



**Dear Business Owner:**

**The Asheville City Government is mandated to conduct periodic fire safety inspections of all business properties. Here we answer some “Frequently Asked Questions about the Inspections, Fees, and Billing.”**

**When did these inspections start?**

- The North Carolina Legislature mandated every structure, other than 1 & 2 family dwellings, be inspected for fire code violations on a structured time line. This was in response to a factory fire in Hamlet, NC that killed 25 workers in 1991. All local jurisdictions were mandated to adopt the fire inspection schedule by law.

**No one asked for this fire inspection, why did you make one?**

- The State of North Carolina requires the inspection on a frequency based on the type of occupancy and mandates that the fire inspector have access during normal business hours. Some inspections are mandated due to North Carolina occupational licensing requirements, such as a daycare license or ABC permit.

**My business is not in the City of Asheville, why am I being inspected by the Asheville Fire Department?**

- Your business is located in the City’s extraterritorial jurisdiction area (ETJ). By State statute, the municipality’s jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas. These areas are established as provided for in General Statutes and this is done by most cities in North Carolina. Effective July 1, 2006, our City Council directed us to begin fire code enforcement in the City’s designated ETJ area.

**Who will be making the fire inspection at my business?**

- Uniformed firefighters with specialized training as Deputy Fire Marshals conduct the fire inspections. They have expertise in preventing fires, enforcing the codes, and know first hand how fires endanger lives and property. They sometimes ask other specialists, such as Building or Electrical Inspectors, to assist them on some matters.

**I pay property taxes, so why will I get a bill for my fire inspection?**

- Prior to the state mandate of periodic time requirements for fire inspections, the department was averaging about 4 to 6 years for occupancies the State now requires to be inspected every 1 to 3 years. City Council elected to charge fees for the unfunded mandate from the State rather than raise property taxes. The costs of the inspections are benchmarked with other NC Cities. For the 08-09 fiscal year, these fees offset approximately 75% of our costs with the remaining 25% funded through taxes.

**Who decides how much of a fire inspection fee to charge?**

- Each year the Chief of the Fire and Rescue Department submits a proposed budget with fees and charges identified. A committee of City Council members meets with each Department Director and reviews the fees. They make recommendations and suggest changes in the fee structure. Sometimes the fees increase based just on an adjustment for inflation; this year there will be an increase for reinspections where code violations continue to go unrepaired. The fees are then adopted within the City's budget in June of each year.

**It would be more convenient if the inspector would make the inspection and subsequent re-inspection when we are not so busy.**

- We can rearrange the inspection visit to suit your best time. Just let your Deputy Fire Marshal know that today is inconvenient and we can establish another time that is best for you.

**Is this my landlord's bill, because I don't own the building?**

- The State law requires the use of the building to be inspected; therefore, we bill the business we inspect. You may have a lease that makes the building owner responsible for certain items. This is a matter left up to you and the owner.

**We were planning on moving out, do I still have to pay?**

- Yes, the fee is for the inspection made while you were at that business address, not for a future time or future location.

**I have been inspected before and don't remember getting a bill?**

- We can check and determine when we last inspected, if an invoice was mailed, and the date of payment. However, it is possible that the invoice was never sent, the owner or corporate office paid, or a mistake was made last time. ETJ areas have not charged for inspections the last few years.

**I need more time to get things fixed. Can you change the re-inspection date?**

- We try to give all businesses the same re-inspection time span of a couple of weeks. We realize some things cannot be done in that time frame, and we will come by to just check on your progress as a reminder and see if you need any technical assistance.

**What happens if I do not fix my fire code violations?**

- First we will try to see if you just didn't understand what was required and try to help you, help yourself. However, fire code violations endanger you, us, your business, and the public. Violations have significant repercussions when left uncorrected. Reinspection fees are progressively higher, if you have unresolved violations. NC State law also provides for both civil monetary penalties and possible criminal charges. We would prefer to work with you, so that these actions are not needed.

Additional questions may be directed to your local Deputy Fire Marshal or to the City of Asheville Fire Marshal at 828-259-5641.