

ORDINANCE ALLOWING AMENDMENT TO THE ALAMANCE COUNTY FIRE
PREVENTION CODE AS AMENDMENTS ARE PROPOSED AND ADOPTED FROM TIME
TO TIME BY THE NATIONAL FIRE PREVENTION CODE AND THE NORTH CAROLINA
STATE BUILDING CODE

BE IT ORDAINED, by the Board of County Commissioners of Alamance County as follows:

Section 1. An Ordinance to improve public safety by promoting the control of fire hazards; regulating the installment, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement and setting forth the standards for compliance and achievement of these objectives; and adopting the amendments to the National Fire Prevention Code and the North Carolina State Building Code as amended from time to time.

This code shall be known as the Alamance County Fire Prevention Code. This code adopts the 2009 edition of the North Carolina State Building Code: Fire Prevention Code, and any future Fire Prevention Codes as amended from time to time by the North Carolina State Building Code Board. This Code is hereby adopted and incorporated as fully set out at length herein. The provisions thereof shall be controlling within the limits of Alamance County except for those portions of Alamance County governed by a city fire prevention code.

Section 2. It shall be unlawful for any person to violate the Alamance County Fire Prevention Code, or any amendment thereto, to permit or maintain such a violation, to disobey any provision thereof, or to fail or refuse to comply with any such provision or regulation. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant or person in charge shall not be deemed to relieve any of the others.

Section 3. The Alamance County Fire Marshal shall be responsible for the enforcement of the Alamance County Fire Prevention Code. The Alamance County Fire Marshal may designate qualified employees of the Fire Marshal's Office as inspectors as from time to time shall be necessary, with the prior approval of the Alamance County Manager.

Section 4. It shall be the duty of the Alamance County Fire Marshal and the qualified employees of the Fire Marshal's Office to enforce all laws and ordinances of Alamance County, covering the following:

1. The prevention of fires;
2. The storage, sale and use of combustible, flammable or explosive material;
3. The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;

4. The maintenance and regulation of fire escapes;
5. The means and adequacy of exit in case of fire, from factories, schools, hotels lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose;
6. The investigation of the cause, origin and circumstances of fires;
7. The maintenance of fire cause and loss records;
8. Duties enumerated in N. C. G. S. 153A-234.

They shall have such other powers and perform such other duties as are set out in other sections of this Ordinance, and as may be conferred and imposed from time to time by law or by the direction of the Alamance County Board of Commissioners.

Section 5. The Alamance County Fire Marshal shall prepare instructions and forms for use in the reports required by this Ordinance.

Section 6. The Alamance County Fire Marshal or qualified employee of the Fire Marshal's Office shall investigate the cause, origin and circumstances of every fire occurring in Alamance County, within an area covered by this Ordinance by which property has been destroyed or damaged, and so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire. The Alamance County Fire Marshal shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matter and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported in writing to the Alamance County Fire Marshal within thirty (30) days after the occurrence of the same by the Fire Department officer of the Fire Department primarily responsible for fire protection in the area where such a fire has occurred. Such report shall be in such form as shall be prescribed by the Alamance County Fire Marshal, and shall contain a statement of all facts relating to the cause, origin and circumstances of such fire, the extent of the damage thereof, and the insurance upon such property, and such other information as may be required, including the injury, death or rescue of persons.

Section 7. Before permits may be used as required by the Alamance County Code, the Fire Marshal or qualified employees of the Fire Marshal's Office shall inspect and approve the receptacles, process, vehicles, buildings or storage places to be used for any such purposes.

Section 8. The Fire Marshal shall inspect or cause to be inspected all premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

Section 9. Whenever any inspector, as defined above, shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of

rubbish or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of a Fire Department or egress of occupants in case of fire, the inspector shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings.

Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to penalties as hereinafter provided.

The service of any such order may be upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, or leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and sending a copy by first class mail to the last known address of the occupant of the premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address.

Section 10. The Alamance County Fire Marshal shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons, and statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the Inspectors under the provisions of this ordinance.

Section 11. The Alamance County Fire Marshal shall make an annual report of activities of his office and shall transmit this report to the County Manager of Alamance County. The report shall contain proceedings under the Alamance County Fire Prevention Code with such statistics as the Alamance County Fire Marshal may wish to include therein.

Section 12. The Fire Marshal shall also recommend any amendments to the Alamance County Fire Prevention Code or related ordinance which shall be desirable.

Section 13. The provisions of the Alamance County Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified.

Section 14. The Alamance County Fire Prevention Code shall be deemed in exercise of the police powers of Alamance County, pursuant to N. C. G. S. 153A-235, for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of the Alamance County Fire Prevention Code shall be liberally construed for that purpose.

Section 15. Any person who shall violate any of the provisions of the Alamance County Fire Prevention Code hereby adopted or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statements,

specifications or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit or approval 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 violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not more than \$50.00 or by imprisonment for not more than thirty (30) days or by both such fines and imprisonment. Each day such violation shall continue will constitute a separate offense. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Also, such persons shall be required to correct or remedy such violations or defects within a reasonable time, by equitable order of a court of competent jurisdiction or order of abatement, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 16. Fees may be established by the Alamance County Board of Commissioners for permits, certificates, approvals and other functions performed under the Alamance County Fire Prevention Code and shall be payable to Alamance County. Upon adoption of fee schedule, such fee shall accompany such application for such permit, approval, certificate or other fee related code provision. No fee shall be charged for any function unless specifically adopted by the Alamance County Board of Commissioners.

Section 17. Where provisions of the NFPA Fire Prevention Code are in conflict with the North Carolina State Building Code, the North Carolina State Building Code shall control.

Section 18. Nothing in this Ordinance shall be construed to conflict with Article 18 of Chapter 95 of the North Carolina General Statutes as enacted.

Section 19. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Alamance County Fire Prevention Code hereby adopted are hereby repealed.

Section 20. This Ordinance shall take effect and be in force from and after its approval as required by law.

This the 3rd day of August, 2009.

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The foregoing ordinance was adopted by the Board of Commissioners for the County of Alamance during regular session on August 3, 2009. See Minute Book No. 39, Page 104.