



Memo

Date: February 26, 2021
To: Honorable Mayor Armitage; City Council
From: Erin LaPere, City Manager
Re: Ordinance to update Chapter 30 – Fire Prevention and Protection

On the agenda for a first reading by Council is an amendment to Chapter 30 Fire Prevention and Protection. Section 30-27 of the Code was adopted in 2015 with a four-year sunset provision. In addition to the expiration pursuant to the sunset section, the Building Board of Appeals was established as the appeals body for this section of the code. Attached please find a draft ordinance to amend Section 30-27 to establish the Zoning Board of Appeals as the appeals body and to remove the sunset provision. The language has been reviewed by Attorney Hitch.

Procedurally, ordinances except for those related to Zoning are adopted pursuant to the Home Rule City Act, City Charter, and Council Policy 2021-03. A first reading is held at which time Council may set a public hearing and second reading/adoption. Upon Council adoption, the ordinance or a summary must be published and 20 days elapsed prior to the language taking effect.

Council Policy 2021-03 requires a public hearing notice to be published seven days prior to the hearing date. Therefore, I recommend Council schedule a public hearing and second reading for the March 15th meeting.

eel

attachment

Introduced:

Adopted:

ve:

CITY OF CHARLOTTE

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 30 - FIRE PREVENTION AND PROTECTION - OF THE CODE OF THE CITY OF CHARLOTTE BY AMENDING SECTION 30-27 TO PROVIDE THAT THE ~~BUILDING ZONING~~ BOARD OF APPEALS SHALL BE CONSTITUTED AS THE BOARD OF APPEALS UNDER THE FIRE PREVENTION CODE FOR THE CITY OF CHARLOTTE AND TO REMOVE THE SUNSET PROVISION.

Councilmember _____ moved that the following ordinance be passed to a second reading:

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. PURPOSE. The purpose of this ordinance is to designated the ~~building board of appeals in lieu of the~~ zoning board of appeals as the board that considers appeals under the International Fire Code ~~so as to have those appeals considered and decided by a board constituted of members with knowledge and experience in the building trades so as to more effectively decide matters brought before it.~~

SECTION 2.

Section 30-27 of Chapter 30 - Fire Prevention and Protection - of the Code of the City of Charlotte is hereby amended to read as follows:

§ 30-27 CHANGES IN INTERNATIONAL FIRE CODE.

The following articles or sections of the International Fire Code are hereby added, amended, or deleted as hereinafter set forth. Subsequent article, division and section numbers used in this § 30-27 shall refer to the like numbered articles, divisions, and sections of the International Fire Code, unless specified otherwise.

Sec. 101.1: Insert: City of Charlotte.

Section 102.10 is hereby added to read as follows:

Sec. 102.10. Inspection of Structures. The code official shall inspect all structures and premises except single-family dwellings, and dwelling units in two-family dwellings as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life or any violations of the provisions or intent of this code or any other ordinance affecting fire safety.

Section 108.1 shall be amended to read as follows:

Sec. 108.1. Board of Appeals. The ~~Zoning Building~~ Board of Appeals of the City of Charlotte is hereby constituted the Board of Appeals under this Fire Prevention Code.

Section 109.3 shall be amended to read as follows:

Sec. 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 directions of the code official, or of a permit or certificate used under provisions of this code, shall be responsible for a municipal civil infraction, and sanctioned by a civil fine, plus costs, including reasonable attorneys fees, as provided by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 shall be amended to read as follows:

Sec. 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 One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500).

Section 302 shall be amended to read as follows:

Sec. 302. Definitions.

Add to definition of "Recreational Fire": "Fuel used for a recreational fire shall only be untreated wood or charcoal."

Add definition of "Contained Outdoor Fireplace:"

Contained Outdoor Fireplace shall mean a fireplace no larger than three (3) feet wide, three (3) feet deep, and three (3) feet high (exclusive of legs and chimneys) which is capable of fully enclosing the fire by means of screening or other non-combustible materials with sufficiently small openings to contain embers.

Add definition of "Freestanding Wood Burning Furnace:"

Freestanding Wood Burning Furnace shall mean any device or structure that is:

(a) Designed, intended, or used to provide heat and/or hot water to any residence or any structure; and

(b) Operated by the burning of wood or other solid fuel; and

(c) Not located within the structure for which it is providing the heat or hot water.

Excluded from the definition of a freestanding wood burning furnace is any device which is not designed or used to heat a structure other than the structure in which it is located.

Section 304.4 shall be added to read as follows:

Sec. 304.4. Special Permit. Under certain conditions, the fire chief or his designee may allow the burning of brush by permit.

Section 307.2 shall be amended to read as follows:

Sec. 307.2. Permit Required. A permit shall be obtained from the code official prior to kindling a fire for recognized silvicultural or range or wildlife management or practices, prevention or control of disease or pests, a bonfire or a recreational fire. Applications for such approval shall only be presented by and permits issued to the owner of the lands upon which the fire is to be kindled.

Section 307.6 shall be added to read as follows:

Sec. 307.6. Outdoor Fireplace: Permit Required. No person shall kindle or maintain any fire or authorize any such fire to be kindled or maintained in a contained outdoor fireplace unless an annual contained outdoor fireplace permit is first obtained and in effect authorizing the owner of

the property to maintain a fire in a contained outdoor fireplace and the fire is maintained in accordance with the regulations proposed by the Fire Marshall and adopted by resolution of the City Council for such fires.

Section 316 is hereby added to read as follows:

Sec. 316. Freestanding Wood Burning Furnace.

Sec. 316.1. Prohibition. Except as provided below, it shall be unlawful to install, use, maintain, or operate a freestanding wood burning furnace, and to cause or permit the installation or operation of a freestanding wood burning furnace, within the city of Charlotte.

Sec. 316.2. Separation Requirements and Permit. A freestanding wood burning furnace shall be permitted under the following circumstances:

(a) Where it is located no closer than 660 feet from any adjoining residential or commercial structure (excluding in this calculation the structure for which it is used to provide heat and/or hot water);

(b) That the unit be inspected and a boiler permit be obtained, as required under the applicable mechanical code;

(c) That a permit be obtained pursuant to section 105 of this code.

Sec. 316.3 Existing Uses. This ordinance shall apply to any freestanding wood burning furnace that was installed, connected, and operating as of the effective date of this ordinance and, unless the conditions are met pursuant to section 316.2 above, such use, maintenance, and operation of the freestanding wood burning furnace is hereby prohibited.

Section 3204.3.1.1 is amended to provide that the geographic limits shall be the city limits of the city of Charlotte.

Section 3301.1.3 Fireworks is amended to add a new subsection (5) under exceptions which shall read as follows:

(5) The possessions, storage, sale, handling and use of sparklers.

Section 3404.2.9.5.1 is amended so that the geographic limits shall be the city limits of the city of Charlotte.

Section 3406.2.4.4 is amended so that the geographic limits shall be the city limits of the city of Charlotte.

Section 3804.2 is amended so that the geographic limits shall be the city limits of the city of Charlotte.

~~The ordinance codified herein will sunset after four years.
(1993 Code, § 30-27) (Am. Ord. passed 9-22-2003)~~

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective 20 days after adoption.

Second, _____. _____ () Yeas. () Nays.

Dated: _____

Michael Armitage, Mayor

Pearl Tidwell, Clerk