

## SCOPE AND ADMINISTRATION

ing body and shall hold office at its pleasure. The *fire code official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.

**108.2 Limitations on authority.** An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

**108.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or *fire protection systems* and are not employees of the jurisdiction.

### SECTION 109 VIOLATIONS

For violations of the *North Carolina Fire Prevention Code* or a local Fire Prevention Code that has received prior approval of the Building Code Council, either the local fire code official or the State Commissioner of Insurance or other state official with responsibility under General Statute 143-139 may, in addition to other remedies, institute any appropriate action or proceedings, including civil remedies set out in General Statute 160A-175 or General Statute 153A-143, that have been adopted as ordinances within that jurisdiction.

**109.1 Unlawful acts.** It shall be unlawful for a *person*, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**109.2 Notice of violation.** When the *fire code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the *fire code official* is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

**109.2.1 Service.** A notice of violation issued pursuant to this code shall be served upon the *owner*, operator, occupant or other *person* responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some *person* of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the *owner*, occupant or both.

**109.2.2 Compliance with orders and notices.** A notice of violation issued or served as provided by this code shall be complied with by the *owner*, operator, occupant or other *person* responsible for the condition or violation to which the notice of violation pertains.

**109.2.3 Prosecution of violations.** If the notice of violation is not complied with promptly, the *fire code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

**109.2.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *fire code official* shall not be mutilated, destroyed or tampered with or removed without authorization from the *fire code official*.

**109.3 Violation penalties.** *Persons* who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**109.3.1 Abatement of violation.** In addition to the imposition of the penalties herein described, the *fire code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

### SECTION 110 UNSAFE BUILDINGS

**110.1 General.** If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the *fire code official* shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, *alterations*, remodeling, removing or demolition required.

**110.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress* or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

**110.1.2 Structural hazards.** When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the *fire code official* shall immediately notify the building code official in accordance with Section 110.1.

**110.2 Evacuation.** The *fire code official* or the fire department official in charge of an incident shall be authorized to order the

immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. *Persons* so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *fire code official* or the fire department official in charge of the incident.

**110.3 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the *fire code official* or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

**110.4 Abatement.** The *owner*, operator or occupant of a building or premises deemed unsafe by the *fire code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

### SECTION 111 STOP WORK ORDER

See the provisions of the *North Carolina Administrative Code and Policies* and applicable North Carolina General Statutes.

**111.1 Order.** Whenever the *fire code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *fire code official* is authorized to issue a stop work order.

**111.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the property, or to the *owner's* agent, or to the *person* doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

**111.3 Emergencies.** Where an emergency exists, the *fire code official* shall not be required to give a written notice prior to stopping the work.

**111.4 Failure to comply.** Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

### SECTION 112 SERVICE UTILITIES

**112.1 Authority to disconnect service utilities.** The *fire code official* shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The *fire code official* shall notify the serving utility and, whenever possible, the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The *owner* or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

### SECTION 113 FEES Deleted

### SECTION 114 MAINTAINING A FIRE HAZARD

**114.1 Fire hazard.** No person shall knowingly maintain a fire hazard.

### SECTION 115 LOCAL MODIFICATION

**115.1 Local modifications.** For local modification, see the provisions of the *North Carolina Administrative Code and Policies* and applicable North Carolina General Statutes.

**115.2 Local government modification approved by the Building Code Council.** A list of jurisdictions shall be maintained by the North Carolina Department of Insurance, Office of State Fire Marshal.