

## **Ordinance Number 217**

(Adopted 11-3-2014; as amended 8-5-2019)

### **Town of Mars Hill Fire Prevention Ordinance**

Be it Ordained by the Mayor and Town Council of the Town of Mars Hill as follows:

**Section 1.** An ordinance to provide the Town of Mars Hill with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installment, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standard for compliance and achievement of these objectives.

This ordinance shall be known as the Town of Mars Hill Fire Prevention Ordinance. This code adopts by reference Volume V of the North Carolina Building Code as well as its future editions, and its incorporated standards and codes as published in the Building Code, with the exception of its Appendices. The same are hereby adopted and incorporated as fully as if set out verbatim herein. Not less than one copy of the adopted issue of Volume V of the North Carolina Building Code, shall be filed in the office of the Mars Hill Fire Marshal and the provisions thereof shall be controlling within the Town of Mars Hill and it's one mile ETJ.

**Section 2.** The Mars Hill Fire Marshal, or designee, shall be responsible for the enforcement of this ordinance all laws and ordinances covering the following;

1. the prevention of fires;
2. the storage, sale and use of combustible, flammable or explosive materials;
3. the installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
4. the maintenance and regulation of fire escapes;
5. the means and adequacy of exit in case of fire from factories schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters;
6. the investigation of the cause, origin, and circumstances of fires;
7. the maintenance of fire cause and loss records.

**Section 3.** The Mars Hill Fire Marshal, or designee, shall prepare instructions and forms for the reports required by this ordinance.

**Section 4.** The established fire district in the Town of Mars Hill shall be North and S. Main St. from 70 North Main St. to 40

South Main St. and 100 feet from the center road on each side of the street.

**Section 5.** The Mars Hill Fire Marshal, or designee shall investigate the cause, origin, and circumstances of every fire occurring within the jurisdiction of this ordinance by which property has been destroyed or damaged, and so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigation shall begin immediately upon the occurrence of such fire.

**Section 6.** The Fire Marshal, or designee, shall inspect all premises on a periodic basis for the compliance with this ordinance and other fire prevention regulation as follows;

**Semi- annual-** Public Schools

**Annual-** Nonpublic Schools, Day Cares, Foster Homes, Family Care Homes, Hazardous, Institutional, High Rise and Residential other than one and two family dwellings.

**Every two years-** Industrial, Educational, Business, Mercantile and Storage.

## **Every three years** Churches and Synagogues

**Section 7.** Whenever any fire inspector shall find in any building, or upon the premises or other places, combustible or explosive matter or dangerous accumulations of waste paper, boxes, shavings, or any highly flammable materials, and which is so situated as to endanger the property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, windows, likely to interfere with the operations of a fire department or egress of occupants; or any violation listed in Fire Code of the North Carolina Building Code, the Inspector shall order the remediation of same.

Any owner or occupant failing to comply with such order within a reasonable period after service, shall be subject to a penalty of \$100 for each violation deemed to “Life Safety” and \$25 per violation for every other violation.

Any owner or occupant may appeal said order to the North Carolina Building Code Council through the procedure provided for by the North Carolina Building Code.

The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy to such occupant personally, or by leaving it with any person in charge of the premises, or if no such person is found upon the premises, by affixing a copy thereof in a conspicuous place or on the door to the entrance of said premises. Where the order cannot be served either by delivering to or leaving with the person a copy of the order, or if the owner is absent from the jurisdiction of the officer issuing the order, the order may be served by certified mail, return receipt requested, to the owner's last known address.

**Section 8.** The Mars Hill Fire Marshal shall maintain a record of all fires and facts concerning the same, including injuries, deaths, the rescue of persons and statistics as to the extent of such fires and the damage caused thereby. Such records shall be made daily from the reports made by the technical inspectors under the provisions of this ordinance. All such records shall be public.

**Section 9.** This ordinance shall apply equally to both public and private property, and all structures and their occupancies, except as otherwise specified; and shall be liberally construed as an exercise of the police powers of the Town of Mars Hill.

**Section 10.** A violation of this ordinance shall be a misdemeanor punishable by a fine as listed in section 6 of this ordinance or by imprisonment for not more than 30 days or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Also such person shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Proof of such unlawful act or failure, shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant, or person in charge shall not be deemed to relieve any of the others.

**Section 11. General**

- A)** Private roadways, driveways, and areas adjacent thereto shall be properly maintained and kept free of all obstructions that would reduce or limit access of fire apparatus and other emergency vehicles.
- B)** Repeated false alarms due to alarm malfunctions, improper care of fire protection equipment or testing

of systems as well as multiple malicious alarms, may result in a fine not to exceed \$100 per alarm.

C) Address numbers, all address numbers for residences or other structures visible from the road shall be posted at each structure. Structures off the main roads that are not visible from the road will have a number posted at the road and at the structure. The numbers shall be three inches in height for single or two family residences and six inches in height for commercial or public buildings. The numbers should be in contrast of the background to be able to see them.

D) Rapid Entry Key Lock Box System. *(This section amended August 5, 2019.)*

A rapid entry key lock box system means a secure entry system that is designed to be used by fire department personnel in the event of an emergency to gain entry into a structure by using the enclosed owner provided key(s). This box is usually mounted on the exterior of the building in a location that is specified by the fire chief or his/her designee. All boxes shall be UL (Underwriters Laboratories) certified and approved by the fire chief or his/her designee.

The benefits of installing a rapid entry key lock box system includes providing immediate emergency access to

firefighters leading to increased fire department efficiency; preventing costly forced entry damage and allowing undamaged doors to be re-secured after the emergency; and protecting property, inventory, equipment and supplies as well as enhance firefighter safety. This requirement is imposed pursuant to North Carolina Fire Prevention Code Section 506.

- (a) The Town of Mars Hill adopts the use of the Knox Rapid Entry Key Lock Box system as the rapid entry key lock box system for this jurisdiction.
- (b) All newly constructed commercial structures shall have the rapid entry key lock box installed and operational prior to the issuance of a certificate of occupancy.
- (c) The following existing structures shall be equipped with a rapid entry key lock box at or near the main entrance or such other location as required or approved by the fire chief or his/her designee:
  - (1) Commercial structures that use, store, manufacture or process on site hazardous materials that must be reported under Title III of the Federal Super Fund Amendment;



- (2) Commercial structures equipped with fire sprinkler systems and/or fire alarm systems monitored by an outside central station;
  - (3) Structures with elevators;
  - (4) Other properties or structures where fire department access would be delayed as determined by the fire chief or his/her designee.
- (d) All multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units shall have a rapid entry key lock box system.
- (e) The owner or operator of a structure required to have a rapid entry key lock box shall, at all times, keep a key, keys, key cards and similar devices in the key lock box that will allow for access to the structure and critical areas as follows:
- (1) The main entrance door. Mixed occupancies and multiple-tenant shopping center keys shall be provided only for occupancies where system control valves or alarm system panels exist;

- (2) Fire alarm control room or other such area where control panel is located;
  - (3) Mechanical, electrical, and/or and sprinkler control rooms;
  - (4) Special keys to reset pull-stations or other fire protection devices;
  - (5) Elevator and/or elevator service area;
  - (6) Any other rooms as identified or specified by the fire chief or his/her designee during the plan review process.
- (f) A rapid entry box shall be placed on structures subject to this section no later than December 31, 2019.
- (g) **Penalty**. Failure to comply with this subsection shall be subject to a fine of \$500.00 (*five hundred dollars*).

**Section 12.** The Fire Marshal may require warning signs wherever hazardous materials are stored, processed, or handled. Such warning signs shall be conspicuously lettered in accordance with NFPA 704, identification of the fire hazards of material; however, nothing in this section

shall be held in conflict with article 18 of chapter 95 of the North Carolina General Statutes.

**Section 13.** Fees may be established by the Mars Hill Town Council for permits, certificates, approvals and other functions performed under this ordinance and shall be payable to the Town of Mars Hill. Under adoption of fee schedule, the fee shall accompany the application for permit, approval, certificate, or other fee related code provision. No fee shall be charged for any function unless specifically adopted by the Mars Hill Town Council.

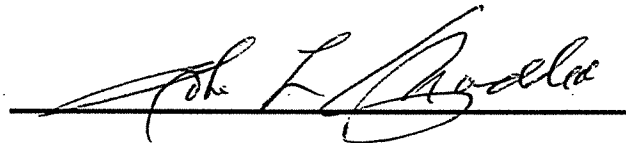
**Section 14.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**Section 15.** Where a conflict exist between this ordinance and the requirements of the state building code, the requirements of the state building code shall prevail.

**Section 16.** This ordinance shall take effect upon its adoption.

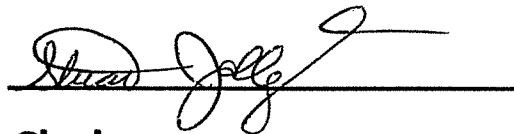
**Date adopted: November 3, 2014**

**Town of Mars Hill**

A handwritten signature in black ink, appearing to read "John L. Chandler", is written over a solid horizontal line.

**John L. Chandler, Mayor**

**Attest To:**

A handwritten signature in black ink is written over a solid horizontal line. The signature is stylized and difficult to decipher.

**Clerk**