

CHAPTER 3

FIRE PROTECTION AND PREVENTION

ARTICLE I. FIRE DEPARTMENT

Section 3-1 Organizations

The Fire Department shall consist of a Chief, an Assistant Chief, and a sufficient number of firemen (voluntary, part time, or full time) to maintain and operate the Department. The Department shall be under the general supervision of the Board of Commissioners.

Section 3-2 Compensation of Firemen

Compensation of the officers and members of the Fire Department shall be fixed in the discretion of the Board of Commissioners.

Section 3-3 Rules Governing Fire Department

The Department shall make such rules for its government as it deems necessary, not inconsistent with the laws of the State or the ordinances of the Town. The department will offer to its members not less than 48 hours of drills and meetings per year, and each member is required to attend at least 36 hours of all drills and meetings in each calendar year. At the end of each calendar year any member who does not meet the required number of hours shall be suspended from the department. A hearing by the department officers and the Commissioners of the Town of Hertford shall be held within 30 days after suspension before a member can be reinstated to the department membership roster.

Section 3-4 Authority of Fire Chief

The Chief or in his absence the Assistant Chief, shall command the Fire Department, and his orders shall be obeyed. If, in the opinion of the Chief, a member of the department is guilty of misconduct or of violation of orders, the Chief shall immediately prefer charges against the member before the Board of Commissioners who will hear the matter and render a decision which shall be final. The Chief of the department shall have power to suspend the member charged upon the preferring of charges, which suspension shall be in effect until a final determination of the matter by the Board of Commissioners.

Section 3-5 Duties of Fire Chief

It shall be the duty of the Fire Chief to:

1. supervise and direct the extinguishing of fires,
2. preserve and keep all fire engines, hose, and other apparatus used by the Department,
3. keep all idle, disorderly, and suspicious persons out of the vicinity of fires,
4. compel, when necessary, all persons to aid in the extinguishing of fires, and in the preservation of property exposed to fire, and prevention of the theft of any goods during the fire.
5. enforce such regulations for the prevention and extinguishing of fires as may be enacted by the Board of Commissioners,
6. report all violations of any fire prevention ordinances,
7. inspect all equipment of the Department and report all needed repairs to the Board of Commissioners,
8. annually report to the Board of Commissioners the names, residences, and occupations of all firemen; the number and locality of all fires which have occurred during the year, the cause of each if such can be ascertained, the names of the owners and the value of all property; and such other matters pertaining to the Fire Department, its organization and operations as may be required.
9. act as Fire Inspector and as such shall have authority to enter all buildings at any reasonable time for the purposes of inspection.
10. perform such other and further duties as may be necessary for the proper and efficient operation of the Fire Department and the prevention of fires.

Section 3-6 Responses to Calls From Other Municipalities & County Departments

The sending of Town fire equipment to other municipalities upon the request of officials of such municipalities upon the request of officials of such municipalities shall be in the discretion of the Fire Chief.

Section 3-7 Fire Chief May Deputize Citizens

During the continuance of any fire, the Fire Chief or Assistant Chief shall have the power to call on any and all persons to assist in extinguishing a fire, in pulling down or blowing up any building on fire or in danger, and in making arrests; provided, however, that no building shall be blown up, pulled down, or in any way damaged or destroyed without the consent of the Fire Chief or Assistant Chief.

Section 3-8 Right - of - Way

In the event of an alarm of fire, the apparatus of the Fire Department shall have the right-of-way in and upon the streets, lanes, alleys, squares, and crossings in answering such alarm. It shall be unlawful for any person to fail or refuse to yield the right-of-way to the Fire Department when responding to an alarm.

Section 3-9 Traffic Must Stop

Whenever a fire alarm is given and upon the approach of fire equipment, all vehicles shall immediately drive to the right as near as possible to the curb at the point where they may be at the time and stop until the fire equipment has been passed; provided, however, that the driver of any vehicle may, upon the request of any member of the Fire Department, take such member to the scene of the fire without observing the regulation herein.

Section 3-10 Congregation at Fires

It shall be unlawful to congregate on the streets or alleys or blocks next to a fire in such a manner as will interfere with the Fire Department in the performance of its duties.

Section 3-11 False Alarm

It shall be unlawful for any person to give or cause to be given any false alarm of fire.

- 1 Definitions: For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:
 - a) Alarm System Business: Any person who sells or leases and installs, services or maintains automatic protection devices, signaling devices or automatic protection systems that transmit alarms upon receipt of a stimulus from a detection apparatus.
 - b) Automatic Protection Device: Any mechanical or electrically operated device designed to monitor and/or detects fire, unauthorized intrusion or an emergency situation.
 - c) Automatic Protection System: Any mechanical or electrically operated installation consisting of an automatic protection device or devices and/or signaling device which detects emergency situations and transmits a warning signal by any means.
 - d) Emergency Situation: That situation which a particular automatic protection device is designed to monitor and/or respond to by transmitting a signal to a signaling device.
 - e) False Alarm: A visual and/or audible signal transmitted by a signaling device which indicates the existence of an emergency situation when in fact no such emergency situation exists; or a visual and/or audible signal transmitted by a signaling device which is not a supervisory function of that device.

- f) Signaling Device: One or more of the following:
- i) Any electrically operated instrument that automatically transmits a voice alarm or electronic pulse over regular telephone lines upon detection of a fire, unauthorized intrusion or other emergency situation.
 - ii) An electrically operated instrument that automatically transmits a signal over leased, dedicated telephone line to a receiver upon detection of a fire, unauthorized intrusion or other emergency situation.
 - iii) An electrically operated instrument which automatically transmits or produces a visual or audible signal upon detection of a fire, unauthorized intrusion or other emergency situation at the protected premises.

2 Permits

- a) Required No automatic protection system which utilizes a signaling device as defined shall be installed until a permit has been obtained in the name of the owner of the premises by either the owner of the premises or an alarm system business which services or maintains the automatic protection system, and no automatic protection system which utilizes a signaling devices defined shall be operated until a permit has been obtained in the name of the owner of the premises by either the owner of the premises or an alarm system business which services or maintains the automatic protection system.
- b) Applications. Applications for permits shall be filed with the Town Police Department on a form supplied by the Department.
- c) Issuance. Upon approval of the application for a permit by the Chief of Police, the permit shall be issued in the name of the owner and Identify the type of signaling device utilized by the automatic protection system, the address of the location of such system and containing the following hold harmless statement:
- “The owner of the premises for which this permit is issued, by his acceptance thereof, agrees for himself, his lessees, agents, heirs, successors and assigns that for so long as an automatic protection system is installed on the premises he shall hold the Town of Hertford harmless and the Town of Hertford, its agents and employees shall not be liable for any damage to the premises caused by the entry of any member of the Hertford Police Department or Volunteer Fire Department or its members in response to an alarm initiated by the automatic protection system.”
- d) Right of Inspection. The Chief of Police and Fire Chief or their designee shall have the right to inspect at reasonable times any automatic protection system on the premises where it is installed.
- e) Revocation. If it is determined that the automatic protection system under such permit has been installed or operated in violation of the provisions of this ordinance, then the Chief of Police may revoke or suspend any permit issued pursuant to the provisions of this ordinance, after giving written notice, by certified mail, to the permit holder and an opportunity for the permit holder to be heard.
- f) Appeal. A permit holder shall have the right to appeal any determination or decision by the Chief of Police to revoke a permit to the Town Manager.

3 False Alarms.

1. Responsibility. Each permitted owner of an automatic protection system or signaling device shall be responsible for any false alarm transmitted by such system or device.
2. Records. The Police Department shall maintain a record of all false alarms transmitted and, pursuant to the required notice and opportunity to be heard, may revoke or suspend the permit for the operation of any automatic protection system involved in the transmission of false alarms in excess of 1 such alarm per calendar month.

4 Limit of Town Liability

1. The Town assumes no liability for any defects in the operation of automatic protection devices and signal device systems, or for any failure or neglect to respond appropriately upon receipt of an alarm from such a source, or for the failure or neglect of any person in connection with the installation and operation of equipment, the transmission of alarm signals and pre-recorded alarm messages or the relaying of such signals and messages.
2. Neither the Town, the Hertford Volunteer Fire Department, Police Department, nor any member thereof acting in his official capacity shall be liable for damage to any premises caused by entry to the premises in response to an alarm generated by an automatic protection system.

5 Enforcement

1. A civil penalty as provided herein may be imposed upon any owner who installs or operates a detection system without a valid current permit.
2. A civil penalty as provided herein may be imposed upon an owner with a detection system, which transmits more than 1 false alarm per calendar month.
3. A civil penalty as provided herein shall be the sum of \$50.00 for failing to obtain or renew the permit required herein and the sum of \$50.00 for the second false alarm during any calendar month and the sum of \$100.00 for the third and subsequent false alarms during any calendar month. A civil penalty shall be enforceable in a civil action in the nature of debt if the owner does not pay the civil penalty within 20 days after he has been notified of his non-compliance. Each day's operation of a detection system without a valid permit as provided herein shall be a separate and distinct offense for which a civil penalty as provided herein shall be imposed.

Section 3-12 Interfering with Firemen or Equipment

It shall be unlawful for any person to interfere with a fireman in the discharge of his duties, to loiter about the fire station, or to tamper with any fire equipment or apparatus or the fire alarm system.

Section 3-13 Driving Over Fire Hose

It shall be unlawful for any person to drive any vehicle over any fire hose.

Section 3-14 Only Firemen and Policemen May Ride Fire Trucks

No person other than members of the Fire and Police departments shall ride upon or in any fire engine, wagon, or apparatus at any time, unless by permission of the driver or officer in charge.

Section 3-15 Fire Equipment Not to Leave Town; Exceptions

No fire truck or other apparatus of the Fire Department shall leave the Town except with the consent of the Fire Chief.

Section 3-16 Auxiliary Firefighter Program

The Fire Department may establish an Auxiliary Firefighter Program with rules and regulations to be promulgated by the Department.

ARTICLE II. FIRE HAZARDS

Section 3-20 Burning of Trash

No person, firm, or corporation shall burn or allow to be burned on his or its premises, or on the street or sidewalk adjoining same, any leaves, trash, debris or other materials, unless the same is enclosed in a container, solid or perforated; provided that this section shall not apply in situations where an individual, firm, or corporation has obtained from the Fire Chief a special permit granting said individual or corporation the right to burn trash, leaves, debris and other materials on a certain day at a certain place and at a given hour; provided further this section shall not apply where a person burns trash or leaves on his own premises under his personal supervision and attention.

Section 3-21 Permit Required for Bonfire

No person shall kindle or maintain any bonfire, or knowingly furnish material for such fire, or authorize any such fire to be kindled or maintained on or in any street, alley, road, lane or other public ground or upon any private lot within the Town unless a written permit authorizing such fire shall be construed to prohibit the burning to trash upon any private lot when such burning is done in conformity with Section 3-20.

Section 3-22 Encumbering Fire Exits

No person shall at any time place any encumbrance of any kind before or upon any fire escape, balcony, or ladder intended as a means from fire.

Section 3-23 Lots Kept Free From Fire Hazards

It shall be unlawful for any person to permit rubbish, refuse, or articles of a combustible or inflammable nature to accumulate or remain on any lot or premises.

Section 3-24 Storage of Explosives

1. It shall be unlawful for any person, firm, corporation, or any type of business, to keep, store, or use, dynamite, caps, or other explosives, within the corporate limits, except as permitted in subsection (2) of this Section.
2. A firm, store, or mercantile business, when properly licensed to do so, may keep or store on its premises, not to exceed one (1) case of dynamite of approximately one hundred (100) sticks, and sufficient caps for the one case of dynamite, at any time.

ARTICLE III. FIRE PREVENTION CODE

Section 3-30 Adoption of Fire Prevention Code

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 recommended by the National Board of Fire Underwriters, being particularly the 1960 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three (3) copies have been and now are filed in the office of the Town Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the Town.

Section 3-31 Bureau of Fire Prevention

1. The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the Town, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
2. The Chief in charge of the Bureau of Fire Prevention shall be appointed by the Mayor and Board of Commissioners on the basis of examination to determine his qualification. His appointment shall continue during good behavior and satisfactory service, and he shall not be removed from office except for cause after public trial.
3. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the Mayor and Board of Commissioners the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department, and appointments made after examinations shall be for an indefinite term with removal only for cause.
4. A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor; it shall contain all proceedings under this code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the Code which, in his judgment, shall be desirable.

Section 3-32 Definitions

1. Whenever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the Town of Hertford.
2. Wherever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the Town of Hertford.

Section 3-33 Limits of Districts in which Storage of Flammable Liquids in Outside Above Ground Tanks is to be Prohibited.

1. The limits referred to in section 16.51 of the Fire Prevention Code in which storage of flammable liquids in outside above-ground tanks is prohibited, are hereby established as follows: all areas in the Town of Hertford that are zoned as residence or business.
2. The limits referred to in section 16.51 of the Fire Prevention Code in which new bulk plants for flammable liquids are prohibited, are hereby established as follows: all areas in the Town of Hertford that are zoned as residence or business.

Section 3-34 Limits in Which Bulk Stores of Liquefied Petroleum Gases is to be Restricted

The limits referred to in section 21.6-a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established in the Town of Hertford, as areas that have been zoned as Industrial.

Section 3-35 Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited

The limits referred to in section 12.6-b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as being all the areas within the Town limits.

Section 3-36 Modifications

The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, 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 Bureau of Fire Prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 3-37 Appeals

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 Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Mayor and Board of Commissioners within thirty (30) days from the date of the decision appealed.

Section 3-38 New Material, Processes or Occupancies that may Require Permits

The Town Clerk, the Chief of the Fire Department, and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Sections 3-39 Penalties

1. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Mayor and Board of Commissioners or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in the Chapter of this Code of Ordinance relating to penalties. 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.
2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sections 3-40 Severability

The Board of Commissioners hereby declares that should any section, paragraph, sentence, or word of this Article or of the code hereby adopted be declared for any reason to be invalid, it is the intent to the Board of Commissioners that it would have passed all other portions of this Article independent of the elimination here from of any such position as may be declared invalid.

ARTICLE IV. FIRE LIMITS

Section 3-45 Fire Limits Established

The Fire Limits of the Town are hereby established as including all of the central area of the Town that is zoned for business uses.

Section 3-46 Construction Within Fire Limits Regulated

No frame or wooden building may be erected, altered, extended, or moved from without to within the fire limits as established, except as provided in Section 3-47 of this Article.

Section 3-47 Minor Repairs Within Fire Limits

Minor repairs and alterations to frame or wooden residences within the fire limits shall be allowed if a permit therefore has been issued by the Building Inspector upon the approval of the Insurance Commissioner of the State of North Carolina.