire Protection and Prevention”.

Section 1. Fire Prevention Code Adopted. That a certain document, not less than one (1) copy on file at the Fire Inspections Office, and not less than (1) copy on file at the Building Inspections Office, being marked and designated as the 2002 North Carolina Edition of the 2000 International Fire Code, including the Appendix Chapters as amended, be and is hereby adopted as the code of the Town of Montreat for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such Fire Code are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

In the event of conflicts with 2002 North Carolina Edition of the 2000 International Fire Code and this chapter, the more restrictive provisions shall prevail.

Section 2. Fire Chief’s Responsibilities. The Fire Prevention Division is established within the Town of Black Mountain under the direction of the Fire Chief. The function of the division shall be the implementation, administration and enforcement of the provisions of this code for the Town of Montreat. The Fire Chief of the Town of Black Mountain shall appoint fire Code

Enforcement Officials; and these code officials shall not be removed from office except for cause as defined in the Town Of Black Mountain Personnel Policy Manual. In accordance with the prescribed procedures of the Town of Black Mountain, the Fire Chief shall have the authority to appoint a Fire Prevention Officer, Fire Inspectors, and other related technical officers, plan reviewers, and other employees necessary to enforce this code.

Section 3. Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Section 4. Legal Defense. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

Section 5. Enforcement of Fire Code. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

Section 6. Applications and Permits. The fire code official is authorized to receive applications, review construction documents and issue permits for construction regulated by the fire code, issue permits for operations regulated by the fire code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Section 7. Investigation of Fires. The fire chief or his designee shall investigate the cause, origin, and circumstances of every fire occurring in the Town of Montreat, by which property has been destroyed or damaged. Such investigations shall begin immediately upon the occurrence of such a fire. This is in accordance with North Carolina General Statutes that address this responsibility.

Section 8. Authority at Fires and Other Emergencies. The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief or officer of the fire department is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept

away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

Section 9. Barricades. The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

Section 10. Obstructing Operations. No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

Section 11. Systems and Devices. No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

In addition to the requirements found in the North Carolina Fire Code and Administration and Enforcement Code, the Town of Montreat adopts these sections by ordinance:

Section 12. Permits. Permits shall be in accordance with Section 105 of the 2002 North Carolina Edition of the 2000 International Fire Code.

- a) Permits Required. Permits required by the fire code shall be obtained from the fire code official. Permit fees shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.
- b) Types of Permits. There shall be two types of permits as follows:
 - 1) Operational Permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by 105.6 for either:
 - 1.1 A prescribed period.
 - 1.2 Until renewed or revoked.
 - 2) Construction Permits. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by 105.6.

- c) Permits for the Same Location. When more than one operational permit is required for the same location, the code official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.
- d) Application. Application for a permit required by this code shall be made to the code official in such form and detail as prescribed by the code official. Applications for permits shall be accompanied by such plans as prescribed by the code official.
- e) Refusal to Issue Permit. If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the code official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.
- f) Inspection Authorized. Before a new operational permit is approved, the code official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

Section 13. Violations.

- a) Unlawful Acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish, or utilize a building, occupancy, premises, or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.
- b) Notice of Violation. When the code official finds a building, premises, vehicle, storage facility, or outdoor area that is in violation of this code, the code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for compliance.
- c) Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.
- d) Compliance with Orders and Notices. The owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains, shall comply with a notice of violation issued or served as provided by this code.

- e) Prosecution of Violations. If the notice of violation is not complied with promptly, the code official is authorized to request the Attorney of the Town of Montreat to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- f) Unauthorized Tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed, tampered with, or removed without authorization from the code official.

Section 14. Violation Penalties. Any person, firm, corporation or their assigns, agent or executor who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be deemed in violation of this code. Each calendar day, or lesser time period as specified in a written notice, that a violation continues after due notice has been served shall be deemed a separate offense. Violators of this code may be assessed a civil monetary penalty based upon the class of violation and the fee schedule of civil penalties as adopted by the Town of Montreat.

Section 15. Classes of Violations. Violations of this code shall be assigned a violation classification as defined in this section. Determination of the class of violation shall be at the sole discretion of code officials of the Black Mountain Fire Department who are charged with enforcement of this code.

- Class D. A violation of the provisions of this code shall be deemed a Class D violation.
- Class C. A violation of the provisions of this code, which causes an increase of the hazard or menace of fire, explosion, or other hazardous condition or may delay, hinder, or interfere with the operations of the fire department, shall be deemed a Class C violation.
- Class B. A violation of the provisions of this code which may delay, hinder, or prevent the egress of the occupants in the event of a fire and/or other emergency or acts which may prevent the operation of fire and/or life safety devices and/or systems shall be deemed a Class B violation.
- Class A. A violation of the provisions of this code that delayed, hindered, or prevented the egress of the occupants during an emergency or caused a fire or increased the severity of a fire or acts that prevented the operation of a fire and/or life safety system or device during an emergency shall be deemed a Class A violation.

Note: Civil fines are Class D: \$50.00, Class C: \$75.00, Class B: \$150.00, and Class A: \$300.00.

Section 16. Abatement of Violation. In addition to the imposition of the civil penalties herein described, the code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises in accordance with N.C General Statutes.

In addition to the requirements found in the North Carolina Fire Code and Administration and Enforcement Code, the Town of Montreat adopts these sections by ordinance:

Section 17. Hazard Categories. Adoption of Appendix E - Hazard Categories, in order to provide limits and definition for the enforcement of Chapter 27 of the *International Fire Code*.

Section 18. Constitutionality. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Montreat hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 19. Adoption. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect January 1, 2002 from and after the date of its final passage and adoption.

Permits and Schedules

(Note: This document is included for informational purposes and is NOT part of the ordinance)

Two types of permits are identified:

- 1) Operational. Issued for a prescribed period or until renewed or revoked
- 2) Construction. Allows the applicant to install and/or modify systems and equipment

Operational Permits

<u>Optional</u>	<u>Mandatory</u>
Aerosol Products	Amusement Buildings
Aviation Facilities	Carnivals & Fairs
Battery Systems	Covered Mall Buildings
Cellulose Nitrate Film	Exhibits & Trade Shows
Combustible Dust Producing Operations	Explosives
Compressed Gasses	Flammable & Combustible Liquids*
Cryogenic Fluids	Fumigation and Insect Fogging
Cutting & Welding	Liquid or Gas Fueled Vehicles inside Assembly
Dry Cleaning Plants	Spraying or Dipping

Fire Hydrants & Valves	Temporary Membrane Structures
Flammable & Combustible Liquids*	
Floor Finishing	
Fruit & Crop Ripening	
Hazardous Materials & Facilities	
High Piled Storage	
Hot Work	
Industrial Ovens	
Lumber & Woodworking Plants	
LP Gas	
Magnesium	
Miscellaneous Combustible Storage	
Open Burning	
Open Flames and Candles	
Organic Coatings	
Places of Assembly	
Private Fire Hydrants	
Pyrotechnic Effects	
Pyroxylin Plastics	
Refrigeration Equipment	
Repair Garages / Service Stations	
Rooftop Heliports	
Storage of Scrap Tires and Byproducts	
Tire Rebuilding	
Waste Handling	
Wood Products (Chips, Plywood, Lumber, Storage > 200 Cubic feet)	

*Change, Replace, or Abandon Tanks, Operate Bulk Storage, Transport, or Dispensing Facility Dispense into fuel tanks.

Construction Permits

<u>Optional</u>	<u>Mandatory</u>
LP Gas	Automatic Fire-Extinguishing Systems
	Compressed Gasses
	Fire Alarm / Detection Systems (& related)
	Fire Pumps & Related Equipment
	Flammable & Combustible Liquids
	Hazardous Materials
	Industrial Ovens
	Private Fire Hydrants
	Spraying or Dipping
	Standpipe Systems
	Temporary Membrane Structures

Schedule of Inspections

NCGS Mandated:

Once Every Year	Hazardous, Institutional, High Rise, Assembly, Residential*
Once Every Two Years	Industrial and Educational
Once Every Three Years	Business, Mercantile, Storage, Churches, and Synagogues

a) *Excludes one and two family dwellings, and includes interior common areas of dwelling units of multi-family occupancies