

CHAPTER 91: FIRE PREVENTION AND PROTECTION

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Fire Department, see Ch. 34

GENERAL PROVISIONS

§ 91.01 INTERFERING WITH FIREFIGHTERS, EQUIPMENT.

It shall be unlawful for any person to obstruct firefighters in any manner whatsoever in the performance of their duties, or to in any manner interfere with, handle, go upon, misplace or injure any of the equipment of the Fire Department without permission.

(’90 Code, § 8-1) Penalty, see § 91.99

§ 91.02 LOCATION OF GASOLINE TANKS, PUMPS.

No person shall install or maintain a gasoline or other tank or pump for delivery of gasoline or other material to customers on sidewalks or streets.

(’90 Code, § 8-2) Penalty, see § 91.99

§ 91.03 OPENING FIRE HYDRANTS.

No person shall open any city fire hydrant, or take water therefrom, except an officer of the city or a member of the Fire Department in the performance of official duties.

(’90 Code, § 8-3) Penalty, see § 91.99

§ 91.04 HAZARDOUS MATERIALS RESPONSE COST RECOVERY.

The Fire Chief and City Finance Director will review and determine the fee schedule based on actual cost during the budget sessions each year. The fees will be included in the budget ordinance for adoption by City Council each fiscal year. The fee schedule shall cover the cost of hazardous materials response, mitigation, and recovery for any hazardous materials incident within the city and contracted areas.

(Ord. passed - - 00)

FIRE PREVENTION

§ 91.15 CODE ADOPTED.

Pursuant to provisions contained in G.S. § 160A-412, and for the purposes of prescribing regulations governing conditions hazardous to life and property from fire and explosion, there is adopted by reference The North Carolina State Building Code, Volume V, known as Fire

Prevention, as the Fire Prevention Code for the City of Roxboro. The adoption of the NCSBC Volume V includes all of its chapters and any and all subsequent changes as may be deemed necessary and approved by the City Council, the same as if set forth herein verbatim, and the same is made applicable within the corporate limits of the city from and after the effective date hereof. Copies of this code shall be on file in the office of the City Manager and the Fire Chief. ('90 Code, § 8-26) Penalty, see § 91.99

§ 91.16 INSPECTIONS.

The Chief of the Fire Department shall inspect or cause to be inspected by departmental fire inspectors, as often as may be necessary, but not less than the inspection schedule of the North Carolina State Building Code, all commercial occupancies for the purposes of ascertaining and causing to be corrected any violations of the North Carolina State Building Code, Volume V. ('90 Code, § 8-27)

§ 91.17 INSPECTION AND PERMIT FEES.

The Fire Chief shall establish a fee schedule to cover the associated costs of program delivery. The City Council shall approve the initial fee schedule and any and all changes to the fee schedule. Permit fees shall be paid prior to the issuance of the permit.

('90 Code, § 8-28)

§ 91.18 ORDER TO REMEDY SITUATIONS.

Whenever any inspector acting under this section shall find any violations of the Fire Prevention Code, the inspector shall order the same to be removed or corrected.

('90 Code, § 8-29)

§ 91.19 ANTI-BLIGHT.

Whenever any inspector shall find any building or other structure which for want of repairs or by reason of age, dilapidated condition or fire damage constitutes a safety-to-life hazard or a fire hazard, the inspector shall order the building or structure removed or remedied, as found in the provisions of G.S. § 160A-426.

('90 Code, § 8-30)

§ 91.20 SERVICE OF ORDER.

The service of any order to remedy a violation of the Fire Prevention Code may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to the occupant personally, or by delivering the same to, and leaving with, any person in charge of the premises. Whenever it is necessary to serve such an order on the owner of the premises, such an order may be served either by delivering to and leaving with the owner a copy of the order, or if the owner is out of the jurisdiction of the inspector making the order, by mailing the order to the last known mailing address of the owner.

('90 Code, § 8-31)

§ 91.21 RIGHT OF APPEAL.

Whenever the Fire Inspector shall disapprove an application or refuse to grant a license or permit applied for under the Fire Prevention Code, or when it is claimed that the provision of the code has been misconstrued or wrongly interpreted, the applicant may appeal the decision to the North Carolina State Commissioner of Insurance or the Insurance Commissioner's designated representative, by filing a written notice with the Commission of Insurance and the local Fire Inspector within a period of ten days after the order, decision or determination. Further appeals may be taken to the State Building Code Council or to the courts as provided by law.

('90 Code, § 8-33)

§ 91.22 CERTIFICATE OF OCCUPANCY.

In all cases where laws or regulations exist that are enforceable by the Fire Inspector, approval must first be obtained from the Fire Inspector before the owner of a building is issued a certificate of occupancy.

('90 Code, § 8-34)

§ 91.23 PRIMARY FIRE LIMITS.

The fire limits of the city are established as follows:

Beginning at the corner of Madison Blvd. and Barden St. Then parallel in a easterly direction on Barden to the corner of S. Main Street and Barden Street. Then proceeding north on S. Main Street to Academy Street. Then east on Academy Street to S. Foushee Street. Then proceeding North on S. Foushee Street to E. Morehead Street. Then proceeding west on Morehead Street to Madison Blvd. Then proceeding south to the beginning at S. Madison Blvd. and Barden Street.

(^90 Code, § 8-35)

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is set forth shall be punished as provided in § 10.99.

(B) (1) Any person who shall violate any of the provisions of the Fire Prevention Code, as adopted by this chapter, or fail to comply therewith, who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement, or specifications or plans submitted and approved thereunder, or any certificate or permit thereunder, and from which no appeal has been taken, within the time fixed therein, shall be guilty of a misdemeanor for each and every violation and, upon conviction, shall be punished by a fine of not more than \$50 for each violation, or imprisonment of not more than 30 days for each violation. Each day that the violation continues shall constitute a separate and distinct offense.

(2) A violation of the occupancy limits established pursuant to the North Carolina State Building Code shall be a misdemeanor, subject to a \$100 fine for the first offense, a \$250 fine for the second offense, and a \$500 fine and up to 30 days imprisonment for a third offense. Any occupancy violation incurred after one year shall constitute a first offense. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. Violations of the fire code shall subject the offender to the civil penalties herein described if, after 30 days, violations have not been corrected. If violations are corrected within a reasonable time as prescribed by the Fire Inspector, then no fines will be levied, with the exception of occupancy limit violations, which shall result in an immediate fine as described herein. All fines and fees shall be collected by the city.

(3) The imposition of a penalty for such a violation shall not be held to prevent the enforced removal of prohibited conditions or restrict the city from seeking alternative enforcement remedies.

(^90 Code, § 8-32)