



Fire Prevention and Protection Ordinance

Section 1. - Penalty.

The following shall be deemed to be expressly incorporated by reference within each section of this chapter: A violation of this section, or any part thereof, shall constitute a misdemeanor and shall subject the offender to a fine of not more than \$1,000.00, business closure, and/or civil action of imprisonment for not more than 30 days.

Section 2. - Adoption of North Carolina State Building Code, Volume V, Fire Prevention.

- (a) *Generally.* There is hereby adopted, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the North Carolina Fire Prevention Code, including appendices. A copy of such code is on file in the office of the clerk of the town and such code is hereby incorporated in this chapter as fully as if set out verbatim in this section.
- (b) *Violations.* Any person who shall violate any of the provisions of the fire prevention code adopted in this section, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted or approved thereunder, or any certificate or permit issued thereunder, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor. The application of the penalty set out in this section shall not be held to prevent the enforced removal of prohibited conditions.

Section 3. - Fire prevention bureau established; fire marshal.

- (a) A bureau of fire prevention in the Town of Rural Hall Fire Department is hereby established, which shall be operated under the supervision of the fire chief.
- (b) With the consent and approval of the town manager, the chief of the fire department shall designate an officer or member of the fire department as fire marshal or contract such duties with an outside organization approved by the Rural Hall Town Council. He who holds the office does so at the pleasure of the town manager and the chief of the fire department.

Section 4. - Duties of fire prevention bureau; approval of construction plans; general fire safety regulations.

- (a) *General duties of fire prevention bureau.* It shall be the duty of the officer(s) of the bureau of fire prevention to enforce all laws and ordinances covering the following:
 - (1) The prevention of fires
 - (2) The storage and use of explosives and flammables.

- (3) The installation and maintenance of automatic and other private fire alarm systems and fire extinguishing equipment.
 - (4) The maintenance and regulation of fire escapes.
 - (5) The maintenance of protection and the elimination of hazards in buildings and structures, including those under construction.
 - (6) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose.
 - (7) The investigation of the cause, origin, and circumstances of fires.
- (b) *Additional duties of fire prevention bureau.* The officers of the bureau of fire prevention shall have such other powers and perform such other duties as are set forth in other sections of this code and as may be conferred and imposed from time to time by law.
- (c) *Approval of building plans.* Where buildings, excluding residential occupancies under four stories, are required by ordinances adopted by the town to have fire protection and other safety to life requirements included in the construction, or to have facilities for protection against conditions hazardous to life or property in use or occupancy, building plans shall be submitted to the bureau of fire prevention. The plans must be approved by the fire chief or his duly authorized agent as being in compliance with the fire prevention code before a permit may be issued and before construction begins. The bureau of fire prevention may issue permits for footings prior to actual construction on portions of buildings regulated by the fire prevention code.
- (d) *Certificate of compliance for sprinkler and standpipe systems.* All persons, upon completion of any installation, alteration or renovation of any sprinkler or standpipe system, shall submit a letter certifying compliance with the state building code and applicable required standards to the fire department.
- (e) *Approval of plans for alarm systems and fire extinguishing systems.* Plans for any and all fire alarm systems, sprinkler systems, standpipe systems, fire extinguishing equipment and automatic fire extinguishing systems shall be submitted to the fire prevention bureau for approval prior to the installation of such systems in the town, and such fire protection equipment shall be installed in compliance with applicable code provisions.
- (f) *Open burning.* No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any private property, or on or in any public ground, without a permit or other proper authorization. Recreational fires are allowed, without permit, for the following circumstances: decorative, cooking and/or heating on private property. The diameter of the decorative, cooking and/or heating surface shall not be greater than three feet (36 inches). Recreational fires shall not be conducted within twenty-five feet (25 feet) of a structure or combustible materials and must be attended at all times. Natural vegetation (i.e., firewood is the only allowable fuel source. A method of fire control must be readily available (i.e., fire extinguisher, garden hose, and/or a dirt pile with a shovel). 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.
- (g) *Smoking.* Smoking is prohibited under certain conditions. For purposes of this subsection, smoking shall mean and include the carrying of a lighted pipe, cigar or cigarette, or tobacco in any form.

- (h) *Burning permits.* The bureau of fire prevention shall issue all permits for open burning within the town limits and may place conditions and limitations on the permit to protect the public. No permit shall be issued for the burning of yard waste if the town provides yard waste collection service. Burning for the clearing of land shall be prohibited. The burning of the top layer of vegetative matter prior to planting a field or garden may be permitted. The time and quantity of material to be burned may be restricted by the permit.

Section 5. - Congregating in streets around fires; interference with work of fire department.

It shall be unlawful for persons to congregate in the streets, lanes, alleys or squares next to a fire, so as to interfere with the work of the fire department, or for any person to interfere with any member of the fire department or to obstruct the work of the fire department, in any way, at or during a fire or while answering an alarm of fire.

Section 6. - Boarding apparatus going to or coming from fires.

It shall be unlawful for any person, not a member of the fire department, to board any fire engine, truck, or other fire apparatus en route to or from any fire, without permission of the chief of the fire department.

Section 7. - Discarding burning objects.

It shall be unlawful for any person, either willfully or negligently, to throw down or drop any lighted match, cigar, cigarette, or other burning object in combustible material or in close proximity thereto, when such person does not remain to control such burning as may develop.

Section 8. - Inspection and fee schedule.

In order to preserve and to protect public health and safety, and to satisfy the requirements of G.S. 153A-364 and G.S. 160A-424, with respect to political subdivisions assuming inspection duties, as set out in G.S. 153A-351 and G.S. 16-A-411, and to satisfy the requirements of the state building code, the following inspection schedule shall apply to all buildings within the town except those buildings listed under section 103, "Exceptions to Applicability" in the North Carolina State Building Code, Volume V, Fire Prevention:

- (1) *General inspection use permits.* All buildings required by the N.C. Fire Code to be inspected shall obtain a general inspection use permit. The frequency rate of the inspections shall be on an annual cycle. Operational permits required by the N.C. Fire Code will be included in the general inspection use permit and will be listed on their permit as a provision(s). Departure from that type of operation would require another permit to be obtained. Operations or processes listed in the fee schedule as a special operations use permit are not included in the general inspection use permits. The various general inspection use permits and fees are as adopted in the schedule of fees and charges.

Section 9. - Identification placard for hazardous materials.

Any person operating a business, having in his possession, storing, or using, in any amount, material classified as a dangerous material in any building or on any premises shall place a placard upon the material therein or upon any premises. The placard shall identify the material by a coded system of numbers from zero to four, the numbers of which will identify the severity of the hazard, with a zero indicating no special hazard and the higher number of four indicating a severe hazard. The placard shall

be diamond shaped and provide a color code as further identification of the materials therein as set forth in NFPA Pamphlet 704M, Identification System, Fire Hazard of Materials 1990.

Section 10. - Automatic telephone alarm devices.

- (a) The term "telephone number" as used in this section, includes any additional number assigned by a public utility company engaged in the business of providing communication services and facilities to be used by means of a rotary or other system to connect with the subscriber having such primary number when the primary telephone number is in use.
- (b) No person shall use or operate, attempt to use or operate, or cause to be used or operated, or arrange, adjust, program or otherwise provide for or install, any device or combination of devices that will, upon activation, either mechanically, electronically or by any other automatic means, initiate an intrastate call and deliver a recorded message to any telephone number assigned to the fire station of the town.

Section 11. - Approval of hydrant locations and distribution for new subdivisions.

Prior to the department of planning and inspections issuing a building permit for new construction for single-family or multifamily subdivisions, it shall be required that the office of the fire prevention bureau approve and accept the proposed hydrant locations and hydrant distribution for the subdivision.

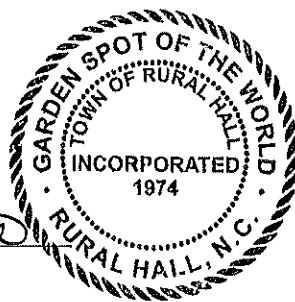
Section 12. - Applications and permits.


As authorized in section 104.2 of the North Carolina Fire Prevention Code, the fire marshal or his designee will accept applications for permits and issue permits for operations regulated by section 105 of the code and permits required by the authority having jurisdiction, the town. Fees accompanying these permits and other sources provided by the bureau of fire prevention are detailed in the fee schedule as adopted annually by the Town Council.

Adopted this the 9th day of August 2021.

ATTEST:


Town Clerk Dora K. Moore




Mayor Timothy M. Flinchum