

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY

### BOARD OF COMMISSIONERS

**MEETING DATE:** 24 June 2015

**SUBJECT:** Amendment of Chapter 78 (Fire Prevention) of Henderson County Code

**PRESENTER:** Charles Russell Burrell

**ATTACHMENT(S):** Draft code revisions (one redline/strikeout, one “clean”)

#### SUMMARY OF REQUEST:

With the changes in fire prevention inspections in the coming fiscal year, modifications are needed for the Ordinance under which they are performed. Proposed are amendments:

1. Amendment to section 78-3: this makes clear that the County’s ordinance can apply in municipalities upon entry of a contract with such municipality by the Board.
2. Amendments to section 78-6: the first change makes it clear that the Board can set (as it has) a schedule for such inspections, subject to more frequent inspections if circumstances warrant. The second change authorizes the charging of fees for such inspections, directs that fees be paid within 30 days of a triggering event. The “shall be paid” language makes nonpayment a violation of the Code, subject to a civil penalty. In the absence of this provision, there would no incentive for timely payment of fees.

County staff will be present and prepared if requested to give further information on this matter.

#### BOARD ACTION REQUESTED:

Approval of the Code amendments.

If the Board is so inclined, the following motion is suggested:

***I move that the Board approve the proposed amendments to Chapter 78 of the Henderson County Code.***



**Proposed Amendments to Chapter 78 of the Henderson County Code**

§78-3. Intent; Jurisdiction; Liability.

- A. It is the intent of this article to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the unincorporated limits of Henderson 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. These regulations shall also be controlling within the corporate limits of any municipality within Henderson County upon request by resolution from the governing body of the municipality and upon approval of the Board of County Commissioners by resolution or contract.
- C. This article shall not be construed to hold the County responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permits issued or denied as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

...

**§ 78-6. Inspections.**

Subject to the limitations and conditions stated in the North Carolina State Building Code, it shall be the duty of the Fire Marshal to inspect or to cause to be inspected on the schedule set by the Board of Commissioners, or more frequently as ~~often as he may deem~~ necessary ~~or appropriately~~ by the Fire Marshal pursuant to all relevant North Carolina codes all buildings, structures and premises within his jurisdiction for the purposes of ascertaining and causing to be corrected any condition which may cause fire or explosion or endanger life from fire or explosion or any violations of the provisions of this article.

All fees assessed under this Article for inspections shall be paid in full to the County by the owner of the real property upon which the inspection takes place within thirty (30) days of inspection of the later to occur of the mailing of an invoice for the same to such owner or the hand delivery of such invoice to the person in apparent control of the premises inspected at the time of such inspection.

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**DRAFT**