

CHAPTER 6.

FIRE PROTECTION.

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Article I. In General.

For state law as to investigation of fires, inspection of premises and removal of fire hazards therefrom, see G.S., § 69-1 et seq., and, see also, G.S., § 160A-411 et seq. As to authority of town to regulate or prohibit the storage, use, etc., of explosives or flammable substances, see G.S., § 160A-183. As to the regulation of fireworks, see G.S., § 14-410 et seq.

Sec. 6-1. Required obedience to firemen and police at scene of fire; arrests.

(a) Every person present at the scene of a fire shall obey all lawful orders of firemen and police officers in any matter relating to extinguishing the fire, removal and protection of persons and property endangered by fire, smoke or water, freedom of fire department personnel and apparatus to perform their duties or to function properly, or the maintenance of order at or near the scene of the fire, and it shall be unlawful for any person to disobey any such order of a fireman or police officer.

(b) Firemen and police officers at the scene of any fire shall have authority to arrest any person wilfully disobeying any such lawful order and to hold the violator in custody until the fire has been extinguished, at which time he shall be dealt with according to law.

Secs. 6-2 to 6-11. Reserved for future legislation.

Article II. Fire Prevention Code.

For state law as to fire escapes, see G.S., §§ 69-8 to 69-13. As to safety provisions for hotels, see G.S., §§ 69-26 to 69-38. As to authority of town to regulate or prohibit the storage, use, etc., of explosives and flammable substances, see G.S., § 160A-183.

As to adoption by town of the North Carolina State Building Code, see § 4-3 of this Code. As to adoption by the town of North Carolina Uniform Residential Building Code, see § 4-4. As to the fire limits within the town, see § 4-5.

Sec. 6-12. Adopted; purposes; where filed; short title.

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 Fire Prevention Code, Abbreviated Edition, recommended by the American Insurance Association, being particularly the 1970 edition thereof, and the whole thereof, save and except article 16 (sections 160 to 169.2 inclusive) thereof, the provisions of which are contained in Article I of this chapter, of which code not less than one copy is now and shall remain on file in the office of the town clerk, and such code is hereby adopted and incorporated in this article as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the town. The code adopted by this section shall be known and may be cited as the Fire Prevention Code.

Sec. 6-13. "Municipality" defined.

Wherever the word "municipality" is used in the Fire Prevention Code, it shall be construed to mean the Town of East Spencer.

Sec. 6-14. Establishment of limits of districts in which storage of explosives and blasting agents, storage of flammable liquids in outside aboveground tanks, and bulk storage of liquefied petroleum gases to be restricted.

The limits referred to in section 53b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited; the limits referred to in

section 74a of such Code, in which storage of class I liquids in outside above-ground tanks is prohibited; and the limits referred to in section 114 of such Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established to coincide with the heavy industrial districts as established by the zoning regulations of the town.

Sec. 6-15. Purpose and duration of permits; permit and inspection fees.

(a) Permits covered by section 17 of the Fire Prevention Code and required in various articles thereof are for the purpose of giving the board of aldermen, through the chief of the fire department, more effective control over hazardous conditions regulated by the Code. Each such permit shall be for not more than one year, subject to renewal thereof; provided, that where a town license is required periodically, in addition to a permit, then such permit may be for an indefinite period.

(b) The board of aldermen may, by resolution, adopt a schedule of fees for permits and inspections required by the Fire Prevention Code, and when such resolution has been placed on file in the office of the town clerk no such permit shall be issued and no such inspection shall be made until the fee therefor, as provided in such schedule, has been paid to the tax collector.

Sec. 6-16. Administration and enforcement.

The Fire Prevention Code shall be administered and enforced by the chief of the fire department.

Sec. 6-17. Modifications.

The chief of the fire department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee of the property affected thereby, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code; provided, that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the chief of the fire department thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Sec. 6-18. Appeals from decisions of chief of fire department.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the board of aldermen within thirty days from the date of the decision appealed.

Sec. 6-19. Updating procedure.

Whenever a new or revised edition of the Fire Prevention Code, Abbreviated Edition, is recommended by the American Insurance Association or its successor, the chief of the fire department shall file at least one copy thereof in the office of the town clerk, together with his recommendations, if any, as to amendments thereof, and he shall, concurrently, notify the mayor and each alderman of his action. Following such actions by the chief of the fire department, such new or revised edition, together with such recommendations, if any, of the chief of the fire department, shall, at the conclusion of the second regular meeting of the board of aldermen following the date of such filing and notification, become the Fire Prevention Code of the town, replacing the then current code; provided, that no action shall have been taken thereon by the board of aldermen prior to the conclusion of such second regular meeting.

Sec. 6-20. Penalties.

(a) Any person who shall violate any of the provisions of the Fire Prevention Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of aldermen or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by fine of not more than fifty dollars or by imprisonment for not more than thirty days, in the discretion of the court. 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 correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 6-21. Conflicts of law.

In the event of conflict between any provision of the Fire Prevention Code and any provision of state law (including the North Carolina State Building Code) or any rule or regulation made pursuant to state law, the state law or rule or regulation made pursuant thereto shall prevail.