

# CHAPTER 10: FIRE PROTECTION AND PREVENTION

Article

- I. IN GENERAL
- II. FIRE DEPARTMENT
- III. FIRE HAZARDS
- IV. FIRE LIMITS
- V. BONFIRES AND OUTDOOR RUBBISH FIRES

Notes

- <sup>1</sup> Cross-reference:  
Buildings and Building Regulations, Ch. 5; fires in parks, § 16-215; Planning, Zoning, and Subdivision Control, Ch. 17; Flood Damage Prevention, §§ 17-401 et seq.; Traffic and Motor Vehicles, Ch. 20; following fire apparatus, § 20-801; crossing fire hose, § 20-802; Utilities, Ch. 21.

## ARTICLE I: IN GENERAL

Section

- 10-101 Fire prevention code
- 10-102 to 10-199 Reserved

### § 10-101 FIRE PREVENTION CODE.

As provided in G.S. § 143-138 and G.S. Chapter 160A, Article 19, Part 5, the town shall enforce the *State Fire Prevention Code*.

(Code 1976, § 4.17)

#### **Statutory reference:**

*In addition to the statutes cited above, see G.S. § 143-151.13, "Required standards and certificated for code-enforcement officials".*

### §§ 10-102 TO 10-199 RESERVED.

## ARTICLE II: FIRE DEPARTMENT

Section

- 10-201 Organization
- 10-202 Duties of chief
- 10-203 Fire inspector
- 10-204 General authority to fight fires; traffic
- 10-205 Following fire equipment
- 10-206 Interfering with firefighters or fire apparatus
- 10-207 Only firefighters may ride on trucks without permission
- 10-208 Interfering with fire alarm apparatus
- 10-209 Giving false alarm of fire forbidden
- 10-210 Protection of fire hose
- 10-211 Fire protection outside of town
- 10-212 to 10-299 Reserved

#### **Cross-reference:**

*Officers and employees, §§ 2-401 et seq.; authority of police and fire department officials, §20-301; authorized emergency*

vehicles, §§ 20-306 et seq.

**Statutory reference:**

*"Fire Protection" and "Municipal Firefighters", G.S. Ch. 160A, Art. 14 and 14A.*

**§ 10-201 ORGANIZATION.**

(A) The Fire Department shall consist of the Chief of the Fire Department, and a sufficient number of firefighters, voluntary, part- or full-time, to maintain and operate the Department. The Town Manager shall appoint the Fire Chief, and approve the appointment to the Department of all members.

(B) The Department may, from time to time, adopt its own rules and regulations governing the Department, subject to the approval of the Town Council.

(C) However, any such rules and regulations may include provisions for at least one training period each month, and that any member who is absent for two consecutive meetings without a bona fide reason be dropped from the Department.

(Code 1976, § 4.1)

**Statutory reference:**

*Authority to appoint Fire Chief and firefighters, G.S. § 160A-291.*

**§ 10-202 DUTIES OF CHIEF.**

The duties of the Fire Chief, subject to supervision by the Town Manager, shall be as follows:

(A) To exercise general control of the Department, the personnel, apparatus, and fire alarm systems;

(B) To command the Department, and supervise the firefighting and extinguishing of all fires, and to have the authority to keep away from the vicinity of all fires any, and all idle, disorderly, or suspicious persons;

(C) To inspect, or cause to be inspected, all trucks and other equipment of the Fire Department each and every week to ascertain that such equipment is being kept in proper condition, and report annually to the Town Council the condition of all equipment;

(D) To inspect, or cause to be inspected, all fire hydrants and fire alarm systems at least once every three months, and make a report of such inspection to the Manager;

(E) To serve as, or to delegate, the responsibilities for the Fire Inspector. (See §10-203); and

(F) To perform such other duties and tasks as required by law, or otherwise assigned by the Town Manager.

(Code 1976, § 4.2(1)-(4))

**§ 10-203 FIRE INSPECTOR.**

The Fire Chief is to assume the functions of Fire Inspector, and as such, the Chief, or his or her designee, shall have authority to enter any, and all, premises, at a reasonable time, for the purposes of the following inspections:

(A) *Routine inspection.* The Inspector shall make annual inspections of all structures located within the fire district;

(B) *State Fire Code inspections.* The Inspector shall inspect all structures, including ones under construction, as required, or necessitated, by the *State Fire Prevention Code*;

(C) *Inspections upon complaint.* The Inspector shall, upon receipt of a complaint, forthwith investigate;

(D) *Records.* The Inspector shall investigate the causes of fires, and shall keep records of his or her findings as to origin, location, owner, extent of damage, injury, and amount of insurance carried. The findings must be reported to the State Insurance Commissioner at regular intervals; and

(E) *Orders for removal of fire hazards.* The Inspector shall cause the removal of fire hazards by serving a proper order to the owner(s) or agent(s) of the premises in question, with such order stating a reasonable time limit for compliance.

(Code 1976, § 4.2(5))

**§ 10-204 GENERAL AUTHORITY TO FIGHT FIRES; TRAFFIC.**

(A) It shall be unlawful for any person, or persons, to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the Fire Department.

(B) In the event of an alarm of fire, the apparatus of the Fire Department responding to it shall have the right-of-way in, and upon, all streets, lanes, alleys, and other public ways.

(C) The drivers of vehicles, upon the approach of fire apparatus, shall immediately bring their vehicles to a stop on the right-hand side of the street in the direction in which they are facing, and shall not move their vehicles until such apparatus has passed.

(D) Violations of subsections (B) and (C) above shall be violations G.S. §§ 20-156 and 20-157 respectively, and are not subject to civil penalties pursuant to this code.

(Code 1976, § 4.3) Penalty, see § 1-111

#### **§ 10-205 FOLLOWING THE FIRE EQUIPMENT.**

It shall be unlawful to follow any fire apparatus which is responding to a call, by automobile or any other vehicle, unless such is used for transporting firefighters to the scene of fire, at a distance closer than one town block, or to pass such apparatus, or to park within the same block in which fire is in progress. A violation of this section shall be a violation of G.S. § 20-157, and is not subject to civil penalties pursuant to this code.

(Code 1976, § 4.4) Penalty, see § 1-111

##### **Cross-reference:**

*Crossing fire hose, § 20-801.*

##### **Statutory reference:**

*Similar provisions, G.S. § 20-157(b), (c).*

#### **§ 10-206 INTERFERING WITH FIREFIGHTERS OR FIRE APPARATUS.**

(A) No person shall willfully interfere with a firefighter in the discharge of his or her duty, or hinder him or her in the performance of such duty. A violation of this subsection is a violation of G.S. § 58.82-1, and is not subject to civil penalties pursuant to this code.

(B) No person, other than members of the Fire Department, may loiter about any fire station, or change, handle, or meddle in any manner with the fire engine, or any other fire apparatus.

(Code 1976, § 4.5)

#### **§ 10-207 ONLY FIREFIGHTERS MAY RIDE ON TRUCKS WITHOUT PERMISSION.**

No person, other than a bona fide member of the Fire Department, shall mount any fire engine, wagon, or apparatus before it leaves the station, or while on its way to, or from, a fire, or at any other time, unless by permission of the driver, or officer in command of such engine, wagon, or other apparatus.

(Code 1976, § 4.6)

#### **§ 10-208 INTERFERING WITH FIRE ALARM APPARATUS.**

No person shall interfere carelessly, or willfully, with the fire alarm system, or injure the poles, wires, boxes, or other apparatus connected therewith. A violation of this section shall be a violation of G.S. § 14-286, and is not subject to civil penalties pursuant to this code.

(Code 1976, § 4.7)

#### **§ 10-209 GIVING FALSE ALARM OF FIRE FORBIDDEN.**

No person shall give, or cause to be given, any false alarm of fire by means of the fire alarm system or otherwise. A violation of this section is a violation of G.S. § 14-286, and is not subject to civil penalties pursuant to this code.

(Code 1976, § 4.8)

#### **§ 10-210 PROTECTION OF FIRE HOSE.**

It shall be unlawful for any person to drive over, or in any way damage or mutilate, any fire hose while in use at a fire or otherwise.

(Code 1976, § 4.9) Penalty, see § 1-111

##### **Cross-reference:**

*Crossing fire hose, § 20-802.*

##### **Statutory reference:**

*Similar provisions, G.S. § 20-157(d).*

#### **§ 10-211 FIRE PROTECTION OUTSIDE OF TOWN.**

If the town agrees with the county, or the owners of property outside the town, to provide fire protection thereon, any employee of the Fire Department, while engaged in any duty or activity outside the corporate limits of the town, pursuant to orders of the Fire Chief or Town Council, shall have all of the jurisdiction, authority, rights, privileges, and immunities, including coverage under the Workers' Compensation Laws, being G.S. Chapter 97, which they have within the corporate

limits of the town.

(Code 1976, § 4.10)

**Statutory reference:**

*Fire protection outside of town limits, G.S. § 160A-293.*

**§§ 10-212 TO 10-299 RESERVED.**

**ARTICLE III: FIRE HAZARDS**

Section

10-301 Encumbrances before or on fire exit

10-302 Exit signs in theatres and motion picture houses

10-303 Passageways in places of public assemblage to be kept open; exit doors not to be fastened

10-304 Lots to be kept free from fire hazard

10-305 Depositing of wood shavings prohibited

10-306 to 10-399 Reserved

**§ 10-301 ENCUMBRANCES BEFORE OR ON FIRE EXIT.**

(A) No person shall, at any time, place any encumbrances of any kind whatsoever before, or upon, any fire escape, balcony, or ladder intended as a means of escape from fire.

(B) It shall be the duty of every member of the Police Department and Fire Department, who shall discover any fire escape encumbered in any manner, to forthwith report the same through his or her department channels to the Chief of the Fire Department, who shall immediately notify the owners, their agents, or tenants, to remove such encumbrance, and encumbrances shall thereupon be immediately removed.

(Code 1976, § 4.11)

**§ 10-302 EXIT SIGNS IN THEATRES AND MOTION PICTURE HOUSES.**

*[Repealed]*

(Code 1976, § 4.12)

**§ 10-303 PASSAGeways IN PLACES OF PUBLIC ASSEMBLAGE TO BE KEPT OPEN; EXIT DOORS NOT TO BE FASTENED.**

*[Repealed]*

(Code 1976, § 4.13)

**§ 10-304 LOTS TO BE KEPT FREE FROM FIRE HAZARD.**

It shall be unlawful for any person to permit, or suffer, rubbish, refuse, or articles of combustible, or inflammable, nature to accumulate, or remain, on any lot or premises.

(Code 1976, § 4.14) Penalty, see § 1-111

**§ 10-305 DEPOSITING OF WOOD SHAVINGS PROHIBITED.**

No person shall deposit wood shavings in any place out of doors within the corporate limits of the town within 80 feet of any building; provided, however, this section shall not apply to buildings under construction or repair.

(Code 1976, § 4.15)

**§ 10-306 TO 10-399 RESERVED.**

**ARTICLE IV: FIRE LIMITS**

Section

10-401 Fire limits

10-402 to 10-500 Reserved

**Statutory reference:**

*Fire limits, G.S. Chapter 160D.*

## **§ 10-401 FIRE LIMITS.**

The primary fire limits of the town shall be from the northeastern edge of the intersection of West Main Street and "A" Avenue eastward to the western edge of the old S.M. Finger property on both sides of West Main Street and East Main Street, for a distance of 150 feet from the northern edge of West and East Main Streets.

(Code 1976, § 4.16)

### **Cross-reference:**

*Buildings and Building Regulations, Ch. 5.*

### **Statutory reference:**

*Primary fire limits, G.S. Chapter 160D.*

## **§§ 10-402 TO 10-500 RESERVED.**

### **ARTICLE V: BONFIRES AND OUTDOOR RUBBISH FIRES**

#### Section

- 10-501 Permit required
- 10-502 Location restricted
- 10-503 Attendance of open fires
- 10-504 Fire Chief may prohibit

## **§ 10-501 PERMIT REQUIRED.**

No person shall kindle, or maintain, any bonfire or rubbish fire, or authorize any such fire to be kindled, or maintained, on, or in, any public street, alley, road, or other public ground without a permit, or other proper authorization. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises, or in the immediate vicinity, without having obtained a permit, or other proper authorization.

(Ord. 10-91, passed 11-4-1991)

## **§ 10-502 LOCATION RESTRICTED.**

No person shall kindle, or maintain, any bonfire or rubbish fire, or authorize any such fire to be kindled, or maintained, on any private land unless:

(A) The location is not less than 50 feet from any structure, and adequate provision is made to prevent fire from spreading to within 50 feet of any structure; or

(B) The fire is contained in a waste burner approved by the Fire Chief, and located safely not less than 15 feet from any structure.

(Ord. 10-91, passed 11-4-1991)

## **§ 10-503 ATTENDANCE OF OPEN FIRES.**

(A) Bonfires and rubbish fires shall be constantly attended by competent persons until such fires are extinguished.

(B) This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment, readily available for use.

(Ord. 10-91, passed 11-4-1991)

## **§ 10-504 FIRE CHIEF MAY PROHIBIT.**

The Chief of the Fire Department may prohibit any, or all, bonfires and outdoor rubbish fires when atmospheric conditions, or local circumstances, make such fires hazardous.

(Ord. 10-91, passed 11-4-1991)