

ORDINANCE NO.10-08-25

AN ORDINANCE AMENDING SEC. 30-26 OF THE BUNCOMBE COUNTY CODE OF ORDINANCES REGARDING THE FIRE PREVENTION ORDINANCE.

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-351, a county may by ordinance establish an inspection department to conduct fire code inspections within its territorial jurisdiction; and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-352, a county can regulate buildings to insure that the buildings are maintained in a safe, sanitary and healthful condition; and

WHEREAS, on March 18, 1997, in Ordinance No. 97-3-7, the County adopted a revised “Fire Prevention and Protection Code” in the code of ordinances; and

WHEREAS, per the Fire Marshall, small technical amendments are needed to keep the Code current.

NOW THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. Chapter 10, Article II of the Buncombe County Code of Ordinances is amended to read as follows:

- a. By deleting Sec. 10-33 “Adoption of state fire prevention code” and inserting the following in its place:

“Sec. 10-33. Adoption of the state fire prevention code.

The current and subsequent editions of the North Carolina Building Code: Fire Prevention Code, shall be administered by the county fire marshal’s office.”

Section 2. Chapter 30, Article II, of the Buncombe County Code of Ordinances is amended to read as follows:

- a. By deleting Sec. 30-26 “Purpose” and inserting the following in its place:

“Sec. 30-26. Purpose.

An ordinance to provide the county with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installment, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code

enforcement; and setting forth the standards for compliance and achievement of these objectives.

This article shall be known as the Buncombe County Fire Prevention Ordinance. This code adopts by reference North Carolina Building Code: Fire Prevention Code, and its incorporated standards and codes as published in the Building Code. The same are hereby adopted and incorporated as fully as if set out verbatim herein. Not less than one copy of the adopted issue of North Carolina Building Code: Fire Prevention Code and the adopted standards and codes shall be filed in the office of the county fire marshal and the provisions thereof shall be controlling within the unincorporated area of the county and the municipalities that have requested inspections by the county."

Section 3. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 4. Should any provision of this ordinance be declared invalid or unconstitutional by any court of any competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 5. This ordinance shall take effect and be in force from and after the date of its adoption.

ADOPTED the 17th day of August, 2010.

ATTEST



KATHY HUGHES, CLERK

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

BY:


DAVID GANTT, CHAIRMAN

APPROVED AS TO FORM


COUNTY ATTORNEY