

## MEMO

**Date:** November 4, 2024

**To:** Bridget Herring, Chair, NCBCC  
Jason Shepherd, Chair, Fire Committee

**From:** Charlie Johnson,  
Staff, Chief Fire Code Consultant

**Re:** GS 143-138(e) NC State Building Code  
Local Fire Prevention Regulations

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### **Request is for approval of Alexander County Fire Prevention and Protection Ordinance.**

Staff has reviewed the ordinance for the following statutory requirements and identified items that are:

1. More stringent than the adopted statewide fire prevention code, and
2. Which are found to regulate only activities and conditions in buildings, structures, and premises, and
3. That pose dangers of fire, explosion or related hazards, and
4. Are not matters in conflict with the State Building Code.

### **Staff recommends approval of this ordinance.**

#### **§ 143-138. North Carolina State Building Code.**

(e) Effect upon Local Codes. - Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention code and floodplain management regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas of the county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant

materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local fire prevention codes and regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not matters in conflict with the State Building Code, may be approved. Local governments may enforce the fire prevention code of the State Building Code using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

A local government may not adopt any ordinance in conflict with the exemption provided by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the exemption provided by subsection (c1) of this section.



**ALEXANDER COUNTY**  
**Division of Emergency Services**



**Office of Fire Marshal and Emergency Management**

621 Liledoun Rd.  
Taylorsville, NC 28681  
OFFICE: (828) 632-9336  
FAX: (828) 632-1707

**Mark Earle**  
Fire Marshal

**Daniel Fox**  
Emergency Management Coordinator

**Melanie Millsaps**  
Administrative Specialist

**Garrett Huffman**  
Assistant Fire Marshal

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**ALEXANDER COUNTY**  
**FIRE PREVENTION AND**  
**PROTECTION ORDINANCE**

**93.01 Title**

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

**93.02 Intent of Code**

It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the jurisdiction of Alexander County from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, material, devices, and from hazardous conditions in the use or occupancy of buildings or premises.

The Code shall not be construed to hold the county responsible for any damage to person or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or the permits issued or denied as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

**93.03 Fire Marshal to Enforce Code**

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

### **93.04 Adoption of technical codes and standards by reference; copies on file**

There is hereby adopted by reference and incorporated herein that certain code known as and entitled North Carolina Fire Prevention Code. Copies of the Alexander County Fire Prevention Protection Ordinance and all Technical Codes and Standards adopted by reference shall be filed with, and available for public inspection in the office of the Fire Marshal.

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 Alexander County at the time such amendments become a part of North Carolina Fire Prevention Code of The North Carolina State Building Code.

### **93.05 Inspection of buildings and premises**

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

### **93.06 Permits**

This Code shall require permits from the Fire Marshal as set forth in the North Carolina Fire Prevention Code of the North Carolina State Building Code. It shall be the duty of the Fire Marshal to evaluate applications and issue, if approved, all permits for those conditions as prescribed in the North Carolina Fire Prevention Code of the North Carolina State Building Code. No person shall maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property or install equipment used in connection with such activities without a permit as required by the Fire Marshal and prescribed in North Carolina Fire Prevention Code of the North Carolina State Building Code and this Code.

Before a permit may be issued, the Fire Marshal shall inspect and approve the vehicles, buildings, structures, storage areas, devices, processes and conditions related to the permit.

### **93.07 Service of orders or notice**

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

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

### **93.08 Fee schedule**

Fees for inspections required by this Code shall be determined by resolution of the Board of County Commissioners. An inspection fee schedule shall be filed with the Clerk to the Board of County Commissioners and the Fire Marshal's Office for public inspection.

Inspection fees shall be paid within 30 days, as specified in the billing, or notice of the amount of the fee.

### **93.09 Violations and Penalties**

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 specification or plans submitted and approved thereunder or any permit issued thereunder, shall be guilty of a misdemeanor. Each day that such violation continues shall constitute a separate offense. In the name of the County, the Fire Marshal, through the County Attorney, may file a suit to enjoin the construction or maintenance of any facility, building or structure, which does not conform to the provisions of this Code. This Code may be enforced by any of the remedies set forth in G.S. 153A-123, in addition to others specifically set out herein or in the Alexander County Code. Any person who violates any of the provisions of this Code shall be subject to a civil penalty for each violation in the amount shown in attached Civil Penalty Schedule which shall be filed with the Clerk to the Board of County Commissioners and in the Fire Marshal's Office for public inspection. Each day of violation shall constitute a separate and distinct offense. The Fire Marshal or his authorized representative is authorized to issue written citations in the name of the County for violations. Civil penalties must be paid to the Alexander County Clerk within thirty (30) days after a citation has been issued by the Fire Marshal for violation. Civil penalties for second or subsequent violations penalties shall be double the amounts specified in the Civil Penalties Schedule.

### **93.10 Removal of Obstructions; Prohibited Parking**

Any vehicle found obstructing any hydrant, fire protection equipment, designed and marked fire lane, or fire station may be removed or towed away by or under the direction of the Fire Marshal to a storage area or garage. The owner of such vehicle shall be deemed to have appointed the Fire Marshal 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 to the violation of prohibited parking.

### **93.11 Emergency Entry**

The Fire Marshal and his authorized representatives shall have the right to enter any building or premises without permission or warrant in the event of any emergency situation constituting the dangerous condition or situation.

### **93.12 Investigations of Fires**

The Fire Marshal's Office shall investigate the origin, cause, and circumstances of automobile and structure fires occurring in the county which are of suspicious nature, or which involve loss of life, or injury to persons, or when notified by any fire department of a fire protection district or when circumstances warrant. Such investigation shall begin immediately upon the occurrence of such a fire and, if it appears that such fire is suspicious origin, the Fire Marshal shall be immediately notified and coordinate investigation activities with the fire department having jurisdiction. Any information obtained pursuant to any such investigation shall be confidential as authorized by law.

The local law enforcement agency or the Arson Task Force Team, upon request of the Fire Marshal or his authorized representatives, may render such assistance as necessary in the investigation of any fire determined to be of suspicious origin.

### **93.13 Fire Records**

The Fire Marshal's Office shall keep a record of all fires and all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby. All such records shall be public except as provided in section 140.2.

Fire protection districts shall keep a record of all emergency alarms and submit reports of these alarms to the Fire Marshal's Office as the Fire Marshal prescribes.

**RESOLUTION ADOPTING CIVIL PENALTY SCHEDULE FOR  
FIRE PREVENTION CODE VIOLATIONS OF  
NORTH CAROLINA FIRE PREVENTION OF THE  
NORTH CAROLINA STATE BUILDING CODE**

**APPENDIX A**

Section II

Be it resolved by the Board of County Commissioners of Alexander County that the following civil penalties are hereby approved, adopted and imposed for each violation of the referenced North Carolina Fire Prevention of the North Carolina State Building Code, effective June 1<sup>st</sup>, 2023.

Chapter	Dollar Amount
1. General Provisions	.00
2. Administration Provisions	50.00
3. General Requirements	50.00
4. Emergency Planning and Preparedness	50.00
5. Fire Service Features	50.00
6. Building Services and Systems	50.00
7. Fire and Smoke Protection Features	50.00
8. Interior Finish, Decorative Materials	50.00
9. Fire Protection Systems	50.00
10. Means of Egress	150.00
11. Construction Requirements Existing Buildings	50.00
20. Aviation Facilities	50.00
21. Dry Cleaning	50.00
22. Combustible Dust Producing Operations	50.00
23. Motor Fuel Dispensing & Repair Garages	50.00
24. Flammable Finishes	50.00
25. Fruit and Crop Ripening	50.00
26. Fumigation and Insecticide Fogging	50.00
27. Semiconductor Fabrication Facilities	50.00
28. Lumber Yards, Agro-Industrial, Solid Biomass and Woodworking Facilities	50.00
29. Manufacture of Organic Coating	50.00

Chapter	Dollar Amount
30. Industrial Ovens	50.00
31. Tents and Other Membrane Structures	50.00
32. High Piled Combustible Storage	50.00
33. Fire Safety During Construction and Demolition	50.00
34. Tire Rebuilding and Tire Storage	50.00
35. Welding and Other Hot Work	50.00
36. Marinas	50.00
37. Combustible Fibers	50.00
50. Hazardous Materials General Provision	50.00
51. Aerosols	50.00
53. Compressed Gases	50.00
54. Corrosive Materials	50.00
55. Cryogenic Fluids	50.00
56. Explosives and Fire Works	50.00
57. Flammable and Combustible Liquids	50.00
58. Flammable Gases and Cryogenic Fluids	50.00
59. Flammable Solids	50.00
60. Highly Toxic and Toxic Material	50.00
61. Liquefied Petroleum Gases	50.00
62. Organic Peroxides	50.00
63. Oxidizers, Oxidizing Gases, Oxidizing Cryogenic Fluids	50.00
64. Pyrophoric Materials	50.00
65. Pyroxylin (Cellulose Nitrate) Plastics	50.00
66. Unstable (Reactive) Materials	50.00
67. Water Reactive Solids and Liquids	50.00
Appendix B Fire Flow Requirements	50.00
Appendix C Fire Hydrant Location & Distribution	50.00
Appendix D Fire Apparatus Access Road	50.00
Appendix E Hazard Categories	50.00
Appendix F Hazard Ranking	50.00
Appendix G Cryogenic Fluids Weight & Volume	50.00
Appendix H Hazardous Material, Management Plan, Hazardous Material Inventory Statement	50.00
Appendix I Fire Protection Systems Non-Compliant Conditions	50.00
Appendix J Building Information Sign	50.00
Appendix K Construction Requirements for existing Ambulatory Care Facilities	50.00
Appendix L Requirement for Fire Fighter Air Replenishment System	50.00
Appendix M High Rise Buildings Retroactive Automatic Sprinklers Requirements	50.00

**RESOLUTION ADOPTING CIVIL PENALTY SCHEDULED FOR FIRE PREVENTION CODE VIOLATIONS OF THE NORTH CAROLINA FIRE PREVENTION CODE OF THE NORTH CAROLINA STATE BUILDING CODE**

Be it resolved by the Alexander County Board of Commissioners that the following civil penalties are hereby approved, adopted, and imposed for each violation of the North Carolina Fire Prevention Code of the North Carolina State Building Code. Effective the 1st day of June, 2023

Civil Citation

Violation(s) of Occupancy limits established by the Fire Code and/or the North Carolina Building Code.

- First Offense.....\$150.00
- Second Offense.....\$300.00
- Third Offense.....\$500.00

Violation(s) consisting of locked and/or/blocked EXITS, impeding occupants from quickly evacuating a structure and/or maintaining conditions posing imminent danger to occupants on or about the premise.

- First Offense.....\$150.00
- Second Offense.....\$300.00
- Third Offense.....\$500.00

Violation(s) of all other referenced subjects contained within the North Carolina Fire Prevention Code of the North Carolina State Building Code.

- First Offense.....\$50.00
- Second Offense.....\$100.00
- Third Offense.....\$300.00

\*\* Any violation incurred more than one year after issuance of the initial citation shall be treated as a first offense for purposes of imposing penalties.



**ALEXANDER COUNTY DEPARTMENT OF EMERGENCY SERVICES  
OFFICE OF THE FIRE MARSHAL**

Mark Earle, Fire Marshal  
621 Liledoun Road, Taylorsville NC 28681  
Civil Citation



\_\_\_\_\_ of \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_,  
\_\_\_\_\_ is being cited for knowingly violating the Alexander County ordinance as it pertains to North Carolina Fire Prevention Code of the North Carolina State Building Code.

Reason for Citation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dollar penalty for the above Violation: \$ \_\_\_\_\_

\_\_\_\_\_ If initialed it shall be understood that this is a per-day violation meaning the dollar amount is repeated each day the violation exists.

\_\_\_\_\_ If initialed a warning is issued to the owner/occupant of the premise in which the violation occurred.

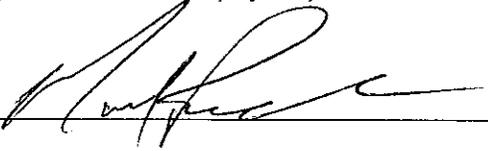
This citation is to be paid to the Alexander County Clerk within 30 days of issuance. In lieu of payment in person, payment may be mailed to Alexander County Clerk, 621 Liledoun Road, Taylorsville, NC 28681

\_\_\_\_\_  
Signature of Responsible Party

\_\_\_\_\_  
Signature of Citing Officer

This resolution shall become effective on June 1<sup>st</sup>, 2023

*Adopted this the 1<sup>st</sup> day of May 2023*



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Chairman, Alexander County Board of Commissioners

Attest:



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Clerk to the Board



**ALEXANDER COUNTY**  
Division of Emergency Services



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**ALEXANDER COUNTY**  
**FALSE FIRE ALARM**  
**ORDINANCE**

**93.14 DEFINITIONS**

**FIRE ALARM SYSTEM**

A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

**FIRE HAZARD**

Anything or any act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay, or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishing of fire.

**MALICIOUS FALSE ALARM**

Means the reckless or intentional misuse of a fire alarm system resulting in an activation of the system, but does not include the activation of a fire alarm system under circumstances that would have caused a careful or prudent person to believe that a fire related emergency was in progress at the owner's building, or in circumstances where the owner has notified the Fire Department in advance of work being done on the fire alarm system that could cause a false fire alarm.

**NUISANCE**

Any public or private condition that would constitute a nuisance according to the statutes, laws, and regulations of the State of North Carolina Fire Code, any of its agencies or this chapter; any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental, or hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists.

## **NUISANCE FALSE ALARM**

Means the activation of a fire alarm system through a mechanical failure, equipment malfunction, or improper maintenance or installation of the system, but does not include the activation of a fire alarm system where the activation occurred because of accidental damage to the system or a weather-related activation.

## **OCCUPANT**

Any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation in charge of residing, living or sleeping in or on the premises of or having actual possession or use of a business, dwelling unit or rooming unit or other premises affected by this chapter.

## **OPERATOR**

Any person, persons, or entity not the owner, who has charge, care or control of a structure or a part thereof, with or without the knowledge, consent, or authority of the owner.

## **OWNER**

Any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner, or as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee, or assignee of a lessee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this section and shall have responsibility over that portion of the premises so sublet, leased or assigned.

## **PREMISES**

A lot, plot, or parcel of land, including the buildings, structures, and improvements thereon.

## **93.15 False Fire Alarms**

An alarm is considered false if it is determined that the alarm was caused through a mechanical failure, an equipment malfunction, improper maintenance, or installation of the system, the reckless or intentional misuse of a fire alarm system resulting in the activation of the system.

When is an Alarm not considered False? An alarm will not be considered false if it is determined that the alarm was caused by, a disaster such as earthquakes or severe weather conditions, accidental damage to the system, calls not initiated by a fire alarm system, fire alarm system testing involving the activation of the system where Fire Service has been notified whenever fire department personnel respond to an activated fire alarm system, the fire official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report.

**RESOLUTION ADOPTING CIVIL PENALTY SCHEDULE FOR  
FIRE PREVENTION CODE VIOLATIONS OF  
NORTH CAROLINA FIRE PREVENTION OF THE  
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**APPENDIX A**

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All false alarms are based on a 12-month tracking schedule which starts with the first false alarm.

Alarms 1-2 No charge

Alarms 3-4 \$50 each

Alarms 5-6 \$100 each

Alarms 7+ \$250 each

This ordinance shall become effective on June 1<sup>st</sup>, 2023.

*Adopted this the 1<sup>st</sup> day of May 2023*



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Chairman, Alexander County Board of Commissioners

Attest:



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Clerk to the Board