

ARTICLE I  
IN GENERAL

Sec. 7-1. Valid Occupancy

Every commercial occupancy within the City of Spartanburg shall possess a valid Certificate of Occupancy and, when applicable, a valid City Business License. All required license(s) and/or permit(s) shall be prominently and permanently displayed in a public area and available for inspection. Occupancies which have relocated, or closed for a period exceeding ninety (90) days and reopened at the same location, must obtain a new Certificate of Occupancy.

Sec. 7-2. Inspection of buildings by Fire Official; right of entry; notice to remedy dangerous conditions, etc.

The Fire Official, or a member of the department appointed by him, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon commercial buildings, as defined by the International Code(s), State regulations, and/or Sec. 5-442, and premises within the City. Whenever the Fire Official, or any person appointed by him, shall find stored in any commercial building or premises any combustible, hazardous, or unsafe conditions dangerous to the buildings, premises, occupants, or public he shall order the same to be removed or remedied at once or may require a reasonable compliance time frame for items that do not present an immediate hazard.

If the Owner or Occupier of any premises fails or refuses to allow the Fire Marshal or his designee entry into said premises for the purpose of safety inspection or examination pursuant to Section 7-2 herein, or interferes with any such inspection or examination, then said Owner or Occupier shall be guilty of a misdemeanor and punished by fine and/or imprisonment not to exceed five hundred dollars (\$500.00) and/or up to thirty (30) days in jail, and such refusal or interference shall be construed to deem said premises as unsafe to the public and said premises may be immediately closed until such time as entry for an unhampered examination or inspection pursuant to Section 7-2 herein is allowed by the Owner or Occupier thereof to the Fire Marshal or his designee and the premises thereafter certified as safe for the public. Uniformed Public Safety Officers of the City of Spartanburg are hereby designated to assist the Fire Marshal as necessary in the effecting of peaceful entry, unhampered examination or inspection, or any such closure of said premises.

Sec. 7-3. Alarms and False Alarms. (as defined in Chapter 13-600  
- 13-611)

Sec. 13-601. DEFINITIONS

- (a) Alarm Administrator means a person or persons designated by the Director of Public Safety to administer, control and review alarm applications, permits and false alarm reduction efforts.
- (b) Alarm Notification means a notification intended to summon the Department of Public Safety, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion, holdup, fire, or other emergency situation.
- (c) Alarm Company means the business, by individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in an alarm site.
- (d) Alarm System means a mechanical or electrical device that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon Department of Public Safety services of the City, including but not limited to local alarms. Alarm system does not include:
  - (1) An alarm installed on a vehicle unless the vehicle is permanently located at a site; nor
  - (2) An alarm designed to alert only the inhabitants of a premises that does not have an external local alarm.
- (e) Alarm Site means a single premises or location served by an alarm system or systems.
- (f) Alarm User means any person, firm, partnership, corporation or other entity who (which) uses or is in control of any Alarm System at its Alarm Site.
- (g) False Alarms shall be defined as any communication generated by or as a result of an alarm system that results in a response by emergency service providers to include law enforcement officers, fire suppression personnel, emergency medical personnel, code enforcement personnel or rescue personnel and which, upon investigation, reveals no evidence or indication of criminal activity or other hazard. False alarms shall include negligently or accidentally activated signals; signals which are the results of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon the law enforcement personnel in non-emergency

situations; and alarms for which the actual cause are not determined. False alarms shall not include signals activated by weather conditions or other causes which are identified and determined by the authorized emergency responder to be beyond the control of the owner.

- (h) False Alarm Notification (F.A.N.) means an alarm notification to the Department of Public Safety or the Emergency Communication Center, when the responding emergency service providers find no evidence of a criminal offense, attempted criminal offense, fire, smoke, medical emergency, or other hazardous situation. Excluded from this definition are:
  - (1) Alarms occurring during electrical storms, hurricanes, tornadoes, blizzards and acts of God; or,
  - (2) The intermittent disruption or disruption of the telephone circuits beyond the control of the alarm company and/or Permit Holder; or,
  - (3) Alarms caused by a failure of the equipment at the communications center. Proof of such cause is the responsibility of the Permittee.
  
- (i) Local Alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility.
  
- (j) Permit Holder means the person designated in the application as required in Subsection 13-602(b) who is responsible for responding to alarms and giving access to the site, and who is responsible for proper maintenance and operation of the alarm system and payment of fees.
  
- (k) Verify means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request. For the purpose of this ordinance, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an Alarm User who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Sec. 13-602. REGISTRATION REQUIRED; APPLICATION; FEE

- (a) Permit Requirements. Upon receipt of a completed application form an Alarm Permit shall be issued. Alarms operating prior to January 1, 2005 are required to have a permit within ninth (90) days from the effective date of the ordinance. Alarms installed as of January 1, 2005 are required to have a permit within thirty (30) days of the installation date. After April 1, 2005, any alarm that is responded to by the Public Safety Department that is not registered will be cited for failure to register the alarm and will be subject to a penalty up to a five hundred dollar (\$500.00) fine and/or thirty (30) days imprisonment. Applications are obtained from the Finance Department License Enforcement, Public Safety Department and via the Internet.
- (b) Application Requirements. The application form for an Alarm Permit shall include information as required by the Director of Public Safety.
  - 1) Applicant's Name or name of business
  - 2) Alarm Location
  - 3) Alarm Company's name
  - 4) Names & relation of two people with keys to the premises and working knowledge of the Alarm System who could respond within one-half hour of law enforcement and/or fire personnel.
- (c) Service Charge and Penalty. If assessed, service charge must be paid before required permit will be issued. If the permit is not obtained within thirty (30) days after notification by City of Spartanburg, of such requirement, and continued operation of the alarm system by the owner or tenant occurs, it shall constitute a misdemeanor.
- (d) Changes. Any changes in the permit information must be reported within ten (10) days of the change to the Spartanburg Public Safety Alarm Coordinator, PO Box 1746, Spartanburg, SC 29304, Phone (864) 596-2000; Facsimile (864) 596-2152.
- (e) Failure to Respond. There will be a \$100.00 service charge if owner or tenant or designee fails to arrive at premises within one (1) hour of being notified by the law enforcement or fire personnel to respond in connection with an alarm activation. The registered owner of the alarm on the permit will be the liable party to ensure that personnel are available to respond upon request.

- (f) Revocations. Failure to pay any service charges within thirty (30) days shall constitute grounds for revocation of an alarm system permit by City of Spartanburg. A late payment penalty of ten percent (10%) or ten dollars (\$10.00), whichever is greater, shall be added to the account upon referral to the City debt collection division. Interest upon the principal amount due and penalty will accrue at the rate of ten percent (10%) annually from the first of the month following the day the account is referred to the debt collection division. Continued operation after revocation shall constitute a misdemeanor. Each day of operation after revocation shall constitute a separate offense.
- (g) Reinstatement. To reinstate a revoked alarm permit will require payment of all amounts owing.

Sec. 13-603. AUTOMATED DIALING DEVICE.

It shall be unlawful for any automated dialing device or system to call, or in any other manner make direct or indirect contact, with the City's enhanced 911 emergency telephone system. A violation of this section shall constitute a misdemeanor which shall be punishable by fine or imprisonment as set forth by state law.

Sec. 13-604. REQUIRED REGISTRATION OF ALARM COMPANIES

- (a) All alarm companies with the desire to function within the City limits of the City are required to be registered through the Director of Public Safety.
- (b) The alarm company must have proof of license to operate in South Carolina as an alarm company under the provisions of the State Board of Private Investigations and Private Security Agencies Act. Article 4413 (29bb) V.A.T.C.S. as amended by the South Carolina Legislature.
- (c) Any company who violated this section shall be subject to having its alarm permits revoked and further permits denied.
- (d) All alarm company registrations shall be made on forms provided by the Director of Public Safety and shall contain information as required by the Director of Public Safety.
  - 1) The full business name, address, and telephone number of the alarm company.
  - 2) The license number as issued to the alarm company by the State Board of Private Investigators and Private Security Agency Board.

- 3) The names, home addresses and telephone numbers of each owner, office, partner or stockholder holding twenty-five percent (25%) or more interest in said Alarm Company.
- 4) A description of services made available and offered to Permit Holders within the City, relating to the sale, installation, servicing, monitoring and testing of Alarm Systems communication service provided.
- 5) Alarm company registration shall be renewed annually on the first day of each year and shall be non-transferable. All updating of information is required as it occurs with the alarm company having sole responsibility.

(e) Alarm vendors/installers must obtain a permit to install any alarm system within the City of Spartanburg.

#### Sec. 13-605. DUTIES OF THE ALARM USER

- (a) The Alarm User liability shall be:
- 1) Maintain the premises and the Alarm System in a method that will reduce or eliminate False Alarms.
  - 2) Make a solemn endeavor to respond or cause a representative to respond to the Alarm System's location within thirty (30) minutes when notified by the municipality to deactivate a malfunctioning Alarm System, to provide right of entry to the premises, or to provide alternative security for the premises.
  - 3) Not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.
  - 4) An Alarm User shall have a properly Licensed Alarm Company inspect the Alarm System after two (2) False Alarms within a calendar year period from the date of registration issuance or renewal. The Alarm Administrator may waive an inspection requirement if it is determined that A False Alarm(s) could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within a calendar year period from Alarm User must have a properly Licensed Alarm Company modify the Alarm System to be more False Alarm resistant or provide additional user training as appropriate.
  - 5) An Alarm User must obtain a new permit if there is a change in address or ownership of a business.

- 6) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

Sec. 13-606. DUTIES OF THE ALARM COMPANY

- a) Prior to activation of the Alarm System, the Alarm Company must provide instructions explaining the proper operation of the Alarm System to the Alarm User.
- b) Provide written information of how to obtain service from the Alarm Company for the Alarm System.
- c) Provide the property operational training of the Alarm System to the Alarm User, the Alarm User's employees, or other persons designated by the Alarm User to operate the Alarm System.
- d) Upon enactment of this ordinance, Alarm Companies shall not install a device activating a robbery alarm system that is a single action non-recessed button. An Alarm Company must remove all single action non-recessed buttons when a takeover or conversion occurs.
- e) Upon enactment of this ordinance, Alarm Companies shall install only control panels which comply with CP-01 standards. This shall apply to all new installations and panel replacements.
- f) An Alarm Company which begins monitoring a previously unmonitored Alarm System or an Alarm System previously monitored by another Alarm Monitor shall notify the Alarm Administrator of the conversion within five (5) days after the date of conversion.
- g) An Alarm Company performing monitoring services shall:
  - 1) Attempt to verify an alarm signal from an Alarm System before requesting a law enforcement or fire personnel response; and
  - 2) Communicate a cancellation to the law enforcement or fire personnel as soon as possible following a determination that emergency response is unnecessary.
  - 3) Communicate any available information about the location of the alarm.

- 4) Provide Alarm User registration number at the request of emergency response.
- 5) Endeavor to contact the Alarm User or designated representative when an Alarm Notification is made.
- 6) Provide the law enforcement or fire personnel of any other information about the alarm and Alarm Site that may be of safety importance to the individuals responding.
- 7) Any Alarm Company failing to comply with the duties listed in this section shall have their Company's License revoked or suspended.

Sec. 13-607. Standards and Administration.

- (a) Except as authorized by law, it will be unlawful for any person to buy, sell, lease, repair, alter or replace any alarm system which does not meet minimum standards set for the in the sections of this ordinance, or to cause, permit, or suffer any alarm system to emit more than three (3) false alarms within thirty (30) day period.
- (b) The provisions of this ordinance will be administered and enforced by the Department of Public Safety. The Department of Public Safety is authorized to make inspections of alarm systems and of the premises whereon said system is located, and to make and enforce such rules and regulations as are necessary to implement the provisions prescribed in this ordinance.
- (c) It shall be unlawful for any person to engage in, conduct, or carry on any alarm business within the City of Spartanburg unless he or she has first registered his or her intention to engage in such alarm business with the Spartanburg Public Safety Department, giving the department such information as it may require.

Sec. 13-608. Charges.

- (a) False Alarm Charges. There is no charge for the first two (2) false alarms within a calendar year, however, the following charges will be applicable for subsequent false alarms:

(1) First and second false alarms	No charge
(2) Third, fourth and fifth false alarm	\$ 50.00

(3)	Sixth and seventh false alarm	100.00
(4)	Eighth and ninth false alarm	\$ 200.00
(5)	Tenth and each false alarm thereafter within a calendar year	500.00

Sec. 13-609. Appeals.

- (a) Upon evidence that any provision of this ordinance has been violated; and written notice therefore has been served upon the Permit Holder, either by persona service or by certified mail, postage prepaid addressed to the Permit Holder at the address set forth on the permit, the Director of Public Safety may suspend a Permit Holder permit effective on the date of service of notice when served personally or upon the expiration of five (5) days from the deposit of the notice in the mail when served by certified mail. In the latter case, failure of the Permit Holder to receive the notice shall not in validate the service of notice. The suspension of the permit shall result in a confirmation required status.
- (b) Failure or refusal by a Permit Holder user to correct any condition in violation of the provisions of this ordinance shall result in suspension continuing until the condition is corrected, and may result in the revocation of the Permit Holder permit, as provided hereinafter.
- (c) If the Director of Public Safety or their designee determines that a Permit Holder permit should be revoked, he or she shall give the Permit Holder fifteen (15) days notice of his or her intentions to do so, stating generally the grounds therefore, and of the right of the Permit Holder to have a hearing before the City Manager on the notice of intention to revoke permit, notice may be given by personal service or by certified mail with return receipt requested, non-restricted delivery, postage prepaid, addressed to the Permit Holder at the address set forth on the permit. Notice shall commence on the day of mailing to coincide with the notice of intent. Upon failure of the Permit Holder to cause the system to be repaired, or to be operated properly, or to pay the fee established pursuant to section "False Alarms and Fees" of this ordinance within such fifteen (15) day period, or to file an appeal to the City Manager as provided in this ordinance, the permit shall be revoked at the expiration of such fifteen (15) day period.
- (d) If the Director of Public Safety has issued a notice of intent to revoke a Permit Holder's permit or the Department of Public Safety has levied a charge under this Ordinance, the Permit Holder may within ten (10) days of the date of the service thereof, submit a written request by personal

delivery or by first-class mail for a hearing before the City Manager, setting forth the reasons why the permit should not be revoked or the charge levied. If served by mail, the request shall be made on the day of mailing.

- (e) If, a written request for a hearing is made, the City Manager shall set a hearing for a time no sooner than a fifteen (15) days nor later than thirty (30) days from service of the request and shall serve a written notice of the time and place thereof, on the Permit Holder by first-class mail at least ten (10) days prior to the date of such hearing. If such a request is received more than fifteen (15) days from the date of issuance of the notice of intent, the City Manager may set a hearing as provided herein if he or she finds there was good cause for the tardiness filing the request.
- (f) The proposed permit revocation and/or appeals from charges shall be heard by the City Manager or by a person designated by the City Manager to act as the hearing officer.
- (g) The Department of Public Safety's representatives and the Permit Holder or their authorized representative shall be heard and may present evidence including oral, documentary, and other evidence, and may examine and cross-examine witness. The City Manager or hearing officer may conduct such inquires and investigations as he or she deems proper, and shall not be bound in the conduct thereof by common law or statutory rules of evidence and procedure, but he or she may make such inquiry and investigation, through oral, documentary, and other evidence, which is best calculated to ascertain the substantial rights of the public and parties.
- (h) The decision of the City Manager shall not be invalidated because of the admission into the record and the use as any proof of any fact in dispute of any evidence not admissible under the common law or statutory rules of evidence and procedures.
- (i) The decision of the City Manager shall be final and conclusive.

#### Sec. 13-610. Notification of Installation of an Alarm System.

Alarm businesses shall notify the Spartanburg Public Safety Department each time the business sells, installs, operates, modifies, or maintains an Alarm System within the City of Spartanburg. Permits are required for all new installations. This notification shall be in writing, and shall include the following information:

- 1) The name, address, and telephone number of the business or

its alarm agent.

- 2) The name of the Permit Holder and his or her business address and telephone number and residential address and telephone number.
- 3) The name of at least two other persons responsible to respond to the Alarm Site and his or her business address and telephone number, and residential address and telephone number.

Sec. 13-611. Audible Alarm Systems Standards.

(a) It shall be unlawful to buy sell, install, or operate within the City of Spartanburg an audible alarm system which upon activating emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes. For the purpose of this section, any electronic sounding device that produces a variable pitch-tone shall be considered similar to an emergency vehicle siren. This shall not apply to sirens mounted inside a building which cannot be heard from outside of the building.

(b) Upon notification by the Spartanburg Public Safety Department, the Permit Holder or his or her representative shall promptly proceed within one (1) hour to the scene of the alarm and render any necessary service. This service shall include opening the premises so they may be searched.

Every audible alarm system installed after the effective date of this ordinance shall have a timing device which automatically shuts off the alarm within six (6) minutes when the alarm system is located on a residence and within thirty (30) minutes when the Alarm System is located on other types of premises after the alarm is activated. Alarm Systems shall be programmed with the Swinger Shut Down feature programmed at 1.

(c) Every audible Alarm System which was installed prior to the effective date of the ordinance, but which does not have a timing device as described in the subdivision (b) of this section, shall be required to have such device installed within one hundred eighty (180) days thereafter.

(d) Notwithstanding the installation of an automatic timing device, it shall be unlawful for any Alarm Business or Permit Holder to cause, permit or allow an audible Alarm System to be activated for a period in excess of one (1) hour.

(e) All alarm systems shall have a standby power supply which will automatically assume the operation of the Alarm System should any interruption occur in the power to the system.

The transfer of power from the primary source to the backup source must occur in a manner which does not activate the alarm.

#### Sec. 7-4. Obstructing fire hydrants

It shall be unlawful for any person to obstruct any fire hydrant within the City by parking a vehicle, placing boxes or other articles of obstruction in or around or piling same upon such fire hydrant, or allowing vegetation to overgrow the hydrant so as to prevent free and unimpeded access thereto by the fire department. A clear space shall be maintained directly in front of the hydrant to the road, ten (10) feet in either direction parallel to the road, and three (3) feet of clearance around the hydrant.

#### Sec. 7-5. Driving over fire hose

It shall be unlawful for any person to drive over or otherwise injure any fire hose belonging to the City.

#### Sec. 7-6. Burning rubbish, etc.

It shall be unlawful to burn rubbish in the open or to burn any material whatsoever so as to create or give off obnoxious smoke or odor within the City. Provided, however, the Director of Public Safety or his designee may issue a controlled burn permit for the limited burning of debris resulting from the clearing of land on large tracts under such terms and conditions as are established by the City of Spartanburg. Further, the Director of Public Safety or his designee may issue a permit for the burning of debris or structure(s) for the purpose of fire personnel training or research. The City Manager may establish an impact fee for such permits. Bonfires as a part of special events shall be allowed subject to the terms and conditions established by the City of Spartanburg for a limited bonfire permit. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

#### Sec. 7-7. Open Burning

Open burning within the City shall be strictly prohibited. Provided, however, that the Director of Public Safety or his designee may issue a controlled burn permit for the limited burning of debris resulting from the clearing of land on large tracts under such terms and conditions as are established by the City of Spartanburg. The City Manager shall establish an impact fee for such permits. Bonfires as a part of special events shall be allowed subject to the terms and conditions established by the City of Spartanburg for a limited bonfire permit. Burning shall be conducted in accordance with the International Fire Code, State regulations, and provisions of this section shall be guilty of a misdemeanor.

#### Sec. 7-8. Recreational Fires

Recreational fires, as defined by the International Fire Code, are strictly prohibited, unless considered a bonfire, and permitted as such, under the previous sections.

#### Sec. 7-9. Contained Recreational Fires

Fires for private use that are contained within an approved container, shall not be prohibited provided that they do not endanger any structure or property and no burn restrictions are in place from the SC Forestry Commission or local jurisdiction. Containers shall include an enclosed chamber, enclosed on all sides with solid or mesh type material, and all products of combustion will pass through a stack or chimney that includes a spark arrestor. Only dry, seasoned woods will be consumed within enclosed chamber and at no time shall the burning become a nuisance to any City resident. The operator is responsible for controlling the fire at all times, through constant attendance and vigilant fire control measures, failure to do so may result in prosecution under state or local codes for negligently allowing fire to spread to property of another. Contained recreational fires are not allowed upon any construction site.

#### Sec. 7-10. Fire Lanes

Fire lanes may be established in the City from time to time by the Fire Official for new and existing properties for the purpose of maintaining clear and unimpeded access to properties. It shall be the responsibility of the property owner/occupant to maintain the fire land properly painted with violation notice signs posted. Fire lanes shall be posted in accordance with the requirements of the Fire Prevention Office.

#### Sec. 7-11. Key Boxes

Key boxes shall be installed in accordance with the International Fire Code and the Policies of the Spartanburg Public Safety Department - Fire Division. Key boxes will be required for buildings utilizing a sprinkler or fire alarm system on all new construction, buildings undergoing significant construction or remodel, buildings in which a sprinkler or fire alarm system is added, or buildings that continue to transmit false alarms and key holders fail to respond. Other forms of key controlled access, as approved or required by the Fire Official, may be required, when in the opinion of the Fire Official a barrier or device will delay access to an area or location. The location and mounting of the key box or key override system shall be in accordance with the requirements of the Office of Fire Prevention.

Sec. 7-12 - 7-29. Reserved

## ARCICLE II. FIRE PREVENTION CODE

Sec. 7-30. International Fire Code adopted

There is hereby adopted the International Fire Code, most recent edition adopted by the State, including Chapter 1 in its entirety, and appendices B, C, D, E, F, & G, published by the International Code Council, which edition is on file in the Office of Fire Prevention of the City to the same extent and in the same manner as if it were printed in its entirety herein, with the following additions and exceptions:

- a) References to the International Existing Building Code will be replaced by the International Building Code unless otherwise accepted by the Code Official as an alternative means of compliance.
- b) Operational and Construction permits specified within Chapter 1 are at the discretion of the Code Official, based on recognized needs to manage or mitigate potential hazards. A list of permit required activities will be maintained by the Code Official.
- c) D103.4 is hereby modified to require cul-de-sac diameters in accordance with City requirements.
- d) Documentation of maintenance, repairs, or inspections of life safety equipment shall be submitted to the Code Official by the licensed contractor upon completion of required inspections (i.e. fire sprinkler, fire alarm, hood suppression reports, or others as specified).
- e) Violation or failure to comply penalties with the International Fire Code will be in accordance with Section 7-33 of this Code.

Sec. 7-31. International Fire Prevention Code adopted.

There is hereby adopted the International Fire Prevention Code, most recent edition, which edition is on file in the office of the Building Official of the City to the same extent and in the same manner as if it were printed in its entirety herein.

Sec. 7-32. Sprinkler Code and Fire Alarm Codes

The Fire Official is authorized to utilize the most recent edition, adopted by the State Fire Marshal's Office, of the following codes:

- a) National Fire Protection Association Installation of Sprinkler Systems, also known as NFPA 13, with the following additions:

- 1) Sprinkler systems, new or substantially remodeled, protecting multi-level buildings shall be individually controlled and annunciated by floor, utilizing floor control valves and electronic flow switches.
  - 2) Sprinkler systems, new or existing, shall maintain an operational exterior means of water flow notification acceptable to the Code Official.
- b) National Fire Protection Association Fire Alarm Code, also known as NFPA 72, with the following additions:
- 1) New or substantially remodeled establishments utilizing a fire alarm system and amplified music, or other systems that may override the audibility of the alarm or add to the confusion of the occupants during the alarm condition, must be designed such that these distractions are automatically de-activated upon activation of an alarm condition.

#### Sec. 7-33. Penalty for Violation of Code

- a) Any person who shall violate any of the provisions of the Code adopted in this article or fail to comply therewith, or who shall violate or fail to comply therewith, or who shall violate or fail to comply with any order made Thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved Thereunder or any certificate or permit issued hereunder or who shall fail to comply with such an order as affirmed or modified by the City Manager or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as set forth in Section 1-11. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and with not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

#### Sec. 7-34. Appeals and Adjustments

Request for appeals or adjustments of enforcement items shall be filed in writing with either the Fire or Building Official, whichever is supervising the enforcement activity, within ten (10) working days of the issued notice of violation for an administrative hearing. The Code Official will review the case information during the administrative hearing and overturn, amend, modify, or uphold the notice as issued. Upon failure to satisfactorily resolve the violation, of the Code Official will

appropriately direct the case to either the Board of Adjustments and Appeals of the City of to the Municipal Court. Appeals based solely on challenging the interpretation of the Code Official regarding the application of the Code may be filed with the Board of Adjustments and Appeals within thirty (30) days of the administrative hearing. Appeals based on refusal to comply, continued violations, or regarding interpretation and application of the Code will be scheduled through the Municipal Court. Failure to appeal within the initial ten (10) working days waives the appeal process.

#### Sec. 7-35. Definitions

The following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or when the term or phrase is clarified or prescribed within other codes or standards.

*Accessory structure* means a subordinate building, the use of which is incidental to that of the principal building on the same lot.

*Building* means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for fifty (50) percent of its perimeter. The term "building" shall be construed as if followed by the words or part thereof.

*Commercial building* means any building, business or enterprise which requires the issuance of a temporary or permanent Certificate of Occupancy. This includes such facilities as business and mercantile facilities or similar, boarding/rooming homes or similar, and the common area of multi-tenant family dwellings such as apartments.

*Fire Inspector* means a designee or deputy of the Fire Marshal, with the Office of Fire Prevention, for the City.

*Fire Official* means the Fire Marshal with the Office of Fire Prevention for the City. The term may be applied to deputies, as assigned pursuant to Code allowances, who may act at the Fire Officials discretion with his approval.

*Key Box* means a key security box designed for the retention of building keys for commercial or residential properties. These boxes are of a designated type and approved listing as determined by the Fire Official.

*Mixed occupancy* means any building that is used for two (2) or more occupancies classified by different occupancy use groups.

*Office of Fire Prevention* means the office, under the direction of the Fire Marshal, charged with enforcing the Fire Code or other provisions assigned by the City Manager.

*Operator* means any person who has charge, care or control of premises or a part thereof, whether with or without the knowledge and consent of the owner, or any person, individually or jointly, entitled to possession regardless of whether the premises are actually occupied or not.

*Premises* means a lot, plot or parcel of land including the buildings or structures thereon, under control by the same operator, devoted to commercial use, together with all adjacent land.

Sec. 7-36. Approval of plans, issuance of permits, etc.

The Fire Official, or his designee, shall approve all plans, issue permits, inspect buildings under construction and pass on the safety of any existing buildings as related to Fire Code issues.

Sec. 7-37. Failure to comply with notice of Fire Official.

If the owner or builder erecting any new building, upon notice from the Fire Official, shall fail or refuse to comply with the terms of the notice by correcting the defects pointed out in such notice, so as to make such building comply with the law as regards new buildings, he shall be guilty of a misdemeanor, and shall be punished as such. Every day during which any defect in the building is willfully allowed to remain after notice from the inspector shall constitute a separate and distinct offense.

Sec. 7-38. Re-inspection Fees.

Re-inspection fees may be assessed upon any location that fails to correct any previously cited violations when such violations will require an additional inspection to ensure correction. This section shall also apply to contractors or installers who fail to correct previously cited violations and who prematurely request re-inspection before correction or adequate repairs have been made. Re-inspection fees must be paid before the re-inspection will be conducted. Fees will be in accordance with the Fee Schedule utilized by the Building Department.

Sec. 7-39. Enforcement of regulations relative to explosives, ammunition and blasting agents.

It shall be the duty of the Fire Official to enforce all regulations relative to the storage or site specific use of explosives, ammunition and blasting agents not otherwise regulated by Federal or State agencies.

Sec. 7-40 - 7-60. Reserved.

ARTICLE III.  
FIRE PROTECTION SERVICE OUTSIDE CITY LIMITS

Sec. 7-61. Conditions for service.

No fire protection service shall be rendered outside the corporate limits of the City by the fire department, except under the following conditions:

- (1) To protect property within the City threatened by fire from outside the corporate limits of the City;
- (2) To go to the aid of other municipalities , the State of South Carolina, Spartanburg County, or any fire district in Spartanburg County when requested to do so by a duly authorized officer of such governmental entity;
- (3) To protect the property of persons who have made previous arrangements for fire protection service with the City in accordance with the provisions of this article.

Sec. 7-62 Contracts for service; persons eligible; annual fees

(a) Any person owning any property lying within one (1) mile from the City limits may enter into a contract with the City for fire protection on the following basis:

- (1) By entering into a contract, as hereinafter specified with the City to pay, in advance, annually, a fire protection service charge of two hundred dollars (\$200.00) for a residence and outbuildings incident thereto, and agreeing to pay for each fire protection service call the amounts set forth in this article;
- (2) By entering into a contract, as specified in this article, with the City to pay, in advance, annually, a fire protection service charge of four hundred dollars (\$400.00) for a business or commercial building, and agreeing to pay for each fire protection service call the amounts set forth in this article;
- (3) By entering into a contract, as specified in this article, with the City to pay, in advance, annually, a fire protection service charge of five hundred dollars (\$500.00) for an industrial or manufacturing building or structure and public utilities, and agreeing to pay for each fire protection service call the amounts set forth in this article;
- (4) By entering into a contract, as specified in this article, with the City to pay, in advance, annually, a

fire protection service charge of seven hundred fifty dollars (\$750.00) for any lumber yards and for any railroad freight cars brought into the City for the purpose of a fire call or protection, and agreeing to pay for each and every fire protection service call the amounts as hereinafter set forth;

- (5) By entering into a contract, as specified in this article, with the City to pay, in advance, annually a fire protection service charge of one thousand dollars (\$1,000.00) for any rubber or tire manufacturing or reprocessing plants and for any bulk storage or petroleum products, and agreeing to apy for each and every fire protection service call the amounts as set forth in this article.

(b) Any person owning any property lying more than one (1) mile but less than two (2) miles from the City limits who has a valid fire protection and service agreement with the City on the effective date of the ordinance from which this article derives shall be allowed to continue to contract for fire protection. In order to continue to be eligible for this service the person must agree to abide by all the other requirements of this article and must keep the agreement current on a continuous basis with no break in time.

#### Sec. 7-63. Conditions of contract.

Upon the payment of the required annual fees, the City Manager is authorized to enter into a contract with the property owner desiring fire protection service on the following conditions:

- (1) The City agrees to furnish fire protection service consisting of a motor-driven pumper truck, properly equipped and manned by sufficient firefighters for effective use, subject to limitations and conditions hereinafter specified and subject to conditions existing at the location f the fire.
- (2) Fire protection service calls made outside the corporate limits of the City shall be answered only when, in the discretion of the fire commander or fire officer in charge, such call will not jeopardize the safety of property or persons within the corporate limits of the City.
- (3) The City shall not in any manner, pursuant to entering into a contract to provide fire protection service, be responsible or liable, in any respect, for damages to property or persons for loss by fire, damage by water or other reasons while attending to the fire or as a result of the failure of the fire department to answer such fire calls.

- (4) Property owner on whose premises any fire is located shall be responsible and liable for the charges made under this article when the fire department answers the call, notwithstanding that some other person made the request for fire protection service.
- (5) The property owner agrees that the property receiving fire protection will be annexed to the City at any time in the future when permissible by state law and requested by the City.
- (6) Failure to make the payment as prescribed in this article shall terminate this contract or agreement without notice except that the commitment to annex shall survive the contract or agreement.
- (7) Upon the annexation to the City of any property protected by fire service as provided in this article, the fire service charges shall be prorated and the unearned portion refunded to the property owner.
- (8) The City Manager is authorized and directed to institute legal action to collect for any fire protection service call made outside the corporate limits of the City.

Sec. 7-64. Time for payment of annual fees.

The annual payment required by Section 7-62 shall be paid to the City, in advance, each year for the use of standby fire protection service for the ensuing year. Any person desiring fire protection service after March thirty-first of any year shall make payments on the following basis:

- (1) April first to June thirtieth, inclusive, seventy-five (75) percent of the annual charge;
- (2) July first to September thirtieth, inclusive, fifty (50) percent of the annual charge;
- (3) October first to December thirty first, inclusive, twenty-five (25) percent of the annual charge.

Sec. 7-65. Fees for service calls.

For each fire protection service call made pursuant to a fire protection service contract, the following fee shall be paid, as applicable, in addition to the annual fire protection service charge:

- (1) Residence and incidental outbuildings for first hour  
\$200.00  
For each additional hour or fraction thereof  
\$100.00

- (2) Commercial building or structure, containing less than twenty-five thousand (25,000) square feet not including a garage, public utilities, railway freight cars brought into the City and lumber yards for first hour \$200.00  
 For each additional hour or fraction thereof  
 \$100.00
- (3) Commercial or manufacturing building or construction, in excess of twenty-five thousand (25,000) square feet, not including garages, for first hour \$300.00  
 For each additional hour or fraction thereof  
 \$100.00
- (4) Building or structure containing a business engaged in the storage or distribution of flammable liquids or gases not for retail sale, for the first hour 300.00  
 For each additional hour or fraction thereof 100.00

Chapter 7A  
 Public Safety and Police Protection

Section 1. Sec. 7-500.

There is hereby established that the Department of Public Safety for the City of Spartanburg shall be charged with the responsibility for providing police protection and law enforcement. Sworn officers of the Department of Public Safety shall be vested with all powers and duties conferred by law including the powers provided under SC Code Ann., § 5-7-110 and the power of arrest as provided in SC Code Ann., § 17-13-40.

Section 2. Sec. 7-501.

The Department shall be under the direction of the Director of Public Safety who shall be a department head selected and supervised by the City Manager.

Section 3. Sec. 7-502.

The police powers of the City of Spartanburg are hereby extended to include all lands or property owned or leased by the City of Spartanburg or any agency of the City. The Ordinances of the City shall be applicable on such property.

Section 4. Sec. 7-503.

The Director of Public Safety shall be the Chief Executive Officer of the Department of Public Safety and it is the person's duties to direct the preservation of order in the City with enforcement Rules, Regulations and Ordinances of the City. The Director of Public Safety is also responsible for the enforcement

of Federal and State law within the City. As the Chief Administrator of the Department of Public Safety, the Director of Public Safety is a policy maker. The Director insures that all policies are promptly executed within the Department.

Section 5. Sec. 7-504.

All personnel under the Department of Public Safety engaged in law enforcement shall be sworn officers who shall take and substantially abide by an oath of office to enforce the law and uphold the Nation's Constitution, and basic laws of the land and those of the City of Spartanburg. All sworn officers shall also abide by the Rules of Conduct and Canon of Ethics adopted by the Department of Public Safety and any amendment thereto.

Section 6. Chapter 7, "Fire Prevention and Protection" of this Code is readopted. Fire prevention and protection is provided by the Fire Service Division of the Department of Public Safety.