

TITLE XV: LAND USAGE

CHAPTER 156: FIRE DISTRICT ORDINANCE

Section

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FIRE DISTRICT ORDINANCE

156.001 TITLE

This chapter shall be known and may be cited as the Fire District Ordinance of the Town of Black Mountain.

156.002 STATUTORY AUTHORIZATION; ENACTMENT.

Pursuant to the authority conferred by North Carolina General Statutes 160A-435, the Board of Aldermen do hereby ordain and enact in to law this chapter establishing primary fire district.

156.003 PURPOSE

This ordinance establishes standards for the construction, alteration, and repair of buildings and structures located within, erected within, or moved within or into the Primary Fire District from another location. The construction and maintenance requirements set forth herein are consistent with North Carolina General Statutes; the North Carolina Edition of the 2000 International Building Code, as currently enforced within the State of North Carolina and the Town of Black Mountain; and, professionally recognized practices designed to produce a reasonable level of life safety and property protection from fire hazards in premises that are located, or capable of being located, within close proximity to one another.

156.004 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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Additional Required Protection Features. Fire suppression equipment that is installed in a structure that is designed to lessen the exposure to potential fire damage. Such equipment shall include, but shall not be limited to, automatic fire protection systems and automatic alarm systems, or other properly engineered and approved features that provide increased levels of protection equal to or exceeding automatic fire protection.

Heavy Timber Construction. A type of construction in which the exterior walls are made of noncombustible materials and the interior structural building elements are of solid or laminated wood. To be considered to be Heavy Timber Construction, supporting wood columns and roof framing shall not be less than six (6) inches in width and eight (8) inches in depth while floor framing members shall not be less than six (6) inches in width and ten (10) inches in depth.

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Increased Fire Hazard. An increase in the volume of combustible material contained in the erected, repaired, altered, or moved structure that is not otherwise offset by the installation of additional required protection features; or, changes in the building features that allow increased communication of fire from one building to another (such as increasing the number of openings in exterior walls).

Reasonable Routine Maintenance. Replacement of existing portions of the structure with like materials so as to avoid deterioration, or further deterioration, of the structure.

Repair or Alteration. Repairs or alterations to a building that exceed reasonable routine maintenance; that exceed 50% of the current value of the building; or, that change the exterior finish, exterior configuration, number of openings in exterior walls, or the footprint of the building. This does not include emergency repairs needed to secure the building from water, storms, or unauthorized access. For the purposes of this definition the current value of the structure shall be interpreted to be the assessed tax value of the structure as listed by the Buncombe County Tax Office or, as determined by a certified appraisal, before the improvement is started. If the structure has been damaged and is being repaired, the value of the structure shall be interpreted to mean the value before the damage or destruction occurred.

Wood or Frame Structure. A type of construction whose primary structural elements are formed by a system of repetitive wood framing members. For the purposes of this ordinance wood or frame structures shall not include heavy timber, metal frame, or masonry construction where the exterior walls are composed of noncombustible materials that support the roof load. Noncombustible veneer facades attached to exterior walls are not considered to be noncombustible exterior walls.

156.005 APPLICATION REQUIRED

Application for any activity regulated by the provisions of this Section shall be made to the Office of the Building Inspector for the Town of Black Mountain prior to the commencement of any work associated with the proposed project.

156.010 PRIMARY FIRE DISTRICT REGULATIONS

In accordance with the requirements of North Carolina General Statute 160A-435, the Town of Black Mountain hereby establishes a Primary Fire District.

(A) Primary Fire District Defined. The Primary Fire District shall be as defined within the legal description set forth herein below. In addition, a map of the affected property, based upon the aforementioned legal description, is available for inspection in the Office of the Town Clerk in the Black Mountain Town Hall and in the Black Mountain Planning and Zoning Department.

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(B) Enforcement of Building and Fire Codes. All buildings and structures erected, repaired, altered, or moved within or into the Primary Fire District shall comply with the provisions of the North Carolina Edition of the 2000 International Building and Fire Code, as currently enforced within the State of North Carolina and duly adopted and enforced within the Town of Black Mountain.

(C) Wood or Frame Structures Allowed. In accordance with North Carolina General Statute 160-436, no wood or frame building or structure may be erected, repaired or altered, or moved into or within the limits of the Primary Fire District except in accordance with the procedure set forth below.

1. The proposed construction activity will not contribute to an increased fire hazard.
2. Permit Approval Process
 - a. Upon receipt of the required application, the Building Inspector shall circulate a copy of all application materials to the Fire Inspector for review and comment.
 - b. Following receipt of written comments from the Fire Inspector, the Building Inspector shall review the application and then approve or deny said application. If the application is approved, it is transmitted to the Board of Aldermen for review. If the Building Inspector denies the issuance of a permit requested in accordance with these guidelines, he shall set forth the reasons for denial of said permit in writing, a copy of which shall be transmitted to the applicant so that the applicant may appeal the decision of the Building Inspector in accordance with the guidelines set forth below.
 - c. Once approved by the Building Inspector, the application is transferred to the Black Mountain Board of Aldermen for review and consideration of approval or denial. If the Board of Aldermen approves the application, it is then forwarded to the Office of the Insurance Commissioner for the State of North Carolina for review. If the Board of Aldermen denies the issuance of a permit requested in accordance with these guidelines, they shall instruct the Town Clerk to prepare, for the signature of the Mayor, an order specifying the reasons for their denial of the request. A copy of the order of denial shall be forwarded to the applicant. Upon notification of denial, the applicant may appeal the decision of the Board of Aldermen in accordance with the guidelines set forth below.
 - d. Once both the Building Inspector and the Board of Aldermen have approved the application locally, said application is forwarded to the North Carolina Commissioner of Insurance (or designee) for review. The appeal from an adverse decision of the Office of the Commissioner of Insurance may be taken to the appropriate court of jurisdiction.

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(D) Appeals Procedure. Appeals from any adverse decision made on the part of either the Building Inspector or the Board of Aldermen with regard to the enforcement of the Primary Fire District Regulations may be taken to the Commissioner of Insurance (or designee). Said appeal may be made by filing a written notice concurrently with the office of the Commissioner of Insurance for the State of North Carolina and with the Town of Black Mountain Building Inspector within a period of ten (10) days following the issuance of any order, decision, or determination. Further appeals may be taken to the Building Code Council or to the appropriate court of jurisdiction, as provided by law.

156.030 LEGAL DESCRIPTIONS

For the purposes of this ordinance, the Primary Fire District shall be described as follows.

Primary Fire District. Beginning at the intersection of the centerlines of East State Street and Richardson Boulevard; thence running southeasterly along the centerline of Richardson Boulevard to a point where it intersects with the centerline of Sutton Avenue; thence west along the centerline of Sutton Avenue to the intersection of the centerlines of Sutton Avenue and N.C. Highway 9; continuing west along the centerline of Sutton Avenue which becomes the centerline of South Dougherty Street; thence northwest along the centerline of South Dougherty Street to the intersection of the centerline of West State Street; thence northeast along the centerline of West State Street to the intersection of the centerline of Church Street; thence north along the centerline of Church Street to a point in the centerline of Church Street which is an extension of the southern boundary of the property identified as Parcel ID# 0619.10-26-8198.000 described in Deed Book 1744 at Page 0699 in the Office of the Register of Deeds for Buncombe County, thence east to the southwest corner of said property; thence east with the southern boundary of said property to the southeast corner of said property; thence north with the eastern boundary of said property to the southeast corner of the property identified as Parcel ID# 0619.10-26-8273 described in Deed Book 1384 at Page 0331 in the Office of the Register of Deeds for Buncombe County, thence north with the eastern boundary of said property to the southeast corner of the property identified as Parcel ID# 0619.10-26-8219.000 described in Deed Book 1798 at Page 0360 in the Office of the Register of Deeds for Buncombe County, thence north with the eastern boundary of said property to the southwestern corner of the property identified as Parcel ID# 0619.10-26-9410.000 described in Deed Book 1788 at Page 0714 in the Office of the Register of Deeds for Buncombe County, thence east with the southern boundary of said property to the southeastern corner of said property; thence east to a point which is the intersection of the extension of the southern boundary of said property with the centerline of Montreat Road; thence south along the centerline of Montreat Road to a point where it intersects with the centerline of East State Street; thence east along the centerline of East State Street to its intersection with the centerline of Richardson Boulevard which is the point and place of beginning.

156.040 SEVERABILITY

If any section, sub-section, clause or phrase of this ordinance or any aspect of the technical codes as referenced herein, is held to be unconstitutional or in conflict with the North Carolina General Statutes, this decision shall not affect the validity of the remaining portions of the ordinance or the technical codes.

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156.050 REPEAL OF PREVIOUS PRIMARY FIRE DISTRICT ORDINANCE

Chapter 94, Section 94.01.1 of Title IX of the Code of Ordinances for the Town of Black Mountain, which established the entire C-1 zoning district as the Primary Fire District, is hereby repealed.

(Ord. 0-03-04, passed 8-11-03)