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# Mecklenburg County

## *Fire Prevention Ordinance*



JUNE 15, 1992

Amended December 1, 2019



## FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

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## FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

### **SECTION 1. Title**

- A. This ordinance shall be known as the Fire Prevention Ordinance of Mecklenburg County, North Carolina, and may be cited as such and referred to herein as the Ordinance.

### **SECTION 2. Intent of the Ordinance**

- A. It is the intent of the Ordinance to prescribe regulations consistent with nationally recognized standards for the safeguarding of life and property within the unincorporated limits of Mecklenburg 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.
- B. These regulations shall also be controlling within the corporate limits of any municipality within Mecklenburg County upon request from the governing body of the municipality and upon approval of the Board of County Commissioners.
- C. The Ordinance 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 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.
- D. All fire prevention ordinances heretofore adopted by Mecklenburg County are hereby repealed.
- E. The purpose of Section 7 of the Ordinance is to establish a structured process for permitting the staging of Large Outdoor Assembly Events to ensure proper planning and adequate allocation of County and first responder resources for events and to protect the health and safety of the public attending such events.
- F. Section 7 of the Ordinance will not apply to events or mass gatherings sponsored by State or Federal government agencies, as planning for events and allocation of necessary resources is already coordinated. Section 7 of this Ordinance shall not apply to businesses holding events in venues designated to hold large numbers of people where there is already a safety and emergency plan approved by the County.
- G. When it is determined that a Large Outdoor Assembly Event does not meet the threshold of requiring a permit, but notification of emergency first responders is recommended, the Mecklenburg County Fire Marshal's Office and Code Enforcement will forward the information to the appropriate agencies.

### **SECTION 3. Fire Marshal to Enforce Ordinance**

- A. The Fire Prevention Ordinance of Mecklenburg County shall be enforced by the Mecklenburg County Fire Marshal and his authorized representatives as certified by the North Carolina Code Officials Qualification Board or as otherwise provided herein by Mecklenburg County policies.



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### **SECTION 4. Adoption of Technical Codes and Standards by Reference**

- A. There is hereby adopted by reference and incorporated herein that certain code known as the current adopted edition of the North Carolina State Building Code: Fire Code, hereafter referred to as the "Fire Code."
- B. 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 Mecklenburg County at the time such amendments become a part of the Fire Code.

### **SECTION 5. Inspection of Buildings and Premises**

- A. Subject to the requirements, limitations, and conditions stated in the North Carolina State Building Code and Fire 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 purposes 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 Ordinance.

### **SECTION 6. Permits**

- A. This Ordinance shall require permits from the Fire Marshal as set forth in the Fire Code and any others as required by Mecklenburg County.
- B. 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 Fire Code and this Ordinance.
- C. 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 first obtaining a permit as required by the Fire Marshal and prescribed in the Fire Code and this Ordinance. Before a permit may be issued, the Fire Marshal may inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes, and conditions related to the permit.
- D. A permit may be revoked pursuant to the provisions of the Fire Code.
- E. To provide for efficient, timely handling of duties set forth in North Carolina G.S. 14-284, G.S. 14-410, and G.S. 14-413, and with greater convenience to the public, authority is granted to the Fire Marshal to act as the agent of the Board of County Commissioners to approve/disapprove issuance of permits and licenses for the storage of explosives and the exhibition of pyrotechnics at public celebrations.
- F. No person shall have, hold, sponsor, or cause to be had, held, or sponsored, or allow to be had, held, or sponsored on any real property they own in Mecklenburg County any Large Outdoor Assembly Event without having first applied for and received a permit from the County to hold the Large Outdoor Assembly Event, except as permitted in Section 7.
- G. All Large Outdoor Assembly Event permit applications must be made through the Mecklenburg County Fire Marshal's Office. A Special Event Application must be submitted to the Mecklenburg County Special Events Portal. An application must be submitted for each event proposed and completed in its entirety. No application will be considered until all information required by the application form has been provided.



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- H. All applications for Large Outdoor Assembly Event Permits shall be submitted as follows:
- i. At least thirty (30) business days prior to Events with 1000 – 2999 persons.
  - ii. At least ninety (90) business days prior to Events with 3000 + persons.
    - (a) Mecklenburg County Code Enforcement shall have the authority to reduce this time period for good cause shown.
- I. The Mecklenburg County Fire Marshal's Office will forward Large Outdoor Assembly Event applications to the following organizations to secure the approvals ~~of Departments of~~ any Partner Agencies that may be impacted by the event.
- i. The Partner Agencies may include representatives from the following County Departments, Fire Departments, and Cooperating Organizations:
    - (a) Police Department/Sheriff's Office District/Jurisdiction in which the Event is planned;
    - (b) Mecklenburg Emergency Medical Services Agency (MEDIC);
    - (c) Charlotte-Mecklenburg Emergency Management;
    - (d) Fire Department Representative from the District/Jurisdiction in which the Event is planned;
    - (e) Mecklenburg County Parks and Recreation;
    - (f) Mecklenburg County Health Department;
    - (g) Public Works Department from the District/Jurisdiction in which the Event is planned;
    - (h) Central Medical Emergency Dispatch;
    - (a)(i) Mecklenburg County Code Enforcement;
    - (b)(j) Zoning Department from the District/Jurisdiction in which the Event is planned;
  - ii. For informational purposes, the following organizations may also need to be notified:
    - (a) North Carolina Department of Transportation (NCDOT);
    - (b) Duke Energy Lake Management;
    - (c) Lake Norman Marine Commission;
    - (d) NC Highway Patrol;
    - ~~Police Department/Sheriff's Office District in which the Event is planned~~
    - ~~Emergency Medical Services~~
    - ~~Emergency Management~~
    - ~~Fire Department Representative from District in which the Event is planned~~
    - ~~Parks and Recreation~~
    - ~~Health Department~~



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- ~~Public Works~~
  - ~~911 Communications Center~~
  - ~~Planning and Inspections~~
- iii. In order to receive a permit, the application must receive approval and/or signoff from each of the partner agencies.
- (a) The Partner Agencies may set additional conditions for permit approval. The applicant may, for example, be required to pay for fire/rescue/medical standby and security/law enforcement for permit approval. The applicant may be required to pay additional fees if County facilities are being used.



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### SECTION 7. Large Outdoor Assembly Events

#### H.A. Definitions.

i. For the purpose of this Section of the Ordinance, the following definitions shall apply:

(a) “Large Outdoor Assembly Event” An outdoor area attended by more than 1,000 persons, which includes a theatrical exhibition, fair, festival, display, entertainment, amusement, rally, or similar gatherings, but does not include assemblages held in a manner consistent with the approved property or occupancy use. Any of the following events may apply:

~~(a)~~a. The use, sale, or display of fireworks;

~~(b)~~b. The sale, purchase, provision, or consumption of alcoholic beverages;

~~(c)~~c. The provision of live entertainment;

~~(d)~~d. The provision of overnight activities (e.g., camping);

~~(e)~~e. Motorized or non-motorized vehicular racing;

~~(f)~~f. Activities located wholly or partially on public rights of way;

a.g. A sport that involves physical contact between participants as part of normal play;

~~(a)~~—Large road running races (e.g., Marathon)

h.

(b) “Sanctioning Authority” shall mean the official governing body that sanctions specific events of the type being requested by an applicant, such as, but not limited to, racing authorities, public sports bodies, and event associations.

ii. Notwithstanding the foregoing, those activities contained in the Exemptions Section herein are specifically excluded from the definition of ~~an~~ a Large Outdoor Assembly Event.

#### I.B. Standards for All Large Outdoor Assembly Events.

i. A Large Outdoor Assembly Event shall be approved upon the timely completion of the application required herein unless the reviewing departments find one or more of the following:

(a) The Large Outdoor Assembly Event time and location coincide with another Large Outdoor Assembly Event for which a Large Outdoor Assembly Event permit has been issued, and it is determined by the County or any partner agency that there is a demonstrable safety or logistical concern with allowing two Large Outdoor Assembly Events to proceed simultaneously at the same location. By way of illustration, but not limitation, safety or logistical concerns could include but are not limited to, events that would unduly burden the resources of law enforcement or emergency management personnel, or would, by the simultaneous location thereof, create the potential for traffic hazards;



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- (b) The Large Outdoor Assembly Event will substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic at or contiguous to its location in such a manner that cannot be adequately controlled by the responsible public safety agencies;
- (c) The Event will constitute a substantial hazard to the public safety or materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;
- (d) The concentration of persons, animals, and vehicles at assembly points for or at the location of the event will substantially interfere with the County's ability to provide adequate fire, police, and emergency services to the public; or
- (e) The Partner Agencies determine that the event plan does not adequately account for and protect the public health and safety needs of the citizens of Mecklenburg County.
- (f) Must meet all North Carolina Building Codes, North Carolina Fire Codes, National Electric Code, and ADA Requirements.

ii. A permit will not be issued unless approvals are received from the Partner Agencies.

iii. It shall be impermissible for the Partner Agencies or its members to inquire into the nature or content of speech to be held or to deny an application because of the content or purpose of the Large Outdoor Assembly Event.

iv. All Large Outdoor Assembly Events must comply with and provide proof of compliance with the following:

- (a) All Federal, State, local, and event Sanctioning Authority mandated medical coverage requirements. The submitted plan will need approval by the local partner agency.
- (b) Mecklenburg Emergency Medical Services Agency (MEDIC) shall be the primary service provider for Mecklenburg County; if additional emergency medical services are provided by the applicant, they will only be permitted to function under the authority of Mecklenburg Emergency Medical Services Agency (MEDIC).
- (c) The North Carolina State Building Code, Fire Code, and all applicable permitting requirements must be met. The Fire Department in the District/Jurisdiction where the event is to be held shall be primary, and all others must function under the authority of that respective department.
- (d) Event organizers will submit a traffic control plan that identifies an adequate supply of parking and coverage for ingress and egress management by law enforcement personnel for the anticipated number of vehicles. Approval of the plan is required before a permit can be issued.
- (e) Event organizers shall remove all trash and debris and shall clean up immediately after a Large Outdoor Assembly Event.
- (f) The County, in its discretion, may require the applicant to provide liability and/or special events insurance coverage for the Large Outdoor Assembly Event.
- (g) Gatherings of 1,000 people or more must have a Crowd Control Manager for





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every 250 people (per NC Fire Code). The event organizer must provide an NCOSFM-trained Crowd Control Manager.

(a)(h) Submit a completed application in the format required by the County, which shall contain information such as the following, which will be critical in evaluating the citizen impact and public safety related to the event:

(H)a. General information related to the event, such as:

1. If amplified sound will be used;
2. If electrical connections are requirements;
3. If tents, stage canopies, trailers, inflatable/air-supported devices, fencing, scaffolding, etc., be involved in the event;
4. If alcohol will be provided, served, or sold;
5. If and how many motorized vehicles (cars, boats, tractors, etc.) are involved in the event;
6. If and how many vendors will be involved in the event;
7. If the vendor will be serving or cooking food;
8. If fireworks or other potentially hazardous materials will be used;
9. If there will be admission charges;
- ~~1-~~10. If animals will be involved with the event;
- ~~2-~~11. The number of toilets that will be accessible;
- ~~3-~~12. The amount and type of insurance that will be secured;
- ~~4-~~13. Signage Plan;
- ~~5-~~14. Weather Contingency Plan;
- ~~6-~~15. Crowd Control Plan;
- ~~7-~~16. Emergency Egress or Escape Routes;
- ~~8-~~17. Emergency Vehicle Ingress and Egress Plans;
- ~~9-~~18. Fire Protection Plans;
- ~~10-~~19. First Aid Plans/Emergency Medical Services Plans;
- ~~11-~~20. Public Assembly Area Plans;
- ~~12-~~21. Traffic Control, Traffic Flow, and Parking Plans.

a.b. Information on County and Fire Support services that may be required from:

1. Security/Law Enforcement;
2. Fire/Rescue;



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~~(A)~~3. Medical Standby;

~~(B)~~4. Waste Clean Up;

3.5. Other (Parks and Recreation, Health, Public Works)



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### A.C. Additional Standards for Television and Film Events.

- i. In accordance with NCGS § 143-138 (b20), no permit shall be required under the North Carolina State Building Code or any local variant approved under subsection (e) of this section for any construction, installation, repair, replacement, or alteration of temporary motion picture, television, and theater stage sets and scenery.
- ii. Production vehicles shall not block fire hydrants, driveways, or other access ramps unless authorized by the Mecklenburg County Fire Marshal's Office.
- iii. Production companies are responsible for obtaining any required pyrotechnic permits from the Mecklenburg County Fire Marshal's Office in a timely manner.
- iv. Production companies are responsible for following all provisions in the North Carolina Fire Code, Building Code, and Electrical Code. The Mecklenburg County Fire Marshal's Office can be consulted to perform a fire inspection to ensure compliance with the Code.

### J.D. Revocation of Permit.

- i. The Mecklenburg County Fire Marshal's Office has the authority to revoke a Large Outdoor Assembly Event permit if the holder of such permit fails to comply with the provisions outlined in this Section of the Ordinance or other sections pertaining to Large Outdoor Assembly Events or conditions stipulated in the permit.

### K.E. Exemptions.

~~(A)~~i. This Section of the Ordinance shall not apply to:

~~a.~~(a) Any State or Federal government agency acting within the scope of its governmental functions;

~~(a)~~(b) Businesses holding events in venues designated to hold large numbers of people, where there is already a safety and emergency plan approved by the County.

~~i.~~ii. When it is determined that an event does not meet the threshold of requiring a permit, but notification of emergency first responders is recommended, the Mecklenburg County Fire Marshal's Office will forward the information to the appropriate agencies.

### L.F. Appeals.

- i. Any applicant shall have the right to appeal the denial of a Large Outdoor Assembly Event permit. The conditions of a Large Outdoor Assembly Event permit or the revocation of a Large Outdoor Assembly Event permit to the Mecklenburg County Fire Marshal, and then a further appeal may be made to the Mecklenburg County Code Enforcement Director. The appealing party shall make the appeal to the Mecklenburg County Fire Marshal within five (5) business days after receipt of the decision by the Mecklenburg County Fire Marshal's Office and the Partner Agencies. If the applicant wishes to appeal the Mecklenburg County Fire Marshal's decision, the appeal must be made to the Mecklenburg County Code Enforcement Director within five (5) business days after receipt of the decision.



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### **SECTION 8. Service of Orders or Notices**

- A. The service of orders or notices for the correction of violations of the Ordinance 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, electronically by email, 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.
- B. 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 Ordinance arising out of operations conducted on the premises shall apply to the occupant thereof; provided that where the order or notices require making of additions to or changes in the premises themselves which may become part of the real property of the owner, then in such cases, 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 any order or notice duly served on the occupant.



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### **SECTION 9. Fee Schedule**

- A. Fees for permits required by this Ordinance shall be as contained in the Land Use and Environmental Services Agency Fee Ordinance as adopted by the Board of County Commissioners. A permit fee schedule shall be filed with the Clerk to the Board of County Commissioners and the Fire Marshal's Office for public inspection.
- B. Permit fees shall be paid within the number of days specified in the billing or notice of the amount of the fee.
- C. The Schedule of Fees for permitting and other fees for Large Outdoor Assembly Events shall be approved by Resolution of the Board of County Commissioners.
- D. If other fees for services are required for Large Outdoor Assembly Events, they must be paid prior to the event. If the event is canceled and the County is provided 24-hour notice, the fees for standby service will be refunded.
- E. All permits pertaining to any Large Outdoor Assembly Events must be obtained prior to the event, and copies must be submitted to Mecklenburg County Fire Marshal's Office (e.g., NC DOT, Fireworks, Tent/Stage Canopy).



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<b><span style="color: red;">(Proposed)</span> Special Event Fees</b>				
Anticipated Attendees	0-499	500-999	1000-2999	3000+
Application Fee	\$100	\$300	\$400	\$500
Permit required	Y	Y	Y	Y
Additional Fee for each trade permit (E, M, P)	\$79.61 CE Note 3	\$79.61 CE Note 3	\$79.61 Note 3	Per Construction Valuation Note 3
Submission Deadlines (Days in Advance)	5 Days	15 Days	30 Days	90 Days
Expediting fee (After deadline submissions)	\$50	\$50	\$100	\$200
After Hour Inspections Available (Additional Fees Apply)	Y - Note 1	Y - Note 1	Y - Note 1	Y - Note 1
Event Main Permit - Notes 2 & 5 apply to this line	Note 2	Note 2	Note 2, 5 Outdoor Assembly Permit Required \$250	Note 2, 5 Outdoor Assembly Permit Required \$250
<b>Notes</b>				
1. Standard OTI Fee applies (\$115/per hr per person)				
2. Application fee will be applied to the permit fee if the event occurs.				
3. Fire may charge additional permit fees for optional and mandatory permits per NCFC.				
4. Fire Fees only apply to events held under the jurisdiction of MCFMO.				
5. Permit fees for Building, Electrical, Mechanical, and Plumbing will be based on Construction value.				

<b>Mandatory Permits - 2018 (Fire)</b>	
ABC License Fire Code Compliance Inspections	\$130.00
Amusement Buildings	\$180.00
Carnivals & Fairs	\$180.00
Exhibits & Trade Shows	\$180.00
Fireworks	\$200.00
Flammable and Combustible Liquids - Conditions (6-11)	\$180.00
Liquid or Gas-Fueled Vehicles or Equipment in Assembly Buildings	\$180.00
Pyrotechnic & Special Effects	\$180.00
Temporary Membrane Structures and Tents	\$135.00

<b>Construction Permits - 2018 (Fire)</b>	
Gates and Barricades Across Fire Apparatus Roads	\$180.00
Stage Canopy Permit (Larger than 400 Square Feet) Valid for 45 days	\$180.00

<b>Mandatory Permits - 2024 (Fire)</b>	
Outdoor Assembly Event	\$250.00 – \$350.00
Mobile Food Preparation Vehicles (Optional)	\$100.00

<b>Construction Permits - 2024 (Fire)</b>	
Special Event Structure	\$180.00



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### **SECTION 10. Penalties**

#### A. Citations

- i. When it is determined through inspection that a person has violated any provision of the Fire Prevention Ordinance of Mecklenburg County and/or the Fire Code, the Fire Marshal, the Deputy Fire Marshal and the Assistant Fire Marshal shall have the authority to issue a written citation for such violation. The citation shall be served personally on the violator, or if they cannot be readily found, the citation may be served by certified or registered mail. The citation shall specify the section of the Fire Prevention Ordinance of Mecklenburg County and/or the Fire Code which has been violated and shall specify the penalty to be imposed upon the violator. The citation shall direct the violator to pay the fine imposed at the Mecklenburg County Land Use and Environmental Services Agency, 2145 Suttle Avenue, Charlotte, NC 28208 within fifteen (15) days, or to pay the penalty by mail.

The penalty for violating the means of egress provisions of the Fire Code shall be \$200 for each violation.

The penalty for allowing a number of persons to occupy an assembly space that is greater than the posted maximum occupant load for that space shall be \$200 per occurrence of the violation.

The penalty for prohibited parking within a fire lane as described in Section 10 shall be \$100.

The penalty for other violations of the Fire Code or the Fire Prevention Ordinance of Mecklenburg County shall be at the discretion of the Fire Marshal or authorized representative but shall not be less than \$50 per occurrence and shall not exceed \$200 per occurrence.

- ii. The citation shall direct that a violation be corrected within a specific time period. If the violation is not corrected within the specified time, the violator shall be liable for a new and separate offense.
- iii. If the violator does not pay the penalty within fifteen (15) days of the issuance of the citation, a delinquency charge of ten dollars (\$10.00) shall be added to the original penalty. Notice of the delinquency charge shall be mailed to the violator and shall include a notice that a criminal summons will be issued against him if the cited penalty and the delinquency charge are not paid within ten (10) days from the date of the delinquency notice.
- iv. If the penalty and the delinquency charge are not paid within the specified time period, the Fire Marshal may request that a criminal summons be issued against the violator for the violation of the Fire Prevention Ordinance of Mecklenburg County and/or the Fire Code. Upon conviction, the violator shall be subject to the originally cited penalty and the delinquency charge as well as any penalty imposed by the Court pursuant to Section 9(c) of this Ordinance.
- v. Nothing in this subsection shall preclude the issuance of an arrest warrant.



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- ~~(1)~~vi. It shall be unlawful for any person to:
- ~~a.~~(a) Carry on a Large Outdoor Assembly Event without a required permit or registration receipt;
  - ~~b.~~(b) Fail to terminate a Large Outdoor Assembly Event upon revocation of a permit;
  - ~~(a)~~(c) Conduct a Large Outdoor Assembly Event in violation of the terms and conditions of a permit issued for such event;
- ~~vi.~~vii. Any violation of the provisions of Section 7 of this Ordinance shall subject the offender to a civil penalty of \$100 for the first offense and \$500 for the second and any subsequent offenses. Each condition and day of violation shall constitute a separate offense. If a person fails to pay the civil penalties set forth herein twenty (20) days after being cited for a violation, the County may seek to recover the penalty by filing a civil action.
- ~~(2)~~viii. For Large Outdoor Assembly Events, each day the violation continues shall constitute a separate offense.
- a.~~ix.~~ix. The County, by and through its duly authorized authorities, including, but not limited to, the Mecklenburg County Sheriff's Office, may seek to enforce the provisions of Section 7 of this Ordinance through any appropriate equitable remedy issued from a court of competent jurisdiction.
- ~~b.~~x. A Large Outdoor Assembly Event for which a permit has not been approved, an Event exempt from Section 7 of this Ordinance that otherwise would require a permit except for the exemption, or for which the stipulations of the permit which was approved are not met, or which is otherwise in violation of Section 7 of this Ordinance, may be shut down by Law Enforcement, but only if either the County Manager or the Mecklenburg County Sheriff or his designee determines that the Large Outdoor Assembly Event constitutes an immediate and direct physical danger to citizens or property.

### B. Administrative Remedies

- i. When a violation is found to be uncorrected, the inspector shall by certified or registered mail to the owner at his/her last known address or by personal service give written notice:
  - (a) That the fire hazards noted on the inspection form constitute a safety hazard or are deemed to be dangerous to the life, health, or welfare of the occupants;
  - (b) That a hearing will be held before the inspector at a designated place and time, not later than ten (10) days after the date of the notice at which the owner is entitled to be heard in person or by counsel and to present evidence and arguments pertaining to the matter; and
  - (c) That following the hearing, the inspector may issue any order to correct the fire code violations that appears appropriate. (G.S.160A-425)
- ii. If the name or whereabouts of the owner cannot be discovered with due diligence, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building in question at least ten (10) days before the day of the





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hearing and a notice of the hearing is published in a newspaper of general circulation at least once not later than one week before the hearing. (G.S. 160A-428)

- iii. If, after a hearing held pursuant to this section, the inspector finds that the building is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, safety or welfare, he shall issue a written order, directed to the owner of the building, requiring the owner to remedy the defective conditions by repairing, dosing, vacating, or taking other necessary steps, within such period as the inspector may prescribe as authorized by G.S.160A-429.

### C. Criminal Remedies

- i. Any person who shall violate any of the provisions of the Fire Prevention Ordinance hereby adopted, to fail to comply therewith, or who shall violate or fail to comply with any orders made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00), by imprisonment for not more than thirty (30) days, or both, in the discretion of the court. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person charged under this section shall be required to correct or remedy the violations or defects within a reasonable time; when not otherwise specified, each ten (10) days that prohibited conditions exist shall constitute a separate offense.

### **SECTION 11. Removal of Obstructions; Prohibited Parking**

- A. No person shall place or keep any vehicle, fence, growth, trash or other material near any fire hydrant or fire station, or within any fire lane or fire department access road that would prevent immediate use of a hydrant or delay fire apparatus from responding to any alarm. Fire Lanes shall be properly marked, and NO PARKING signs posted. It shall be the responsibility of the management of any shopping center or mall to ensure that the fire lanes are open and accessible to fire apparatus at all times. When such violations are found, the Fire Marshal and his authorized representatives may issue a citation to the person responsible for obstructing a fire hydrant, fire lane, fire department access road, or fire station.



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### **SECTION 12. Entry of Premises**

- A. Pursuant to G.S. 58-79-20, the Fire Marshal and authorized representatives shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises in the jurisdiction.
- B. The Fire Marshal or 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 an immediate threat to human life, property or the public safety for the purpose of eliminating, controlling, or abating the dangerous condition or situation.
- C. If entry or access is denied so as to limit the authorized duties of this Ordinance or the Fire Code, the Fire Marshal or his authorized representatives shall seek and obtain an administrative search warrant pursuant to G.S. 15-27.2.

### **SECTION 13. Investigation of Fires**

- A. Pursuant to North Carolina G.S. 58-79-1, the fire chief of the fire department and County Fire Marshal are authorized to investigate the cause, origin, and circumstances of every fire occurring in Mecklenburg County where property has been destroyed or damaged. The fire chief or fire officer in charge may request assistance in determining origin and cause from the Fire Marshal's Office at any time.
- B. An investigator from the Fire Marshal's Office shall immediately be notified and shall respond to the scene of any incident that meets any of the following criteria:
  - i. Any fire or explosion that results in injury or loss of life of a civilian or emergency responder.
  - ii. Any fire or explosion that was not promptly reported or where there was no fire department response, including extinguished fires not immediately reported.
  - iii. Any release of carbon monoxide within a structure that results in hospitalization or loss of life.
- C. The Fire Marshal's Office investigator shall conduct a thorough fire scene examination in accordance with current standards and practices, and upon completion of their investigation, shall prepare and file a detailed origin and cause report.
- D. Upon the discovery of possible or known criminal activity that is related to the origin and cause or circumstances of the fire, the fire investigator shall notify the police department having jurisdiction and shall cooperate with the police department to complete the investigation.
- E. The Fire Marshal's Office investigator may request any assistance they deem necessary to the successful completion of the fire scene examination or origin and cause investigation, including but not limited to: State Bureau of Investigation, A.T.F. or other local, state, or federal agencies that may be required.
- F. The fire chief or fire officer in charge of any emergency incident may request assistance from the Fire Marshal's Office for matters other than fire or explosion investigation should they deem such assistance is necessary or beneficial for the mitigation of the incident.



## **FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY**

### **SECTION 14. Records**

- A. The Fire Marshal's Office shall keep a record of all investigations and of all the facts concerning the same, including statistics as to the extent of such fires and the damages caused thereby.
- B. Fire Departments 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.
- C. The Emergency Communications Center shall keep a date and time stamp record of all emergency alarms indicating incident number, time alarm received, time enroute, time arrived, and in-service time.

### **SECTION 15. Maintaining a Fire Hazard**

- A. No person shall knowingly maintain a fire hazard.

### **SECTION 16. Carelessness with Fire**

- A. No person shall deliberately, or through carelessness or negligence, set fire to or cause the burning of any material, in such a manner as to endanger the safety of any person or property.

### **SECTION 17. Severability**

- A. The Board of Commissioners for the County of Mecklenburg hereby declares that should any section, paragraph, sentence, or word of this Ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of the Board of Commissioners for the County of Mecklenburg that it would have passed all other portions of this Ordinance independent of the portion as may be declared invalid.

### **SECTION 18. Conflict with Other Laws**

- A. Nothing in this Ordinance shall be construed to conflict with Chapter 95, Article 18 of the General Statutes of North Carolina as enacted and as may be amended from time to time.

### **SECTION 19. Effective Date**

- A. This Ordinance shall be effective thirty (30) days after publication in a newspaper qualified for legal advertising in Mecklenburg County, which publication shall be accomplished after approval hereof by the Board of County Commissioners, and the effective date shall be set out in the publication.



## FIRE PREVENTION ORDINANCE OF MECKLENBURG COUNTY

For questions, contact Patrick Granson, Mecklenburg County Director of Code Enforcement, at [Patrick.granson@mecklenburgcountync.gov](mailto:Patrick.granson@mecklenburgcountync.gov) or Ted Panagiotopoulos, Chief Fire Marshal Mecklenburg County, at [Ted.panagiotopoulos@mecklenburgcountync.gov](mailto:Ted.panagiotopoulos@mecklenburgcountync.gov), both can be reached at 980-314-3070.

