

CHAPTER 96: FIRE PREVENTION AND PROTECTION

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IN GENERAL

§ 96.01 BURNING TRASH RESTRICTED.

No person shall burn or cause to be burned any trash or other material of any kind outside any house, on or in any street, sidewalk, alley, lot or yard within the town limits.
(1993 Code, § 34-1) Penalty, see § 10.99

§ 96.02 PERMIT REQUIRED FOR BONFIRE.

No person shall kindle or maintain any bonfire, or shall knowingly furnish the material for any fire, or authorize any fire to be kindled or maintained on or in any street, avenue, road, lane or public ground or upon any private lot, unless a written permit to do so has first been secured from the Town Administrator or his or her designee.

(1993 Code, § 34-2) (Am. Ord. 14-10, passed 8-19-2014) Penalty, see § 10.99

§ 96.03 DEPOSIT OF ASHES, MATTER LIABLE TO SPONTANEOUS COMBUSTION.

No person shall deposit ashes, smoldering coals or embers, greasy or oily substances or other matter liable to spontaneous ignition, within 15 feet of any wooden or plastered wall, or other combustible materials, except in metallic or other noncombustible receptacles. These receptacles, unless residing on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two feet from any wall or partition. Nothing in this section shall prevent the deposit of cold or wet ashes and cinders for the improvement of any unpaved alley or walkway.

(1993 Code, § 34-3) Penalty, see § 10.99

FIRE DEPARTMENT**§ 96.15 ADMINISTRATION.**

(A) The Board of Commissioners may contract with and delegate full authority to a local volunteer fire department to provide fire prevention and protection services and to administer and enforce the terms of this chapter. In that event, the members of the volunteer fire department shall designate a Chief of the Fire Department who shall have full authority to implement the provisions of this chapter. In addition, if the town contracts with a volunteer fire department, the volunteer fire department may generally be referred to as the "Fire Department" even though it is an independent third party.

(B) It shall be the duty of the Chief of the Fire Department to:

- (1) Supervise and direct the extinguishing of fires;
- (2) Preserve and safekeep all equipment of the Fire Department;
- (3) Compel when necessary all officers of the town or other persons to aid in the extinguishing of fires;

- (4) Enforce all rules and ordinances relative to fire prevention;
- (5) Inspect all equipment of the Fire Department and report all needed repairs to the Board;
- (6) Report all violations of any fire prevention ordinances;

(7) Annually report to the Town Administrator and the Board the names, residences and occupations of all firefighters, the number and locality of fires which have occurred during the year, the causes thereof if they can be ascertained, name of the owner and value of the property destroyed, an accounting of all funds appropriated by the town, and any other matters pertaining to the Fire Department, its organization and operation as he or she deems best; and

(8) Do any other and further things necessary for the proper and efficient operation of the Fire Department and for the prevention of fire.

(1993 Code, § 34-31) (Am. Ord. 14-10, passed 8-19-2014)

§ 96.16 DEPUTY CHIEF.

In the absence of the Fire Chief, the Deputy Chief shall perform all duties required of the Chief, and shall be clothed with the same authority as the Chief.

(1993 Code, § 34-32) (Am. Ord. 14-10, passed 8-19-2014)

§ 96.17 CONTROL OF FIREFIGHTING OPERATIONS.

Whenever a fire shall occur it shall be the duty of the Fire Chief to report immediately to the place of the fire and to take active charge of the firefighting operations.

(1993 Code, § 34-33)

§ 96.18 INVESTIGATION OF CAUSE OF FIRE.

Immediately after the occurrence of any fire, the Fire Chief shall investigate, or shall cause to be investigated, the cause, origin and circumstances thereof; and, as far as possible, shall determine whether the fire is the result of accident, carelessness or design. If he or she has reason to believe that the fire is of suspicious origin, he or she shall notify the proper authorities designated by law to pursue the investigation of those matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case when properly instituted.

(1993 Code, § 34-34)

§ 96.19 RECORD OF FIRE.

The Fire Chief shall keep, or shall cause to be kept, an accurate record of all fires, calls for service, or any other information or record required of the town as required by state, federal or local law. (1993 Code, § 34-35) (Am. Ord. 14-10, passed 8-19-2014)

§ 96.20 INSPECTIONS.

(A) It shall be the duty of the Fire Chief to inspect or to cause to be inspected as often as may be specified in Volume V of the State Fire Prevention Code all specially hazardous manufacturing processes, storage or installations of acetylene or other gases, chemicals, oils, explosives and inflammable materials, all interior fire alarms and automatic sprinkler systems and any other hazards or appliances for the safeguarding of life and property from fire.

(B) Whenever any person shall make written complaint to the Fire Chief that any business or premises constitutes a fire hazard, it shall be his or her duty to have the same inspected immediately. (1993 Code, § 34-36)

Statutory reference:

Investigation of fires and inspection of premises, see G.S. §§ 58-79-1 et seq.

§ 96.21 NOTICE OF FIRE HAZARD; ORDER TO REMEDY.

Whenever the Fire Chief shall find that any building or any premises constitutes a fire hazard, he or she shall serve or cause to be served upon the owner and the occupant of that building a written notice specifying the condition complained of, ordering the same to be remedied promptly and indicating what is considered a reasonable time for compliance with that order. (1993 Code, § 34-37)

§ 96.22 SERVICE OF ORDER.

The service of any order to remedy a fire hazard may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of the same to and leaving it with any person in charge of the premises or in case that the person is not found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. In case the owner of the premises is some person other than the occupant thereof, service of that notice may be made by

delivering a copy of that notice to the owner personally or by mailing the copy to his or her last known address. If the occupant or owner is a partnership, service upon any partner shall be sufficient; and if a corporation, upon any local agent thereof.

(1993 Code, § 34-38)

§ 96.23 FAILURE TO COMPLY WITH ORDER.

It shall be unlawful for any occupant or any owner of any building or premises to fail to comply within a reasonable time after the service of any order to remedy a fire hazard with the requirements thereof.

(1993 Code, § 34-39) Penalty, see § 10.99

§ 96.24 RIGHT TO ENTER BUILDING OR PREMISES.

The Fire Chief, any member of the Fire Department when so directed by him or her or the Fire Code Official shall have the right to enter any building or premises, at any reasonable hour, for the purpose of making an inspection.

(1993 Code, § 34-40)

§ 96.25 AUTHORITY TO SUMMON ASSISTANCE.

During the continuance of any fire, the Fire Chief and each of the captains of the Fire Department shall have the power to call on any and all persons to assist in extinguishing a fire, or in removing any goods, wares, merchandise or furniture from any building on fire, or in danger, to some place of safety. No person shall fail to obey an order given for the purpose aforesaid.

(1993 Code, § 34-41) Penalty, see § 10.99

