

## DAVIDSON COUNTY FIRE AND LIFE SAFETY ORDINANCE

### ARTICLE I: GENERAL PROVISIONS

#### Section 1-1: Enactment, Repeal and Effective Date.

This Ordinance is hereby enacted by the Board of Commissioners of Davidson County, North Carolina. This Ordinance supersedes the “Fire Prevention and Protection Ordinance” adopted on June 28, 2005, together with amendments thereto as adopted, which are each hereby repealed in their entirety.

This Ordinance shall become effective at 12:00 a.m., Eastern Standard Time, on the date immediately following adoption by the Davidson County Board of Commissioners.

#### Section 1-2: Title.

This Ordinance shall be known as the “Davidson County Fire and Life Safety Ordinance.” It may also be cited as the “Fire Prevention Ordinance”, and/or the “Fire Protection Ordinance” hereinafter.

#### Section 1-3: Findings, Purpose and Intent.

(A) **Findings:** The Board of Commissioners finds and recognizes that it is an essential function of Davidson County government to protect the citizens of Davidson County and all other persons who live, own property, and conduct business within Davidson County from the detrimental effects of fire or other hazardous conditions which could cause or accelerate the starting or spreading of uncontrolled fires or constitutes a clear and adverse threat to human life, safety, or health. The Board of Commissioners recognizes the need for residents, business interests, and the owners and occupants of premises used by the public to be adequately informed of and educated in not only proper fire prevention and fire safety practices but also the fire protection and prevention laws of Davidson County and the State of North Carolina. Further, it is acknowledged that there is a need to set forth the Davidson County Fire Marshal's powers and duties in fire protection, prevention, education, and investigation.

(B) **Purpose and Intent:** The purpose of this Ordinance is to establish a program for the prevention of fires and the protection of life and property in Davidson County from the damage caused by uncontrolled fire and other conditions which are otherwise dangerous to human life, public welfare, or structural integrity of a building or structure. This Ordinance is intended to adopt the North Carolina State Building Codes as law for Davidson County; to prescribe and enforce regulations in a manner consistent with the laws of North Carolina and generally recognized practices for fire prevention; to define the duties of the Davidson County Fire

Marshal; to define and implement the powers and duties of Davidson County and the Fire Marshal in the investigation and prevention of fire and the enforcement of the North Carolina Fire Prevention Code; and to prevent interference with firefighting and fire prevention activities.

**Section 1-4: Authority.**

This Ordinance is adopted pursuant to portions of one or more of the following authorities established by the North Carolina General Statutes (G.S.): to define, regulate, prohibit or abate acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the County pursuant to G.S. §153A-121; to define the duties of the Davidson County Fire Marshal pursuant to G.S. §153A-234; to adopt a Fire Prevention Code pursuant to G.S. §143-138(e); to provide for the recovery of civil penalties for violations of the Fire Prevention Code of the North Carolina State Building Code pursuant to G.S. §143-138(e), §143-139(b1) and §153A-123(c1); and to enforce its ordinances through civil penalties pursuant to G.S. §153A-123(c), equitable relief pursuant to G.S. §153A-123(d), and injunctive relief commanding the violator to correct an unlawful condition on real property or cease illegal use of real property pursuant to G.S. §153A-123(e).

**Section 1-5: Definitions.**

The definitions outlined in North Carolina State Building Codes, which are not expressly set forth in this Ordinance, shall apply to and are incorporated by reference into this Ordinance. Words and terms not defined in this Ordinance or the North Carolina State Building Codes shall have the meaning as defined by the edition of the Merriam Webster Collegiate Dictionary as referenced by applicable State Building Codes or in the current edition of the Merriam Webster Collegiate Dictionary.

When used in this Ordinance, the following words and/or phrases shall have the following meanings:

Administrative Code & Policies, North Carolina (N.C.). A document adopted by the N.C. Building Code Council, intended to provide for administration and enforcement of the N.C. Building Code and enforced by Code Officials legally authorized to practice such enforcement and employed by Davidson County Government. The Administrative Code & Policies is incorporated by reference into the North Carolina Building, Accessibility, Plumbing, Mechanical, Electrical, Fire Prevention, Fuel Gas, Energy Conservation, Existing Buildings, Rehabilitation, and Residential Code, hereinafter referred to collectively as the Technical Codes; and is intended to provide for the administrative aspects of each.

Alteration. A reconfiguration or addition to an existing building system, equipment, or components regulated by the N.C. Building and Technical Codes to meet a new or specific objective for code compliance.

Approved. Acceptable to the code official for compliance with the provisions of the applicable code or referenced standard.

Building Official. The public officer as defined by G.S. §160D-1101(4) duly appointed as the Davidson County Building Official and/or their duly appointed and authorized assistants, deputies, agents, and/or designees as authorized by Article 11, Chapter 160D of the North Carolina General Statutes (G.S. §160D-1101 through G.S. §160D-1129).

Code Official. A public officer or other designated authority charged with the administration and/or enforcement of the Technical Codes or a duly authorized designee.

Compliance Inspection. A follow-up, or subsequent inspection, conducted by the appropriate Code Official to verify code compliance of a specific violation discovered during an inspection.

Fire Chief. The chief officer of the Fire Department serving the fire district or their duly authorized representative.

Fire Code Official. The Fire Chief or other designated authority charged with the administration and/or enforcement of the N.C. Fire Prevention Code, or a duly authorized representative.

Fire Department. Any organization or agency, as provided by Section 8-1 of this Ordinance, that provides fire protection, public education, fire prevention, emergency medical care, and rescue services within Davidson County.

Fire District. A designated boundary established by Davidson County, where fire protection, public education, fire prevention, emergency medical care, and rescue services are provided for by a specific Fire Department within the district.

Fire Marshal. The Davidson County Fire Marshal and any duly authorized designee or representative of the Davidson County Fire Marshal.

Good Cause. Adequate or substantial grounds or reason to permit a particular action based on specific information.

High-Piled Combustible Storage. Storage of combustible materials in closely packed piles or combustible materials on pallets, racks, or shelves where the top of storage is greater than 12 feet in height. High-piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets, and similar commodities, where the top of storage is greater than 6 feet in height.

Imminent Danger/Threat. Any condition that exists within a building or structure, or within a space within a building or structure, that poses a dangerous or threatening condition or situation

that, if not immediately corrected, could result in an event that could lead to severe harm or death to occupants.

Modification. The redesign or replacement of existing building systems, equipment, or components regulated by the N.C. Building and Technical Codes to current or modern standards and requirements.

Notice of Violation. A written document detailing a list of violations associated with a specific building, structure, or premises resulting from an inspection.

North Carolina State Building Code. The document adopted by the N.C. Building Code Council, intended to provide Code Officials, designers, and contractors a set of minimum standards to follow in the design and construction of buildings, structures, facilities, and operations that are regulated therein, in order to protect public and private persons from dangerous and unsanitary conditions, and is comprised of the Technical Codes specified in the N.C. Administrative Code & Policies.

Occupant. A person who, by legal contract with an owner of a building, structure, or property, occupies a specific building structure, property, or space within for the purpose of operating a business or other occupation.

Occupancy Classification. Every building or structure, and/or portions or spaces within a building or structure, shall be classified based on its primary function or use into one of the occupancy groups, or subgroups in accordance with Chapter 3 of the N.C. State Building Code.

Owner. Any individual, corporation, firm, partnership, association, organization, and/or any other group acting as a unit holding legal title to any structure and/or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question.

Periodic Inspection. Inspections scheduled according to the outlined inspection schedule in the N.C. Fire Prevention Code per occupancy classification.

Permit Applicant. A person applying for a permit through the appropriate procedures required by the appropriate Code Official.

Permit Holder. A person who is appropriately credentialed and/or is legally responsible for any actions specifically designated on a permit.

Permit Scope. The specifically approved actions, work, or operations covered by a permit issued for a permit-required construction or operation.

Permit Type. A specific permit category in accordance with the N.C. State Building Code.

Plan of Action. A written plan submitted by the responsible party that states in detail the actions to be taken to correct violations found during an inspection and that includes specific timeframes and/or dates for completion.

Re-occurring Violation. A specific violation of the N.C State Building Code, found to be consistently occurring, within the same building, structure, or property where prior Notice of Violation has been given for same.

Responsible Party. An individual, including heirs, executors, administrators, assigns and personal representatives of the individual, and/or a firm, partnership, corporation, governmental agency or other legal entity and the successors, assigns, and agents of such individuals or entities that control a property through ownership, lease, occupancy and/or other forms of possession. The term shall also include a person or entity with direct or indirect control or management of a specific property.

Scope of Work. A document provided by a permit applicant or permit holder that details the operation and/or construction project.

Self-Certification/Self-Certified. A method of proving that a code violation has been corrected or remedied by providing proof through means suitable to the Code Official.

Service System. Any building system associated with providing a service to a particular building, structure or premises, and is regulated by the Technical Codes.

Stop Work Order. A directive given by a Code Official whenever a building or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of a State or local building law or local building ordinance or regulation, or in a manner that endangers life or property, the appropriate inspector may order the specific part of the work that is in violation or that presents such a hazard to be deemed immediately stopped.

Technical Codes. See Administrative Code & Policies definition.

Unsafe Condition. Structures or existing equipment that are, or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance.

Violation. A condition or situation that is not in compliance with the N.C. State Building Codes.

**Section 1-6: Jurisdiction.**

This Ordinance shall apply to and shall be enforced within the area of Davidson County outside of municipal corporate limits. Upon request by resolution from the governing body of any municipality within Davidson County, the County may, but is not required to, exercise jurisdiction in such municipality for purposes of this Ordinance.

**ARTICLE II: DUTIES OF FIRE MARSHAL****Section 2-1: Fire Marshal's Administration of this Ordinance.**

The Davidson County Board of Commissioners shall appoint a duly qualified Fire Marshal responsible for this Ordinance's impartial administration. The Fire Marshal shall have the authority to administer and enforce this Ordinance's provisions within this area of jurisdiction defined in Section 1-6 of this Ordinance.

**Section 2-2: Investigation of Fires and Explosion.**

As authorized by G.S. §58-79-1, the Fire Marshal, or the Fire Chief of a Fire Department, shall have authority to investigate or cause to be investigated the circumstances, events, and actions leading to the ignition of a fire or to any explosion and to collect evidence and data to determine the origin and cause of any fire or explosion that occurs within the jurisdictional boundaries. The Fire Marshal may conduct fire or explosion origin and cause investigations or participate in such investigations in other jurisdictions upon request.

The Fire Chief of a Fire Department may request the Fire Marshal to conduct an origin and cause investigation for a fire or an explosion. Prior to requesting assistance from the Fire Marshal, a preliminary investigation should be made by the Fire Chief of the Fire Department to gather any critical information pertinent to the incident. The Fire Chief will report any preliminary findings to the Fire Marshal.

**Section 2-3: Additional Duties of the Fire Marshal.**

In addition to enforcement of the provisions of this Ordinance, the Davidson County Fire Marshal shall:

- (1) Advise the Board of Commissioners on improvements in the firefighting and training activities under the supervision and control of Davidson County;
- (2) Coordinate firefighting and training activities under the County's supervision or control;
- (3) Coordinate fire prevention activities under the County's supervision or control;

- (4) Assist contracted fire protection agencies in developing and improving firefighting and fire prevention capabilities;
- (5) Make periodic inspections and reports of school buildings required by Chapter 115 and the inspections of childcare facilities required by Chapter 110. A Fire Marshal shall not make electrical inspections unless he or she is qualified to do so under G.S. 160D-1103 and holds a valid certificate issued by the North Carolina Code Officials Qualification Board.
- (6) Perform those duties and activities as set forth in the Davidson County Emergency Operation Plan;
- (7) Perform necessary duties as it pertains to the operation of emergency management; and
- (8) Perform any other duties and activities as the Board of Commissioners may from time to time require of the Fire Marshal.

#### **Section 2-4: Right-of-entry, Inspection and N.C. Building Code Enforcement Authority**

The Fire Marshal is authorized to enter and examine any building, structure, marine vessel, vehicle, or premises, with the exception of one- and two-family dwellings, within the jurisdiction of this Ordinance pursuant to G.S. §58-79.20. When duly qualified, under G.S. §143-151.13 and §160D-1103, the Fire Marshal shall be authorized to exercise code enforcement within the jurisdiction of Davidson County. *See* Section 6-3 of this Ordinance.

#### **Section 2-5: Response Authority**

The Fire Marshal, Emergency Manager, or their designee has the authority to respond in their discretion to any incident within the jurisdictional boundaries of Davidson County and to participate in any function or capacity necessary to ensure the mitigation of any incident as may be requested by the incident commander.

### **ARTICLE III: NORTH CAROLINA STATE BUILDING AND TECHNICAL CODES**

#### **Section 3-1: North Carolina State Building and Technical Codes Adopted.**

Davidson County hereby adopts The N.C. State Building and Technical Codes in their entirety. Any person may obtain a copy of any non-copyrighted materials upon payment of a reasonable copying charge during normal business hours of the department that enforces that particular code.

#### **Section 3-2: Referenced Codes & standards**

The codes and standards referenced in the N.C. State Building Codes shall be considered to be part of the requirements of this Ordinance to the prescribed extent of each such reference. Design of service systems or operations shall be permitted to utilize a current edition of a referenced standard, provided that the standard chosen shall be utilized in its entirety.

## **ARTICLE IV: COMMERCIAL BUILDING AND STRUCTURE PLAN REVIEW AND PERMITTING PROCESS**

### **Section 4-1: Commercial Building & Structure Plan Review Process**

A person or entity wishing to make application for new commercial building construction, repair, alteration, change of occupancy, or addition, to an existing building; or alteration or modification of an existing building service system shall first complete and submit the required permit application along with required documentation to Central Permitting for review. Documents shall be reviewed for compliance against the N.C. Building and Technical Codes. Section 4-2 lists required documentation to be submitted for review. Not every case will require all documents in the following lists to be submitted based upon the “scope of work.” The person making application shall be known as the permit applicant and shall be responsible for all required submittals. It is the permit applicant's responsibility to inquire as to the extent of documentation necessary to meet code compliance per the appropriate Building and Technical Code, as required by the appropriate Code Official.

### **Section 4-2: Required documentation**

The following items are required on all commercial projects, based on the scope of work, for permit-required construction for a Building Permit:

1. Scope of Work
2. Completed Commercial Plan Review Application
3. Completed Appendix B (Building code summary)
4. Site Plan
5. Structural Plan
6. Life Safety Plan
7. Project Value Letter

The following 4 items shall be required for a permit-required construction pertaining to the appropriate Technical Codes:

1. Plumbing Plan
2. Electrical Plan
3. Mechanical Plan
4. Fire Protection Plan

### **Section 4-3: Permit Required Construction and Operations Regulated by the N.C. Fire Prevention Code.**

A property owner or owner’s authorized agent who intends to conduct an operation or business or install or modify a fire protection system and independent equipment, regulated by the N.C. Fire



Prevention Code, or to cause any such work to be performed, shall first make application to the Fire Marshal to secure the required permit.

When required by the N.C. Fire Prevention Code Chapter 1, Section 105, and G.S. §160D-1110, a permit shall be issued by the Fire Marshal. Permits shall be issued to a single permit holder as defined in Section 1-5 of this Ordinance. The permit holder shall be responsible for all work being conducted within the permit scope. The permit holder shall provide, or have provided by their authorized representative, an application for permit, associated documentation or specifications, and any documentation required in accordance with the N.C. Administrative Code and Policies Section 106. When required by the Building and Technical Codes, associated permits shall be applied for and issued in conjunction with the required construction or operational permits of the N.C. Fire Prevention code.

A. Operational Permits:

1. A permit application and a scope of work are required to be submitted for review and shall detail the operation being performed. Each and every detail shall be represented on the permit upon issuance; this shall be known as the permit scope.
2. Each different permit-required operation in accordance with Section 105.6 of the N.C. Fire Prevention Code shall require separate permitting. This shall be known as the permit type.
3. A separate fee shall be assessed for each different permit type in accordance with Appendix B of this Ordinance.
4. Where a single building, or multiple buildings within an associated property of a single business or facility, has two or more permit-required operations of the same permit type, even though the permit scope may not be identical, a single permit can be issued to cover the permit scope for all operations provided that each permit scope is specifically listed on the permit.
5. A permit issued for a permit-required operation shall remain valid until such time as the permit required operation is no longer within the parameters of the permit scope, the entity associated with the permit ceases to exist, or the entity is sold to another entity even though that entity may perform the exact same permit-required operation.

B. Construction Permits:

1. Permit applications for permit-required construction shall specifically detail the work being performed, and each and every detail shall be represented on the permit upon issuance; this shall be known as the permit scope.
2. Each different permit-required construction in accordance with Section 105.7 of the N.C. Fire Prevention Code shall require separate permitting. This shall be known as the permit type.
3. Where a permit-required construction for a specific permit type that requires work from more than one entity, each different entity shall be permitted and inspected for their scope on the permit by the appropriate Code Official.

4. A separate application and fee shall be assessed for each permit issued when two or more permit scopes are associated with a single permit type for permit-required construction.
5. Where permit-required construction of the same permit type is required for more than one building or structure on the same lot or associated property of a business or facility, a single permit shall not be allowed to extend beyond the footprint of each independent building or structure, unless permitted by the N.C. State Building Code Sections 504 and 506.
6. Where a single building has two or more permit-required construction projects of the same permit type but requires different design criteria and/or different acceptance criteria, a single permit shall be issued for each additional design and/or acceptance criteria.
7. A permit holder for a new construction project shall be the appropriately licensed contractor where required by General Statute or other law. Where not required to be licensed, the permit holder shall be the installation contractor who meets any necessary requirements based upon the appropriate referenced standard for the installation.

#### **Section 4-4: Alterations & Modifications of Existing Equipment or Service Systems**

Alterations or modifications to existing equipment or a Service System, regulated by the N.C. Fire Prevention Code, shall not commence before a permit is applied for and secured when required by that Code. The permit holder for an existing building may be the owner, occupant, or responsible party, provided that all work is performed by the appropriate, licensed entity when required by General Statute or other law and demonstrated to the Fire Code Official.

#### **Section 4-5: Fire Permit Applications.**

A permit application can be obtained by contacting the Fire Marshal or visiting the Davidson County Fire Marshal's website. Applications for a required fire permit shall be filed through Central Permitting or directly to the Fire Marshal and shall include all supporting documentation required on the application.

#### **Section 4-6: Supporting Documentation**

Supporting documentation required for a permit shall be submitted in such form and detail as prescribed by the appropriate Code Official. Drawings and specifications shall be provided to scale with sufficient clarity and detail to indicate the work's nature and character. The appropriate Code Official may require any details or documentation as necessary to determine compliance. Documents may be required to be sealed by a registered design professional, when required by General Statute, or when required by the Code Official.

### **Section 4-7: Commercial Building & Structure Plan Review Process**

All submitted applications for construction or operational permits shall be subject to plan review pursuant to the North Carolina Fire Prevention Code, local ordinances, state laws, and/or other regulatory documents prior to a permit being issued as described in Section 4-1.

### **Section 4-8 : Approval of Plans**

Plans or plan sets reviewed and approved for a permit regulated by the N.C. Building and Technical Codes shall be indicated with a stamp that states “*Reviewed for Code compliance.*”

### **Section 4-9: Conditions of Permits.**

A permit shall constitute permission to construct a building or structure; or to maintain, store or handle materials; or to conduct processes that produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation, alteration or modification in accordance with the provisions of the N.C. Building and Technical Codes.

### **Section 4-10: Duration of Permits.**

An operational permit shall remain in effect until reissued, renewed, or revoked for such a time as prescribed on the permit. Permits are non-transferable, and any change in occupancy, operation, tenancy, or ownership shall require a new permit to be issued. Construction permits are valid as specified in G.S. §160D-1111 or until the permitted work has passed final inspection and a Certificate of Compliance is given.

### **Section 4-11: Fee Schedule for permits and plan review**

The Davidson County Board of Commissioners shall establish a fee schedule for plan review conducted on commercial buildings and structures regulated by the N.C. Building and Technical Codes, and for associated required permits.

### **Section 4-12: Fee Schedule for reinstating an expired permit**

Where an issued permit expires pursuant to time frames outlined in G.S. §160D-1111, the permit holder shall be required to re-pay the permit fees, in accordance with the original permit cost, to have the permit reinstated, provided there is no change in the scope of work of the originally approved permit.

### **Section 4-13: Additional Fees Assessed for Unauthorized Work**

The responsible party shall be assessed an additional fee of double the normal scheduled permit fee for work that commences prior to approval or without the Code Official’s knowledge.

**Section 4-14: Inspections on Permits**

Inspections shall be conducted to verify compliance on permit-required construction and operations that are regulated by the N.C. Building and Technical Codes. The Code Official is authorized to conduct as many inspections as necessary to ensure compliance, based upon permit type and acceptance procedures.

**Section 4-15: Scheduling Inspections**

Only the permit holder will be authorized to schedule inspections on permits. The permit holder shall be permitted to authorize a designated representative who can schedule inspections on permits held by that permit holder.

**Section 4-16: Fees for Inspections**

Fees shall not be assessed for initial inspections required on permits. The Code Official shall be authorized to assess a fee, where the permit holder schedules an inspection on a permit that is blatantly not ready, or does not have the permitted work in compliance after such violations have been communicated to the permit holder by the Code Official. The fee schedule for inspections on permits are set forth in Appendix D of this ordinance.

**Section 4-17: Certificate of Compliance**

The Code Official shall provide, in writing, a certificate of compliance when the conditions of a permit are deemed to be in full compliance and all inspections are completed.

**Section 4-18: Stop Work Order**

When in the course of their duties, a Code Official discovers that a commercial building or structure, or part thereof, is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of a State or local building law or local building ordinance or regulation, or in a manner that endangers life or property, the Code Official shall notify the responsible party when possible and the appropriate Code Official. The appropriate Code Official shall place a stop-work order in accordance with G.S. §160D-404(b). The stop-work order shall be in writing and directed to the person doing the work and shall state the specific work to be stopped, the exact reasons for the stoppage, and the conditions under which the work may be resumed. Appeals to the issuance of a stop-work order shall be in accordance with §160D-1114.

## **ARTICLE V: INSPECTIONS OF EXISTING BUILDINGS, PENALTIES**

### **Section 5-1: Periodic Inspections for Hazardous or Unlawful Conditions**

In order to preserve and protect public health and safety and to satisfy the requirements of G.S. 160D-1117, Davidson County shall have a periodic inspection schedule, based upon the minimum frequency outlined in the N.C. Fire Prevention Code, to identify activities and conditions in buildings, structures, and premises that pose a danger of fire, explosion, or related hazards, and conditions that pose an inimical threat to human life, safety, and health

### **Section 5-2: Inspection Authority**

Under the Fire Marshal's authority, the Fire Code Official shall have the authority to enter and examine any building, structure, marine vessel, vehicle or premises, for the purpose of conducting inspections, in accordance with Section 104.3 of the N.C. Fire Prevention Code. The Fire Code Official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance needed to remain in compliance with N.C. State Building Codes.

### **Section 5-3: Existing Buildings**

Existing buildings, structures, and premises shall be maintained to the extent required of the N.C. State Building Code cycle in effect when initially approved for occupancy. Changes in occupancy/use, additions, alterations, repairs, changes or modifications to components of the means of egress, or storage features shall not be permitted unless a permit is obtained, the permitted work inspected, and approval granted by the appropriate Code Official(s).

### **Section 5-4: Unlawful Acts**

It shall be unlawful for a person, firm, or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises, or system regulated by the N.C. State Building Codes, or cause same to be done, in conflict with, or in violation of any of the provisions of the N.C. State Building Codes and this Ordinance.

### **Section 5-5: Violations**

If during a periodically scheduled inspection, the Fire Code Official discovers a violation of the N.C. State Building Codes, the Code Official shall prepare a written Notice of Violation, such Notice shall be served to the owner, occupant, or the responsible party, and the enforcement procedure in Section 6-1(B) shall be followed. Hazards or violations that are identified during an inspection that pertain to the Technical Codes shall be brought to the attention of the appropriate Code Official for remedy. Any Code Official who is authorized to practice code enforcement within Davidson County's jurisdiction upon receiving notification of a violation is authorized at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the jurisdiction upon presenting proper credentials.

**Section 5-6: Civil Penalties**

When a violation that constitutes an unsafe condition, as defined by this Ordinance in Section 1-5, the enforcement procedure in Section 6-1(C) shall be followed, and civil penalties in accordance with a fee schedule listed in Appendix D of this Ordinance shall be assessed. When a violation is found to be a re-occurring violation as defined by this ordinance in Section 1-5, the enforcement procedure in Section 6-1(B) shall be followed.

**Section 5-7: Owner/Occupant & Responsible Party**

Correction and abatement of violations shall be the responsibility of the responsible party. Where an owner and/or occupant creates or permits a violation of the N.C. State Building Codes, the owner and/or occupant shall be held responsible for the abatement of such violations.

**Section 5-8: Compliance with Orders and Notices of Violation**

A Notice of Violation issued or served shall be complied with by the owner, occupant, or responsible party responsible for the condition or violation to which the Notice of Violation pertains.

**Section 5-9: Prosecution of Non-Compliance**

If the Notice of Violation is not complied with, in the specified period instituted by this Ordinance, the case will be turned over to the Davidson County Attorney's Office. The County Attorney's Office, in its discretion, may initiate the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of the N.C. State Building Codes or of the order or direction made pursuant thereto.

**ARTICLE VI: ENFORCEMENT****Section 6-1: Enforcement of Violations of N.C. State Building Codes:**

- (A) **Violations of State Building codes.** When a violation is discovered during an inspection, the Fire Code Official shall provide a Notice of Violation to the responsible party in accordance with Section 5-5. It shall be the responsibility of the responsible party to repair or remedy the violation.
- (B) **Correction of Violations.** It shall be the responsible party's obligation to provide self-certification of correction of any violation by a means suitable to the Code Official. If the violation is not self-certified, and it is discovered that the same violation exists either during

the following scheduled periodic inspection or by subsequent inspections, a civil penalty shall be assessed in accordance with Appendix D of this Ordinance. If a specific violation is discovered to be a re-occurring violation as defined in Section 1-5, a civil penalty may be assessed in accordance with Appendix D of this Ordinance.

- (C) **Unsafe Buildings & Conditions:** If a premises, a building or structure, or any service system, in whole or in part, constitutes a clear and inimical threat to human life, safety, or health, the Code Official shall issue orders for the responsible party to remedy the condition within a specified time frame, and temporary sanctions may be placed in effect that are suitable to the Code Official, to minimize exposure or subjection to the unsafe condition.
- (1) Initial inspection. The responsible party shall be given a specific, reasonable time period to repair or remedy the unsafe condition. A first compliance inspection shall be scheduled for a time period of no less than 30 days from the initial inspection.
  - (2) First Compliance Inspection. If, upon completion of the first compliance inspection, the unsafe condition is not corrected or remedied, a civil penalty shall be assessed in accordance with Appendix D of this Ordinance, and a second compliance inspection shall be scheduled for a time period of no less than 15 days from the first compliance inspection.
  - (3) Second Compliance Inspection. If, upon completion of the second compliance inspection, the unsafe condition is not corrected or remedied, a civil penalty shall be assessed in accordance with Appendix D of this Ordinance, and a third compliance inspection shall be scheduled for a time period of no less than 7 days from the second compliance inspection.
  - (4) Third Compliance Inspection. If upon completion of the third compliance inspection, the unsafe condition is not corrected or remedied, a civil penalty shall be assessed in accordance with Appendix D of this Ordinance, and the case will be turned over to the Davidson County Attorney in accordance with Section 5-8. Civil penalties shall continue to accrue every 7 days until the unsafe condition is corrected and notification is made to the Code Official by the responsible party or determined by the County Attorney. It shall be the responsibility of the responsible party to contact the Code Official for a compliance inspection.
  - (5) Approved plan of action. The Fire Code Official shall have the authority to approve an extended time frame for abating a violation and/or unsafe condition at the responsible party's request. The responsible party shall make such request in writing and specify a reasonable time frame and specific measures to be enacted to meet compliance. The responsible party shall demonstrate good cause as to the reason for the request. If approved, the plan of action shall be followed as specified, and temporary sanctions may be placed in effect that are suitable to the Code Official to permit continued use of the building, structure, or service system. If the approved plan of action is not followed as specified, a civil penalty, with a fee as listed in Appendix D, shall be assessed, and the case will be turned over to the Davidson County Attorney in accordance with Section 5-8.
  - (6) Extension of an approved plan of action. The Fire Code Official is authorized to permit one extension of an approved plan of action if extenuating circumstances arise that make the

abatement of the violation not possible to remedy. This will require proof of hardship, or circumstances beyond the control of the responsible party.

- (D) **Imminent Danger and/or Imminent Threat of.** If a condition is discovered of an imminent danger, and/or the imminent threat of danger that poses immediate threat or hazard to the safety, or health of persons, a building, structure, space within a building or structure, or premises, immediate evacuation of the affected building, structure, or space within a building or structure shall be ordered immediately. If an imminent threat or a dangerous condition is discovered, the building shall be evacuated immediately.
- (E) **Structural hazards.** Where an apparent structural hazard is caused by the faulty installation, operation, or malfunction of any of the items or devices governed by the N.C. State Building Code, the Fire Code Official shall immediately notify the Building Code Official.
- (F) **Evacuation.** The Fire Code Official or the Fire Department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building, structure, or space within a building deemed unsafe or have hazardous conditions that present an imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises, and they shall not enter or re-enter until authorized to do so by the Fire Code Official or the Fire Department official in charge of the incident.
- (G) **Summary Abatement:** Where conditions exist that are deemed hazardous to life and property, the Fire Code Official or Fire Department official in charge of an incident is authorized to abate summarily such hazardous conditions or require a responsible party to abate such conditions that are in violation of the North Carolina State Building Codes.
- (H) **Service Utilities.** The Fire Code Official shall have the authority to authorize disconnection of utility service to the building, structure, or service system in order to safely execute emergency operations or to eliminate an immediate hazard that constitutes an imminent danger. The Fire Code Official shall notify the serving utility and, where possible, the owner, occupant, or responsible party of the building, structure or service system of the decision to disconnect before taking such action. When the responsible party is not available, or cannot be located, then notification shall be made in writing and mailed as soon as practical thereafter.
- (I) **Overcrowding.** Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The Fire Code Official, upon finding any overcrowding conditions or obstructions in aisles, passageways, or other means of egress, or upon finding any condition that constitutes a life safety hazard, shall be authorized to cause the event or business to be stopped until such condition or obstruction is corrected.



## **ARTICLE VII: FIRE PROTECTION & SERVICE FEATURES FOR COMMERCIAL BUILDINGS**

### **Section 7-1: Key Boxes for Emergency Entry by Fire Departments**

There shall be provided a key box that conforms to UL 1037 in the following situations: any newly constructed structure or facility; an existing structure or facility that undergoes a change in use or occupancy classification; or if travel along a fire apparatus access road is restricted because of a secured doors, gates, or other type of barricade; and the associated structure of facility has a means of automatically initiating a fire department response. The location of the key box shall be suitable to the Fire Chief of the district in which the structure or facility is located.

The key box shall be listed UL 1037, and shall be located in a location approved by the Fire Chief of the district to which it is located.

### **Section 7-2: Required, Approved Water Supply**

An adequate water supply, approved by the Fire Code Official, capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or changes occupancy or use take place within the jurisdiction.

### **Section 7-3: Location of Fire Hydrants**

Public fire hydrants shall be located along an apparatus access within 1,000 feet of any newly constructed building or structure. Where a building or structure is situated on a property and is located more than 400 feet from a fire hydrant along an apparatus access, the Fire Code Official is authorized to require a private fire hydrant to be installed on the property. The installation of a public fire hydrant shall be contracted with the responsible water purveyor. Where it is not feasible or possible to install a fire hydrant, the Fire Code Official is authorized to permit alternative methods of supplying water, such as a Fire Department water tanker.

### **Section 7-4: Posting of Occupant Load in Commercial Buildings or Structures used for Assembly Purposes**

Commercial Buildings and Structures, or portions of buildings and structures that carry an occupancy classification as a Group A, Assembly occupancy, shall be required to post an occupant load posting, signed by a Fire Code Official. The occupant load shall be based on the interior design and layout and egress features associated with the same, notwithstanding the design occupant load required for building construction as required by the N.C. Building Code.

### **Section 7-5: Fire Department Connections**

Where a building or structure has an automatic sprinkler system installed that requires a demand of greater than .25 over 2,500 square feet, the fire department connection shall be a Large Diameter Hose (L.D.H., Storz) connection that is suitable to the Fire Chief of the Fire Department that provides fire protection for that district. Fire department connections shall be so located that fire apparatuses and hoses connected to supply the system will not obstruct access to the buildings for other fire apparatuses. The location of fire department connections shall be approved by the Fire Chief of the Fire Department that serves that district.

## **ARTICLE VIII: AGENCIES CONTRACTED FOR FIRE PROTECTION**

### **Section 8-1: County Fire Protection and Contracts for Fire Protection Services.**

Davidson County may establish, organize, equip, support, and maintain a fire department; may prescribe the duties of that fire department; may provide financial assistance to incorporated volunteer fire departments; may contract for firefighting or prevention services with one or more counties, cities, or other units of local government or with an agency of the State government, or with one or more incorporated volunteer fire departments; and may for these purposes appropriate funds not otherwise limited as to use by law. The Davidson County Board of Commissioners may also designate fire districts or parts of existing districts and prescribe the boundaries thereof for purpose of insurance grading, fire service districts, and response districts.

A contract for services with entities prescribed hereinabove shall not exceed five (5) years in duration. Parties to said contracts shall be notified at least one hundred eighty (180) calendar days prior to the expiration of any current contract for services of the need to either prepare a new contract for services to be considered by the Davidson County Board of Commissioners or prepare a transition plan for alternative service delivery following expiration or termination of the contract in effect at the time. Draft contract documents shall be duly submitted for review not less than one hundred twenty (120) calendar days prior to the expiration of any current contract for services. The Board of Commissioners may authorize an extension upon showing cause for additional time to prepare a proposed draft contract. Failure by a party under the contract shall be deemed a violation of this Ordinance and subject to penalties as provided herein unless notice of intent not to enter into a subsequent contract is received by the Office of the Davidson County Clerk on or before the due date for draft contract document submittal described above.

In the event of a merger and/or dissolution of any one or more entities under contract with Davidson County as prescribed hereinabove, said merger and/or dissolution shall not become effective without having first been approved by the Davidson County Board of Commissioners. Failure to receive approval of such merger and/or dissolution shall result in the forfeiture of assets acquired and/or funded through the County's distribution of public monies as provided in Section 8-2 below.

**Section 8-2: Use of Public Funds for Purchase of Facilities and/or Equipment.**

The use of any monies distributed by the Davidson County Board of Commissioners to entities established and/or contracted to provide Fire Protection services as authorized in Section 8-1 above from and after the effective date of this Ordinance shall be subject to reclamation by Davidson County in the event of a merger and/or dissolution of the said entity unless otherwise agreed to by both the Board of Commissioners and the governing board/body of the said entity. Reclamation may be in the form of cash, title to real and/or personal property, and/or equipment, and/or other equitable interest as may be determined by Davidson County.

**Section 8-3: Construction or Use of a Structure for Fire Protection.**

Prior to the use, construction, erection, relocation of any building, structure, or property as a fire department or fire station to which public funds provided through property tax assessments are utilized to secure, erect, finance, or otherwise encumber, the Fire Marshal and the North Carolina Department of Insurance shall be consulted and be participating parties in the planning of such. The Fire Chief of the Fire District shall present such plans to the Davidson County Board of Commissioners and receive approval prior to proceeding to bids for contract purposes.

**ARTICLE IX: REMEDIES****Section 9-1: Civil Penalties.**

As permitted by G.S. §153A-123(c), such civil penalty may be recovered by Davidson County in a civil action in the nature of debt if the offender does not pay the civil penalty any later than thirty (30) business days after assessment of the civil penalty. The correction of a violation does not cancel or relieve the violator of any civil penalty assessed.

**Section 9-2: Equitable Remedies.**

As authorized by G.S. §153A-123(d), Davidson County may enforce this Ordinance by seeking any appropriate equitable remedy in the appropriate division of the General Court of Justice of Davidson County. It shall not be a defense to any action or application for equitable relief that there is an adequate remedy at law.

**Section 9-3: Injunctive Relief.**

As authorized by G.S. §153A-123(e), Davidson County may enforce this Ordinance through an action in the appropriate division of the General Court of Justice in Davidson County to restrain any violation of this Ordinance and to compel compliance with any provision of this Ordinance. Davidson County may seek a mandatory or prohibitory injunction and an abatement order commanding the violator to correct the unlawful condition or cease the unlawful use of the property. In any such action, Davidson County may seek an order to direct that any building or

other structure on the property which causes or contributes to or is used in any violation of this Ordinance be closed, demolished or removed; that fixtures, furniture, or other movable property that causes or contributes or facilitates a violation be removed from buildings on the property; and that any other action necessary to allow the property to be used in conformity with this Ordinance be taken. Davidson County may seek a citation for contempt of court against a person who refuses to comply with a court order to cease or abate a use in violation of the Ordinance. Upon execution of the contempt citation, Davidson County shall have a mechanic's and materialman's lien upon the property where the violation exists. Such lien shall be for the costs to Davidson County in executing the contempt citation. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the abatement order. In an appropriate case, Davidson County may seek from a court a temporary restraining order and preliminary injunction against violations of this Ordinance pending a final hearing on the merits.

**Section 9-4: Remedies Not Exclusive.**

This Ordinance may be enforced by one or more of the remedies provided in this Article and this Ordinance. Such remedies shall be deemed non-exclusive and may be sought for the same violation of this Ordinance. This Ordinance shall not be construed to preclude any remedy provided by law to a private person, nor the enforcement of any other applicable law, rule, or regulation by any governmental entity or agency authorized, permitted, or directed to enforce such law, rule, or regulation. The use of any remedy herein shall not excuse or relieve a person against whom such remedy is sought of any duty to correct or abate any violation.

**ARTICLE X: LEGAL PROVISIONS**

**Section 10-1: Jurisdiction and Venue.**

- (A) **Jurisdiction:** Jurisdiction over any legal action or proceeding instituted and maintained by or against Davidson County or any of its Commissioners, agents, officers and employees and any law enforcement officer of Davidson County shall be only in the appropriate division of the General Court of Justice of the State of North Carolina.
- (B) **Venue:** Venue of all legal actions and proceedings except for appeals of decisions of the Fire Marshal shall be only in Davidson County. Pursuant to G.S. §143-141(d), an appeal of a decision of the Fire Marshal may be taken to the Superior Court of either Davidson County or Wake County.

**Section 10-2: No Liability Against County.**

Neither Davidson County nor any of its Commissioner's, agents, employees, or officers shall be liable for any damage to persons or property arising from any inspection or re-inspection authorized or required by this Ordinance or from the failure to inspect or re-inspect or from the

issuance or denial of a permit or the approval or disapproval of any equipment as authorized in this Ordinance.

**Section 10-3: Computation of Time.**

In computing any period of time prescribed by this Ordinance for performing an act, the day of the act, or event upon which the designated period of time begins to run is not to be included. The last day of the period is to be included unless the last day is a Saturday, Sunday, a day recognized by resolution of the Board of Commissioners as a holiday for employees of Davidson County Government, or a day on which weather or other conditions have caused Davidson County to close its offices for the transaction of business, in which event the period to perform an act runs until the end of the next day which is not one of the days mentioned in this sentence for which the last day of the period is not included.

**Section 10-4: Conflict with Laws and Regulations of North Carolina.**

This Ordinance shall be construed and enforced to the extent possible to be consistent with state laws and regulations. If a conflict exists between interpreting a provision of this Ordinance and state laws and regulations, the state laws and regulations shall supersede this Ordinance.

**Section 10-5: Severability of Provisions.**

If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining valid provisions shall have full force and effect.

**Section 10-6: Governmental Function.**

Davidson County hereby declares that all actions, functions, duties, inspections, and enforcement are provided by this Ordinance and declared essential activities of Davidson County. Consequently, Davidson County, its officers, agents, employees, and personnel are immune from any suit for any action in executing this Ordinance.

**Section 10.7: Effective Date.**

This Ordinance shall become effective on the \_\_\_ day of \_\_\_\_\_, 2021 at 12:00 a.m.

\_\_\_\_\_  
Karen Watford, Chair  
Davidson County Board of Commissioners

Attest:

\_\_\_\_\_  
Deborah Harris, Clerk to the Board  
Davidson County Board of Commissioners

This Ordinance adopted on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2021, on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and the affirmative vote of all the Members of the Board of Commissioners present and accounted for.

**APPENDIX A - Commercial Plan Review Fees:**Commercial Construction Plan Review

<u>Occupancy Size Square Feet</u>	<u>Applicable Fee</u>
Up to 5,000 square feet	\$ 50.00
5,001 to 12,500 square feet	\$100.00
12,501 to 20,000 square feet	\$150.00
20,001 to 100,000 square feet	\$200.00
100,001 to 500,000 square feet	\$300.00
500,001 to 1,000,000 square feet	\$400.00
>1,000,000 square feet	\$500.00

**APPENDIX B - Required Operational Permits and Fees:**Operational

\$25	Amusement Buildings
\$25	Carnivals and Fairs
\$25	Combustible Dust Producing Operations
\$25	Combustible Fibers
\$25	Compressed Gases
\$25	Covered Mall Buildings
\$25	Cryogenic Fluids
\$25	Exhibits and Trade Shows
\$25	Explosives
\$25	Flammable and Combustible Liquids for the Following Mandatory Permits Only:
	1. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries, and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used.
	2. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
	3. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a more significant hazard than that for which the tank was designed and constructed.
	4. To manufacture, process, blend or refine flammable or combustible liquids.
	5. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental, or manufacturing establishments.
	6. To utilize a site for dispensing liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft, and other special equipment at commercial, industrial, governmental, or manufacturing establishments.
\$25	Fumigation and insecticidal fogging
\$25	Hazardous Materials
\$25	H.P.M. Facilities

- \$25 High-Piled Combustible Storage Facilities
- \$25 Liquefied or Gas-Fueled Vehicles or Equipment in Assembly Buildings
- \$25 Private Fire Hydrants
- \$75 Pyrotechnic Special Effects Materials (including Fireworks) Per display.
- \$25 Spraying or Dipping
- \$25 Temporary Membrane Structures and Tents

**APPENDIX C - Required Construction Permits and Fees (continued):**

Construction

- \$100 Auto Extinguishing System
- \$100 Battery Systems
- \$100 Compressed Gases
- \$100 Cryogenic Fluids
- \$100 Emergency Responder Radio Coverage System
- \$100 Fire Alarms Detection System and Related Equipment
- \$100 Fire Pumps & Related equipment
- \$100 Flammable and Combustible Liquid
- \$100 Gates and Barricades across Fire Department Access Roads
- \$100 Hazardous Materials
- \$100 Industrial Ovens
- \$100 Private Fire Hydrants
- \$100 Smoke Control or Smoke Exhaust System
- \$100 Solar and Photovoltaic Power Systems
- \$100 Spraying/Dipping Operations
- \$100 Standpipe System
- \$100 Temporary Membrane Structures & Tents

**APPENDIX D - Civil Penalty Schedule:**

Civil Penalties are assessed upon the completion of a non-compliant inspection

Violations

- \$ 100 Uncorrected Violation after Self-Certification
- \$ 100 Re-Occurring violations of Section 6.1(B)
- \$ 500 Failure to follow a plan of action

Unsafe Buildings & Conditions

- \$ 100 First Compliance Inspection
- \$ 300 Second Compliance Inspection
- \$ 500 Third Compliance Inspection
- \$ 1,000 Re-Occurring violation of Section 6.1(C)