

Mecklenburg County

Fire Prevention Ordinance



JUNE 15, 1992

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FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

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



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 standards 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- d) All fire prevention ordinances heretofore adopted by Mecklenburg County are hereby repealed.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

- (a) There is hereby adopted by reference and incorporated herein that certain code known as the current adopted edition of the North Carolina State Building Code: Fire Code, hereafter referred to as the "Fire Code".
- (b) Amendments to codes and standards adopted by reference herein which are adopted



FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

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 the Fire Code.

SECTION 5. Inspection of Buildings and Premises

Subject to the requirements, limitations and conditions stated in the North Carolina State Building Code and Fire 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 the Fire 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 the Fire 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 the Fire 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 the Fire 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 County 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, electronically by email, by delivering the same to and leaving it with any person in charge of the premises, or by



FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

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 Land Use and Environmental Services Agency 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 the Fire Code, the Fire Marshal, the Deputy Fire Marshal and the Assistant Fire Marshal shall have the authority to issue a written citation for such violation. The citation shall be served personally on the violator, or if they 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 the Fire 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 Mecklenburg County Land Use and Environmental Services Agency, 2145 Suttle Avenue, Charlotte, NC 28208 within fifteen (15) days, or to pay the penalty by mail.

The penalty for violating the means of egress provisions of the Fire Code shall be \$200 for each violation.



FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

The penalty for allowing a number of persons to occupy an assembly space that is greater than the posted maximum occupant load for that space shall be \$200 per occurrence of the violation.

The penalty for prohibited parking within a fire lane as described in Section 10 shall be \$100.

The penalty for other violations of the Fire Code or the Fire Prevention Ordinance of Mecklenburg County shall be at the discretion of the Fire Marshal or authorized representative but shall not be less than \$50 per occurrence and shall not exceed \$200 per occurrence.

- (2) The citation shall 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 the Fire 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(c) of this Ordinance.
- (5) Nothing in this subsection shall preclude the issuance of an arrest warrant.

B. 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;



FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

- (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.

C. 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.

SECTION 10. Removal of Obstructions; Prohibited Parking

No person shall place or keep any vehicle, fence, growth, trash or other material near any fire



FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

hydrant or fire station, or within any fire lane or fire department access road 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 may issue a citation to the person responsible for obstructing a fire hydrant, fire lane, fire department access road, or fire station.

SECTION 11. Entry of Premises

- (a) Pursuant to G.S. 58-79-20, the Fire Marshal and authorized representatives shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises in the jurisdiction.
- (b) 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.
- (c) If entry or access is denied so as to limit the authorized duties of this Ordinance or the Fire 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. Investigation of Fires

Pursuant to North Carolina G.S. 58-79-1, the fire chief of the fire department and County Fire Marshal are authorized to investigate the cause, origin, and circumstances of every fire occurring in Mecklenburg County where property has been destroyed or damaged. The fire chief or fire officer in charge may request assistance in determining origin and cause from the Fire Marshal's Office at any time.

An investigator from the Fire Marshal's Office shall immediately be notified and shall respond to the scene of any incident that meets any of the following criteria:

- (a) Any fire or explosion that results in injury or loss of life of a civilian or emergency responder.
- (b) Any fire or explosion that was not promptly reported or where there was no fire department response, including extinguished fires not immediately reported.
- (c) Any release of carbon monoxide within a structure that results in hospitalization or loss of life.



FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

The Fire Marshal's Office investigator shall conduct a thorough fire scene examination in accordance with current standards and practices, and upon completion of their investigation, shall prepare and file a detailed origin and cause report.

Upon the discovery of possible or known criminal activity that is related to the origin and cause or circumstances of the fire, the fire investigator shall notify the police department having jurisdiction and shall cooperate with the police department to complete the investigation.

The Fire Marshal's Office investigator may request any assistance they deem necessary to the successful completion of the fire scene examination or origin and cause investigation, including but not limited to: State Bureau of Investigation, A.T.F. or other local, state, or federal agencies that may be required.

The fire chief or fire officer in charge of any emergency incident may request assistance from the Fire Marshal's Office for matters other than fire or explosion investigation should they deem such assistance is necessary or beneficial for the mitigation of the incident.

SECTION 13. Records

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

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.



FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

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 Chapter 95, Article 18 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 Board of County Commissioners, and the effective date shall be set out in the publication.

For questions, contact Patrick Granson, Mecklenburg County Director of Code Enforcement at Patrick.granson@mecklenburgcountync.gov or Ted Panagiotopoulos, Chief Fire Marshal Mecklenburg County at Ted.panagiotopoulos@mecklenburgcountync.gov, both can be reached at 980-314-3070.