

## ARTICLE B. FIRE PREVENTION CODE

**Editor's note**—Ord. No. 87-26, adopted July 6, 1987, repealed Art. B, §§ 3-2021—3-2034, in its entirety and enacted new provisions, §§ 3-2021—3-2027, therefor. Former Art. B was concerned with similar provisions, and derived from the Code of 1966 and the following legislation

Ord. No.	Date	Ord. No.	Date
71-22	9-7-71	76-23	7-12-76
76-6	2-3-75	76-25	7-12-76
75-24	9-8-75	81-23	5-4-81
75-25	9-8-75	81-46	7-13-81
75-26	10-1-75		

### Sec. 3-2021. Title.

This article shall be known as the "Fire Prevention Code of 1992" but may be cited as the "Fire Prevention Code." (Ord. No. 87-26, 7-6-87; Am. Ord. 92-28, 6-1-92)

### Sec. 3-2022. Definitions.

Where used in this article, the following words and terms shall have the following meanings:

*Fire chief.* Shall mean the director of public safety.

*Fire department.* Shall mean the City of Morganton department of public safety

*Fire marshal.* Shall mean the supervisor of the fire/crime prevention division or such other person designated as the fire marshal by director of public safety.  
(Ord. No. 87-26, 7-6-87; Am. Ord. 92-28, 6-1-92)

### Sec. 3-2023. Purpose.

This article is adopted for the purpose of providing the City of Morganton with rules and regulations to improve the public safety by promoting the control of fire hazards; regulating the installation, 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 fire prevention code enforcement and inspection as well as setting forth the standards for compliance and achievement of these objectives. (Ord. No. 87-26, 7-6-87; Am. Ord. 92-28, 6-1-92)

### Sec. 3-2024. Fire prevention code adopted.

(a) Volume 5 of the North Carolina State Building Code, its incorporated codes, standards and references as published by the North Carolina

Building Code Council, 1991 Edition and all amendments, supplements and replacements thereof are hereby adopted as a part of this Code to the same extent as if set out in full herein and the same shall be in full force and effect within the jurisdiction of the City.

Not less than one copy of the current fire prevention code shall be filed in the office of the city clerk and available for the review and use by any person.

(b) To ensure full compliance with the Fire Prevention Code, the Department of Public Safety shall conduct an annual inspection of every office, place of business subject to inspection under the Fire Prevention Code or required under the rules and regulations issued by the State of North Carolina. The inspection shall be conducted by an authorized inspection officer. Upon the completion of such inspection and compliance with all orders issued as a result of such inspection, the officer or other place of business shall be issued an official permit (sticker) evidencing the inspection.

Each such place inspected under this section shall pay an occupancy permit fee in an amount established and set forth in the Schedule of Fees and Charges adopted by the City Council from time to time.  
(Ord. No. 87-26, 7-6-87; Am. Ord. 92-28, 6-1-92; Am. Ord. 96-45, 10-7-96)

### Sec. 3-2025. Permits required.

(a) It shall be unlawful for any person to maintain, store or handle any materials or conduct any process which produces conditions hazardous to life or property or otherwise install any equipment used in connection with such activity without first obtaining a permit from the Fire Marshal.

(b) The issuance of the permit required in connection with the maintenance, storage and handling of materials or conducting processes which produce conditions hazardous to life or property or for installing equipment used in the connection of such activities shall be subject to and governed by Chapter 4 of Volume 5 of the North Carolina Building Code described above which chapter is hereby specifically adopted as a part of this code as if fully set out in full herein and the same shall be in full force and effect within the jurisdiction of the city.

(c) The fee for the issuance of such permit shall be established and charged in accordance with the requirements set forth in the schedule of fees and charges adopted by the City Council from time to time  
(Ord. 92-28, 6-1-92)

**Sec. 3-2026. Enforcement.**

The fire prevention code adopted by this article shall be enforced by the fire/crime prevention division or any other public safety officer(s) designated by the Director of Public Safety. (Ord. No. 87-26, 7-6-87; Am. Ord. 92-28, 6-1-92)

**Sec. 3-2027. Conflicts.**

In the event any provision of the fire prevention code adopted by this article shall conflict with any other ordinance, rule or regulation of the city, the more restrictive provision shall apply and be fully enforceable hereunder. (Ord. No. 87-26, 7-6-87; Am. Ord. 92-28, 6-1-92)

**Sec. 3-2028. Mobile Home Lots.**

(a) Findings. The City Council finds and declares that overcrowded conditions on mobile home or manufactured home sales lots and storage lots create conditions which interfere with the effective provisions of fire fighting services. Those conditions pose a risk to the property of the mobile home dealers and create unnecessary risks for public safety officers and officials who must have quick safe access to the property in the event of a fire. This section is intended to promote the public safety and welfare.

(b) Definitions. For purposes of this section, the term "manufactured home" shall mean any dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis including those units commonly referred to a house trailer, a mobile home or a manufactured home. It does not include a dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building code and commonly referred to as a "modular home".

The terms "manufactured home sales lot" or "sales lot" shall mean any tract or parcel of land where two or more manufactured homes are displayed for viewing by the public, for sale or for storage.

(c) Access to Fire Lanes. All manufactured home sales lots shall be laid out or arranged so that each manufactured home unit shall be located entirely within 150 feet of a designated fire lane as determined by measuring the distance from the nearest edge of the fire lane to the farthest point of the unit.

For purposes of compliance with this section, an adjacent public street or alley shall be treated as a fire lane for that particular manufactured home sales lot if approved by the Public Safety Department.

(d) Fire Lanes. Each sales lot shall have an entrance of sufficient width to allow access by public safety fire apparatus and equipment from a public road. Further, each sales lot shall be laid off or arranged in such a way that internal roadways (for purposes of this section referred to as "fire lanes") provides access to all areas of the lot. The roadways shall be maintained with all weather driving surfaces and shall not be less than twenty (20) feet of unobstructed width with adequate roadway turning radii capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 13' 6".

(e) Spacing. Individual manufactured home units within any sales lot shall comply with the following space requirements:

(1) Units that are supported solely by wheels attached to the chassis shall maintain a spacing of 8' between the side or end of one unit and the side or end of the next nearest unit.

(2) Units that are supported by either cement blocks and/or jacks shall maintain a spacing of at least 6' from the side or end of one unit and the side or end of the next nearest unit.

The two (2) sections of a double wide unit shall be considered as a single unit for determining compliance with the spacing requirements.

(f) Conflict. This section is intended to supplement the Fire Prevention Code adopted by Section 3-3024. In the event of a conflict between this section and the Fire Prevention code as adopted by Section 3-2024, the more restrictive provisions shall apply and be fully enforceable hereunder.

(g) Violations. Violations of this section shall be deemed to be a life threatening violation of the Fire Prevention Code adopted by Section 3-3024 and the civil penalties set forth therein shall be applicable. Otherwise, violations of this section shall be punished or remedied in accordance with Section 3-2030.

(Ord. 96-747, 10-7-96)

**Sec. 3-2029. Fire hydrants.**

(a) It shall be unlawful for any person to tamper with or otherwise interfere with the use or maintenance of a fire hydrant nor shall any person do or cause anything to be done to a hydrant which would interfere with its operation.

(b) It shall be unlawful for any person to place or erect any fence or permit any fence to remain around or near any fire hydrant that would prevent immediate access to the hydrant nor shall any person plant any shrubbery, flowers or other vegetation or otherwise place or keep any trash or other materials around or near a fire hydrant that disguises or otherwise conceals the location of the fire hydrant or prevents such hydrant from being immediately discernible from the nearest public road. A clear space free of plantings, fences or other similar barriers of not less than three feet shall be provided on all sides of the fire hydrant and no plantings, fences, shrubbery or other barriers shall be placed in the direct line from the hydrant and clear space to the nearest street. Additionally, it shall be unlawful for any person to paint or otherwise alter the appearance of the fire hydrant located in the city without the prior written consent from the Chief of Public Safety.  
(Ord. 93-01, 1-4-93)

**Sec. 3-2030. Violations.**

(a) Any violation of this article shall be a misdemeanor and shall be punishable as provided in G.S. 14-4; however, should Volume 5 of the North Carolina State Building Code classify a violation as a felony and/or provide some other punishment, then, the more serious classification and/or punishment shall apply.

(b) In addition to the criminal penalty provided above, a violation of this article shall also be a civil offense and shall subject the offender to a civil penalty in the amount established and set forth in the schedule of fees and charges adopted by the City Council from time to time which may be imposed, assessed and collected in accordance with § 1-1005 of this code or G.S. 160A-175.

(c) The fire marshal and the fire chief or any member of the fire/crime prevention division shall have authority to enforce the fire prevention code adopted by this article by appropriate order or by securing from any court of competent jurisdiction such orders of abatement, injunctions, restraining orders or other enforcement orders as determined appropriate.

(d) This article, in part, carries forward by reenactment, some of the provisions of the NFPAI, Fire Prevention Code of the National Fire Protection Association as published in the National Fire Code of the National Fire Protection Association and listed in Annex A of the NFPA Fire Prevention Code, 1987 edition, and all amendments, supplements and replacements thereto. It is not the intention of this article to repeal such provisions but

rather to re-enact and continue in force without interruptions such existing provisions, so that all rights and liabilities that have accrued thereunder are preserved and may continue to be enforced. The enactment of this article shall not affect any action, suit or proceeding instituted or pending.  
(Ord. No. 87-26, 7-6-87; Am. Ord. 92-28, 6-1-92; Am. Ord. 96-47, 10-7-96)

**Secs. 3-2031—3-2040. Reserved.**

**ARTICLE C. OUTSIDE FIRE SERVICE**

**Sec. 3-2041. Extension of fire protection service outside of corporate limits.**

The fire operations division of the department of public safety is hereby authorized to respond to requests for fire protection service relating to hospitals, schools, churches or other publicly owned properties located outside of the corporate limits of the city provided that at the time of the receipt of such request, city firemen and equipment can safely be dispatched without endangering the protection of the people of the city or substantially diminishing fire protection within the city.

In addition, the department of public safety is authorized to enter into mutual aid agreements with other municipalities, political subdivisions or rural fire departments provided the city council concurs and approves such agreement.

In either event, prior to the actual dispatching of equipment and personnel to a fire outside the corporate limits, the director of public safety, the deputy fire chief, or otherwise the highest ranking officer on duty shall seek the advice and approval of the city manager, if available.

Any decision to render service or dispatch fire equipment and men outside the corporate limits shall rest solely with the city manager, the director of public safety, or other officer in charge; and any provision in any mutual aid agreement to the contrary shall not be binding upon the city.

Except as noted above, the fire operations division shall not respond to requests for fire protection services outside the city unless a fire protection contract with the person requesting service is in effect.

Each year, the city council may review and approve the fire protection contracts with industries and institutions (the word "institution" as used herein shall include rest homes, nursing homes, and motels) outside the city limits which are served by

the city water system and are within five hundred (500) feet of a hydrant or other state-owned water system, or are connected to the Morganton Fire Department with an automatic alarm system. These contracts, if approved, shall be on an annual basis coinciding with the city's fiscal year.

(Code 1966, ch. 10, art. III, § 10-40(b); Ord. No. 82-66, 11-8-82)

**State law reference**—Authority to provide fire service outside city limits, G.S. 160A-293