A motion was made by Council Member _____ to approve the following Ordinance amendments. A vote of ___.

AN ORDINANCE TO AMEND TOWN OF BLACK MOUNTAIN CODE OF ORDINANCES CHAPTER 21 - FIRE PREVENTION, ARTICLE II - FIRE CODE, SECS. 21-26 THROUGH 21.50, AND TO AMEND CHAPTER 21 - FIRE PREVENTION, TO ADD AN ARTICLE III - THIRD PARTY FIRE INSPECTION REPORTING, SECS. 51-59

ORDINANCE NO: O-26-01

NOW, THEREFORE, BE IT ORDAINED that Chapter 21 - Fire Prevention, Article II - Fire Code, be amended to add the following text (additions are underlined in bold):

- **Secs. 21-36 – 21.50. – Reserved.**

BE IT FURTHER ORDAINED that Chapter 21 - Fire Prevention, be amended to add a new section, Article III - Third Party Fire Inspection Reporting, beginning at Sec. 21-51, through Sec. 21-59, containing the following text (additions are underlined in bold):

Chapter 21 – Fire Prevention.

Article III – Third Party Fire Inspection Reporting.

Sec. 51. – Authority.

This ordinance is adopted pursuant to the Town's authority under North Carolina General Statutes Chapter 160D, including the authority to administer and enforce the North Carolina Fire Code and to establish administrative requirements for inspections, permits, and reporting related to fire protection and life safety systems.

Sec 52. – Purpose.

The purpose of this ordinance is to ensure accurate representation and transparency of fees associated with required electronic submission of fire protection system inspection, testing, and maintenance reports to the Town through a designated third-party reporting system.

This ordinance regulates how required reporting fees are described and documented and does not regulate the overall price a contractor may charge for services.

Sec. 53. – Applicability.

This ordinance applies to any contractor, service provider, or company that performs inspection, testing, maintenance, certification, or service on fire protection or life safety

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systems where reports are required by the Fire Code Official to be submitted through a Town-designated electronic reporting system.

Covered systems include, but are not limited to:

- **(a) Automatic fire sprinkler systems.**
- **(b) Fire alarm and detection systems.**
- **(c) Commercial kitchen hood and suppression systems.**
- **(d) Fire pumps and standpipes.**
- **(e) Portable fire extinguishers.**
- **(f) Special hazard suppression systems.**
- **(g) Any other system for which reporting is required under the North Carolina Fire Code.**

Sec. 54. – Definitions.

- **(a) Third-Party Reporting System.**
  An electronic system designated by the Town for submission and tracking of required fire protection system reports.
- **(b) Pass-Through Reporting Fee.**
  The exact fee charged by the third-party reporting system to submit a required report to the Town.
- **(c) Administrative or Service Fee.**
  Any fee charged by a contractor in addition to the pass-through reporting fee for services such as preparation, handling, documentation, or processing.

Sec. 55 - Fee Representation Requirements.

- **(1) Pass-Through Fee Limitation.**
  A contractor shall not charge a property owner more than the actual pass-through reporting fee while representing the charge as:
  - **(a) "Compliance Engine Fee"**
  - **(b) "Reporting System Fee"**
  - **(c) "Town Reporting Fee"**
  - **(d) or any similar description implying the charge is the Town's or reporting platform's required fee.**
- **(2) Itemization of Additional Charges.**
  Any amount charged beyond the pass-through reporting fee shall be:

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(a) Listed separately, and

(b) Clearly labeled as an Administrative Fee, Service Fee, or similar term that does not imply it is a Town or reporting platform fee.

(3) Prohibited Misrepresentation.
It shall be a violation of this ordinance to misrepresent an administrative or service fee as a required Town fee or third-party reporting system fee.

Sec. 56 - Documentation Requirement.

Upon request of the Fire Code Official, a contractor shall provide documentation sufficient to verify the actual pass-through reporting fee assessed by the third-party reporting system for a specific report submission.

Sec. 57. - Enforcement and Civil Penalties.

(a) Violation.

Failure to comply with the requirements of this ordinance shall constitute a violation of the Town's fire code administrative regulations adopted pursuant to N.C.G.S. Chapter 160D.

Each improperly represented invoice or report submission shall constitute a separate violation.

(b) Notice of Violation.

The Fire Code Official may issue a written Notice of Violation (NOV) to any contractor or service provider found to be in violation of this ordinance. The NOV shall describe the violation and provide a reasonable time for correction when appropriate.

(c) Civil Penalties.

In addition to any other remedies allowed by law, the following civil penalties may be assessed:

Offense	Civil Penalty
First Violation	$100
Second Violation	$250
Third and Subsequent Violations	$500 per violation

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Each improperly represented invoice shall be treated as a separate offense.

(d) Continuing Violations.

Each day a violation continues after written notice may be considered a separate violation.

(e) Additional Remedies.

The Town may pursue any other remedies authorized by law, including:

(1) Withholding acceptance of required reports until compliance is achieved.
(2) Suspension of a contractor's privilege to submit reports through the Town's designated reporting system.
(3) Injunctive or equitable relief as permitted under North Carolina law.

(f) Appeal.

Any person assessed a civil penalty under this section may appeal the citation in accordance with the Town's established administrative appeal procedures.

Sec. 58. – Severability.

If any section or portion of this ordinance is found invalid, the remainder shall remain in full force and effect.

Sec. 59. - Effective Date.

This ordinance shall take effect upon adoption.

READ, APPROVED AND ADOPTED, by a vote of _____ on this the 9th day of February 2026.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk

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