

Chapter 34 - FIRE PREVENTION AND PROTECTION

Footnotes:

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Editor's note— Ord. No. 2020-50, adopted Dec. 21, 2020, amended Ch. 34 in its entirety to read as herein set out. Former Ch. 34, §§ 34-1—34-5, 34-26—34-32, 34-51—34-59, pertained to similar subject matter, and derived from Ord. No. 2002-03, 8-19-02; Ord. No. 2005-19, 10-17-05; Ord. No. 2010-04, 5-17-10; Ord. No. 2011-03, 2-21-11; Ord. No. 2011-33, 9-19-2011; Ord. No. 2013-13, 6-17-13; Ord. of 12-2-85, §§ 1—6; Ord. of 4-3-86, §§ 1—6; Ord. of 4-7-86, §§ 1—6; Ord. of 6-17-96; Ord. of 8-16-93, §§ 1—8.

Cross reference— *Buildings and building regulations, ch. 14; manufactured homes and trailers, ch. 42.*

State Law reference— *Fire protection in counties, G.S. 153A-233 et seq.*

ARTICLE I. - IN GENERAL

Secs. 34-1—34-25. - Reserved.

ARTICLE II. - FINANCIAL ASSISTANCE TO FIRE DEPARTMENTS

Sec. 34-26. - Offered to qualified departments.

The county will offer financial assistance for the maintenance and operation of any volunteer fire department of a fire district qualifying for financial assistance under the terms of this article in an amount determined by the county manager, consistent with the policies of the Cabarrus County Board of Commissioners, not to exceed \$3,000.00 per year, and by revenue collected from the fire district tax, provided a tax district has been established in accordance with G.S. 69-25.1 et seq. for the area served, and by revenues generated by sales tax when the county selects ad valorem sales tax calculation.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-27. - Participating departments to file budgets with Cabarrus County Fire Marshal's Office.

A volunteer fire department desiring financial assistance under this article shall file a budget with the Cabarrus County Fire Marshal's Office by April 15 each year for the following fiscal year. Budgets will be submitted on forms provided by the fire marshal's office.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-28. - Inspections of participating fire departments by the Cabarrus County Fire Marshal.

The Cabarrus County Fire Marshal shall make regular inspections of each fire department receiving payments under this article. At least one inspection shall be made annually, but the fire marshal may make other such inspections as deemed necessary. During the course of such inspections, the fire marshal shall determine whether the department is continuing to meet the minimum standards as specified in this article, and the findings reported to the Cabarrus County Board of Commissioners.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-29. - Notice of deficiency; time period for corrections.

If during any inspection the fire marshal determines that the fire department is not meeting the minimum standards as set forth in this article, a notice of deficiency must be given in writing by the fire marshal to the fire chief and at least two officers of the corporation of the fire department. This notice shall specify the period of time within which the deficiencies must be corrected, provided that the length of the period of time shall be reasonable and in any event shall not be less than 15 days. At the end of the specified period, an inspection shall be made by the fire marshal to determine if the deficiencies have been corrected. If the deficiencies have not been corrected, the fire marshal shall notify the Cabarrus County Board of Commissioners with a recommendation to contract with another department to provide service until deficiencies have been corrected.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-30. - Minimum standards for qualification.

Each fire department desiring to qualify for the financial assistance provided for under this article shall meet the following minimum standards:

- (1) The fire department shall be incorporated as a nonprofit corporation under state law. A copy of the department's charter and current by-laws shall be on file in the fire marshal's office.
- (2) Elections of at least a portion of the board of directors for the incorporated fire department shall be held at least every year by the voting membership of the corporation. The voting membership must include either residents of the fire tax district which have registered with the Cabarrus County Board of Elections and are eligible to vote in a general election, or all resident property owners of the district.
- (3) No absentee or proxy votes will be allowed, nor shall such election be conducted by mail.
- (4) Notice of an annual meeting to elect officers shall be given by notice in local newspapers and as prescribed in the department's by-laws, or be a fire department lawfully established by a city, town or sanitary district and operate under the laws and provisions governing such departments.
- (5) Each fire department shall have a fire chief, an assistant chief, other necessary officers and personnel with a minimum of 19 firefighters who are eligible firemen, in accordance with G.S. 118-38. A list of all members, their addresses, their telephone numbers, and social security numbers must be given to the Cabarrus County Fire Marshal's Office on or before July 1 of each year and within ten days of the addition of new members.
- (6) All active members of a fire department in good standing shall have a county issued ID card, and a department issued car plate to identify them as a bona fide firefighter. No one other than an active or retired member in good standing shall be allowed to have this identification in his possession. The department issued car plate will be visible from the front of any vehicle running emergency warning devices as defined by N.C. General Statutes.
- (7) Each fire department shall maintain a class 9 or better rating with the insurance services office and shall have and maintain equipment as required by the state department of insurance for initial certification. These are minimum requirements; therefore, efforts should be made toward improving fire protection through equipment purchases and water supply development. All equipment specified shall be kept in

good condition and operative at all times. Primary pumpers shall be subjected to an annual service test, as prescribed by the ISO, and records of the test shall be filed with the Cabarrus County Fire Marshal's Office.

- (8) Each department shall carry liability insurance on its personnel and equipment in the indemnity amount of at least \$1,000,000.00, and further holding the county harmless from any responsibility for damages, claims, or expenses resulting from the activities of its firefighters or from the operation of its equipment. Each fire department shall also carry worker's compensation insurance on its active members in order to provide those members with the benefits of the worker's compensation act. A certificate of insurance for each department shall be on file at the fire marshal's office.
- (9) The fire department shall carry out an organized training program which shall provide a minimum of 36 hours per year training. The training program shall include the training and qualifying of apparatus drivers. Written records shall be kept on all drills and include subject taught, instructor, hours, and members attending.
- (10) The fire chief for each department is responsible for stressing safety throughout the department and all phases of the department activities. Emphasis shall be placed on safe driving of department owned apparatus and the firefighter's personal automobile to emergencies, as well as on safe practices while fighting a fire. Only qualified drivers shall drive the fire apparatus. Drivers shall operate apparatus with caution at all times and allow no one but active firefighters to ride the apparatus when it is on call to a fire or other emergency.
- (11) The senior fire officer within whose area a fire emergency occurs is the authority on the fire scene or when a fire occurs outside a recognized fire district the senior fire officer of the first arriving department shall be the authority, unless incident falls under jurisdiction of other agency as granted by N.C.G.S.
- (12) The senior fire officer responsible for the fire emergency shall make a full investigation of each fire to determine, if possible, the cause of the fire. A report of the findings of this investigation shall be forwarded to the fire marshal within 30 days of the fire on forms designed by the National Fire Reporting System. If evidence shows the fire may be incendiary or if persons are injured or a fatality occurs, the fire marshal and other necessary state and local officials shall be notified immediately.
- (13) The department shall furnish to the Cabarrus County Board of Commissioners an independent audit of receipts and disbursements for the fiscal year conducted by an accountant certified by the state. This audit, including a financial statement for the previous fiscal year and an auditor's opinion, shall be submitted to the fire marshal's office by December 31 of each year for previous fiscal year.
- (14) The fire chief shall be responsible for filing all reports required by local, state and federal agencies.
- (15) Each department involved with the medical first responders program shall provide basic life support to sick and injured persons and shall work under the guidelines set forth by the first responder ordinance.
- (16) Each department shall provide a means of notifying members of a fire call.
- (17) Departmental operational policies will be in accordance with all local, state and federal standards. Policies adopted by two-thirds majority of the Cabarrus County Fire Service Board (CCFSB), and approved by the Cabarrus County Fire Marshal's Office will be considered county-wide policy and will be followed by all contracted fire departments. Failure to follow policies by departments will be considered deficiencies under section 34-29 of this chapter.
- (18) The fire marshal will maintain a current manual on all approved policies, and provide a copy to all

contracted fire services. The fire marshal is responsible for updating each department issued manual. The copy maintained on file in the fire marshal's office will be considered the official manual.

- (19) Approved policies will be reviewed annually by the fire marshal, changes or deletions will be brought before the CCFSB. The fire marshal can change or delete policies based upon changes in state or federal requirements without approval of the CCFSB. All agencies will be notified at least 60 days prior to any effective changes.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-31. - Duties of fire marshal.

The duties of the Cabarrus County Fire Marshal are:

- (1) Act as a liaison between the fire departments and the county manager and the Cabarrus County Board of Commissioners and shall keep them informed on matters involving fire departments, fire districts, and tax districts.
- (2) Aid in planning, organizing and developing new departments, facilities and districts.
- (3) Be an advisor to the county manager and the Cabarrus County Board of Commissioners concerning insurance ratings of fire districts.
- (4) Assist in developing a comprehensive training program for all county fire departments.
- (5) Advise fire departments on equipment purchases, maintenance, and repair.
- (6) Make yearly inspections of all departments to see that they conform to minimum standards on insurance services offices, class 9 rating and the requirements of the county fire ordinance.
- (7) Make fire prevention inspections of schools, as required by G.S. ch. 115; day care facilities, as authorized by G.S. ch. 110; inspections required by the department of social services.
- (8) Administer the county fire prevention code and make inspections relevant to enforcement of the code.
- (9) Make investigations, along with other officials, of fires, as required by G.S. 58-79-1.
- (10) Assist fire departments in developing fire prevention and pre-fire planning programs within their respective districts.
- (11) Assist school authorities, businesses, and other citizens in developing fire prevention and life safety education programs for their respective facilities.
- (12) Maintain reporting system for the collection and use of data concerning fires.
- (13) Coordinate the use of the communications system by the fire departments to ensure prompt notification and response to all fire calls.
- (14) Respond to major fires to assist the officer in charge in coordinating the activities of fire departments at that call.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-32. - Fireworks

In addition to the rules and regulations stated in Chapter 33 of the North Carolina State Fire Prevention Code, which is adopted by reference in this chapter, the board of county commissioners adopts the following provisions:

- (1) The county fire marshal is hereby authorized by the board of commissioners pursuant to G.S. 14-413, to issue permits for use of pyrotechnics (fireworks) within the county. The county board of commissioners also delegates the authority to the governing bodies of the City of Kannapolis, City of Concord, and Town of Harrisburg in Cabarrus County to approve public exhibitions of pyrotechnics to be exhibited, used, or discharged within the corporate limits of their respective jurisdiction listed, pursuant to the provisions of G.S. 14-413(a1). The fire code official of the local jurisdiction must hold a fire level III certification, inspect the display site, and ensure the display can be performed in full compliance with the North Carolina State Fire code, NFPA standards and issue appropriate permit(s) where required. The Cabarrus County Fire Marshal Office will issue permits for all other municipal jurisdictions within Cabarrus County and the un-incorporated areas of the county.
- (2) No person shall engage in the use of pyrotechnics for public display without first completing an application and obtaining approval from the fire marshal's office ten days in advance of such use. The names and addresses of all operators and assistants must appear on the application and a copy of the license issued by the office of state fire marshal for each operator and assistant must be provided with the application.
- (3) The county fire marshal shall issue a permit only after all requirements of this chapter and the state fire code have been met, the appropriate fees paid, and the applicant has posted a bond or certificate of insurance. The bond or certificate of insurance shall be in the amount of at least \$500,000.00 to cover damages to real or personal property and an additional \$500,000.00 to cover damages for personal injuries.

(Ord. No. 2020-50, 12-21-20)

Secs. 34-33—34-50. - Reserved.

ARTICLE III. - FIRE PREVENTION CODE

Sec. 34-51. - Adoption.

- (a) Except as hereinafter amended, the provisions of the North Carolina Fire Prevention Code with all included appendixes, (hereafter referred to as the N.C. Fire Code) current edition, adopted by the North Carolina Building Code Council is hereby adopted and made applicable as the Fire Prevention Code of Cabarrus County. The specific provisions of the aforesaid state building code herein referred to as the fire prevention code are hereby incorporated into this section as fully as if set out herein verbatim.
- (b) The listed standards and publications which comprise a part of the fire prevention code, as the same may be periodically revised and updated, shall be applicable and enforced within the county.
- (c) Amendments' to the North Carolina Fire Prevention Code, which are adopted and published by the North Carolina state Building Code Council, shall be effective on the date prescribed by the North Carolina State Building Code Council.
- (d) The North Carolina State Building Code volume that is titled Administration & Enforcement Requirements is hereby referenced for the administration of the North Carolina Fire Prevention Code, current edition for periodic inspection of building altered, repaired or rehabilitated in accordance with the existing building code.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-52. - Penalties.

- (a) Any person who violates or fails to comply with any provision of the N.C. Fire Code, as adopted, amended, or augmented, or who shall violate or fail to comply with any order made in connection with the fire prevention code, or who shall build in violation of any specifications or plans submitted under the N.C. Fire Code, or any certificate or permit issued there under, shall be guilty of a misdemeanor and punished in accordance with section 1-7.
- (b) The imposition of a penalty for any violation shall not excuse the violation or permit it to continue and all such violations shall be corrected within the time specified.
- (c) Violations of this code shall constitute either a misdemeanor or, at the election of the county, shall subject the offender to a civil penalty upon the issuance of a citation for the violations.
- (d) In addition to the civil penalties, any provision of the code that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order abatement by the general court of justice. When a violation of such provision occurs, the county may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings including the rules of civil procedure.
- (e) An order of abatement may direct that the buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from any building on the property; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the N.C. Fire Code. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material-man's lien. The defendant may secure cancellation of an order of abatement by paying all cost of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties to the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by judicial order. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-53. - Enforcement and duties.

- (a) N.C. Fire Code, shall be enforced by the Cabarrus County Emergency Management Department or by such other organization designated to undertake such activities or by contract executed and entered into with other appropriate fire prevention organizations.
- (b) Fire inspectors will be appointed as required to enforce the Code and to perform required inspections. The fire inspectors will report to their supervisors in their respective departments. Assignment of specific areas of responsibility shall be made by the county manager.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-54. - Periodic inspections.

- (a) Subject to the limitations and condition stated in the N.C. Fire Code, it shall be the duty of the fire inspectors to inspect all buildings, structures, and premises within this jurisdiction for the purposes of ascertaining and causing to be corrected any condition which may cause a fire or an explosion or endanger life from fire or explosion. The inspector shall determine any violations of the provisions of the code or any other ordinances pertaining to fire or explosion hazards. These inspections and determinations will be done in accordance with the periodic inspection schedule for occupancies as approved by the state building code council or upon complaint by interested parties or if there is probable cause for such inspections.
- (b) Fire inspections shall be conducted in accordance with the following schedule or more frequently:
 - (1) *Group 1.* Annual inspections shall be conducted in the following hospitals, nursing homes, chemical plants, movie theaters, auditoriums, high rise buildings, businesses storing hazardous materials, gymnasiums, restaurants, stadiums with capacities of 100 or more persons and interior common areas of multi-occupant residential structures.
 - (2) *Group 2.* Biennial inspections shall be conducted in industries and educational buildings other than public schools.
 - (3) *Group 3.* Triennial inspections shall be conducted at all other businesses. Example: offices, banks, barber shops, bowling alleys, florists, retail stores, churches and synagogues.
 - (4) *Group 4.* Public schools shall be inspected at least two times per year.

(Ord. No. 2020-50, 12-21-20)

State Law reference— Investigation of fires and inspection of premises, G.S. 58-79-1 et seq.

Sec. 34-55. - Issuance of notice of violation by fire inspectors.

- (a) Fire inspectors are empowered to issue notices of violation when such fire inspectors have reasonable cause to believe that any person has violated any provision of the N.C. Fire Code.
- (b) The service of orders or notices for the correction of violations of the code shall be made upon the owner, occupant or other person responsible for the conditions, either by personally delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises or by sending a copy of the order or notices by certified or registered mail to the owner's last known address.
- (c) When buildings or their premises are occupied by one other than the owner under a lease or agreement, the orders or notices issued to correct violations of the code shall apply to the occupant thereof; provided that where the order or notices require the making of additions to or changes in the premises themselves which may become part of the real property of the owner, then in such cases, the orders or notices shall also be issued to the owner of the premises or real property. Failure to deliver an order or notice to the owner, if other than the occupant, shall not invalidate such order or notices.
- (d) The notice of violation shall specify the penalty to be imposed on the violator and shall direct the violator to submit the penalty payment to the emergency management department within 15 business days to pay the penalty. The penalty imposed shall be adopted by the Cabarrus County Board of Commissioners by resolution and posted in the fee schedule by the Cabarrus County Fire Marshal.

- (e) The notice of violation may specify a period during which the violator must correct the violation. If the violation corrected within the specified time, the violator shall be guilty of a new and separate offense.
- (f) If the violator does not pay the penalty within the 15 business days after the issuance of the notice of violation, a delinquency charge as listed in the adopted fee schedule ,shall be added to the amount specified in the notice of violation and notice of the delinquency charge shall be mailed to the violator. The delinquency notice shall also inform the violator that a criminal summons will be issued against him if the specified penalty and the delinquency charge are not paid within five business days after the date of the delinquency notice.
- (g) If the penalty and delinquency charges are not paid within the time allowed, the Cabarrus County Emergency Management Department may have a criminal summons issued against the violator of the N.C. Fire Code. Upon conviction, the violator shall be subject, in addition to any criminal penalty the court may impose pursuant to the provisions contained in the state building code, to the penalty specified in the notice of violation and the delinquency charge.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-56. - Permits.

- (a) It shall be the duty of the fire inspectors to evaluate applications and issue, if approved, all permits as prescribed in N.C. Fire Code.
- (b) No person shall maintain, store or handle materials or conduct processes which produce conditions hazardous to life or property or install equipment used in connection with such activities without a permit as required by the N.C. Fire Code. Before a permit may be issued, the Cabarrus County Fire Marshal or his/her representative shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes or conditions related to the permit.
- (c) Applications for permits required pursuant to N.C. Fire Code shall be made to the fire inspectors on forms provided by the county. All applications shall be accompanied by the applicable permit fee as established by the county. The required permit fee shall be in a fee schedule. Printed schedules of the permit fees shall be available to the public at the emergency management department, and shall be on file at the county clerk's office
- (d) The fire inspector is authorized to waive the permit fee for governmental, religious or charitable organizations.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-57. - Permit fees.

The schedule of fire prevention permit fees is not printed in this article but is on file and available in the county offices.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-58. - Administrative procedures.

- (a) *Fire code violations.* Fire code violations shall be handled as follows:
 - (1) If an inspector writes a citation (two part form), the yellow copy is given to the violator and the white copy

is filed with the emergency management department.

- (2) The violator will make payment to the county emergency management department. The emergency management department will process the payment and forward the collected fees to the Cabarrus County Finance Department.
 - (4) The emergency management department will match the copy of the citation sent to the finance department with the copy on file. If a payment is delinquent, the Cabarrus County Fire Marshal will be notified for code enforcement.
 - (5) The fire official pursues payment, assigns late fees, issues additional citations, or initiates prosecution.
- (b) *Permits*. Permit requests shall be handled as follows:
- (1) The department receives permit requests and permit payments.
 - (2) Application and payment are reviewed to insure that the application is complete and correct payment has been received.
 - (3) A ledger entry will contain date, type of permit, address of applicant, check number and amount of check.
 - (4) The permit application is processed by the permit type, any violations are reviewed, and the date of last inspection noted.
 - (5) The permit is signed by the fire official for issue.
 - (6) The permit is issued and a copy filed.

(Ord. No. 2020-50, 12-21-20)

Sec. 34-59. - Open burning regulations.

- (a) Open burning within 100 feet of a structure will be regulated by the Cabarrus County Fire Marshal's Office.
 - (1) Open burning must meet all provisions of the N.C. Fire Code and North Carolina Administrative Code Title 15A, Chapter 2, Subchapter 2D, 1900, Control and Prohibition of Open Burning, prior to the issuance of any permit. "No burning of refuse that is in violation of any state or local Air Quality Open Burning Regulations will be allowed."
 - (2) Debris burning falling under the jurisdiction of the North Carolina Department of Natural Resources shall meet their required permit conditions. All requirements of the N.C. Fire Code shall be met along with any other state laws.
- (b) Burning site requirements:
 - (1) The location of the material to be burned shall be a minimum of 50 feet from any structure. If a possible hazard exists, the fire official may require this distance to be increased.
 - (2) Piles of material to be burned should be done in a safe manner. This would also include bonfires for different events. Bonfires used for ceremonial and religious purposes (schools, civic groups, churches) may take place when all regulations are met. Materials used for bonfires must also comply with the air quality regulations.
 - (3) Only natural materials, such as limbs, brush, grass, leaves, or wood may be burned.
 - (4) A competent person shall constantly attend the fire until such fire is extinguished.
 - (5) A garden hose with suitable water supply or other fire extinguishing equipment, as deemed acceptable by the fire official, shall be readily available for immediate use during the course of the fire until such fire is

extinguished.

(c) Permits:

- (1) A permit from the Cabarrus County Fire Marshal is required for bonfires and certain land clearing and may include the following:
 - a. A site inspection may be required before burning is to be done.
 - b. The applicant shall verify all information and shall read all the rules and regulations on the permit. The applicant will then be required to sign the permit acknowledging responsibility to obey these regulations.
 - c. It will be the responsibility of the applicant to keep this permit available at the burn site at all times.
- (2) A permit is required to conduct any live fire training exercises for fire department personnel. All applicable N.C. state permits and notifications must be obtained by the instructor prior to conducting the training. A complete copy of all paperwork required to conduct a live burn exercise must be on file with the Cabarrus County Fire Marshal's Office before a permit will be issued for the exercise.

(d) Nuisance burning:

- (1) If any time during the burning, the smoke and/or odors create a nuisance by causing physical irritation exacerbating a documented medical condition, visibility impairment or causes a hazard determined by the fire official, the fire official may order the fire to be extinguished. Open burning/nuisance burning is enforceable by the Cabarrus County Fire Marshal Office within 100 feet of structures.
- (2) If at any time during the burning, the regulations regarding open burning are not met or are neglected in any way, the fire shall be extinguished
- (3) All open burning which includes, but is not limited to brush, limbs, leaves, farm lands, fields and clearing of land shall stop in the event of a burning ban issued by the North Carolina Forest Service or the Cabarrus County Fire Marshal Office.
- (4) Willful neglect and/or willful violations of the N.C. Fire Code shall be subject to a civil citation.

(e) Burning ban:

- (1) In the event that the Cabarrus County Fire Marshal's Office issues a ban on outdoor burning within 100 feet of a structure, then all local open burning permits issued shall be deemed invalid with no issuance of any new permits until such ban is lifted by the Cabarrus County Fire Marshal's Office. During this ban, no open burning shall be conducted at all within 100 feet of a structure; this includes any outdoor burning at residences. A civil citation will be issued for violations.
- (2) A burning ban on outdoor burning within 100 feet of a structure may be issued by the Cabarrus County Fire Marshal's Office in the event that atmospheric conditions or local circumstance make such fire hazardous.
- (3) Local conditions that may warrant a burning ban include, but are not limited to:
 - a. Flammable and/or combustible liquid spills or leaks close to a burning site.
 - b. A hazardous materials incident where the proximity of the burn site could cause a possible ignition source or prove hazardous to operations controlling the incident.
 - c. The proximity of adjacent structures or other such hazards.
- (4) In the event a burning ban is issued all permit holders shall be notified through the news media that the permit is invalid and fires shall be extinguished immediately. In conjunction with North Carolina Forest

Service burning ban the Cabarrus County Fire Marshal's Office shall issue a burning ban of all-open burning within 100 feet of a structure and all fires shall be extinguished immediately. The local press shall be notified by the fire marshal's office that such ban is in effect and that no permits will be issued until such ban is lifted and no open burning will be allowed.

- (5) Any burning ban issued by the fire marshal's office shall be repealed in the same manner.
- (f) Extinguishing illegal fires, nuisance burning, and fires when burning bans are in effect or all other fires that fall under this chapter, the N.C. Fire Code and the state regulations.
 - (1) The responding fire department has the authority to extinguish any fire that does not meet this chapter, the N.C. Fire Code and state regulations which includes but are not limited to illegal fires, nuisance burning and fires when burning bans are in effect.
 - (2) The fire marshal's office or its authorized representative has the authority to extinguish any fire that does not meet this chapter, the N.C. Fire Code and state regulations which includes, but are not limited to illegal fires and nuisance burning and fires when burning bans are in effect.
 - (3) The fire marshal's office or its authorized representative does not have to be present to order the extinguishment of the fire. If the owner or person burning refuses to let the fire department extinguish the fire then the fire department can have the fire marshal's office paged and a representative from that office will respond to assist the fire department.
 - (4) The fire marshal's office may respond to any nuisance burning when the person will not allow the fire department to extinguish the fire.
 - (5) The fire marshal or a representative of that office may respond to any illegal burning when requested. The fire marshal or a representative of that office does not need to be present to order the fire extinguished. The fire department can extinguish the fire and fax any information about the fire to the fire marshal's office and they will investigate. If there is a problem with the person who is burning, the fire marshal or a representative of that office will respond to assist the fire department.
 - (6) If any citations are to be issued that fall under this chapter or N.C. Fire Code it will be issued by the fire marshal's office.

(Ord. No. 2020-50, 12-21-20)