



Public Safety Committee
10:00 am., Thursday, May 5, 2022
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

Public Comment:

All citizens who wish to speak during the meeting must email their first and last name, address, and topic to City Clerk, Nicole DeNeane at nicoled@iop.net no later than **3:00 p.m. the business day before the meeting**. Citizens may also provide written public comment here: <https://www.iop.net/public-comment-form>

Agenda

1. **Call to Order** and acknowledgment that the press and the public have been duly notified of the meeting in accordance with the Freedom of Information Act.
2. **Approval of previous meeting's minutes** – April 13, 2022
3. **Citizen's Comments** – All comments will have a time limit of three (3) minutes.
4. **Highlights of Departmental Reports**
 - a. **Fire Department** – Chief Oliverius
 - b. **Police Department** – Chief Cornett
5. **Old Business**
 - a. Update on study of the modifications to the IOP Connector, to include assessment of alternative configurations to improve traffic flow, pedestrian and emergency access [\[Strategic Plan Priority 1, Goal b.\]](#)
 - b. Update and discussion about potential changes to the noise ordinance
 - c. Consideration of Mutual Aid Agreement with National Park Service
 - d. Discussion and consideration of adopting Chapter 1 of the International Fire Code
 - e. Discussion regarding the division of transportation issues into different departments: traffic, roads, and transportation planning
6. **New Business**
7. **Miscellaneous Business** -Next meeting date: 10:00 a.m., June 2, 2022.
8. **Adjournment**



**Public Safety Committee
10:00am, Wednesday, April 13, 2022
1207 Palm Boulevard, Isle of Palms, SC
and broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to order

Present: Council members Anderson, Hahn and Streetman

Staff Present: Administrator Fragoso, Chief Oliverus, Chief Cornett

2. Approval of previous meeting's minutes

MOTION: Council Member Streetman made a motion to approve the minutes of March 3, 2022 and Council Member Hahn seconded the motion. The minutes passed unanimously.

3. Citizens' Comments

Mr. Al Clouse of Wild Dunes and speaking on behalf of the Williamsons and the Grymans spoke to the Committee about his concern for the ongoing noise ordinance violation at the Sweetgrass Inn. He has attempted contact with the general manager for over a year and has called the police numerous times. He and his neighbors are very frustrated at the lack of response to these complaints. He said the atmospheric environmental situation of a pool near their homes amplifies the sound created by the Sweetgrass Inn. He has measured the decibel levels, noting that they use round Bose speakers to project the music outwards. He said it is hard to enjoy the outside areas of their home due to the high levels of noise.

Mr. Jim Owens, 2805 Palm Boulevard, spoke with concern about the speeding on Palm Boulevard, specifically between 5:30am and 7:00am going towards Wild Dunes. He would like to see more police visibility in that area, either a mobile visibility sign or a ghost car. He also would like to see more BSOs out writing tickets.

4. Highlights of Departmental Reports

A. Fire Department – Chief Oliverus

Chief Oliverus reported there were 64 calls for service in March. He spoke highly of the way the Fire Department handled the structure fire call at Port-o-Call on March 29 and the rescue of a wind surfer on March 31. He said it was “an amazing example of teamwork and training.”

He briefly spoke about the importance of the analytic trends that help the department know how, where, and when to deploy resources.

He said he is currently reviewing policies and procedures and working on health and safety issues. He has spent 24 hours with each shift so that he can get to know staff better personally and professionally.

Council Member Anderson suggested more communication with the public residing near calls such as the fire at Port-o-Call so they are informed as to what is or was happening.

Chief Oliverus spoke briefly about the importance of training and the mandatory 20+ hours per month required of each City firefighter.

B. Police Department – Chief Cornett

Chief Cornett said there were 816 calls for service, which was higher than February 2022 but lower than March 2021. 127 parking tickets were written and there were 306 traffic stops. He reported on the significant increase in DUS and DUIs compared to March 2021. There are three vacancies in the department, with one conditional offer outstanding. There four open BSO positions, with two conditional offers outstanding.

Chief Cornett said that if COVID cases stay low the department will consider offering free breathalyzer readings to patrons of Front Beach bars.

The white parking line along Palm Boulevard will start again in mid-May.

He also noted that calls for animal control were higher in the first quarter of 2022 than they were in the same time period last year. There were 3 coyote calls in March. Council Member Hahn suggested breaking out coyote calls in the next report.

Council Member Anderson encouraged citizens to review the statistics from Public Safety in the meeting packet on the City's website.

5. Old Business

A. Update on study of the modification to the IOP Connector, to include assessment of alternative configurations to improve traffic flow, pedestrian and emergency access and expanded scope for corridor study [Strategic Plan Priority 1, Goal b]

Administrator Fragoso reported that SCDOT has begun collecting data for the first phase of the study. She said a meeting is being scheduled between the engineers, including Jennifer Bihl, the City's traffic engineer "to go through all the data that was selected and identify if additional data is necessary to make sure that it is consistent with the expectations we articulated in our kickoff meeting."

She added that the scope of work does include community feedback and input opportunities, but she doesn't know what that will look like yet. Meetings with the Town of Mt. Pleasant will be coordinated during the course of the corridor study.

Administrator Fragoso said that SCDOT did make some adjustments to the timing of the signals along the corridor which will go into effect before the season starts.

6. **New Business**

A. **Discussion and consideration of Capital Outlay requests for Public Safety Departments FY23 budget [Strategic Plan Priority 1, Goal b]**

- i. **Exhaust system (both stations) - \$200,000**
- ii. **Refurbishment of gym equipment (both stations) - \$75,000 (shared between PD & FD)**

Chief Oliverus explained the need for and the workings of the exhaust systems requested for both fire stations. He spoke of their importance to employee, visitor, and environmental health. These exhaust systems have been installed in Mt. Pleasant and City of Charleston and are considered best practice. He said there is a grant the City can pursue next Spring that could cover 75% of the costs.

Both Administrator Fragoso and Chief Oliverus support the upgrade to the gym equipment in both stations as part of their ongoing commitment to employee health. The cost would be split \$50,000 from the Fire Department and \$25,000 from the Police Department.

MOTION: Council Member Streetman made a motion to recommend to the Ways & Means Committee that the full cost of both requests be added to the FY23 Budget. Council Member Anderson seconded the motion. The motion passed unanimously.

B. **Consideration of approval of sole source purchase of Purvis Station Alerting System for Fire Station 1 & 2 in an amount not to exceed \$75,000 [FY22 Budget, Capital Projects Fund, Fire Department, Maintenance & Service Contracts, \$94,305, pg. 19, ln. 41]**

Administrator Fragoso stated that while this particular expense is not in the FY22 budget, the funding will come from the 1% of insured value that is laid aside in each budget year. It is a one-time purchase and will be installed before the end of the fiscal year. Chief Oliverus explained what this system will do and said this will put the department on par with the other departments in the County. It will call out the most appropriate resources based on the call type.

MOTION: Council Member Streetman made a motion to recommend the purchase to the Ways & Means Committee for approval. Council Member Hahn seconded the motion. The motion passed unanimously.

7. **Miscellaneous Business**

The next regular meeting of the Public Safety Committee will be held on Thursday, May 5, 2022 at 10:00am.

8. Adjournment

Council Member Streetman made a motion to adjourn, and Council Member Hahn seconded the motion. The motion passed unanimously. The meeting was adjourned at 11:03am.

Respectfully submitted,

Nicole DeNeane
City Clerk

Noise Ordinance Comparison with other Municipalities

Municipality	Time Restrictions (not allowed)	Day Restrictions	Decibel Level	Measurement/Distance for decibels	Zoning Guided	Notes
Beaufort, SC	depends on noise type, zoning	Yes, zoning determines	75dB, 85dB, depends on zoning	50 ft from source	Yes	very specific on noise type - human voice, zoning, etc.
Bluffton, SC	10PM - 12 PM	None	50dB	250 feet from source	No	
Charleston, SC	based on noise type	None	None	audible in any public street or right-of-way	No	
Folly Beach, SC	Sun. - Thur. - 10PM - 10 AM, 11PM - 10AM weekends	weekday vs. weekend	None	N/A	for times	commercial district and residential district
Mt. Pleasant, SC (Temporary trial)	Noise Ordinance is pending review	Noise Ordinance is pending review	55dB	measured from property where complaint is made	Noise Ordinance is pending review	Noise Ordinance is pending review
North Myrtle Beach, SC	11Pm to 7AM	None	60dB during restricted hours, 80dB during all	property line of the neighboring property receiving the sound	No	
Port Royal, SC	10PM - 7AM	None	None	N/A	No	
Surfside Beach, SC	based on zoning and week day	Sunday changes times	55, 50, 65, 60, 70, 75 dB based on zoning and time	50 ft from source or from a public road, alley, beach, motel, or other public place	Yes	lawnmowers, agricultural eqp exempted from noise violation - 7 Am - 10 Pm

Noise Ordinance Comparison with other Municipalities

Bluffton, SC

Day of Week	Outdoor Entertainment Allowed	Outdoor Live Entertainment Allowed	Time Permitted (if allowed)	Maximum Decibel Level - dB(A)	Distance to Sound Source
Sunday	Yes	Yes	12:00p.m.— 10:00p.m.	50	250 feet
Monday	Yes	Yes	12:00p.m.— 10:00p.m.	50	250 feet
Tuesday	Yes	Yes	12:00p.m.— 10:00p.m.	50	250 feet
Wednesday	Yes	Yes	12:00p.m.— 10:00p.m.	50	250 feet
Thursday	Yes	Yes	12:00p.m.— 10:00p.m.	50	250 feet
Friday	Yes	Yes	12:00p.m.— 10:00p.m.	50	250 feet
Saturday	Yes	Yes	12:00p.m.— 10:00p.m.	50	250 feet

Beaufort, SC

Sec. 9-1008. - Loud and unseemly noise.

(a) It shall be unlawful for any person to willfully disturb any neighborhood or business in the City by making or continuing loud and unseemly noises, or by profanely cursing and swearing, or using obscene language. It shall further be unlawful for any person to willfully disturb any neighborhood or business within the city by the use of words which threaten or tend to threaten or incite physical violence, or which endanger or tend to endanger the health and safety of others within the city.

(b) On Bay Street and its sidewalks, bounded by Carteret and Charles Streets, noise generated by the unamplified human voice at a decibel level in excess of seventy (70) [decibels], measured by a Realistic® sound level decimeter, or its equivalent, (adjusted to "A" for weighing voice recordings and response selector on "slow") located fifty (50) feet from the source, between the hours of 10:00 a.m. and 6:00 p.m., Monday through Saturday, and between the hours of 12:00 noon and 6:00 p.m. on Sunday, shall be prima facie loud and unseemly noise (momentary peaks shall not exceed seventy-five (75) decibels). Upon determination that the volume of such unamplified human voice exceeds this decibel level, a police official shall first warn the offending individual(s) of the violation of his/her conduct. Continued measurement of the level of noise by the offending individual(s) exceeding this decibel level after such warning shall constitute prima facie evidence of willful violation of subsection (a).

(c) Except as within the Nighttime Music District as defined in subsection (d) below and on any lot zoned Industrial Park District, the use of horns, radios, phonographs, loud speakers, whistles, exhausts, pile drivers, blowers, or other devices not numerated here, but which cause loud or irritating noises, between the hours of 9:00 p.m. and 8:00 a.m., which are plainly audible from a distance of fifty (50) feet from its source, shall be considered prima facie evidence of a violation of subsection (a), unless such device was used as a danger warning or in some similar emergency or a permit has been granted by the city manager or city council for same. As to properties located within the Nighttime Music District, as defined in subsection (d) below, the following shall apply: (1) the use of horns, radios, phonographs, amplifiers, loudspeakers, whistles, exhausts, pile drivers, blowers, or other devices not numerated here, but which cause loud or irritating noises, between the hours of 10:00 p.m. and 1:00 a.m. on Sunday through Thursday nights only, which are plainly audible from a distance of fifty (50) feet from its source, shall be considered prima facie evidence of violation of subsection (a); and (2) the use of horns, radios, phonographs, amplifiers, loudspeakers, whistles, exhausts, pile drivers,

Noise Ordinance Comparison with other Municipalities

blowers, or other devices not numerated here, but which cause loud or irritating **noises**, between the hours of 1:00 a.m. and 7:00 a.m., which are plainly audible outside the exterior walls of the building containing its source, shall be considered prima facie evidence of a violation of subsection (a). Notwithstanding any time periods or other provisions of this section, sound (from any of the sources specified herein) which exceeds eighty-five (85) decibels (dB(C)) measured at any time at the property line of the establishment from which the music is being generated shall be considered prima facie evidence of a violation of subsection (a).

(d) *Nighttime Music District.* A Nighttime Music District is hereby established and shall include those parcels and properties and portions of those parcels and properties contained within the following boundaries: all those parcels of land encompassed by the tract bounded on the north by the southern right of way of Bay Street, on the west and the south by the highwater mark of the Beaufort River, and on the east by the western right-of-way of Carteret Street.

The Nighttime Music District is also delineated on the map which is incorporated in this chapter and shown on the next page.

(e) The loud playing of radios, phonographs, tape decks, amplifiers, and loudspeakers, and other sound devices in any public park, outdoor public place, or privately owned or controlled courtyards or outdoor areas, including from vehicles, the sound and/or **noise** which is substantially audible to the distance of fifty (50) feet or more, shall be prima facie evidence of a violation of subsection (a). Notwithstanding any time periods or other provisions of this section, sound (from any of the sources specified herein) which exceeds eighty-five (85) decibels (dB(C)) measured *at any time* at the property line of the establishment from which the music is being generated shall be considered prima facie evidence of a violation of subsection (a).

(f) There shall be no violation under subsections (c) or (e) of this section for special events provided a permit is first obtained from the city.

(g) It shall be unlawful for any person to drive, propel or otherwise operate a motorized vehicle in a manner which emits loud and unseemly **noise**, which willfully disturbs any residence, neighborhood or business in the city. The prohibition of this subsection shall include operating a motorized vehicle by rapid throttle advancing (revving) of an internal combustion engine resulting in increased **noise** from the engine.

Surfside Beach

- Sec. 7-91. - Loud, disturbing, unnecessary noise prohibited.

(a) *General prohibition.* It shall be unlawful for any person to make, continue or cause to be continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the town.

(b) *Specific prohibition.* It shall be unlawful for any person in the town to maintain and operate in any building, motor vehicle or on any premises in the town, any radio or television device or, mechanical musical instrument, phonograph, jukebox, loudspeaker, or sound-creating or transmitting device of any kind, whereby the sound therefrom, is cast directly upon the public streets, strand, beach or alleyway in such a manner as to create unreasonably loud, excessive or disturbing noise, or where such noise annoys or disturbs the quiet, comfort or repose of persons in any dwelling, hotel or other type of occupancy, or where any such device is maintained or operated for advertising purposes or for the purpose of attracting the attention of the passing public, or which is so placed and operated that the sound coming therefrom, can be heard to the annoyance or inconvenience of travelers upon any street or public place, or of persons in neighboring premises.

(1) Except as required by law, no person shall activate or cause to be activated within the town, any horns or other sound producing device, except as alarm signals in case of fire, collision or other emergency.

(2) No person shall use or display a band or any noise-making device in such a manner as to be heard or seen from any public street, strand, beach or alleyway in the town. It shall be unlawful for any person, group, organization or association to use any noise-making devices in any public street, beach or alleyway in the town unless permitted.

(3) It shall be unlawful for any person in the operation of a motor vehicle to cause or allow any loud, excessive, or unusual noise in the operation or use of such motor vehicle upon any of the streets of the town, or for any person to race the engine of any motor vehicle, while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the same.

(4) It shall be unlawful for any person to own, possess or harbor any animal that frequently, or for continued duration howls, barks, or makes other sounds that create excessive or unnecessary noise across a residential area. For the purpose of this section, "barking dog" shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously or incessantly

Noise Ordinance Comparison with other Municipalities

for a period of five (5) minutes, or barks intermittently for ten (10) minutes or more to the disturbance of any person, particularly between 11:00 p.m. and 7:00 a.m., and regardless of whether the dog is physically situated in or upon private property, provided however, that a dog shall not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.

(5) It shall be unlawful to operate or permit the operation of tools or equipment used in construction, drilling or any demolition work before 6:00 a.m. or after 10:00 p.m. Monday through Saturday, except for emergency work of public service utilities.

(6) It shall be unlawful for any person to play any radio, phonograph or musical instrument in such a manner or with such volume, particularly between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, condo or other type of residence.

(7) It shall be unlawful for any person to operate, cause or permit to be operated any instrument of sound producing or sound amplifying device so loudly as to unreasonably disturb persons in any dwelling, hotel, condo, or other type of residence, particularly between 11:00 p.m. and 7:00 a.m.

(8) The operation of pile driving equipment is prohibited at any time on Sundays, and before the hour of 8:00 a.m. or after the hour of 6:00 p.m., Monday through Saturday.

(c) *Exemptions.* The following uses and activities shall be exempt from noise control regulation:

(1) Lawnmowers and agricultural equipment, when operated between the hours of 7:00 a.m. and 10:00 p.m.

(2) Noises of safety signals, warning devices and emergency pressure relief valves.

(3) Noises resulting from any authorized emergency vehicles, when responding to an emergency call, or acting in time of emergency.

(4) Noises resulting from emergency work.

(5) Noise from school bells, church bells or chimes.

(6) Sounds generated by natural phenomena.

(7) Town sanitation collection vehicles that empty solid waste from dumpsters or compactors.

(8) Any other noise resulting from activities of a temporary duration permitted by law, and for which a license or permit has been granted by the Town of Surfside Beach, or activities sponsored or co-sponsored by the town.

(d) *Undue hardship.* Application for permission to hold a public event that may violate the provisions of this article, shall be made to the town administrator. Such permission, if granted, shall be valid only at the specific location, times, dates, and upon the conditions as specified by the town administrator.

(e) *Enforcement standards.*

(1) An excessive, unnecessary or unusually loud noise is defined as any sound which is plainly audible at a distance of fifty (50) feet from its source or from a public road, alleyway, beach, motel or other public place, particularly between 11:00 p.m. and 7:00 a.m.

(2) The complaints of one (1) or more persons and/or the complaints of one (1) or more police officers are prima facie evidence that a sound annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in violation of this section.

(f) *Enforcement factors.* In the enforcement of standards established in this section, an enforcement officer may be required to exercise judgement in determining if a particular noise is sufficiently loud or otherwise, so offensive that it would unreasonably disturb other persons in the vicinity. When making such determinations, the enforcement officer shall consider the following factors:

(1) The volume of the noise. (2) The intensity of the noise. (3) Whether the nature of the noise is usual or unusual. (4) Whether the origin of the noise is natural or unnatural. (5) The volume and intensity of the background noise, if any. (6) The proximity of the noise to residential sleeping facilities. (7) The nature and zoning of the area within which the noise emanates. (8) The time of the day or night the noise occurs. (9) The duration of the noise. (10) Whether the noise is recurrent, intermittent or constant.

In addition to the standards established above, it shall be presumed that the above has been violated whenever any noise or sound is projected from one property in the town onto another, or onto any public right-of-way if such sound, measured at the closest boundary of the property from which the complaint originates, exceeds the following decibel standards:

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EXPAND

(1)	In any R-1, R-2 or R-3 Zoning District: 7:00 a.m. to 10:00 p.m.	55 db	Low and Medium Density Residential Districts (note added by IOPPD)
	10:00 p.m. to 7:00 a.m.	50 db	
(2)	In any C-1 and C-2 Districts: 7:00 a.m. to Midnight	65 db	Highway Commercial & Central Business Districts (note added by IOPPD)
	Midnight to 7:00 a.m.	60 db	Highway Commercial & Central Business Districts (note added by IOPPD)
(3)	In any C-3 District: 7:00 a.m. to Midnight	70 db	Amusement Commercial District (note added by IOPPD)
	Midnight to 7:00 a.m.	65 db	Amusement Commercial Districts (note added by IOPPD)

(g) *Penalties.* Violation of this section is a misdemeanor, and is punishable by up to thirty (30) days in jail, and/or a five hundred dollar (\$500.00) fine.

North Myrtle Beach

Sec. 12-72. - Maximum permissible sound levels.

The maximum permissible sound emitted from commercial property, private property, public right-of-way or from city property when measured in accordance with [section 12-73](#) shall not be in excess of sixty (60) dB(A) between the hours of 11:00 p.m. and 7:00 a.m., or in excess of eighty (80) dB(A) at all other hours.

TIME FRAME ORDINANCES

Charleston

Sec. 21-16. - Loud and unnecessary noises restricted.

(a) Findings of fact: City council finds and declares that excessive noise is a serious hazard to the public health, welfare, peace and safety and the quality of life of its residents and visitors; that a substantial body of science and technology exists by which excessive noise may be substantially abated; that people have a right to and should be insured an environment free from excessive sound that may jeopardize their public health, welfare, peace and safety or degrade the quality of life or diminish property values; and therefore, city council finds that it is the policy of the city to prevent such excessive sound.

(b) It shall be unlawful for any person, entity, or establishment to make, continue, or allow to be made or continued, any clamorous singing, yelling, shouting, whooping, bellowing, hollering, or other loud, obstreperous, wanton and unnecessary noises, or to make, continue, or allow to be made or continued, any loud gatherings, either in the day time or at night, which disturb the peace and quiet of the city, whether in the public street, on privately owned or controlled property, or within enclosures, public or private.

(c) It shall be unlawful for any person to ride, drive, propel or otherwise operate a motorized vehicle in a manner which emits loud and unnecessary noise or long continued noise, either in the day time or at night, which disturbs the peace and quiet of the city, whether in the public street or on private property, or within enclosures, public or private. The

Noise Ordinance Comparison with other Municipalities

prohibitions of this subsection shall include operating a motorized vehicle by rapid throttle advancing (revving) of an internal combustion engine resulting in increased **noise** from the engine.

(d) For purposes of this section, motorized vehicle includes but is not limited to cars, trucks, vans, buses, motorcycles, motor scooters, motorized skateboards, mopeds, and low speed neighborhood electric vehicles.

(e) Nothing in this section shall be construed to extend to the blowing of a motorized vehicle horn or other signal device by the operator of either a public or private motorized vehicle for the purpose of notifying passengers or other persons of the presence of such motorized vehicle or as a safety precaution in the actual operation of the motorized vehicle.

(f) It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument including but not limited to brass or drum instruments or the amplified device or apparatus making or reproducing musical or other sounds within a privately owned or controlled courtyard or outdoor area after 11:00 p.m. and before 7:00 a.m. in such a manner as to be audible in any public street or right-of-way.

(g) It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated any musical instrument or other device or apparatus making or reproducing musical or other sounds without amplification within a privately owned or controlled courtyard or outdoor area after midnight and before 7:00 a.m. in such a manner as to be audible in any public street or right-of-way. This subsection expressly prohibits the playing of brass or drum instruments in privately owned or controlled courtyards or outdoor areas after 11:00 p.m. and before 7:00 a.m.

(h) Notwithstanding subsection (a) and (f) herein, it shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument including but not limited to brass or drum instruments, or other amplified device or apparatus making or reproducing musical or other sounds after 11:00 p.m. and before 7:00 a.m. when the said sounds emanate from an open window or door opening of a structure in such a manner as to be audible in any public street or right-of-way.

**GENERAL AGREEMENT
BETWEEN**

**UNITED STATES DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE**

AND

**ISLE OF PALMS POLICE DEPARTMENT
Isle of Palms, South Carolina**

This General Agreement (Agreement) is entered into by and between the National Park Service (the NPS), acting on behalf of the Secretary of the U.S. Department of the Interior (Secretary) and through the Regional Director of the National Park Service overseeing Fort Sumter and Fort Moultrie National Historical Park (sometimes hereinafter referred to as the Park and includes all NPS areas administered by Fort Sumter and Moultrie NHP), and the Isle of Palms Police Department (Isle of Palms PD) in the State of South Carolina, acting through the Chief (the Chief) of Isle of Palms PD (sometimes hereinafter referred to as the City), (collectively, the parties) for the purpose of establishing the terms and conditions under which the parties will provide mutual law enforcement assistance in and around Fort Sumter and Fort Moultrie National Historical Park.

Article I. BACKGROUND AND OBJECTIVES

A. Background

1. The principle objective of this Agreement is to provide mutual aid, cooperative assistance, and emergency law enforcement assistance and protection in the Fort Sumter and Fort Moultrie National Historical Park, a unit of the National Park Service, and the surrounding area, with the Isle of Palms Police Department, South Carolina, to offer the people and resources of the area more efficient and effective law enforcement protection, and a safer working environment for officers of Isle of Palms PD and the commissioned law enforcement rangers of the Park.
2. The Secretary, acting through the NPS, administers the Park as a unit of the National Park System in accordance with Title 54 of the United States Code and the laws applicable generally to units of the National Park System.
3. This Agreement pertains to the portion of the Park located near Isle of Palms.
4. The NPS, acting on behalf of the Secretary, has primary law enforcement authority within the National Park System, and pursuant to 54 U.S.C. 102701 is expressly prohibited from delegating its law enforcement responsibilities to state or local governments.

5. The Chief has authority under South Carolina Code **§23.11.20 and §23.13.50** to administer and enforce the laws of the State of South Carolina within the city, including lands and waters within the Park.

B. Objectives

1. The parties desire to cooperate in law enforcement activities in and around the Park to reduce response time and cost to the public and to promote the welfare, safety, and enjoyment of park visitors and City residents. In achieving these mutual objectives and benefits the parties will establish a consistent and uniform application of enforcement through the most efficient utilization of resources where they exist and are in place, thereby eliminating unnecessary and/or conflicting duplication of effort and facilitating the respective missions and responsibilities of both parties.
2. The purpose of this Agreement is to establish the terms and conditions under which the parties will provide mutual law enforcement assistance in and near the Park.

Article II. AUTHORITIES

A. The National Park Service

1. The NPS has the responsibility to administer the Fort Sumter and Fort Moultrie National Historical Park (hereafter referred to as "FOSU" or "park"), unit of the National Park System, pursuant to the authority contained in the Act to Authorize the Establishment of the FOSU, Public Law 80-504; and

The NPS administers the Park as a unit of the National Park System in accordance with Title 54 of the United States Code and the laws applicable generally to units of the National Park System.

2. 54 U.S.C. 102701 authorizes the Secretary to cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of the laws or ordinances of that State or subdivision.
3. 54 U.S.C. 102711 authorizes the Secretary to render emergency rescue, fire fighting and cooperative law enforcement assistance to nearby agencies outside of the National Park System to facilitate the administration of the National Park System.
4. Concurrent Legislative Jurisdiction over lands and buildings administered by the NPS, including FOSU was ceded by the State of South Carolina, to the United States of America pursuant to Code of Laws of South Carolina 1976 Section **1-3-150**.

5. State powers are granted to Federal law enforcement officers (which include National Park Service Rangers) under **Section 23-1-212**, Code of Laws of South Carolina.
6. The activities of the NPS under this Agreement are subject to the requirements and restrictions articulated in the NPS Director's Order #9 and Reference Manual-9 in effect at the time of such activity.

B. Isle of Palms Police Department

1. The Chief has authority, in accordance with the provisions of South Carolina Code **§23.11.20 and §23.13.50**, to administer and enforce the laws of the State of South Carolina within the City, including lands and waters within the Park.
2. The South Carolina Mutual Aid Act, South Carolina Code of Laws **§25.1.450 (1)(b)**, authorizes the local law enforcement agencies to enter into mutual aid agreements with any law enforcement agency of the United States.
3. Concurrent Legislative Jurisdiction over lands and buildings administered by the NPS, including FOSU was ceded by the State of South Carolina, to the United States of America pursuant to Code of Laws of South Carolina 1976 Section **1-3-150**.

ARTICLE III. STATEMENT OF WORK

1. Responsibilities of the NPS

1. Inside the Park
 - a. The NPS has primary responsibility for maintaining law and order and the protection of persons, property and resources within the geographic boundaries of the Park through the enforcement of all applicable Federal laws and regulations (including assimilated State laws).
 - b. The NPS has primary responsibility for investigations and arrests for violations of all Federal laws in the absence of investigation by other Federal law enforcement agencies having jurisdiction.
 - c. The NPS has primary responsibility for the investigation of accidents and fatalities occurring to all persons in the Park except those injured or killed while acting within the scope of employment for the State of South Carolina or a political subdivision thereof.
 - d. The NPS shall notify the Chief, as soon as practicable under the circumstances, of any deaths (natural or otherwise) occurring in the Park.
 - e. The NPS shall notify Isle of Palms PD, as soon as practicable under the circumstances, if a State felony occurs within the Park. Upon such notice,

Isle of Palms PD may dispatch its investigative personnel to be briefed by NPS personnel and cooperate in the investigation with NPS or other Federal law enforcement personnel.

- f. The NPS shall notify the City Medical Examiner of fatalities occurring within the Park, and for notification of next of kin in death situations involving victims and/or family members, except in those cases where the victim(s) and/or family members are residents of Isle of Palms.

2. Outside the Park

- a. The situations for which the NPS is authorized under 54 U.S.C. 102711 to render emergency law enforcement assistance are the following:
 - 1) life or death incidents;
 - 2) accidents or incidents involving a serious injury or fatality;
 - 3) crime scenes involving the protection of human life;
 - 4) officer in trouble;
 - 5) threat(s) to public health or safety;
 - 6) incidents directly affecting park visitor safety or park resource protections;
 - 7) probable cause felonies and felonies committed in the presence of and observed by an NPS law enforcement ranger; and
 - 8) misdemeanors committed in the presence of an NPS law enforcement ranger that present an immediate threat to the public's health or safety.

Under the circumstances listed above, either (1) upon receiving an official request from Isle of Palms PD, or (2) without request if an NPS law enforcement ranger witnesses an unexpected emergency incident, the NPS will respond, in the spirit of mutual assistance, to emergency law enforcement incidents to the extent of available resources, with the understanding that limits on the response provided will vary depending upon the seriousness of the emergency, duration of incident, and distances involved.

- b. Under South Carolina Codes of Law, Section **23-1-212**, State powers for law enforcement authority are granted to Federal law enforcement officers. National Park Service Rangers are by definition included under this statute as Federal Law Enforcement Officers.

A Federal law enforcement officer is authorized to enforce criminal laws within the State when:

- 1) the Federal law enforcement officer is asked by the head of a State or local law enforcement agency or his designee to provide the agency temporary assistance and the request is within the scope of the State or local law enforcement agency's subject matter and territorial jurisdiction;
- 2) the Federal law enforcement officer is asked by a State or local law enforcement officer to provide him temporary assistance when the

- state or local law enforcement officer is acting within the scope of his subject matter and territorial jurisdiction; or
- 3) a felony or misdemeanor is committed in the Federal law enforcement officer's presence or under circumstances indicating a crime has been freshly committed.
 - 4) A Federal law enforcement officer acting pursuant to this section:
 - a) has the same powers as a South Carolina law enforcement officer;
 - b) is not an officer, employee, or agent of a state or local law enforcement agency;
 - c) cannot initiate or conduct an independent investigation into a violation of South Carolina law; and
 - d) is subject to the Federal Tort Claims Act."
- c. When the NPS is the first responder to an emergency outside the Park, it shall provide initial assessment, stabilization, and scene security, and where necessary, detention of witnesses and/or suspects. When officers of Isle of Palms PD arrive on scene, the NPS will relinquish control to Isle of Palms PD, but shall continue to provide assistance, consistent with this Agreement, if requested by Isle of Palms PD.
- d. The NPS shall notify Isle of Palms PD in a timely manner of any information known and/or received about or relating to crimes committed within Isle of Palms, outside the Park.
- e. Park Rangers providing law enforcement assistance to the City pursuant to this Agreement shall wear the official NPS uniform, or if approved by the NPS Chief Ranger or his or her designee, plain clothes. The Park Rangers shall remain under the authority and control of NPS supervisors and will be subject to the laws, regulations, and policies of the United States, including those of the NPS. The Park Rangers shall not receive any monetary compensation from any sources other than the NPS.

3. General

- a. Upon approval by the office of the United States Attorney and any other Federal law enforcement agency having jurisdiction and interest, the NPS shall notify the Chief prior to engaging in pre-planned undercover operations in Isle of Palms.
- b. Upon approval by the office of the United States Attorney and any other Federal law enforcement agency having jurisdiction and interest, the NPS shall notify the Isle of Palms PD prior to engaging in special operations, including the pre-planned execution of search and/or arrest warrants, conducted within the City, and shall coordinate such operations with Isle of Palms PD.

- c. To the extent authorized by law, the NPS shall honor any limitations placed upon information received from Isle of Palms PD concerning crimes committed outside of the Park.
- d. In processing requests from Isle of Palms PD to have Park Rangers testify in city, or State courts, the NPS will comply with Subpart H – Legal Process: Testimony by Employees and Production of Records, found in Title 43 of the Code of Federal Regulations.

B. Responsibilities of Isle of Palms PD

- 1. Isle of Palms PD shall notify the NPS in a timely manner of any information known and/or received about or relating to crimes committed within or against the Park, or threats/hazards presented against Park resources, property, visitors, or residents. Further, the Isle of Palms PD will advise the NPS in a timely manner of any law enforcement actions or activities, other than routine duties or operations, undertaken within the Park by Isle of Palms PD.
- 2. Isle of Palms PD shall assist the NPS in response to law enforcement incidents and emergencies occurring within the Park, contingent upon the availability of resources.
- 3. Isle of Palms PD shall notify the NPS prior to engaging in special operations, including the pre-planned execution of search and/or arrest warrants, conducted within the Park and will coordinate such operations with NPS law enforcement personnel.
- 4. To the extent authorized by law, Isle of Palms PD shall honor any limitations placed upon information received from the NPS concerning crimes committed within the Park.
- 5. The Chief shall allow NPS law enforcement rangers to use specified Isle of Palms PD radio frequencies for law enforcement and emergency services activities.
- 6. Isle of Palms PD shall allow NPS law enforcement rangers to use the services associated with the Investigative Units to the degree that the assistance provided by the Investigative Units does not interfere with their normal duties and functions as defined by Isle of Palms PD. Investigative Units include but are not limited to:
 - a. Air Support Unit
 - b. Crime Scene Unit
 - c. Crime Lab Unit
 - d. Major Crimes Unit
 - e. Narcotics Unit
 - f. Polygraph Unit
 - g. Property Crimes Unit
 - h. Special Victims Unit

i. Victims Assistance Unit

Park law enforcement rangers shall adhere to Isle of Palms PD policy and procedures when requesting and making use of the services provided by the Investigative Units so long as those policies and procedures do not conflict with DOI or NPS policies and procedures. In the event of such a conflict, the law enforcement ranger should immediately discontinue the use of such services.

7. Isle of Palms PD shall allow NPS law enforcement rangers to use the radio talk group to relay information through the dispatch service.

C. Joint Responsibilities and Understandings of the NPS and Isle of Palms PD

1. When incidents occurring within the Park attract media attention, news and information releases shall be coordinated between the NPS and Isle of Palms PD. All investigations of offenses occurring within the Park that meet State thresholds for felony categorization shall be credited in news releases generated by both agencies as being cooperatively and jointly undertaken by both the NPS and Isle of Palms PD, as well as any other entity or agency with significant involvement.
2. The NPS and Isle of Palms PD will provide mutual assistance upon request during public safety incidents, civil disturbances, or natural disasters occurring within or adjacent to the Park, to the extent of available resources and to the extent permitted by law and the terms of this Agreement.
3. The NPS and Isle of Palms PD will cooperate in planning for major events occurring within or adjacent to that portion of the Park located in Isle of Palms. Where it is anticipated that events staged within the Park will have significant impacts beyond Park boundaries and upon Isle of Palms PD, both agencies will cooperate in the establishment of a unified command structure for the incident.
4. Subject to availability of personnel and materials, the NPS and Isle of Palms PD will cooperate in training. Each party will pay applicable tuition and travel costs for training opportunities and is considered an operating expense to fulfill the requirements for the Agreement.
5. The NPS and Isle of Palms PD will share authorized radio frequencies to facilitate interagency communications and interoperability.
6. All responsibilities and/or authorities identified as belonging to either the Superintendent or the Chief may be delegated to and undertaken by authorized subordinates within their respective chains-of-command.
7. Nothing in this Agreement shall be construed as affecting or influencing the prosecutorial authorities, responsibilities, and prerogatives of either the U.S. Attorney General, the United States Attorney, the City Prosecutor, or the Attorney General for the State of South Carolina; nor shall anything in this Agreement be

construed as affecting or influencing the investigative and other law enforcement authorities, responsibilities, and prerogatives of any other Federal agency.

D. Law Enforcement Authority under South Carolina Law

1. Under South Carolina Codes of Law, Section **23-1-212**, State powers for law enforcement authority are granted to Federal law enforcement officers. National Park Service Rangers are by definition included under this statute as Federal Law Enforcement Officers.

A Federal law enforcement officer is authorized to enforce criminal laws within the State when:

- a) the Federal law enforcement officer is asked by the head of a state or local law enforcement agency or his designee to provide the agency temporary assistance and the request is within the scope of the state or local law enforcement agency's subject matter and territorial jurisdiction;
- b) the Federal law enforcement officer is asked by a state or local law enforcement officer to provide him temporary assistance when the state or local law enforcement officer is acting within the scope of his subject matter and territorial jurisdiction; or
- c) a felony or misdemeanor is committed in the federal law enforcement officer's presence or under circumstances indicating a crime has been freshly committed.

A Federal law enforcement officer acting pursuant to this section:

- a) has the same powers as a South Carolina law enforcement officer;
- b) is not an officer, employee, or agent of a state or local law enforcement agency;
- c) cannot initiate or conduct an independent investigation into a violation of South Carolina law; and
- d) is subject to the Federal Tort Claims Act."

2. When serving in the capacity of a Federal law enforcement officer with State granted law enforcement authority, the ranger will receive training from the State and/or City on related duties and authorities, including applicable State and City procedures and policies. The Ranger exercising State granted law enforcement authority will comply with State and City policies and standards that do not conflict with the Federal laws and policies.

ARTICLE IV. TERM OF AGREEMENT

This Agreement shall become effective upon the date of final execution and shall continue in force and effect until terminated by either party but shall not extend beyond five (5) years after the effective date, at which time it will be reviewed to determine if it should be renewed, modified, or allowed to expire.

ARTICLE V. COSTS, RESTITUTION, AND REIMBURSEMENT

Except as otherwise provided herein or as otherwise negotiated on a case-by-case basis, any expenses incurred by either party in satisfaction of this Agreement shall be borne by the party incurring such expenses.

ARTICLE VI. LIMITS OF LIABILITY

Duties and actions undertaken by NPS personnel pursuant to and in compliance with the terms of this Agreement shall be deemed as occurring within the scope of their federal employment; and duties and actions undertaken by Isle of Palms PD personnel pursuant to and in compliance with the terms of this Agreement shall be deemed as occurring within the scope of their employment. Neither the NPS nor the City assumes liability for duties and/or actions undertaken by personnel of the other unless such actions are undertaken at the direction of and under the direct supervision of the other.

This Agreement is subject to the laws, regulations and policies governing the NPS, and nothing contained herein shall be inconsistent with or contrary to the same.

ARTICLE VII. PROPERTY AND DISPOSITION

Unless otherwise agreed to in writing by the parties, any property furnished by one party to the other shall remain the property of the furnishing party. Any property furnished by the NPS to the City shall be used and disposed of as set forth in NPS Property Management Regulations.

ARTICLE VIII. PRIOR APPROVAL

See Article III – Statement of Work.

ARTICLE IX. REPORTS

Each party agrees to provide incident reports to the other party when such reports are needed, subject to any legal and policy constraints of the providing party. To the extent authorized by law, release of reports to third parties, including, for example, other cooperating agencies, may occur but shall be subject to prior review and approval by the providing agency.

ARTICLE X. MODIFICATION AND TERMINATION

- A. This Agreement may be amended only in writing and by mutual consent of the parties.
- B. Either party may terminate this Agreement with a ninety (90) day written notice to the other. In the event termination is proposed the parties will meet and attempt to resolve their differences, if any.

ARTICLE XI. OTHER AGREEMENTS

- A. Nothing in this Agreement shall prevent the NPS or Isle of Palms PD from entering into similar agreements with other parties or providers at such times and places as may be necessary to carry out the missions of the NPS or Isle of Palms PD.
- B. This Agreement supersedes all prior agreements between the NPS and Isle of Palms PD.

ARTICLE XII. REQUIRED CLAUSES

- A. In undertaking activities pursuant to this Agreement the parties will abide by the terms and requirements of *Executive Order 11246*; Title VI of the *Civil Rights Act of 1964*, as amended (78 Stat. 242; 42 U.S. C. 2000d et seq.); Title V, Section 504 of the *Rehabilitation Act of 1973*, as amended, (87 Stat. 394; 29 U.S.C. 794); the *Age Discrimination Act of 1975* (89 Stat. 729; 42 U.S.C. 6101 et seq.); and with all other federal laws and regulations prohibiting discrimination on grounds of race, color, sexual orientation, national origin, disabilities, religion, age or sex.
- B. No member or delegate to congress, or resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise there from, but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.
- C. Nothing in this Agreement shall be construed as requiring the NPS to expend in any fiscal year any sum in excess of funds appropriated by congress or allocated by the NPS for the purposes of the Agreement.

ARTICLE XIII. KEY OFFICIALS

A. The NPS

NPS Regional Director
South Atlantic Gulf Region - Region 2
100 Alabama Street. SW
Atlanta, GA 30303

Chief Ranger
Fort Sumter and Fort Moultrie National Historical Park
1214 Middle Street
Sullivan's Island, SC 29482

B. Isle of Palms PD

Chief of Police Department
30 J.C. Long Boulevard
Isle of Palms, South Carolina 29451

ARTICLE XIV. AUTHORIZING SIGNATURES

U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Chris Abbett

4/19/22

Date

Regional Director, Interior Region 2 National Park Service

Tim Sveum

4/19/22

Date

Timothy Sveum
Chief Ranger, Fort Sumter and Fort Moultrie NHP

Isle of Palms, SOUTH CAROLINA
Isle of Palms POLICE DEPARTMENT

Kevin Cornett
Chief, Isle of Palms Police Department

Date

Part I—Administrative

CHAPTER 1 SCOPE AND ADMINISTRATION

User note:

About this chapter: Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—General Provisions (Sections 101–102) and Part 2—Administrative Provisions (Sections 103–113). Section 101 identifies which buildings and structures come under its purview and references other I-Codes as applicable.

This code is intended to be adopted as a legally enforceable document, and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the design professional, contractor and property owner.

PART 1—GENERAL PROVISIONS

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

[A] 101.1 Title. These regulations shall be known as the *Fire Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

[A] 101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

[A] 101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

[A] 101.3 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

[A] 101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

[A] 101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

SECTION 102 APPLICABILITY

[A] 102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions where required in Chapter 11.
4. Existing structures, facilities and conditions that, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

[A] 102.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

[A] 102.3 Change of use or occupancy. A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the *International Existing Building Code*.

Exception: Where approved by the *fire code official*, a change of occupancy shall be permitted without complying with the requirements of this code and the *International Existing Building Code*, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

SCOPE AND ADMINISTRATION

[A] **102.4 Application of building code.** The design and construction of new structures shall comply with the *International Building Code*, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the *International Building Code*, shall be made in accordance therewith.

[A] **102.5 Application of residential code.** Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.

[A] **102.6 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an approved fire protection plan as required in Section 1103.1.1.

[A] **102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

[A] **102.7.1 Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] **102.7.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] **102.8 Subjects not regulated by this code.** Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *fire code official* to determine compliance with codes or standards for those activities or installations within the *fire code official's* jurisdiction or responsibility.

[A] **102.9 Matters not provided for.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occu-

pants thereof, that are not specifically provided for by this code, shall be determined by the *fire code official*.

[A] **102.10 Conflicting provisions.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] **102.11 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[A] **102.12 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2—ADMINISTRATIVE PROVISIONS

SECTION 103 DEPARTMENT OF FIRE PREVENTION

[A] **103.1 General.** The department of fire prevention is established within the jurisdiction under the direction of the *fire code official*. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

[A] **103.2 Appointment.** The *fire code official* shall be appointed by the chief appointing authority of the jurisdiction; and the *fire code official* shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

[A] **103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *fire code official* shall have the authority to appoint a deputy *fire code official*, other related technical officers, inspectors and other employees.

[A] **103.4 Liability.** The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] **103.4.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The *fire code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and

without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES

[A] 104.1 General. The *fire code official* is hereby authorized to enforce the provisions of this code. The *fire code official* shall have the authority to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. Such policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and permits. The *fire code official* is authorized to receive applications, review *construction documents* and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *fire code official* has reasonable cause to believe that there exists in a building or on any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the *fire code official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed on the *fire code official* by this code. If such building or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner*, the *owner's* authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the *fire code official* has recourse to every remedy provided by law to secure entry.

[A] 104.3.1 Warrant. Where the *fire code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the *fire code official* for the purpose of inspection and examination pursuant to this code.

[A] 104.4 Identification. The *fire code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.5 Notices and orders. The *fire code official* is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 110.1 and 110.2.

[A] 104.6 Official records. The *fire code official* shall keep official records as required by Sections 104.6.1 through

104.6.4. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.6.1 Approvals. A record of approvals shall be maintained by the *fire code official* and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.6.2 Inspections. The *fire code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *fire code official*.

[A] 104.6.4 Administrative. Application for modification, alternative methods or materials and the final decision of the *fire code official* shall be in writing and shall be officially recorded in the permanent records of the *fire code official*.

[A] 104.7 Approved materials and equipment. Materials, equipment and devices *approved* by the *fire code official* shall be constructed and installed in accordance with such approval.

[A] 104.7.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and *approved*.

[A] 104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the *fire code official*, the *fire code official* is authorized to require the *owner* or *owner's* authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *fire code official* and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The *fire code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.8 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *fire code official* shall have the authority to grant modifications for individual cases, provided that the *fire code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] 104.9 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be approved where the *fire code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not approved, the *fire code official* shall respond in writing, stating the reasons why the alternative was not approved.

[A] 104.9.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] 104.9.2 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *fire code official* shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *fire code official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *fire code official* for the period required for retention of public records.

104.10 Fire investigations. The *fire code official*, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

104.11 Authority at fires and other emergencies. The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing that could impede or interfere with the operations of the fire department and, in

the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.11.1 Barricades. The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

104.11.2 Obstructing operations. Persons shall not obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

104.11.3 Systems and devices. Persons shall not render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

SECTION 105 PERMITS

[A] 105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.7.25.

[A] 105.1.1 Permits required. A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the *fire code official* and obtain the required permit.

105.1.2 Types of permits. There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:
 - 1.1. A prescribed period.
 - 1.2. Until renewed or revoked.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

105.1.3 Multiple permits for the same location. Where more than one permit is required for the same location, the *fire code official* is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

[A] 105.1.4 Emergency repairs. Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the *fire code official*.

[A] 105.1.5 Repairs. Application or notice to the *fire code official* is not required for ordinary repairs to structures, equipment or systems. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall any repairs include addition to, alteration of, replacement or relocation of any standpipe, fire protection water supply, *automatic sprinkler system*, fire alarm system or other work affecting fire protection or life safety.

[A] 105.1.6 Annual permit. Instead of an individual construction permit for each alteration to an already *approved* system or equipment installation, the *fire code official* is authorized to issue an annual permit on application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

[A] 105.1.6.1 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The *fire code official* shall have access to such records at all times or such records shall be filed with the *fire code official* as designated.

[A] 105.2 Application. Application for a permit required by this code shall be made to the *fire code official* in such form and detail as prescribed by the *fire code official*. Applications for permits shall be accompanied by such plans as prescribed by the *fire code official*.

[A] 105.2.1 Refusal to issue permit. If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the *fire code official* shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, where requested, be in writing and shall contain the reasons for refusal.

[A] 105.2.2 Inspection authorized. Before a new operational permit is *approved*, the *fire code official* is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

[A] 105.2.3 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the *fire code official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 105.2.4 Action on application. The *fire code official* shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent

laws, the *fire code official* shall reject such application in writing, stating the reasons therefor. If the *fire code official* is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the *fire code official* shall issue a permit therefor as soon as practicable.

[A] 105.3 Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes that produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any *fire protection system* or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.6 or 105.7. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

[A] 105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided that changes have not been made and will not be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

[A] 105.3.2 Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit where work is unable to be commenced within the time required by this section for good and satisfactory reasons. The *fire code official* is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

[A] 105.3.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to the *fire code official* issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met.

[A] 105.3.4 Conditional permits. Where permits are required and on the request of a permit applicant, the *fire code official* is authorized to issue a conditional permit to occupy the premises or portion thereof before the entire work or operations on the premises is completed, provided that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare. The *fire code official* shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit

area safe. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.

[A] 105.3.5 Posting the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the *fire code official*.

[A] 105.3.6 Compliance with code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on *construction documents* and other data shall not prevent the *fire code official* from requiring the correction of errors in the *construction documents* and other data. Any addition to or alteration of *approved construction documents* shall be *approved* in advance by the *fire code official*, as evidenced by the issuance of a new or amended permit.

[A] 105.3.7 Information on the permit. The *fire code official* shall issue all permits required by this code on an *approved* form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the *fire code official*. Issued permits shall bear the signature of the *fire code official* or other *approved* legal authorization.

[A] 105.3.8 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on *construction documents*, operational documents and other data shall not prevent the *fire code official* from requiring correction of errors in the documents or other data.

[A] 105.4 Construction documents. *Construction documents* shall be in accordance with Sections 105.4.1 through 105.4.6.

[A] 105.4.1 Submittals. *Construction documents* and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the *fire code official*. The *construction documents* shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

Exception: The *fire code official* is authorized to waive the submission of *construction documents* and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

[A] 105.4.1.1 Examination of documents. The *fire code official* shall examine or cause to be examined the accompanying *construction documents* and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.

[A] 105.4.2 Information on construction documents. *Construction documents* shall be drawn to scale on suitable material. Electronic media documents are allowed to be submitted where *approved* by the *fire code official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the *fire code official*.

[A] 105.4.2.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the *construction documents*, and shall be *approved* prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

[A] 105.4.3 Applicant responsibility. It shall be the responsibility of the applicant to ensure that the *construction documents* include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

[A] 105.4.4 Approved documents. *Construction documents approved* by the *fire code official* are *approved* with the intent that such *construction documents* comply in all respects with this code. Review and approval by the *fire code official* shall not relieve the applicant of the responsibility of compliance with this code.

[A] 105.4.4.1 Phased approval. The *fire code official* is authorized to issue a permit for the construction of part of a structure, system or operation before the *construction documents* for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure, system or operation will be granted.

[A] 105.4.5 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

[A] 105.4.6 Retention of construction documents. One set of *construction documents* shall be retained by the *fire code official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of *approved construction documents* shall be returned to the applicant, and said set

shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

[A] 105.5 Revocation. The *fire code official* is authorized to revoke a permit issued under the provisions of this code where it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or *construction documents* on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

105.6 Required operational permits. The *fire code official* is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.50.

105.6.1 Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

105.6.2 Amusement buildings. An operational permit is required to operate a special amusement building.

105.6.3 Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

105.6.4 Carnivals and fairs. An operational permit is required to conduct a carnival or fair.

105.6.5 Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

105.6.6 Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing *combustible dusts* as defined in Chapter 2.

105.6.7 Combustible fibers. An operational permit is required for the storage and handling of *combustible fibers* in quantities greater than 100 cubic feet (2.8 m³).

Exception: A permit is not required for agricultural storage.

105.6.8 Compressed gases. An operational permit is required for the storage, use or handling at *normal temperature and pressure* (NTP) of *compressed gases* in excess of the amounts listed in Table 105.6.8.

Exception: Vehicles equipped for and using *compressed gas* as a fuel for propelling the vehicle.

TABLE 105.6.8
PERMIT AMOUNTS FOR COMPRESSED GASES

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Carbon dioxide used in carbon dioxide enrichment systems	875 (100 lbs.)
Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications	875 (100 lbs.)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: 1 cubic foot = 0.02832 m³.

105.6.9 Covered and open mall buildings. An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

105.6.10 Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense *cryogenic fluids* in excess of the amounts listed in Table 105.6.10.

Exception: Permits are not required for vehicles equipped for and using *cryogenic fluids* as a fuel for propelling the vehicle or for refrigerating the lading.

TABLE 105.6.10
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: 1 gallon = 3.785 L.

105.6.11 Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.

105.6.12 Dry cleaning. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

105.6.13 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.

105.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of *explosives, explosive materials, fireworks* or pyrotechnic special effects within the scope of Chapter 56.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.

105.6.15 Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and provided with ready access from a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

105.6.16 Flammable and combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or *combustible liquids*. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the *fire code official*, would cause an unsafe condition.
 - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the *approved*, stationary on-site pumps normally used for dispensing purposes.
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and *combustible liquids* are produced, processed, transported, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or *combustible liquid* tank.
8. To change the type of contents stored in a flammable or *combustible liquid* tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
9. To manufacture, process, blend or refine flammable or *combustible liquids*.
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand mobile fueling operations in accordance with Section 5707.
11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or, where required by the fire code official, to utilize a site for on-demand mobile fueling operations in accordance with Section 5707.

105.6.17 Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.

105.6.18 Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

105.6.19 Fumigation and insecticidal fogging. An operational permit is required to operate a business of fumigation or insecticidal fogging, and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

TABLE 105.6.20
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.17
Corrosive materials	
Gases	See Section 105.6.9
Liquids	55 gallons
Solids	1000 pounds
Explosive materials	See Section 105.6.15
Flammable materials	
Gases	See Section 105.6.9
Liquids	See Section 105.6.17
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.9
Liquids	Any Amount
Solids	Any Amount
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Oxidizing materials	
Gases	See Section 105.6.9
Liquids	
Class 4	Any Amount
Class 3	1 gallons ^a
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds ^b
Class 2	100 pounds
Class 1	500 pounds
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 105.6.9
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds

(continued)

TABLE 105.6.20—continued
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Water-reactive materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 20 gallons where Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds where Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.

105.6.21 HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

105.6.22 High-piled storage. An operational permit is required to use a building or portion thereof with more than 500 square feet (46 m²), including aisles, of *high-piled storage*.

105.6.23 Hot work operations. An operational permit is required for hot work including, but not limited to:

- Public exhibitions and demonstrations where hot work is conducted.
- Use of portable hot work equipment inside a structure.
Exception: Work that is conducted under a construction permit.
- Fixed-site hot work equipment, such as welding booths.
- Hot work conducted within a wildfire risk area.
- Application of roof coverings with the use of an open-flame device.
- Where *approved*, the *fire code official* shall issue a permit to carry out a hot work program. This program allows *approved* personnel to regulate their facility's hot work operations. The *approved* personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or hot work operations under their supervision.

105.6.24 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.

105.6.25 Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).

105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

105.6.27 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

105.6.28 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

105.6.29 Miscellaneous combustible storage. An operational permit is required to store in any building or on any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork or similar combustible material.

105.6.30 Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.

105.6.31 Motor fuel-dispensing facilities. An operational permit is required for the operation of automotive, marine and fleet motor fuel-dispensing facilities.

105.6.32 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: *Recreational fires.*

105.6.33 Open flames and torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.

105.6.34 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

105.6.35 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

[A] 105.6.36 Outdoor assembly event. An operational permit is required to conduct an *outdoor assembly event* where planned attendance exceeds 1,000 persons.

105.6.37 Places of assembly. An operational permit is required to operate a place of assembly.

[A] 105.6.38 Plant extraction systems. An operational permit is required to use plant extraction systems.

105.6.39 Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

105.6.40 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.

105.6.41 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.

105.6.42 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

105.6.43 Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages.

105.6.44 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

105.6.45 Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or *combustible liquids*, or the application of combustible powders regulated by Chapter 24.

105.6.46 Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires, and for indoor storage of tires and tire byproducts.

105.6.47 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary *special event structure* or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

105.6.48 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

105.6.49 Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

105.6.50 Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

[A] 105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.25.

[A] 105.7.1 Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.7.2 Battery systems. A construction permit is required to install stationary storage battery systems regulated by Section 1206.2.

[A] 105.7.3 Capacitor energy storage systems. A construction permit is required to install capacitor energy storage systems regulated by Section 1206.3.

[A] 105.7.4 Compressed gases. Where the compressed gases in use or storage exceed the amounts listed in Table 105.6.9, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.7.5 Cryogenic fluids. A construction permit is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.

[A] 105.7.6 Emergency responder radio coverage system. A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.7.7 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.7.8 Fire pumps and related equipment. A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in

accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.7.9 Flammable and combustible liquids. A construction permit is required:

1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

[A] 105.7.10 Fuel cell power systems. A construction permit is required to install stationary fuel cell power systems.

[A] 105.7.11 Gas detection systems. A construction permit is required for the installation of or modification to gas detection systems. Maintenance performed in accordance with this code is not considered a modification and shall not require a permit.

[A] 105.7.12 Gates and barricades across fire apparatus access roads. A construction permit is required for the installation of or modification to a gate or barricade across a fire apparatus access road.

[A] 105.7.13 Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 50 where the hazardous materials in use or storage exceed the amounts listed in Table 105.6.20.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.7.14 High-piled combustible storage. A construction permit is required for the installation of or modification to a structure exceeding 500 square feet (46 m²), including aisles, for high-piled combustible storage. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.7.15 Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 30.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.7.16 LP-gas. A construction permit is required for installation of or modification to an LP-gas system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] **105.7.17 Motor vehicle repair rooms and booths.** A construction permit is required to install or modify a motor vehicle repair room or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] **105.7.18 Plant extraction systems.** A construction permit is required for installation of or modification to plant extraction systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] **105.7.19 Private fire hydrants.** A construction permit is required for the installation or modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] **105.7.20 Smoke control or smoke exhaust systems.** Construction permits are required for installation of or alteration to smoke control or smoke exhaust systems. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a permit.

[A] **105.7.21 Solar photovoltaic power systems.** A construction permit is required to install or modify solar photovoltaic power systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] **105.7.22 Special event structure.** A single construction permit is required to erect and take down a *temporary special event structure*.

[A] **105.7.23 Spraying or dipping.** A construction permit is required to install or modify a spray room, dip tank or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] **105.7.24 Standpipe systems.** A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] **105.7.25 Temporary membrane structures and tents.** A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides, which comply with all of the following:
 - 3.1. Individual tents shall have a maximum size of 700 square feet (65 m²).
 - 3.2. The aggregate area of multiple tents placed side by side without a fire break

clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.

- 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

SECTION 106 FEES

[A] **106.1 Fees.** A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

[A] **106.2 Schedule of permit fees.** A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

[A] **106.3 Work commencing before permit issuance.** A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.

[A] **106.4 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

[A] **106.5 Refunds.** The applicable governing authority is authorized to establish a refund policy.

SECTION 107 INSPECTIONS

[A] **107.1 Inspection authority.** The *fire code official* is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

[A] **107.2 Inspections.** The *fire code official* is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved agency* or by the responsible individual. The *fire code official* is authorized to engage such expert opinion as deemed necessary to report on unusual, detailed or complex technical issues subject to the approval of the governing body.

[A] **107.2.1 Inspection requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the *fire code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

[A] **107.2.2 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *fire code official*. The *fire code official*, on notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the *fire code official*.

[A] **107.3 Concealed work.** It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Where any installation subject to inspection prior to use is covered or concealed without having first been inspected, the *fire code official* shall have the authority to require that such work be made visible and able to be accessed for inspection. Neither the *fire code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] **107.4 Approvals.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

SECTION 108 MAINTENANCE

[A] **108.1 Maintenance of safeguards.** Where any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

[A] **108.2 Testing and operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

[A] **108.2.1 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *fire code official* for inspection and testing.

[A] **108.3 Recordkeeping.** A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other *approved* location for not less than 3 years, or a different period of time where specified in this code or referenced standards. Records shall be made available for inspection by the *fire code official*, and a copy of the records shall be provided to the *fire code official* on request.

The *fire code official* is authorized to prescribe the form and format of such recordkeeping. The *fire code official* is

authorized to require that certain required records be filed with the *fire code official*.

[A] **108.4 Supervision.** Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

108.5 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices, and fire-warning systems, shall be provided with ready access and shall not be rendered inoperable, except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

[A] **108.6 Overcrowding.** Overcrowding or admittance of any person beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *fire code official*, on finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or on finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

SECTION 109 BOARD OF APPEALS

[A] **109.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The *fire code official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.

[A] **109.2 Limitations on authority.** An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

[A] **109.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or *fire protection systems*, and are not employees of the jurisdiction.

SECTION 110 VIOLATIONS

[A] **110.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] **110.2 Owner/occupant responsibility.** Correction and abatement of violations of this code shall be the responsibility of the owner or the owner's authorized agent. Where an occu-

pant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

[A] 110.3 Notice of violation. Where the *fire code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the *fire code official* is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection.

[A] 110.3.1 Service. A notice of violation issued pursuant to this code shall be served on the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility on the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the *owner*, the owner's authorized agent, or occupant.

[A] 110.3.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the *owner*, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

[A] 110.3.3 Prosecution of violations. If the notice of violation is not complied with promptly, the *fire code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

[A] 110.3.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *fire code official* shall not be mutilated, destroyed or tampered with, or removed, without authorization from the *fire code official*.

[A] 110.4 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 directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 110.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the *fire code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 111 UNSAFE BUILDINGS

[A] 111.1 General. If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the *fire code official* shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

[A] 111.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress*, that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

[A] 111.1.2 Structural hazards. Where an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the *fire code official* shall immediately notify the building code official in accordance with Section 110.1.

[A] 111.2 Evacuation. The *fire code official* or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe where such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *fire code official* or the fire department official in charge of the incident.

[A] 111.3 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the *fire code official* or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

[A] 111.4 Abatement. The *owner*, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the *fire code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

SECTION 112 STOP WORK ORDER

[A] 112.1 Order. Where the *fire code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code, or in a dangerous or unsafe manner, the *fire code official* is authorized to issue a stop work order.

[A] 112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, or to the *owner's* authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately

cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

[A] 112.3 **Emergencies.** Where an emergency exists, the *fire code official* shall not be required to give a written notice prior to stopping the work.

[A] 112.4 **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 [AMOUNT] dollars or more than [AMOUNT] dollars.

SECTION 113 SERVICE UTILITIES

[A] 113.1 **Authority to disconnect service utilities.** The *fire code official* shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The *fire code official* shall notify the serving utility and, where possible, the *owner* or the owner's authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, then the *owner*, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.