



## FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

<b><u>SECTION 1. TITLE</u></b>	Page 2
<b><u>SECTION 2. INTENT OF THE ORDINANCE</u></b>	Page 2
<b><u>SECTION 3. FIRE MARSHAL TO ENFORCE ORDINANCE</u></b>	Page 2
<b><u>SECTION 4. ADOPTION OF TECHNICAL CODES AND STANDARDS BY REFERENCE; COPIES ON FILE</u></b>	Page 2-3
<b><u>SECTION 5. INSPECTION OF BUILDINGS AND PREMISES</u></b>	Page 3
<b><u>SECTION 6. PERMITS</u></b>	Page 3
<b><u>SECTION 7. SERVICE OF ORDERS OR NOTICES</u></b>	Page 4
<b><u>SECTION 8. FEE SCHEDULE</u></b>	Page 4
<b><u>SECTION 9. PENALTIES</u></b>	Page 4-6
<b><u>SECTION 10. REMOVAL OF OBSTRUCTIONS; PROHIBITED PARKING</u></b>	Page 6
<b><u>SECTION 11. EMERGENCY ENTRY</u></b>	Page 7
<b><u>SECTION 12. INVESTIGATIONS OF FIRES</u></b>	Page 7-8
<b><u>SECTION 13. FIRE RECORDS</u></b>	Page 8
<b><u>SECTION 14. MAINTAINING A FIRE HAZARD</u></b>	Page 8
<b><u>SECTION 15. CARELESSNESS WITH FIRE</u></b>	Page 8
<b><u>SECTION 16. SEVERABILITY</u></b>	Page 8
<b><u>SECTION 17. CONFLICT WITH OTHER LAWS</u></b>	Page 9
<b><u>SECTION 18. EFFECTIVE DATE</u></b>	Page 9



## **FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY**

### **SECTION 1. Title**

This ordinance shall be known as the Fire Prevention Ordinance of Mecklenburg County, North Carolina, and may be cited as such and referred to herein as the Ordinance.

### **SECTION 2. Intent of the Ordinance**

- a) It is the intent of the Ordinance to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the unincorporated limits of Mecklenburg 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.
- b) These regulations shall also be controlling within the corporate limits of any municipality within Mecklenburg County upon request from the governing body of the municipality and upon approval of the Board of County Commissioners.
- c) The Ordinance 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 or 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.
- d) All fire prevention ordinances heretofore adopted by Mecklenburg County are hereby repealed

### **SECTION 3. Fire Marshal to Enforce Ordinance**

The Fire Prevention Ordinance of Mecklenburg County shall be enforced by the Mecklenburg County Fire Marshal and his authorized representatives as certified by the North Carolina Code Officials Qualification Board or as otherwise provided herein by Mecklenburg County policies.

### **SECTION 4. Adoption of Technical Codes and Standards by Reference; copies on file**

(a) There is hereby adopted by reference and incorporated herein that certain code known as and entitled "Volume V - Fire Prevention," of the North Carolina State Building Code, 1991 Edition. Copies of the Fire Prevention Ordinance of Mecklenburg County and all technical codes and

standards adopted by reference, shall be filed with, and available for public inspection in the offices of the Clerk to the Board of County Commissioners and 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 Mecklenburg County at the time such amendments become a part of "Volume V -Fire Prevention" of the North Carolina State Building Code.

**SECTION 5. Inspection of Buildings and Premises**

Subject to the limitations and conditions stated in the North Carolina State Building Code, it shall be the duty of the Fire Marshal to inspect or cause to be inspected as often as he may deem necessary or appropriate all buildings, structures, and premises within his 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 the Ordinance.

**SECTION 6. Permits**

**(a)** This Ordinance shall require permits from the Fire Marshal as set forth in Chapter 4 of "Volume V - Fire Prevention" of the North Carolina State Building Code and any others as required by Mecklenburg County.

**(b)** It shall be the duty of the Fire Marshal to evaluate applications and issue, if approved, all permits for those conditions as prescribed in Chapter 4 of "Volume V- Fire Prevention" of the North Carolina State Building Code and this Ordinance.

**(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 first obtaining a permit as required by the Fire Marshal and prescribed in Chapter 4 of "Volume V- Fire Prevention" of the North Carolina State Building Code and this Ordinance. Before a permit may be issued, the Fire Marshal may inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.

**(d)** A permit may be revoked pursuant to the provisions of Chapter 4 of "Volume V - Fire Prevention" of the North Carolina State Building Code.

**(e)** To provide for efficient, timely handling of duties set forth in North Carolina G.S. 14-284, G.S. 14-410 and G.S. 14-413, and with greater convenience to the public, authority is granted to the Fire Marshal 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.

## **SECTION 7. Service of Orders or Notices**

(a) The service of orders or notices for the correction of violations of the Ordinance 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.

(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 Ordinance arising out of operations conducted on the premises shall apply to the occupant thereof; provided that where the order or notices require 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 any order or notice duly served on the occupant.

## **SECTION 8. Fee Schedule**

(a) Fees for permits required by this Ordinance shall be as contained in the "Construction Permits and Fee Ordinance" as adopted by the Board of County Commissioners. A permit fee schedule shall be filed with the Clerk to the Board of County Commissioners and the Fire Marshal's Office for public inspection.

(b) Permit fees shall be paid within the number of days specified in the billing or notice of the amount of the fee.

## **SECTION 9. Penalties**

### **A. Citations**

(1) When it is determined through inspection that a person has violated any provision of the Fire Prevention Ordinance of Mecklenburg County and/or "Volume V- Fire Prevention" of the North Carolina State Building Code, the Fire Marshal, the Deputy Fire Marshal and the Assistant Fire Marshals shall have the authority to issue a written citation for such violation. The citation shall be served personally on the violator, or if he cannot be readily found, the citation may be served by certified or registered mail. The citation shall specify the section of the Fire Prevention Ordinance of Mecklenburg County and/or "Volume V - Fire Prevention" of the North Carolina State Building Code which has been violated, and shall specify the penalty to be imposed upon the violator. The citation shall direct the violator to pay the fine imposed at the Charlotte-Mecklenburg Building Standards Department, 700 North Tryon Street, Charlotte, NC

within fifteen (15) days, or to pay the penalty by mail.

For violations of Chapter 8 "Maintenance of Exitways" of "Volume V - Fire Prevention" of the North Carolina State Building Code, the penalty shall be as set forth by the Board of County Commissioners; for violations of the Fire Prevention Ordinance of Mecklenburg County and/or other sections of "Volume V - Fire Prevention" of the North Carolina State Building Code, the penalty shall be as set forth by the Board of County Commissioners.

(2) The citation may direct that a violation be corrected within a specific time period. If the violation is not corrected within the specified time, the violator shall be liable for a new and separate offense.

(3) If the violator does not pay the penalty within fifteen (15) days of the issuance of the citation, a delinquency charge of ten dollars (\$10.00) shall be added to the original penalty. Notice of the delinquency charge shall be mailed to the violator, and shall include a notice that a criminal summons will be issued against him if the cited penalty and the delinquency charge are not paid within ten (10) days from the date of the delinquency notice.

(4) If the penalty and the delinquency charge are not paid within the specified time period, the Fire Marshal may request that a criminal summons be issued against the violator for the violation of the Fire Prevention Ordinance of Mecklenburg County and/or "Volume V - Fire Prevention" of the North Carolina State Building Code. Upon conviction, the violator shall be subject to the originally cited penalty and the delinquency charge as well as any penalty imposed by the Court pursuant to Section 9(b) of this Ordinance.

(5) Nothing in this subsection shall preclude the issuance of an arrest warrant.

**B. Criminal Remedies**

Any person who shall violate any of the provisions of the Fire Prevention Ordinance hereby adopted, to fail to comply therewith, or who shall violate or fail to comply with any orders made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00), by imprisonment for not more than thirty (30) days, or both, in the discretion of the court. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person charged under this section shall be required to correct or remedy the violations or defects within a reasonable time; when not otherwise specified, each ten (10) days that prohibited conditions exist shall constitute a separate offense.

**C. Administrative Remedies**

(1) When a violation is found to be uncorrected, the inspector shall by certified or registered mail to the owner at his/her last known address or by personal service give written notice:

(a) That the fire hazards noted on the inspection form constitute a safety hazard or are deemed to be dangerous to the life, health, or welfare of the occupants;

(b) That a hearing will be held before the inspector at a designated place and time, not later than ten (10) days after the date of the notice at which the owner is entitled to be heard in person or by counsel and to present evidence and arguments pertaining to the matter; and

(c) That following the hearing, the inspector may issue any order to correct the fire code violations that appears appropriate. (G.S.160A-425)

(2) If the name or whereabouts of the owner cannot be discovered with due diligence, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building in question at least ten (10) days before the day of the hearing and a notice of the hearing is published in a newspaper of general circulation at least once not later than one week before the hearing. (G.S.160A-428)

(3) If, after a hearing held pursuant to this section, the inspector finds that the building is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, safety or welfare, he shall issue a written order, directed to the owner of the building, requiring the owner to remedy the defective conditions by repairing, dosing, vacating, or taking other necessary steps, within such period as the inspector may prescribe as authorized by G.S.160A-429.

**SECTION 10. Removal of Obstructions; Prohibited Parking**

No person shall place or keep any vehicle, fence, growth, trash or other material near any fire hydrant or fire station that would prevent immediate use of a hydrant or delay fire apparatus from responding to any alarm. Fire Lanes shall be properly marked and NO PARKING signs posted. It shall be the responsibility of the management of any shopping center or mall to ensure that the fire lanes are open and accessible to fire apparatus at all times. When such violations are found, the Fire Marshal and his authorized representatives shall issue a citation to the person responsible for obstructing a fire hydrant or fire station and to the person responsible for ensuring that the fire lanes are open and accessible.

## **SECTION 11. Emergency Entry**

**(a)** The Fire Marshal or his 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 Code, the Fire Marshal or his authorized representatives shall seek and obtain an administrative search warrant pursuant to G.S. 15-27.2.

## **SECTION 12. Investigations of Fires**

Upon receipt of a fire call, the Mecklenburg County Police Department will dispatch appropriate volunteer fire units to the fire scene. The Fire Chief or Senior Fire Officer shall be responsible for the preliminary investigation of each fire to which they respond and shall complete a North Carolina Incident Report. The Mecklenburg County Police Department will also dispatch a Uniform Patrol Officer/Investigator to assist with traffic and crowd control initially. The Patrol Officer/Investigator shall be responsible for the preliminary investigation of all fires determined as suspicious in nature by the Senior Fire Officer or "incendiary" by the Fire Marshal's Office Investigator.

An Investigator from the Fire Marshal's Office will be dispatched to the scene of all fires which involves (1) burn injury or loss of life of a civilian or firefighter, (2) upon request from the Senior Fire Officer, (3) no fire department response, or circumstances which Uniform Patrol Officer/Investigator deems necessary.

The Fire Marshal's Office Investigator will commence his investigation at the fire scene to determine the origin, cause and circumstances of every fire. There will be an exhaustive effort to identify the point of origin of every fire and to make a determination as to the fire's cause. The Fire Marshal's Office and the County Police Department utilizing the Task Force Concept on large loss incidents may seek additional scene assistance from the State Bureau of Investigation, the U.S Treasury Department, the Bureau of A.T.F., as well as other agencies.

The Mecklenburg County Police Department Crime Scene Search Unit shall be responsible for the preservation and transportation of all evidence of incendiary or undetermined fire identified and collected by the police and fire investigators on the scene.

The Mecklenburg County Police Investigator shall have the primary responsibility for the follow-up investigation of every fire involving the loss of life, injury to person and substantial property loss when the fire is determined as incendiary or undetermined and suspicious in nature.

Although this policy sets forth specific areas of responsibility and expertise as the Task Force Concept implies, there is to be a joint cooperative effort. The Fire Marshal's Office Investigator

shall be considered the lead investigator at the fire scene, as the investigators work jointly to determine the origin and cause of the fires. The Mecklenburg County Police Investigator, however, shall be considered the lead investigator when determination is made that the fire was caused by criminal conduct.

The Mecklenburg County Police Investigator shall be the lead investigator in all subsequent investigations and shall be responsible for the interviewing and processing of witnesses and suspects. The Fire Marshal's Office Investigator may participate in these investigative interviews and the investigators will closely coordinate their efforts toward a successful resolution of all fires. It will be the responsibility of the Mecklenburg County Police Investigator to adequately prepare appropriate cases for review and processing by the District Attorney's Office after obtaining approval from the Mecklenburg County Police Department Investigations Division Supervisor.

### **SECTION 13. Fire Records**

(a) The Fire Marshal's Office shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damages caused thereby.

(b) Fire Protection Districts shall keep a record of all emergency alarms and submit reports of these alarms to the Fire Marshal's Office as the Fire Marshal prescribes.

(c) The Emergency Communications Center shall keep a date and time stamp record of all emergency alarms indicating incident number, time alarm received, time enroute, time arrived and in-service time. Time arrived and in-service time records shall be maintained at the Fire Marshal's Office.

### **SECTION 14. Maintaining a Fire Hazard**

No person shall knowingly maintain a fire hazard.

### **SECTION 15. Carelessness with Fire**

No person shall deliberately, or through carelessness or negligence, set fire to or cause the burning of any material, in such a manner as to endanger the safety of any person or property.

### **SECTION 16. Severability**

The Board of Commissioners for the County of Mecklenburg hereby declares that should any section, paragraph, sentence, or word of this Ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of the Board of Commissioners for the County of Mecklenburg that it would have passed all other portions of this Ordinance independent of the portion as may be declared invalid.



**SECTION 17. Conflict with Other Laws**

Nothing in this Ordinance shall be construed 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.

**SECTION 18. Effective Date**

This Ordinance shall be effective thirty (30) days after publication in a newspaper qualified for legal advertising in Mecklenburg County, which publication shall be accomplished after approval hereof by the State Building Code Council, and the effective date shall be set out in the publication.

**Adopted this the 15<sup>th</sup> day of June, 1992.**

---

For more information contact Tyrone Wade  
980-314-2908 | [TyroneC.wade@MecklenburgCountyNC.Gov](mailto:TyroneC.wade@MecklenburgCountyNC.Gov)