

ORDINANCE #99-2:

AN ORDINANCE AMENDING THE VILLAGE OF PINEHURST MUNICIPAL CODE AS IT PERTAINS TO THE STATE BUILDING CODE AND FIRE PREVENTION AND PROTECTION.

THAT WHEREAS, it is the desire of the Village Council of the Village of Pinehurst to adopt, in all respects, the North Carolina State Building Codes relating to general construction, plumbing, mechanical, electrical, gas, and fire prevention and protection; and

WHEREAS, the adoption of the codes is done to facilitate proper inspection activities by the Village of Pinehurst relating to the construction and maintenance of buildings within Pinehurst and its extraterritorial jurisdiction; and

WHEREAS, the adoption of such codes is in the interest of the health, safety, and welfare of the citizens, residents, and property owners of the Village of Pinehurst and its extraterritorial jurisdiction, and to afford to them the protection provided in said codes;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in regular session assembled on the 15th day of February 1999, as follows:

SECTION 1. That Chapter X, of the Pinehurst Municipal Code, be entitled **FIRE PREVENTION CODE** with subsections hereby amended to read as follows:

10-1.1 Adoption by Reference. Pursuant to authority contained in General Statutes of North Carolina 160A-76 (b). and for the purpose of prescribing regulation governing conditions hazardous to life and property from fire and explosion, there is hereby adopted by reference Volume Five of the North Carolina Building Code, known as Fire Prevention, as the Fire Prevention Code of the Village of Pinehurst. The adoption of Volume Five included all of its Chapters and 1997 Amendments, and any and all subsequent changes to those chapters as required by law or as deemed necessary and approved by the village council. The same as if set forth herein verbatim: and the same is hereby made applicable within the corporate limits of the Village of Pinehurst from and after the effective date hereof. Copies of this code shall be on file in the Office of the Village Clerk and the Fire Chief.

10-1.2 Enforcement by Fire Chief or Designated Representative. It shall be the duty of the Fire Chief of the Village, or such other person as may be designated with the advice and consent of the Village Council, to administer and enforce the provisions of the Code within the Village. This duty of the Fire Chief or such designated official shall be in addition to those duties prescribed in G.S. 160A-292.

10-1.3 Permits Requirements. No person shall commerce or proceed with, the installation , extension, or alteration of any fire protection system or maintain, store or handle hazardous materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities without first securing from the fire official any or all permits required by Volume Five of the State Building Code. Permits shall only be issued, upon approval of the fire official, after a review of all plans and specifications or a complete inspection of an existing building has been completed to insure compliance with N.C. State Building Code

10-1.4 Certificate of compliance. In all cases where laws or regulations exist that are enforceable by the fire official. Approval must first be obtained from the fire official before the owner of a building is issued a certificate of compliance or occupancy.

10-1.5 Right of Appeal. Whenever the Chief of the Fire Department or designated representative shall disapprove an application or refuse to grant a

license or permit applied for under the Fire Prevention Code, or when it is claimed that the provision of the Code does not apply, or that the true intent and meaning of the Code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the North Carolina State Commission of Insurance or designated representative, by filing a writing notice with the Commission of Insurance and with the local inspection department within a period of ten (10) days after the order, decision, or determination. Further appeals may be taken to the State Building Code Council or to the courts, as provided by law.

10.1.6 Penalty.

a. Any person who shall violate any of the provisions of the Fire Prevention Code adopted by this Chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or 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 Chief of the Fire Department or designated representative, or by a court of competent jurisdiction, within the time fixed therein, shall, severally for each and every such violation and non-compliance, respectively, be guilty of a misdemeanor, and upon conviction, be punished by a fine of not more than fifty (\$50.00) dollars for each violation or imprisonment for not more than thirty (30) days for each violation. Each thirty (30) days that the violation continues shall constitute a separate and distinct offense. Violations of occupancy limits established pursuant to the NC State Building Code shall be a misdemeanor subject to a hundred (\$100.00) dollar fine for the first offense, a two hundred fifty (250.00) dollar fine for the second offense, and a five hundred (\$500.00) dollar fine and up to 30 days imprisonment for a third offense. Any occupancy violation incurred after one year shall constitute a first offense. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

b. The imposition of a penalty for such a violation shall not be held to prevent the enforced removal of prohibited conditions.

10-1.7 Copies of Fire Prevention Code Available for Use of Public. Copies of the Fire Prevention Code adopted by this Chapter shall be available for the use of any interested person at the Fire Station, the office of the Village Clerk and the Given Memorial Library, during their respective regular office hours.

SECTION 2. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

SECTION 3. Adopted this 15th day of February 1999.



(Seal)

VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Virginia F. Fallon
Virginia F. Fallon, Mayor

Mary H. McGraw
Mary H. McGraw, Village Clerk

Approved as to form:

John B. Clayton
John B. Clayton, Village Attorney