

CHAPTER 12 - FIRE AND LIFE SAFETY CODE

ARTICLE I - ORGANIZATION

Section 12-1 Fire Department..... 128
Section 12-2 Emergency Services Department..... 128
Section 12-3 Emergency Services Director..... 128
Section 12-4 Fire Limits..... 128
Section 12-5 Primary Fire District..... 128

ARTICLE II - FIRE PREVENTION

Section 12-10 Adoption of Fire Code..... 130
Section 12-11 Fire Marshal..... 130
Section 12-12 Inspections and Plan Review..... 130
Section 12-13 Permits..... 131
Section 12-14 Abatement of Hazards..... 131

ARTICLE III - GENERAL PROVISIONS

Section 12-20 Outdoor Burning..... 132
Section 12-21 Interfering with Fire/Rescue Activities..... 132
Section 12-22 Fire Hydrants..... 132
Section 12-23 Fire Lanes and Access Roads..... 132
Section 12-24 Lock Boxes..... 133
Section 12-25 Nuisance Alarms..... 133

ARTICLE IV - ENFORCEMENT

Section 12-30 Penalties and Remedies..... 134
Section 12-31 Criminal Violations..... 134

[Amended February 9, 2010]

Town Code for Blowing Rock, North Carolina

CHAPTER 12 - FIRE AND LIFE SAFETY CODE

Article I - Organization

Section 12-1 Fire Department.

Blowing Rock Fire and Rescue by contract shall provide fire, rescue and emergency medical response within the Town of Blowing Rock.

Section 12-2 Emergency Services Department.

(A) An Emergency Services Department shall be established to supplement the activities of Blowing Rock Fire and Rescue and to carry out directives issued by the Town of Blowing Rock as it pertains to fire, rescue and EMS protection and prevention within the corporate limits.

(B) Duties of The Emergency Services Department include:

- (1) Provide personnel to supplement the volunteers of Blowing Rock Fire & Rescue in responding to emergency calls.
- (2) Assist Blowing Rock Fire & Rescue with administrative, maintenance, prevention and preparedness activities.
- (3) Enforce and/or carry out all provisions of Chapter 12 of the Blowing Rock Town Code.
- (4) Perform other duties as directed by the Town Manager.

Section 12-3 Emergency Services Director.

(A) An Emergency Services Director shall be appointed by the Town Manager to oversee the activities of the Emergency Services Department and to supervise employees within the department.

(B) The Emergency Services Director, by agreement with Blowing Rock Fire & Rescue, shall serve as the Deputy Chief within Blowing Rock Fire & Rescue, as indicated by the charter adopted December 1, 2008.

Section 12-4 Fire Limits.

The Fire Limits for the purpose of this Code, shall be the corporate limits of the Town of Blowing Rock, the extra territorial jurisdiction (ETJ) and any property owned by the Town.

Section 12-5 Primary Fire District.

(A) The primary fire district shall be shown on the fire zone map as approved and modified from time to time by the Town Council. A copy of this map shall be maintained in the office of the Town Clerk.

Town Code for Blowing Rock, North Carolina

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

[Amended February 9, 2010]

Sections 12-7 through 12-9 reserved.

Town Code for Blowing Rock, North Carolina

CHAPTER 12 - FIRE AND LIFE SAFETY CODE

Article II - Fire Prevention

Section 12-10 Adoption of Fire Code.

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

Section 12-11 Fire Marshal.

(A) A Fire Marshal shall be appointed by the Emergency Services Director and shall be responsible for the enforcement of the North Carolina Fire Prevention Code and any ordinances pertaining to fire protection and prevention adopted by the Town of Blowing Rock.

(B) The Fire Marshal shall investigate all fires occurring within the fire limits to determine the cause and origin.

(C) The Fire Marshal, with the approval of the Emergency Services Director, may appoint deputies, assistants and inspectors as necessary to carry out his/her duties.

Section 12-12 Inspections and Plans Review.

(A) Subject to the limitations and conditions stated in the NC State Building Code, the Fire Marshal shall inspect or cause to be inspected all buildings, structures and premises within the Fire Limits to evaluate and require correction of any condition which may cause fire or explosion, endanger life from fire or explosion, or any violations of the provisions of the Fire Code, or any other ordinances pertaining to fire or explosion hazards.

(B) Inspections shall be conducted on all occupancies, except one- and two-family dwellings and town homes, at a frequency not less than the schedule listed in Section 106 of the North Carolina Fire Prevention Code.

(C) Nothing in this section shall prevent inspections from being conducted at more frequent intervals than listed in the schedule.

(D) All plans to erect, alter, or repair a structure within the fire limits and subject to the provision of the North Carolina Fire Prevention Code, must be submitted to the Fire Marshal or his designee for review and approval prior to the issuance of a building permit.

(E) All structures and buildings within the fire limits and subject to the provisions of the North Carolina Fire Prevention Code must be inspected and approved by the Fire Marshal or his designee prior to the issuance of a permit for occupancy.

Town Code for Blowing Rock, North Carolina

Section 12-13 Permits.

(A) Permits for certain activities and operations may be required by the Fire Marshal in accordance with North Carolina Fire Code.

(B) Fees charged for the issuance of permits shall be set by the Town Council and amended from time to time.

(C) A list of required permits and associated fees shall be maintained and revised from time to time by the Fire Marshal. A copy of the permit and fee schedule shall be maintained by the Town Clerk.

Section 12-14 Abatement of Hazards.

(A) Any condition found on any public or private property within the fire limits which is reasonably determined to pose an immediate or eminent threat to public health or safety or poses a threat to the environment shall be abated or caused to be abated immediately by the property owner.

(B) Any hazard not immediately abated by the property owner, or if the property owner cannot be located, or if the nature of the hazard requires prohibits any delay, then the hazard may be immediately abated or caused to be abated by the Fire Marshal at the owners expense.

[Amended February 9, 2010]

Sections 12-15 through 12-19 reserved.

Town Code for Blowing Rock, North Carolina

CHAPTER 12 - FIRE AND LIFE SAFETY CODE

Article III – General Provisions

Section 12-20 Outdoor Burning.

(A) Outdoor burning is prohibited within the corporate limits of Blowing Rock.

(B) Exceptions shall include:

(1) Recreational fires burning materials other than rubbish, having a total fuel area of less than 3 feet in diameter and 2 feet in height for pleasure, religious, ceremonial, cooking, or similar purposes.

(2) Fires for the purpose of firefighter training which are approved by the Fire Marshal or Emergency Services Director and supervised by appropriate Fire Department personnel.

(3) Recreational fires on Town property during Town sponsored events approved by the Fire Marshal or Emergency Services Director and supervised by appropriate Fire Department personnel.

Section 12-21 Interfering with Fire/Rescue Activities.

It shall be unlawful for persons to congregate in the streets, lanes, alleys or squares next to a fire, so as to interfere with the work of the fire department, or for any person to interfere with any member of the fire department or to obstruct the work of the fire department, in any way, at or during a fire or while answering an alarm of fire or while engaged in any official duty.

Section 12-22 Fire Hydrants.

(A) It shall be unlawful to obstruct any hydrant or fire plug in such manner as to interfere with the easy approach to or the convenient use of it by the fire department.

(B) It shall be unlawful to tamper with or deface any hydrant or fire plug. Defacing shall include painting a hydrant in any manner not approved by the Fire Marshal.

(C) The Fire Marshal, a designee or any Police Officer duly sworn by the Town of Blowing Rock shall remove or cause to be removed any vehicle or object that obstructs any hydrant or plug in a manner that would prevent its use by the Fire Department. The owner of the vehicle or property shall be responsible for expense of having a vehicle or object removed.

Section 12-23 Fire Lanes and Access Roads.

(A) It shall be unlawful to obstruct or block any fire lane or fire access road as to interfere with the easy approach or convenient use of it by the Fire Department.

Town Code for Blowing Rock, North Carolina

(B) The Fire Marshal, a designee or any duly sworn Police Officer by the Town of Blowing Rock shall remove or cause to be removed any vehicle or object obstructing a fire lane or fire access road in a manner which would prevent its use by the Fire Department. The owner of the vehicle or object shall be responsible for any cost associated with the removal.

Section 12-24 Lock Boxes.

Lock boxes of the type approved by the Fire Marshal shall be required on all buildings subject to the Fire Code and constructed after the adoption of this Code.

Section 12-25 Nuisance Alarms.

(A) A nuisance alarm shall be defined as:

- (1) any type of automatic alarm system which has caused the response of emergency personnel; and
- (2) emergency personnel arriving on scene have determined that no emergency exists; and
- (3) the alarm was caused by a malfunction of the system; and
- (4) the system has caused an emergency response 3 or more times in 12 month period

(B) Upon identifying an alarm as a nuisance the Fire Marshal or designee shall make a reasonable effort to notify the owner or lawful occupant of the property of the nuisance alarm.

(C) If no reasonable effort is made by the owner or occupant to correct the nuisance alarm the Fire Marshal may begin assessing a civil penalty upon each subsequent alarm.

[Amended February 9, 2010]

Sections 12-26 through 12-29 reserved.

Town Code for Blowing Rock, North Carolina

CHAPTER 12 - FIRE AND LIFE SAFETY CODE

Article IV – Enforcement

Section 12-30 Penalties and Remedies.

(A) A violation of Chapter 12 of the Blowing Rock Town Code, as well as the provisions of the North Carolina Fire Prevention Code adopted by reference in Section 12-10 shall constitute a misdemeanor punishable as provided in G.S. 14-4.

(B) Violations of Sections 12-22 and 12-23 shall subject the offender to a civil penalty of \$50.00 as listed in Section 6-35. All other violations shall subject the offender to a civil penalty of \$100.00. The Town Council may amend the civil penalties from time to time as needed. 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.

Section 12-31 Criminal Violations.

(A) Violations of Chapter 12 of the Blowing Rock Town Code and the North Carolina Fire Prevention Code may constitute a criminal offense in accordance with North Carolina General Statutes.

(B) Criminal prosecution for a violation of this chapter will be reserved for persons who have knowingly and willfully committed a violation of this code that constitutes a serious life safety hazard or who has knowingly and willfully refused to comply with a lawful order to correct a violation.

[Amended February 9, 2010]

Town Code for Blowing Rock, North Carolina

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