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***Cross-reference:***

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***ACTIVITY AT FIRES***

**§ 95.01 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 the automobile is used for transporting fire fighters to the scene of fire at a distance closer than one town block, or to pass the apparatus or to park within the same block in which fire is in progress. ('85 Code, § 94.01) Penalty, see § 10.99

**§ 95.02 INTERFERING WITH FIRE FIGHTERS.**

No person shall interfere with a fire fighter in the discharge of his duty, or hinder him in the performance of his duty, nor shall any person other than members of the Fire Department loiter about any fire station, or change, handle, or meddle in any manner with any fire engine or any other fire apparatus. ('85 Code, § 94.02) Penalty, see § 10.99

**§ 95.03 RIDING ON FIRE APPARATUS.**

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 the engine, wagon, or other apparatus. ('85 Code, § 94.03) Penalty, see § 10.99

**§ 95.04 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. ('85 Code, § 94.04) Penalty, see § 10.99

***FIRE HAZARDS***

**§ 95.15 BURNING TRASH WITHIN FIRE LIMITS.**

No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter, or other material of any kind outside any house, on any street, sidewalk, alley, lot or yard within the fire limits of the town with the following exceptions: Burning only wood-based material in a contained fire pit or container is allowed outdoors, but cannot exceed 4’ x 4’ in size and must contain a wire mesh top covering or top enclosure. Only non-hazardous materials, such as wood-based products are permitted in a fire pit or burn container. No fire in a fire pit or burn container must be left unattended. No burning in a fire pit or burn container is allowed if a county burning ban is issued, until such time the ban expires. A county issued burning ban would supersede any outdoor burning.

('85 Code, § 94.15) Penalty, see § 10.99

**§ 95.16 BURNING TRASH OUTSIDE FIRE LIMITS.**

Trash or rubbish shall not be burned on any private lot outside the fire limits except within a safely constructed enclosure made of wire mesh or in a similar safety device.

('85 Code, § 94.16) Penalty, see § 10.99

**§ 95.17 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 within the limits of the town unless a written permit so to do shall have first been secured from the Chief of the Fire Department. Nothing in this section shall be construed to prohibit the burning of trash and rubbish on private lots or residences without a permit when the burning is done in conformity with the provisions of § 95.16. ('85 Code, § 94.17) Penalty, see § 10.99

**§ 95.18 ENCUMBRANCES 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 owner, their agent, or tenant, to remove the encumbrance and shall thereupon be immediately removed. ('85 Code, § 94.18) Penalty, see § 10.99

**§ 95.19 EXIT SIGNS IN THEATERS.**

Every exit in any theater or motion picture house shall be plainly indicated by a sign bearing the word “EXIT” which sign shall be kept lighted throughout each performance. ('85 Code, § 94.19)

**§ 95.20 PASSAGEWAYS TO BE KEPT OPEN.**

(A) All doors, aisles, and passageways within and leading into or out of the theaters, churches, and all other places of public assemblage, shall, during the entire time which any show, performance, service exhibition, lecture, concert, ball or other assemblage may be held therein, be kept adequately lighted and free from easels, signs, standards, campstools, chairs, sofas, benches, and any other article that might obstruct or delay the exit of the audience, congregation, or assemblage; and doors of the buildings while occupied shall not be fastened so that they cannot easily be opened by anyone from within.

(B) No person shall sit or stand or remain, in any place of public assemblage in any aisle under any circumstances, or in any exit, or passage required for the safe exit of the assemblage. Clear passage from all exits and on outside sidewalks of all theaters and other places of public assemblage shall be maintained at all times. No aisle, passageway, or stairway in any store shall be obstructed with tables, show cases or

other obstructions during the hours the store is open to the public.

('85 Code, § 94.20) Penalty, see § 10.99

***Statutory reference:***

*Ways of escape provided, see G.S. § 69-12*

**§ 95.21 LOTS TO BE KEPT FREE FROM FIRE HAZARDS.**

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.

('85 Code, § 94.21) Penalty, see § 10.99

**§ 95.22 CERTAIN FIRES TO BE GUARDED BY WATCHMAN.**

All persons, firms or corporations who shall burn any tar kiln or pit of charcoal, or set fire to or burn any brush, grass, or other material, whereby any property may be endangered or destroyed, shall keep and maintain a careful and competent watchman in charge of the kiln, pit, brush, or other material while burning. Fire escaping from the kiln, pit, brush, or other material while burning shall be prima facie evidence of neglect of these provisions. ('85 Code, § 94.22) Penalty, see § 10.99

***FIRE PREVENTION CODE***

**§ 95.23 ADOPTION.**

There is hereby adopted by the town for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code (most current edition) recommended by the North Carolina Department of Insurance. Not less than one copy shall be on file in the office of the Town Clerk. This code is hereby adopted and incorporated as fully as if set out at length herein, and the provision thereof shall be controlling within the limits of the town, and the town's E. T. J. (Ord. 2, passed 7-16-96)

**§ 95.24 FIRE INSPECTOR.**

Fire Inspector shall be the designated authority appointed by the Board of Aldermen and charged with the administration and enforcement of the Fire Prevention code. The Fire Inspector shall have one of the following types of certification issued by the North Carolina Code Officials Qualification Board attesting to his qualifications to hold such position.

(A) A probationary certificate;

(B) A standard certificate; and

(C) A limited certificate.

(Ord. 2, passed 7-16-96)

**§ 95.25 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF CERTAIN FLAMMABLES OR EXPLOSIVES IS RESTRICTED.**

(A) The limits referred to in the Fire Prevention Code adopted in § 93.23, in which the storage of explosives and blasting agents is prohibited, are established as the entire area of the town within the corporate limits.

(B) The limits referred to in the Fire Prevention code, in which the storage of flammable liquids in outside storage tanks is prohibited, are established as provided in the Zoning Code.

(C) The limits referred to in the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited, are established as provided in the Zoning Code.

(D) The limits referred to in the Fire Prevention Code in which bulk storage of liquified petroleum gas is restricted, are established as provided in the Zoning Code. (Ord. 2, passed 7-16-96)

**§ 95.26 PERMITS REQUIRED.**

(A) The Fire Inspector shall determine and specify, after giving affected person an opportunity to be heard, any information of materials, processes, or occupancies which shall require permits in addition to those now enumerated in Chapter four of the Fire Prevention Code.

(B) Fees for permits shall be recommended by the Fire Inspector and approved by the Board of Aldermen.

(Ord. 2, passed 7-16-96)

**§ 95.27 INSPECTIONS.**

(A) In accordance with the Fire Prevention Code, fire inspections are required for new construc-tion, and periodic fire inspections are required for all existing buildings. One- and two-family residential dwellings are exempt from this requirement. The frequency of periodic inspections for existing buildings shall be based on the following schedule:

**One year:** Rest home facilities

Day care facilities

Family care homes

Nursing home facilities

Hazardous

Assembly (except churches)

Residential

Institutional

**Two year:** Industrial

Private education

**Three years:** Churches

Mercantile

Storage

Businesses, in general

(B) The fee for fire inspections of business shall be $60. The fee shall be paid by the business inspected within 90 days of the inspection.

(Ord. 2, passed 7-16-96; Am. Motion passed 1-28-97)

**§ 95.28 FEES.**

Fees for inspections and permits shall appear in the town's schedule of fees as approved by the Board of Aldermen. (Ord. 2, passed 7-16-96)

**§ 95.29 NOTICE AND HEARING.**

Notice and hearing. Before the Fire Inspector revokes a permit pursuant to this section or if an appeal is taken from a decision of the Fire Inspector denying an application for a permit, the Fire Inspector shall cause a written notice to be sent by certified mail to the permittee or applicant affected at the address stated on the permit or application. This notice shall advise the affected party of a right to appear before the Town Administrator, at a stated time and place, for the purpose of presenting any evidence relevant to such revocation or denial, and for the purpose of hearing all evidence submitted and examining or cross examining any person providing such evidence. Any permittee or applicant under this section may appeal to the Board of Aldermen from any final decision of the Town Administrator.

(Ord. 2, passed 7-16-96)

**§ 95.30 VIOLATION OF CODE.**

(A) Any person who violates any of the provisions of the Fire Prevention Code, or who shall 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 and approved thereunder, or any certificate or permit used thereunder, or who shall fail to comply with such an order within the time fixed herein, shall constitute a violation of the code of ordinances and be subject to a civil penalty as written in § 10.99.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions, or the use of any other means deemed necessary to ensure compliance with this code.

(Ord. 2, passed 7-16-96)