

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

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CHAPTER 90: ANIMALS

Section

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§ 90.01 REGULATION OF DOMESTIC ANIMALS ON COUNTY RECREATIONAL PROPERTY.

(A) *Title, purpose and authority.* This section shall be known as the *Ordinance For Regulation of Domestic Animals Upon Macon County Recreation Areas*. In the public interest and for the promotion of the public health, safety and welfare, and pursuant to statutory authority contained in G.S. § 153A-121, Chapter 67, and other applicable laws, the following rules are adopted, which rules set forth the conditions, limitations, restrictions and requirements under which any person may have a domestic animal within the confines and upon the lands known as the Macon County Recreation Park, and any other lands owned by or under the control of the county and utilized for recreation purposes.

(B) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number and words in the masculine, feminine or neuter gender include each of the other genders. The words “shall” and “must” are always mandatory, whereas the word “may” is permissive.

BOARD OF COMMISSIONERS. The governing body of the County of Macon.

CONTROL AND RESTRAINT. Specifically requires immediate control by means of leash, rope or other physical restraint.

COUNTY. The body politic of the County of Macon as heretofore established and constituted by legislative enactment of the State of North Carolina.

COUNTY MANAGER. The Chief Administrative officer of the County of Macon.

DOMESTIC ANIMAL. An animal which has been domesticated and maintained in the ownership and possession of one or more persons.

MACON COUNTY RECREATION PARK. The entire parcel of real property owned by or in the possession of Macon County, upon which is located the Macon County swimming pool, sports fields, walking and running paths, and the Community Facilities Building, and being located on the east side of U.S. Highway 441 South of the Town of Franklin.

OWNER. Any person or legal entity that has a possessory property right in a domestic animal.

PERSON. Any person, firm, partnership, association, corporation or organization of any kind.

(C) *Running at large forbidden.* It shall be unlawful for any person to allow a domestic animal, including a dog or cat, within his or her possession, ownership, or control to run at large within or upon the Macon County Recreation Park or any other lands owned by or under the control of the county and used by it for recreational purposes. Any domestic animal brought to or allowed by the owner to enter upon any

county property used for recreation purposes shall, at all times, be kept within the control and under the restraint of a leash, chain or wire, by the owner or other person having the possession thereof.
(Ord. passed 3-1-1993) Penalty, see § 10.99

§ 90.02 FOX HUNTING.

(A) The fox is hereby classified as a game animal in Macon County and may be taken only with dogs at any time during the day or night throughout the county.

(B) Foxes, or parts thereof, shall not be bought or sold, except live foxes may be bought or sold for the purpose of restocking.

(C) Notwithstanding the prior provisions hereof, it shall be lawful for any person to take foxes committing or about to commit depredations to person or property.
(Ord. passed 2-6-1978) Penalty, see § 10.99

CHAPTER 91: FIRE PREVENTION

Section

- 91.01 Title and authority
- 91.02 Intent
- 91.03 Adoption of technical codes
- 91.04 Inspection of building and premises
- 91.05 Service of orders or notices
- 91.06 Enforcement
- 91.07 Emergency entry
- 91.08 Investigation
- 91.09 Conflict with other laws
- 91.10 Parking in front of fire hydrant, fire
station or fire lane
- 91.11 Unattended service stations
- 91.12 Fire inspection fees

- 91.99 Penalty
- Appendix A: Violations schedule
- Appendix B: Fire inspection fee system

§ 91.01 TITLE AND AUTHORITY.

(A) This chapter shall be known as the *Fire Prevention Ordinance of Macon County, North Carolina*, and may be cited as such and shall be referred to herein as “this chapter.”

(B) This chapter is adopted pursuant to G.S. §§ 153A-121 and 143-138(e).
(Ord. passed 1-8-2001)

§ 91.02 INTENT.

(A) It is the intent of this chapter to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the unincorporated limits of Macon 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) This chapter shall be effective throughout the unincorporated areas of the county and shall also be controlling within the corporate limits of any municipality within the county upon request by resolution of the governing body of the municipality and upon approval of the Board of County Commissioners by resolution.

(C) Macon County shall not be responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein, the failure to inspect or reinspect, the issuance or denial of any permits herein provided or by reason of the approval or disapproval of any equipment authorized herein.

(D) It shall be unlawful for any person, firm or corporation to allow a condition which is in violation of this chapter to exist after the time for compliance with the order issued under § 91.06 hereof.
(Ord. passed 1-8-2001) Penalty, see § 91.99

§ 91.03 ADOPTION OF TECHNICAL CODES.

(A) The county has previously adopted that certain code known as and entitled “Volume V - Fire Prevention” of the *North Carolina State Building Code, 1996 Edition*. Copies of the Fire Prevention Ordinance of Macon County and all technical codes shall be made available for public inspection in the offices of the Fire Marshal.

(B) Amendments to codes which are adopted and published by the North Carolina State Building Code Council shall be effective in the county at the time such amendments become a part of “Volume V Fire Prevention” of the North Carolina State Building Code.
(Ord. passed 1-8-2001)

§ 91.04 INSPECTION OF BUILDING AND PREMISES.

As provided by the North Carolina State Building Code, it shall be the duty of the Fire Marshal to inspect or to cause to be inspected, as often as may be deemed necessary or appropriate, all buildings, structures, and premises within his or her jurisdiction for the purposes of ascertaining and causing to be corrected any condition which may cause fire or explosion, endanger life from fire or explosions, or may constitute a violation of the provisions of this chapter, and/or “Volume V - Fire Prevention” of the North Carolina State Building Code, the provisions of which are incorporated herein by reference, and thereby made a part of this chapter.
(Ord. passed 1-8-2001)

Cross-reference:

*Authority of Inspection Department with respect
to Fire Code enforcement, see § 150.04*

§ 91.05 SERVICE OF ORDERS OR NOTICES.

(A) All notices of or orders for the correction of violations of this chapter shall be served upon the owner, occupant or other person in possession of the premises within which the violation occurs, either by personally delivering a copy of same to such person, 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, return receipt requested, to the owner’s address as it appears upon the tax records of Macon County, North Carolina.

(B) When buildings or other premises are occupied by one other than the owner under a lease or

other agreement, the notices or orders issued to correct violations of this chapter arising out of operations conducted on the premises shall apply to the occupant thereof; provided that where the notice or order requires changes in the premises themselves which may become part of the real property of the owner, then in such cases, the notices or orders shall also be issued to the owner of the premises. Failure to deliver a notice or order to the owner, if other than the occupant, shall not invalidate any notice or order duly served on the occupant, provided, however, no penalty shall be imposed upon the owner until the applicable notice is given to the owner. (Ord. passed 1-8-2001)

§ 91.06 ENFORCEMENT.

(A) The Fire Prevention Ordinance of the county shall be enforced by the Macon County Fire Marshal, or his or her designee.

(B) When any inspection pursuant to § 91.04 hereof shall reveal the existence of a condition in violation of this chapter, the County Fire Marshal shall issue a compliance order to the person or persons responsible for the existence of such condition (either the owner, tenant or other person in possession of the premises). Such order shall identify the circumstances giving rise to the violation, including the times, dates, and places where such violation was determined to exist. Such notification shall identify the action necessary to bring the premises in compliance with this chapter. Such notification shall also specifically state that if the person responsible does not comply with the requirements of the notice within a reasonable time (not exceeding 45 days), the responsible party will be subjected to a civil penalty pursuant to the terms of this chapter. The amount of such penalty shall also be stated with specificity. For reasonable cause, the Fire Marshal may grant an extension of time within which compliance may be had.

(C) This chapter, including the requirements of "Volume 5 - Fire Prevention" of the North Carolina State Building Code may be enforced by any methods authorized by G.S. § 153A-123. Each day's

continuing violation, after the expiration of the time stated in the compliance order for correction of the violation shall constitute a separate offense.

(D) This chapter may be enforced by appropriate equitable remedies so that any unlawful condition existing in violation of this chapter may be enjoined or abated as provided in G.S. § 153A-123(d) and (e). To insure compliance with the provisions of this chapter, the Fire Marshal may utilize one or all of the remedies authorized hereby, which remedies may be pursued individually or simultaneously. None of these remedies are exclusive nor shall the granting of one remedy exclude the granting any other remedy.
(Ord. passed 1-8-2001)

§ 91.07 EMERGENCY ENTRY.

(A) The Fire Marshal, or his or her 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.

(B) If entry or access is denied so as to limit the ability of the Fire Marshal or his or her designee, to perform his or her authorized duties under the Code or this chapter, the Fire Marshal, or his or her authorized representatives, shall seek and obtain an administration search warrant pursuant to G.S. § 15-27.2.
(Ord. passed 1-8-2001)

§ 91.08 INVESTIGATION.

The County Fire Marshal will, upon request, cooperate with the law enforcement agency having jurisdiction in the investigation of every fire. The Fire Marshal may assign a team of trained investigators to determine the cause and origin of any fire and will supply all equipment and other resources deemed necessary by the Fire Marshal. Investigations will

remain the responsibility of the appropriate fire chief until he or she deems it necessary to release the scene to the authorized representatives of the Fire Marshal. An automatic investigation will be initiated if loss of life occurs during a fire or when other circumstances exist which the Fire Marshal deems warrant an investigation. Information obtained pursuant to any such investigation shall be confidential as authorized by G.S. §§ 58-79-1 *et seq.*

(Ord. passed 1-8-2001)

§ 91.09 CONFLICT WITH OTHER LAWS.

Nothing in this chapter shall be construed to conflict with G.S. §§ 95-107 *et seq.*, 95-111.1 *et seq.*, 95-116 *et seq.*, 95-126 *et seq.*, 95-173 *et seq.*, and 95-222 *et seq.* as enacted and as may be amended from time to time, or other similar statutes which are enforced by authorities other than Macon County.

(Ord. passed 1-8-2001)

§ 91.10 PARKING IN FRONT OF FIRE HYDRANT, FIRE STATION OR FIRE LANE.

(A) No person shall park a vehicle or permit it to stand, whether attended or unattended, within 15 feet in either direction of a fire hydrant or the entrance to a fire station.

(B) No person shall park a vehicle or permit it to stand unattended in any area designated as a fire lane. Persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is clearly designated as a delivery vehicle. The prima facie rule of evidence created by G.S. § 20-162.1 is applicable to prosecutions for violation of this section.

(Ord. passed 1-8-2001)

Cross-reference:

Parking, see Chapter 71

§ 91.11 UNATTENDED SERVICE STATIONS.

Unattended self-service stations shall be permitted subject to the approval of the Fire Inspection Official.
(Ord. passed 1-8-2001)

§ 91.12 FIRE INSPECTION FEES.

A fire inspection fee in the amount set forth in Appendix B will be assessed to the appropriate business or property owner for an initial fire inspection visit and each follow-up fire inspection visit.
(Ord. passed 1-8-2001)

§ 91.99 PENALTY.

(A) Any person, firm or corporation found to be in violation of a compliance order issued and served pursuant to this chapter shall be assessed a civil penalty in the amount set forth in Appendix A following this chapter. Each day a violation continues shall be treated as a separate offense. Any penalty so assessed shall enure to the benefit of the county and its general fund. A civil penalty not paid within 30 days after notice of the amount and assessment thereof has been given to the offender, may be recovered by the county in a civil action in the nature of an action to collect a debt. The defendant shall be responsible for the payment of all costs of such action, including a reasonable attorney fee for plaintiffs' attorney in such amount as shall be adjudged by the court.

(B) The operator of a vehicle parked in violation of this chapter shall be charged with a civil penalty in the amount of \$25.
(Ord. passed 1-8-2001)

APPENDIX A: VIOLATIONS SCHEDULE

(A) Violations of Chapter 91 not covered by the Building Code: \$25.

(B) Violations covered by the Building Code:

Chapter

1. Administration
2. Definitions and Abbreviations
3. Recognized Standards and Publications
4. Permits and Certifications
5. General Precautions Against Fire
6. Fire Protection
7. Electrical
8. Maintenance of Exit Ways
9. Flammable and Combustible Liquids
10. Application of Flammable Finishes
11. Bowling Establishments
12. Dry Cleaning Plants
13. Manufacturing of Organic Coatings
14. Oil-Burning Equipment
15. Compressed Gasses
16. Liquefied Natural Gas
17. Liquefied Petroleum Gasses
18. Cryogenic Fluids
19. Explosives, Blasting Agents, Ammunition
20. Fireworks
21. Prevention of Dust Explosions
22. Hazardous Chemicals
23. Cellulose Nitrate Plastic (Pyroxylin)
24. Cellulose Nitrate Motion Picture Film
25. Fruit Ripening Processes
26. Fumigation and Thermal Insecticidal Fogging
27. Magnesium
28. Mechanical Refrigeration
29. Welding and Cutting, Calcium Carbide and Acetylene
30. Airports, Heliports, and Helistops
31. Assembly Occupancies
32. Automobile Tire Rebuilding Plants
33. Combustible Fibers
34. Covered Mall Buildings
35. Garages
36. High-Piled Combustible Stock
37. Lumber Yards and Woodworking Plants
38. Ovens, Industrial Baking and Drying
39. Tents and Air Supported Structures

Chapter	Dollar Amount
40. Wrecking Yards, Junk Yards or Waste Material Handling Plants	25
41. Decorative Materials	25
42. Hazardous Production Material (HPM) Facilities	25
43. Furnishings	25
(Ord. passed 1-8-2001)	

**APPENDIX B: FIRE INSPECTION FEE
SYSTEM**

Fire Inspection Fee for initial visit for purpose of \$5
conducting a fire and life-safety inspection

Fire Inspection Fee for each follow-up visit required \$5
for ensuring compliance with previous fire inspection
visits

* Public schools will not be charged a fire inspection fee for their required biannual inspections.

** Civil penalties may be applied as necessary to ensure compliance.

(Ord. passed 1-8-2001)