

CHAPTER 5  
FIRE PREVENTION AND PROTECTION  
ARTICLE I. IN GENERAL

Section 5-1. Obedience to orders at scene of fire; exclusive of spectators.

- (a) Every person present at a fire shall be subject and obedient to the orders of firemen and police officers in any matter relating to extinguishing the fire, removal and protection of persons and property endangered by fire, smoke or water, freedom of fire department and medical personnel and apparatus to perform their duties or to function properly; and the maintenance of order at or near the scene of the fire; and it shall be unlawful for any person to disobey any such order of a fireman or police officer. Firemen and police officers shall have authority to arrest persons who disobey such orders and to hold them in custody until the fire has been extinguished, at which time the violators shall be dealt with according to law.
- (b) The fire department officer in command at the scene of any fire and the police officers present shall exclude all persons from buildings and grounds adjacent thereto, during a fire, and no person, except town officials and employees in the discharge of their duties, shall have the right to enter within the ropes surrounding such fire, except owners of property thereat, or such other persons as may obtain permission of the fire department officer in command. Such officers shall have authority to take into custody all persons persisting in any interference with the work of the fire department in the manner provided in subsection (a) above.

Section 5-2. Reserved.

Section 5-3. Bonfires.

- (a) No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any private land, unless the location is not less than fifty (50) feet of any structure.
- (b) Bonfires shall be constantly attended by a competent person until such fires are extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.
- (c) The chief of the fire department may prohibit any or/all bonfires when atmospheric conditions or local circumstances make such fires hazardous.

Section 5-4. Kindling fire on land of another.

No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent.

Section 5-5. Permission of council required to burn building.

Any person who desires to intentionally destroy or raze, by fire or burning, any building or part thereof which is located within the corporate limits of the town must obtain permission from the town council. The permission shall be necessary whether or not the fire department is assisting in the destruction. The term "building" as used in this section, shall mean all buildings of whatever nature, regardless of the use or size.

Section 5-6 - 14. Reserved.

Section 5-15. Flammable decorative materials in buildings of mercantile and institutional occupancy.

Highly flammable materials, such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam plastic materials, shall not be used for decorative purposes in show windows or other parts of mercantile and institutional occupancies, unless first rendered flameproof. Electric light bulbs in mercantile and institutional occupancies shall not be decorated with paper or other combustible materials, unless such materials shall first have been rendered flameproof.

Section 5-16. Reserved.

Section 5-17. Magazines for explosives prohibited.

No person shall use any building or structure within the town as a magazine for storing powder, dynamite or other explosives.

Section 5-18. Delivery of explosives to minors.

No person shall sell, deliver, give away, or otherwise dispose of any explosives to any individual under eighteen (18) years of age, whether such individual is acting for himself or for another person.

Section 5-19. Blasting.

No person shall blast rock or other material within the town without first having obtained a written permit from the town council or other designated by the town council. Blasts shall be loaded down with mat or secured in some other satisfactory manner. A permit issued under this section shall not be construed as relieving the permittee from responsibility for injury to persons or property. The town council or other designated officer may refuse to grant such permit when, in his opinion, such blasting would be dangerous to the life or health of any person or to the property of another or would otherwise constitute a hazard to the public safety.

Section 5-20. Reserved.

## ARTICLE II. FIREWORKS

Section 5-21. General prohibition against possessions, sale, use, etc.

- (a) Except as may be otherwise provided in this Code or other ordinance, it shall be unlawful for any person to transport, manufacture, store, sell, offer or expose for sale, or to possess, buy, use, ignite or explode any firecrackers, torpedo, skyrocket, or other substance or thing of whatever form or construction containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, nitroglycerine phosphorus or any other explosive or inflammable compound or substance, and intended or commonly known as fireworks.
- (b) This section shall not apply to Roman candles, sparklers, pharaoh's serpents or caps for pistols, nor shall it apply to pinwheels commonly known as whirligigs or spinning jennies when used, ignited or exploded on private property with the consent of the owner of such property.
- (c) This section shall have no application to any officer or member of the armed forces of this state, or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of fireworks by any authorized agent of such armed forces, nor shall it be applicable to the sale or use of materials or equipment otherwise prohibited by law, when such materials of signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

Section 5-22. Permit to display.

Any fair association, amusement park or other organization or group of individuals may apply in writing to the town council for a permit to display fireworks, and the town council may grant such permit under such terms and conditions as the council may prescribe. After such permit has been issued, sales of fireworks may be made for use under such permit and the permit holder may make use of such fireworks under the terms and conditions of the permit.

ARTICLE III. ABATEMENT OF FIRE AND EXPLOSION HAZARDS

Section 5-23. Inspections to detect hazards.

It shall be the duty of the town council to inspect, or cause to be inspected, all buildings and premises, except the interiors of dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or explosion, endanger life from fire or explosion, or any violations of state law, this Code or other ordinance for the prevention and abatement of fire and explosion hazards. Any occupant or owner of any such building or premises who shall fail or refuse to permit such inspection to be made under a search warrant shall be guilty of a Class 4 misdemeanor and each day of such refusal shall constitute a separate offense.

Section 5-24. Order to abate-Generally.

- (a) Whenever the town council or other inspector designated by town council shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, it shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the town council:
- (1) Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.
  - (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.
  - (3) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials.
  - (4) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors and ducts.
  - (5) Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire.
  - (6) Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.
- (b) It shall be unlawful for any person to violate or fail to comply with the terms of any order issued to him pursuant to this section.

Section 5-25. Same-Service.

An order issued pursuant to section 5-24 shall be served upon the property owner, occupant or other person responsible for the conditions referred to therein, either by delivering a copy thereof to such person or by delivering it to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served in any manner provided by law.