

Chapter 7

FIRE PREVENTION AND PROTECTION*

Article I. In General

- Sec. 7-1. Service outside town.
- Sec. 7-2. Fire hydrants; parking near or obstructing.
- Sec. 7-3. Bicycles prohibited on sidewalks in fire zone.
- Sec. 7-4. Open burning.
- Secs. 7-5--7-20. Reserved.

Article II. Fire Department

- Sec. 7-21. Fire chief.
- Sec. 7-22. Rules for discipline and fire prevention.
- Sec. 7-23. Volunteers subject to call.
- Sec. 7-24. Right-of-way over adjoining property in case of fire.
- Sec. 7-25. Duties of drivers.
- Sec. 7-26. Honorarium payments to firefighters.
- Sec. 7-27. Fire chief authorized to impose disciplinary sanctions.
- Secs. 7-28-7-40. Reserved.

Article III. Fire Code

- Sec. 7-41. Adopted; where copies filed.
- Sec. 7-42. Enforcement.
- Sec. 7-43. Definitions.
- Sec. 7-44. Appeals.
- Sec. 7-45. Violations.
- Secs. 7-46---7-60. Reserved.

Article IV. Fireworks

- Sec. 7-61. Compliance with state law.
- Sec. 7-62. Fireworks.
- Secs. 7-63-7-74. Reserved.

Article V. Burglar and Fire Alarms

- Sec. 7-75. Requirements.
- Sec. 7-76. Definitions.
- Sec. 7-77. Responses and reports of alarm activation.
- Sec. 7-78. Fees for false alarms.
- Sec. 7-79. False alarm notification.

*Cross references—Buildings and building regulations generally, Ch. 4; central area fire protection district, § 4-1; burning matter on streets or sidewalks, § 15-13; utilities, Ch. 17; zoning, App. A.

State law reference—Fire department in cities and towns, S.C. Code 1976, § 5-25-20.

CENTRAL TOWN CODE

- Sec. 7-80. Failure to respond notification.
- Sec. 7-81. False alarm notification (penalty imposed).

ARTICLE I. IN GENERAL

Sec. 7-1. Service outside town.

No fire protection service shall be rendered outside the corporate limits by the fire department, except under the following conditions:

- (1) To protect property within the town threatened by fire from outside the corporate limits;
- (2) To go to the aid of other municipalities beyond a radius of five miles from the town when requested to do so by a duly authorized officer of any such municipality;
- (3) To protect state, county, or town-owned property and property owned and used for church purposes or upon request for fire protection by an officer or agent of the state forestry commission outside the corporate limits;
- (4) Where human life is in danger;
- (5) Where two or more adjacent buildings are burning simultaneously, threatening further spread of fire, where one is covered by fire protection;
- (6) To protect the property of individuals, associations, corporations, or organizations that have made previous arrangements for fire protection service with the town, in accordance with the provisions of such agreements.

(Code 1979, § 7-207)

Editor's note—On Sept. 11, 1991 the Town of Central entered into an agreement with the Central Area Rural Fire Protection District to provide fire protection services. The agreement will become effective Jan. 1, 1992. A copy of the agreement is on file in the town hall.

Sec. 7-2. Fire hydrants; parking near or obstructing.

It shall be unlawful for any person to place any obstruction of any kind, within 15 feet of any fire hydrant within the city.

(Code 1979, § 7-102)

Cross reference—Parking motor vehicles, § 16-31 et seq.

Sec. 7-3. Bicycles prohibited on sidewalks in fire zone.

It shall be unlawful for any person to ride a bicycle on any sidewalk in the fire zone.

(Code 1979, § 14-509)

Cross reference—Streets and sidewalks generally, Ch. 15.

Sec. 7-4. Open burning.

(a) It shall be unlawful for any person to start, or cause to be started an open fire in any place within the corporate limits of the town.

(b) This section shall not prohibit cooking fires built in fireplaces, grills and barbecue pits.

(c) This section shall not prohibit the fire chief or his designee from the issuing of permits for bonfires as part of special events and or burning associated with land clearing.

(d) The fire chief or his designee will issue necessary permits for outside burning. No open burning will be allowed before 8:00 a.m. All open burning must be extinguished 30 minutes prior to sunset,

(Ord. No. 97-02-01, 240-97; Ord. No. 4-98-BA, 2-9-98; Oth. No. 09-09-FA, 9-9-02)

Editor's note—Ord. No. 97-02-01, adopted Feb. 10, 1997, did not specifically amend the Code; hence, inclusion of the substantive provisions of such ordinance as § 7-4 was at the discretion of the editor.

Cross reference—Burning matter on streets and sidewalks, § 15-13.

Secs. 7-5-7-20. Reserved.

ARTICLE II. FIRE DEPARTMENT

Sec. 7-21. Fire chief.

(a) *Appointment; term.* There shall be appointed by the town council a chief of the fire department, who shall hold office at the pleasure of the town council.

(b) *Supervision and control.* The chief of the fire department shall have general superintendence and control of the fire department, subject to the regulations and rules of the town council.

(Code 1979, §§ 7-201, 7-202)

Cross reference—Officers and employees, § 2-51 et seq.

State law reference—Similar provisions, S.C. Code 1976, § 5-25-110.

Sec. 7-22. Rules for discipline and fire prevention.

The chief of the fire department shall, subject to the supervision of the town council, have the power to make rules and regulations for the discipline of the fire department and the prevention of fires in the town. It shall be unlawful for any person to fail or refuse to comply with such rules and regulations.

(Code 1979, § 7-203)

Sec. 7-23. Volunteers subject to call.

The volunteer fire department or any of its members shall be subject to call for duty at any time, day or night, when and if they are needed for the purpose of extinguishing fires or for any other emergencies that may arise.

(Code 1979, § 7-204)

See. 7-24. Right-of-way over adjoining property in ease of fire.

While endeavoring to control or extinguish the burning of any building or structure within the town, the fire department, under order of its chief or an assistant chief, may enter and pass through and over any adjacent or neighboring lot, house, or structure of any kind.

(Code 1.979, § 7-205)

See. 7-25. Duties of drivers.

The drivers of the fire department apparatus shall keep in good order the fire station, engines, and apparatus.

(Code 1979, § 7-206)

Cross reference—Traffic and motor vehicles generally, Ch. 16.

Sec. 7-26. Honorarium payments to firefighters.

(a) The purpose of this section is to regulate the payment of an honorarium by the town to members of the volunteer fire department (i.e. firefighters).

(b) An honorarium will be paid to firefighters in December of each year. The amount of the honorarium will be based on the number of fire calls to which a firefighter actively responded during a twelve month period which begins on December 1 of the previous calendar year and ends on November 30 of the current calendar year. On an annual basis, as part of its budgeting process, the town council will determine the amount of the honorarium that is to be paid for each fire call response.

(c) A fire call is constituted whenever the volunteer fire department is properly dispatched by the E-911 dispatcher, the City of Clemson dispatcher, or an authorized town employee within the town hall.

A firefighter is considered to have actively responded to a fire call when he does one of the following:

- (1) Responds to the scene to which the department was dispatched and follows the orders of the incident commander.
- (2) Reports to station I or station II to be on stand-by, as ordered by the incident commander, and remains there until other orders are received.

(d) A call response list is to be maintained for each fire call. A firefighter who actively responded to a fire call is to affix his signature to the call response list within 24 hours of the completion of the department's response to the call. Affixing another individual's name to a call response list will be cause for disciplinary sanctions, up to and including dismissal from the volunteer fire department.

(e) Within 24 to 48 hours of the completion of the department's response to a fire call, the incident commander and fire chief are to:

- (1) Review the call response list for accuracy;

- (2) Resolve any discrepancies;
- (3) Affix their signature and the date to the call response list, indicating that it is correct;
- (4) Submit the original list to the town clerk; and
- (5) File a copy of the list at the fire station in a file designated by the fire chief.

The file copy is to be kept under lock and key and is to be accessible only to the fire chief, the town administrator, and the town clerk. No changes can be made to a call response list after the original list has been submitted to the town clerk.

(f) By December 1 of each year, the fire chief is to compile a record of the total number of fire calls to which each firefighter actively responded during the period beginning December 1 of the previous year and ending November 30 of the current year. The fire chief is to affix his signature and the date to this record indicating that it is correct, and submit it promptly to the town clerk. If any discrepancies are noted, the town administrator will intervene and resolve the discrepancies before any honorarium payments are made.

(g) A firefighter who accepts an honorarium payment for services not rendered is subject to disciplinary sanctions, up to and including dismissal from the department.

(Ord. No. 09-09-HPF, 9-9-02)

Editor's note—Ord. No. 09-09-HPF, adopted Sept. 9, 2002, did not specifically amend the Code. Hence, its inclusion herein as § 7-26 was at the discretion of the editor.

Sec. 7-27. Fire chief authorized to impose disciplinary sanctions.

(a) Purpose. The purpose of this section is to authorize the chief of the volunteer fire department (CVFD) to impose sanctions, for cause, upon firefighters (members of the CVFD).

(b) Upon adoption of this section by the town council, the chief of the volunteer fire department is authorized to impose, for cause, any one or more of the following sanctions upon any firefighter:

- (1) A written reprimand;
- (2) Reduction in rank;
- (3) A requirement to make restitution to the town for lost or damaged property which belongs to the town;
- (4) A suspension from the department (not to exceed 90 days);
- (5) Dismissal from the department; or
- (6) Any combination of the above.

(c) Any sanctions to be imposed must be imposed within seven calendar days of the incident which generated the sanction. The chief must make an effort to notify the firefighter in writing of the sanction(s) within this seven-day period.

(d) Within three calendar days of imposing a sanction, the chief must notify the office of the town administrator in writing. Notification must include the following:

- (1) The firefighter's name;
- (2) The date of the incident which generated the sanction;
- (3) A description of the incident which generated the sanction;
- (4) The sanction which was imposed;
- (5) The date on which written notification was given to the firefighter, or the date on which an attempt was made to give written notification to the firefighter; and
- (6) The chief's signature, and date on which notification was submitted to the office of the town administrator.

(e) Appeals. A firefighter who wishes to appeal a sanction may do so by following the appeal procedure which is set forth for paid town employees in the town's employee handbook. (Ord. No. 09-09-DSF, 9-9-02)

Editor's note—Ord. No. 09-09-DSF, adopted Sept. 9, 2002, did not specifically amend the Code. Hence, its inclusion herein as § 7-27 was at the discretion of the editor.

Secs. 7-28-7-40. Reserved.

ARTICLE III. FIRE CODE'

Sec. 7-41. Adopted; where copies filed.

There is hereby adopted by the town council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code recommended by the Southern Building Code Association, being particularly the 1994 abbreviated edition thereof and the whole thereof, save and except such portions as may be deleted in this division, modified or amended, of which code not less than three copies are filed in the office of the town clerk and treasurer, and the code is hereby adopted and incorporated as fully as if set out at length in this division, and the provisions thereof shall be controlling within the limits of the town.

(Code 1979, § 7-301; Ord. No. 94-14-11-BC, 1242-94)

Sec. 7-42. Enforcement.

The fire prevention code shall be enforced by the chief of the fire department.
(Code 1979, § 7-302)

*Cross reference—Adoption of technical codes, § 4-26 et seq.

State law references—Adoption of standard codes or technical regulations in ordinances, S.C. Code 1976, § 5-7-280; adoption and modification of certain standard codes, S.C. Code 1976, § 6-9-60.

Sec. 7-43. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipality as used in the Standard Fire Prevention Code, shall mean the Town of Central.
(Code 1979, § 7-303)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 7-44. 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 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 town council within 30 days from the date of the decision appealed.

(Code 1979, § 7-305)

Sec. 7-45. Violations.

(a) Any person who shall violate any of the provisions of the Standard Fire Prevention Code, 1994, hereby adopted or fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; any certificate or permit issued thereunder, and from which no appeal has been taken; who shall fail to comply with such an order as affirmed or modified by the town council or by a court of competent jurisdiction, within the time fixed in this section, shall severally, for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 1-10. 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. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute an offense.

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

(Code 1979, § 7-806; Ord. No. 94-14-11-BC, 12-12-94)

Secs. 7-46-7-60. Reserved.

ARTICLE IV FIREWORKS''

Sec. 7-61. Compliance with state law.

The manufacture, storage, transportation, display, sale, discharge, or other use or handling of fireworks within the corporate limits shall be subject to and in full compliance with state law.

(Code 1979, § 7-401)

Sec. 7-62. Fireworks.

It shall be unlawful for any person to shoot or discharge any type of fireworks in any place within the corporate limits of the town.

This section shall not prohibit the issuing of permits for fireworks display for special events (Fourth of July) etc. All permits for special events must be approved by the town council. (Code 1979, § 11-513; Ord. No. 09-09-FW, 9-9-02)

Secs. 7-63-7-74. Reserved.

ARTICLE V. BURGLAR AND FIRE ALARMS

Sec. 7-75. Requirements.

(a) All audible alarm systems which are installed after the adoption of this article must be equipped with the capability of turning off the audible alarm after 20 minutes of audible activation.

(b) All audible alarm systems which were installed prior to the adoption of this article must be modified and/or equipped with the capability of turning off the audible alarm after 20 minutes of audible activation if the technology exists for that system. This modification and/or equipping shall be done within 90 days of adoption of this article.

(c) If the property owner or a person responsible for the alarm's operation does not respond in the designated 20-minute time period and the alarm is still audible, it shall be deemed a nuisance and violation of the town's noise ordinance, Ordinance 11-41. If the audible alarm continues after 20 minutes, then the police, firemen, or a qualified alarm technician shall take whatever action is necessary to disable the nuisance.

(Ord. No. 08-02-03-SFA, 9-8-08)

Sec. 7-76. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*State law reference—Fireworks generally, S.C. Code 1976, § 23-35-10 et seq.

Alarm. A signal, which is audible or visual, or a combination of both that is received through the communication center of the police/fire department. The alarm may be received:

- (1) Through the private alarm service company that monitors alarms for the property owner and notifies via phone line the communication center of the police/fire department;
- (2) Through an automated telephone system playing a recorded message received at the communication center of the police/fire department;
- (3) As audible or visual alarms that are reported to the communication center of the police/fire department by way of telephone, radio, individual or when detected by a police officer or fireman.

False alarm. A false alarm means any activation of an alarm that is determined by the police department or fire department to not represent the designated condition.

(Ord. No. 08-02-03-BEA, 9-8-03)

Sec. 7-77. Responses and reports of alarm activation.

(a) *Report of alarm.* The appropriate responding department (police department or fire department) shall file a report after a response to an alarm and classify the alarm as one of the following:

- (1) False alarm or system test without prior notification.
- (2) Valid alarm for the cause that was designated.
- (3) All alarms that are determined by the police officers or firemen on scene who deem the alarm activation a necessity.

(b) *Retention of reports.* The police department shall maintain a report (to which there was a response by the police department and/or fire department) in an active file for a period of one calendar year. The fire department shall forward a copy of each of its reports to the police department.

(Ord. No. 08-02-03-BFA, 9-8-03)

Sec. 7-78. Fees for false alarms.

(a) *Fees imposed.* An alarm fee shall be imposed for reports of false alarms per calendar quarter in the amount imposed by town council. Guidelines for notification of false alarms are described as follows:

- (1) First alarm within a calendar quarter shall require no action by the town to the property owner.
- (2) Second false alarm within a calendar quarter shall require a written notification through regular mail notifying the property owner of the action that will be taken after the third false alarm.

- (3) Third false alarm within a calendar quarter shall require a written notification through certified letter to be sent warning the property owner of the third alarm within the period, and the action that will be taken for the next and subsequent alarms within the same 90-day period.
- (4) There shall be penalties imposed for the fourth and subsequent false alarm within the 90-day period as described:
 - a. First violation (4th alarm) \$100.00
 - b. Second violation (5th alarm) 200.00
 - c. Third and subsequent violations (6th alarm and beyond), per each 300.00

(b) *Exceptions to fees imposed.* There shall be no fee imposed for certain alarm activations. Examples of such activations are, but not limited to:

- (1) Those caused by acts of nature such as storms, high winds, lightning, loss of electrical power, or temporary loss of telephone service.
- (2) Alarms that are activated for testing the alarm system with prior notification to the communication center of the police/fire department.
- (3) Alarms that are activated as medical life lines when the user relies on such systems for reporting a life-threatening emergency.
- (4) All alarms that are determined by the police officers or firemen on scene who deem the alarm activation a necessity. The officer or fireman must give an explanation on the report filed.

(c) *Failure to respond.* A failure to respond occurs when the following conditions are met:

- (1) The police and/or fire department respond to the scene of an alarm activation and were at the scene for 20 minutes during which time the alarm continued to sound.
- (2) The property owner or the person responsible for the alarm system fails to respond to the scene within the 20-minute period.

For failure to respond, the following penalties shall apply:

- (1) First violation (4th alarm) \$100.00
 - (2) Second violation (5th alarm) 200.00
 - (3) Third and subsequent violations (6th alarm and beyond), per each300.00
- (Ord. No. 08-02-03-BFA, 9-8-03)

Sec. 7-79. False alarm notification.

Date: _____

To:

_____ This is to inform you that the Central Police/Fire Department answered a second/third false alarm within the calendar quarter at your home/business on _____

If this is your second false alarm notification, you will receive written notification of the third false alarm before any penalties are imposed.

If this is your third false alarm notification, the next false alarm (4th alarm and any subsequent alarms) within the calendar quarter will result in the following penalties:

- (a) First violation (4th alarm): \$100
- (b) Second violation (5th alarm): \$200
- (c) Third, and subsequent violations (6th alarm and beyond): \$300 per each

Thank you for your cooperation.

The Central Police Department

Site of violation:

Date of violation:

(Ord. No. 08-02-03-BFA, 9-8-03)

Sec. 7-80. Failure to respond notification.

Date: _____

To: _____

This is to inform you that on _____, alarm activation occurred at your home/business and was responded to by the Police and/or Fire Department. No one from the home/business responded, or they did not respond in the 20-minute time period as required by the Town of Central Ordinance #08-02-03-BFA, Section C [section 7-78(c)]; therefore, the following penalties apply:

- (1) First violation (4th alarm): \$100
- (2) Second violation (5th alarm): \$200
- (3) Third and subsequent violations (6th alarm and beyond): \$300 per each

Please remit \$_____ for the violation no later than 5 business days after receiving this letter to the Records Division of the Central Police Department.

Thank you for your cooperation,

The Central Police Department

Site of violation:

Date of violation:

(Ord. No. 08-02-03-BFA, 9-8-03)

Sec. 7-81. False alarm notification (penalty imposed).

Date: _____

To: _____

FIRE PREVENTION AND PROTECTION

§ 7-81

This is to inform you that this is the first/second/third/other notification of a violation of the Town of Central's burglar/fire alarm ordinance.

Pursuant to the Town of Central Ordinance #08-02-03-BFA, the following penalties shall be imposed:

- | | |
|---|----------------|
| (a) First violation (4th alarm): | \$100 |
| (b) Second. violation (5th alarm): | 200 |
| (c) Third and subsequent violations (6th alarm and. beyond.): | \$300 per each |

Please remit \$ _____ for the _____ violation no later than 5 business days after receiving this letter to the Records Division of the Town of Central Police Department.

Thank you for your cooperation,

The Town of Central Police Department

Site of violation: _____

Date of violation: _____

(Ord. No 08-02-03-BFA, 9-8-03)