

Chapter 12

FIRE PROTECTION

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Article I

INTERFERENCE WITH FIRE FIGHTING ACTIVITIES

Section 12-1. Interference With Firemen; False Alarms

(a) As provided in G.S. 69-39, no person may willfully interfere in any manner with firemen engaged in the performance of their duties.

(b) As provided in G.S. 14-236, no person may wantonly and willfully give a false alarm or damage fire alarm, detection, or extinguishing equipment.

Section 12-2. Riding on Fire Department Apparatus

No person other than a member of the fire department may mount or ride upon any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire or at any other time, except by permission of the officer in command.

Section 12-3. Congregating at Fires

It shall be unlawful for persons to congregate on the streets, sidewalks or other areas adjacent to a fire so as to interfere with the operations of members of the fire department.

Section 12-4. Tampering With or Shutting Off Fire Hydrants  
(Amend. 9/22/81)

(a) No person may tamper with, open or turn on, shut off, or remove any fire hydrant within the town without the consent of the town manager.

(b) Whenever a fire hydrant is shut of or removed with the permission of the town manager in accordance with sub section (a), the person responsible for such action shall immediately inform the fire chief as soon as such hydrant is replaced or put back in service.

(c) For purposes of this section, the term "person" shall specifically include, but shall not be limited to, the Orange Water and Sewer Authority and any of its employees or agents.

Sections 12-5 through 12-8 Reserved

## Article II

### FIRE PREVENTION AND PROTECTION

(Amend. 10/17/2006)

#### Section 12-9. Enforcement of Volume V of the North Carolina State Building Code

(a) As provided in G.S. 143-138 and Part 5 of Article 19 of Chapter 160A of the North Carolina General Statutes, the town shall enforce Volume V (the North Carolina Fire Code) of the North Carolina State Building Code.

(b) The following appendix to the North Carolina Fire Code is hereby adopted and incorporated by reference: Appendix B, Fire Flow Requirements.

#### Section 12-10 Operational and Construction Permits Required

(a) No person may engage in any of the operations or activities listed in Sections 105.6 or 105.7 of the Fire Code except pursuant to a valid and current operational or construction permit (as applicable) issued by the Fire Chief for such activity (i.e. all permits listed in Section 105.6 and 105.7 shall be regarded as mandatory).

(b) As provided in Section 105.3.1 of the Fire Code, an operational permit shall remain in effect until reissued, renewed, or revoked, or for such period of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

#### Section 12-11. Fire Lanes

(a) No person may park a motor vehicle in or otherwise obstruct a fire lane that is designated and marked as provided in this section. However, notwithstanding the foregoing, persons loading and unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended.

(b) Whenever the fire chief determines that a portion of a street, road, other access way, or parking lot located adjacent to, near to or leading to a building used for residential purposes should be designated as a fire lane according to the criteria set forth in subsection (c), he shall specifically describe to the person in control of such area (the owner or occupant) the precise dimensions and location of such area and require such person to mark such area in accordance with the provisions of subsection (d).

(c) A fire lane should be established in any area described in subsection (b) that needs to remain unobstructed so that fire fighting vehicles and other emergency vehicles have adequate access to buildings. Subject to subsection (d), the precise dimensions and the location of each

fire lane shall be determined by the fire chief, exercising his best professional judgment in furtherance of the objective state in the previous sentence. However, in most circumstances, the minimum width of a fire lane shall be twenty feet.

(d) Subject to subsection (e), upon being provided with the information described in subsection (b) of this section, the person entitled to control over the area where the fire lanes have been established (the occupant or the owner) shall clearly mark the fire lanes as follows: (Amend 11/27/84)

- (1) If the fire lane is designated adjacent to a curb, the lane shall be marked by painting the curb yellow for the entire length of the fire lane and by posting legible signs alongside of the fire lane within three feet of the curb that state "No Parking, Fire Lane, Tow Away Zone". These signs shall be placed not lower than four feet from the ground nor higher than seven feet. Sufficient signs shall be placed so that no portion of the yellow pavement marking designating the fire lane is more than fifty feet from such a sign. When so designated, the fire lane shall comprise an area sixteen feet wide running adjacent to the yellow curb marking.
- (2) If the fire lane designated adjacent to the edge of a travel lane along which there is a curb but along which signs may be placed without obstructing the flow of traffic, then the lane shall be marked by posting legible signs alongside the fire lane within three feet of the edge of the travel lane that state "No Parking, Fire Lane, Tow Away Zone." These signs shall be placed not lower than four feet from the ground nor higher than seven feet. Such signs shall be placed at the extreme limits of the fire lane and at intervals of not more than eighty feet. When so designated, the fire lane shall comprise an area twenty feet wide running adjacent to the edge of the travel lane where the fire lane signs are posted.
- (3) If the fire lane is designated in an area not adjacent to a curb and not in an area where signs can be conveniently posted, lanes shall be marked by outlining the perimeter of the lane with a yellow line not less than three inches wide, and painting on the pavement within the fire lane the words "No Parking, Fire Lane, Tow Away Zone" in letters not less than six inches high, so that no portion of the fire lane is more than thirty feet from the painted words "Fire Lane". (Amend. 11/26/85)

(e) If the fire chief determines that the manner of marking fire lanes as prescribed in subsection (d) is impracticable, unnecessarily cumbersome or difficult or causes an unnecessary hardship because of the peculiar circumstances affecting a particular fire lane and that adequate notice of the existence of the fire line can be given in some other way, he may authorize the person exercising control over the area of the fire lane to mark the lane in some other satisfactory manner.

The fire chief shall inform such person in writing why the deviation is authorized and how the fire lane must be marked. (Amend. 11/27/84)

Section 12-12. Primary Fire District

(a) There is hereby established a primary fire district, which shall consist of that area designated as such on the official town "Fire District Map." dated February 3, 1987, a copy of which shall be maintained in the office of the Town Clerk. (Amend. 3/4/86, 2/3/87)

(b) As provided in G.S. 160A-436, within the primary fire district no frame or wooden building or structure or addition thereto may be erected, altered, repaired, or moved (either into the district or from one place to another within the district) except in accordance with a building permit issued by the building inspector and approved by the Commissioner of Insurance. (Amend. 12/7/04)

(c) Within the Primary Fire District, all new buildings for which a building permit is issued after the effective date of this subsection, and all existing buildings upon a change of occupancy classification, shall have installed a fully automatic fire alarm system capable of notification of the 911 Center without human recognition. (Amend. 11/18/08)

Section 12-13. Secondary Fire District (Amend. 2/3/87)

(a) There is hereby established a secondary fire district, which shall consist of that area designated as such on the official town "Fire District Map," dated February 3, 1987, a copy of which shall be maintained in the office of the Town Clerk.

(b) As provided in G.S. 160A-437, within the secondary fire district, no building or structure or addition thereto that is categorized as Type V construction under the North Carolina State Building Code may be erected, altered, repaired, or moved, subject to the following: (Amend. 12/7/04)

- (1) The restrictions of this subsection shall not apply to buildings used entirely as single-family residences or duplexes.
- (2) Type V construction may be used in:
  - a. Nonresidential buildings if sprinkler systems are installed in accordance with the standards set forth in N.F.P.A. 13.
  - b. Buildings that combine residential and nonresidential uses if sprinkler systems are installed in accordance with N.F.P.A. 13.
  - c. Multi-family residential buildings if sprinkler systems are installed in accordance with N.F.P.A 13-R.

Section 12-14. Automatic Sprinkler Systems (Amend. 9/22/81, 11/25/97)

(a) Notwithstanding any provision of the North Carolina State Building Code or any public or local law, including but not limited to Chapter 143 of the General Statutes, all fraternity and sorority houses within the Town and its extraterritorial planning jurisdiction shall install and keep in operable condition automatic sprinkler systems, in accordance with subsection (c).

(b) Notwithstanding any provision of the North Carolina State Building Code, any building within the Town and its extraterritorial planning area that is of a type described in this subsection and for which a building permit is issued after the effective date of this subsection shall include an automatic sprinkler system, installed in accordance with subsection(c). This subsection shall apply to:

- (1) Buildings that are designed, intended, or used as multi-family residential buildings containing three or more attached housing units.
- (2) Nonresidential buildings that contain at least 5,000 square feet but less than 6,000 square feet of floor area, unless such buildings are equipped with smoke detectors that are installed in accordance with Volume 7 Sections 71-72(e) of the Standards of the National Fire Protection Association and tied into a central alarm system.
- (3) Nonresidential buildings containing 6,000 or more square feet of floor area.
- (4) Residential or non-residential buildings in excess of 50 feet in height.
- (5) Buildings that are designed, intended, or used for assembly occupancy, with an occupant load of 100 or more persons. (Amend. 12/7/04)

(c) Automatic sprinkler systems shall be approved by the building inspector and the fire chief. Every automatic sprinkler system required by this section shall conform with the requirements of “Standard of the National Fire Protection Association For The Installation of Sprinkler Systems” (NFPA Pamphlet No. 13), , except that a single water supply required by those standards may be permitted by the building inspector and the fire chief.

(d) The owner of any building containing an automatic sprinkler system shall have that system inspected at least annually by an independent party approved by the fire chief as competent to make such an inspection and shall furnish to the fire department a written certification signed by such party and stating the sprinkler system has been inspected and is in proper working order.

(e) All connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both a local building alarm and a supervisory alarm at a twenty-four (24) hour certified and licensed alarm monitoring service.

(f) Four purposes of this section:

- (1) The height of a building shall be the vertical distance measured from the lowest mean elevation of the finished grade on any one side of the building to the highest point on the roof of the building.
- (2) A building shall be a structure designed to be used as a place of occupancy, storage, or shelter.
- (3) Subject to the following sentence, all portions of a building under a continuous roof structure shall be regarded as a single building, regardless of the existence of fire walls or separate ownership. Notwithstanding the foregoing, for purposes of this section, each space within a non-residential building shall be considered a separate building if such space is completely separated from other spaces by a four hour fire wall of masonry construction that is established on its own footing, and extends at least three feet through and above the roof on each side and has sufficient structural stability to allow collapse of construction on either side without collapse of the wall itself for at least four hours under fire conditions. (Amend. 11/18/08)
- (4) The term “extraterritorial planning area” shall mean that area defined in subdivision 15-15(22.1) of this code.

(g) Subsection (b) applies to existing buildings only to the extent and under the circumstances that the provisions of the North Carolina State Building Code apply to existing buildings.

(h) Whenever sprinkler systems are installed, either due to an ordinance requirement or installed voluntarily, then sprinkler heads shall be installed to provide protection to decks, balconies, storage areas and breezeways to the extent the same is practicable. Such sprinklers shall be installed to provide adequate sprinkler coverage in accordance with manufacturer’s instructions. (Amend. 11/18/08)

Section 12-15. Maintenance of Aluminum Wiring Connections(Amend. 9/27/83)

(a) The owners of all rental residential dwelling units that use aluminum wiring in their electrical systems shall be responsible for ensuring that not less than once each year in each such

dwelling unit all switch and receptacle plates are removed and the electrical connections tightened and all terminals on the panel box are tightened.

(b) Every owner of a building that is subject to the provisions of subsection (a) shall, either personally or through an authorized agent, and upon request of the town fire prevention officer made once each year, certify to the town fire prevention officer that such owner is in compliance with subsection (a). The fire prevention officer may require that such certification be on a form provided by the town. No such owner may knowingly make a false certification under this subsection.

(c) The owner of a building that is covered by subsection (a) of this section on its effective date shall have three months to make the initial inspection. The owners of buildings covered by subsection (a) that are constructed after the effective date of this section shall make the first inspection not later than one year after the date the building is first occupied.

Section 12-16. Smoke Detectors Required (Amend. 9/27/83, 9/22/92)

(a) Every owner of a rental residential dwelling unit lawfully constructed without smoke detectors shall install or ensure that a smoke detector is installed in such dwelling unit in accordance with the provisions of this section. Installation in accordance with this section must be complete and smoke detectors duly operable within thirty days after the effective date of this section.

(b) Smoke detectors shall be installed in accordance with the following requirements:

- (1) Only ionization or photoelectric type smoke detectors shall be installed.
- (2) Smoke detectors with power sources not directly connected to the electrical system of the residential unit may be powered by self-monitored batteries or operated from an electrical outlet which is fitted with a plug restraining device, provided the outlet is not controlled by any switch other than the main power supply.
- (3) Smoke detectors shall be installed in accordance with the requirements of the National Fire Protection Association (pamphlet No. 74) and the manufacturer's specifications. Installation shall be either on the ceiling, at least six (6) inches away from any wall, or on a wall located from four (4) to twelve (12) inches from the ceiling.
- (4) At least one (1) smoke detector shall be installed to protect the sleeping area within each residential unit. Where bedrooms or rooms ordinarily used for sleeping are separated by other-use areas (such as kitchens or living rooms, but not closets or bathrooms), or are located on different stories or floor levels, they shall be considered as separate sleeping areas.

- (5) Residential units with more than one sleeping area shall require the installation of additional smoke detectors to protect each sleeping area.
- (6) Smoke detectors shall be installed outside of sleeping areas but in the immediate vicinity of such rooms, centrally located in the corridor or area giving access to the rooms. In residential units without separate sleeping areas, the smoke detectors shall be centrally located in the main room.
- (7) A smoke detector installed in a stairwell shall be so located as to assure that smoke rising in the stairwell cannot be prevented from reaching the smoke detector by an intervening door or obstruction.
- (8) Smoke detectors in rooms with ceilings that slope shall be located at the high side of the room.
- (9) Smoke detectors shall not be mounted in front of an air supply duct outlet or between the sleeping area and the furnace cold air return.
- (10) Where one or more sleeping areas are located on a level above the cooking and living area, the smoke detector for such sleeping areas shall be placed at the top of the stairway.

(c) The installation and maintenance responsibilities of owners and tenants shall be as follows:

- (1) The owner of a rental residential unit shall be responsible for supplying and installing, in an operable condition, the required smoke detector(s).
- (2) The owner of a rental residential unit shall be responsible for the maintenance and testing of smoke detectors, in accordance with the manufacture's instructions, which are located in commons areas. The owner's responsibilities shall include making an inspection at least annually of all smoke detectors, replacing at least annually the batteries in all battery-operated smoke detectors, and promptly repairing or replacing all smoke detectors when the need to do so is discovered in such inspection or is brought to the attention of the owner by the tenant or otherwise.
- (3) At every change or tenancy, where the occupancy of any one tenant is of one (1) month or more, it shall be the duty of the owner to test and ascertain that those smoke detectors contained in the unit are in proper working order, and if not, the owner shall be responsible for placing said smoke detectors in an operable condition before the unit is reoccupied.

- (4) The owner shall keep a written record of the maintenance and battery replacement required under this section, which record shall be made available to the fire chief or his designee upon request.
  - (5) No tenant of any residential rental unit may tamper with any smoke detector so as to render it inoperable.
- (d) For purpose of this section:
- (1) The term "owner" means any person who alone, jointly, or severally with others has all or part of the legal title to any rental residential unit, with or without accompanying actual possession thereof, or has all or part of the beneficial ownership of any residential unit and a right to present use and enjoyment thereof, including a mortgage in possession, as well as any person who has charge, care, or control of any rental residential unit as the owner, executor, administrator, trustee, guardian of the estate or as duly authorized agent of the owner.
  - (2) Notice to any agent of the owner under this section shall be deemed to be notice to the owner.

Section 12-17 Mulch Piles and Pine Straw (Amend. 11/18/08)

(a) No person may cause, suffer, or permit any mulch pile to be created or maintained on any premises if such mulch pile (i) is larger than eight feet in height, or (ii) covers more than 400 square feet of ground area.

(b) Any mulch pile for which a permit is required under Section 105.6.47 (i.e. one comprising 200 cubic feet or more) shall be separated from any other mulch pile for which such a permit is required by a distance of at least fifty feet. In addition, each such pile must be accessible by an approved fire apparatus access road capable of withholding the imposed loads of a fire truck (60,000 lbs.) and have an all-weather driving surface.

(c) No pine straw or any other decorative ground cover or material with a fire rate of spread more than 12 inches per minute shall be placed, kept, or stored within ten feet of any building with combustible exterior construction and/or combustible doors, windows or other openings. This subsection shall apply to all buildings with combustible exterior construction in existence upon the effective date hereof, upon thirty (30) days notice hereof, and to all new construction with combustible exteriors.

Section 12-18 Permit and Inspection Fees

Permit and inspection fees for the permits and inspections authorized or required by this chapter shall be charged by the town as provided in the Miscellaneous Fees and Charges Schedule adopted annually by the board of aldermen.

Section 12-19. Fire Extinguishers Required (Amend. 11/18/08)

All multi-family buildings containing three or more dwelling units shall be required to have at least one portable fire extinguisher in all exterior stairwells, mounted between three and five feet above finished floor on every level. Portable fire extinguishers shall be installed in all enclosed stairwells, at the same height, on every level. For multi-family buildings not incorporating stairwells, portable fire extinguishers shall be installed mounted on 4 x 4 posts or similar devices that make the extinguishers accessible to all occupants. Fire extinguishers shall be installed and maintained per National Fire Protection Association Standard #10 (Standard of Portable Fire Extinguishers) as referenced in the North Carolina Fire Code.

Section 12-20. Stove Top Fire Suppression Units (Amend. 11/18/08)

New residential construction (both single and multi-family) shall contain stove or range top fire suppression units where installation of the same in accordance with the manufacturer's specifications is practicable.

Section 12-21 Reserved

## Article III

### MISCELLANEOUS (Amend. 10/17/2006)

#### Section 12-22. Fire Chief

(a) When used in this chapter, the term "fire chief" refers to the town fire chief or to any other person designated by the Manager to perform the duties assigned to the fire chief by this chapter.

(b) As provided in Section 1-9 of this code, the duties assigned to the fire chief may be delegated.

#### Section 12-23. Penalties and Remedies

(a) A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in G.S. 14-4: Sections 12-2, 12-3, 12-4, 12-11, 12-14, 12-15, 12-16, and 12-17 (violation of Sections 12-1, 12-9, 12-10, 12-12, and 12-13 are punishable as provided in the provisions of state law cited in those sections). It is specifically intended that violation of subsection 12-11(a), parking in a designated fire lane, not be made a criminal offense. (Amend. 12/9/80, 9/27/83, 11/27/84)

(b) A violation of any of the sections listed in subsection (a), a violation of subsection 12-11(a) (parking in a designated fire lane), and a violation of any of the provisions of the Fire Code shall subject the offender to a civil penalty of \$50.00. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt. (Amend. 12/9/80)

(c) As provided in S.L. 1979, Ch. 301, a vehicle parked in a fire lane in violation of Section 12-11 is declared to be an abandoned motor vehicle and may be removed by the town in accordance with the procedures set forth in Chapter 11 of the town code.

(d) The town may seek to enforce this chapter through any appropriate equitable action.

(e) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(f) The town may seek to enforce this chapter by using any one of any combination of the foregoing remedies.