

ORDINANCE NO. 2023-1024-__

**AN ORDINANCE TO AMEND SECTION 5-9 OF THE CODE OF ORDINANCES OF
THE TOWN OF APEX**

WHEREAS, North Carolina General Statutes (“NCGS”) § 143-138 provides that the fire prevention code provisions of the North Carolina State Building Code: Fire Prevention Code are considered the minimum standards necessary to preserve and protect health and safety, and that municipalities and counties may submit more stringent provisions for approval by the North Carolina Building Code Council;

WHEREAS, NCGS § 143-138 further provides that fire prevention standards exceeding the state minimum standards require official approval from the Building Code Council and that they provide adequate minimum standards to preserve and protect health and safety; and

WHEREAS, the Town Council of the Town of Apex finds it in the best interest of its citizens to provide fire prevention standards that exceed the standards mandated by the State of North Carolina.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Section 5-9 of the Code of Ordinances of the Town of Apex is hereby amended to read as follows, with additions shown as bold, underlined text and deletions as struck through text:

Sec. 5-9. – State building code, fire code.

(a) The North Carolina State Building Code, Fire Code, as adopted by the North Carolina Building Code Council as amended from time to time, is hereby incorporated by reference into this Code as if fully set forth herein, and Appendices B, C, D, E, F, G, and H are specifically adopted and incorporated herein by reference.

(b) Notwithstanding the exception to applicability for occupancy of one- and two-family dwellings in Section 102.13 of the North Carolina State Building Code: Fire Prevention Code, Section 903.2.8 and Section 903.2.8.1 of the North Carolina State Building Code: Fire Prevention Code, as amended, shall be amended and apply within the Town of Apex, as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

- 1. An automatic sprinkler system is not required in new adult and child day care facilities located in existing Group R-3 and R-4 occupancies.**
- 2. An automatic sprinkler system is not required in temporary overflow shelters.**
- 3. An automatic sprinkler system is not required in camping units located within a campground where all of the following conditions exist.**
 - 3.1 The camping unit is limited to one story in height.**
 - 3.2 The camping unit is less than 400 square feet (37 m²) in area.**
 - 3.3 The camping unit does not have a kitchen.**
- 4. An automatic sprinkler system is not required in an open air camp cabin that complies with the following:**
 - 4.1 The open air camp cabin shall have at least two remote unimpeded exits. Lighted exit signs shall not be required.**
 - 4.2 The open air camp cabin shall not be required to have plumbing or electrical systems, but if the cabin has these systems, then the provisions of the code otherwise applicable to those systems shall apply.**
 - 4.3 Smoke detectors and portable fire extinguishers shall be installed as required by other sections of this code.**
- 5. Temporary sleeping units for disaster relief workers as allowed by Section 321.4.5.**

903.2.8.1 Group R-3.

An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be required in Group R-3 occupancies and townhouses.

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective six months after approval by the North Carolina Building Code Council.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2023.

Attest:

TOWN OF APEX, NORTH CAROLINA

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney