

CHAPTER 92: FIRE PREVENTION; FIREWORKS

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GENERAL PROVISIONS

§ 92.01 LOTS KEPT FREE FROM FIRE HAZARD.

No person shall permit or suffer rubbish, refuse, or articles of a combustible or flammable nature to accumulate or remain on any lot or premises.
(‘81 Code, § 5-8) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.02 PERMIT REQUIRED FOR OPEN BURNING; BURNING BANS.

(A) No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, grass, brush, litter or other material of any kind within the corporate limits of the town without first obtaining from the town’s Fire Chief a written permit disclosing the person authorized to burn a fire, the location of the burning, and any other conditions required by the issuing officer. Note: This permit is in addition to a state burning permit.

(B) The Fire Chief is authorized to order burning bans within the town limits when, in the Fire Chief’s discretion, it is not safe or prudent for burning to occur.

(C) At all times that a state burning ban is in effect which applies to the Town of Tryon, a town burning ban shall automatically be in effect which prohibits burning within 100 feet of any dwelling. The purpose of this provision is to address burning within 100 feet of a dwelling because state burning bans typically exempt that area.

(‘81 Code, § 5-9) (Ord. passed 10-12-70; Am. Ord. 2006-9, passed 2-21-06; Am. Ord. 2008-10, passed 5-20-08)

§ 92.03 COMPLIANCE WITH STATE LAWS; BURNING PERMIT REQUIRED.

No open burning permit shall be issued which is in violation of any state, local or federal law, and no town burning permit shall be issued by the Fire Chief until the person requesting the permit has first obtained a state burning permit.

(‘81 Code, § 5-10) (Am. Ord. 2006-9, passed 2-21-06; Am. Ord. 2008-10, passed 5-20-08)

§ 92.04 PERSON TO BE PRESENT AT BURNING.

No open burning for which a permit may be lawfully issued shall be allowed without a competent person being present at all times until the fire is completely extinguished.
(‘81 Code, § 5-11) (Ord. passed 10-12-70) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.05 DEAD WIRES TO BE REMOVED.

No electric light, telegraph, or telephone company shall permit any of their disconnected, dead, or unused wires to hang or remain on any pole, tree, or house where

same has been formerly connected and in use, but all such wires shall be taken down and removed immediately upon notice by the Fire Inspector. It shall be the duty of the Chief of the Fire Department to notify the Fire Inspector whenever he has knowledge of such existing conditions.

('81 Code, § 5-16) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.06 EMPTY OR ABANDONED FLAMMABLE FUEL CONTAINERS.

An empty or abandoned flammable fuel containers and tanks shall be filled with water or otherwise rendered safe, so as to prevent fire, explosion or other hazard. The filling or the rendering safe of the containers and tanks shall be done under the supervision of the Fire Department and Building Inspector, and at the expense of the owner of the containers or tanks.

(Ord. passed 6-8-81) (Am. Ord. 2006-9, passed 2-21-06)

FIRE PREVENTION CODE

§ 92.20 FIRE PREVENTION CODE ADOPTED.

The North Carolina Fire Prevention Code (2000 International Fire Code with North Carolina Amendments), as amended from time to time, which is on file in the office of the Fire Chief, is adopted and incorporated, save and except such portions as are hereinafter deleted, modified or amended, as part of this code of ordinances as fully as if set out at length herein.

('81 Code, § 5-1) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.21 BULK STORAGE OF FLAMMABLE LIQUIDS.

Bulk storage of gasoline, naphtha, V.M.P. or other flammable liquid above ground shall be prohibited within the town limits.

('81 Code, § 5-3) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.22 FLAMMABLE LIQUIDS, DUMPING OIL, GREASE PROHIBITED IN FIRE ZONE.

No person shall keep or use any flammable liquid in an open container within the fire zone. Nor shall any person place, dump or drain, or permit any lubricating oil, motor oil or grease upon the ground within the fire zone.

('81 Code, § 5-4) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.23 PERMIT REQUIRED FOR ASPHALT PLANT IN FIRE ZONE.

No person shall maintain, or allow to be used or maintained on any land or premises in the fire zone of the town owned, used or controlled by such person any plant,

machinery or device for the heating and reducing to a liquid form of asphalt or paving material of any kind, without obtaining a permit from the Fire Chief.
(‘81 Code, § 5-5) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.24 PARKING TANK TRUCKS, TANK TRAILER UNITS PROHIBITED; EXCEPTION.

No tank truck or tank trailer unit shall park in the streets within the town limits except it be in the act of discharging its cargo into an underground tank or a proper fuel oil tank.
(‘81 Code, § 5-6) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.25 GAS, OIL PUMP LOCATION.

No gasoline or oil pump shall be erected on any lot in the town nearer than 11 feet from the property line measured at a right angle thereto.
(‘81 Code, § 5-7) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.26 OBSTRUCTION

Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
(Ord. 2006-9, passed 2-21-06)

§ 92.27 CLEAR SPACE AROUND HYDRANTS

A 3-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.
(Ord. 2006-9, passed 2-21-06)

EXITS

§ 92.40 ENCUMBRANCES; REMOVAL.

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 Departments 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 immediately shall notify the owner or owners, their agent or agents, tenant or tenants, to remove such encumbrance and the encumbrance shall thereupon be immediately removed.
(‘81 Code, § 5-13) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.41 SIGNS REQUIRED IN THEATERS, PICTURE SHOWS.

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. ('81 Code, § 5-14) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.42 PASSAGEWAYS IN PLACES OF PUBLIC ASSEMBLAGE TO BE KEPT OPEN; EXIT DOORS TO BE UNLOCKED.

An doors, aisles, and passageways within and leading into or out of 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 or articles that might obstruct or delay the exit of the audience, congregation, or assemblage, nor shall any person sit or stand therein. Doors of such buildings while occupied shall not be fastened so that they cannot easily be opened by anyone from within. No aisle, passageway or stairway in any store shall be obstructed with tables, showcases or other obstructions during the hours such store is open to the public. ('81 Code, § 5-15) (Am. Ord. 2006-9, passed 2-21-06)

EXPLOSIVES; FIREWORKS

§ 92.50 FIREWORKS.

The sale of fireworks or other pyrotechnical devices shall be prohibited in accordance with state law. ('81 Code, § 10-15) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.51 FIREWORKS AND BLASTING PROHIBITED.

No person shall discharge or ignite fireworks or pyrotechnical devices, shoot blank cartridges, cap pistols or other noise-making devices or do any blasts within the town limits; provided, however, that this section shall not apply to blasting where the same is performed under a permit issued by the Town Manager or a pyrotechnic display conducted under the provisions of state statutes. ('81 Code, § 8-14) (Am. Ord. 2006-9, passed 2-21-06)

§ 92.52 EXPLOSIVES TO BE RENDERED HARMLESS.

No person shall abandon, leave unattended in an accessible place or dispose of through the town garbage collecting service or at the town dump any explosive substance, live ammunition, detonating device or hand grenade, shell or other such war souvenir or trophy without first rendering the same harmless in accordance with methods approved by the Town Manager.

('81 Code, § 8-15) (Am. Ord. 2006-9, passed 2-21-06)

PENALTIES

§ 92.99 PENALTY.

(A) Violation penalties. Any person, firm, corporation or their assigns, agent or executor who violates a provision of this chapter or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be deemed in violation of this code. Violators of this chapter may be assessed a civil monetary penalty based upon the class of violation and the fee schedule of civil penalties as adopted by the Town of Tryon.

(B) Classes of violations. Violations of this code shall be assigned a violation classification as defined in this section. Determination of the class of violation shall be at the sole discretion of fire code officials of the Tryon Fire Department who are charged with enforcement of this code, unless otherwise specified in this code. As used in this section, an emergency shall be defined as an unexpected situation or event, of a serious nature, requiring immediate action or response by the Tryon Fire Department.

1. Class A. A violation of the provisions of this chapter that delayed, hindered, or prevented the egress of the occupants during an emergency or caused a fire or increased the severity of a fire or acts that prevented the operation of a fire and/or life safety system or device during an emergency shall be deemed a Class A violation.

2. Class B. A violation of the provisions of this chapter which may delay, hinder, or prevent the egress of the occupants in the event of a fire and/or other emergency or acts which may prevent the operation of fire and/or life safety devices and/or systems shall be deemed a Class B violation.

3. Class C. A violation of the provisions of this chapter which causes an increase of the hazard or menace of fire, explosion, or other hazardous condition or may delay, hinder, or interfere with the operations of the fire department shall be deemed a Class C violation.

4. Class D. A violation of Sections 92.26 or 92.27 shall be considered a Class D violation.

('81 Code, § 5-12) (Ord. passed 10-12-70) (Am. Ord. 2006-9, passed 2-21-06)