

CHAPTER 91: DAVIE COUNTY FIRE, RESCUE AND PROTECTION ORDINANCE

PROVIDING FOR THE ESTABLISHMENT THE OFFICE OF DAVIE COUNTY FIRE MARSHAL, FIRE PREVENTION RULES AND PROVIDING FOR FINANCIAL ASSISTANCE TO CERTAIN FIRE DEPARTMENTS AND RESCUE AGENCIES IN DAVIE COUNTY.

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ARTICLE 1: GENERAL PROVISIONS

91.01. Authority.

This Ordinance is adopted pursuant to the authority contained in Article 11 of Chapter 153A of the General Statutes of North Carolina, subject to any limitations and authority of a county to apply said Ordinance within an incorporated municipality. The County encourages each municipality within Davie County to adopt this Ordinance as their own.

91.02. Intents.

1. It is the intent of this chapter to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the jurisdiction of the County from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials and devices, and from hazardous conditions in the use or occupancy of buildings or premises.
2. This chapter shall be deemed an exercise of the police power of the County for the preservation and protection of the public health, safety, and welfare and for enforcement of the North Carolina State Building Code: Fire Code.
3. This chapter shall not be construed to hold the County responsible for any damage to persons or property by reason of the inspection or re-inspection authorized in this chapter or failure to inspect or re-inspect or the permits issued or denied as provided in this chapter or by reason of the approval or disapproval of any equipment authorized herein.
4. Nothing in this chapter shall be construed to conflict with the provisions of the North Carolina General Statutes pertaining to fire prevention; in the event of an ambiguity between this chapter and a provision of the statutes, the latter shall prevail.
5. This chapter shall be known as the Fire, Rescue and Protection Code of Davie County, North Carolina.
6. The services covered under this Ordinance include Fire, Rescue and First Responder services. All references hereinafter made in this Ordinance to Fire and Rescue Protection services shall also include First Responder services.

91.03. Purposes.

The purposes of this Ordinance are to:

1. Establish a program for the prevention of fires and the protection of life and property in Davie County from the damage caused by uncontrolled fire.
2. Establish a means of enforcing the North Carolina State Building Code: Fire Code in Davie County.
3. Aid in the reduction of the cost of fire insurance to the County and its citizens.
4. Establish and define the duties, powers, and authority of the Davie County Fire Marshal's Office in the investigation and prevention of fire and in enforcement of the North Carolina State Building Code: Fire Code.
5. Encourage and establish safe, effective, and well-trained firefighting and rescue organizations.
6. Prevent interference with firefighting and fire prevention activities.
7. Establish authority to collect fees, enforce compliance and assess penalties.
8. Provide for the prudent and fiduciary expenditure of Davie County taxpayer funds for fire, rescue and first responder services.

91.04. – 91.25. Reserved for any future codification.

ARTICLE 2: FIRE MARSHAL'S OFFICE

91.26. Creation of Position.

The Davie County Fire Marshal's Office is hereby established. The County Manager may assign the duties of the Fire Marshal to any employee(s) of the County having other duties. The Fire Marshal's Office shall take direction from the Emergency Services Director.

91.27. Duties of the Fire Marshal's Office.

The Fire, Rescue and Protection code of the County, State and Federal laws and ordinances as they pertain to fire safety and fire prevention, shall be enforced by the Davie County Fire Marshal's Office and/or authorized representatives or as otherwise provided in this chapter.

The Fire Marshal's Office shall have the following duties and authority in fire prevention and code enforcement as permitted in N.C. §153A-234, N.C.G.S. §58-79-20 and N.C.G.S. §58-79-1; including but not limited to:

1. Keep the County Manager and Board of County Commissioners informed of the progress and development of each fire and rescue department providing service to the County and advise the Board of County Commissioners on improvements related to emergency services.
2. Act as liaison between Fire Departments and Rescue Squads that serve Davie County, the County Manager and Board of County Commissioners.
3. Assist fire departments, if requested, in the improvement of insurance ratings.

4. Coordinate training activities for firefighters and rescue personnel if requested.
5. Assist with development of a Fire Prevention Program for Davie County which will be offered to fire departments, schools, industries and the general public.
6. Make all fire prevention inspections, in conjunction with Davie County Development Services, including but not limited to, the periodic inspections and reports of school buildings within the Davie County School District and the inspections of childcare facilities.
7. Perform those duties and activities as set forth in the Davie County Emergency Operations Plan.
8. Serve as Assistant Emergency Management Coordinators for Davie County, as necessary.
9. Assist with fire scene investigations upon request of the officer in charge of the scene of the fire.
10. Perform such other duties and activities as the County Manager may from time to time require of the Fire Marshal's Office.

91.28. Authority of the Fire Marshal's Office.

The Fire Marshal's Office is hereby authorized, subject to review and approval of the County Manager, to promulgate rules, regulations and procedures necessary to enforce this chapter.

1. As authorized by N.C.G.S §58-79-1, the Fire Marshal's Office shall have authority to conduct a fire origin and cause investigation of any fire occurring within Davie County as deemed necessary, or requested by the Officer in Charge of the scene.
2. The Fire Marshal shall manage the day to day operations of Squad 81, using the direction of the County Manager and Emergency Services Director.
3. The Fire Marshal's Office shall have the following inspection authority:
 - a. Pursuant to N.C.G.S. §58-79-20 Fire Marshal personnel may enter any building, structure, marine vessel, vehicle or premises (with exception of one and two family dwellings) within the jurisdiction of this Ordinance for the purpose of examination. Should the representative find in any building or upon any premises overcrowding in violation of occupancy limits established pursuant to the North Carolina State Building Code, combustible material or inflammable conditions dangerous to the safety of such building or premises the representative shall order the same to be removed or remedied. The owner or occupant of the building or premises shall comply with the order as soon as feasible.
 - b. The County Fire Marshal's Office representative or any fire chief or their authorized representatives of fire departments serving fire protection districts 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. Any person who wrongfully and intentionally denies the representative of the Fire Marshal's Office emergency

entrance or access to a building, facility or premises while performing official duties shall be in violation of this chapter.

4. The Fire Marshal's Office and/or Davie County Development Services are the only entities to make inspections of buildings, institutions, facilities and premises required to be inspected by the North Carolina State Building Code: Fire Code and N.C.G.S. §115C-525(b).
5. Frequency rates for inspections of occupancies as mandated by the NC General Statutes shall supersede any schedule set out in this Ordinance. Nothing in this section shall prevent the Fire Marshal's Office and/or Davie County Development Services from conducting more frequent inspections.
6. Requests for fire alarm testing for government buildings and schools shall be evaluated and approved by the Fire Marshal's Office prior to the testing.
7. The Fire Marshal's Office shall maintain a document providing the specific technical information and requirements for the emergency responder radio coverage system within new and existing structures, as required by the North Carolina State Building Code and/or the North Carolina State Building Code: Fire Code. The document shall contain, but not be limited to, minimum signal strength, the various frequencies required, the location of radio sites, effective radiated power of radio sites, amplification and/or signal booster systems, standby power, and/or battery needs and other supporting technical information. Before installation by the owner, all items shall be discussed for approval and then tested prior to implementation by the Fire Marshal's Office. The Fire Marshal's Office shall have the right to enter onto the property at any reasonable time to conduct field testing to verify the required level of radio coverage.
8. The Fire Marshal's Office and/or Davie County Development Services shall require and evaluate applications and issue any permits it deems advisable for those conditions as prescribed in the North Carolina State Building Code: Fire Code and this chapter. The Fire Marshal's Office and/or Davie County Development Services may refuse or deny the issuance of a permit if all of the conditions of this chapter or other policies and procedures promulgated by him have not been met.
 - a. Any person engaged in or desiring to engage in any activity which requires a permit as listed in the North Carolina State Building Code: Fire Code, shall obtain, complete, and file an application with the Fire Marshal's Office and/or Davie County Development Services. Failure to obtain, complete, and file an application shall constitute a violation of this chapter. The Fire Marshal's Office and/or Davie County Development Services is authorized to refuse, deny or revoke any permit sought or granted for non-compliance or violation of this chapter or the technical codes adopted in this chapter by reference.
 - b. 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 filing an application and obtaining a permit as required by the Fire Marshal's Office and/or Davie County Development Services and prescribed in the North Carolina State Building Code: Fire Code and this chapter.

- c. Permits shall be renewed on or before the expiration date indicated on the permit. The Fire Marshal's Office and/or Davie County Development Services may require the completion and filing of a new application and inspection.
 - d. An owner may appeal any refusal, denial, or revocation of a permit to the NC Commissioner of Insurance, pursuant to NCGS 153A-374.
- 9. The County Fire Marshal's Office and/or Davie County Development Services may charge and collect such fees, and civil penalties as the Board of County Commissioners may authorize and adopt as a part of this chapter. The Fire Marshal's Office and/or Davie County Development Services may also charge and bill users of services, any user fees instituted, and adopted by the Board of County Commissioners. The specific kind of fees and the amount thereof shall be fixed in an annual schedule of fire prevention fees approved by the Board of County Commissioners in coordination with the annual budget ordinance.
- 10. The County Fire Marshal's Office and/or Davie County Development Services shall have the authority to require the designation of fire lanes and to require owners or occupants to erect all signs necessary to designate an area a fire lane.
- 11. Removal of obstructions and illegally parked vehicles:
 - a. The County Fire Marshal's Office shall have the authority to remove any vehicle found obstructing any fire station, fire hydrant, fire protection equipment, or designated and marked fire lane. Any cost associated with such removal shall be assessed against the owner of the removed vehicle. The owner of such vehicle shall pay all reasonable costs incidental to the removal and storage of the vehicle due for the violation of prohibited parking before regaining possession of the vehicle.
 - b. The County Fire Marshal's Office, and/or responding officer of the fire district shall have the authority to remove any vegetation, fencing, or any other objects found to be obstructing fire hydrants.
- 12. Enforce Code
 - a. The Fire, Rescue, and Protection Code of Davie County shall be enforced by the Davie County Fire Marshal's Office and/or Davie County Development Services or as otherwise provided herein.
 - b. In enforcing this chapter, the County Fire Marshal's Office and/or Davie County Development Services is authorized to issue notices of violation, corrective or abatement orders, stop-work orders, civil citations, and civil penalties, to seek the issuance of criminal summons for misdemeanors, to contact the law enforcement agency with jurisdiction to investigate felony crimes, and to seek injunctive relief from the courts. The Fire Marshal's Office and/or Davie County Development Services shall have the authority to summarily abate any condition that is in

violation of any provision of this chapter or the North Carolina State Building Code: Fire Code if it presents an immediate fire hazard to life or property.

- c. Any cost associated with the enforcement of subsection (a) or (b) above shall be the responsibility of the owner of the property involved, and such cost shall be assessed against the property owner and shall be a lien against the said property until paid in full by the owner.

91.29. Inter-governmental Authority.

The Fire Marshal's Office and/or Davie County Development Services may request and shall receive so far as may be necessary for the discharge of its duties, the assistance and cooperation of other officials of the County and any municipality in the County.

91.30. Reserved for any future codification.

ARTICLE 3: FIRE CODE

91.31. State Fire Code Enforcement.

The NC State Building Code's provisions, which are intended to prevent or limit or lessen or regulate the hazards or damages from fire and the provisions of the North Carolina State Building Code: Fire Code, shall be enforced in Davie County by the Fire Marshal's Office and/or Davie County Development Services. Copies of this Ordinance, the North Carolina State Building Code: Fire Code, and the portions of the Building Code enforced under this provision shall be available for public inspection in the Fire Marshal's Office and/or Davie County Development Services. Any person may obtain copies of non-copyrighted materials upon payment of a reasonable copying charge and at reasonable times during the normal business hours of such offices.

91.32. Permits.

1. **Adoption of Fire Code Permits.** In addition to mandatory operational and construction permits required by the North Carolina State Building Code: Fire Code, Davie County hereby adopts the optional operational and construction permits, as defined by the Code, listed in Appendix A of this Ordinance.
2. **Permit Required.** No person shall construct, maintain, store or handle materials, or conduct processes, systems, or install equipment used in connection with such activities that are regulated by the North Carolina State Building Code: Fire Code without first obtaining a permit from the County of Davie. No person shall engage in any use specifically prescribed in the North Carolina State Building Code: Fire Code unless such person has obtained a permit from the County of Davie. This shall apply in all commercial structures excluding one- and two-family dwellings.
3. **Application.** The Fire Marshal's Office and/or the Davie County Development Services Office shall create a permit application or applications to set forth the information required prior to issuance of a permit as prescribed by the North Carolina State

Building Code: Fire Code. Such application or applications shall be submitted through the Davie County Development Services Office with remittance of the application fee upon submittal.

4. **Commercial Plan Review.** All submitted applications for construction or operational permits shall be subjected to a fire plan review as it applies to the North Carolina State Building Code: Fire Code, local ordinances, state laws, and/or other regulatory documents, prior to permit issuance.
5. **Conditions of Permits.** Conditions of a permit shall comply with provisions set forth in the North Carolina State Building Code: Fire Code.
6. **Duration of Permits.** Duration of a permit shall comply with provisions set forth in the North Carolina State Building Code: Fire Code. An operational permit shall remain in effect until reissued, renewed, or revoked for such a time as prescribed on the permit. Permits are not 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 N.C.G.S. §153A-358 or until the permitted work has passed final inspection.

91.33. Fees, Cost, and Penalties.

1. **Permit Application Fees, Cost, and Penalties.** The Davie County Board of County Commissioners shall approve permit application fees, cost, and penalties. Such fees, cost, and penalties shall be defined in the Fees, Cost, and Penalties Schedule of the County of Davie annual budget package.
2. **Commercial Plan Review Fees.** Commercial plan review fees are in addition to any other required permit fees, with the exception of occupancies installing fire suppression systems. Those occupancies which install fire suppression systems shall follow the commercial construction/fire suppression plan review schedule, plus any additional permit fees. Such fees shall be defined in the Fees Schedule of the County of Davie annual budget package.
3. **Initial inspection of permitted work.** Upon initial inspection of permitted construction or operation, no inspection fee shall be assessed.
4. **Re-inspection fee.** With the exception of the initial inspection, a fee shall be assessed for each subsequent inspection of noncompliant permitted work or use.

91.34. Inspections.

1. Inspections pursuant to permit applications shall be as set forth in the North Carolina State Building Code: Fire Code. It is the responsibility of the permit holder to notify the Davie County Development Services Office forty-eight (48) business hours in advance of the time when permitted work is ready for inspection.

2. The County Fire Marshal's Office and/or Davie County Development Services Office are authorized to conduct such inspections as deemed necessary to determine compliance with laws, codes, and standards set forth in the North Carolina General Statutes, Fire Codes, and Davie County Fire, Rescue and Protection Ordinance.
3. Fire prevention inspections shall be conducted in accordance with the frequencies set forth by North Carolina General Statutes, North Carolina State Building Code: Fire Code, Davie County Fire. Rescue and Protection Ordinance, upon receiving a fire code violation complaint, or as deemed necessary.

91.35. Enforcement Procedures.

1. **Violations.** Violations of the North Carolina State Building Code: Fire Code, local ordinances, state laws, and/or other regulatory documents shall be remedied as prescribed in this article of the Davie County Fire, Rescue and Protection Ordinance.
2. **Enforcement of Codes and Remedies for Violations.**
 - a. **Notice of Violation.** When the Davie County Fire Marshal's Office and/or Davie County Development Services finds a building, premises, vehicle, storage facility, or outdoor area that is in violation of this code, the Davie County Fire Marshal's Office and/or Davie County Development Services is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for re-inspection.
 - b. **Service of Notice.** A notice may be served by certified mail, return receipt requested, by email or in person by a representative of the Fire Marshal's Office and/or Davie County Development Services, upon the owner, occupant, or an agent or employee or person of some responsibility upon the premises. However, the failure to deliver a notice to the owner, if other than the occupant, shall not invalidate or nullify the legal force and effect of any such notice or citation.
 - c. **Correction of Violations and Penalties for Non-Correction.**
 - 1) **Initial inspection.** When the Davie County Fire Marshal's Office and/or Davie County Development Services finds a building, premises, vehicle, storage facility, or outdoor area that is in violation of this code, the Davie County Fire Marshal's Office and/or Davie County Development Services is authorized to prepare a written notice of violation describing the conditions deemed noncompliant and, when compliance is not

immediate, the responsible party shall be given at least thirty (30) days prior to the first follow up inspection.

- 2) **First Compliance inspection.** Upon the first compliance inspection, a civil penalty shall be assessed for each violation not corrected from the initial inspection. The responsible party shall be given at least fifteen (15) days prior to the second compliance inspection.
 - 3) **Second Compliance inspection.** Upon the second compliance inspection, a civil penalty shall be assessed for each violation not corrected. The responsible party shall be given at least seven (7) days prior to any subsequent follow up inspection.
 - 4) **Third Compliance inspection.** Upon the third compliance inspection, a civil penalty, as set forth in the Fees, Cost, and Penalties Schedule, shall be assessed for each day, each violation is not corrected. The responsible party shall be given at least seven (7) days prior to any subsequent follow up inspection.
 - 5) **Sub Sequent inspections.** If, after any additional inspections, the violation has not been corrected, Davie County reserves the right to correct the violation and assess the cost of said correction to the property owner. The property owner shall have thirty (30) days in which time to pay the assessment. In the event the property owner fails to pay said assessment, the County has the right to bring an action in civil court to enforce the assessment. Nothing contained herein shall invalidate the rights of the State of North Carolina from any criminal action for any violation.
 - 6) **Approved Plan of Action.** At any time during the inspection process the representative from the Fire Marshal's Office and/or Davie County Development Services Office shall have the authority to require the responsible party to submit a plan of action for violation correction in lieu of civil penalties.
- d. **Imminent Fire Hazard.** If a violation constitutes an imminent fire or life safety hazard, the Fire Marshal's Office, or fire department official in charge of the incident, shall serve a "Notice to Abate" the imminent fire or life safety hazards on the owner or occupant, operator, or another responsible party of the property where the imminent hazard is discovered. The owner, occupant, operator, or other person responsible for such hazard, in addition to immediately abating the hazard, a civil penalty may be accessed as set forth in the Fees, Cost, and Penalties Schedule.
- e. **Summary Abatement.** Where conditions exist that are deemed hazardous to life and property, the Fire Marshal's Office or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of the North Carolina State Building Code: Fire Code. Any cost associated with said summary abatement shall be borne by the property owner.

The property owner shall have thirty (30) days in which time to pay the cost of the abatement. In the event the property owner fails to pay said cost, the County has the right to bring an action in civil court to collect said cost. Nothing contained herein shall invalidate the rights of the State of North Carolina from any criminal action for any violation

- f. **Fire Hazard as Public Nuisance.** The maintenance of conditions which constitute a fire hazard may be declared by the Fire Marshal's Office and/or Davie County Development Services to be a public nuisance and may be summarily abated as directed by the Fire Marshal's Office, Davie County Development Services, the fire officer in charge, or law enforcement officer. Civil penalties, as set forth in the Fees, Cost, and Penalties Schedule, shall be assessed by the Fire Marshal's Office and/or Davie County Development Services upon discovery.
- g. **Maintaining a Fire Hazard.** No person shall knowingly maintain a fire hazard. Violations recurring inside of the inspection cycle are subject to a civil penalty as set forth in the Fees, Cost, and Penalties Schedule.
- h. **Installation, Modification, or Operation of a Group H (High Hazard) Occupancy without a Permit.** If any group H occupancy is found to be installed, modified, or operated, without a permit, a civil penalty as set forth in the Fees, Cost and Penalties Schedule shall be assessed.
- i. **Installation or Modification of a Fire Protection System, In a Commercial Structure, without a Permit.** If a fire protection system is found to be installed or modified without being permitted, a civil penalty as set forth in the Fees, Cost, and Penalties Schedule shall be assessed. Fire protection systems shall include but are not limited to, suppression, detection, or notification systems.

91.36. Procedure for Designating Fire Lanes.

1. The Fire Marshal's Office and/or Davie County Development Services, a property owner, or a tenant may petition the Board of County Commissioners to designate an area as an official fire lane. The Board of County Commissioners, after hearing the Fire Marshal's Office representative, the property owner and/or tenant may adopt an ordinance making the designation.
2. If the petition is initiated by the Fire Marshal's Office and/or Davie County Development Services, it shall be served on the property owner or tenant of the property by registered mail, return receipt requested. The property owner or tenant shall have thirty (30) days from the date of delivery to mail a written response to the petition. The written response shall be delivered to the Fire Marshal's Office and/or Davie County Development Services. The property owner, in his response, may object or consent to the designation. After thirty (30) days from the date of the service of the petition, the matter shall be heard by the Board of County Commissioners.
3. The Fire Marshal's Office and/or Davie County Development Services may negotiate changes or make recommendations to the petitioning party with regards to the area being considered for designation within thirty (30) days. The matter shall be heard by the Board of County Commissioners.

4. The petition, which shall be provided by the Fire Marshal's Office and/or Davie County Development Services, shall contain the following:
 - a. The name and address of the property owner;
 - b. Name and address of any tenants of the building;
 - c. Tax map number and description of the property;
 - d. Description of the location of the proposed fire lane; and
 - e. Plan indicating how the area will be designated and marked to include the size and location of signs.
5. After hearing the property owner and/or tenant and the Fire Marshal's Office and/or Davie County Development Services, the Board of County Commissioners may vote to table the matter for further study, or vote to deny the petition or vote to approve the petition.

91.37. Obstruction of Fire Stations and Fire Hydrants.

1. **Obstruction, Interference, Tampering with Fire Hydrants, or Fire Protection Equipment.** No person shall obstruct, interfere with the use of, or tamper with, any fire hydrant or with any fire protection equipment. No vegetation or other obstructions may be placed within five (5) feet of any fire hydrant. Any person who violates this Section shall be subject to summary abatement and civil penalties as set forth in the Fees, Cost and Penalties Schedule upon discovery.
2. **Prohibited Parking.** Parking on a highway in front of a private driveway, fire hydrant, fire station, or fire lane is a violation of and punishable in accordance with N.C.G.S. §20-162. 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's Office to a storage area or garage. The owner of such vehicle shall be deemed to have appointed the Fire Marshal's Office as his agent for the purpose of arranging for the transportation and safe storage of the vehicle. 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. It shall be the responsibility of the property owner to ensure that fire lanes are clearly marked and open and accessible to fire apparatus at all times.
3. **Fire Hydrants.** For new residential and private commercial installations, the location and number of on-site hydrants shall be designated by the Fire Marshal's Office (in consultation with the appropriate Fire Chief), with the minimum arrangement being so as to have a hydrant available for distribution of hose to any portion of any building on the premises at distances not exceeding two hundred (200) feet. Fire hydrants are required in new business and new multifamily dwelling areas and shall not be more than five hundred (500) feet apart. Fire hydrants are also required in all areas where public water is available. Such hydrants shall not be more than five hundred (500) feet

apart, except for county transmission water-lines installed by the County, which shall have fire hydrants no more than one thousand (1,000) feet apart.

a. The placement of all hydrants is subject to the written approval of the local fire department chief and/or his representative from the Fire Marshal's Office, which must be obtained at the time or prior to the time the development permit is issued.

b. Generally, fire hydrants should be located at street intersections, placed at the PC (point of curvature) or PT (point of tangency) of the radius, but not in the radius. Intermediate fire hydrant placement shall be located at property corners. Consideration should be given to other utilities such as power, telephone, and cable locations. In all instances, hydrants should be placed to afford protection from vehicle collisions, etc.

91.38. Bonfires and Other Outdoor Fires.

1. No person shall kindle or maintain any bonfire **or other outdoor fire** or authorize any such fire to be kindled or maintained on any land owned by that person unless the location is more than fifty (50) feet from any structure and adequate provisions are made to prevent fire from spreading to within fifty (50) feet of any structure or other property.
2. Any person who receives a permit to burn must notify all surrounding property owners who meet the following conditions:
 - a. Own property within a 50-foot radius from the location of the proposed burning; and
 - b. An occupied dwelling is located on the aforementioned property.
3. Bonfires or other outdoor fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have fire extinguishing equipment readily available for use.
4. The Fire Marshal's Office, Police, or Sheriff's Office may prohibit any or all bonfires and other outdoor fires when atmospheric conditions or local circumstances make such fire hazardous.
5. Open burning of leaves, tree branches, or yard trimmings originating on the premises of private residences may be burned on such premises, pursuant to the regulations in this section, only if no public curbside pickup service is available.
6. It shall be unlawful, per N.C.G.S. § 106-943, for any person to start or cause to be started any fire or ignite any material in any woodland, as defined by N.C.G.S. § 106-904, under the protection of the Department of Agriculture and Consumer Services or within 500 feet of any such woodland during the hours starting at midnight and ending at 4:00 P.M. without first obtaining a permit from the Department of Agriculture and Consumer Services. Permits may be obtained from forest rangers or other agents authorized by the forest ranger to issue such permits in the County in which the fire is to be started.

7. No person shall conduct, cause, or permit open burning of household trash, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters.
8. If any outdoor burning or smoke from such burning shall cause a nuisance, the Fire Marshal's Office, Police or Sheriff's Office, or responding officer of the fire department shall order that such burning be extinguished. Whether an outdoor burning constitutes a nuisance is in the sole discretion of the Fire Official or law enforcement officer called to the scene.
9. Any burning permitted under this section shall not be commenced, and shall be immediately terminated, upon declaration of an alert warning or emergency stage of an air pollution episode when proclaimed by the county Fire Marshal's Office or any other federal or state regulatory agency.

91.39. Extinguishment of fires on order.

1. It shall be unlawful for any person to continue to burn materials of any kind after having been ordered to extinguish burning material by the Fire Marshal's Office, county Forest Ranger, the Chief or responding officer of the Fire Department in whose district the burning takes place, or law enforcement officer of Davie County. Person(s) conducting unauthorized burning are subject to local, state, and federal criminal and civil action.
2. Any official authorized to enforce this section shall also have the authority to cause the fire department in the fire district in which the burning takes place to be dispatched for the purpose of extinguishing the fire.

91.40. Pyrotechnics.

In addition to the rules and regulations stated in the North Carolina State Building Code: Fire Code, which is adopted by reference in this chapter, the Davie County Board of County Commissioners adopts the following provisions:

1. The Davie County Fire Marshal's Office and/or Davie County Development Services Office is hereby granted the authority, given to the Board of County Commissioners by N.C.G.S. §14; Article 54, to issue permits for use of pyrotechnics within the County.
2. No person shall engage in the use of pyrotechnics without first completing an application and obtaining a permit from the Davie County Development Services Office ten (10) days in advance of such use. The names and addresses of all operators must appear on the application, and they must be approved by the Fire Marshal's Office before any display or use of the pyrotechnics.
3. The Davie County Development Services Office shall issue the permit after all requirements of the North Carolina State Building Code: Fire Code have been met,

the appropriate fees paid, and the applicant has posted a bond or certificate of insurance. The bond or certificate of insurance shall be in the amount of at least \$1,000,000.00 to cover damages to real or personal property and an additional \$1,000,000.00 to cover damages for personal injuries.

91.41. Fees, Cost and Penalties Schedule.

1. 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 regulation made thereunder or who builds in violation of any specifications or plans submitted and approved thereunder or any permit issued thereunder, shall be guilty of a Class 3 misdemeanor. Each day that such violation continues shall constitute a separate offense. In the name of Davie County, the County Fire Marshal's Office and/or Davie County Development Services Office, through the County Attorney, may obtain a court order to enjoin the construction or erection of any facility, building, or structure which does not conform to the provisions of the Code.
2. This Code may be enforced by any of the remedies set forth in N.C.G.S. §153A-123, in addition to others specifically set out herein or in the Fire, Rescue and Protection Code of Davie County.
3. Any person who violates any of the provisions of this Code shall be subject to a civil penalty, as set forth in the Fees, Cost, and Penalties Schedule of this Ordinance, for each violation in the amount established by Ordinance of the Board of County Commissioners. Said civil penalty schedule shall be filed with the Clerk to the Board of County Commissioners and on the Davie County website for public inspection. Each day of violation shall constitute a separate and distinct offense.
4. Civil penalties must be paid within thirty (30) days after a citation has been issued by the Fire Marshal's Office and/or Davie County Development Services Office for a violation and are authorized to issue written citations in the name of Davie County for violations.
5. If any person shall unlawfully and willfully violate this Ordinance or chapter or any provision thereof, he or she shall be guilty of a Class 3 misdemeanor and shall be fined as provided by N. C. Gen. Stat. 15A-1340.23.

91.42. Adoption of Technical Codes and Standards by Reference.

1. There is hereby adopted by reference and incorporated into this Chapter the North Carolina State Building Code: Fire Code. Copies of the Fire, Rescue and Protection Code of Davie County, North Carolina, and all technical codes and standards adopted by reference, shall be filed with and available for public inspection on the Davie County website.
2. Amendments to codes and standards adopted by reference herein which are adopted and published by the North Carolina State Building Code Council shall be effective in Davie County at the time such amendments become a part of North Carolina State Building Code: Fire Code.

91.44. – 91.50. Reserved for any future codification.

ARTICLE 4: FINANCIAL ASSISTANCE FOR COUNTY FIRE and RESCUE PROTECTION

91.51. Legal Authority to Fund Fire and Rescue Services.

1. Davie County may establish, organize, equip, support, and maintain a fire department; may prescribe the duties of the fire department; may provide financial assistance to incorporated 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 fire departments; and may for these purposes appropriate funds not otherwise limited as to use by law. The County may also designate fire districts or parts of existing districts and prescribe the boundaries thereof for insurance grading purposes.
2. Davie County may establish, organize, equip, support, and maintain a rescue agency; may prescribe the duties of the rescue department; may provide financial assistance to incorporated rescue agencies, and may, for these purposes, appropriate funds not otherwise limited as to use by law.
3. Davie County may make grants of financial assistance, upon an executed contract, to fire departments and rescue agencies in Davie County upon their compliance with the minimum requirements hereinafter contained.

91.52. Fire Protection Districts.

1. The area of the County within which a fire department will provide fire protection (fire protection area) and the boundaries of such district shall be clearly shown on a map of the County, as prepared by County GIS.
2. It shall be the responsibility of each fire department in Davie County to determine, if revisions to the Fire Protection District map are necessary. The County Manager will consult with the Board of County Commissioners who will make a decision on mapping revisions within ninety (90) days of the date of the County's receipt of notification.
3. The Davie County Board of County Commissioners have authority to modify the Fire Protection District map boundaries at any time.

91.53. Qualifications for Fire / Rescue Funding – Organization and Structure.

In order to qualify for financial assistance from Davie County, a fire and/or rescue agency must be organized as a non-profit corporation under the laws of North Carolina (11 NCAC 05A), or a department of a municipal government in Davie County. Each fire and/ or rescue agency shall execute a contract and comply with all terms therein.

1. Each fire and/or rescue agency desiring to provide the citizens of Davie County emergency services and receive county financial assistance under the terms of this

article shall execute a Service Contract between the agency and the County which contract shall be signed by the president and the secretary of the corporation.

2. If a fire and/or rescue provider is in breach of their signed Service Agreement, the County may exercise its remedies as provided in the Service Agreement.

91.54. – 91.60. Reserved for any future codification.

ARTICLE 5: MISCELLANEOUS PROVISION

91.61. Conflicting Ordinances, Orders, Rules, and Regulations Suspended.

All provisions of existing ordinances that conflict with this Ordinance are hereby repealed. All rules and regulations made and promulgated pursuant to this Ordinance shall supersede all existing rules and regulations inconsistent therewith.

91.62. Violations of this Chapter.

If any person, including any employee or agent of the County, shall unlawfully and willfully violate any provisions of this Chapter, upon conviction by the Court, he or she shall be guilty of a Class 3 misdemeanor and shall be fined as provided by N. C. Gen. Stat. 15A-1340.23. Each day of a violation of any provision of this Chapter shall constitute a separate offense. The payment of any criminal fine imposed in any criminal proceeding pursuant to this section shall not relieve any such person from any cost and penalties otherwise imposed under this Chapter.

91.63. Non-Cumulative Provision.

It is the intent of this Chapter that each provision contained herein shall stand or fail on its own. Should one or more provisions be declared unconstitutional, such declaration shall not cause any or all other provisions to fail, and such other provisions shall remain law.

91.64. Applicability to Municipal Fire Departments.

This Ordinance shall not be applicable to municipalities that operate Municipal Fire and Rescue departments.

91.65. Effective Date.

This Ordinance shall take effect upon approval by the Davie County Board of County Commissioners.

APPENDIX A: Required Davie County Permits

Operational

ABC Permit
Aerosol Products
Amusement Buildings
Aviation Facilities
Battery Systems
Carnivals and Fairs
Cellulose Nitrate Film
Combustible Dust Producing Operations
Combustible Fibers
Compressed Gases
Covered Mall Buildings
Cryogenic Fluids
Cutting & Welding
Dry Cleaning Plants
Exhibits and Trade Shows
Explosives: Blasting & Storage
Fire Hydrants and Valves
Flammable and Combustible Liquids
Floor Finishing
Fruit & Crop Ripening
Fumigation and Thermal Insecticidal Fogging
Hazardous Materials
HPM Facilities
High Piled Storage Facilities
Hot Work Operations
Industrial Ovens
Liquid or Gas Fueled Vehicles or Equipment in Assembly Buildings
Lumber Yards and Woodworking Plants
Magnesium
Miscellaneous Combustible Storage
Open Burning
Open Flames & Torches
Open Flames & Candles
Organic Coatings
Places of Assembly
Private Fire Hydrants
Pyrotechnic Special Effects Material
Pyroxylin Plastic
Refrigeration Equipment

Repair Garages and Fuel Dispensing Facilities
Rooftop Heliports
Spraying or Dipping
Storage of Scrap Tires and Tire Byproducts
Temporary Membrane Structures and Tents
Tire Rebuilding Plants
Waste Handling
Wood Products

Construction

Automatic Fire Extinguishing System
Battery Systems
Compressed Gases
Cryogenic Fluids
Fire Alarm and Detection Systems & Related Equipment
Fire Pumps & Related Equipment
Flammable and Combustible Liquids (Installation & Removal)
Hazardous Materials
Industrial Ovens
Private Fire Hydrants
Spraying/Dipping Operations
Standpipe System
Temporary Membrane Structures, Tents & Canopies