

CHAPTER 10. FIRE PROTECTION AND PREVENTION*

ARTICLE I. IN GENERAL

Sec. 10-101. Fire prevention code.

As provided in G.S. § 143-138 and G.S. Chpt. 160A, Part 5, the town shall enforce the North Carolina State Fire Prevention Code.
(Code 1976, § 4.17)

State law reference-in addition to the statutes cited above, see G.S. § 143-151.13, “Required standards and certificated for Code-enforcement officials.”

Secs. 10-102 - 10-199. Reserved.

* **Cross references**-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 II. FIRE DEPARTMENT*

Sec. 10-201. Organization.

(a) The fire department shall consist of the chief of the fire department and a sufficient number of firemen, 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 council. However, any such rules and regulations may include provisions for at least one (1) training period each month and that any member who is absent for two (2) consecutive meetings without a bona fide reason be dropped from the department.

(Code 1976, § 4.1)

State law reference-Authority to appoint fire chief and firemen, G.S. § 160A-291.

Sec. 10-202. Duties of chief.

The duties of the fire chief, subject to supervision by the manager, shall be as follows:

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

(2) 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;

(3) 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 council the condition of all equipment;

(4) To inspect or cause to be inspected all fire hydrants and fire alarm systems at least once every three (3) months and make a report of such inspection to the manager;

(5) To serve as or to delegate the responsibilities for the fire inspector. See section 10-203; and

(6) To perform such other duties and tasks as required by law or otherwise assigned by the town manager.

(Code 1976, § 4.2(1)-(4))

Sec. 10-203. Fire inspector.

* **Cross references**-Officers and employees, § 2-401 et seq.; authority of police and fire department officials, § 20-301; authorized emergency vehicles, § 20-306 et seq.

State law reference-“Fire Protection” and “Municipal Fire Fighters,” G.S. Chpt. 160A, Art. 14 and 14A.

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:

(1) Routine inspection. The inspector shall make annual inspections of all structures located within the fire district;

(2) State Fire Code Inspections. The inspector shall inspect all structures, including ones under construction, as required or necessitated by the North Carolina State Fire Prevention Code;

(2) Inspections upon complaint. The inspector shall, upon receipt of a complaint, forthwith investigate;

(3) Records. The inspector shall investigate the causes of fires and shall keep records of his 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;

(4) 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))

Sec. 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 10-204 (b) and (c) 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)

Sec. 10-205. Following 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 firemen to the scene of fire, at a distance closer than one (1) city 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)

Cross reference-Code of Ordinances 20-801.

State law reference-Similar provisions, G.S. § 20-157(b), (c).

Sec. 10-206. Interfering with firemen or fire apparatus.

(a) No person shall willfully interfere with a fireman in the discharge of their duty or hinder them 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 fire engine or any other fire apparatus.
(Code 1976, § 4.5)

Sec. 10-207. Only firemen 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)

Sec. 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)

Sec. 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)

Sec. 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)

Cross reference-Code of Ordinance 20-802.

State law reference-Similar provisions, G.S. § 20-157(d).

Sec. 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 council, shall have all of the jurisdiction, authority, rights, privileges and immunities, including coverage under the workmen's compensation laws, which they have within the corporate limits of the town.
(Code 1976, § 4.10)

State law reference-Fire protection outside of town limits, G.S. § 160A-293.

Secs. 10-12 - 10.299. Reserved.

ARTICLE III. FIRE HAZARDS

Sec. 10-301. Encumbrances before or on fire exit.

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. It shall be the duty of every member of the police and fire department who shall discover any fire escape encumbered in any manner to forthwith report the same through his 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)

Sec. 10-302. Exit signs in theatres and motion picture houses.

Repealed.

(Code 1976, § 4.12)

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

Repealed.

(Code 1976, § 4.13)

Sec. 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)

Sec. 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 eighty (80) feet of any building; provided, however, this section shall not apply to buildings under construction or repair.

(Code 1976, § 4.15)

Secs. 10-306 - 10-399. Reserved.

ARTICLE IV. FIRE LIMITS*

Sec. 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 one hundred and fifty (150) feet from the northern edge of West and East Main Streets.

(Code 1976, § 4.16)

Cross reference-Buildings and building regulations, Ch. 5.

State law reference-Primary fire limits, G.S. §§ 160A-435 and 160A-436.

Secs. 10-402 - 10-500. Reserved.

* **State law reference**-fire limits, G.S. §§ 160A-435 through 160A-438.

ARTICLE V. BONFIRES AND OUTDOOR RUBBISH FIRES

Sec. 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. No. 10-91, 11-4-91)

Sec. 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 (1) the location is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within fifty (50) feet of any structure, or (2) the fire is contained in a waste burner approved by the fire chief and located safely not less than fifteen (15) feet from any structure.

(Ord. No. 10-91, 11-4-91)

Sec. 10-503. Attendance of open fires.

Bonfire and rubbish fires shall be constantly attended by competent persons until such fires are extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

(Ord. No. 10-91, 11-4-91)

Sec. 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. No. 10-91, 11-4-91)