

CHAPTER 12 - FIRE PROTECTION

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CHAPTER 12 - FIRE PROTECTION

Article I - Interference with Fire Fighting Activities

Section 12-1 Interference with Firemen: False Alarms.

(A) As provided in G.S. 69-39, no person may willfully interfere in any manner with firemen engaged in the performance of their duties.

(B) As provided in G.S. 14-286, no person may wantonly and willfully give a false alarm or damage fire alarm, detection, or extinguishing equipment.

Section 12-2 Riding on Fire Department Apparatus.

No person other than a member of the fire department may mount or ride upon any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire or at any other time, except by permission of the fire chief.

Section 12-3 Congregating at Fires.

It shall be unlawful for persons to congregate on the streets, sidewalks, or other areas adjacent to a fire so as to interfere with the operations of members of the fire department.

Sections 12-4 through 12-8 Reserved.

CHAPTER 12 - FIRE PROTECTION

Article II - Fire Prevention

Section 12-9 Adoption of Volume V, North Carolina State Building Code.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or exposure to hazardous materials, the 1991 edition of the North Carolina State Building Code, Volume V, Fire Prevention, as adopted and published by the North Carolina Building Code Council and as amended, is hereby adopted by reference and is set forth herein as the Fire Code for the Town of Blowing Rock.

Section 12-10 Inspections.

(A) Guidelines to be used during inspections shall be dependent upon the appropriate section of the Fire Code which covers the occupancy. Public safety shall be considered during any inspection and shall be the prime direction for any code enforcement measure. The Fire Official will conduct as many inspections as necessary to assure compliance with the Fire Code.

(B) Inspections will be conducted once every year for hazardous, Institutional, High Rise, Assembly, and Residential except one and two family dwellings and only interior commons areas of dwelling units of multifamily occupancies. Inspections will be conducted once every two years for Educational except public schools and Industrial, Business, Mercantile Storage, Churches and Synagogues. The Fire Code official will conduct Fire Code inspections at any occupancy where inspections are required for insurance or other purposes. Frequency rates for inspection of occupancies as mandated by the NC General Statutes shall supersede this schedule. Nothing in the Fire Code is intended to prevent fire officials from conducting more frequent inspections than the schedule listed above and filed with the Engineering Division of the N.C. Department of Insurance.

(C) The Fire Code Official shall conduct a fire code inspection at any location within Blowing Rock city limits, where there is reason to believe that fire code violations may exist. These inspections will be made in an effort to insure the safety of the citizens of Blowing Rock and to eliminate hazards and inform the owner/occupant of the requirements of the Fire Code.

Section 12-11 Violations.

(A) Any violations or deficiencies noted during the Fire Code inspection will be reported to the owner and/or occupant (whichever is applicable) both orally and in writing along with the requirements to correct the deficiency or violation per code requirements.

(B) If the violations/deficiencies are not corrected as required by the Fire Code, the procedures in NCGS 153-371 (failure to comply with order) will be followed.

Section 12-12 Open Burning.

(A) Fire Officials will enforce regulations set by N.C. Building Code Volume V for open burning in the city limits. *[Amended January 12, 1993]*

(B) *Standards for Open Burning.*

~~(1) The Town will follow the standards for open burning within the Town limits consistent with Chapter 15A of the North Carolina Administrative Code Section .1900. It is unlawful for any person to willfully start or cause to be started any open fire within the Primary Fire District, as established by Section 12-16 of this Code. Furthermore, it is unlawful for any person to willfully start or cause to be started any open fire within the Town limits, outside of said Primary Fire District, or its Extraterritorial Zoning Area without first obtaining a burning permit from the Town.~~

~~(2) It is unlawful for any person to burn or cause to be burned any flammable material within 1000 ft. of any dwelling or structure in a method other than within an enclosure from which burning material cannot escape; or within a protected area where a watch is maintained and adequate fire protection equipment is provided~~

~~(a) Prevailing winds at the time of ignition must be away from any dwelling, structure, major highway, or other populated area, the ambient air of which may be significantly affected by smoke, fly ash, or other air contaminants from burning.~~

~~(b) Burning may not be initiated when it is determined by the Fire Chief or his designate based on information supplied by a competent authority that stagnant air conditions or inversions exist or that such conditions may occur during the duration of the burn.~~

~~(c) Asphaltic material, or items containing natural or synthetic rubber may not be used to ignite the material to be burned or to promote the burning of such material.~~

~~(3) It shall be unlawful for any person to willfully start or cause to be started any open fire within the town limits of Blowing Rock on any Saturday, Sunday, or official holiday within the period beginning on June 1 and ending on October 31 of any calendar year.~~

[Amended July 9, 1996] [Amended October 10, 2006]

Sections 12-13 Smoke Detectors.

(A) *General Provisions:*

(1) A minimum of one 120-volt outlet shall be installed outside each sleeping area in each dwelling unit within single-family dwellings, two family dwellings, apartment houses, condominiums and/or town houses for the connection of approved fixed automatic smoke detectors (non-plug-in) as required in the State Building Code subject to definitions contained in subsection (B) and exceptions set forth in subsection (A)(3) of this section.

(2) Automatic smoke detector outlets required in residential dwelling units. Such outlets shall be located on or near the ceiling in accordance with the listing and the instructions of the manufacture of the approved automatic smoke detector.

(3) **Exceptions:**

(a) The 120-volt outlets specified in this section shall not be required when an approved automatic smoke detector system is installed which provides equivalent protection and whose primary source of power is 120-volts.

(b) A battery powered, approved automatic smoke detector may be used in residential dwelling units constructed prior to January 1, 1975 in lieu of the 120-volt automatic smoke detector outlet required in this section.

(c) A 120-volt (plug-in-type), automatic smoke detector may be used in residential dwelling units constructed prior to January 1, 1975 in lieu of the 120-volt automatic smoke detector outlet required in this section.

(B) **Basic Definitions and Interpretations:**

(1) **Automatic Smoke Detector Device (Battery Powered).** For the purpose of this Ordinance, a self-acting approved battery powered device, operating by its own mechanism when actuated by smoke, with an audible alarm and a visible light to indicate operability. (Note: May be used in residential dwelling units constructed prior to January 1, 1975).

(2) **Automatic Smoke Detector Outlet (120-volt).** For the purpose of this Ordinance, a self-acting approved outlet (non-plug-in) powered by 120-volts operating by its own mechanism when actuated by smoke, with an audible alarm and a visible light to indicate operability. (Note: Required in residential dwelling units constructed after January 1, 1975, as per NEC 210-71, a North Carolina amendment to the State Electrical Code.)

(3) **Automatic Smoke Detector Device (120-volt plug-in).** For the purpose of this Ordinance, a self-acting approved device powered by 120 volts, cord and plug connected, operating by its own mechanism when actuated by smoke, with an audible alarm and a visible light to indicate operability. (Note: May be used in residential dwelling units constructed prior to January 1, 1975).

(4) **Residential Dwelling Units.** For the purpose of this Ordinance, a structure with one or more dwelling units that is not owner occupied apartment houses, condominiums and/or town houses with three or more dwelling units.

(5) **Other Construction Related Words.** For the purpose of this Ordinance, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in the definition sections of the North Carolina Building Code and Town of Blowing Rock Code of Ordinances.

(6) **Other Wording.** For the purpose of the Ordinance, all other wording shall be defined as per a dictionary.

(C) **Building Owner Responsible.** The owner(s) of a building having a residential dwelling unit or dwelling units shall be responsible for installing or having qualified persons install outlets as required by this Ordinance. Installation of 120-volt automatic smoke detector outlets shall be done by a licensed electrical contractor.

(D) **Permits.** Permits will only be required if the type installation is as outlined in General Statute 160A-417. This Statute explains in detail when permits are required.

(E) **Maintenance.** The owner and/or tenant of a residential dwelling unit shall be responsible for maintaining their automatic smoke detector and its power source.

(F) **Compliance Date.** All residential dwelling units shall be in compliance with this Ordinance no later than November 15, 1987.

(G) **Enforcement and Inspectors.** The Building Inspectors department shall be responsible for enforcing this Ordinance. Inspectors shall be qualified by the Code Officials Qualification Board.

(H) **Appeals.** For the purpose of this Ordinance, appeals from an inspector's decision may be taken to the Town of Blowing Rock Board of Commissioners by filing an appeal with the Town of Blowing Rock Board of Commissioners within five (5) days of an inspector's written decision.

(I) **Violations and Penalties:**

(1) Any person who shall be adjudged to have violated this Ordinance shall or may be subject to a civil penalty of up to \$25.00 for each offense. Each day that such violation continues shall constitute a separate and distinct offense.

(2) The inspector shall make written demand for payment of the penalty assessed upon the person(s) in violation and shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or the matter for which the penalty was imposed is not in compliance within sixty (60) days after demand for payment is made, the matter shall be referred to the Town Attorney for institution of a civil action in the nature of a debt in the name of the general courts of justice for recovery of the penalty.

(3) Any person who shall be adjudged to have violated this Ordinance shall be guilty of a misdemeanor and shall, upon conviction, be liable to a fine not to exceed \$50.00 for each offense. Each day that such violation continues shall constitute a separate and distinct offense.

(J) **Severability.** Each separate provision of this Ordinance is deemed independent of all other provisions herein so that if any portion of the provisions of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

[Amended July 14, 1987]

Sections 12-14 through 12-15 Reserved.

CHAPTER 12 - FIRE PROTECTION

Article III - Miscellaneous

Section 12-16 Fire Limits.

(A) The primary fire limits shall be shown on the fire zone map as approved and modified from time to time by the Board. A copy of this map shall be maintained in the office of the town clerk.

(B) As provided in G.S. 160A-436, within the primary fire zone no frame or wooden building or structure or addition thereto may be erected, altered, repaired or moved (either into the limits or from one place to another within the limits), except in accordance with a building permit issued by the building inspector and approved by the Commissioner of Insurance.

Section 12-17 Fire Chief.

When used in this chapter the term "fire chief" refers to the chief of the town volunteer fire department or any other person designated by the Board to perform the duties assigned to the fire chief by this chapter.

Section 12-18 Burnt Utility Poles.

It shall be unlawful for any telephone, telegraph or electric light company to allow any pole belonging to such company which pole has been charred by fire, to remain in such condition longer than ten days from the time of the fire, and all such poles shall be scraped or removed.

Section 12-19 Penalties and Remedies.

(A) A violation of sections 12-1, 12-2, 12-3, 12-9, 12-11, or 12-12, as well as the provisions of the A.I.A. Fire Prevention Code adopted by reference in Section 12-10 shall constitute a misdemeanor punishable as provided in G.S. 14-4.

(B) A violation of any of the sections listed in subsection (A) shall also subject the offender to a civil penalty of \$100.00. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(C) The town may seek to enforce this chapter through any appropriate equitable action.

(D) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(E) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.