



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Reggie Goodson, City Manager
Chris Carver, Fire Chief

DATE: February 21, 2025

REF: Consideration – Hold a Public Hearing - Adoption of a City Ordinance for Fire Prevention

BACKGROUND:

The Elizabeth City Fire Department has been plagued with mulch fires in flowerbeds over the last couple of years. Some of these fires have spread to buildings causing minor to moderate damage. The adoption of this ordinance would require non-combustible material to be used where combustible building materials can become an exposure.

ANALYSIS:

As the City of Elizabeth City is experiencing rapid growth, the need to create an ordinance regarding combustible landscaping materials has become necessary. Mulch, which is a common cover used in flower beds that provides a decorative addition to complete any landscaping project. While this is an inexpensive way to accomplish this, we have seen an increase in fires involving mulch and other combustible materials in flowerbeds. Many flowerbeds are located at the main entrances of many buildings where people travel in and out. It is a common practice for smokers to discard cigarettes and similar items into these flowerbeds. Under the right conditions, these have the potential to set the combustible materials in the flowerbed on fire.

The purpose of this ordinance is to require the use of non-combustible material as a barrier between buildings and combustible materials. This “buffer zone” would be required to be a minimum of 16 inches from any type of building other than one constructed with masonry (such as stone).

The proposed text for adoption would appear as follows:

Sec. 16-3. Combustible landscaping material prohibited.

No pine straw, mulch or similar landscape cover material shall be placed, within 16 inches of buildings with combustible exterior construction including, but not limited to, vinyl, aluminum, masonite, or wood siding.

(a) *Exception:* Detached residential structures not utilized as an "R-4 Home Daycare" or "R-4 Residential Care Home" as defined in the North Carolina Building Code.

The ordinance will only apply to any new construction once it goes into effect

AT THE CONCLUSION OF THE PUBLIC HEARING:

STAFF RECOMMENDATION:

By motion, adopt Ordinance #2025-02-01 amending the Elizabeth City Code of Ordinances and restricting the use of combustible materials for landscaping where they may create fire hazards for new construction.



ORDINANCE #2025-02-01
AMENDING CHAPTER 96 – FIRE PREVENTION AND PROTECTION
IN THE ELIZABETH CITY CODE OF ORDINANCES

WHEREAS, a goal of the Elizabeth City Fire Department is to prevent fires and circumvent hazardous situations before they occur; and

WHEREAS, the increase of combustible materials used for cover in flower beds, particularly at the entrances of buildings has led to an increase in fires, some of which have entered the facilities in question before being alleviated; and

WHEREAS, the ECFD requested the City Council consider an amendment to the Elizabeth City Code of Ordinances prohibiting the use of combustible materials be utilized for landscape cover for any new construction within 16 inches of the building; and

WHEREAS, the City Council first discussed the matter during their January 27, 2025 Work Session, whereupon it was forwarded to the February 10, 2025 Regular Session to Call for a Public Hearing, which was subsequently held during the February 24, 2025 Regular Session at a time when a quorum of the Council was present.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY THAT:

SECTION I:

Section 96 of the Elizabeth City Code of Ordinances – Fire Prevention and Protection shall hereby be amended to include the following text:

- **Combustible Landscaping Material Prohibited.**
- No pine straw, mulch or similar landscape cover material shall be placed, within 16 inches of new construction or buildings with combustible exterior construction including, but not limited to, vinyl, aluminum, masonite, or wood siding.

- *Exception:* Detached residential structures not utilized as an "R-4 Home Daycare" or "R-4 Residential Care Home" as defined in the North Carolina Building Code.

SECTION II. EFFECTIVE DATE: This Ordinance shall take effect immediately upon adoption.

SECTION III. SEVERABILITY CLAUSE: If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 24th day of February 2025.

E. Kirk Rivers
Mayor

April Onley, NCCMC
City Clerk