

CHAPTER 5: FIRE PROTECTION AND PREVENTION

Article

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ARTICLE I: IN GENERAL

Section

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Fire protection, see G.S. Ch. 69

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

§ 5-1 INTERFERING WITH FIREFIGHTERS; LOITERING ABOUT FIRE STATION.

No person shall interfere with a firefighter in the discharge of his duty or hinder him in the performance of such duty, nor shall any person other than a member of the Fire Department loiter about any fire station.

('89 Code, § 5-1) Penalty, see § 5-90 *et seq.*

§ 5-2 INTERFERENCE WITH ACTIVITIES OF FIRE DEPARTMENT.

It shall be unlawful for any person to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the Fire Department.

('89 Code, § 5-2) Penalty, see § 5-90 *et seq.*

§ 5-3 RIDING FIRE TRUCKS.

No person other than a bona fide member of the Fire Department shall mount any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire or at any other time, unless by permission of the driver or officer in command of such engine, wagon or other apparatus.

('89 Code, § 5-3) Penalty, see § 5-90 *et seq.*

§ 5-4 FIRE DISTRICTS.

The fire districts of the city are established and defined as follows:

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(A) *Fire district No. 1.* Beginning at a point, such point being the northwest right-of-way intersection of Boone Road and Reeves Street; thence in a northwesterly direction 350 feet along the north right-of-way of Reeves Street, continuing in a line across the Danville and Western Railroad, continuing in a line across Greenwood Street to a point in the west right-of-way line of Greenwood Street; thence in a southerly direction approximately 40 feet along the west right-of-way line of Greenwood Street; thence in a southwesterly direction along the northwest right-of-way line of Moncure Street 203 feet to the north intersection of Moncure and Moir Streets; thence crossing Moir Street and continuing along the northwest right-of-way line of Moncure Street 180 feet to a point on the southeast corner of 538 Bridge Street property; thence in a northwesterly direction along the northeast property line of 538 Bridge Street property 75 feet; continuing along the northeast property line of 536 Bridge Street 134 feet; thence in a southwesterly direction along the northwest property line of 536 Bridge Street 150 feet to a point in the northeast right-of-way line of Bridge Street; thence across Bridge Street to a point in the southwest right-of-way line of Bridge Street; thence in a southeasterly direction along the southwest right-of-way line of Bridge Street 209 feet to the northwest intersection of Bridge Street and Moncure Street right-of-way line, crossing Moncure Street and continuing along the southwest right-of-way line of Bridge Street 196 feet to a point in the north corner of 571 Bridge Street; thence in a southwesterly direction along the northwest property line of 571 Bridge Street 90 feet; thence in a southeasterly direction along the property line of 571 Bridge Street 45 feet; thence in a southwesterly direction along the property line of 571 Bridge Street 50 feet; thence in a southeasterly direction along the property line of 571 Bridge Street 10 feet; thence in a southwesterly direction along the northwest property line of 550 Monroe Street 59 feet thence in a southeasterly direction along the southwest property line of 90 feet to a point in the northwest right-of-way of Jay Street; thence in a southwesterly direction along the northwest right-of-way of Jay Street to a point, such point being the northwest intersection of Jay Street and Patrick Street right-of-way; thence in a southeasterly direction along the southwest right-of-way of Patrick Street to a point, such point being the northwest intersection of Patrick Street and Washington Street right-of-way; thence in a southwesterly direction along the northwest right-of-way of Washington Street to a point in a line with the southwest right-of-way line of Hamilton Street; thence in a southeasterly direction along the southwest right-of-way of Hamilton Street to a point in a line with the southeast right-of-way line of the alley back of Eden Daily News to a point, such point being the southwest intersection of the alley and Patrick Street; thence in a southeasterly direction along the southwest right-of-way line of Patrick Street 72 feet; thence in a northeasterly direction, crossing Patrick Street and along the southeastern property of the city 158.9 feet, continuing along the property line of the city in a southeasterly direction 130 feet, continuing along the southeast property line of the city in a northeasterly direction 165 feet and crossing Henry Street to a point in the southeast right-of-way line of Henry Street; thence in a northwesterly direction along the northeast right-of-way line to a point, such point being the southeast property line of Thomas and Jean Harrington; thence in a northeasterly direction along the southeast property line of Thomas and Jean Harrington to a point in the Danville and Western Railroad; thence in a northerly direction along the northwest track of the Danville and Western Railroad to a point in line with the southeast property line of the city, Bridge Street parking lot; thence in a northeasterly direction along the southeast property line of the city to a point in the southwest right-of-way line of Bridge Street; thence in a northwesterly direction along the southwest right-of-way line of Bridge Street to the southwest right-of-way intersection of Bridge Street and Washington Street; thence in a northeasterly direction, crossing Bridge Street and along the northwest property line of a vacant lot 447 feet, continuing along the southeast property line of 636 Boone Road 232 feet to the southeast corner of the property of 636 Boone Road; thence in a northwesterly direction along the northeast property lines of 636 Boone Road 59 feet, 618

Boone Road, 231 feet, approximately 420 feet to a point in the southeast right-of-way of Boone Road; thence across Boone Road to the point of beginning.

(B) *Fire district No. 2.* Beginning at a point in the south right-of-way line of Mill Avenue, such point being the northeast corner of the property of old Balmar Theater and the northwest corner of vacant lot at corner of Mill Avenue and N. High Street; thence in a southerly direction along the east property line of old Balmar Theater 79.59 feet to a point in the north property line of 125 N. High Street; thence in a westerly direction along the property line of the old Balmar Theater 17.54 feet; thence in a southerly direction along the east property line of the old Balmar Theater 70.52 feet; thence continuing in a southerly direction along the west property line of 125 N. High Street 19.48 feet; thence in an easterly direction along the south property line of 125 N. High Street 19.1 feet to a point in the west right-of-way line of North High Street; thence in a southerly direction along the west right-of-way of North High Street 90 feet; thence in a westerly direction along the south property line of a parcel of land owned by the city 208.62 feet to a point in the east property line of 124 N. Fieldcrest Road; thence in a southerly direction along the west property line of 1505 Ridge Avenue 135 feet to a point in the north right-of-way line of Ridge Avenue; thence crossing Ridge Avenue to a point in the south right-of-way line of Ridge Avenue, such point being the northeast property line of 122 N. Fieldcrest Road, thence in a southerly direction along the east property line of 122 N. Fieldcrest Road 79.84 feet; thence in a southeasterly direction along the east property line of the Sparkle Car Wash 26.8 feet; thence continuing southeast along the property line of 112 N. Fieldcrest Road 46.6 feet to a point in the west property line of 108 N. Fieldcrest Road; thence in a southerly direction along the east property line of 112 N. Fieldcrest Road 44.52 feet; thence continuing in a southerly direction along the east property lines of 103 N. Fieldcrest Road 100 feet, one lot owned by 100 N. Fieldcrest Road 100 feet, 1507 E. Stadium Drive 135.48 feet and continuing across Stadium Drive to a point in the south right-of-way line of east Stadium Drive; thence in a westerly direction along the south right-of-way line of East Stadium Drive to a point, such point being the southwest intersection of Stadium Drive and Fieldcrest Road right-of-way; thence in a southerly direction along the west right-of-way line of South Fieldcrest Road 130 feet; thence in a westerly direction along the south property line of 107 Fieldcrest Road 90.41 feet to a point in the east property line of 1444 E. Stadium Drive, thence in a southwesterly direction along the southeast property line of Inc. 76.15 feet, continuing along the south property of 1444 E. Stadium Drive 40 feet; thence in a northerly direction along the west property line of 1444 E. Stadium Drive 160 feet to a point in the south right-of-way line of Stadium Drive; thence crossing Stadium Drive to a point in the north right-of-way line of Stadium Drive, such point being west of the northwest right-of-way intersection of Stadium Drive, and Fieldcrest Road 140.88 feet; thence in a northerly direction along the west property line of 101 N. Fieldcrest Road 139.55 feet, continuing along the west property line of 107 N. Fieldcrest Road 40 feet to a point in the south property line of 107-A N. Fieldcrest Road; thence in a westerly direction along the south property line of 107-A N. Fieldcrest Road 40 feet; thence in a northerly direction along the west property line of 107-A N. Fieldcrest Road 100 feet; thence in an easterly direction along the north property line of 107-A N. Fieldcrest Road 40 feet; thence in a northerly direction along the west property line of 111 N. Fieldcrest Road 100 feet, continuing along the west property line of 122 N. Fieldcrest Road 97.81 feet to a point in the south right-of-way line of Ridge Avenue; thence crossing Ridge Avenue to a point in the north right-of-way of Ridge Avenue, such point being the southeast corner of 130 Main Street; thence in a northerly direction along the west right-of-way of the existing alley 584.41 feet and extending across Fieldcrest Road to a point in the north right-of-way of Fieldcrest Road; thence in an easterly and southerly direction along the north property line of Fieldcrest Road to the north right-of-way of Mill Avenue;

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thence in an easterly direction along the north right-of-way line of Mill Avenue to a point north of the point of beginning; thence in a southerly direction crossing Mill Avenue to point of beginning.

(C) *Fire district No. 3.* Beginning at a point, such point being the southeast right-of-way of the Irvin Avenue and Cherry Street intersection; thence in a southeasterly direction along the southwestern right-of-way of Cherry Street 130.5 feet; continuing along the southwestern right-of-way of Cherry Street 83.8 feet to a point in Cherry Street right-of-way being the southeast property line of 307 Cherry Street; thence in an eastern direction crossing Cherry Street and along the south property line of 312 Cherry Street 170 feet; continuing in an eastern direction along the south property line of 314 Cherry Street 126.4 feet; continuing along the property line of 309 Glovenia Street 67.5 feet; continuing across Glovenia Street to a point in the eastern right-of-way of Glovenia Street being the south property line of 300 The Boulevard; thence in a northerly direction along the eastern right-of-way of Glovenia Street to a point in the north right-of-way line of The Boulevard; thence in a westerly direction along the north right-of-way of The Boulevard to the east property line of Central Telephone Company; thence in a northerly direction along the east property line of Central Telephone Company to a point in the north right-of-way of Wilson Alley; thence in northwesterly direction along the northeast right-of-way of Wilson Alley to a point in the northwest right-of-way of Oak Street; thence in a southwesterly direction along the northwest right-of-way line of Oak Street, crossing The Boulevard, and continuing along the northwest right-of-way line of Oak Street to a point 300 feet south of The Boulevard; thence in a southeasterly direction crossing Oak Street and along the southwest property line of 225 The Boulevard, crossing Irvin Street to a point in the southeastern right-of-way line of Irvin Street; thence in a northeastern direction along the southeastern right-of-way of Oak Street to the point of beginning.

(D) *Fire district No. 4.* Beginning at a point, such point being the southeast intersection of Linden Drive and Kings Highway, thence north 67 degrees 27 minutes east 218.02 feet; thence south 00 degrees 56 minutes west parallel to Van Buren Road approximately 3,013.84 feet to a point in the city limit line; thence along the city limit line south 82 degrees 22 minutes west approximately 600 feet to a point in the east right-of-way line of Van Buren Road; thence along the east right-of-way line of Van Buren Road as follows: north 0 degrees 33 minutes west 1020 feet; north 01 degrees 06 minutes west 90.85 feet; north 01 degrees 36 minutes west 100 feet; north 03 degrees 36 minutes west 100 feet; north 05 degrees 13 minutes west 100 feet; north 06 degrees 45 minutes west 100 feet; north 09 degrees 01 minutes west 160 feet; north 10 degrees 29 minutes west 100 feet; north 11 degrees 57 minutes west 100 feet; north 13 degrees 25 minutes west 100 feet; north 14 degrees 29 minutes west 479.93 feet; thence north 31 degrees 54 minutes east 512.50 feet; thence north 72 degrees 46 minutes east 490.10 feet to point of beginning, provided that the following described parcels shall not be included in fire district number four:

(1) Beginning at a point, such point being the intersection of the south right-of-way line of Arbor Lane and the east right-of-way line of highway N.C. 14; thence along the south right-of-way line of Arbor Lane, north 81 degrees 43 minutes east 228.91 feet, continuing along Arbor Lane, south 89 degrees 4 minutes east 458.70 feet; thence south 00 degrees 56 minutes west approximately 1460 feet to a point in the city limit line; thence along the city limit line south 82 degrees 22 minutes west approximately 650 feet to a point in the east right-of-way line of highway N.C. 14; thence in a northerly direction and along the east right-of-way line of highway N.C. 14 to point of beginning.

(2) Beginning at the southeast intersection of Linden Drive and East Kings Highway; thence

north 67 deg. 27' east 218.02 feet; thence south 00 deg. 56' west 213.84 feet; thence south 89 deg. 04' east 200 feet; thence north 00 deg. 56' east 126.96 feet to point of beginning.

(E) *Fire District No. 5.* Beginning at the southwest intersection of Kings Highway and Fagge Street right-of-way; thence south 14 deg. 29' east along the west right-of-way of Fagge Street 600 feet; thence south 78 deg. 45' west parallel to Kings Highway 700 feet, continuing south 75 deg. 31' west 299.52 feet; thence north 14 deg. 29' west 616.92 feet to a point in the south right-of-way line of Kings Highway, thence north 78 deg. 45' east 1000 feet to a point of beginning.

('89 Code, § 5-4) (Ord. passed 3-16-99)

Statutory reference:

Adoption of fire limits, G.S. §§ 160A-435 to 160A-438

ARTICLE II: FIRE DEPARTMENT

Section

5-26	Creation
5-27	Organization; volunteer department
5-28	Administration
5-29	Duties
5-30	Powers
5-31	Bureau of Fire Prevention - established; enforcement of Fire Prevention Code; reports
5-32	Same - duties

§ 5-26 CREATION.

The Fire Department is hereby created for the purpose of preventing and extinguishing fires and for the protection of life and property within the limits of the city.
(‘89 Code, § 5-26)

§ 5-27 ORGANIZATION; VOLUNTEER DEPARTMENT.

(A) The Fire Department shall consist of a Fire Chief and other officers and personnel as allowed in the personnel ordinance, position classification pay plan. The City Council may authorize additional positions and personnel as they are needed by establishing positions according to provisions of the position classification plan. The Fire Chief shall serve as the head of the Fire Department and shall be responsible for the administration of the Department. In addition to the full-time personnel, the Department shall have a volunteer department consisting of up to 60 volunteer firefighters.

(B) The City Council may increase or decrease the number of volunteers as they deem necessary in order to provide services and meet suggestions of the State Fire Insurance Rating Bureau in order to maintain and improve the fire rating for the city.
(‘89 Code, § 5-27) (Am. Ord. passed 9-21-93; Am. Ord. passed 8-19-03; Am. Ord. passed 4-19-05; Am. Ord. passed 7-17-07)

§ 5-28 ADMINISTRATION.

The provisions of this article shall be administered by the Fire Chief.
(‘89 Code, § 5-28)

§ 5-29 DUTIES.

The Fire Department shall have the following duties:

(A) The Fire Department, consisting of both full-time and volunteer firefighters shall conduct suitable drills or instruction in the operation and handling of equipment, first aid, rescue work and salvage, and a study of buildings in the city, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire.

(B) The Fire Chief, Fire Captain, full-time Lieutenant or designated command officer shall have full authority at the scene of a fire, drill or other exercise pertaining to firefighting and prevention.

(C) Any person so served with a notice to abate any fire hazard shall comply therewith and promptly notify the Fire Chief.

(D) The Fire Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the Department.

(E) The Fire Chief shall submit a written report monthly to the City Manager for information to the City Council on conditions of the apparatus and equipment, the number of fires during the month and such other information as needed to keep the City Council informed.

(F) The Fire Chief shall keep such records as suggested by the state fire underwriters in order that they may make inspections and evaluate the firefighting and prevention programs of the city.
(’89 Code, § 5-29) (Am. Ord. 8-19-03; Am. Ord. passed 4-19-05)

§ 5-30 POWERS.

The Fire Department shall have the following powers:

(A) The Fire Chief or designated agent is hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found.

(B) The officer in command shall have authority to summon aid, and no citizen so summoned may refuse to help in extinguishing a fire or in protecting exposed property.

(C) During the continuance of a fire, the Fire Chief or designated command officer shall have authority to call upon citizens to render assistance in pulling down or demolishing any building or in removing goods or furniture from a building on fire or in danger of fire, but not without the consent of the officer of the Fire Department or the Police Department who may be in charge.
(’89 Code, § 5-30) (Am. Ord. passed 8-19-03; Am. Ord. passed 4-19-05)

§ 5-31 BUREAU OF FIRE PREVENTION ESTABLISHED; ENFORCEMENT OF FIRE PREVENTION CODE; REPORTS.

(A) There shall be established within the Fire Department a Bureau of Fire Prevention which shall have responsibility for the enforcement of the Fire Prevention Code. The Bureau of Fire Prevention shall be under direction supervision of the Fire Chief who may appoint or employ inspectors, subject to approval of the City Manager, as considered necessary to pursue an effective inspection program.

(B) Reports on activities of the Fire Bureau shall be made through the Fire Chief to the City Manager in such detail and of such frequency as directed by the City Manager.
(‘89 Code, § 5-31)

§ 5-32 SAME-DUTIES.

Within a reasonable time after adoption, the Bureau of Fire Prevention shall prepare the following:

(A) Establishment of districts in which storage of explosives and explosive agents is to be prohibited;

(B) Establishment of districts in which storage of flammable liquids in outside above-ground tanks is to be prohibited;

(C) Establishment of districts in which liquefied petroleum gases is to be prohibited;

(D) Establishment of motor vehicles routes for vehicles transporting explosives and other hazardous chemicals or agents;

(E) Establishment of fire lanes and routes.
(‘89 Code, § 5-32)

ARTICLE III: FIRE CODES

Section

- 5-51 Purpose
- 5-52 Applicability
- 5-53 Article in accordance with certain laws and regulations; exercise of city's police powers
- 5-54 Fire codes adopted; copies on file with City Clerk
- 5-55 Municipality and Corporation Counsel defined
- 5-56 Modifications of codes
- 5-57 Appeal of decisions of Fire Chief
- 5-58 Committee to determine necessary permits for new processes, materials, occupancies
- 5-59 Violation of article; variations allowed by Fire Chief
- 5-60 Open burning
- 5-61 Compliance with other laws

§ 5-51 PURPOSE.

The purpose of this article is to provide for:

- (A) Rules and regulations to improve the safety of the public by promoting the control of fire hazards;
 - (B) Regulation of the installation, use and maintenance of equipment, structures, premises and open areas;
 - (C) Abatement of fire hazards; and
 - (D) Standards for compliance to achieve these objectives.
- ('89 Code, § 5-51)

§ 5-52 APPLICABILITY.

This article shall apply equally to both public and private property. It shall apply to all new structures and their occupancies including buildings, structures, equipment, etc., and except as otherwise specified, to existing structures and their occupancies including buildings, structures, equipment, etc., which constitute a clear and present hazard to life or to property.

('89 Code, § 5-52)

**§ 5-53 ARTICLE IN ACCORDANCE WITH CERTAIN LAWS AND REGULATIONS;
EXERCISE OF CITY'S POLICE POWERS.**

(A) This article shall be in accordance with the laws and regulations covering fire prevention of the state and the United States of America.

(B) This article shall be deemed an exercise of the police powers of the city for the preservation and protection of the public health, peace, safety and welfare, and all its provisions shall be liberally construed for that purpose.

('89 Code, § 5-53)

§ 5-54 FIRE CODES ADOPTED; COPIES ON FILE WITH CITY CLERK.

Except as hereinafter amended, the provisions of the *North Carolina State Building Code, Volume V, Fire Prevention* and 2003 ICC with North Carolina Amendments required for adoption in 2006 are hereby adopted in their entirety to include all appendices and made applicable to the city and shall be in effect in the city as if fully set out in this section. A copy of same shall be on file in the office of the City Clerk. ('89 Code, § 5-54) (Am. Ord. passed 7-16-91; Am. Ord. passed 11-16-99; Am. Ord. passed 11-21-06)

Statutory reference:

Technical codes, see G.S. § 160A-76

§ 5-55 MUNICIPALITY AND CORPORATION COUNSEL DEFINED.

Wherever used in the codes adopted in this article, the word "municipality" shall mean the city of Eden, North Carolina and the word "corporation counsel" shall mean the City Attorney.

('89 Code, § 5-55)

§ 5-56 MODIFICATIONS OF CODES.

The Chief of the Fire Department shall have power to modify any of the provisions of the codes adopted in this article upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

('89 Code, § 5-56)

§ 5-57 APPEAL OF DECISIONS OF FIRE CHIEF.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the codes adopted in this section do not

apply or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Adjustment within 30 days from the date of the decision appealed.

('89 Code, § 5-57)

§ 5-58 COMMITTEE TO DETERMINE NECESSARY PERMITS FOR NEW PROCESSES, MATERIALS, OCCUPANCIES.

The City Engineer, Chief of the Fire Department and Chief Codes Inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the codes adopted in this section. The Chief of the Fire Department shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

('89 Code, § 5-58) (Ord. passed 3-16-99)

§ 5-59 VIOLATION OF ARTICLE; VARIATIONS ALLOWED BY FIRE CHIEF.

It shall be unlawful for any person to violate this article, to permit or maintain such violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by action of the Fire Chief in writing. Proof of such unlawful act or failure to act shall be deemed prima facie evidence that such act is that of the owner. Prosecution or lack thereof of either the owner or the occupant shall not be deemed to relieve the other.

('89 Code, § 5-59) Penalty, see § 5-90 *et seq.*

§ 5-60 OPEN BURNING.

(A) No person shall cause, suffer, allow or permit open burning of refuse or other combustible material within the corporate limits of the town, except as may be allowed and permitted by (B) below.

(B) While aware that open burning within the confines of a municipality creates a hazard to life and property, it is recognized that certain types of burning may be allowed as in the public interest; therefore, the following types of burning are allowed as specified:

- (1) Fires purposely set for the instruction and training of public and industrial firefighting personnel;
- (2) Fires purposely set of agricultural land for disease control and pest control;
- (3) Campfires and fires used solely for outdoor cooking and other recreation or ceremonial purposes or for human warmth and comfort;
- (4) Open burning in other than predominantly residential areas for the purpose of land clearing or right-of-way maintenance. This will be exempt only if the following conditions are met:

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(a) Prevailing winds at the time of burning must be away from the built-up areas;

(b) The location of the burning must be at least 1,000 feet from any dwelling, church, or school located on a property other than that on which the burning is conducted;

(c) Initial burning may generally be commenced only between the hours of 9:00 a.m. and 3:00 p.m., and no combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. of the following day. It shall be the responsibility of the owner or operator of the open burning operation to obtain written approval for burning during periods other than those specified above;

(d) Prior to igniting such fires, notification shall be made to the Fire Department. The Chief of the Fire Department shall make such on-site inspections as shall be necessary to ensure compliance with the provisions of this article;

(e) A night fire watchman shall be posted at the site of any fire when directed by the Fire Chief upon determination that a watchman is necessary to protect adjoining property;

(f) The clearing of ground adjacent to such fires of all trees, underbrush and trash shall be in compliance with the orders and instructions of the Fire Chief;

(g) Permission granted under this section shall be subject to continued review and may be withdrawn at any time.

(C) The Chief of the Fire Department shall order the extinguishing of any fire, or the Fire Department may extinguish any such fire not in conformity with the provisions of this article, or any such fire which shall endanger adjacent property.

(D) The authority to conduct open burning does not exempt or excuse any person from the consequences, damages or injuries which may result from such burning.
(’89 Code, § 5-60) (Ord. passed 4-19-88) Penalty, see § 5-90 *et seq.*

§ 5-61 COMPLIANCE WITH OTHER LAWS.

No provision in this article shall operate to exempt or excuse any person from complying with all applicable laws, ordinances, regulations and orders of any governmental entities having jurisdiction even though such activity is permissible and conducted in compliance with these sections.

(’89 Code, § 5-61) (Ord. passed 4-19-88)

ARTICLE IV: ENFORCEMENT

Section

- 5-90 Enforcement
- 5-91 General penalty for violation of Chapter 5
- 5-92 Civil penalty; nonexclusive

§ 5-90 ENFORCEMENT.

In addition to any remedies hereinbefore specifically authorized by this chapter, the provisions of this chapter may be enforced by the city by any appropriate legal or equitable remedy authorized by § 1-16 of the City Code.

(Ord. passed 6-20-96)

§ 5-91 GENERAL PENALTY FOR VIOLATION OF CHAPTER 5.

The general penalty for violations of Chapter 5 shall be as provided by § 1-16.1 which penalties shall be nonexclusive.

(Ord. passed 6-20-96)

§ 5-92 CIVIL PENALTY; NONEXCLUSIVE.

Violations of this chapter may also be punished by a civil penalty in the amount of \$100 for each violation which penalty shall be enforced as provided by § 1-16.2 of the City Code which remedy shall be nonexclusive.

(Ord. passed 6-20-96)