

CHAPTER 18: FIRE PREVENTION AND PROTECTION

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Editor's note:

The town has made an arrangement for fire service with the county, and the service is provided by volunteers who must be certified by the Fire Chief. The Department is a combination town/county department, and all firefighters are volunteer members for both parties. The equipment (vehicles) is owned individually by both entities. Funding is provided by both the town and county as well as volunteer fundraisers. The town has two full-time firefighter that is contracted through the county.

Statutory reference:

Fire departments, see S.C. Code § 5-25-20

Operation of emergency vehicles, see S.C. Code § 56-5-760

Requirement that every city appoint a fire chief, see S.C. Code § 5-25-110

§ 18-1 OFFICIAL FIRE DISTRICT ESTABLISHED.

The official fire district of the town, when ordained, shall be as shown on a map of the town and filed in the Town Clerk's office.

§ 18-2 FIRE DEPARTMENT DESIGNATED.

The Fire Department is hereby designated as the “Kershaw Fire Department”.

§ 18-3 DEPARTMENT MEMBERSHIP; COMPENSATION.

The Department shall consist of such volunteers as may be approved by the membership and they shall serve without remuneration.

§ 18-4 RIGHT OF ENTRY DURING EMERGENCY.

In a fire emergency, while endeavoring to control or extinguish fires, members of the Department, under order of the Chief or his or her designated representative may reasonably pass through and enter any adjacent buildings or property.

§ 18-5 RIGHT-OF-WAY WHEN RESPONDING TO ALARMS.

All motor equipment of the Fire Department, law enforcement agencies, other emergency vehicles and the vehicles of firefighters shall have the right-of-way over all other vehicles, when responding to an alarm.

§ 18-6 LAW ENFORCEMENT OFFICERS AND FIRE DEPARTMENT PERSONNEL TO ENFORCE CHAPTER; BLOCKING PROCEDURES.

(A) Law enforcement officers and authorized fire personnel shall enforce the provisions of this chapter, as appropriate.

(B) Immediately upon their arrival at the scene of a fire, and subject to availability of personnel, they shall station one police officer at each end of the block wherein the fire occurs.

(C) They may require motor vehicles or other vehicles parked within the area to be moved immediately.

§ 18-7 ANNUAL INSPECTIONS REQUIRED; NOTICE OF DEFECTS OR HAZARDS.

(A) At least once in each and every year, the Inspector shall make a general inspection of all buildings in the corporate limits and ascertain if the laws and ordinances in reference to fire protection are complied with.

(B) It shall be the duty of the Fire Inspector to notify the occupant and owner of all premises of any defects or hazards found in the general inspection to see that they are properly corrected and that dangerous inflammable conditions on the premises are removed.

Statutory reference:

Annual inspections required, see S.C. Code § 5-25-370

§ 18-8 INSPECTION REPORTS TO BE FURNISHED TO COUNCIL.

The Inspector shall report to the Council the results of fire inspections as warranted. He or she shall furnish such other information and make such other reports as shall be called for by the state's Fire Marshal.

§ 18-9 COUNCIL NOTICE TO CORRECT, REMOVE OR DISCONTINUE IDENTIFIED HAZARDS; PENALTY.

(A) The Council may issue an order for the immediate correction, removal or discontinuance of any identified hazard.

(B) If the hazard is not corrected within the time fixed in the notice, the offending party, upon conviction, shall be guilty of a misdemeanor.

Statutory reference:

Failure to correct defects in new building, see S.C. Code § 5-25-410

Failure to correct defects in unsafe or dangerous building, see S.C. Code § 5-25-420

§ 18-10 DUTY TO INVESTIGATE; REPORT TO BE FILED WITH STATE FIRE MARSHAL.

The Inspector shall hold an inquiry into the origin of every fire occurring within the limits of the town and file a report in writing of his or her investigation to the state's Fire Marshal.

Statutory reference:

Building Inspector's duty to report investigation to State Fire Marshal, see S.C. Code § 5-25-170

Requirement that Building Inspector must inquire into the origin of every fire, see

S.C. Code § 5-25-160

§ 18-11 DEPARTMENT AUTHORITY TO RESPOND TO FIRES OUTSIDE CORPORATE LIMITS.

The Fire Department is authorized hereby to respond to fire calls outside the corporate limits.

§ 18-12 AUTHORITY TO BILL PROPERTY OWNER'S INSURANCE CARRIER.

The town's Fire Department is hereby authorized to bill a service charge to the insurance carrier of all property owners within the corporate limits for emergency fire responses by the Department pursuant to the following schedule.

(A) Vegetation fires shall be exempt from service fees.

(B) Hazardous material incidents shall be charged a fee for each individual firefighter. An additional fee shall be charged to cover the cost of any supplies or equipment used.

(C) The hazardous fees shall be billed to the hazardous material handler or carrier.

(D) Such fees shall be in an amount as established from time to time by the Town Council and set forth in the schedule of fees and charges, available for public examination in the Town Clerk's office.

§ 18-13 DISPLAY OF FIREWORKS.

(A) *Regulations for outside fireworks display.* Any person who desires to hold an outdoor fireworks display shall first obtain a permit from the town at least ten days prior to the date of the display. Fireworks displays are not permitted in the downtown area of the town, which includes the following streets: entire Hampton Street from the intersection with South Matson Street to the intersection with Hilton Street and Cleveland Street from the intersection with South Matson to the intersection with Hilton Street.

(B) *Prohibited times for discharge of fireworks.* Notwithstanding any other provisions of the town, it shall be a public nuisance for any person to discharge or permit the discharge of any fireworks between the hours of 11:00 p.m. and 9:00 a.m. of the following day; except, on December 31, the permitted hours shall be from 9:00 a.m. until 1:00 a.m, the following day.

(C) *Penalty.* The civil penalty for creating a public nuisance by discharging fireworks contrary to the provisions of this section is \$50.

(Ord. 2019-002, passed 5-30-2019)

Statutory reference:

Requirements for fireworks displays, see S.C. Code § 23-35-45

§§ 18-14—18-44 RESERVED.

ARTICLE II: FIRE CHIEF

Section

- 18-45 Appointed
- 18-46 Duties
- 18-47 Command at scene of fire
- 18-48 Possession and control of buildings on fire
- 18-49 Chief or designee to serve as Fire Inspector
- 18-50—18-71 Reserved

§ 18-45 APPOINTED.

The Chief of the Department shall be appointed by the Council upon recommendation from the membership.

§ 18-46 DUTIES.

It shall be the duty of the Fire Chief to:

(A) Direct the activities of the Fire Department at fires and at all other times to provide for the training of firefighters;

(B) Ensure the equipment of the Fire Department is always ready for use;

(C) Perform such other duties as may be required of him or her by the Council, this chapter and any other ordinance; and

(D) Utilize all means at his or her disposal to prevent the outbreak of fires and to enforce all laws and ordinances concerning:

(1) The storage and use of explosives and flammables;

(2) The installation and maintenance of automatic and other private fire alarm systems and fire extinguishing equipment;

(3) The maintenance and regulation of fire escapes, where available;

(4) The elimination of hazards in buildings and structures, including those under construction;

(5) The means and adequacy of exits in case of fire from schools, churches, halls and all other places in which numbers of persons work, live or congregate from time to time for any purpose; and

(6) The investigation of the cause, origin and circumstances of fires.

§ 18-47 COMMAND AT SCENE OF FIRE.

The Fire Chief shall have the control of operations at the scene of a fire. In the event of his or her incapacity or absence, his or her duties shall devolve upon a member of the Fire Department designated by the Fire Chief.

§ 18-48 POSSESSION AND CONTROL OF BUILDINGS ON FIRE.

Immediately upon his or her arrival on the premises, the Fire Chief or his or her designee shall have sole and absolute possession and control of any and all buildings on fire within the town and shall so remain in possession and control until the fire shall be extinguished and the premises abandoned by the Fire Department.

§ 18-49 CHIEF OR DESIGNEE TO SERVE AS FIRE INSPECTOR.

The Fire Chief or a designee in coordination with the county's Fire Marshal shall serve as the Fire Inspector for the town.

Statutory reference:

Local Building Inspectors, see S.C. Code § 5-25-120

§§ 18-50—18-71 RESERVED.

ARTICLE III: PROHIBITED CONDUCT

Section

- 18-72 Failing to obey lawful orders
- 18-73 Giving false alarms
- 18-74 Opening or tampering with fire hydrants
- 18-75 Obstructing or interfering with fire equipment or personnel
- 18-76 Following or parking near fire equipment; bystanders
- 18-77 Riding upon fire trucks without permission
- 18-78 Driving over fire hose

§ 18-72 FAILING TO OBEY LAWFUL ORDERS.

The failure to obey any lawful order of any official of the Fire Department or Police Department at the scene of any emergency shall constitute a violation of this article.

§ 18-73 GIVING FALSE ALARMS.

It shall be unlawful for any person to knowingly give a false fire alarm by telephoning, informing any person that an emergency exists, knowing the same to be untrue, or in any other manner, communicating falsely to the Fire Department that an emergency exists.

Statutory reference:

Giving false alarms, see S.C. Code § 16-17-570

§ 18-74 OPENING OR TAMPERING WITH FIRE HYDRANTS.

It shall be unlawful for any unauthorized person to open or otherwise tamper with a fire hydrant.

§ 18-75 OBSTRUCTING OR INTERFERING WITH FIRE EQUIPMENT OR PERSONNEL.

(A) No person shall park any vehicle within 15 feet of a fire hydrant nor otherwise cause any obstruction to the fire equipment at a fire.

(B) It shall be unlawful to interfere with or obstruct the activities of any member of the Fire Department who is acting in his or her official capacity or when proceeding to a fire.

Statutory reference:

Stopping, standing or parking of vehicles prohibited in certain places, see S.C. Code § 56-5-2530

§ 18-76 FOLLOWING OR PARKING NEAR FIRE EQUIPMENT; BYSTANDERS.

(A) No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to an alarm.

(B) Bystanders shall stay a safe distance away as determined by the officer in charge.

Statutory reference:

Following fire apparatus prohibited, see S.C. Code § 56-5-1960

§ 18-77 RIDING UPON FIRE TRUCKS WITHOUT PERMISSION.

It shall be unlawful for any person who is not a member of the Fire Department to ride upon any fire truck without permission from the Fire Chief.

§ 18-78 DRIVING OVER FIRE HOSE.

It shall be unlawful for any person, without permission of the Fire Chief, to drive a vehicle of any description over or across a fire hose stretched or laid upon the ground for use at a fire or for any other lawful purpose of the Fire Department.

Statutory reference:

Driving over fire hose prohibited, see S.C. Code § 56-5-3850

§ 18-79 USING FIRE EQUIPMENT WITHOUT CONSENT.

It shall be unlawful for any unauthorized person to use, borrow or tamper with any equipment of the Fire Department without the express consent of the Fire Chief. The term **EQUIPMENT** means all vehicles, firefighting apparatus, supplies, facilities or other material belonging to the Fire Department.

§ 18-80 BURNING TRASH OR HAVING BONFIRE WITHOUT PERMIT.

It shall be unlawful to burn any trash or to have a bonfire within the corporate limits, without first obtaining a permit from the Fire Chief and permission from the property owner.

§ 18-81 PERMITTING FIRE HAZARDS ON PREMISES; NOTICE; PENALTY.

(A) It shall be unlawful for any person, including the owner, tenant or occupant to permit, allow or cause any condition, accumulation, growth or structure, or other matter, to exist upon any lot, building or premises so as to constitute or create a fire hazard, or to increase the menace of a fire.

(B) The Fire Chief or his or her authorized agent may notify any person of a violation of this section and require proper action or precautions.

(C) Any person who shall fail, within seven calendar days of such notice, to eliminate said fire hazard, upon conviction, shall be guilty of a misdemeanor.

§§ 18-82—18-105 RESERVED.

ARTICLE IV: FIREMEN'S INSURANCE AND INSPECTION FUND

Section

- 18-106 Membership in State Firefighter's Association
- 18-107 Designated trustees; compensation
- 18-108 Benefits accepted
- 18-109 Procedure for receipt and disbursement of funds
- 18-110 Use of funds
- 18-111 Disbursements
- 18-112 Annual report filed with State Fire Marshal

§ 18-106 MEMBERSHIP IN STATE FIREFIGHTER'S ASSOCIATION.

The town shall be a member of the State Firefighter's Association as required for participation in the Firemen's Insurance and Inspection Fund. The town shall pay to the Treasurer of the Association 5% of the gross proceeds received annually from the 1% tax on fire insurance allocated to the town.

§ 18-107 DESIGNATED TRUSTEES; COMPENSATION.

(A) The Mayor, member of the Fire Committee, Fire Chief, Town Administrator and Town Clerk shall serve as trustees of the fund. They shall have control thereof and direct disbursements under such rules and regulations as may be adopted by them in accordance with state law.

(B) They shall serve without compensation.

§ 18-108 BENEFITS ACCEPTED.

The town hereby accepts the benefits of the fund.

§ 18-109 PROCEDURE FOR RECEIPT AND DISBURSEMENT OF FUNDS.

(A) The Town Clerk is hereby authorized to receive the benefits of said fund from the County Treasurer. All such funds shall be deposited in a special checking account and paid out only upon approval of the Trustees.

(B) Any disbursement of \$100 or more shall first be submitted to the supervising trustees of the State Firefighter's Association with a statement of how such funds are to be expended.

(C) Upon written approval thereof, of the manner and method by which the funds are to be disbursed, the expenditure shall be made.

(D) If a proposed disbursement is legal and in accordance with law, it shall be mandatory upon such supervising Trustees to give their approval.

Statutory reference:

Firemen's Insurance and Inspection Fund, see S.C. Code §§ 23-9-310 et seq.

§ 18-110 USE OF FUNDS.

(A) When the members of the Department, by a majority vote, shall provide for the expenditure of any such funds for the collective benefit and enjoyment of the entire Department, it shall be mandatory for the local Trustees and the Trustees of the State Firefighter's Association to approve such expenditure.

(B) No such funds shall be expended in any manner for any purpose for which the town may be legally liable.

(C) No funds shall be divided among the firefighters in cash.

§ 18-111 DISBURSEMENTS.

All disbursements shall be by check and signed by the Fire Chief and Town Clerk or Mayor.

§ 18-112 ANNUAL REPORT FILED WITH STATE FIRE MARSHAL.

The Town Clerk shall submit a report to the state's Fire Marshal annually, as required, on or before October 31 of each year.