

**ORDINANCE AMENDING CHAPTER 20 OF THE UNION COUNTY CODE**

WHEREAS, the Union County Board of Commissioners (the “Board”) is authorized pursuant to N.C. Gen. Stat. § 153A-121 and N.C. Gen. Stat. § 153A-233 to adopt ordinances for the protection of the public health, safety, and welfare, including fire prevention and protection measures; and

WHEREAS, Chapter 20 of the Union County Code currently establishes regulations and penalties related to fire prevention within the County; and

WHEREAS, the Board finds that it is necessary and appropriate to update and modernize its fire prevention regulations and to clarify local enforcement provisions consistent with state law; and

WHEREAS, the Board has determined that it is in the best interests of Union County and its residents to amend Chapter 20 as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED by the Union County Board of Commissioners as follows:

1. Chapter 20, “Fire Prevention,” of the Union County Code is hereby amended and restated in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.
2. This Ordinance shall become effective 14 days after the date of its adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2026.

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Brian Helms  
Chair, Union County Board of Commissioners

# Exhibit A

## Sec. 20-1. - DUTIES OF CERTAIN OFFICIALS

Within the North Carolina Fire Code, when reference is made to the duties of certain officials named therein, that designated official of Union County who has duties corresponding to those of the named official in said code and who has been designated by the Union County Board of County Commissioners shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned.

## Sec. 20-2. - FIRE PREVENTION CODE ADOPTION

- (a) Except as hereinafter amended, the provisions of the North Carolina Fire Prevention Code which include appendices B, C, and D (hereafter referred to as the N.C. Fire Code) current edition, adopted by the North Carolina Building Code Council is hereby adopted and made applicable as the Fire Prevention Code of Union County. The specific provisions of the aforesaid state building code herein referred to as the fire prevention code are hereby incorporated into this section as fully as if set out herein verbatim.
- (b) The listed standards and publications which comprise a part of the fire prevention code, as the same may be periodically revised and updated, shall be applicable and enforced within the county.
- (c) Amendments to the N.C. Fire Code, which are adopted and published by the North Carolina Building Code Council, shall be effective on the date prescribed by the North Carolina Building Code Council.
- (d) The North Carolina State Building Code volume that is titled Administrative and Enforcement Requirements is hereby referenced for the administration of the N.C. Fire Code, current edition for periodic inspection of buildings altered, repaired or rehabilitated in accordance with the existing building code.
- (e) This ordinance shall apply within the unincorporated areas of Union County and any municipality which has previously consented to the County's exercise of fire code enforcement jurisdiction. Nothing herein is intended to create, eliminate, or modify any municipal consent or authorization for fire code enforcement by the Union County Fire Marshal's Office. Pursuant to N.C. Gen. Stat. § 153A-122, this ordinance may also apply within the boundaries of any municipality located within Union County, upon the municipality's adoption of a resolution authorizing its enforcement.

## Sec. 20-3. - VIOLATION OF TECHNICAL CODE

- (a) Any act constituting a violation of the provisions of the N.C. Fire Code shall subject the offender to a civil penalty for each violation in the amount set out below:

Open Burning Violation (Violation of Air Quality or Burn Ban):	First Offense (within a 12-month period)	Second Offense (within a 12-month period)	Third Offense (within a 12-month period)	Subsequent Violations (within a 12-month period)
Residential or Commercial	Written Notice	\$250.00	\$500.00	\$ 750.00

	First Offense	Second Offense
Means of Egress	\$250.00 per day	
Overcrowding	\$250.00 per day	
Locked Exit/Exit Obstruction	\$500.00 per offense	\$1,000.00 per offense
Fire Detection/Protection	\$250.00 per offense	\$500.00 per day

Means of Egress: Unless otherwise noted, civil penalties of \$250 per day may be issued after three written notices, and no less than seventy-five (75) days from the issuance of the initial notice (the “Notice Requirement”). No further notice shall be required for the issuance of the civil penalty. Violations for overcrowding, locked exit/exit obstruction, and fire detection/protection shall not be subject to the Notice Requirement.

Overcrowding: Civil penalties may be issued at first offense without prior notice.

Locked Exit/Exit Obstruction: Civil penalties may be issued at first offense without prior notice.

Fire Detection/Protection: Civil penalties may be issued at first offense without prior notice.

Each day any violation continues after notification by the Fire Marshal or his designee that such violation exists shall be considered a separate offense for purposes of assessing the civil penalties stated herein.

- (b) Civil penalties are assessed in accordance with N.C. Gen. Stat. § 153A-123.
- (c) Civil penalties may be assessed by the Fire Marshal or their designee upon the issuance of a written citation, or the issuance of a notice of violation (“NOV”). The citation or the NOV may be delivered to the offender in person or may be mailed by registered or certified mail to the offender at his last known address.

- (d) If the offender fails to pay the civil penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. In accordance with N.C. Gen. Stat. Chapter 105A, debts owed to the County in excess of fifty dollars (\$50.00) may be collected through the North Carolina Local Government Debt Setoff Clearinghouse Program.
- (e) The civil penalties assessed pursuant to this section shall be in addition to and not in lieu of, injunctive or equitable relief, or other remedies available for violations of the N.C. Fire Code.

#### Sec. 20-4. - Pyrotechnic Display Permits for Public Exhibitions

- (a) The Board of County Commissioners retains all authority granted under N.C. Gen. Stat. § 14-413 to issue permits for the exhibition, use, or discharge of pyrotechnics and hereby designates the Union County Fire Marshal's Office as its agent for the purpose of receiving, reviewing, and issuing such permits on behalf of the Board within Union County.
- (b) Pursuant to N.C. Gen. Stat. § 14-413(a1), a city within Union County may issue permits for the exhibition, use, or discharge of pyrotechnics within its corporate limits only if the Board of County Commissioners has adopted a resolution expressly authorizing the city to do so. Any such authorizing resolution in effect at the time of adoption of this ordinance shall remain valid unless and until withdrawn by subsequent resolution of the Board of County Commissioners.
- (c) Except as provided in subsection (b), no person shall engage in the use of pyrotechnics for public display within Union County without first submitting a completed application to and obtaining a permit from the Union County Fire Marshal's Office at least twenty (20) days in advance of the proposed display. The names and addresses of all operators and assistants shall appear on the application, and a copy of the license issued by the North Carolina Office of State Fire Marshal for each operator and assistant shall be submitted with the application. No permit shall be issued by the Union County Fire Marshal's Office, or by any city authorized to issue permits, unless the proposed display fully complies with all applicable provisions of this chapter, the North Carolina State Fire Code, and N.C. Gen. Stat. § 14-413.
- (d) A permit shall not be issued under this section unless the display operator provides proof of a bond or certificate of insurance in an amount of at least five hundred thousand dollars (\$500,000), or the minimum amount required under the North Carolina State Building Code pursuant to G.S. 143-138(e), whichever is greater.

#### Sec. 20-5. - COMBUSTIBLE LANDSCAPING MATERIALS

No pine straw or any other landscape cover material with a fire rate of spread more than 24 inches per minute shall be placed, kept, or stored within 10 feet of buildings with combustible exterior construction including, but not limited to, vinyl, aluminum, Masonite, or wood siding.

- (a) Exception: This provision shall not apply to one- and two-family dwellings as defined in Section R101.2 of the N.C. Fire Code. Excludes pine straw that falls from trees located on the same parcel as the building.
- (b) Civil Penalties: Violations not abated within 7 days of written notice shall constitute a \$250.00 per day civil penalty.
- (c) Existing conditions: All existing pine straw as of the date of adoption of this ordinance may remain, however, the placement of any additional pine straw within 10 feet of combustible exterior construction is prohibited.
- (d) The provisions of this section shall become effective thirty days after the date of adoption of this ordinance.

### Sec. 20-6. - OPEN BURNING

Open burning shall be conducted in accordance with the N.C. Fire Code and all applicable state air quality and solid waste disposal laws, North Carolina Forest Service and any other applicable state regulations.

### Sec. 20-7. - MOBILE FOOD PREPARATION VEHICLES

A permit issued by the Union County Fire Marshal's Office is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors. A mobile food preparation vehicle is defined as a vehicle that contains cooking equipment that produce smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles. Mobile food preparation vehicles shall meet the requirements as listed in the N.C. Fire Code.

### Sec. 20-8. - GATES

No person shall install or cause to be installed any gate, barrier, or other obstruction across a fire apparatus access road, unless the design, placement, and means of emergency operation have been approved in advance by the Union County Fire Marshal, in coordination with the chief of the local fire department with jurisdiction over the area. The clear width of the roadway shall be a minimum of twenty feet clear width on all entrances and exit roadways shall be a minimum of sixteen feet width or larger on all exits, unless otherwise approved by the Union County Fire Marshal. Operation of an electric gate shall be by preemption device (siren from an emergency vehicle) and Knox Key Switch. Operation of an approved manual gate shall be by a Knox Box or Knox Lock, unless otherwise approved. The gates and the emergency operation shall always be operational.