Chapter 5 - FIRE PREVENTION AND PROTECTION

**State Law reference—** Fire protection, G.S. § 69-1 et seq.; fire protection in municipalities, G.S. § 160A-291 et seq.

ARTICLE I. - IN GENERAL

Sec. 5-1. - Interference with firefighters.

It shall be unlawful for any person to interfere with the firefighters of the Town in the discharge of their duties.

Sec. 5-2. - Unauthorized riding on fire vehicles.

It shall be unlawful for any person to board or ride upon any fire vehicle of the Town unless such person is a regular firefighter or authorization has been given by the Fire Chief.

Sec. 5-3. - False fire alarms.

It shall be unlawful for any person to give or cause to be given any false alarm of fire. **State Law reference—** False fire alarms, G.S. § 14-286. Sec. 5-4. - Possession of dynamite, etc.

It shall be unlawful for any person to own, keep, have, or store for the purpose of sale any dynamite or other explosive within the corporate limits of the Town.

Sec. 5-5. - Outside fires.

It shall be unlawful for any person to cause or maintain a bonfire or fire for the purpose of burning rubbish, trash, or leaves.

Sec. 5-6. - Burning of trash, shavings, etc., in streets.

No trash, paper, shavings, or other material shall be burned in any street in the Town.

Sec. 5-7. - Deposit of ashes and other matter subject to spontaneous combustion.

Ashes, smoldering coals, or embers, greasy or oily substances and all other matter which is subject to spontaneous combustion, unless kept in metallic or noncombustible receptacles, shall not be deposited within 15 feet of any wooden or plastered wall, partition, fence, floor of lumber, rubbish, or other combustible material. Such receptacles, unless resting on the ground outside of a building, must be placed on noncombustible stands and shall be kept free from any wall or partition by at least two feet. Nothing in this section shall prohibit the deposit of cold or wet ashes and cinders for purposes of improving an unpaved alley or walkway.

Sec. 5-8. - Construction and maintenance of chimneys.

All chimneys, smokestacks and similar devices for conveying smoke or gases to the outer air from stoves, furnaces, fireboxes, or ovens must not only be constructed and located in accordance with the Building Code, but they must also be maintained in such manner that they do not endanger adjacent property or create a fire hazard.

Sec. 5-9. - Fire exits and escapes in hotels, theaters, etc.

(a) It shall be the duty of the owner of any building operated as a hotel, theater, apartment building, whether so operated by the owner or by another, to provide at least two safe and adequate inside ways of fire escape from the top floor and correcting intervening floors of such building extending to

the ground, and to keep the same in proper repair. It shall further by the duty of such owner to provide an outside fire escape extending from the top floor and connecting intervening floors to the ground on all buildings more than two stories high, and to keep the same in proper repair.

(b) It shall be the duty of the owner of any building used as a public hall, theater or the like, where the  public may assemble of right, whether by general invitation or purchase of ticket, to provide at least  two safe and adequate exits from different sides of such building, such exits to be not less than five  feet wide, with stairways of equal widths extending to the ground, and to keep the same in good repair.  It shall be the duty of the Chief of the Fire Department to examine all such buildings at least once each  year, and as often as such chief may deem necessary, and if such exits and escapes are not provided  or the buildings not in safe repair, to give notice to the owner to have the same constructed or put in  proper repair. If such notice is not observed within 30 days after service, and the exits and escapes erected or put in safe repair, the owner shall be guilty of a misdemeanor.

Secs. 5-10—5-19. - Reserved. ARTICLE II. - FIRE PREVENTION CODE

Sec. 5-20. - Title.

This article shall be known as the Fire Prevention and Protection Code of the Town of Glen Alpine and may be cited as such and referred to herein as the code.

Sec. 5-21. - Intent of code.

(a) It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the authority of the Town of Glen Alpine from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from hazardous conditions in the use or occupancy of buildings or premises.

(b) The code shall not be construed to hold the Town responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or the permits issued or denied as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

Sec. 5-22. - Fire chief to enforce code.

The fire prevention and protection code of the Town of Glen Alpine shall be enforced by the Town of Glen Alpine Fire Chief and his authorized representatives or as otherwise provided herein.

Sec. 5-23. - Adoption of technical codes and standards by reference; copies on file.

(a) There is hereby adopted by reference and incorporated herein that certain code known as and entitled  the North Carolina State Building Code: Fire Prevention Code (Current Edition), Copies of the Town  of Glen Alpine Fire Prevention and Protection Code and all technical codes and standards adopted by  reference, shall be filed with, and available for public inspection in the office of the Clerk to the Board  of Town Aldermen and the Fire Chief.

(b) Amendments to codes and standards adopted by reference herein which are adopted and published by the North Carolina State Building Code Council shall be effective in the Town of Glen Alpine at the time such amendments become a part of the North Carolina State Building Code: Fire Prevention Code (Current Edition).

Sec. 5-24. - Inspection of buildings and premises.

Subject to the limitations and conditions stated in the North Carolina State Building Code, it shall be  the duty of the Fire Chief to inspect or cause to be inspected as often as he may deem necessary or  appropriate all buildings, structures, and premises within his jurisdiction for the purposes of ascertaining  and causing to be corrected any condition which may cause fire or explosion, endanger life from fire or  explosion, or any violations of the provisions of the code, or any other ordinances pertaining to fire or  explosion hazards.

Sec. 5-25. - Permits.

(a) This code shall require permits from the Fire Chief as set forth in the North Carolina State Building Code: Fire Prevention Code (Current Edition).

(b) It shall be the duty of the Fire Chief, or designee, to evaluate applications and issue, if approved, all permits for those conditions as prescribed in the North Carolina State Building Code: Fire Prevention Code (Current Edition) and this code.

(c) No person shall maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property or install equipment used in connection with such activities without a permit as required by the Fire Chief and prescribed in the North Carolina State Building Code: Fire Prevention Code (Current Edition) and this code. Before a permit may be issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes, and conditions related to the permit.

Sec. 5-26. - Service of orders or notices.

(a) The service of orders or notices for the correction of violations of the code shall be made upon the  owner, occupant or other person responsible for the conditions, either by personally delivering a copy  of same to such person or by delivering the same to and leaving it with any person in charge of the  premises or by sending a copy of the order or notice by certified or registered mail to the owner's last  known address.

(b) When buildings or other premises are occupied by one other than the owner under a lease or other  agreement, the orders or notices issued to correct violations of the code shall apply to the occupant  thereof; provided that where the order or notices require the making of additions to or changes in the  premises themselves which may become part of the real property of the owner, then in such cases,  the orders or notices shall also be issued to the owner of the premises or real property. Failure to deliver an order or notice to the owner, if other than the occupant, shall not invalidate such order or notice.

Sec. 5-27. - Tank installation.

Before any tank for underground or aboveground storage of volatile flammable or combustible liquids  or any other hazardous material covered by the provisions of this code shall be installed, a permit must  be issued and shall be granted only upon written application made to the Building Inspector setting forth  therein the location, character size and capacity of the tank, and the purpose for which it is to be used  and an agreement that the applicant or user will conform to all the provisions of this code and the  ordinances then existing, and in case a pump is to be used in connection therewith, the application shall  state its location with respect to the tanks and with respect to the property line. The Building Inspector shall determine whether the proposed tanks comply with the provisions of the code, the ordinances of the Town, and laws of the State, and shall issue the permit if he finds there is compliance. The Building Inspector shall have the right to inspect the tanks and appliances before and after installation, and see that its location, installation, and operation are in accordance with this code, the ordinances of the Town and laws of the State. After the tank is placed in the excavation, and fittings and connections have been attached, thereto, and before it has been covered or concealed from inspection, the applicant for the permit shall notify the Building Inspector and shall wait until the installation of the tank connections and fittings have been approved by the Inspector before covering them.

Sec. 5-28. - Fee schedule.

(a) Fees for inspections required by this code shall be determined by resolution of the Town Board of Aldermen. An inspection fee schedule shall be filed with the Clerk to the Board of Town Aldermen and the Fire Chief's office for public inspection.

(b) Inspection fees shall be paid within the number if days specified in the billing or notice of the amount of the fee.

Sec. 5-29. - Violations and penalties.

(a) Any person who shall violate any of the provisions of the code hereby adopted or who shall fail to comply with any judicial warrant, lawful, order, or regulation made thereunder or who builds in violation of any specifications or plans submitted and approved thereunder or any permit issued thereunder, shall be guilty of a misdemeanor. Each day that such violation continues shall constitute a separate offense. In the name of the Town, the Town Fire Chief, through the Town Attorney, may enjoin the construction or erection of any facility, building or structure which does not conform to the provisions of the code.

(b) This code may be enforced by any of the remedies set forth in G.S. § 160A-175, in addition to others specifically set out herein or in this Code of Ordinances.

(c) Any person who violates any of the provisions of this code shall be subject to a civil penalty for each violation in the amount established by the ordinance of the Board of Aldermen. Said civil penalty schedule shall be filed with the Clerk to the Board of Aldermen and in the Fire Chief's office for public inspection. Each day of violation shall constitute a separate and distinct offense.

(d) Civil penalties must be paid within 72 hours after a citation has been issued by the Fire Chief for a violation. The Fire Chief is authorized to issue written citations in the name of the Town for violations.

(e) If any person shall violate this article or chapter or any provision thereof, he shall be guilty of a misdemeanor or shall be fined not more than $500.00 or imprisoned for not more than 30 days.

Sec. 5-30. - Removal of obstructions; prohibited parking.

Any vehicle found obstructing any fire hydrant, fire protection equipment, designated and marked fire lane, or fire station may be removed or towed away by or under the direction of the Fire Chief to a storage area or garage. The owner of such vehicle shall be deemed to have appointed the Fire Chief as his agent for the purpose of arranging for the transportation and safe storage of the vehicle. The owner of such

vehicle, before obtaining possession thereof, shall pay all reasonable cost incidental to the removal and storage of the vehicle due for the violation of prohibited parking.

Sec. 5-31. - Emergency entry.

The Town Fire Chief or his authorized representative shall have the right to enter any building or premises without permission or warrant in the event of any emergency constituting a threat to human life, property, or the public safety for the purpose of eliminating, controlling, or abating the dangerous condition or situation.

Sec. 5-32. - Investigation of fires.

(a) The Town Fire Chief office shall investigate the cause, origin, and circumstances of every fire occurring in the Town which is of a suspicious nature, or which involves loss of life or injury to persons or when circumstances warrant. Such investigation shall begin immediately upon the occurrence of such a fire and, if such fire is of suspicious origin, the Town Fire Chief shall immediately coordinate investigation activities. Any information obtained pursuant to any such investigation shall be confidential as authorized by law.

(b) The Police Department, upon request of the Fire Chief or his authorized may render such assistance as necessary in the investigation of any fire determined to be of suspicious origin.

Sec. 5-33. - Fire records.

The Fire Chief's office shall keep a record of all fires and emergency alarms and of all the facts concerning the same, including statistics as to the extent of such fires and the damages caused thereby. All such records shall be public except as provided in section 5-32.

Sec. 5-34. - Lock box.

Lock boxes shall be required at all new and existing occupancies governed by the Fire Prevention Code that are;

(1) Equipped with a fire alarm or fire suppression system;

(2) Have construction features that make normal means of access or forcible entry unpractical; or

(3) When security systems are provided that will hinder the fire department's entry into the building, and the occupant has not provided an approved system of administrative controls that will assure the arrival of personnel with keys to the site within 15 minutes of notification.

Sec. 5-35. - Penalty.

Any person who shall violate this article shall be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to cease and desist therefrom when commanded by the Fire Chief to do so.

ARTICLE III. - OPEN BURNING AMENDMENT

Sec. 5-36. – Open Burning

(a) No person or entity may conduct any open or outside burning within the Town limits, without having first obtained a written permit from the Glen Alpine Volunteer Fire Department, the Town Administrator, or their designated agents or representatives.

(b) All open or outside burning shall be done only within those rules or guidelines which may be set by the Environmental Protection Agency, the Forest Service or any other State or Federal agency with authority to set such rules or guidelines.

(c) In no event shall any open or outside burning be permitted within 50 feet of any public street or road.

(d) In no event shall any open or outside burning be permitted between the hours of 7:30 am and 4:30 pm local time within 1,000 feet of the downtown business district, within 1,000 feet of a public school, or within 500 feet of any church or organized place of worship.

(e) Any person conducting open or outside burning in violation of this Ordinance shall be liable for civil penalties. A first-time office shall result only in a formal warning from the appropriate fire department or law enforcement authorities. A repeated offense by the same person or at the same location shall result in a fine of $50.00, to be paid in full within 72 hours of the service of a citation. This Ordinance may also be enforced by appropriate legal action by the Town. Each day of violation shall be considered a separate and distinct offense for the purpose of this Ordinance.