Chapter 22

FIRE PREVENTION AND PROTECTION*

* Cross References: Buildings and building regulations, ch. 10; civil emergencies, ch. 14; firefighters authorized to direct traffic at fires, § 58-4.

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ARTICLE I.

IN GENERAL

Secs. 22-1–22-35. Reserved.

ARTICLE II.

FIRE PREVENTION CODE

Sec. 22-36. Jurisdiction.

This article is effective in all areas of the municipality and the municipal extraterritorial jurisdiction.
(Ord. No. 92-54, § 2, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-37. Purpose.

It is the purpose of this article to prescribe regulations consistent with the most current edition of the state Building Code, Fire Prevention (North Carolina Fire Prevention Code) and the appendices A-H of the International Fire Code and nationally recognized good practices for the safeguarding of life and property from hazards of fire and explosions arising from the storage, handling, and use of flammable, combustible and hazardous substances, materials and devices and from conditions hazardous to life and property in the use or occupancy of buildings or premises.
(Ord. No. 92-54, § 3, 9-1-92; Ord. No. 94-62, 3-27-95; Ord. No. 03-23a of 03-10-2003; Ord. 2013-096, 10-22-13)

Sec. 22-38. Relationship to other laws and standards.

The provisions of the state Fire Prevention Code, as amended periodically, are incorporated by reference in this article. If any provision of this article is in material conflict with a provision of the state Fire Prevention Code, then the state code provision shall take precedence over the conflicting provision of this article.
(Ord. No. 92-54, § 4, 9-1-92; Ord. No. 94-62, 3-27-95)

*State Law References: Adoption of technical codes by reference, G.S. 160A-76.*


(a) The provisions of this article shall apply to new and existing conditions, and to the repair, use, occupancy and maintenance of existing buildings or structures specified in the state Fire Prevention Code, and to other conditions hazardous to life or property in the opinion of the fire chief or his designee.
(b) Nothing contained in this article shall be construed as applying to the transportation of any substance shipped in compliance with regulations prescribed by state and federal law nor as applying to the military forces of the United States. (Ord. No. 92-54, § 5, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-40. Duties of fire chief.

The duties of the fire chief shall include but are not limited to:

(1) Keeping the town manager and the Town Council informed of the progress and development of the fire department.

(2) Keeping the town manager and the Town Council informed of any matters pertaining to the present condition and future expansion of the fire department.

(3) Serving as the town manager's and Town Council advisor concerning requirements of the state fire insurance rating bureau.

(4) Conducting fire prevention inspections and electrical inspections of public schools required by G.S. 115C-1 et seq., and fire prevention inspections of licensed day care facilities, licensed foster care homes and licensed rest home facilities as required by state law.

(5) Conducting periodic fire inspections of buildings, structures and premises within the Town's corporate limits and within the Town's extraterritorial jurisdiction, as set forth in section 22-42.

(6) Conducting investigations (jointly with other fire and law enforcement officials) of fires of a suspicious nature so as to determine their point of origin and cause.

(7) Assisting school authorities in developing and managing fire prevention programs for each public school.

(8) Maintaining an adequate staff of fire inspectors certified by the state code officials’ qualification board to properly execute all provisions of this article. (Ord. No. 92-54, § 6, 9-1-92; Ord. No. 94-62, 3-27-95)

* Cross References: Officers and employees, § 2-61 et seq.

Sec. 22-41. Authority to enter premises.

(a) The fire chief or his designee may, at all reasonable hours, enter any building or premises for the purpose of conducting any inspection or investigation which, under provisions of this article, he deems necessary to be made.
Sec. 22-42. Inspection of buildings and premises.

(a) It shall be the duty of the fire chief to inspect, or cause to be inspected, according to the attached schedule, all buildings and premises except the interiors of one- and two-family dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or to endanger life from fire, and enforcing the state Fire Prevention Code, or any violations of the provisions or intent of this article creating a fire hazard. The fire chief or his designee shall charge inspection fees for inspections of buildings according to the approved Budget User Fee Schedule, except when such buildings are occupied by an organization that is tax-exempt under Section 501(c)(3) of the IRS code or churches or owned or occupied by state or local government, and for all reinspections made to ascertain compliance with a notice of violation and order of correction issued under section 22-47.

(b) Installation or modification to a fire suppression, detection and/or notification system without plan review and approval by the fire code official shall result in a penalty fee as outlined in the Budget User Fee Schedule. Required inspections for the suppression, detection and or notification system will not be conducted until the fee is paid.

* State Law References: Inspection of premises, G.S. 58-79-1 et seq.

Sec. 22-43. Permits.

Chapter 14 of the Fire Prevention Code, Permits and Certificates, is hereby adopted by reference. Every business or user of a building or structure required to obtain a mandatory permit under the state Fire Prevention Code must obtain such permit no later than 30 days after notification by the fire chief or his designee. The fire chief or his designee shall issue all applicable Fire Prevention Code permits to businesses which require such permits under the state Fire Prevention Code. Permits will be valid for 12 or 24 months from the date of issuance and is determined by the inspection frequency of the facility as required per Section 22-61. Permit fees will be in accordance with the Budget User Fee Schedule.

Sec. 22-44. Site plan approval.

The fire chief or his designee shall review construction or development site plans to ensure compliance with Chapter 5 and Appendix A - Hof the state Fire Prevention Code before final site plan approval is granted.
Sec. 22-45. New construction approval.

(a) The fire chief or his designee shall review and approve all commercial and multifamily residential building plans to ensure compliance with the state Fire Prevention Code before final approval is granted.

(b) The fire chief or his designee shall conduct inspections of buildings under construction to ensure compliance with the provisions of the state Fire Prevention Code before the building inspector issues a certificate of occupancy for the building.

Sec. 22-46. Immediately dangerous or hazardous conditions.

Whenever the fire chief or his designee finds in any building or upon any premises dangerous conditions or materials as described below, he shall order such dangerous conditions or materials removed or remedied in such manner as the fire chief may specify:

1. Dangerous storage or unlawful amounts of combustible, flammable or explosive or otherwise hazardous materials.

2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, flammable or explosive or otherwise hazardous materials.

3. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials.

4. Accumulations of dust or waste material in air conditioning or ventilation systems, or of grease in kitchen or other exhaust ducts, or inadequate clearances to unprotected combustible materials from hoods, grease extractors and ducts.

5. Obstructions to or in fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or impede egress of occupants in the case of fire.

6. Overcrowding in violation of occupancy limits established pursuant to the state Building Code and required under the state Fire Prevention Code.

(Ord. No. 92-54, § 10, 9-1-92; Ord. No. 94-62, 3-27-95, Ord. 2009-078, 10-27-09)
Sec. 22-47. Notice of violation; order to correct.

When the fire chief or his designee determines that a violation of this article exists or that any commercial building or structure required to have a permit under the state Fire Prevention Code does not have a valid permit in effect, he shall issue a notice of violation and order to correct the violation. Such notice and order shall:

(1) State the nature of the violation and the penalty to be imposed.

(2) Direct the violator to pay any unpaid fees and/or civil penalties by mailing the order and a check or money order to the Town, or by personally paying the amount at the Town Hall.

(3) Notify the offender that a failure to pay unpaid fees or penalties within the prescribed time may subject the offender to civil action in the nature of debt for the collection of any unpaid fee or additional penalties and may be collected by penalty plus any additional penalties, together with the cost of the action to be taxed by the court.

(4) Provide and state that any unpaid penalty must either be paid as set forth above, or the failure to pay must be cleared with the fire chief within a specified period of time from the issuance of the violation notice and correction order. The notice and order shall further state that if the violation is not corrected and the order is not cleared within the specified time period, the filing of a civil complaint for the collection of any unpaid penalty may be initiated, together with other legal proceedings, including the filing of criminal charges. As used in this section, an order will be deemed cleared when either full payment has been made, or when arrangements for payment have been made, or when the offender has made a prima facie showing to the fire chief that the notice and order was issued as a result of mistake, inadvertence or inexcusable neglect and when all identified violations of Fire Prevention Codes have been corrected.

Service of notice of violation and order to correct shall be made upon the owner, operator or occupant, or other person having control over the premises where the violation exists. Service shall be made by delivering a copy of the notice and order by hand delivery or by registered or certified mail, return receipt requested, sent to the owner, operator, occupant or tenant at his last known address listed in the county tax assessor's records, or by leaving a copy of the notice and order with an agent or employee of such person. If the owner, operator, occupant or tenant cannot be located on the premises, the fire chief or his designee may effectuate service by affixing a copy of the violation notice and order prominently on the main entrance of the building where the violation exists. Where correcting the violation will require improvement to real property or may result in administrative penalties against the property owner, the property owner must be notified by mailing a copy of the notice and order to the owner's address as listed in the
county tax assessor's office.
(Ord. No. 92-54, § 13, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-48. Enforcement.

(a) Failure to comply with the provisions of this article shall constitute a misdemeanor under G.S. 160A-175 and G.S. 14-4. Additionally, the fire chief or his designee may enforce the provisions of this article in civil court and seek any and all appropriate remedies authorized by G.S. 160A-175, subject to the restrictions of this section. Each day's continuing violation shall constitute a separate and distinct offense.

(b) Compliance with the fire chief's notice of violation and order to correct.

(1) Immediate action orders. The fire chief or his designee may issue immediate correction orders for violations of the state Fire Prevention Code that constitute an imminent hazard to life and property. Any condition listed in section 22-46 shall be deemed an imminent hazard. Failure to correct such violation within 24 hours shall result in imposition of a civil penalty in the amount approved in the Budget User Fee Schedule per day, per violation, until the violation has been completely corrected and the fire chief's correction order to correct shall so state. The order shall also state that if the violation is not corrected within 24 hours, a civil complaint for collection of penalties and any unpaid fees owed under this article may be initiated and that other legal proceedings including criminal prosecution related to the violation may be initiated. Repeated violations shall subject the violator to higher civil penalties set forth in the Budget User Fee Schedule.

(2) Other correction orders. All other correction orders issued under this article for violations that do not constitute imminent hazards shall be corrected within 30 days. Failure to correct such violations within 30 days shall result in imposition of civil penalty in the amount approved in the Budget User Fee Schedule per day per violation as well as a reinspection fee, until all identified violations have been completely corrected, and the correction order shall so state. The correction order shall also state that if the violation is not corrected within 30 days, a civil complaint for the collection of penalties and any unpaid fees owed under this article may be initiated, and that other legal proceedings including criminal prosecution may be initiated.

(Ord. No. 92-54, § 14, 9-1-92; Ord. No. 94-62, 3-27-95, Ord. 2009-078, 10-27-09)

Sec. 22-49. Appeals.

(a) Any person who has been served with a notice of violation and order for correction of violations of the state Fire Prevention Code may appeal the notice and order to the state department of insurance, state building code council within ten days from date of issuance.
(b) Any person who has been served with a notice of violation and order for correction of violations of the provisions of this article which are not violations of the state Fire Prevention Code or which relate to fees or penalties charged under this article may appeal to the town manager, whose decisions shall be final. Appeals must be filed within ten days from the date of issuance of the order.
(Ord. No. 92-54, § 15, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-50. Installation of aboveground tanks.

(a) For purposes of this section, the term "motor fuel" shall mean a refined or blended petroleum product used for the propulsion of self-propelled motor vehicles, including all products commonly or commercially known or sold as gasoline.

(b) It shall be unlawful for any person, firm or corporation to erect or maintain an aboveground storage tank capable of holding 1,000 gallons or more of motor fuel. It shall also be unlawful for any person, firm or corporation to allow such aboveground storage tank to be erected or maintained on property owned by that person, firm or corporation.

(c) Aboveground storage tanks less than 1,000 gallons shall be thermally protected against a flammable liquid fuel fire for a minimum of two hours.

(d) To the extent that this section conflicts with any provision of the state Fire Prevention Code adopted by the town, this section shall control.
(Ord. No. 91-23, § 1, 6-10-91; Ord. No. 92-54, § 16, 9-1-92; Ord. No. 94-62, 3-27-95)

Sec. 22-51. Installations of knox box rapid entry system.

(a) All new or newly renovated commercial buildings equipped with an automatic fire sprinkler system and/or building fire alarm system shall provide a "knox box" key entry system. All existing commercial buildings with a sprinkler system and/or fire alarm system shall provide a "knox box" by March 31, 2013. This knox box shall be mounted on the exterior entrance of the dedicated riser room. The knox box shall be mounted on the wall at five feet above finished floor on the door handle side of the dedicated sprinkler riser room or fire alarm access door. This knox box shall be ordered through the fire department and shall be in place before a certificate of occupancy is issued. Forms are available from the fire department. Average delivery time is five to six weeks. Keys to access the facility or tenant spaces within the facility shall be provided to the fire department by the owner/manager or tenant.

(b) A dedicated sprinkler riser room is required providing an entry door to the room from the exterior of the building. The exterior door leading to the dedicated sprinkler riser room shall be labeled with minimum three-inch lettering designating "SPRINKLER RISER ROOM" in a contrasting color. Durable vinyl lettering is suggested.
(Ord. No. 94-62, 3-27-95, Ord 2012-032/3.27.2012)
Sec. 22-52. Alarm communication system.

(a) All buildings equipped with automatic sprinkler systems are to have alarm communication equipment that complies with NFPA 72. Equipment must be fully functional and reporting to a U.L. approved central receiving station (NFPA 72) before a certificate of occupancy is issued for the facility.

(b) All new fire alarm systems shall be addressable systems. Only one fire panel per building, a fire wall or other means of separation for this purpose does not constitute two separate spaces requiring individual panels. Combination alarms will not be allowed within the Town Limits. For purpose of this section, combination alarm shall include devices combining burglary and fire alarms, devices combining burglary and hold-up alarms, and devices combining burglary and trouble alarms. There must be a distinct separation in the transmittal of any specific alarm activation.

(c) All new fire alarm systems shall be addressable systems. Only one fire panel per building, a fire wall or other means of separation for this purpose does not constitute two separate spaces requiring individual panels. Combination alarms will not be allowed within the Town Limits. For purpose of this section, combination alarm shall include devices combining burglary and fire alarms, devices combining burglary and hold-up alarms, and devices combining burglary and trouble alarms. There must be a distinct separation in the transmittal of any specific alarm activation.

(d) When a building is protected by an automatic sprinkler system and has a fire alarm system, the fire alarm control panel or a remote annunciator of the fire alarm control panel shall be placed in the sprinkler riser room. This control panel shall have the capacity of silencing and resetting the alarm system. Adjacent to the fire alarm control panel shall be a framed zone map. Sprinkler zone nomenclature shall correspond with the zone map.


Sec. 22-53. Installation of hazardous material data storage box.

All commercial enterprises, businesses or industries in the Town which use, store or manufacture Extremely Hazardous Substances (EHS's) that must be reported under state Right-to-Know Laws, G.S. 95-173, et seq., or under Title III of the federal Superfund Amendments and Reauthorization Act and the regulations promulgated thereunder and the state Building Code, must have an approved on-site hazardous materials data storage box at each facility where hazardous materials may be found.


Sec. 22-54. Contents, types and locations of data storage box.

(a) This data storage box must contain keys providing access to secured portions of the facility. The box shall contain current information to assist fire departments and hazardous materials teams responding to emergencies at the facility, including but not limited to facility
maps or plans showing the type and location of hazardous materials, Tier II forms, lists of chemicals with CAS numbers, telephone numbers for facility employees and other persons to be contacted in case of such emergencies.

(b) All information requested on the data storage sheets must be on forms provided by the Town or on a substantially similar format approved by the fire chief and must be placed in the data storage box. Such information must be updated continuously to insure its accuracy.

(c) The data storage box shall be of the type designated and approved by the county local emergency planning committee and shall be located at or near the primary entrance to the facility and installed in accordance with directives of the fire chief of the fire department serving the facility.
(Ord. No. 94-62, 3-27-95)

Sec. 22-55. Street addresses.

In accordance with section 505.1 of the state Fire Code, all new and existing buildings shall display a number or address in such a manner as to be plainly visible and legible from the street or roadway. The purpose and intent of this section is to provide a uniform system of street addresses for all properties and buildings throughout the Town in order to facilitate provision of adequate public safety and emergency response service and to minimize difficulty in locating properties and buildings.
(Ord. No. 94-62, 3-27-95)

Sec. 22-56. Definitions.

(a) The following words and phrases when used in this section shall have the following interpretation assigned to them.

(1) Address administrator. The Town employee designated to assign street address numbers to properties in the Morrisville area.

(2) Building. A totally enclosed structure having a roof supported by columns or walls. For the purpose of this article, each separate and distinct unit within a single structure shall also be considered a separate building.

(3) Official address number. The street address assigned by the address administrator which uniquely identifies a particular building or lot. This term is synonymous with "street address number".

(4) Driveway/private street. An access way owned and maintained by private interests leading to a building, use or structure.

(5) Public street. A dedicated and accepted public right-of-way for vehicular traffic.
(Ord. No. 94-62, 3-27-95)
Sec. 22-57. Administration and application.

(a) The Town will be responsible for the interpretation and administration of this section including:

1. Assigning all numbers for properties and buildings;
2. Maintaining address records of each property and building;
3. Changing existing addresses when necessary to achieve sequential house numbering along a road or regularizing an existing numbering scheme;
4. Designating individual unit addresses within multifamily housing.

(b) This requirement shall apply within the corporate limits of the Town and with the Town's accepted extra-territorial jurisdiction.
(Ord. No. 94-62, 3-27-95)

Sec. 22-58. Display of street address numbers.

(a) Street address numbers shall be clearly displayed so that the location can be identified easily from the street.

1. The official address number of single-family residential units shall be displayed on the side of the dwelling which is most clearly visible from the street during both day and night.

2. If the official address number is not visible from the public street or private street that serves as the primary access road to the building on which the address number is located, or if the subject residential building is located more than 50 feet from such access road, the address numbers shall also be displayed at the end of the driveway or easement nearest the road which provides access to the building. Each number or letter shall be at least six inches in height and three-fourths inch in width, and in a contrasting color to the mounting surface.

3. Numerals identifying the address number of a single-family dwelling displayed on a roadside mailbox shall be at least three inches in height and of contrasting color.

4. Each numeral for buildings containing multiple dwelling units shall be at least eight inches in height and shall be placed on the side of the building facing the road or on the end of the building nearest the road in such a manner as to be readily visible.
a. Individual units of multifamily dwellings shall be identified with a system approved by the Town. The numbers or letters shall be a minimum of three inches in height.

b. All lettering and numerals used for addresses on multifamily units shall be of a contrasting color to the mounting surface.

(5) Building addresses for non-residential buildings may be displayed in one of two options:

a. Option I: Addresses placed directly on the building. Under this option, the letters or numerals will be placed in the front upper quarter portion of the building or on the side of the building which is most clearly visible from the street or streets accessing the building. In instances where the building is served by two streets, address letters or numerals may be required on sides facing both streets.

b. Option II: Building addresses placed on a sign with individual addresses placed on the door of each leased/owned space. Under this option a sign permit must be obtained from the Town.

c. Numerals or letters for nonresidential buildings shall be installed in accordance with Table 22-58.1 or as designated by the fire official.

d. Numerals or letters shall be displayed in a color that contrasts with the color of the background to which it is affixed.

e. The fire official will have the right to authorize and approve alternate methods of displaying street address numbers that are in keeping with the content of this article when strict adherence to these standards cannot reasonably be met.

**TABLE 22-58.1**

<table>
<thead>
<tr>
<th>Distance from building to street or to the front of the first row of parking area, whichever is less</th>
<th>Minimum size of letter/numeral</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–50'</td>
<td>6 inches in height and 3/4 inch in width</td>
</tr>
<tr>
<td>51–75'</td>
<td>12 inches in height and 1 inch in width</td>
</tr>
<tr>
<td>76' and greater</td>
<td>18 inches in height and 1 1/2 inches in width</td>
</tr>
</tbody>
</table>

Note: On multi-story buildings the size of the letter/numeral will be increased in proportion to the building height and distance from the street.
(Ord. No. 94-62, 3-27-95, Ord. 2012-032/3.27.2012)

Supp. No. 7.1
Sec. 22-59. Enforcement.

(a) No building permit shall be issued until an official street address number has been assigned for the building lot or unit.

(b) No certificate of occupancy shall be issued until the official street address number or numbers are properly displayed.

(c) Owners or occupants of buildings that do not comply with the provisions of this section will be notified in accordance with section 22-47 of this article.

(Ord. No. 94-62, 3-27-95)

Sec. 22-60. Severability.

If all or part of this article or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given separate effect and to this end the provisions of this article are declared to be severable.

(Ord. No. 94-62, 3-27-95)

Sec. 22-61. Inspection Schedule.

(a) Fire inspections are billed accordingly with the Town's Budget User Fee Schedule. Non-profit organizations that are 501 (c) (3) per IRS standards are exempt from the initial fire inspection fees. This exemption does not apply to reinspection fees or permit fees.

(Ord. 2012-032/10.27.2012)

(b) The Fire Inspection Schedule is as follows:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once every year</td>
<td>Hazardous, Institutional, High-Rise, Assembly except those noted below, and Residential except one- and two-family dwellings and only interior common areas of dwelling units of multi-family occupancies.</td>
</tr>
<tr>
<td>Once every two years</td>
<td>Industrial and Educational (Except public schools), Assembly occupancies with an occupant load less than 100, Business, Mercantile, Storage, Churches, Synagogues, and miscellaneous Group U occupancies</td>
</tr>
</tbody>
</table>

(Ord. No 2008-076, 6-24-08, Ord. 2009-078, 10-27-09)
After Hours Fire Prevention Inspections

(1) The Fire Department offers fire inspections after normal business hours. The program is a voluntary fire inspection service designed to provide contractors with code certified fire inspectors after normal office business hours from 8:00 am to 5:00 pm. After-Hours Inspections are dependent upon the availability of inspectors. The Fire Prevention & Inspection Department reserves the right to deny requests as appropriate and/or necessary.

(2) Projects eligible for after-hours inspections:
   a. New Construction
   b. Alterations
   c. Up-fits
   d. Change of use, in which fire alarm or sprinkler inspection is required.

(3) A two (2) day notice is required (not including holidays and/or weekends) to schedule an After-Hours Inspection. However, the Fire Marshal or the Director of Inspections has the discretion to waive this requirement when they deem necessary.

(4) Exceptions to the After-Hour Inspection process:
   a. The After-Hour Inspections program is for non-emergency inspections only.
   b. Client must have a valid permit prior to scheduling an After-Hours Inspection and Client must pay After-Hours Inspection fees prior to date of inspection.

Sec. 22-62. Fire Hydrant and Fire Lane Regulations.

(a) Parking prohibited near fire hydrants and in fire lanes.

(1) It shall be unlawful for any person to stop, stand or park any vehicle or equipment within 25 feet in either direction of a fire hydrant and ten feet in front of or behind the hydrant between street right-of-way unless a greater or lesser distance is designated by action of the Town Council and appropriate signs or markings are displayed.

(2) Fire lanes shall be marked with painting/outlining or signage or a combination thereof as outlined below. Requirements for fire lanes to be
marked utilizing both paint and signs in conjunction shall be determined by the Fire Chief or his designee. Said specifications shall include, but are not limited to, the following:

a. Signs shall measure 12 inch by 18 inch and have red letters on a white reflective background.

b. Signs must be metal construction only. Plastic or wooden signs are not acceptable.

c. Signs shall be mounted at a minimum height of four feet to the maximum of seven feet.

d. Signs shall be placed along the fire lane at intervals not to exceed 50 feet and as designated by the Fire Code Official.

e. Signs shall be placed on both sides of the lane when striping is required on both sides of the lane by the North Carolina Fire Code.

f. Outlining or painting the fire lane & hydrant zone on the roadway surfaces shall be done as follows:

1. Curb top and side shall be painted red and the words, “NO PARKING FIRE LANE” shall be stenciled in reflective white on the top and side of all red curbs at a maximum interval of 50 feet. Letters shall be a minimum of three inches (3”) in height with a minimum ¾ inch stroke.

2. Alternatively, if the roadway has no curbing, a 6 inch wide red stripe with the words “NO PARKING FIRE LANE” in white may be painted along the curb and parallel with the roadway. The lettering shall be a minimum 3 inches high with a ¾ inch stroke.

g. Existing fire lanes shall continue in effect as installed until such time as they are in need of re-stripping due to wear or re-paving. Responsibility for properly maintaining the fire lanes and signs shall be that of the owner of the property or owner’s designee.

(Ord. 2012-032/3.27.2012)
(b) **Access to fire hydrants.** It shall be unlawful for any person(s) or contractor(s) performing construction work to block or otherwise prevent access to a fire hydrant for any reason. The general contractor shall be responsible for keeping fire hydrants fully accessible and operational during construction work.

(c) **Landscape clearance.** A minimum six-foot clearance around all fire hydrants must be maintained free of any plant material, except grass used for lawn purposes. In addition, landscaping material is not permitted to block access or impair the use of any fire hydrant.

(d) **Unauthorized use of fire hydrants.** It shall be unlawful for any person to use or tamper with any fire hydrant within the Town or to release water from any public fire hydrant, except duly authorized Town employees in the discharge of their duties, unless approval is first obtained from the fire chief.

(Ord. No. 94-62, 3-27-95)
Sec. 22-63. Private Fire Hydrant Policy.

(a) *Private Fire Hydrants.* The following ordinance is promulgated in order to regulate the inspection, testing, maintenance, correction, and repair of all privately owned fire hydrants, fire hydrants located on private property in the Town of Morrisville and those fire hydrants located in the rights of way of a public streets, roads, or highways of the Town of Morrisville and that the Town of Morrisville and the Town Cary do not own.

(b) *Purpose.* Provide standards and requirements for the inspection, testing, maintenance, correction, and repair of all privately owned fire hydrants.

(1) Any hydrant located on private property and deemed by the Town of Cary to be non-public shall be considered a "Private Hydrant". The owner, operator, or occupant of any building shall be responsible for compliance with these regulations. For condominiums, the condominium association shall be responsible for compliance with these regulations. Where the phrase "property owner" is used throughout these regulations, it is intended to include any person(s) identified in this section. Fire hydrants, both public, and private are considered to be part of a fixed fire extinguishing system. Therefore, no person shall tamper with, render inoperative or inaccessible, or operate a fire hydrant except as necessary during emergencies, maintenance, drills or prescribed testing.

(2) Ensure that every private fire hydrant to which the Fire Department of the Town of Morrisville or other municipal fire department connects in the event of a fire or other emergency will function as designed to produce the water necessary to respond appropriately to the fire or other emergency.

(3) It is in the public health, safety and welfare to enforce annual inspection of all privately owned fire hydrants in the Town of Morrisville fire district. Protect the public health, safety and general welfare of the Town of Morrisville.

(c) *Definitions.*

*Emergency Impairment:* A condition where a private fire hydrant is out of service due to an unexpected occurrence, such as frozen or ruptured hydrant components or an interruption of the water supply to the system.

*Fire Department:* The Fire Department of the Town of Morrisville.

*Hydrant:* A private fire hydrant as defined below.

*Impaired Hydrant:* A private fire hydrant which is not operational due to an emergency impairment or a preplanned impairment.
Impairment: A shutdown of a private fire hydrant which renders the hydrant non-operational and therefore out of service.

Impairment Tag: A tag affixed to a private fire hydrant to indicate that the hydrant is out of service. The Fire Department may determine the requirements of an impairment tag and the means and location of its attachment to a hydrant.

Inspection: A visual examination of a private fire hydrant to verify that it appears to be in operating condition and is free from physical damage.

Maintenance: Work performed to keep a private fire hydrant operable or to make repairs.


Owner: The person that holds record title to the property upon which a private fire hydrant is located. For fire hydrants located in the right of way of a public street, roads, and highway in the Town of Morrisville that are not owned by the Town of Morrisville, the owner is the person that owns the fire hydrant itself.

Owner's Designee: Where the owner is not the occupant of the premises upon which a private fire hydrant is located, the occupant, management firm, or managing individual designated by the owner through specific provisions in the lease, written use agreement, or management contract owner to assume the responsibility to inspect, test, and maintain, correct and repair a private fire hydrant located on the owner's property.

Person: Any institution, public or private corporations, individual, partnership, fire district, or other entity.

Pre-planned Impairment: A condition where a private fire hydrant is out of service due to work that has been planned in advance.

Private Fire Hydrant: A valued connection to a water main for the purpose of supplying water to a fire hose or other fire protection apparatus and that is not located within the right of way of a public street, road and highway of the Town of Morrisville. A private fire hydrant also includes any fire hydrant located in a right of way of a public street, road and highway in the Town of Morrisville that is owned by a fire district or any person other than the Town of Morrisville.
Qualified: Having knowledge of the installation, construction, operation, maintenance, correction or repair of a fire hydrant and the hazards involved.

Record: Written documentation of the inspection, testing, maintenance, correction, or repair of a private fire hydrant.

Shall: Indicates a mandatory requirement.

Testing: A procedure of periodic physical and operational checks used to determine whether a private fire hydrant is capable of being operated as intended and will perform as intended, e.g. water-flow tests. These tests follow up on the original tests at intervals specified in this Ordinance.

(d) General Requirements

(1) Responsibility for properly maintaining a private fire hydrant shall be that of the owner of the property or the owner’s designee.

(2) Where the owner of a private fire hydrant has designated an occupant, management firm, or managing individual, through specific provisions in the lease, written use agreement, or management contract, to be responsible for the inspection, testing and designee shall comply with the requirements of this Ordinance and shall be subject to enforcement of this Ordinance in the event of a failure to so comply.

(3) By means of periodic inspections, tests, maintenance, correction, and repair, every private fire hydrant shall be maintained in proper working condition, consistent with this Ordinance, the NFPA Standard, and the manufacturer's specifications or recommendations.

(4) Inspection, testing, maintenance, correction and repair shall be implemented with the procedures meeting or exceeding those established in this Ordinance and the NFPA Standard, and shall be in accordance with the manufacturer’s specifications or recommendations. This Ordinance shall control in the event of a conflict among any of the aforementioned applicable standards. Inspection, testing, maintenance, correction, and repair shall be performed by a qualified contractor, utilities contractor, fire protection contractor, plumbing contractor all licensed in the State of North Carolina.

(5) The owner or owner’s designee shall notify the Fire Department of the Town of Morrisville and the Town of Cary before testing or shutting down a private fire hydrant or its water supply.
(6) This notification shall include the purpose for the shutdown, the private fire hydrant involved, and the estimated time that the hydrant will be impaired.

(7) The owner or owner's designee shall notify the Fire Department when the private fire hydrant is returned to service.

(8) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments found while performing the inspection, testing, and maintenance requirements of this Ordinance.

(9) The owner or owner's designee shall promptly correct or repair any deficiencies, damaged parts, or impairments of any private fire hydrant of which the owner or owner's designee has knowledge or, in the exercise of reasonable care, ought to have knowledge.

(e) Inspection, Testing, Maintenance, Correction and Repair

(1) This section shall provide the minimum requirements for the routine inspection, testing, maintenance, correction, and repair of private fire hydrants. These functions shall be permitted to be carried out simultaneously.

(2) On or before October 1 of each year, the owner or the owner's designee shall inspect, test, maintain, and if necessary, correct, and repair each private fire hydrant to ensure proper functioning, with the necessary repair. Shall complete an annually a Fire Hydrant Inspection Report, the approved version of which is attached hereto. Once completed, a copy of this form shall be forwarded to the Town of Morrisville Fire Marshal’s Office within thirty (30) days upon completion of the inspection.

(f) Identification and notification of impaired hydrant.

(1) The owner or owner's designee shall notify the Fire Department in advance of a preplanned impairment of a private fire hydrant.

(2) The owner or the owner's designee shall notify the Fire Department immediately of an emergency impairment of a private fire hydrant.

(3) The owner or owner's designee shall affix an impairment tag to an impaired hydrant at the commencement of a preplanned impairment and at the time of discovery of an emergency impairment.

(4) Once the necessary inspection and testing confirm that repairs have restored a private fire hydrant to operational status, the owner or the owner's designee shall remove the impairment tag and shall notify the Fire Department that the hydrant is operational.

(g) Records.
(1) Records shall indicate the procedure performed concerning the inspection, testing, maintenance, correction, and repair of a private hydrant. Such records shall include the organization that performed the work, the results, and the date, as well as such other pertinent information as the Fire Department shall require as noted in the attached Fire Hydrant Inspection Report. Once completed, a copy of this form shall be forwarded to the Town of Morrisville Fire Marshal’s Office within thirty (30) days upon completion of the inspection.

(h) Enforcement, violations and penalties.

(1) A civil penalty may be imposed for a violation of this Ordinance as called for in the Budget User Fee Schedule. Each week that the violation continues shall constitute a separate violation of this Ordinance.

(2) Prior to any non-emergency use (maintenance, drills, or prescribed testing); written authorization from the Utilities Manager is required before the operation of any hydrant. Emergency use requires immediate notification of the Fire Department. Unauthorized operation of any fire hydrant is a violation of the Town of Morrisville and the Town of Cary and subject to fines as listed in the Town of Cary Ordinance.

Sec.22-64. Hydrant water flow estimates.

(a) Purpose and scope.

(1) To perform a fire flow test on fire hydrants when required for hydraulic calculations of sprinkler systems and water flow requirements for projects.

(2) If recent (less than one year old) fire flow test information is available in the Town’s files in the vicinity of the desired test location, the information will be provided to the applicant at no charge.

(3) If it is determined that a new fire flow test is needed, a written request and an appropriate fee must accompany the fire flow test request from the applicant prior to the commencement of the test.

(4) The Town Fire Department will schedule flow tests after Applicant has submitted a Fire Flow Request form. Flow tests are performed by Fire District personnel, or by a qualified representative of Applicant acceptable to both the Town and Fire Department. To ensure that the system is not operated in a manner that will endanger the water system or its customers, a Morrisville Town or Fire Department employee must be present to operate the hydrants and supervise the procedure. A minimum hourly fee according to the Budget User Fee Schedule will be charged by Town to witness and supervise the flow test.
(5) Information provided is an indication of the water supply characteristics in the immediate area on the date and time noted. The Town and Fire Department does not guarantee that this data will be representative of the water supply characteristics at any time in the future.

Secs. 22-65--22-75. Reserved.

ARTICLE III.

OPEN BURNING

Sec. 22-76. Purpose and scope.

(a) **Purpose.** The purpose of this article is to control air pollution resulting from the open burning of combustible materials and to establish open burning regulations within the Town of Morrisville's jurisdiction.

(b) **Scope.** This article applies to all operations involving open burning. The authority to conduct open burning under this article does not exempt or excuse any person from the consequences, damages or injuries which may result from this conduct. It does not excuse or exempt any person from complying with all applicable laws, ordinances, rules or orders of any other governmental entity having jurisdiction even though the open burning is conducted in compliance with this article.

(Ord. No. 98-5, 2-9-98)

Sec. 22-77. Definitions.

**Dangerous materials** means explosives or containers used in the holding or transporting of explosives.

**Nuisance** means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.

**Open burning** means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, chimney, or a permitted air pollution control device.

**Person** as used in section 22-76:

(1) The person in operational control over the open burning, or

(2) The landowner or person in possession or control of the land when he has directly or indirectly allowed the open burning or has benefited from it.

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Synthetic material means man-made material, including tires, asphalt materials such as shingles or asphaltic roofing materials, construction materials, packaging for construction materials, wire, electrical insulation, and treated or coated wood.
(Ord. No. 98-5, 2-9-98)

Sec. 22-78. Permissible open burning with a permit.

The following types of open burning are permissible with a permit:

(1) Small outdoor warming fires used on construction sites or other areas are permissible, subject to the following conditions:
   a. A permit issued by the fire department shall be obtained prior to operating any type of warming fire.
   b. Warming fires shall be initiated and contained in approved containers at all times.
   c. Warming fires shall be attended by a responsible individual at all times and approved containers shall be appropriately ventilated in at least three places.
   d. Warming fires in approved containers shall be located not less than 15 feet from any structure.
   e. An appropriate means of controlling the fire (i.e. extinguishers) shall be available while the fire is burning.
   f. Only untreated lumber shall be burned in warming fires. Burning construction materials like insulation, asphaltic materials, or treated lumber is prohibited. Warming fires shall not be used to dispose of paper, trash, excess construction materials or other synthetic salvageable materials.

(2) Fires purposely set to forest lands for forest management practices acceptable to the division of forest resources.

(3) Fires purposely set to agricultural lands for disease and pest control and fires set for other agricultural or apicultural practices acceptable to the department of agriculture.

(4) Fires purposely set for wildlife management practices acceptable to the wildlife management commission.

(5) Fires for the disposal of dangerous materials when it is the safest and most practical method of disposal.
(6) Fires for the disposal of material generated as a result of a natural disaster, such as tornado, hurricane, or flood if the state department of environmental health and natural resources regional office supervisor grants permission for the burning. The person desiring to do the burning shall document to the DEHNR regional office supervisor of the appropriate regional office that there is no other practical method of disposal of the waste. Factors that the regional office supervisor shall consider in granting permission for the burning include type, amount, and nature of combustible substances. The regional office supervisor shall not grant permission for the burning if the primary purpose of the fire is to dispose of synthetic materials or refuse or recovery of salvageable materials.

(7) Fires purposely set by manufacturers of fire extinguishing materials or equipment, testing laboratories, or other persons, for the purpose of testing or developing these materials or equipment in accordance with a valid standard qualification program.

(Ord. No. 98-5, 2-9-98)

Sec. 22-79. Permissible open burning without a permit.

The following types of open burning are permissible without a permit:

(1) Camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions.

(2) Fires purposely set for the instruction and training of firefighting personnel, including fires at permanent firefighting training facilities, or when conducted under the supervision of or with the cooperation of one or more of the following agencies:

   a. The division of forest resources.
   b. The North Carolina Department of Insurance.
   c. North Carolina community colleges, including:
      1. The North Carolina Fire College, or
      2. The North Carolina Rescue College.

(3) Fires not described in subparagraph (2) of this section, purposely set for the instruction and training of firefighting personnel, provided that:

   a. The regional office supervisor of the appropriate regional office and the AHMB have been notified according to the procedures and deadlines contained in the appropriate regional notification form. This form may be

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obtained by writing the appropriate regional office.

b. The regional office supervisor has granted permission for the burning. Factors that the regional office supervisor shall consider in granting permission for the burning include type, amount, and nature of combustible substances. The regional office supervisor shall not grant permission for the burning of salvageable items, such as insulated wire and electric motors or if the primary purpose of the fire is to dispose of synthetic materials or refuse. The regional office supervisor of the appropriate regional office shall not consider previously demolished structures as having training value. However, the regional office supervisor of the appropriate regional office may allow an exercise involving the burning of motor vehicles burned over a period of time by a training unit or by several related training units. Any deviations from the dates and times of exercises, including additions, postponements, and deletions, submitted in the schedule in the approved plan shall be communicated verbally to the regional office supervisor of the appropriate regional office at least one hour before the burn is scheduled.

(Ord. No. 98-5, 2-9-98)
ARTICLE IV.

PIT-BURNING

Sec. 22-80. Purpose and scope.

(a) Purpose. The purpose of this article is to control air pollution resulting from the pit-burning of combustible materials and to establish pit-burning regulations within the Town's jurisdiction.

(b) Scope. This article applies to all operations involving pit-burning. The authority to conduct pit-burning under this article does not exempt or excuse any person from the consequences, damages or injuries which may result from this conduct. It does not excuse or exempt any person from complying with all applicable laws, ordinances, rules or orders of any other governmental entity having jurisdiction even though the pit-burning is conducted in compliance with this article.
(Ord. No. 01-53, 9-10-01)

Sec. 22-81. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Land clearing means the uprooting or clearing of vegetation in connection with construction for buildings; right-of-way; agricultural, residential, commercial, or industrial development; mining activities; or the initial clearing of vegetation to enhance property value; but does not include routine maintenance or property clean-up activities.

Nuisance means causing physical irritation exacerbating a documented medical condition, visibility impairment, or evidence of soot or ash on property or structure other than the property on which the burning is done.

Pit-burning means using a portable combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

Public road means any road that is part of the state highway system; or any road, street, or right-of-way dedicated or maintained for public use by the Town.

Structure means a building in which people may live or work or one intended for housing farm or other domestic animals.
(Ord. No. 01-53, 9-10-01)
Sec. 22-82. Permissible pit-burning with a permit.

The burning of waste materials, trees, brush and other vegetable matter in connection with land clearing activities is permissible with the following limitations and requirements:

(1) Pits must be located a minimum of 1,000 feet from any structure, and a minimum of 250 feet from any public road.

(2) The pits dug for burns shall be a minimum size of seven feet deep, nine feet wide, and 35 feet in length.

(3) The fire department will be responsible for issuing a pit-burning permit. A pit-burning permit application must be submitted and permit fee paid prior to the issuing of the permit.

(4) The location of the pit must be approved by the fire department prior to the fire department issuing a permit. The pit must be located outside building pad areas, and pits must be cleaned out and backfilled with compacted select backfill at the completion of burning operations.

(6) Prevailing winds at the time of burning must not exceed ten miles per hour. Prevailing winds at the time of burning shall be away from any area, including public road within 300 feet of the burning as measured from the edge of the pavement or other roadway surface, which may be significantly affected by smoke, ash, or other air pollutants from the burning.

(7) Only collected land clearing may be burned (no construction or yard waste materials). Heavy oils, asphaltic materials, items containing natural or synthetic rubber, tires, grass clippings, collected leaves, paper products, plastics, general trash, garbage, or any materials containing painted or treated wood materials shall not be burned. Leaves still on trees or brush may be burned.

(8) Burning is only allowed Monday through Friday, and burning shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m.

(9) The pit must be monitored 24 hours a day or covered at the end of the day with a minimum of 12 inches of soil such that the fire is extinguished and no smoke leaves the pit.

(10) The permittee must check with state forestry services to ensure there are no burning bans or additional burning restrictions in effect prior to burning.

(11) Burning is not allowed on "Code Red" ozone days.

(12) A path for four-wheel emergency vehicles shall be provided.
(13) The pit-burning permit may be revoked by Town staff (town manager, fire chief, town engineer, or their designees) if the pit-burning is determined to be a nuisance.

(14) Burning must comply with applicable state air quality standards.

(15) Pit-burning portable combustion devices shall meet manufacturers’ specifications for operation and upkeep to ensure complete burning of material charged into the pit. Manufacturers specifications shall be kept on site and be available for inspection by staff.

(16) The owner or operator of the pit-burning operation shall not allow ash to build up in the pit to a depth higher than one-third of the depth of the pit or to the point where the ash begins to impede combustion, whichever occurs first.

(17) The owner or operator of the pit-burning operation shall not load material into the pit such that it will protrude above portable combustion device or the top of the pit, whichever is lower.

(18) Only distillate oil, kerosene, diesel fuel, natural gas, or liquefied petroleum gas may be used to start the fire.

(Ord. No. 01-53, 9-10-01)
Article V.

Commercial Business Emergency Systems Amplification Requirements.

Sec. 22-83. Purpose and scope.

(a) *Purpose.* The purpose of this article is to provide minimum standards to insure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the Town to and from emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.

(b) *Scope.* This article applies to all new buildings greater than fifty thousand (50,000) square feet; existing buildings over fifty thousand (50,000) square feet when modifications, alterations or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more enlarged by more (50%); and all sublevels, regardless of the occupancy, over ten thousand (10,000) square feet.

(Ord. 2009-078, 10-27-09)

Sec. 22-85. Radio Coverage.

(a) Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.

(b) The Town's fire department with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported.

(c) For the purposes of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center for all appropriate emergency service providers for the building.

(d) The BDA system should be capable of operation on an independent battery and/or generator system for a period of at least twenty-four (24) hours without external power input or maintenance. The battery system should automatically charge in the presence of external power input.

(e) The location of the BDA equipment must be in an area that has twenty-four (24) hour, seven (7) day a week access for the emergency service personnel, and in an area that is free of hazardous materials such as fuels asbestos, etc.
(f) All BDA equipment, cable and antenna systems should be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

(g) A minimum average in-building field strength of 3.9uV (-95 dBm) throughout 95% of the area of each floor of the building for inbound and outbound signals transmitted from or to the appropriate emergency service radio systems providing coverage for public safety services (law enforcement, fire, and medical) to the building. (95% coverage or reliability means the radio will receive and transmit 100% of the time within 95% of the building's area) If the field strength OUTSIDE the building, where the receive antenna system for the in-building system is located, is less than the -95 dBm, then the minimum required in-building field. Strength shall equal the field strength being delivered to the receive antenna of the building.

(h) The Noise floor must be determined and the in-bound signal must be 15 dBm above the noise floor determined level, meeting the requirements of current version of TSB-88A standards.

(i) The BDA System must be rebanding capable and/or compliant.

(j) This BDA System should also accommodate the 24 MHz of public safety spectrum, being redesigned for broadband use to allow for nationwide interoperable broadband communications by public safety users (763-775 MHZ, 793-805 MHz). The install should include all appropriate bi-directional Amplifier/repeaters, cable hangers, coax cable extensions (measured to distance and cut to size), RF splitters, proper antenna placement, proper antenna type, RF connectors, lightning protection, and grounding equipment. Installation should be as clean and professional as possible to minimize visual impact at each location. The vendor is required to furnish (2) complete bound system manuals upon completion of the system installation along with one electronic copy. This manual should include the following; a complete instructions manual for all equipment in the system be provided, Instructions for the determination of trouble reporting, including all trouble report telephone numbers and personnel contact information be provided with the system. A complete schematics and parts list for all equipment in the system.

Sec. 22-86. Enhanced amplifications systems.

(a) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage; radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an
amplification system(s) as needed, voting receiver system(s) as needed, or any other City / Town’s approved system(s).

(b) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least twenty-four (24) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.

(c) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located almost must be free of hazardous materials such as fuels, asbestos, etc.

(d) All communications equipment, including amplification systems, cable and antenna systems shall be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

(e) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment including panel locations and labeling shall be provided to the Fire Department by builder.

(Ord. 2009-078, 10-27-09)

Sec. 22-87. Testing procedures – Method to Conducts Tests.

(a) Tests shall be made using frequencies close to the frequencies used by the Police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the Police, Fire or emergency medical frequencies.

(b) Measurements Shall be Made Using the Following Guidelines With a service monitor using a unity gain antenna on a small ground plane measurements shall be made with the antenna held in a vertical position at three (3) to four feet above the floor; A calibrated service monitor (with a factory calibration dated within twenty-four (24) months may be used to do the test); The telecommunications unit representative for the City / Town may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of 3 dB between the instruments will be allowed; and if measurements in one location are varying, then average measurements must be used. All testing shall be done in
the presence of a Fire Department representative at no expense to the Town or City appropriate emergency services department. Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty (50) foot grids and the measurements shall be taken at the center of each grid.

(Ord. 2009-078, 10-27-09)

Sec. 22-88. Annual Tests.

(a) Annual tests will be conducted by the Town’s telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City or the appropriate emergency services departments as required in the original testing procedures.

(b) Police and Fire personnel, after providing reasonable notice to the owner or his/her representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of Occupancy may be denied for new and existing buildings for failure to comply with these requirements.

(Ord. 2009-078, 10-27-09)