

AN ORDINANCE AMENDING THE TOWN CODE
OF THE TOWN OF DUCK, NORTH CAROLINA BY ESTABLISHING
PROVISIONS FOR FIRE PREVENTION AND PROTECTION
Ordinance No. 20-04

WHEREAS, the North Carolina General Statutes authorize municipalities to adopt a variety of fire prevention and protection measures; and

WHEREAS, the Duck Town Council has found that adoption of fire prevention and protection standards is necessary for the Town of Duck, North Carolina to protect life, property, and the public health, safety, and welfare; and

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Duck, North Carolina that the Town Code shall be amended by the adoption of the following Fire Prevention and Protection Ordinance:

PART I. Establish Chapter 96: Fire Prevention and Protection reading as follows:

CHAPTER 96: FIRE PREVENTION AND PROTECTION

- 96.01 Purpose
- 96.02 Definitions.
- 96.03 Fire Prevention Code Adopted
- 96.04 Fires
- 96.05 Life Safety
- 96.06 Alarm Systems
- 96.07 Mutual Aid

96.01 PURPOSE.

The purpose of this Chapter is to safeguard life, health, property, and public welfare by regulating a variety of activities including safe burning practices, fire hydrant access, storage of hazardous materials, property access and maintenance, adequate alarm systems and mutual aid agreements.

96.02 DEFINITIONS.

ALARM SYSTEM BUSINESS. Any person who sells or leases and installs, services or maintains automatic protection devices, signaling devices or automatic protection systems which transmit alarms upon receipt of a stimulus from a detection apparatus.

AUTOMATIC PROTECTION DEVICE. Any mechanical or electrically operated device designed to monitor and/or detect fire, unauthorized intrusion or an emergency situation.

AUTOMATIC PROTECTION SYSTEM. Any mechanical or electrically operated installation in or for commercial or residential premises consisting of an automatic protection device or devices and/or signaling device which detects emergency situations and transmits a warning signal by any means.

AUTOMATIC PROTECTION SYSTEM USER. Any person on whose premises an alarm system is installed.

BONFIRE: An outdoor fire having a total fuel area of more than three feet in diameter and two feet or more in height.

BUSINESS UNIT: A building or structure or any portion thereof used for the transaction of business or the rendering or receiving of professional services, including offices.

CODE OFFICIAL: Individual(s) authorized by the Town Manager who hold valid certificates issued by the North Carolina Code Officials Qualification Board.

CONTAINED FIRE: An outdoor fire where the fuel being burned is contained in a fireproof container such as an incinerator, burn barrel, outdoor fireplace or barbeque grill.

DWELLING UNIT: One or more habitable rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

EMERGENCY SITUATION: A fire, unauthorized intrusion, criminal activity, automobile accident, medical emergency, hurricane evacuation, or similar emergency situation requiring prompt, official response to protect or assist individuals or property.

FALSE ALARM:

(1) A visual and/or audible signal transmitted by a signaling device which indicates the existence of an emergency situation when in fact no like emergency situation exists; or a visual and/or audible signal transmitted by a signaling device which is not a supervisory function of that device.

(2) False Alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon the police or fire in non-emergency situations; and alarm signals for which the actual cause is not determined.

FIRE CHIEF: The Chief Officer of the fire department authorized by the Town Manager, or a duly authorized representative.

FIRE PREVENTION CODE: The North Carolina Fire Prevention Code, current edition, adopted by the North Carolina Building Code Council, as amended from time to time.

FIREWORKS AND PYROTECHNICS DISPLAYS: Any device, used customarily for entertainment or celebratory displays, containing explosive or flammable materials or compounds which explode, rise into the air or travel laterally, fires projectiles, discharges sparks into the air, or transports open flames.

HAZARDOUS MATERIALS: Class I through class III liquids as defined in the N.C. Fire Prevention Code.

KNOX BOX: A small, wall-mounted safe that holds building keys for fire, police, and emergency services departments to retrieve in emergency situations. The fire department holds master keys to all boxes in their response area so that they can quickly enter a building without having to force entry.

OCEAN BEACH: That land between the mean low ocean water mark and the eastern toe of the primary dune (the dune closest to the ocean).

OPEN BURNING: The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety.

PIT FIRE: Any fire started or set for the purpose of outside cooking, picnics or any recreational purpose, including but not limited to, beach fires, wiener roasts, marshmallow roasts and camping fires; provided, however, that contained fires are excluded from the provisions of this section.

RECREATIONAL FIRE: An outdoor fire burning materials other than rubbish or yard debris where the fuel being burned is not contained in an incinerator, burn barrel, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of less than three feet or less than two feet in height.

SIGNALING DEVICE: One or more of the following:

(1) An electrically operated instrument which automatically transmits a voice alarm or electronic pulse over regular telephone lines upon detection of a fire, unauthorized intrusion or other emergency situation;

(2) An electrically operated instrument which automatically transmits a signal over a leased, dedicated telephone line to a receiver upon detection of a fire, unauthorized intrusion or other emergency situation; and/or

(3) An electrically operated instrument which automatically transmits or produces a visual or audible signal upon detection of a fire, unauthorized intrusion or other emergency situation at the protected premises.

SKY LANTERN: Miniature, unmanned hot air balloon which is launched into the atmosphere customarily to celebrate weddings and other special events. *SKY*

LANTERNS rely on an open flame to heat the air inside a balloon causing it to lift into the atmosphere.

SOUND BEACH: The land between the mean low water mark and the private property line.

96.03 FIRE PREVENTION CODE ADOPTED.

(A) *Adoption.* Except as hereinafter amended, the Fire Prevention Code, current edition, adopted by the North Carolina Building Code Council, is hereby adopted and made applicable as the Fire Prevention Code of the Town of Duck. A copy of the Fire Prevention Code shall be maintained in the office of the Duck Fire Department and Town of Duck administrative offices. The specific provisions of the Fire Prevention Code are hereby incorporated into this section as fully as if set out herein verbatim.

(1) The listed standards and publications which comprise a part of the Fire Prevention Code, as periodically revised and updated, shall be applicable and enforced within the town.

(2) Amendments to the Fire Prevention Code, which are adopted and published by the North Carolina Building Code Council, shall be effective on the date prescribed by the North Carolina Building Code Council.

(3) The North Carolina Building Code volume entitled *Administration and Enforcement Requirements* is hereby referenced for the administration of the Fire Prevention Code, current edition, for periodic inspection of any building altered, repaired or rehabilitated in accordance with the existing building code.

(4) The adoption of the Fire Prevention Code, current edition, includes adoption of any appendices contained therein.

(B) *Applicability.* The provisions of the Fire Prevention Code shall apply to all buildings, structures, premises, and conditions that pose danger of fires, explosions, or related hazards within the Town of Duck. The provisions of this code shall apply equally to existing as well as new buildings, structures, premises, and conditions except that existing buildings, structures, premises, and conditions which complied with the minimum safety standards of the code in effect at the time of construction or installation and have been properly maintained shall be deemed as complying with this code. Only those violations to the technical provisions of the code which create an imminent safety to life hazard and/or may create delays in the exiting of the building's occupants are required to be corrected. When the present building code requires certain safety to life requirements for existing buildings, those requirements shall apply.

(C) *Enforcement.* The code official, as authorized by the town, shall be the officer

charged with the administration and enforcement of the Fire Prevention Code. All persons empowered with the administration and enforcement of the Fire Prevention Code shall possess an appropriate valid certificate issued by the state code officials qualification board.

(D) *Fire Inspections.*

(1) *Inspection of premises.* The code official has the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises with occupancies as authorized in the Fire Prevention Code. When the code official shall find in any building or upon any premise combustible material or conditions dangerous to the safety of such buildings and premises, the code official shall order the same to be removed or remedied, and this order shall be complied with by the owner or occupant of such buildings or premises.

Any application for, or acceptance of, any permit requested or issued pursuant to this fire code constitutes agreement and consent by the person making the application and accepting the permit to allow the code official to enter the premises at any reasonable time to conduct such inspections.

(2) *Warrants for inspections.* Warrants to carry out inspections shall be obtained, issued and carried out as specified in N.C.G.S. Section 15-27.2.

(3) *Schedule for inspections.* The code official will conduct periodic inspections of all structures which may pose danger of fire, explosion, or related hazards. Such inspections will be composed of, but not limited to, prevention, detection, evacuation, fire containment and extinguishing systems. Inspections will be conducted at a minimum as outlined in Section 106 of the Fire Prevention Code.

(4) *Exception:* One-and two-family dwellings are not subject to the inspection requirements under Section 96.03(D).

(E) *Fire Investigations.* The code official is authorized to investigate the cause, origin and circumstances of every fire occurring in the town in which property has been destroyed or damaged and shall specifically make investigation whether the fire was the result of carelessness or design. The code official shall comply with the procedures of investigating and reporting fires as detailed in the General Statutes and may request assistance from other code officials or investigators as deemed necessary.

(F) *Abatement.* The code official shall have the authority to summarily abate any condition that is in violation of any provision of this code and that presents immediate fire hazard to life or property.

(G) *Appeals.* Unless otherwise provided by law, appeals from any order, decision or determination by a member of the inspection department pertaining to the North Carolina State Building Code or the Fire Prevention Code or other state building laws shall be

taken to the commissioner of insurance or his/her designee or other official specified in N.C.G.S. Section 143-139, by filing a written notice with the commissioner of insurance and the inspections department within ten days after the order, decision or determination. Further appeals may be taken to the N.C. Building Code Council or the courts as provided by law (N.C.G.S. Section 160A-434). A copy of the appeal shall be furnished to each party.

(H) *Violations.* Any person who shall violate or fail to comply with any provision of this chapter or of the Fire Prevention Code, as adopted, amended, or augmented by this chapter, or who shall violate or fail to comply with any order made under this chapter or the North Carolina State Building Code, or who shall build in violation of any detailed statement of specifications or plans submitted under this chapter or the Fire Prevention Code, or any certificate or permit issued thereunder, shall subject the violator to civil penalties in accordance with Section 10.99 of the Town Code.

96.04. FIRES.

(A) *Prohibited Fires.*

(1) It shall be unlawful for any person to build or set a bonfire, pit fire, recreational fire or conduct open burning.

(2) Beach fires. It shall be unlawful for any person to start or set a fire of any kind on the ocean or sound beaches.

(B) *Allowed Fires.* The following activities involving contained burning shall be allowed provided all fire safety precautions are observed, the burning is conducted under responsible supervision, as specified below, and the activities are not detrimental to the community:

(1) Fires built or set by the fire department for the training of its personnel.

(2) Fires built or set in emergency situations, as designated in writing by the Town Manager to dispose of combustible materials that cannot otherwise be reasonably removed.

(3) Burns conducted by the N.C. Forest Service or U.S. Fish and Wildlife Service for hazard mitigation purposes.

(4) A contained fire is allowable under the following conditions specified below:

(a) The occupant of a permanent dwelling may build or set a contained fire.

(b) No fire of any type shall be built or set on unimproved property (any property where a permanent dwelling or business unit does not exist).

(c) An outdoor fireplace or barbeque grill may be used in accordance with the manufacturer's instructions but not within 10 feet of a structure or combustible material.

(d) The occupant of a permanent dwelling may set a contained fire to burn small amounts of refuse, tree branches, or brush using a fireproof container such as a burn barrel, provided the fire is not located within 25 feet of a structure or combustible material.

(e) Contained fires used to burn small amounts of refuse, tree branches, and brush shall only be allowed only between the hours of 8:00 a.m. and 6:00 p.m.

(f) All fires of the type described in this section must be monitored by a competent person 16 years of age or older who must remain in attendance at the fire until it is completely extinguished.

(g) An extinguishing agent (i.e., fire extinguisher) or water source sufficient to extinguish the fire shall be readily available within 25 feet of the contained fire.

(C) Prohibited Items.

(1) It shall be unlawful for any person to burn any materials that produce heavy dense smoke such as that generated by the burning of automobile tires, inner tubes, tar paper, asphalt, shingles, or by the burning of synthetic materials that produce irritating and/or hazardous fumes.

(2) Except as otherwise provided in this section, it shall be unlawful for any person to use, ignite or explode any firework, pyrotechnic display, or sky lantern as defined in this section. These provisions shall not be applicable to town sponsored events or signal flares for emergency use.

96.05. LIFE SAFETY.

(A) *Fire Hydrants.* No person shall erect, construct, provide, put in place and maintain a driveway for access from any street or public highway in the town to any lot or parcel of land in the town, to be used for any purpose, the nearest edge of which is within 15 feet of a fire hydrant, without first providing and putting in place and maintaining at least three six inch round or square posts, of either wood, steel or other substantial material. Such protective posts shall be buried at least three feet in the ground, have a height from the ground level at least equal to that of the fire hydrant and be placed equidistant from each other in a circle around such hydrant with a radius of six feet. The protective posts shall be installed under the supervision of the code official, and approval of the manner of construction and the materials used in providing the protection posts shall constitute compliance with this section.

(B) *Access.*

(1) *Fire Hydrants.*

(a) Unobstructed access to fire hydrants shall be maintained at all times.

(b) A 3-foot area free of vegetation and other obstructions shall be maintained around the circumference of fire hydrants at all times.

(2) *Buildings and Structures.*

(a) To allow for safe and timely response of emergency apparatus, all roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches.

(b) Consistent with the standards of Chapter 72, Motor vehicles may not stop, stand or park on any roads in a manner that obstructs safe and timely response of emergency apparatus.

(c) All principal structures shall have reflective street numbers clearly visible from the roadway.

(C) *Hazards.*

(1) The storage, whether temporary or permanent, of hazardous materials, as hereinafter defined, is prohibited beneath and underneath wood frame multifamily structures having more than one habitable level, whether or not such hazardous materials are stored in a flameproof container, can or canister, vehicle or any type of boat.

(2) The storage of common hazardous materials including items such as gasoline, diesel fuel and other flammable petroleum products; explosive gases including propane; natural gas and liquefied petroleum gas; and all explosives and blasting agents is also prohibited inside any vehicle or container which may be located beneath a wood frame multifamily structure having more than one habitable level.

(D) *Smoke Detectors.* Pursuant to statutory requirements, all rental residential dwelling units, including hotel and motel units, shall have an operational automatic smoke detector in each dwelling unit. A town code official shall approve the type and location of all automatic smoke detectors.

(E) *Fire Sprinklers.*

(1) An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 or #13R shall be required to be installed in the following multifamily residential structures:

(a) In any new construction of a multifamily residential structure.

(b) In any multifamily residential structure undergoing additions or renovations with costs exceeding 50 percent of the assessed county tax value of the existing structure.

(c) In any multifamily structure damaged or destroyed where the repair costs exceed 50 percent of the assessed county tax value of the existing structure.

(2) Following occupancy of any multifamily residential structure subject to this section, no person shall shut off or disable any automatic fire sprinkler system and no owner or resident of such building shall fail to prevent the shutting off or disabling of such a system. A sprinkler system may be shut off in order to perform maintenance work on the system during the time that qualified maintenance personnel are on the premises performing necessary maintenance work. Such maintenance work shall only be conducted after notice to and approval by the code official.

(3) In the event an automatic sprinkler system remains off or disabled, the following shall occur:

(a) The code official shall be notified.

(b) A fire watch shall be initiated and a personnel log maintained for the duration of the fire watch.

(F) *Knox Boxes.* Installation of a Knox Box shall be required on all newly constructed commercial buildings and commercial buildings with renovation costs exceeding 50 percent of the assessed county tax value of the existing structure. A town code official shall approve the type and location of all Knox Boxes.

96.06. ALARM SYSTEMS.

(A) *False Alarms.*

(1) *Responsibility.* Each person holding a permit for an automatic protection system or signaling device shall be responsible for any false alarm transmitted by the system or device.

(2) *Records.*

(a) The Police Department or Fire Department shall maintain a record of all false alarms transmitted and shall submit the record to the Town Manager.

(b) Pursuant to Subsection 96.06(L), the permit may be revoked or suspended

for the operation of any automatic protection system involved in the transmission of the false alarms in excess of three (3) like alarms in a 30-day period.

(3) *Charges.*

(a) A permit holder shall be charged an additional fee, as specified in the regularly adopted fee schedule of the town, for each false alarm in excess of one (1) in a 30-day period transmitted by any permitted automatic protection system.

(c) The charge shall be remitted to the town by the permit holder upon receipt of a statement for the charge.

(4) *Deliberate false alarms.*

(a) Any person who intentionally or deliberately and without just cause activates an automatic protection system in a non-emergency situation shall be deemed guilty of a misdemeanor pursuant to the North Carolina General Statutes.

(b) Nothing herein contained shall apply to the periodic testing of alarms after the appropriate coordination with and the approval of the Police or Fire Department, whichever is appropriate.

(c) Testing an automatic protection system without prior coordination and approval of the Police or Fire Department is unlawful.

(B) *Liability.*

(1) The town assumes no liability for any defects in the operation of automatic protection devices and signal devices systems, nor for any failure or neglect to respond appropriately upon receipt of an alarm from a like source, nor for the failure or neglect of any person in connection with the installation and operation of equipment, the transmission of alarm signals and prerecorded alarm messages or the relaying of the signals and messages.

(2) Neither the town, the Fire Department, Police Department nor any member thereof acting in an official capacity shall be liable for damage to any premises caused by entry to the premises in response to an alarm generated by an automatic protection system.

(C) *Duties of Automatic Protection System Users.*

(1) Automatic protection system users shall instruct employees, tenants or others who may have occasion to activate an alarm that automatic protection systems are to be activated only in emergency situations to summon an immediate police or fire response and shall instruct as to the operation of the automatic protection system, including setting, activation, deactivation and resetting of the alarm.

(2) All instructions pertaining to alarm systems and procedures shall be in written form, suitable for distribution and shall be available for inspection by representatives of the Police or Fire Departments.

(3) The automatic system user shall be responsible for maintaining the alarm system in proper working order.

(4) An automatic protection system user or person authorized and capable of deactivating the alarm, who allows an alarm to continue to emit an audible signal for 30 minutes after notification of the alarm commencing to emit, shall be guilty of that action as to constitute the grounds for imposing a civil penalty under Section 96.06(O).

(D) Permit Required.

(1) No automatic protection system which utilizes a signaling device shall be installed and/or operated until a permit has been obtained in the name of the owner of the premises by either the owner of the premises or an alarm system business which services or maintains the automatic protection system.

(2) A civil penalty may be imposed under Section 96.06(O) on any owner who installs or operates an automatic protection system without a valid current permit. Each day's operation of a detection system without a valid permit as provided herein shall be a separate and distinct offense for which a civil penalty shall be imposed.

(E) Burglar Alarm License. No person shall lease, service, install or maintain automatic burglar detection systems without a current North Carolina Private Protection Services License as required by N.C.G.S. Chapter 74C.

(F) Application.

(1) Applications for permits shall be filed with the Town Police or Fire Department on a form supplied by the Fire Department and shall include, but not be limited to, the following information:

(a) The name, address, licensing number and telephone number of the alarm system business which leases, services, installs or maintains the system;

(b) The owner of the business or premises where the system will be installed;
and

(c) The type of signaling device to be installed.

(2) Permit applications shall be filed by the alarm system business or property owner in the name of the owner of the premises where the system is to be installed.

(3) The Chief of Police or the Fire Chief, whichever is appropriate, shall approve the applications, prior to its approval, and the Police or Fire Department shall issue the permit if it is found that:

(a) The automatic protection system is to be installed, serviced and maintained by an alarm system business, the business maintains a service organization capable of promptly and effectively repairing, maintaining or otherwise servicing the automatic protection system sold or leased by it; and

(b) A burglar alarm is installed by an alarm system business, the business is licensed pursuant to N.C.G.S. Chapter 74D.

(4) It shall be the responsibility of the automatic protection system user to notify the town's Police or Fire Department, in writing of any subsequent changes in the information provided on the permit application.

(G) *Issuance.* Upon approval of the application for a permit, the permit shall be issued in the name of the property owner which identifies the type of signaling device utilized by the automatic protection system, the address of the location of the system and containing the following hold harmless statement:

“The owner of the premises for which this permit is issued, by his or her acceptance thereof, agrees for himself or herself, his or her lessees, agents, heirs, successors and assigns that for so long as an automatic protection system is installed on the premises he or she shall hold the Town of Duck harmless and the Town of Duck, its agents and employees shall not be liable for any damage to the premises caused by the entry of any member of the Duck Police Department or the Duck Fire Department or its members in response to an alarm initiated by the automatic protection system.”

(H) *Renewal.* Permits held by persons or businesses operating automatic detection systems shall be renewed on an annual basis on the anniversary date as specified on the permit but shall not be charged a renewal fee.

(I) *Fees.*

(1) *Initial applications.* A non-refundable initial application fee, as specified in the regularly adopted fee schedule of the town, shall accompany any permit application under Section 96.06; provided, that no initial application fee shall be required for an automatic protection system utilizing a signaling device which transmits a signal only on the premises itself.

(2) *Annual renewal.* There is no annual renewal fee if the documentation is received prior to the anniversary date. If the documentation is not received by the anniversary date, the permit shall be considered void and a new application must be obtained. This replacement application will be subject to the initial alarm permit fee as specified in the adopted fee schedule of the Town.

(3) *Other.* All service fees and civil penalties assessed against the automatic protection system user shall be due and owing to the town. In the event legal action is necessary to collect the service fees and civil penalties, the automatic protection system user shall be required to pay the service fees and any and all legal fees, attorney's fees and court costs required to collect the monies.

(J) *Right of Inspection.* The Chief of Police and Fire Chief, or their designee shall have the right to inspect any automatic protection system on the premises where it is installed at reasonable times.

(K) *Restricted Numbers.* It shall be unlawful for any person to install, maintain or operate an automatic protection system except to the telephone numbers as designated by the approved permit.

(L) *Revocation.*

(1) The Town Manager, upon approval of the Chief of Police or the Fire Chief, whichever is appropriate, may revoke or suspend any permit issued for an automatic protection system, after giving written notice, by certified mail, to the permit holder and an opportunity for the permit holder to be heard, if he or she determines the automatic protection system has been installed or operated in violation of the provisions of Section 96.06.

(2) The failure to pay any outstanding services fees and/or expenses of collection shall constitute grounds for the revocation of an automatic protection system user's permit.

(3) The continued operation of an automatic protection system after notification that the permit has been revoked shall constitute the grounds for imposing a civil penalty, and each day of continued operation of the automatic protection system shall constitute a separate and distinct offense.

(4) An automatic protection system user's permit that has been revoked pursuant to Subsections (2) and (3) above may be reinstated by the Town Manager upon payment of all outstanding service fees and expenses of collection, plus a reinstatement fee, as specified in the regularly adopted fee schedule of the town.

(M) *Uniform Monitoring Service.* The town may require all automatic protection systems to be compatible with a uniform monitoring system designed to receive visual and/or audible signals over a signal line or by electronic transmissions from permit holders.

(N) *Subscription Charges.*

(1) Nothing in this chapter shall preclude the alarm equipment supplier from

charging a permit holder for all equipment at their location and connection fees to the monitoring system and maintenance charges necessitated by the installation and operation of the signaling device receiver in the monitoring system.

(2) The contractor supplying and maintaining the monitoring system shall have the right to charge subscribers a reasonable fee for connection to and maintenance of the system.

(O) *Penalties.* Violations of the provisions of Section 96.06 shall be subject to the following civil penalties:

(1) First false alarm within a 30-day period: no penalty;

(2) Second false alarm within a 30-day period: \$25;

(3) Third false alarm within a 30-day period: \$50; and

(4) Fourth false alarm within a 30-day period: \$100, plus revocation of alarm permit.

96.07. MUTUAL AID.

(A) *Established.* In accordance with these rules, policies and guidelines, the Fire Chief is hereby authorized to enter into mutual assistance arrangements with municipal, county and volunteer departments, provided that request and authorizations shall comply with the North Carolina General Statutes.

The Fire Chief is hereby authorized to permit officers of the Fire Department to work temporarily with officers of a requesting department, and the Fire Chief may lend equipment and supplies to requesting agencies as deemed advisable.

When responding to a call and while working at a fire or other emergency outside the territorial limits of the town which it normally serves, members and employees shall have all authority, rights, privileges and immunities including coverage under the workers' compensation laws, as they have when responding to a call and while working at a fire or other emergency inside the territorial limits normally served as provided by N.C.G.S. 160A-293 and N.C.G.S. 58-83.1.

(B) *Duration of Agreement.* The agreement entered into by and between the town and other fire departments as provided for herein shall continue in full force and effect until terminated in writing by either party thereto. A copy of each agreement shall be kept on file in the Fire Chief's office and on file with the Town Clerk.

(C) *Administrative Control.* Any employee of the Fire Department, while engaged

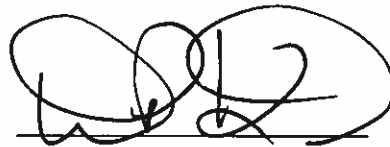
in any duty or activity outside the corporate limits of the town pursuant to orders of the Fire Chief or Council, shall have all of the jurisdiction, authority, rights, privileges and immunities, including coverage under the worker's compensation laws, which they have within the corporate limits of the town.

(D) *Authority.* Each mutual assistance agreement shall be reviewed and approved by the Town Manager and shall be effective upon its execution by the Fire Chief and the appropriate chief of the other fire department that is a party to the agreement.

PART II. Chapter 111 of the Town Code (Alarm Systems) shall be deleted in its entirety.

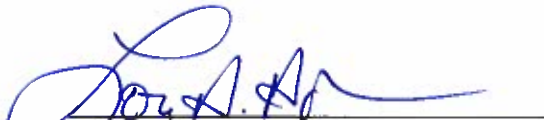
PART III. Section 130.05 of the Town Code (Fireworks, Pyrotechnic and Other Combustible Displays) shall be deleted in its entirety.

PART IV. This ordinance shall be effective upon its adoption.



Don Kingston, Mayor

ATTEST:


Lori Ackerman, Town Clerk

Date adopted: July 1, 2020

Motion to adopt by: Nancy Covino

Vote: 5 AYES 0 NAYS

