


Hertford County Fire Protection and Prevention Ordinance



Revised December 2018

**Hertford County
Fire Protection & Prevention
Ordinance**

Approved By:  Date: 1-7-19
Chairman, Hertford County Commissioners

Attest:  Date: 1/7/19
Clerk to the Board

Seal

Approved By:  Date: 1/11/19
Hertford County Manager

Approved By:  Date: 1/11/19
Hertford County Fire Marshal

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CHAPTER 1

HERTFORD COUNTY FIRE PREVENTION AND PROTECTION ORDINANCE

Section 1.1 – Title

These regulations shall be known as the "Fire Prevention and Protection Ordinance of Hertford County, North Carolina," and may be cited as such and referenced to herein as the code.

Section 1.2 – Intent

It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire and explosion within the jurisdiction of the county. The code 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, 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.

Section 1.3 – Code and Amendments

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or exposure to hazardous materials, the most current North Carolina Fire Prevention Code set forth by the North Carolina Building Code Council, along with all of the North Carolina Amendments of said code is hereby adopted by reference and is set forth herein as the Fire Code for the County. Any Amendments to the aforementioned code, which are adopted, amended, and published by the North Carolina Building Code Council, shall be effective in the County at the time such amendments are declared in effect by the North Carolina State Building Code Council.

Section 1.4 – Applicability

The provisions of this ordinance shall apply to all buildings and occupancies in the counties jurisdiction. The provisions of this code shall apply equally to existing as well as new buildings.

Section 1.4.1 – Inapplicability of Code

Where the North Carolina Fire Prevention Code or its references are inapplicable to a specific occupancy of process, the appropriate NFPA (National Fire Protection Association) or other nationally recognized standard shall be used. (Section 102.8 NCFPC)

Section 1.4.2 – Copy on File

A copy of the fire prevention and protection ordinance, and all technical codes and standards adopted by reference shall be available for public inspection at the Fire Marshal's Office and this ordinance shall be file at the office to the clerk to the board of County Commissioners.

Section 1.5 – Jurisdiction

In accordance to the general statutes of the State of North Carolina and the provisions of the Hertford County Fire Prevention and Protection Ordinance, it will be the responsibility of the Hertford County Fire Marshal's Office to issue all fire prevention permits, conduct all fire inspections for the county and enforce the provisions of the North Carolina Building Code, Fire

Prevention and the Hertford County Fire Prevention and Protection Ordinance in the unincorporated areas of the county.

Section 1.5.1 – Contracting for Services

Where a Hertford County Municipality who is legally obligated to provide fire inspection services to a specified area cannot do so, they may contract with the county fire marshal's office to provide these services. Any area contracted to the Fire Marshal's Office for fire inspection services shall be bound to all the provisions of the Hertford County Fire Prevention and Protection Ordinance.

Section 1.6 – Effective Date

These regulations shall become effective on January 1, 2019.

Section 1.6.1 – Definitions and Abbreviations

For the purpose of this code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as set forth in this and following sections.

Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural includes the singular.

Section 1.6.2 – Terms Not Defined

Where terms are not defined in this code and are defined in the most current North Carolina Building Codes, such terms shall have the meanings ascribed to them as in those codes. Where Terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.

Chapter 2

INSPECTION SCHEDULE FOR EXISTING BUILDINGS

Section 2.1 – Frequency of Inspection and Fees

Inspection schedules of existing buildings shall be in accordance with Section 106 of the N.C. Fire Prevention Code, and shall be conducted no less frequently than described in the schedule below:

OCCUPANCY CLASSIFICATION	INSPECTION FREQUENCY
Public Schools (NCGC 115C-525)	Every Six Months
Hazardous	Every Year
Institutional	Every Year
High Rise	Every Year
Assembly < 100	Every Year
Residential*	Every Year
Industrial	Every Two Years
Educational (Except Public Schools)	Every Two Years
Foster Care Home (G.S. 131-D)	Every Two Years
Group Care Home	Every Two Years
Assembly > 100	Every Three Years
Business	Every Three Years
Mercantile	Every Three Years
Storage	Every Three Years
Churches and Synagogues	Every Three Years

* The North Carolina Fire Code definition of a residential occupancy is a multi-family building. The Fire Code does not apply to the occupancy of one and two family dwellings. This does apply to one and two family dwelling access, licensed care homes, bed and breakfast homes, and similar occupancies.

Chapter 3

PERMITS, PLAN REVIEW & FEES

Section 3.1 – Definition

Permit is an official document issued by the Fire Marshal's Office authorizing performance of a specified activity, use, operation or installation. This includes, but is not limited to the following types: Use Permit, Special Use Permit, Operational Permit, Construction Permit and Permits for Fire Protection Systems, Storage Tanks, and any other items needing a permit.

Section 3.2 – Required Permits and Fees

In accordance with the detailed requirements of the County, a permit shall be obtained from the Fire Marshal's Office pursuant to the procedure set forth in Chapter 1, Section 105 of the N.C. Fire Prevention Code, along with the N.C. Amendments and this ordinance. Permits shall be obtained to conduct those activities or operations as set forth in the permit and service fee schedule as approved by the Hertford County Board of Commissioners. An operational permit must be obtained from the Hertford County Fire Marshal's Office in the following situations:

INSPECTION FEES	
There shall be no initial fee for fire inspections of Level I, II, or III properties requiring inspection under the mandatory inspection schedule with the exception of Foster Care Homes. If violations resulted during inspection, (30) days following the initial inspection, a re-inspection will be conducted. Life Safety violations should be corrected in the given timeframe by the inspector. If all violations have been corrected or a corrective action plan is agreed upon by inspector, no fee shall be imposed. If violations have not been corrected, the following shall apply:	\$0
Fire Violation Re-Inspections Fees:	
1) 1st Re-Inspection, Second Notice to Comply	\$50
2) 2nd Re-Inspection, Third Notice to Comply	\$100
3) 3rd Re-Inspection, Final Notice to Comply	\$150
4) Following issuance of (3) consecutive re-inspection fees without compliance, the operator, or other responsible person shall be cited to court for the violation of NC General Statute 14-68.	\$200 + Cost of Court
Foster Care Homes	\$25

An operational permit must be obtained from the Hertford County Fire Marshal's Office in the following situations:

3.2.1 – Operational Permits (Required)			
Code Section	Description	Terms	Permitting Fee*
105.6.2	Amusement Buildings	30 Days	\$50.00
105.6.5	Carnivals and Fairs	Single Event	\$50.00
105.6.7	Combustible Dust-Producing Operations	365 Days	\$50.00
105.6.10	Covered and Open Mall Buildings	30 Days	\$50.00
105.6.14	Exhibits and Trade Shows	30 Days	\$50.00

105.6.15	Explosives	Blasting – 30days Fireworks – Single Event	\$50.00
105.6.17 (6)	Flammable & Combustible Liquids: Operate tank vehicles, equipment, tanks, terminals, wells, fuel dispensing stations, refineries, distilleries facilities that are produced, processed, transported, stored, dispensed, or used	365 Days	\$0.00
105.6.17 (7)	Flammable & Combustible Liquids: Place temporarily out of service (more than 90 days) an underground or above ground flammable or combustible liquid tanks	30 Days	\$50.00
105.6.17 (8)	Flammable & Combustible Liquids: Change the contents of a flammable or combustible liquid tank	30 Days	\$50.00
105.6.17 (9)	Flammable & Combustible Liquids: Manufacture, process, blend, or refine flammable or combustible liquids	365 Days	\$0.00
105.6.17 (10)	Flammable & Combustible Liquids: To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental, or manufacturing establishments	365 Days	\$0.00
105.6.17 (11)	Flammable & Combustible Liquids: To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental, or manufacturing establishments	365 Days	\$0.00
105.6.20	Fumigation and Thermal Insecticidal Fogging	365 Days	\$0.00
105.6.27	Liquid or Gas Fueled Vehicle or Equipment in assembly buildings	365 Days	\$0.00
105.6.37	Private Fire Hydrants removal from service, use or operation	365 Days	\$25.00 per hydrant
105.6.38	Pyrotechnic Special Effects Materials	Single Event	\$50.00
105.6.44	Spraying or Dipping Operations	365 Days	\$50.00
105.6.45	Temporary Membrane Structures, Tents and Canopies	30 Days	\$25.00
	Failure to Secure Permit		\$100.00 + Permit

A construction permit must be obtained from the Hertford County Fire Marshal's Office in the following situations:

3.2.2 – Construction Permits (Applies to installation of new systems and renovations to existing systems)		
Code Section	Description	Permitting Fee
105.7.1	Automatic Fire-Extinguishing Systems	\$50.00 + \$2.00 per Nozzle/Head
105.7.2	Battery Systems	\$50.00
105.7.3	Compressed Gases	\$50.00
105.7.4	Cryogenic Fluids	\$50.00
105.7.5	Emergency Responder Radio Coverage System	\$50.00

105.7.6	Fire Alarm and Detection systems and Related equipment	\$50.00 + \$2.00 per initiating Device
105.7.7	Fire Pumps and Related Equipment	\$50.00
105.7.8	Flammable and Combustible liquids	\$50.00
105.7.9	Gates & Barricades across Fire Apparatus Roads	\$50.00
105.7.10	Hazardous Materials	\$50.00
105.7.11	Industrial Ovens	\$50.00
105.7.12	L.P. Gas Installation and Modification (Applies only to occupancies covered by the N.C. Fire Prevention Code)	\$50.00
105.7.13	Private Fire Hydrants	\$25.00 per hydrant
105.7.14	Smoke Control or Exhaust Systems	\$50.00
105.7.15	Solar Photovoltaic Power Systems	\$50.00
105.7.16	Spraying and Dipping	\$50.00
105.7.17	Standpipe Systems	\$50.00 with Sprinkler System \$75.00 W/O Sprinkler System
105.7.18	Temporary Membrane Structures, Tents and Canopies	\$25.00
	Failure to secure permit	\$100.00 + permit

Section 3.2.3 – Renewal.

All construction permits will be valid for a period of 6 month and will be renewable upon expiration or an extension granted for up to 180 days upon request. Renewal fees will be based on fee schedule proposed for inspections in accordance with Section 105.

Section 3.3 – Information Required With Applications

An application for a permit shall be filed with the Fire Marshal's Office on a form furnished for that purpose, provided by the County and shall include the applicant's answers in full to inquiries set forth in such forms. Applications for permits shall be accompanied by appropriate fees and such data as may be required by the Fire Marshal.

Section 3.3.1 – Contractor's License Required.

When the General Statutes requires that general construction, plumbing, mechanical, electrical, fire protection, or gas work be performed by the appropriately licensed individual(s), no permit for such type work shall be issued to an unlicensed person or firm.

Section 3.3.2 – Additional Data. The Fire Marshal's Office may require details, computations, stress diagrams, professional certification and other data necessary to describe the construction or installation of a system.

Section 3.4 – Plan Review

Shall apply to all buildings, building systems, access to buildings, or other features regulated by the North Carolina Building Codes. This review will be for the determination of compliance with this Code, and shall be completed within a reasonable time of receipt of plans (typically with 15 days). If the Fire Marshal's review of these plans indicates the need for a fire permit, as outlined in this Code or if there are corrections to be made to the plans, the building permit shall

not be issued until the fire permit has been applied for or until the corrections are made to the plans. This plan review shall not apply to one and two family dwellings other than access.

Section 3.4.1 – Penalties

See Civil Penalties Schedule in Chapter 4 of this ordinance.

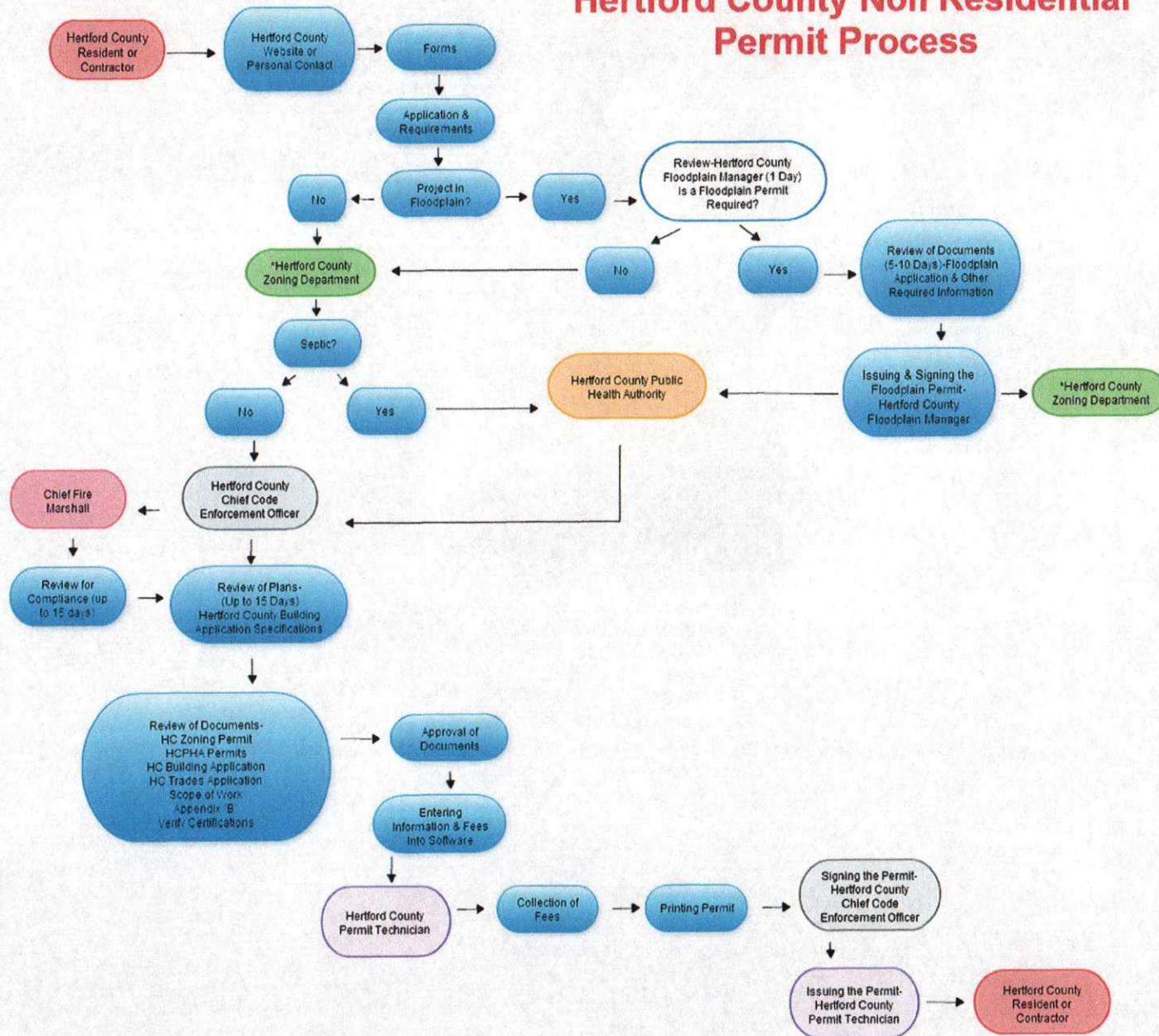
Section 3.4.2 – Revocation

The Fire Marshal may revoke a permit upon determination that the permit holder, or any agents or employees of the permit holder, has violated any provision of the N.C. Building Code Fire Prevention or of this Ordinance, or any stated condition of the permit. The Fire Marshal shall advise the permit holder, in writing, of the reason for the revocation and post a stop work order in building entrance if applicable. (North Carolina Administrative Code and Policies 204.5.3)

Section 3.4.3 – Nontransferable

Any permits issued shall not be transferable. Permits shall be valid only as specified on the permit for the time period, use, and/or project specified. Permits shall be valid only for the individual listed on the permit application.

Hertford County Non Residential Permit Process



CHAPTER 4

CIVIL PENALTIES

Section 5.1 – Civil Penalties

Any person who shall violate any of the provisions of this Code adopted by the Hertford County Board of Commissioners, or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under or any certificate or permit issued there under, shall be subject to penalties as specified below as approved by the Hertford County Board of Commissioners. These penalties shall be recovered by the County in a Civil Action in the nature of debt if the offender does not pay the penalties within a period of 30 days after the issuance of the notice of violation. The notice of violation shall be in writing, signed by the Fire Marshal and/or the Fire Official charged with the enforcement of the Code, and shall be delivered or mailed to the offender either at his/her residence or place of business or at the location where the violation occurred. Any action to recover such penalties may be joined in an action for appropriate equitable remedy, including injunctions and orders of abatement and including an action to recover damages by the County in abating, correcting, limiting, and otherwise dealing with the harmful effects of the offending action. Civil penalties are assessed in accordance with North Carolina G.S. 153A and G.S. 160A.

Civil Penalty Schedule	
First Offense	100.00
Second Offense	300.00
Third and Subsequent Offenses	500.00

Violation(s) consisting of locked and/or blocked exits, impedance of the occupants to quickly evacuate a structure or premise, or conditions posing imminent danger to the occupants on or about the premise or violation(s) of occupancy limits established pursuant to the North Carolina State Building and/or Fire Code and must be corrected during the time of the inspection if at all possible.

CHAPTER 5

REPORTING A HAZARD OR VIOLATION

Section 6.1 – Hazards and Violations

The Fire Marshal's Office will respond to any complaint regarding a life safety hazard or any other fire code violation or fire ordinance violation in Hertford County.

Section 6.1.1 – How to report a hazard or violation. A hazard or violation may be reported at any time. They may be reported directly to the Fire Marshal's Office at 252-358-7861. If it is after normal business hours, you may leave a message and someone will contact you back shortly.

Section 6.1.2 – Required Information for Complaints. All complaints will require the following information to be recorded in order for the complaint to be processed:

1. Name of the person filing the complaint if offered
2. Address and phone number of person filing complaint if offered
3. Location of hazard or violation
4. Type of problem, hazard or violation

Section 6.1.3 – Records. A written record of all complaints will be maintained in the Fire Marshal's Office. A report will be attached to the complaint stating any violations or hazards found and what actions were taken.

CHAPTER 6

COLLECTION OF FEES

Section 7.1.1 Plan Review Fees.

Plan review fees are collected as part of plan review through the Building Inspections Office.

Section 7.1.2 Inspection Fees (New Construction)

In the event additional fees are required to be assessed during a construction project, any and all fees must be paid in full prior to the issuance of the buildings Certificate of Occupancy. Occupying a building that has not been issued a Certificate of Occupancy will constitute a civil penalty for each days continued offense.

Section 7.1.3 Re-Inspection Fees (Existing Buildings)

Fire Violation Re-Inspections Fees will be invoiced by mail. If invoices are not paid promptly a total of three invoices will be sent.

APPENDIX A

FORMS

Form 1 - Application for Permit (Construction)
Form 2 - Application for Permit (Operational)
Form 3 - Pyrotechnic Special Use Application
Form 4 - Temporary Structure Special Use Application
Form 5 - Blasting/Explosive Special Use Application
Form 6 - Civil Citation
Form 7 - Reporting a Hazard or Violation
Form 8 - Stop Work Order
Form 9 - Notice of Fire Inspection Attempt
Form 10 - Inspection Field & Re-Inspection
Form 11 - Compliance
Form 12 - Plan Review
Form 13 - State Applicable School Form
Form 14 - State Applicable Daycare Form
Form 15 - Acceptance Test
Form 16 - Permit
Form 17 - Unsafe Building
Form 18 - Invoice for Payment
Form 19 - Certificate of Occupancy
Form 20 - Foster Care Inspection Form