

**AN ORDINANCE AMENDING THE SWANSBORO TOWN CODE OF
ORDINANCES TO MODIFY § Chapter 34: FIRE DEPARTMENT
(2023-O10)**

THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO ORDAINS:

Section 1. “That the following section of the Code of Ordinances, Town of Swansboro, North Carolina, be hereby amended to read as follows:

§ Chapter 34: FIRE DEPARTMENT

Section

34.01 Organization

34.02 Fire Chief Duties

~~34.03 Deputy Fire Chief duties~~

~~34.04 Fire Marshal duties~~

~~34.05 Fire Traffic Control Officer duties~~

~~34.06 Authority of officers during a fire~~

~~34.07 Notice of fire drills~~

~~34.08 Owner’s responsibility to secure vacant structures; non-compliance.~~

~~34.09 Following fire equipment~~

34.1003 Interference with firefighters, apparatus, or equipment

~~34.11 Mitigation rates for the deployment of emergency services by the Fire Department~~

Cross-reference:

For fire prevention, see Ch. 91

§ 34.01 ORGANIZATION.

(A) ~~The Fire Department shall consist of the Chief of the Fire Department, Deputy Chief, Fire Marshal, Fire Traffic Control Officer, other fire officers as required and a sufficient number of firefighters (voluntary, part , or full-time) to maintain and operate the department. The Fire Department shall establish, maintain, train and equip a hazardous material response team which may, upon proper request, operate outside the Swansboro Fire Department response area. The Chief of the Fire Department and the Deputy Chief shall be appointed by the Town Manager. The Fire Department shall be a legally established agency through the departmental charter and any associated amendments adopted by the local governing body.~~

(B) ~~The Fire Department may adopt its own rules and regulations governing the Department subject to the approval of the Board of Commissioners. Rules and regulations shall include the~~

following provisions for monthly training: The Fire Department shall also be a division of the Town of Swansboro, conforming to all associated town policies and procedures.

(1) Monthly business meetings shall not be accredited to training;

(2) General fire service training for all Fire Department personnel for a minimum of three hours per month;

(3) Hazardous material training for Fire Department personnel assigned to the Haz-Mat Team in addition to the general fire service training for a minimum of three hours per month.

(C) Any member who is absent for four consecutive meetings and/or does not comply with required training of 36 hours per minimum per annum shall be dropped from the Department. The Fire Department shall meet and maintain all requirements defined in the Fire Suppression Rating Schedule (FSRS) to earn a Public Protection Classification (PPC) of 9S.

(D) The Fire Department shall maintain awareness of and conform to all applicable legal requirements and associated changes from local, state, and federal governments.

(E) The Fire Department organizational structure shall be clearly defined with supporting references for all positions and roles, including each job classification's responsibilities, qualifications, and functions.

(F) The Fire Department shall reserve the ability to develop, maintain, and implement intradepartmental operational guidelines aligning with the organization's mission, vision, and goals. Unless otherwise approved by the Town Manager, the intradepartmental policies or operational guidelines shall not supersede other town policies, procedures, or guidelines.

(G) The primary responsibility of the Fire Department shall be Fire Protection for the Swansboro Fire District and any other districts as contracted. Services provided by the Town of Swansboro Fire Department shall include but are not limited to:

(1) Fire Suppression

(2) Emergency Medical Services

(3) Technical Rescue

(4) Hazardous Materials Response

(5) Fire Prevention/Inspections/Enforcement

(6) Community Risk Reduction/Fire Life Safety Education

(7) Fire Investigations

(8) Emergency Management/Domestic Preparedness

(H) The Fire Department shall review, update, maintain, and abide by any terms related to services established or defined in contracts.

(I) The Fire Department shall review, update, maintain, and abide by terms relating to or established in mutual or automatic aid agreements with other agencies.

(OC, § 3-2-1) (Am. Ord. 2006-04, passed 2-21-06)

Statutory reference:

Fire protection generally, see G.S. §§ 160A-291 et seq.

G.S. 160A-291 Article 14 & Article 14A

§ 34.02 FIRE CHIEF DUTIES

—The duties of the Chief, subject to supervision by the Board of Commissioners of the town shall be as follows: The Fire Chief for the Town of Swansboro Fire Department, supervised by the Town Manager, shall be responsible for planning, directing, managing, and overseeing daily activities and operations for the Fire Department including but not limited to.

(A) General control of the Fire Department, the personnel, apparatus and fire alarm systems. Overall control of the Fire Department includes but is not limited to personnel, apparatus, and equipment management.

(B) Appointment of a Deputy Chief and additional positions identified in the Fire Department's table of organization as required to meet the obligations of the Department. Implement policies, guidelines, and procedures related to fire department operations.

(C) Appointment of the Fire Marshal and the Fire Traffic Control Officer who shall be members of the department and shall be selected for their fitness to the position; Development and oversight of annual training plans for career and volunteer personnel, coordinating training exercises with mutual and automatic aid agencies, and ensuring accurate documentation of the events.

(D) Command of the Fire Department, supervision of the firefighting and extinguishing of all fires and authority to keep away from the vicinity of all fires, any and all idle, disorderly or suspicious persons; Maintaining or Improving the town's ISO rating.

(E) Inspect or cause to be inspected all trucks and other equipment of the Fire Department each and every week to ascertain that the equipment is being kept in proper condition and report annually to the Board of Commissioners the condition of all equipment; Maintain awareness of legislative or industry changes that may alter, deviate, or require new services.

(F) Inspect or cause to be inspected all fire hydrants and fire alarm systems at least once every three months and make a report of the inspection to the Town Manager; Review all potential developments for the Town and ETJ.

(G) Insure that the contents of the current NFPA 101 Life Safety Code, NFPA 1 Fire Protection Code, and Ch. 91 of this code shall be enforced; Promote continuous improvement throughout the organization supported by data-driven performance metrics.

(H) To the extent permissible by law, authorization at all reasonable times to enter and examine any private or public building, vehicle or premise for the purpose of making fire safety inspections; before entering a private building or dwelling the Fire Chief shall obtain the consent of the owner or occupant thereof or obtain a search warrant authorizing entry for the purpose of inspection. The Fire Chief may enter without a warrant when there is probable cause to believe

that circumstances or conditions exist in the structure which reasonably may constitute immediate and substantial danger to life and property; Ensure that Chapter 91 of this code, the North Carolina Fire Prevention Code, and other adopted standards are enforced.

(I) Investigate or cause to be investigated all complaints of violations of NFPA 101 Life Safety Code, and/or of this chapter. Function as the Town of Swansboro Emergency Manager.

(OC, § 3-2-3) (Am. Ord. 2006-04, passed 2-21-06)

§ 34.03 DEPUTY FIRE CHIEF DUTIES.

The duties of the Deputy Chief, subject to the supervision of the Chief and the Board of Commissioners, shall be as follows:

—(A) In the absence of the Chief, assume all the duties of the Chief;

—(B) Shall be assigned as the Fire Department's training officer and will insure that the minimum regular and hazardous material training hours are met;

—(C) Shall be assigned as procurement officer and will be responsible for all purchases made by the Department in accordance with town purchasing policies;

—(D) Shall oversee the proper administration of the Department and the files that must be maintained and preserved;

—(E) Shall oversee the functions of the Department's treasury and will be accountable for all monies received and purchases made by the Department;

—(F) Shall oversee the security of all historical documents concerning the Department;

—(G) Shall perform any other functions that the Chief may so direct.

(OC, § 3-2-4)

§ 34.04 FIRE MARSHAL DUTIES.

The duties of the Fire Marshal, subject to the supervision of the Chief, shall be the following:

—(A) Administration of the Division of Loss Control/Investigation;

—(B) Shall be governed by §§ 91.37, 91.38 and 91.43 of this code;

—(C) Shall perform any other functions that the Chief may so direct.

(OC, § 3-2-5)

§ 34.05 FIRE TRAFFIC CONTROL OFFICER DUTIES.

The duties of the Fire Traffic Control Officer, subject to the supervision of the Chief of the Department, shall be as follows:

—(A) Shall be responsible to the Incident Commander for the safety of firefighters and fire fighting apparatus in the incident area in so far as vehicle traffic is concerned;

—(B)— Shall keep all vehicles, except emergency vehicles, out of the incident zone unless otherwise directed by competent authority in accordance with G.S. § 20-114.1(b);

—(C)— Shall keep vehicle traffic moving safely, smoothly and expeditiously as the incident may dictate in accordance with G.S. § 20-114.1(b);

—(D)— Shall be relieved only by the Chief of the Fire Department, Incident Commander or competent authority consistent with G.S. § 20-114.1(b);

—(E)— Shall perform any other functions that the Chief may so direct.

(OC, § 3-2-6)

§ 34.06 AUTHORITY OF OFFICERS DURING A FIRE.

—(A)— The Incident Commander 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 Fire Chief, his designee, Incident Commander 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 Incident Commander.

—(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 the alarm shall have the right of way in and upon all streets, lanes, alleys and other public ways.

—(E)— Upon the approach of fire apparatus, the drivers of all other vehicles shall immediately bring their vehicles to a stop on the right hand side of the street in the direction in which they are facing and shall not move their vehicles until the fire apparatus has passed.

(OC, § 3-2-7(a)-(e)) Penalty, see § 10.99

§ 34.07 NOTICE OF FIRE DRILLS.

—It shall be the responsibility of the principal or his/her designee of any public school within the jurisdictional area to notify the Fire Chief or his/her designee of the date and time of scheduled or unscheduled fire drills under G.S. § 115C-288(d) and to furnish the Fire Chief or his/her designee with a copy of their fire drill report.

(OC, § 3-2-7(f))

§ 34.08 OWNER'S RESPONSIBILITY TO SECURE VACANT STRUCTURES; NONCOMPLIANCE.

It shall be the responsibility of the owner of a structure or structures left vacant and unattended for a period of one year or longer to properly secure the structure(s) so as to deny entry to unauthorized persons. Violators of this chapter will have 30 days to comply after receipt of

written notification. Failure to comply will result in the structure being properly secured at the owner's expense and the assessment of a penalty of \$100 per day of noncompliance.

(OC, § 3-2-7)

§ 34.09 FOLLOWING FIRE EQUIPMENT.

—It shall be unlawful to follow, by automobile or any other vehicle, any fire apparatus which is responding to a fire call unless the apparatus is used for transporting firefighters to the scene of the fire. A vehicle may follow at a distance no closer than one city block, may not pass the fire apparatus nor park within the same block in which a fire is in process.

(OC, § 3-2-8) Penalty, see § 10.99

§ 34.10-03 INTERFERENCE WITH FIREFIGHTERS, APPARATUS OR EQUIPMENT.

(A) No person shall interfere with a firefighter in the discharge of their duty or hinder in the performance of their duty consistent with G.S. §§ 58-82-1 et seq.; nor shall any person other than a member of the Fire Department loiter about any fire station, or change, handle or meddle in any manner with any fire engine or any other fire apparatus or equipment.

—(B) No person other than a bona fide member of the Fire Department shall mount any fire engine or apparatus before it leaves the station or while on its way to or from an incident or at any other time, unless by permission of the driver/operator or officer in charge of the engine or apparatus.

—(C) (B) It shall be unlawful for any person, firm, or corporation to drive over or in any way damage or mutilate any fire hose or fire equipment in use at a fire or otherwise.

—(D) (C) It shall be unlawful for any person, firm, or corporation to obstruct in any manner or to park or station a vehicle, not being a firefighting apparatus, within ten feet, in any given direction, of a fire hydrant. The vehicles and/or obstructions shall be removed at the owner's expense.

(OC, § 3-2-9) Penalty, see § 10.99

§ 34.11 MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY SERVICES BY THE FIRE DEPARTMENT.

—(A) The town shall initiate mitigation rates for the delivery of emergency services by the Fire Department for personnel, supplies and equipment to the scene of motor vehicle incidents and other emergency incidents as listed in the "Cost Recovery Fee Schedule" attached to Ordinance 2014-O13. The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR), as shown in the "Cost Recovery Fee Schedule", which may include any services, personnel, supplies and equipment.

—(B) The mitigation rates shall be filed to the responsible party, representing an add-on cost of the claim for damages of the vehicles, property and/or injuries. The claim costs shall be filed to

~~the insurance coverage of the owner of a vehicle, owner of property, or responsible parties. In some circumstances, the responsible party will be billed directly.~~

~~—(C)—The Town Manager may make rules or regulations and from time to time may amend, revoke or add rules and regulations, not consistent with this section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.~~

~~—(D)—These mitigation rates will only apply to persons not residing within the town as the residents within the town boundaries currently subsidize these emergency service costs through their property taxes. Responses involving intoxicated drivers, hazmat clean up, and negligent acts may be subject to all applicable rates regardless of residency.~~

~~(Ord. 2014 O13, passed 6-18-14)~~

This ordinance shall become effective upon adoption.

Adopted this 24th day of July 2023.

John Davis, Mayor

Attest:

Alissa A. Fender, Town Clerk