

## **TC-6-11 Fire Prevention Ordinance**

Amends the City Code to provide consistency between City regulations and the amended NC Fire Code, proposes fee increases and incorporates a number of required permits for a variety of business practices and operations in order to remain consistent with current development trends and enhanced code enforcement options.

Then new regulations are proposed to be effective on June 4, 2011.



# Certified Recommendation

Raleigh Planning Commission

CR# 11412

## Case Information: TC-6-11 / Fire Prevention

### Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Not applicable
<i>Action Items</i>	Not applicable

### Summary of Text Change

<i>Summary</i>	Amends the City Code to provide consistency between City regulations and the amended NC Fire Code, proposes fee increases and incorporates a number of required permits for a variety of business practices and operations in order to remain consistent with current development trends and enhanced code enforcement options.
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### Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-6-11:</u> Moderate increases to the current fee schedule (approximate 20% fee increase since initially established in the mid-1990s) and new fire prevention inspections required for high occupancy special events and storage of flammable and explosive materials.</p> <p><u>No Action:</u> Continued conflicts between the City Code and the State's recent adoption of the newly established international codes.</p>
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### Public Meetings

<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
4-19-11	Date		4-26-11	Action

#### Attachments

1. Staff report
2. Summary
3. Ordinance







## Zoning Staff Report – TC-6-11

### Fire Prevention Text Change

#### Request

<i>Section Reference</i>	<b>Part 5 Chapter 2 Article B of the City Code, Fire Prevention</b>
<i>Basic Information</i>	Amends the City Code to provide consistency between City regulations and the amended NC Fire Code, proposes fee increases and incorporates a number of required permits for a variety of business practices and operations in order to remain consistent with current development trends and enhanced code enforcement options.
<i>PC Recommendation Deadline</i>	August 2, 2011

#### Comprehensive Plan Guidance

<i>Applicable Policies</i>	Not applicable
<i>Action Items</i>	Not applicable

#### Contact Information

<i>Staff Coordinator</i>	Greg Hallam: <a href="mailto:greg.hallam@raleighnc.gov">greg.hallam@raleighnc.gov</a> ; 516.2636
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#### History/Overview

This text change was initiated by the City Council, following a review of the proposal by the City Attorney's office.

#### Purpose and Need

The City of Raleigh Fire ordinance has not been updated since the late 1990s for content nor a fee increase. Since the last update, the State of North Carolina has adopted the International Fire Code and costs to provide fire prevention services have significantly increased.

#### Alternatives Considered

No alternative other than the No Action approach was considered.

## Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

Since the mid-1990s, costs have increased for providing fire inspection services and additional construction and operational permits are now mandated by the State within the International Fire Code. Moderate increases to the current fee schedule (approximate 20% fee increase) are proposed and new fire prevention inspections are required for high occupancy special events and storage of flammable and explosive materials.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

Conflicts will continue between the City of Raleigh's Fire Prevention Ordinance and the State of North Carolina's regulations since the State's recent adoption of the newly established International Fire Code.

## Impacts Summary

### Adoption of Proposed Text Change

TC-6-11 addresses the

### No action

Under the "no action" alternative, the City may

by the North Carolina Building Code Council, *shall* be effective in the jurisdiction of the *City* at the time such amendments are declared in effect by the North Carolina State Building Code Council.

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 Office of the Fire Marshal and or the City Clerk's office.

**State law references:** Adoption of technical codes by reference, *General Statute* 160A-76(b); **State Building Code**, *General Statute* 143-138 *et seq.*

**(b) Applicability.**

The provisions of this ordinance shall apply to all buildings and occupancies in the North Carolina Building Code, General Construction and the **Fire Prevention Code** (latest edition adopted by the NC Building Code Council) and any other building referenced by this ordinance. The provisions of this Code *shall* apply equally to existing as well as new buildings. All construction, alterations, repairs, replacement, equipment, and maintenance hereinafter made or installed to any building or structure, other than the exceptions to applicability listed in 102.10 of the **Fire Prevention Code**, *shall* conform to the provisions of the **Fire Prevention 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.

**Sec. 5-2033 - JURISDICTION.**

In accordance with Chapter 160A Article 19 of the North Carolina General Statutes, the provisions of the **Fire Prevention Code** are applicable and *shall* be enforced within the corporate limits, and also within the extraterritorial jurisdiction of the *City*.

**Sec. 5-2034 - RESPONSIBILITY FOR ENFORCEMENT;  
FIRE PREVENTION BUREAU.**

- (a) The **Fire Prevention Code** *shall* be enforced by the Fire Prevention Bureau within the Fire Department of the *City*, which *shall* be operated under the supervision of the Fire Chief.
- (b) The Chief in charge of the Fire Prevention Bureau, also known as the Fire Marshal, *shall* be appointed by the Chief of the Fire Department on the basis of the merit principle, and *shall* serve at the pleasure of the Fire Chief.

- (c) The Chief of the Fire Department *may* detail such members of Fire Department as fire prevention inspectors as he *may* determine necessary.

**Sec. 5-2035 - PRIMARY AND SECONDARY FIRE DISTRICTS.**

**(a) The Primary Fire District.**

**The primary fire district of the City is described as follows:**

Beginning at a point in the center of South Dawson Street and West Morgan Street; thence east to the center of the intersection of West Morgan Street and South McDowell Street; thence south to the intersection of South McDowell Street and West Hargett Street; thence west along the center of West Hargett Street, to the point and place of beginning.

**(b) The Secondary Fire District.**

**(1) The secondary fire district of the City is described as follows:**

Beginning at a point in the center of the intersection of South Blount Street and East Morgan Street; thence south to the intersection of South Blount Street and East Cabarrus Street; thence west to the center of the intersection of East Cabarrus Street and South Wilmington Street; thence south to the center of the intersection of South Wilmington Street and East South Street; thence west to the center of South Dawson Street and the east right-of-way of the southern railroad; thence northwest along the east right-of-way of the southern railroad to the center of South Dawson Street; thence north to the center of the intersection of South Dawson Street and West Hargett Street; thence west to the center of the intersection of West Hargett Street and South Harrington Street; thence north to the center of the intersection of Hillsborough Street and South Harrington Street; thence east along the center of Hillsborough Street to the intersection of Hillsborough Street and North Salisbury Street, thence east to the point and place of beginning, excluding that area described as the Primary Fire District in §5-2035.

- (2) Within the secondary fire district new wood frame structures *shall* be permitted to be constructed or enlarged when complying with all the *following*:
- a. Constructed in compliance with the N.C. Building Code, and
  - b. Building *shall* be fully sprinkled in compliance with standards set forth in the North Carolina Building Code, and
  - c. That exterior cladding and exterior components (stairs, balconies excluding trim) when intended *shall* be constructed of non-combustible materials.
- (3) Within the secondary fire district all structures existing on the date of the adoption of Ordinance No. 2003-477 (July 15, 2003), *may* be repaired or altered, provided that when any proposed repair or alteration exceeds

twenty-five (25) percent of the value of the structure, as determined by the Inspections Director, or when the occupancy use of the building is changed to a higher hazard group, the building *shall* be required to have either of the *following*:

- a. a fire alarm system, or
- b. a fully sprinkled building, or
- c. all structural components provide a one-hour fire protected construction. Exception: Type IV (Heavy Timber) construction, parking structures and those surrounded on all sides by a minimum of thirty (30) feet.

**State law reference:** G.S.160A-435 through 437.

#### **Sec. 5-2036 - ELECTRIC SERVICE ENTRANCES IN FIRE DISTRICTS.**

All electric service entrance conductors within the primary and secondary fire districts as described in §5-2035 *shall* be placed underground in conduit. The conductors and conduit must be of approved materials as determined by the City Inspections Department. This provision *shall* apply to all newly constructed buildings, to enlarged electrical services in existing buildings, and to existing buildings undergoing major renovations.

#### **Sec. 5-2037 - FLAMMABLE LIQUIDS STORAGE; RESTRICTIONS ON LOCATION.**

**(a) Storage of Flammable Liquids in Outside, Aboveground Tanks**

The limits on location referenced in the **Fire Prevention Code**, in which storage of flammable liquids in outside, aboveground tanks is prohibited, are established as follows: all residential zoning districts of the *City* and the primary and secondary fire districts as described in §5-2035.

**(b) New Bulk Plants for Flammable Liquids**

The limits on location referred to in the **Fire Prevention Code**, in which new bulk plants for flammable liquids are prohibited, are hereby established as follows: all areas zoned for any use other than industrial.

**(c) Bulk Storage of Liquid Petroleum Gas**

The limits on location referred to in the **Fire Prevention Code**, in which bulk storage of liquid petroleum gas is restricted are hereby established as follows: all areas of the *City* zoned for any use other than industrial.

**(d) Self-service Stations**

Following the issuance of a permit, unattended self-service stations *shall* be permitted solely for the dispensing of motor vehicle fuels into commercial or fleet vehicles. The dispensing of motor vehicle fuels *shall* comply with all of the provisions of North Carolina State Building Code, **Fire Prevention Code** and National Fire Protection Association Standard 30A for unattended self-service station vendors. Prior to commencing operations, the self-service station vendor *shall* make application at the Office of the Fire Marshal and *shall* obtain a permit to operate an unattended self-service station. So long as the conditions and limitations of the permit and the **Fire Prevention Code** are observed, such permit *shall* be valid for a time period of twelve (12) *months*, and it *shall* be renewable on a recurring basis. Failure by the self-service station vendor or operator to comply with the provisions of this section *shall* be cause for revocation of the permit.

**Cross reference:** Location of gasoline and fuel pumps from *street* rights-of-way, §10-6036.

### **Sec. 5-2038 - REGULATION OF LIQUID PROPANE GAS TANKS.**

#### **(a) Definitions**

- (1) ***L.P. (liquefied petroleum) gas*** shall mean and include any materials having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the *following* hydrocarbons, either by themselves or as mixtures: propane, propylene, butane (normal butane or isobutane) and butylene (including isomers).
- (2) ***L.P. tank*** shall mean container; any tank or container ranging from forty (40) pounds normal L.P. gas capacity to two thousand (2,000) gallons used for the storage or handling of *L.P. gas*.
- (3) ***Permit*** shall mean a fire prevention permit issued by the Fire Prevention Bureau.
- (4) ***N.F.P.A. 58*** shall mean the current edition of Pamphlet No. 58 as *written* by the National Fire Protection Association.
- (5) ***Standard* or *Code*** shall mean the current edition of N.F.P.A. No. 58 "Storage and Handling of Liquefied Petroleum Gases".

#### **(b) Adoption by Reference**

The following are adopted by reference as standards and codes for the storage, handling and installation of *L.P. gas*.

- (1) **N.C. Administration Code**, Title 2, Chapter 38, Section .0700, paragraph or rule .0701(1) as it pertains to installation and maintenance of *L.P. gas* containers from one (1) pound nominal *L.P. gas* capacity to two thousand (2,000) gallons *L.P. gas* capacity.
- (2) **National Fire Protection Association, Pamphlet No. 58**, current edition of "**Storage and Handling of Liquefied Petroleum Gases**," with the *following* exceptions:
  - a. When two (2) or more containers are manifold to a single service, each container *shall* be considered independent of the other and all ruler and regulations relating to a single container *shall* apply.
  - b. All cutoff valves and regulating equipment exposed to rain, sleet, or snow *shall* be protected against such elements either by design or by a hood.

#### **Sec. 5-2039 - ISSUANCE OF BLASTING PERMITS; REQUIREMENTS.**

- (a) The responsibility for issuance of permits to be used or blasting agents within the *City* and its area of extraterritorial jurisdiction, as provided under applicable provisions of the **Fire Prevention Code** *shall* be with the Chief of the Fire Prevention Bureau. For each instance of blasting within the *City* and the extraterritorial area, the *person* or entity securing a permit *shall* post with the *City* a bond or liability insurance policy of not less than three hundred thousand dollars (\$300,000.00) for bodily injury or death, one (1) *person*, each accident; five hundred thousand dollars (\$500,000.00) for bodily injury or death, more than one (1) *person*, each accident; and three hundred thousand dollars (\$300,000.00) for *property* damage, each accident, and maintain such insurance continuously during the effective period of the permit. A blasting permit fee *shall* be imposed in an amount established periodically by action of the *City Council*.
- (b) The blasting permit referenced herein *shall* remain in effect for a period not to exceed three (3) *months*. It *shall* be unlawful to engage or permit the further use of explosives or blasting agents on a project for which an expired permit was issued, without securing a new permit.

#### **Sec. 5-2040 - KEY BOX SYSTEM.**

(a) **Requirements.**

All commercial enterprises or industries in the City of Raleigh which use, store or manufacture on-site toxic or hazardous materials that must be reported with regulated materials under Title III of the Federal Superfund Amendments and Reauthorization Act (SARA), 42 USC 11001 et seq., Clean Air Act Amendment

112, Chapter 95 Article 18 of the North Carolina General Statutes and the regulations promulgated there under, must have an approved on-site hazardous materials data storage/key box system at each facility where hazardous materials may be found. This requirement *shall* ensure consistency at all facilities storing hazardous materials so that responders can quickly locate, access, and utilize information located in the data storage/key box system.

All facilities having a system that transmits an off-site alarm for fire detection and/or fire suppression systems *shall* have an approved on-site key box system (consisting of a data storage box and when required a Hazardous Material Data Storage Cabinet) which contains keys to provide fire department access in an emergency or alarm activation.

**(b) Contents, Types and Location.**

- (1) The data storage box *shall* contain keys providing access to all secured areas of the facility and *may* also serve as the required facility key box required by state and local fire codes. The data storage box *shall* contain current, specific information needed to assist fire departments and hazardous materials teams responding to emergencies at the facility. This information includes but is not limited to, facility maps or plans showing the type, name and location of hazardous materials, SARA Tier II forms, lists of chemicals, with Chemical Abstracts Service (CAS) numbers that are required to be reported on SARA Tier II forms, 24 hour emergency telephone numbers for essential facility employees and other persons to be contacted in case of emergencies.
- (2) The data storage box *shall* contain the Site Specific Hazardous Chemical Plan / Hazardous Materials Management Plan, specifically in the Wake County and City of Raleigh format. This form *shall* be updated annually, or more often as necessary, to ensure accuracy.
- (3) The data storage box itself *shall* be of the type designated and approved by an Office of the Fire Marshal staff member and the Wake County Local Emergency Planning Committee and *shall* be located at the primary vehicular entrance, outside any security fence that may be surrounding the facility and visible and accessible to emergency responders. If the facility staffs a security control checkpoint, the data storage box may be located at the security checkpoint, but located outside any surrounding security fence, and *shall* be visible and accessible to all emergency responders. The data storage box may be mounted to a post or other stand alone structure, so long as the above criteria are met. The data storage box may be mounted to a structure that is located outside the secured perimeter, but *shall* not be mounted to the exterior wall of the facility or inside the facility housing the hazardous materials.

- (4) Facilities may apply for a site specific variance for the location of the Hazardous Materials Data Storage Cabinet to Wake County Emergency Management, Hazardous Material Planner. It is at the discretion of Wake County Emergency Management whether to approve or deny the request. If an alternated location is approved, the Wake County Emergency Management, Hazardous Material Planner will notify the Fire Marshal as to its location.
- (5) The type and model key box system required *shall* be The Knox Company and based on the criteria listed below:
- |  |                      |
|--|----------------------|
| a. Buildings with less than five stories                                       | Model 3200           |
| b. Hazardous Materials Facility with site specific plans per Wake County LEPC. | Data Storage Cabinet |
| c. Buildings of five or more stories   | Data Storage Cabinet |

The Fire Marshal *may* approve other data storage boxes and Hazardous Material Data Cabinets which are equivalent to those listed herein.

**State law references:**

*Identification of Toxic or Hazardous Substances*, Chapter 95 Article 18 of the North Carolina General Statutes

*Fire Prevention Code*

*Civil preparedness functions under State Department of Crime Control and Public Safety*, G.S. §143B-475

*Continuity of local government in emergency*, G.S. Chapter 162B

*Emergency management*, G.S. Chapter 166A

<b>Sec. 5-2041 - INSPECTIONS FOR EXISTING BUILDINGS.</b>
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**(a) Frequency of Inspections for Existing Buildings**

In order to preserve and to protect health and safety, and to satisfy the requirements of General Statute 160A-424, political subdivisions assuming inspection duties, as set out in General Statute 160A-411, shall have a periodic inspection schedule for the purpose of identifying activities and conditions in buildings, structures and premises that pose dangers of fire, explosion or related hazards. Inspection schedules of existing buildings shall be conducted no less frequently than described in the schedule below:

<b>OCCUPANCY CLASSIFICATION</b>	<b>INSPECTION FREQUENCY</b>
Hazardous	Every Year
Institutional	Every Year
High Rise	Every Year
Assembly (>100 Occupant Load)	Every Year
Residential	Every Year
Group Home <sup>1</sup>	Every Year
Licensed Day Care <sup>1</sup>	Every Year
Industrial	Every Two Years
Educational (Except Public Schools <sup>1</sup> )	Every Two Years
Business	Every Three Years
Mercantile	Every Three Years
Storage	Every Three Years
Churches and Synagogues	Every Three Years
Assembly Occupancies with occupant load less than 100	Every Three Years

<sup>1</sup>Frequency rates for inspections of an occupancy mandated by the N.C. General Statutes shall supersede this schedule.

**(b) Building Inspection Fees of Existing Buildings**

The following fees for fire prevention inspections and permits are hereby established. An official schedule of such fees shall be maintained in the Office of the Fire Marshal and the City Clerk's Office.

<b>EXISTING SQUARE FOOTAGE FIRE INSPECTION FEES<sup>1 2 3</sup></b>	
1. Up to 999sf	\$25
2. 1,000 – 2,499sf	\$50
3. 2,500 - 9,999sf	\$100
4. 10,000 – 49,999sf	\$180
5. 50,000 – 149,999sf	\$300
6. 150,000 – 399,999sf	\$500
7. 400,000 – and Greater	\$700

1. For a multi-tenant building, the fees are applied for each tenant; except a high-rise building the inspection fees are applied to the entire structure.
2. For multiple building owned by the same owner(s), inspection fees are per building as defined by the N.C. Building Code, Volume 1.
3. Inspection fees are applicable for each State mandated fire inspection.

Following the completion of the initial inspection, the fee for an inspection of an existing building shall be assessed and an invoice will be supplied to the owner, occupant, or designee. Subjects will have thirty (30) days to

remit payment. After thirty (30) days, the bill will be placed in a past due status and a second invoice will be sent to the subject. After a period of sixty (60) days of non-payment, the account will be subject to a 10% late fee and the account will be placed on hold and no additional inspections or permits will be issued, civil action will be taken through the court system after a period of ninety 90 days.

**Cross reference:** Construction inspections for new buildings §5-2039

(c) **Re-inspection Fees.**

When it has been determined that fire hazards or violations of the **Fire Prevention Code** exists in or upon any property, structure, vehicle, system or process, and written notice of violation and a time period to correct has been given and the period of time given to correct the fire hazard or violation has expired, the Fire Marshal or authorized representative may conduct a re-inspection. A re-inspection fee of \$64.00 may be charged for all visits after (60) sixty days.

Payment of fees or fines assessed under the City Code does not permit or excuse the continuation of a violation or the fire hazard.

(d) **Indexing of Fees**

All fees appearing in subsections (b) and (c) will be adjusted annually on July 4 based on the average annual prior calendar year United States Department of Labor Consumer Price Index – All Urban Consumers.

**Sec. 5-2042 - OPERATIONAL PERMITS AND FEES.**

(a) **Definitions.**

*Operational Permit* is an official document issued by the Office of the Fire Marshal authorizing performance of a specified activity, use, or operation as required in Section 105 of the **Fire Prevention Code**.

(b) **Required Operational Permits.**

Prior to commencing any of the following operations, a permit *shall* be obtained from the Fire Marshal's Office pursuant to the procedure set forth in Chapter 1, Section 105 of the **Fire Prevention Code**, along with the North Carolina Amendments to the State Building Code and this ordinance. Permits *shall* be obtained to conduct those activities or operations as set forth in the following required operational permit and fee schedule. Permits will not be issued if violations of the fire code exist for the specific permit operation; once corrected, those permit(s) will be issued. If violations exist as part of an

operational permit below, the operation or function *shall* not continue until the violation is corrected and a re-inspection has occurred. An existing building *may* be issued an operational permit for the permits listed below; the permit will be included in the fee for the inspection of an existing building in accordance with §5-2041 above.

<b>REQUIRED OPERATIONAL PERMITS AND FEES<sup>1</sup></b>		
<b>Description</b>	<b>Reference #</b>	<b>Fee</b>
Aerosol Products (Level 2 or 3 in excess of 500 lbs.)	105.6.1	\$74
Amusement Buildings	105.6.2	\$150
Carnivals & Fairs	105.6.4	\$150
Combustible Dust-Producing Operations	105.6.6	\$150
<b>Compressed Gases</b> (Meeting any of the criteria in 1-7 below)	<b>TABLE-105.6.8</b>	
1. Corrosive in excess of 200 cu. Ft. at NTP.		\$74
2. Flammable in excess of 200 cu. Ft. at NTP. (Except cryogenic fluids and LP Gas)		\$74
3. Highly Toxic in any amount.		\$74
4. Inert and Simple Asphyxiant in excess of 6,000 cu. Ft. at NTP.		\$74
5. Oxidizing (including oxygen) in excess of 504 cu. Ft. at NTP.		\$74
6. Pyrophoric in any amount.		\$74
7. Toxic in any amount.		\$74
<b>Covered Mall Building</b> (Meeting any of the criteria in 1-3 below)	<b>105.6.9</b>	
1. The placement of retail fixtures and goods, concession, equipment, displays of highly combustible goods and similar items in the mall.	105.6.9(1)	\$150
2. The display of liquid-or gas-fired equipment in the mall.	105.6.9(2)	\$150
3. The use of open-flame or flame-producing equipment in the mall.	105.6.9(3)	\$150
<b>Cryogenic Fluids</b> (Meeting any of the criteria in 1-4 below)	<b>TABLE-105.6.10</b>	
1. Flammable Cryogenic Fluids >1 gallon inside a building and 60 gallons outside a building.		\$74
2. Inert Cryogenic Fluids in excess of 60 gallons inside a building and in excess of 500 gallons outside a building.		\$74
3. Oxidizing (including oxygen) in excess of 10 gallons inside a building and in excess of 50 gallons outside a building.		\$74
4. Physical or Health Hazard not indicated above in any amount inside or outside a building.		\$74
Dry Cleaning Plants	105.6.12	\$74
Exhibits and Trade Shows	105.6.13	\$150
Explosives – Up to 90 Day Permit (Blasting)	105.6.14	\$300
Explosives – Manufacture, Storage, Handling, Sale & Use	105.6.14	\$150
<b>Flammable and Combustible Liquids</b>	<b>106.16</b>	
1. Fuel dispensing locations where produced, processed, transported, stored, dispensed, or used.	106.16(5)	\$150
2. Place Temporarily out of Service Aboveground or	106.16(6)	\$150

Underground Storage Tanks. (AGST/UGST) <sup>3</sup>		
3. Change contents in tank to a greater hazard.	106.16(7)	\$150
4. Manufacture, Process, Blend or Refine Flammable or Combustible Liquids.	106.16(8)	\$150
5. Dispensing at Commercial, Industrial, Governmental or Manufacturing Establishments.	106.16(9)	\$150
6. Utilize a Site for the Dispensing of Liquid Fuels from Tank Vehicles	106.16(10)	\$150
Floor Finishing Exceeding 350 square feet using Class I or II Liquids	105.6.17	\$74
Fumigation and Thermal Insecticidal Fogging Business	105.6.19	\$74
Hazardous Materials (See Table - Permit Amounts for Hazardous Materials)	105.6.20	\$74
High-Piled Combustible Storage Exceeding 500 square feet	105.6.22	\$74
Industrial Oven Operations	105.6.24	\$74
Liquid-or Gas-Fueled Vehicles or Equipment in Assembly Buildings	105.6.26	\$150
Magnesium (Melt, Cast, Heat Treat or Grind more than 10 lbs.)	105.6.28	\$74
Miscellaneous Combustible Storage in Excess of 2,500 cubic feet	105.6.29	\$74
Open Burning – Bon Fire or Commercial Land Development	105.6.30	\$150
Place of Assembly	105.6.34	\$74
<b>Private Fire Hydrants</b>	<b>105.6.35</b>	
1. For 0-5 Private Hydrants		\$74
2. For 6-10 Private Hydrants		\$100
3. For 10 or more Private Hydrants		\$150
Pyrotechnic Special Effects Material	105.6.36	\$150
Refrigeration Equipment (Regulated by Chapter 6 of the Fire Prevention Code)	105.6.38	\$74
Repair Garages and Motor Fuel-Dispensing Facilities	105.6.39	\$74
Rooftop Heliports	105.6.40	\$74
Spraying or Dipping	105.6.41	\$150
Storage of Scrap Tires and Tire Byproducts	105.6.42	\$74
Tire-Rebuilding Plants	105.6.44	\$74
Temporary Membrane Structures, Tents & Air-supported structures (Fee Per Structure)	105.6.43	\$74
Large Tents & Membrane Structures (In excess of 15,000sf) (Fee Per Structure)	105.6.43	\$250
Waste Handling (Wrecking yards, junk yards and waste material handling facilities)	105.6.45	\$74
<b>OTHER FEES</b>		
<b>Description</b>		<b>Fee</b>
Hydrant Test (Per Test)		\$100
Work Without a Required Permit		\$250

Re-Inspection Fee – Extra Inspections	\$64
Special Inspection Request	\$74
Fire Incident and Inspection Reports (Per page)	\$0.05
<sup>1</sup> For multiple buildings owned by the same owner(s), permit fees are per building as defined by the NC Building Code, Volume I. <sup>2</sup> NTP - Normal Temperature and Pressure. <sup>3</sup> AGST / UGST – Aboveground Storage Tank or Underground Storage Tank.	

All Fees appearing in §5-2042 will be adjusted annually on July 4 based on the average annual prior calendar year United States Department of Labor Consumer Price Index – All Urban Consumers.

**(c) Operational Permit Renewal.**

Operational permits will be valid for a period of one, two or three years and will be renewable upon completion of a fire inspection in accordance with §5-2041(a). Operational permits are valid until renewed or revoked.

**Sec. 5-2043 - NEW CONSTRUCTION INSPECTION, PERMITS AND FEES.**

These construction permits will only be issued for a new construction project. The permit will be valid for the periods provided in § 160A-418. 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 Certificate of Occupancy.

**(a) Construction Permits**

In addition to any other fees and permits required by the City Code, a construction permit must be obtained from the City of Raleigh Inspections Department through the Fire Protection Division of the Office of the Fire Marshal in the following situations:

<b>CONSTRUCTION PERMITS<sup>1</sup></b>		
<b>Description</b>	<b>Reference #</b>	<b>Fee</b>
Automatic Fire-Extinguishing Systems (per sq ft) <sup>2</sup>	105.7.1	\$0.014sf for each system based on gross floor area
Alternative Fire Extinguishing Systems	105.7.1	\$150
Battery Systems with a liquid capacity in excess of 50 gallons	105.7.2	\$150
Compressed Gases (Where applicable)	105.7.3	\$150
Fire Alarm and Detection Systems and Related Equipment (per sq ft) <sup>2</sup>	105.7.4	\$0.014sf for each system based on gross floor area
Fire Pumps and Related Equipment	105.7.5	\$565
<b>Flammable and Combustible Liquids</b>	105.7.6	\$150
1. To repair or modify a pipeline for the	105.7.6(1)	\$150

transportation of flammable & combustible liquids.		
2. To install, construct or alter facilities where flammable & combustible liquids are produced, processed, transported, stored, dispensed or used.	105.7.6(2)	\$150
3. To install, alter, remove, abandon or otherwise dispose of a flammable & combustible liquids tank. (Per tank)	105.7.6(3)	\$150
Hazardous Materials	105.7.7	\$150
Industrial Ovens	105.7.8	\$150
Private Fire Hydrants	105.7.10	\$150
Spraying and Dipping	105.7.11	\$150
Standpipe Systems without Sprinklers <sup>2</sup>	105.7.12	\$319
1. Additional Standpipes (each)	105.7.12(1)	\$107
2. All Pressure Reducing Vales (Per valve)	105.7.12(2)	\$10
Membrane Structures, tents, & air-supported structures.(>180 days)	105.7.13	\$150

<sup>1</sup> For multiple buildings owned by the same owner(s), permit fees are per building as defined by the NC Building Code, Volume I.

<sup>2</sup> These fees are also set forth in §10-6039(d), and are repeated here for the reader's convenience.

All Fees appearing in §5-2043 will be adjusted annually on July 4 based on the average annual prior calendar year United States Department of Labor Consumer Price Index – All Urban Consumers.

**(b) Applications.**

An application for a permit shall be filed with the Office of the Fire Marshal on a form furnished for that purpose, provided by the *City* 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 Office of the Fire Marshal and/or Development Services Team. The Office of the Fire Marshal *may* require details, computations, stress diagrams, professional certification and other data necessary to describe the construction or installation of a system or process.

**(c) Contractor's License Required.**

When the North Carolina 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.

**(d) Plan Review.**

No construction permit required in this section *shall* be issued until a review of the plans is first conducted to determine compliance with both the North Carolina Building Code, - including the **Fire Prevention Code** - and the City Code, including all permits required by the City Code. No permit will be issued until all omitted required permits are acquired and all corrections are made. The charge for plan review shall be in accordance with §10-6039(h).

**Sec. 5-2044 - FIRE FINAL INSPECTIONS.**

Any occupancy hereafter requested, as evidenced by application to the Building Official for a Certificate of Occupancy, *shall* receive an initial fire code compliance inspection(s), for the establishment of an inspection file and issue any required operational permits. This fire inspection fee will be in accordance with the existing buildings fee schedule contained in § 5-2041(b). Occupying a building that has not been issued a Certificate of Occupancy will constitute a civil penalty for each days continued offense.

**Sec. 5-2045 - SMOKE DETECTORS REQUIRED.**

**(a) Smoke Detectors Required**

Every *owner* of a rental residential dwelling unit lawfully constructed without smoke detectors *shall* install a smoke detector mounted on the ceiling or wall on every level, at a point centrally located in the corridor or area giving access to each group of rooms *used for* sleeping purposes and in common stairwells in each dwelling unit. Installation must be complete and smoke detectors fully operable within one hundred eighty (180) days after the application of this section.

**(b) Requirements for Smoke Detectors**

All smoke detectors required by this section *shall* comply with all of the following:

- (1) Be listed by an *agency* approved by the N.C. State Building Code Council;  
and
- (2) Be powered by batteries or by a non-switchable AC source (attached to the building's electrical current and not contain a switch outside the main panel box); and
- (3) Be installed in accordance with the manufacturer's instructions; and
- (4) Be activated and provide an audible alarm.

(c) **Maintenance**

The *owner* of every rental residential unit where a smoke detector is installed pursuant to this section *shall* maintain and ensure that the smoke detector is kept in good working order at all times. If a battery-operated smoke detector is used, the batteries *shall* be replaced at least once per *year*.

**Editor's note:** This section became effective on May 19, 1992.

**State law reference:** 1991 Session laws Chapter 312 § 2.

**Sec. 5-2046 - NEW MATERIALS; TESTING AND APPROVAL.**

In addition to and not inconsistent with applicable provisions of the **Fire Prevention Code**, the Fire Chief and the Chief of the Fire Prevention Bureau *shall*, on request, evaluate any new materials, processes, or occupancies requiring fire prevention permits, in addition to those now enumerated in the **Fire Prevention Code**. Any determinations regarding new materials, processes, or occupancies requiring fire prevention permits *shall* be made a matter of record, *shall* be open for public inspection, and copies of such determinations *shall* be available to interested parties.

**Sec. 5-2047 - OVERSIGHT NOT TO LEGALIZE VIOLATION.**

No oversight or dereliction of duty or issuance of a permit on the part of any inspector or other official or employee of the Office of the Fire Marshal *shall* be deemed to legalize or waive the violation of any provisions of the Code of the *City* of Raleigh or the laws of the State of North Carolina.

**Sec. 5-2048 - PENALTIES FOR VIOLATIONS OF FIRE PREVENTION CODE.**

(a) **Compliance; Responsibility for Enforcement.**

Compliance with the provisions of this article, including all requirements of the **Fire Prevention Code** adopted hereunder, *shall* be enforced by the inspectors of the Fire Prevention Bureau of the Fire Department. In exercising its enforcement responsibilities, the goal of the Fire Prevention Bureau *shall* be to employ the enforcement alternatives calculated most effectively to secure compliance with the **Fire Prevention Code** and other fire prevention standards and requirements of the *City*.

(b) **Violations.**

Any *person*, who *shall* violate or fail to comply with any of the provisions of this article, including the **Fire Prevention Code** adopted hereunder, or who *shall* violate or fail to comply with any corrective order of the Fire Prevention Bureau

issued hereunder, or who *shall* build in violation of any specifications or plans submitted and approved hereunder *shall* be deemed to have committed a violation of this article and *shall* be held responsible and subject to the penalties and remedies herein provided. In addition, any such *person* owning, leasing, using, managing, or occupying any building, structure, or land wherein or whereon there exists anything in violation of this article, including the **Fire Prevention Code**, or any lawful order issued or plan approved hereunder; or any architect, builder, contractor, engineer, agent, or other *person* who acts in concert, participates, directs, or assists in the creation or maintenance of a violation of this article or any order issued or plan approved hereunder; or any *person* who *shall* erect or use any land, building or structure or any part thereof contrary to this article, the **Fire Prevention Code**, any order issued or plan approved hereunder; or any *person* who *shall* omit, neglect, or refuse to do any act provided for in this article, including the **Fire Prevention Code**, or any order issued or plan approved hereunder *shall* be held responsible for a violation of this article and be subject to the penalties and remedies herein provided.

(c) **Penalties and Remedies.**

Enforcement *may* be by any one (1) or a combination of the *following* methods, and the institution of an action under any of these methods *shall* not relieve any party from any other criminal or civil proceeding prescribed for violations:

(1) **Equitable remedies, including injunctions and orders of abatement.**

As authorized by the City Council, the *City may* apply for any appropriate equitable remedy to enforce the provisions of this article, including mandatory or prohibitory injunctions commanding the defendant, or in the case of counterclaims the plaintiff, to correct the unlawful condition or cease the unlawful use of *property*; or apply for orders of abatement directing that buildings or other structures on the *property* be closed, demolished, or removed; that fixtures, furniture, or other movable *property* be moved; that improvements or repairs be made; or that other action be taken as necessary to secure compliance with the provisions of this article.

(2) **Criminal offense.**

A violation of this article *shall* constitute a misdemeanor offense as provided by *G.S. 14-4*; and the maximum fine or term of imprisonment, or both, as authorized by law is hereby imposed.

(3) **Civil penalty.**

Any act constituting a violation *shall* subject the offender to a civil penalty in the following amounts:

***Life Safety violation--First offense:***

For violations of Pamphlet 101, "Life Safety," of the **Fire Prevention Code** .....: \$100.00

***Life Safety violation--repeat offenses:***

For each successive violation of Pamphlet 101, "Life Safety," of the **Fire Prevention Code**, the penalty *shall* increase from the previous penalty assessed by .....: \$100.00

For violations of other provisions of this article, including the **Fire Prevention Code** .....: \$50.00

Any inspector of the Fire Prevention Bureau who determines that a violation of this article has occurred *shall* either personally serve upon the violator or mail to the violator by certified mail, return receipt requested, a notice of violation and civil penalty citation. Such notice and citation *shall*:

- a. State the nature of the violation and the penalty to be imposed.
- b. Direct the violator to pay the civil penalty by mailing the citation and penalty to the City Revenue Collector, P.O. Box 590, Raleigh, N.C. 27602, or by personally paying the amount at the cashier's window, Raleigh Finance Department, room 118 of the Municipal Building, 222 West Hargett Street.
- c. Notify the offender that a failure to pay the penalty within the prescribed time *shall* subject the offender to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the court.
- d. Provide and state that the penalty must either be paid as set forth above or the failure to pay must be approved by the Fire Marshal within thirty (30) days from the issuance of the notice and citation. The notice and citation *shall* further state that if the citation is not cleared within the specified period, the filing of a civil complaint for collection of the penalty *may* be initiated, together with other legal proceedings, including the filing of criminal charges. As used herein, the term "cleared" *shall* mean either:
  - (i) payment;
  - (ii) arrangement for payment to be made; or
  - (iii) a prima facie showing to the Fire Marshal that the notice and citation were issued as a result of mistake, inadvertence, or inexcusable neglect.

- e. Provide and state that, unless the violation is corrected and the Civil Penalty paid or otherwise cleared within the specified time period or periods, respectively, the violator *may* be charged additional civil penalties for each day's continuing violation, as provided herein below:

**Settlement of civil claim:**

The Fire Marshal is authorized to accept payment in full and final settlement of the claim or claims, right or rights of action which the *City may* have to enforce such penalty by civil action in the nature of debt. Acceptance of a penalty *shall* be deemed a full and final release of any and all claims or right of action arising out of contended violations, only if the activities or non-activities which gave rise to the violations are abated or otherwise made lawful.

- f. A penalty of fifty dollars (\$50.00) in addition to the civil penalty *shall* apply in those cases in which penalties prescribed in subsection (c)(3) have not been paid within the prescribed period and a civil action has been instituted.

**(d) Failure to Correct Violations; Continuing Violations.**

If a violation of this article is not corrected within the time specified in the notice and citation or other lawful order issued hereunder, the violator *shall* be guilty of a new and separate offense, and each day's further continuing violation *shall* be a separate and distinct offense, enforceable by all the remedies herein set forth, including additional civil penalties.

**Section 2** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 3** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

**Section 4** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

**Section 5** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**ORDINANCE NO. (2011) - 873 TC 344 - Corrected  
TC-6-11**

**AN ORDINANCE TO AMEND PART 5, CHAPTER 2, ARTICLE B OF THE  
RALEIGH CITY CODE PERTAINING TO FIRE PREVENTION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH,  
NORTH CAROLINA:** that

**Section 1.** That Part 5, Chapter 2 Article B of the Raleigh City Code is repealed in its entirety, rewritten and re-enacted to read as follows:

**“ARTICLE B. FIRE PREVENTION”**

**Sec. 5-2031 - TITLE AND INTENT.**

These regulations in Article B shall be known as the “Fire Prevention and Protection Ordinance of *City* of Raleigh, North Carolina,” and *may* be cited as such and referenced to herein as the Fire Prevention and Protection Ordinance. References to the **Fire Prevention Code** herein *shall* mean the North Carolina State Fire Code as adopted by the North Carolina Building Code Council.

It is the intent of the **Fire Prevention Code** and this 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 City of Raleigh. The **Fire Prevention Code** and this Fire Prevention and Protection Ordinance *shall* not be construed to hold the *City* 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. In the event of conflict, the more restrictive provisions of the **Fire Prevention Code** *shall* prevail over the provisions of the Fire Prevention and Protection Ordinance.

**Sec. 5-2032 - FIRE PREVENTION CODE ADOPTED.**

**(a) Adoption.**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or exposure to hazardous materials, the **North Carolina Fire Prevention Code (latest edition)** along with the North Carolina Amendments of said Code is hereby adopted by reference and is set forth herein as the Fire Prevention and Protection Ordinance for the City. Any amendments to the **Fire Prevention Code** which are adopted and published

**Section 6** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 7** This ordinance shall become effective on June 4, 2011.

**ADOPTED: May 3, 2011**

**EFFECTIVE: June 4, 2011**

**DISTRIBUTION: Fire Chief, Planning**