

STAFF REPORT

To: Asheville City Council Public Safety Committee Date: 7/22/2013
Via: Jeff Richardson, Deputy City Manager
From: Fire Chief Scott Burnette Prepared by: Fire Marshal Wayne Hamilton
Subject: Fire Code Ordinance Amendment

Summary Statement: The consideration of a fire code ordinance amendment to address electrified perimeter fences and similar hazardous security devices or systems.

Review: The North Carolina and Asheville Fire Code prohibit security devices that may injure emergency responders from being installed in or attached to buildings. However, these code sections do not clearly address use of those same hazardous devices when installed where not in direct contact with a building. For example, electrified building windows screens are prohibited. A free standing electrified screen an inch away from the same window is not addressed. This appears to be an unintended consequence by the language used in the state's adopted model fire code. The NC Office of State Fire Marshal was consulted and ruled the section as currently written only applies to buildings. This amendment corrects that unintended consequence to prohibit the installation of hazardous security devices on the building and its property.

Strategic Operating Plan: Safe

- Asheville will be one of the safest and most secure communities when compared to similar cities.

Pros:

- Clearly addresses the intent of the code sections prohibiting intentional injury to first responders.
- Removes potential injury to animals that become trapped or entangled in the premise perimeter fences.
- Maintains consistency with regulations for buildings and their adjacent premises.

Cons:

- None noted.

Fiscal Impact: There is no fiscal impact on city funds.

Recommendation: City staff recommends City Council adopt an ordinance to amend the City of Asheville Fire Protection Ordinance as identified in the attachments.

Attachment:
(1) Code change comparison

Ordinance No. xxxx

ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES FOR THE CITY OF ASHEVILLE "FIRE PREVENTION AND PROTECTION."

WHEREAS, pursuant to N.C.G.S. 143-138, the State Building Code, including the fire prevention code, applies through the State, and the City of Asheville has the authority pursuant to N.C.G.S. 143-138(e) and 160A-76 to adopt and amend a local fire code that has been approved by the State Building Code Council; and

WHEREAS, the City of Asheville did adopt and amend the State fire prevention code as its local fire code effective September 13th, 2011; and

WHEREAS, in view of specific deficiencies in the State adopted fire code, it is in the best interest of the public health, safety, and welfare of the City to make amendments to its local fire prevention code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE THAT:

Section 1. Chapter 6 of the Asheville City Code is hereby amended to add additional sections as follows:

Section 6-2. Amendments

The Asheville Fire Prevention Code is hereby amended by the addition of the following sections to the adopted Ordinance No. 4009:

316.3 Pitfalls. The intentional design or *alteration* of buildings and premises to disable, injure, maim, or kill intruders is prohibited. No *person* shall install and use firearms, sharp and pointed objects, razor wire, *explosives, flammable or combustible liquid* containers, or dispensers containing highly toxic, toxic, irritant or other hazardous materials in a manner which may passively or actively disable, injure, maim, or kill a firefighter who forcibly enters a building or premise for the purposes of controlling or extinguishing a fire, rescuing trapped occupants, or rendering other emergency assistance.

316.4 Security Device. Any security device or system that emits any medium that could obscure a means of egress in any building, structure, or premise shall be prohibited. Any security device or system that obstructs exit access to a public way shall be subject to approval of the fire code official.

Section 3. Adoption of any section, subsection, sentence, clause and phrase

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Asheville hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 4. Conflicts

That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. Effective Date

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect after its final passage and adoption by the Asheville City Council and approval by the North Carolina Building Code Council as required by .

Read, approved, and adopted this ____ day of _____, 2013

City Clerk
Approved as to form:

Mayor

City Attorney