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CHAPTER 9. FIRE DEPARTMENT

Editor's Note: Many towns in this state have made arrangements with their respective counties for fire service. The Yemassee Fire Department has such an arrangement.

This chapter derives from sections of Chapter 6 of the 1990 Yemassee Town Code, generally accepted municipal practices and sets forth basic provisions used by other towns for the protection of its citizens. It also derives, as amended, from the Yemassee Questionnaire, Questions 50 and 51.

General state statutes governing fire protection are found at Title 5, Chapter 25 of the 1976 South Carolina Code of Laws, as amended, entitled, "BUILDING CODES AND FIRE PROTECTION."

ARTICLE I. ADMINISTRATION

9.101. FIRE DISTRICT PROVISIONS DESIGNATED.

The Yemassee Fire Department is hereby created, authorized and designated as the responsible organization to address fire and life safety issues including fire protection and emergency medical care.

(YQ 50)

9.102. APPOINTMENT OF CHIEF.

The Fire Chief shall be appointed by the Town Council.

9.103. VOLUNTEERS.

The Fire Chief shall appoint volunteers.

(YQ 50.c)

9.104. COMPENSATION.

Only the town's full time fire fighter shall receive compensation for his services.

(YQ 50.d)

9.105. COMMAND AT SCENE OF FIRE.

The Fire Chief shall have control of operations at the scene of fire or other emergency incident. In event of his incapacity or absence, his duties shall devolve on the Assistant Chief. In the event of the incapacity or absence of the Assistant Fire Chief, such duties shall devolve upon the duty officer designated by the Fire Chief.

9.106. POSSESSION AND CONTROL OF BUILDINGS ON FIRE.

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

9.107. RIGHT OF ENTRY DURING EMERGENCIES.

In a fire or life threatening emergency, while endeavoring to control or extinguish fires or rescue injured victims, the Chief, or his designated representatives, may pass through and enter any adjacent building or property.

9.108. RESPONDING TO ALARMS. RIGHT-OF-WAY.

All motor equipment of the Fire Department, Police Department and the vehicles of volunteers shall have the right-of-way over all other vehicles, when responding to an alarm.

9.109. POLICE OFFICERS TO ENFORCE PROVISIONS.

Police officers shall enforce the provisions of this chapter. Immediately upon their arrival at the scene of a fire or other incident, where the Fire Department is operating and subject to availability of personnel, a police officer may be stationed at each end of the block wherein the fire occurs. They may require motor vehicles or other vehicles parked within said block to be moved immediately and block the street from other vehicles.

9.110. FIRE INSPECTOR.

The town's full time fire fighter is hereby authorized to serve as Fire Inspector for the town.

(1976 SC Code §5-25-120) (YQ 51)

9.111. FIRE INVESTIGATIONS.

The Inspector shall hold an inquiry into the origin of every fire occurring within the limits of the town and file a report in writing of the investigation.

(1976 SC Code §5-25-160, §5-25-170)

9.112. BUILDING BURNED OR DESTROYED MORE THAN HALF ITS VALUE.

a. If an existing building is damaged by fire, deterioration or otherwise, in excess of fifty percent (50%) of its then physical value, said building shall be removed.

(1976 SC Code §5-25-1160 requires the removal)

b. Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear in Municipal Court, as provided in §14.101 of this code.

c. Upon conviction, said person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the Municipal Court.

ARTICLE II. PROHIBITED ACTS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, generally accepted municipal practices and acts prohibited by other municipalities for the protection of the citizens of Yemassee. (See SC Code §56-5-760 for operation of emergency vehicles.)

9.201. FALSE ALARMS.

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

(1976 SC Code §16-17-570)

9.202. PARKING AT HYDRANTS. OBSTRUCTING FIRE EQUIPMENT OR MEMBERS.

a. No person shall park any vehicle within fifteen (15) feet of a fire hydrant nor otherwise cause any obstruction to fire equipment at an emergency incident.

b. It shall be unlawful to interfere with or obstruct the activities of any member of the Fire Department who is acting in his official capacity or when proceeding to an emergency incident.

9.203. FOLLOWING OR PARKING NEAR FIRE EQUIPMENT. BYSTANDERS.

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

(1976 SC Code §56-5-2530)

b. Bystanders shall stay a safe distance away as determined by the officer in charge.

9.204. FAILURE TO OBEY LAWFUL ORDERS.

Failure to obey any lawful order of any official of the Fire Department or law enforcement officer at the scene of a fire or any emergency, or enroute thereto, shall constitute a violation of this article.

9.205. DRIVING OVER FIRE HOSE.

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

(1976 SC Code §56-5-3850).

9.206. OPENING FIRE HYDRANTS.

It shall be unlawful for any unauthorized person to interfere with or open for any purpose whatever any fire hydrants of the town, except in case of fire, without first having obtained a proper permit to do so from the local water authority.

9.207. BURNING TRASH.

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

9.208. FIRE HAZARD UPON LOTS, BUILDINGS, PREMISES; ACCUMULATION, GROWTH, ETC.

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

b. Any person who shall fail, within seven (7) calendar days of a notice, to eliminate a fire hazard, upon conviction, shall be guilty of a misdemeanor.

9.209. FIRES NEAR BUILDINGS.

It shall be unlawful for any person to build or ignite a fire within the corporate limits that would endanger any property or building.

ARTICLE III. FIRE DISTRICT

Editor's Note. Section 5-25-1110 of the 1976 South Carolina Code of Laws requires every municipality in this state to pass an ordinance "...establishing and defining fire limits, which shall include the principal business portion of the city or town." (Emphasis supplied.)

9.301. FIRE DISTRICT DEFINED.

The area designated by the Town Council and shown on a map and which filed with the Town Clerk shall constitute the fire limits.

(YQ 50.f)

ARTICLE IV. FIREWORKS

Editor's Note. This article derives from SC Code §23-35-10, et seq. and generally accepted municipal practices.

9.401. FIREWORKS DISPLAYS. PERMITS. REQUIREMENTS.

a. Any person who desires to hold a fireworks display shall first obtain a permit from the Mayor and Council, in triplicate. The manufacturer or wholesaler supplying the fireworks display material shall retain one (1) copy of the permit and the person putting on the display shall retain one (1) copy. One (1) copy shall be forwarded to the State Fire Marshal's office.

b. All fireworks display materials shall be purchased through a manufacturer or wholesaler licensed the South Carolina who will supply insurance protection for any accidents that might take place during the display, except as otherwise provided for in this article.

c. Any display requiring shells to be fired from mortars or set pieces more than sixteen (16) feet high shall be classified as Type "A" and, when such display is used, an experienced fireworks operator shall be in charge for the protection of spectators. Any display commonly called a local or family display, which includes no uncased shells and no shell larger than regular one hundred (100) aerial or set pieces larger than ten (10) feet, may be fired by persons putting on the display who shall assume responsibility for insurance.

d. No commercial fireworks item such as "Cherry Bombs", T-N-T, M-80's or other domestic items of commercial fireworks or a similar type shall be considered as display fireworks.

9.402. TOY CAPS AND SIMILAR DEVICES EXCEPTED.

The term "fireworks" shall not include toy paper pistol caps which contain less than twenty-five hundredth grains of explosive compounds; toy pistols, toy canes, toy guns or other devices using paper caps and the sale, and use of these items shall be permitted at all times.

9.403. OTHER EXCEPTIONS.

Nothing in this article shall apply to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation; to illumination devices for photographic use; to the military or naval forces of the State or United States; to peace officers; to the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes.

9.404. PERMISSIBLE FIREWORKS.

Nothing in this article shall be construed to prohibit the shipping, sale, possession and use of fireworks for public displays. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as "Class B Fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.

9.405. PERMISSIBLE SALE OF FIREWORKS.

It shall be unlawful for persons to possess, sell, offer for sale, store or transport any fireworks other than the permissible fireworks enumerated in Section 23-35-10 of the 1976 South Carolina Code of Laws.

9.406. SALE TO MINORS.

It shall be unlawful to offer for sale or to sell permissible fireworks to children under the age of fourteen (14) years unless accompanied by a parent or guardian.

9.407. RESTRICTIONS.

It shall be unlawful:

1. To explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum or public school; provided, however, that this provision shall not apply to the Shrimp Festival;
2. To explode or ignite fireworks within seventy-five (75) feet of where fireworks are stored, sold or offered for sale;
3. To ignite or discharge any permissible fireworks within or throw the same from any motor vehicle; and
4. To place or throw any ignited fireworks into or at any motor vehicle.

9.408. IDENTIFICATION AND MARKING.

No common fireworks permitted in this article shall be sold, offered for sale, possessed, stored or used, unless they shall be properly marked to conform to the nomenclature thereof and unless certified as "Common Fireworks" on all shipping cases and by imprinting on the article to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

9.409. RETAIL HANDLING. STORAGE.

Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store.

ARTICLE V. FIREMEN'S INSURANCE AND INSPECTION FUND

Editor's Note. This article summarizes the requirements of §23-9-310 of the SC Code that provides for the use of the funds received by a municipality from the Firemen's Insurance and Inspection Fund (FIIF). This article derives from those provisions, the 1990 Yemassee Town Code and Question 52 of the Yemassee Town Code.

Title 23, Chapter 9, SC Code requires any municipality receiving these funds to belong to the fund.

9.501. STATE FIREMEN'S ASSOCIATION. PAYMENT.

a. The Town of Yemassee is hereby declared to be a member of the State Firemen's Association as required for participation in the Firemen's Insurance and Inspection Fund.

b. The town shall pay to the Treasurer of the association five percent (5%) of the gross proceeds received annually from the one percent (1%) tax on fire insurance allocated to the town.

9.502. TRUSTEES. COMPENSATION.

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

c. They shall serve without compensation.

(YQ 52.a)

9.503. BENEFITS ACCEPTED.

The town hereby accepts the benefits of the Firemen's Insurance and Inspection Fund.

9.504. RECEIPT AND DISBURSEMENT OF FUNDS.

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

9.505. USE OF FUNDS.

a. Before any expenditure of funds in excess of one hundred dollars (\$100.00) can be made, it must be approved by the local trustees and the trustees of the State Firemen's Association.

(1976 SC Code §23-9-450)

("Accounting Manual, Firemen's Insurance and Inspection Fund," (Amended 1999)
(Page 8.B.1.d))

(Editor's Note. The editors were informed by the State Firemen's Association, during the preparation of this code, that this is a requirement of all participants in the FIIF.)

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

c. No funds shall be divided among the fire fighters in cash.

(1976 SC Code 23-9-460 as to "b" and "c" above.) (YQ 52)

9.506. AUTHORIZATION TO SIGN CHECKS.

All disbursements shall be by check and signed by the Fire Chief and the Town Clerk, to ensure accountability of all funds.

(YQ 52.b)

9.507. STATE FIRE MARSHALL REPORTS.

The Town Clerk shall submit a report to the State Fire Marshall annually, as required, on or before October 31 of each year.

(SC Code §23-9-340)

ARTICLE VI. PENALTIES

9.601. PENALTY.

a. Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)