

Chapter 5

FIRE PROTECTION AND PREVENTION*

* **Cross References:** Buildings and building regulations, Ch. 4.

State Law References: Fire protection, G.S. §§ 69-1 et seq., 160A-291 et seq.; city and county financial support for rescue squads, G.S. § 160A-487.

Sec. 5-1. Primary fire limits established.

(a) The primary fire limits of the town are established as follows: Beginning at the intersection of the centerline of Oak and Fourth Streets and run thence in a westerly direction with the centerline of said Oak Street to its point of intersection with the centerline of Maple Street; thence, running with the centerline of said Maple Street in an easterly direction to its point of intersection with the centerline of Fourth Street; thence, running with the centerline of said Fourth Street to the point of beginning.

(b) The secondary fire limits of the town are established as follows: Beginning at the intersection of the centerline of First and Oak Streets and run thence in a southerly direction with the centerline of said First Street to its point of intersection with the centerline of Spring Street; thence, continuing in a straight line along the centerline of the abandoned right-of-way of First Street in a southerly direction to its point of intersection with US-28; thence, running with the centerline of US-28 in an easterly direction to its point of intersection with Third Street; thence, running in a northerly direction with the centerline of Third Street to its point of intersection with the Alley lying parallel to and south of Spring Street between Third Street and Second Street; thence, running in a westerly direction with the centerline of said Alley to its point of intersection with Second Street; thence, running in a northerly direction along the centerline of Second Street to its point of intersection with Spring Street; thence, running with the centerline of Spring Street in an easterly direction to its point of intersection with the centerline of Fourth Street; thence, running with the centerline of Fourth Street in a southerly direction to its point of intersection with the centerline of South Street; thence, running with the centerline of South Street in an easterly direction to its point of intersection with the centerline of Fifth Street; thence, running with the centerline of Fifth Street in a northerly direction to its point of intersection with the centerline of Spruce Street; thence, running with the centerline of Spruce Street in a westerly direction to its point of intersection with the centerline of Fourth Street; thence, running with the centerline of Fourth Street in a southerly direction to its point of intersection with the centerline of Oak Street; thence, running with the centerline of Oak Street in a westerly direction to the point of beginning.

(Ord. of 6-17-81; Ord. of 7-19-95)

State Law References: Establishment of fire limits required, G.S. § 160A-435.

Sec. 5-2. Adoption of fire prevention code.

(a) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire explosion, or exposure to hazardous materials, the town adopts the 1987 edition of NFPA 1, Fire Prevention Code of the National Fire Protection Association, together with its incorporated standards and codes as listed in Annex A of such code.

(b) Such code, referred to throughout this chapter as the NFPA Fire Prevention Code, is adopted and incorporated by reference, and the provisions thereof shall be controlling within the limits of the town.

(c) A copy of the NFPA Fire Prevention Code is on file in the office of the chief and in the office of the clerk.

Cross References: Regulatory codes, § 4-26 et seq.

State Law References: Authority to adopt technical codes by reference, G.S. § 160A-76(b).

Sec. 5-3. Officers.

(a) The Highlands, North Carolina Fire and Rescue Department, referred to throughout this chapter as the department, shall consist of a chief and as many assistant chiefs and other officers as may from time to time be deemed advisable for the effective operation of the department.

(b) The chief shall be appointed or elected, as determined by the bylaws of the department.

(c) The chief shall be held accountable to the board only and shall make such regular verbal or written reports thereto as the board or the bylaws may require. All other department and company officers shall be accountable to the chief only.

(d) The assistant chiefs and all other department and company officers shall be appointed or elected as required by the bylaws.

(Code 1982, § 4.1)

Cross References: Officers and employees, § 2-46 et seq.

State Law References: Authorization to appoint fire chief and employ other firemen, G.S. § 160A-291.

Sec. 5-4. Duties of the chief.

(a) The chief shall formulate a set of bylaws to govern the department, which bylaws shall be approved first by the department and second by the board prior to their becoming effective.

(b) The chief shall formulate such other rules and regulations to govern the personnel, morale and general efficiency of the department as he shall deem necessary and shall be responsible to the board for the operation of the department.

(c) The chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel, and other informational records about the work of the department.

(d) The chief shall make such written or oral reports to the board of the condition of the apparatus and equipment, the number, location, cause, date, and losses of all fires and of the membership of the organization as shall be required by the bylaws.

(e) The chief shall make an annual report to the board within one (1) month after the close of the fiscal year including the information specified in subsection (d) together with comparative data for previous years and recommendations for improving the effectiveness of the department.

(Code 1982, § 4.2)

State Law References: Duties of fire chief, G.S. § 160A-292.

Sec. 5-5. Membership.

(a) The membership of the department shall consist of such persons as are selected in accordance with the bylaws of the Highlands, North Carolina Fire and Rescue Department.

(b) Any member may be suspended or discharged as provided by the bylaws.
(Code 1982, § 4.3)

Sec. 5-6. Equipment.

(a) The department shall be equipped as may be required from time to time to maintain its efficiency and properly protect life and property from fire.

(b) All equipment and other apparatus shall be safely and conveniently housed in such places as may be designated by the chief.
(Code 1982, § 4.4)

Sec. 5-7. Solicitation of funds.

The Highlands, North Carolina Fire and Rescue Department shall have the authority to solicit funds by means of honorary membership or otherwise.
(Code 1982, § 4.5)

Sec. 5-8. Assistance to unincorporated area.

(a) The department shall answer all fire calls within a radius of five (5) miles of the town and for such services shall make a charge in an amount to be determined from time to time by the board and listed in the manual of fees and charges maintained by the clerk. The department may answer fire calls beyond the five-mile radius and make suitable charges in an amount to be determined from time to time by the board and listed in the manual of fees and charges maintained by the clerk. However, the department may in its discretion waive these charges for members or holders of honorary membership in the department.

(b) If the town agrees with the county, or the owners of property outside the town, to provide fire protection therefor, any employee of the department, while engaged in any duty or activity outside the corporate limits of the town pursuant to orders of the chief or board, shall have all of the jurisdiction, authority, rights, privileges, and immunities, including coverage under the workmen's compensation laws, which they have within the corporate limits of the town.
(Code 1982, § 4.6)

Sec. 5-9. Compensation of members.

All members of the department shall be employees of the town and shall be paid for their services such sums as may be designated by the board.
(Code 1982, § 4.7)

Sec. 5-10. Accounting for funds.

Such funds as are collected by the department shall be held by the treasurer in a separate account appropriately designated, and the treasurer shall make a monthly report to the department and provide a copy thereof to the board of such receipts, expenditures and the condition of the account.

(Code 1982, § 4.8)

Cross References: Finance and purchasing, § 2-91 et seq.

Sec. 5-11. Expenditures.

Expenditures from departmental funds collected and held in accordance with the bylaws shall require two (2) signatures from either the treasurer, the chief or the assistant chief.

(Code 1982, § 4.9)

Sec. 5-12. Alterations of property.

Any major changes, alterations, or improvements upon the property, equipment or apparatus of the department or of the town being used by the department shall be approved by the board.

(Code 1982, § 4.10)

Sec. 5-13. Audit.

The department shall submit to and be included within the annual audit held for the town.

(Code 1982, § 4.11)

Sec. 5-14. Truck and personnel kept available.

The chief shall at all times ascertain that at least one (1) fire truck and sufficient personnel for the adequate operation of such truck shall be kept within the limits of the town and shall be responsible for having the same in good operating condition and available for duty.

(Code 1982, § 4.12)

Sec. 5-15. Criminal provisions.

It shall be unlawful for any person other than a member in good standing of the department of the town to be in or on any fire truck at any time, or to in any manner handle, operate or otherwise use any equipment of the department, or to otherwise interfere with the proper operation of the department and its members, unless specifically requested to do so by the chief or in his absence by the member in charge.

(Code 1982, § 4.13)

State Law References: Penalty for willful interference with firemen, G.S. § 69-39.

Sec. 5-16. General authority.

(a) The officer in command shall have authority to summon aid and no citizen so summoned may refuse to help in extinguishing the fire or in protecting exposed property.

(b) During the continuance of a fire, the chief, his assistant or the mayor shall have authority to call

upon any citizen to render assistance in pulling down or demolishing any building or in removing goods or furniture from a building on fire or in danger of fire, but not without the consent of the officer of the fire department or the police department who may be in charge.

(c) It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the fire department.

(d) In the event of an alarm of fire, the apparatus of the fire department responding to it shall have the right-of-way in and upon all streets, lanes, alleys and other public ways.

(e) The drivers of vehicles, upon the approach of fire apparatus shall immediately bring their vehicle to a stop on the righthand side of the street in the direction in which they are facing and shall not move their vehicle until such apparatus has passed.

(Code 1982, § 4.14)

Sec. 5-17. 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.

(Code 1982, § 4.15)

State Law References: Molesting fire alarm system, G.S. § 14-286.

Sec. 5-18. Provisions regulating open burning.

(a) *General.* In order to protect the property of the residents of the town and to maintain a healthful and pleasant environment, the following requirements are imposed.

(b) *Permitted burning.*

(1) Open burning of leaves, tree branches, or yard trimmings originating from and burned on the premises of private residences will be permitted under the following conditions:

- a. Burning must be done by the owner or occupant or by a person hired by or under contract to the owner or occupant. The fire must be attended by adequate personnel to control the fire at all times until the fire is extinguished. An adequate water source must be provided in order to extinguish the fire. Before leaving the site of the fire, appropriate measures must be taken to ensure that the fire is completely extinguished.
- b. All open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous in the opinion of either the chief of the town fire department or the Macon County office of the North Carolina Forest Service.
- c. Open burning shall be commenced no earlier than 8:00 a.m. and extinguished no later than 6:00 p.m. on the same day.

(2) Open burning for land-clearing and right-of-way maintenance is permitted under the conditions enumerated in paragraph (1), sub-paragraphs a. through c., as well as under the following

additional conditions:

- a. Prevailing winds at the time of burning must be away from any area, including public road within two hundred fifty (250) feet of the burning as measured from the edge of the pavement or other roadway surface, which may be significantly affected by smoke, ash, or other air pollutants from the burning.
- b. The location of the burning must be at least one thousand (1,000) feet from any dwelling, group of dwellings, or commercial or institutional establishment, or other occupied structure not located on the property on which the burning is conducted. The regional office supervisor of the Division of Air Quality, North Carolina Department of Environment and Natural Resources, or the chief of the town fire department, may grant exceptions to the setback requirements if:
 - (i) A signed, written statement waiving objections to the open burning associated with the land-clearing operation is obtained before the open burning begins from all residents or owners of dwellings, commercial or institutional establishments, or other occupied structures within one thousand (1,000) feet of the open burning site, or
 - (ii) An air curtain burner as described in 15A NCADC 1D.1904 is utilized at the open burning site;
- c. Heavy oils, asphaltic materials such as shingles and other roofing materials, items containing natural or synthetic rubber, or any materials other than plant growth may not be burned.

(c) *Non-permitted burning.*

- (1) Burning of materials other than those specifically permitted in the aforementioned provisions is prohibited. The burning of garbage, rubber products, petroleum products or other materials which produce heavy smoke or noxious fumes is not permitted.
- (2) Burning within the town's fire district is prohibited.

(d) Notwithstanding any other provision of this section, if a person allows burning otherwise in compliance with this section, but with such frequency or intensity that it annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities, this shall constitute a nuisance and a violation of this section.

(e) A violation of this section shall constitute a misdemeanor, punishable upon conviction by either a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both, as provided in G.S. § 14-4.
(Ord. of 10-15-97; Ord. of 9-15-99)