



Jackson County Fire Prevention and Protection Ordinance

Adopted August 10, 2004

Amended March 16, 2009

Section 101 - Authority

This ordinance is adopted under the authority and provision of G.S. Chapter 153A-121, Article 6, which stipulates that a county may, by ordinance, define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances.

This ordinance shall be known as the Fire Prevention and Protection Code of Jackson County, North Carolina, and may be cited as such and referred to herein as "the code."

Section 102 - Intent of Code

- (a) It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the safe guarding of life and property within the jurisdiction of Jackson County from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, devices, and from hazardous conditions in the use or occupancy of buildings or premises
- (b) The Code shall not be construed to hold the county responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permits issued or denied as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

Section 103 – Jurisdiction

This ordinance shall apply to all areas of unincorporated Jackson County which are not included in the extraterritorial jurisdictions of any municipalities. All municipalities and their respective corporate limits shall be exempted from this ordinance unless they choose to adopt this ordinance or some form thereof.

Section 104 - Fire Marshal to enforce code

The Fire Prevention and Protection Code of Jackson County shall be enforced by the Jackson County Fire Marshal and his authorized representatives.

Section 105 - Adoption of technical codes and standards by reference; copies of file.

- (a) There is hereby adopted by reference and incorporated herein that certain code known as and entitled North Carolina Fire Prevention Code, Current Edition. Copies of the Jackson County Fire Prevention and Protection Code and all technical codes and standards adopted by reference, shall be filed with, and available for public inspection in the offices of the Clerk to the Board of County Commissioners and the Fire Marshal.
- (b) Amendments to codes and standards adopted by references herein which are adopted and published by the North Carolina State Building Code Council shall be effective in Jackson County at the time such amendments become a part of Fire Prevention" of the North Carolina State Building Code, Current Edition.

Section 106 - Inspection of buildings and premises

Subject to the limitations and conditions stated in the North Carolina State Building Code, it shall be the duty of the Fire Marshal to inspect or cause to be inspected as often as he may deem necessary or appropriate all buildings, structures, and premises within his jurisdiction for the purposes of ascertaining and causing to be corrected any conditions which may cause fire or explosion, endanger life from fire or explosion, or any violations of the provisions of the Code, or any other ordinances pertaining to fire or explosion hazards.

Section 107 - Permits

- (a) This code shall require permits from the Fire Marshal as set forth in North Carolina Fire Prevention Code, Current Edition, except for construction permits.
- (b) It shall be the duty of the Fire Marshal to evaluate applications and issue, if approved, all permits for those conditions as prescribed in The North Carolina Fire Prevention Code, Current Edition.
- (c) No person shall maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property or install equipment used in connection with such activities without a permit as required by the Fire Marshal and prescribed in The North Carolina Fire Prevention Code, Current Edition. Before a permit may be issued, the Fire Marshal shall inspect and approve the vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.

Section 108 - Service of orders or notices

- (a) The service of orders or notices for the correction of violations of the Code shall be made upon the owner, occupant or other person responsible for the conditions, either by personally delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises or by sending a copy of the order or notice by certified or registered mail to the owner's last known address.

- (b) When buildings or other premises are occupied by one other than the owner under a lease or other agreement, the orders or notices issued to correct violations of the Code shall apply to the occupant thereof; provided that where the order or notices require the making of additions to or changes in the premises themselves which may become part of the real property of the owner, then in such cases, the orders or notices shall also be issued to the owner of the premises or real property. Failure to deliver an order or notice to the owner, if other than the occupant, shall not invalidate such order or notice.

Section 109 - Schedule (Appendix A, Section I)

- (a) Fees for inspections required by this Code shall be determined by resolution of the Board of County Commissioners. An inspection fee schedule shall be filed with the Clerk to the Board of County Commissioners and Fire Marshal's Office for public inspection.
- (b) Inspection fees shall be paid within the 30 days, as specified in the billing or notice of the amount of the fee.

Section 110 - Violations and Penalties

- (a) Any person who shall violate any of the provisions of the code hereby adopted or who shall fail to comply with any judicial warrant, lawful order, or regulations made there under or who builds in violation of any specifications or plans submitted and approved there under or any permit issued there under, shall be guilty of a misdemeanor. Each day that such violation continues shall constitute a separate offense. In the name of the County, the County Fire Marshal, through the County Attorney, may file suit to enjoin the construction or maintenance of any facility, building or structure which does not conform to the provisions of the Code.
- (b) This Code may be enforced by any of the remedies set forth in G.S. 153A - 123, in addition to others specifically set out herein or in the Jackson County Code.
- (c) Any person who violates any of the provisions of this Code shall be subject to a civil penalty for each violation in the amount shown in the attached Civil Penalty Schedule Appendix A, (Section II) which shall be filed with the Clerk to the Board of County Commissioners and in the Fire Marshal's office for public inspection. Each day of violation shall constitute a separate and distinct offense.
- (d) The Fire Marshal or his authorized representative is authorized to issue written citations in the name of the County for violations. Civil penalties must be paid to the Fire Marshal's office within (30) days after a citation has been issued by the Fire Marshal for a violation.
- (e) Civil penalties for second or subsequent violations shall double the amounts specified in Appendix A (Section II).

Section 111 - Removal of obstructions; prohibited parking

Any vehicle found obstructing any fire hydrant, fire protection equipment, designated and marked fire lane, or fire station may be removed or towed away by or under the direction of the Fire Marshal or local law enforcement agency to a storage area or garage. The owner of such vehicle, before obtaining possession thereof, shall pay all reasonable costs incidental to the removal and storage of the vehicle due for the violation of prohibited parking.

Section 112 - Emergency Entry

The County Fire Marshal or his authorized representatives shall have the right to enter any building or premises without permission or warrant in the event of any emergency situation constituting a threat to human life, property or the public safety for the purpose of eliminating, controlling or abating the dangerous condition or situation.

Section 113 - Investigation of fires

- (a) The County Fire Marshal's office shall investigate the cause, origin, and circumstances of automobile and structure fires occurring in the county which is of a suspicious nature or which involves loss of life or injury to persons, or when notified by any fire department of a fire protection district or when circumstances warrant. Such investigation shall begin immediately upon the occurrence of such a fire and, if it appears that such fire is of suspicious origin, the County Fire Marshal shall be immediately notified and coordinate investigation activities with the Fire Department having jurisdiction. Any information obtained pursuant to any such investigation shall be confidential as authorized by law.
- (b) The local law enforcement agency, upon request of the Fire Marshal or his authorized representatives, may render such assistance as necessary in the investigation of any fire determined to be of suspicious nature.

Section 114 - Haunted Houses

A Permit shall be required to be obtained from the Fire Marshal's Office for anyone wishing to open a "Halloween Haunted House" to the public. (Reference Appendix B)

Section 115 - Smoke Detectors Required in All Residential Rental Properties Regardless of Date of Construction

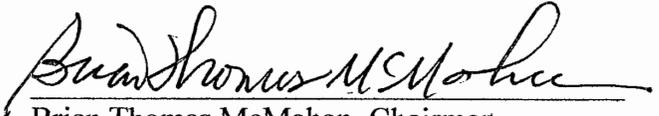
- (a) "Residential rental property" is defined to mean every building or part of a building that is offered to or occupied by one or more persons, other than the owner or owners of the building and the owner's or owners' immediate family, for rent or lease for human habitation including, but not limited to, apartments, rental houses, duplex or triplex homes and mobile and modular homes.
- (b) The owner or owners of every residential rental property located in Jackson County, North Carolina, regardless of when such rental property was constructed, shall cause such residential rental property to be equipped with one or more approved smoke detectors, either battery operated or electrical hard-wired, installed in accordance with NFPA 74.
- (c) The owner or owners of every residential rental property shall be responsible for testing each smoke detector system, and for making any repairs necessary for their proper operation, not less than once every twelve (12) months, and prior to the occupancy of each new tenant.
- (d) During his or her occupancy of any residential rental property, every tenant shall periodically test each smoke detector system and, if any smoke detector system is not operating properly, the tenant shall immediately report the same to the owner or owners. No tenant shall tamper with, damage, disconnect or remove any smoke detector system from any residential rental property, nor permit any other tenant or guest to do the same.

If any smoke detector system is damaged, disconnected or removed during the occupancy of any tenant or tenants, then that tenant or tenants shall be liable to the owner or owners of the property for the reasonable cost of repairing, re-installing or replacing the smoke detector system.

- (e) Any owner or tenant or residential rental property who shall violate any of the requirements of this Section shall be subject to the civil and criminal penalties described in Appendix A, Section I.

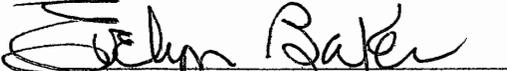
Section 116 - ADOPTION AND EFFECTIVE DATE

This amended ordinance shall take effect upon adoption.



Brian Thomas McMahan, Chairman
Jackson County Board of Commissioners

Attest:



Evelyn Baker, Clerk

Approved as to Form:



Paul Holt, County Attorney

**APPENDIX A
FEE SCHEDULE**

Section A. 1 Inspections

Fire Permit	\$ 00.00
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Section A. 2 Violations

***Violation (s) of the Code including all referenced enforceable material contained within (may issue citation).

1 st Offense	\$50.00
2 nd Offense	\$100.00
3 rd Offense	\$200.00

APPENDIX B HAUNTED HOUSES

“Halloween Haunted Houses” present a difficult problem in trying to meet the provisions of the Fire Code and maintain a safe environment. The following provisions will be required to be met to assure the safety of all persons participating and attending “Halloween Haunted Houses.”

Definition

Any building with several rooms or one room displaying scary scenes or scenes that are to represent life-like scenes and is used by organizations or individuals for fundraisers or profit.

Regulations

1. A scaled sketch showing locations and widths of egress and exits are required. A log showing: a description, event, performance dates and times and name of person or persons responsible for the event.
2. Emergency exits shall be provided throughout the structure to insure the safe and prompt egress of occupants in the event of an emergency. These exits shall not be covered or concealed in any way and shall be available for immediate use without any type of hindrance. These exits shall be marked “EXIT.” All Exit signs shall be of a florescent type with minimum size three-inch letters. The Fire Official may require lighted Exits and Emergency Lights if he deems it necessary. All staff personnel shall know the location of all exits and proper procedures to follow when leading people to an exit.
3. Workers are to be stationed at or near each exit while the haunted house is opened to the public.
4. All exits must remain unlocked and unblocked while the structure is occupied.
5. The Haunted House must have workers in each room at all times of operation. Each worker shall have a flashlight and hand held alarm (whistle, horn, etc.) to warn of an emergency.
6. All steps, ramps or outside porches shall be lighted at all times.
7. Lights shall be installed in all areas of the structure that will be occupied. They shall be turned on in the event of an emergency to provide sufficient light for a safe means of exiting the building.
8. Multi-purpose portable fire extinguishers shall be installed near each exit and throughout the structure so that the maximum travel distance to an extinguisher does not exceed 25 feet. All fire extinguishers shall be rated a minimum of 5 pounds ABC extinguishers.
9. All staff shall know the location and be trained in the use of all fire extinguishers.
10. No combustible or flammable liquid type equipment to be used in structure.
11. No open flame, candle(s) or pyrotechnics shall be used within the structure or near proximity (50 feet) of the structure.
12. No smoking shall be allowed within the structure or within 50 feet of the structure. (No Smoking signs must be posted within the structure and around the structure).
13. The use of straw, hay, live vegetation, moss, vines, split bamboo, leaves, cloth, foam plastics, paper, cotton batting and other similar material shall not be used unless the materials are flame resistant as determined by the Fire Prevention Code. The Fire Official will need to approve any items used and the flame retardant chemical used to treat those items.

14. Spliced electrical cords, homemade switching devices and/or open junction boxes and connections shall not be permitted. Extension cords shall not be used as a wiring method.
15. The number of persons allowed inside the structure will be based on the size of the structure. Each group shall be led through the structure by a competent staff person. There shall be at least one empty room in between each group. All staff persons leading groups shall be familiar with all the guidelines required for Haunted Houses.
16. In the event of an emergency, a warning signal will be sounded to notify all occupants to evacuate the structure.
17. There shall be a meeting each night with all personnel who will be working that night prior to opening the structure to the public to review all rules and regulations that need to be followed including emergency evacuation procedures.
18. Other considerations for the safety of the public that may be necessary such as decorations, fire lines, etc. shall be enforced by the fire official.