

## CHAPTER 7

### FIRE PREVENTION AND FIRE PROTECTION

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## ARTICLE 1. IN GENERAL

### Sec. 7-1. FIRE LIMITS DEFINED

The fire limits of the town shall be in the town limits. *(Code 1991, 7-1)*

**STATE LAW REFERENCES** – *Municipal authority to establish fire limits*, SC Code 1976, 5-25-20; municipalities to pass fire limits ordinance, S.C. Code 1976, 5-25-1110.

### Sec. 7-2. INTERFERING WITH FIREFIGHTING, FIRE APPARATUS OR EQUIPMENT.

No vehicle shall follow any firefighting vehicle or allow his vehicle to be parked within one block, from any direction, of a fire, nor shall any person park or allow to be parked any vehicle within 15 feet of a fire hydrant at any time, or in front of the fire station entrance; nor shall any person run a vehicle or allow his vehicle to be run over a fire hose at any time or interfere in any manner with the fire department in the participation of their duties and whosoever. It is further hereby expressly provided that the Fire Chief of the volunteer fire department be authorized to arrest any person violating any section of this chapter.

*(Code 1991, 7-2)*

**STATE LAW REFERENCES** – *Parking near a fire hydrant*, S.C. Code 1976, 56-5-2530; following fire equipment, S.C. Code 1976, 56-5-1960.

### Sec. 7-3. OPEN BURNING AND OUTDOOR BURNING.

- (a) **Purpose.** This section is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Blacksburg South Carolina, by regulating the air pollution and fire hazards of open burning and outdoor burning.
- (b) **Applicability:** This section applies to all outdoor burning and open burning within the Town limits of Blacksburg:
1. This section does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
  2. This section does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
  3. This section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
  4. This section does not restrict the use of a patio wood-burning unit when used for recreational use and burning clean wood. This exemption does not apply to bonfires and/or fire barrels.
- (c) **Severability:** Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall remain in full force and effect.
- (d) **Definitions:**
1. **"CAMPFIRE"** means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
  2. **"CLEAN WOOD"** means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
  3. **"CONSTRUCTION AND DEMOLITION WASTE"** means building waste materials, including but not limited to, waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics,

packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

4. "**FIRE CHIEF**" means the Chief of the Blacksburg Volunteer Fire Department.
  5. "**MUNICIPALITY**" means the Town of Blacksburg.
  6. "**OUTDOOR BURNING**" means open burning or burning **IN** an outdoor wood-fired boiler or patio wood-burning unit.
  7. "**OPEN BURNING**" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. Open burning includes burning in a burn barrel.
  8. "**OUTDOOR WOOD-FIRED BOILER**" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
  9. "**PATIO WOOD-BURNING UNIT**" means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
  10. "**REFUSE**" means cold ashes, cans, dirty rags, trash, house sweepings, paper materials, bottles, and other similar materials.
  11. "**TRASH**" means rubbish, useless or unwanted waste or rejected matter.
- (e) *General prohibition on outdoor burning and open burning.* Open burning and outdoor burning are **PROHIBITED** in the Town of Blacksburg, South Carolina unless the burning is specifically permitted by this section.
- (f) *Open burning of refuse or trash.* Open burning of refuse or trash is **PROHIBITED**.
- (g) *Burning trees, logs, brush, stumps, leaves, and grass clippings.* Open burning of trees, logs, brush, stumps, leaves, and grass clippings are **PROHIBITED**.
- (h) *Agricultural burning.* Fires purposely set for agricultural control of diseases, weeds, pests, and for other specific agricultural purposes are **PERMITTED** if conducted in accordance with other applicable provisions of this section and meets all DHEC and forestry regulations. J
- (i) *Prescribed burning.*
1. "Prescribed burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.
  2. Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with applicable provisions of state and federal law.
- (j) *Outdoor wood-fired boilers.* An outdoor wood-fired boiler may be installed and used in the Town of Blacksburg, South Carolina only in accordance with all of the following provisions:
1. The outdoor wood-fired boiler shall not be used to burn refuse.
  2. The outdoor wood-fired boiler shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
  3. The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The fire chief may approve a lesser if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

(k) *Right of entry and inspection.* The fire chief or any authorized officer, agent, employee or representative of the Town of Blacksburg who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this section.

(l) Open burning is prohibited except as provided as follows:

1. Fires set for the cooking of food for human consumption if:
  - a. Contained within a device designed for the purposes of cooking food over open flame;
  - b. Kept from beneath or under a residence (or eaves);
  - c. Kept three (5) feet from any combustible material;
  - d. If the cooking fire is constantly attended until extinguished; and
  - e. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, shall be available for immediate utilization.
2. Fires set for recreational purposes if:
  - a. Contained within a device designed for the purpose of containing recreational fires to include: portable fire places, chimeras, grills, woodstoves, etc.;
  - b. Kept twenty-five (25) feet from any structure or combustible material;
  - c. If the recreational fire is constantly attended until extinguished; and
  - d. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, shall be available for immediate utilization.
3. Fires set in a pit for the cooking of food for human consumption if:
  - a. The total fuel area is three (3) feet or less in diameter and two (2) feet or less in height;
  - b. Kept twenty-five (25) feet from any structure or combustible material; and
  - c. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, shall be available for immediate utilization.
4. Fires set for the purpose of backfiring to contain previously ignited fires if performed by the organization responsible for fighting and containing the fire.
5. Fires set for the purpose of heating, construction or maintenance activities that use propane, acetylene, natural gas, gasoline or kerosene in a device intended for such use.
6. Fires set for the purpose of instruction and/or training of firefighters.

(m) The fire department, police department, and fire code officials are authorized to order the extinguishment of any fire that violates the provisions of this ordinance or creates a public nuisance.

#### **Sec. 7-4. FIRE MARSHAL.**

The chief of the fire department or his designee shall be the fire marshal for the city and shall perform the duties prescribed in S.C. Code 1976, § 23-9-360.

**State Law reference**— Appointment of fire inspector prerequisite to participation in firemen's insurance and inspection fund, S.C. Code 1976, § 23-9-360.

**Sec. 7-5. FIRE PROTECTION REQUIREMENTS FOR HOTELS.**

The provisions of S.C. Code 1976, §§ 45-5-30 through 45-5-70, which provisions relate to fire extinguishers, fire escapes and other safety precautions for hotels, are hereby adopted for the town and by reference fully and completely incorporated herein and made a part hereof, and same shall be fully applicable in the town.

**Sec. 7-6. INVESTIGATION AND REPORT OF FIRES.**

The town's fire marshal shall hold an inquiry into the origin of every fire occurring within the limits of the town, and in this connection may send for persons and papers, subpoena witnesses and compel attendance as may magistrates of the state. After making a complete inquiry upon such fire, the town's fire marshal shall make a report in writing to the state fire marshal upon blanks to be furnished by such marshal, showing how, in his opinion, the fire originated.

**State Law reference**— Similar provisions, S.C. Code 1976, §§ 5-25-160, 5-25-170.

**Sec. 7-7. FALSE FIRE ALARMS; INTERFERING WITH ALARM SYSTEM.**

It shall be unlawful for any person to give or cause to be given a false alarm of fire, or to pull the slide of any signal box, except in case of fire.

**State Law reference**— Interfering with fire alarm system, S.C. Code 1976, § 16-17-570.

**Sec. 7-8. TESTING AND MAINTENANCE OF FIRE HYDRANTS.**

The Town of Blacksburg Water Department shall annually test fire hydrants and remove any grass or debris from around them, and shall ensure that same are in proper working order and available for use if needed. Maintenance of the hydrants shall be the responsibility of the Town of Blacksburg Water Department.

**Sec. 7-9. ENFORCEMENT AND REMEDIES.**

- a. The fire chief, fire marshal, police officer, and building codes official are authorized to enforce the provisions of this Chapter.
- b. Any person, firm, association, partnership, corporation, or entity who violates any of the provisions of this Chapter or fails to comply with a duly authorized Order issued pursuant to this section shall be guilty of a misdemeanor which shall be punishable by a fine not to exceed \$500.00 and/or imprisonment not to exceed 30 days. These violations are in addition to any state violations for fireworks and any zoning or building code enforcement of lock box and related provisions in Article III hereof.

Sec. 7-10. – Section 7-20 Reserved

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**ARTICLE 2 FIREWORKS**

**Sec. 7-21. DISCHARGE OF FIREWORKS PROHIBITED IN FIRE LIMITS**

- (a) It shall be unlawful for any person to use, fire, shoot, or discharge any fireworks and/or explosive of whatever nature within the town except persons may discharge, or explode, any roman candles, firecrackers, or any class of fireworks, or any explosive compound within the town limits on Christmas Eve Day until January 1<sup>st</sup> of each calendar year and July 4<sup>th</sup> within the hours of 10:00 a.m. until midnight; provided, however, that the town council may issue a permit allowing discharge of such fireworks for special events, when said event is for the benefit and enjoyment of the attending public.

(Code 1991, 7-21; Ord. No. 2006-08, 1, 8-8-2006)

**State law reference** - Fireworks and explosives, S.C. Code 1976, 23-35-10et Seq.

**Sec. 7-22. PUBLIC DISPLAY**

- (a) **Permit Required.** Any person desiring to hold a public display of fireworks shall first secure from the town council a written permit to hold such display prior to the date of the display. The fire marshal shall provide a recommendation to town council on each permit application. No permit shall be issued to allow any public display of fireworks within the fire limits, or at any location whereby, in the judgment of council, life or property may be endangered.
- (b) **Fee.** A fee for fireworks public display permit may be set by the council from time to time which fee shall be on file in the clerk and/or treasurer's office.

(Code 1991, 7-22)

**Sec. 7-23. LICENSE FOR WHOLESALERS, JOBBERS, AND RETAILERS.**

- (a) Each wholesale distributor of fireworks and each jobber selling fireworks in the town shall be required to purchase an annual license from the town. A "wholesale distributor" is defined as a person selling fireworks to licensed jobbers or licensed retailers. A "jobber" is defined as a person selling fireworks to licensed retailers.
- (b) Each retailer selling fireworks shall be required to procure from the town an annual license, which shall authorize the licensee to sell permissible fireworks. No person may be issued a retail license in the town who is not already licensed by the state tax commission for sales tax purposes and who has not held such sales tax license from the state tax commission for at least 60 days.
- (c) The licenses referred to in this section shall be issued by the city on such forms as the city may determine.

**Sec. 7-24. UNLAWFUL ACTS INVOLVING FIREWORKS.**

- (a) The provisions of S.C. Code 1976, § 23-35-10 et seq., as amended, and the state regulations adopted pursuant thereto, are hereby adopted by reference. Violation of any of the aforesaid provisions shall be unlawful.
- (b) In addition, it shall be unlawful:
  - ( 1.) To offer for sale or to sell permissible fireworks to children under the age of 14 years, unless accompanied by a parent.
  - ( 2.) To explode or ignite fireworks within 600 feet of any church, hospital, asylum or public school without a permit to do so issued by the state fire marshal and the city.
  - ( 3.) To explode or ignite fireworks within 75 feet of where fireworks are stored, sold or offered for sale.
  - ( 4.) To ignite or discharge any fireworks within or throw the same from any motor vehicle.

( 5.) To place or throw any ignited fireworks into or at any motor vehicle.

**Sec. 7-25- Sec. 7-49. Reserved**

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**ARTICLE III. - FIRE DEPARTMENT LOCK BOX (KNOX BOX)**

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**Sec. 7-50. FIRE DEPARTMENT LOCK BOX—REQUIRED.**

- (a) The owner or person in control of the following types of buildings shall install and maintain a fire department lock box of a type approved by the fire chief:
  - 1.) Any apartment building or other rental building containing four or more residential living units and in which access to the building or to common areas or mechanical or electrical rooms within the building is denied through locked doors.
  - 2.) Any non-residential building that access is not available 24 hours a day by staff that has access to all areas in the structure.
  - 3.) All government buildings.
  - 4.) As used in this article, the term "person in control" shall include manager, agent, and any other person charged with overall maintenance of the building.
- (b) Persons or entities who own existing buildings or structures as described in subsection 7-50(a)(1) above, shall be subject to the requirements of this chapter upon the entire structure being vacant for more than six months or the structure occupancy classification changing.
- (c) Persons or entities who own existing buildings or structures as described in subsections 7-50(a)(2) and (3) above, shall be subject to the requirements of this chapter upon a change of occupancy classification or when the applicable area vacant for more than six months.
- (d) Persons or entities who construct buildings or structures which would be subject to the requirements of this chapter shall comply with the requirements at the time of construction. No town occupancy permit or business license will be issued until these requirements are met.

**Sec. 7-51. KEYS REQUIRED; LOCATION.**

- (a) The owner or person in control of buildings or facilities described in section 7-50 required to have a fire department lock box shall cause to be placed in such lock box a key to the following areas:
  - 1. Locked points of access to the exterior of the building or facility;
  - 2. Locked points of access to common areas, such as hallways or utility rooms, contained within such buildings or facilities;
  - 3. Locked mechanical rooms;
  - 4. Locked electrical rooms;
  - 5. Fire Sprinkler rooms;

6. All other locked areas, other than individual apartments or rented rooms, as determined by the fire chief.
- (b) The location of the fire department lock box shall be approved by the fire chief or designee prior to installation and shall comply with the following criteria:
1. The lock box shall be located at or near the recognized main public entrance on the exterior of the structure.
  2. The lock box shall be located at a height of not less than four feet and not more than six feet above finished floor grade of location where the firefighter stands to access the lock box.
  3. The lock box may be connected to the NFPA 72A fire alarm control panel where provided. Wiring for the connection shall be supervised as required by NFPA 72A. The lock box shall be connected in such a manner that tampering or opening the box shall produce an alarm signal.

**Sec. 7-52. ACCESS TO FIRE DEPARTMENT LOCK BOX.**

The owner or person in control of any building or facility described in section 7-50 required to have a fire department lock box shall be present during access to such lock box by the fire department except when the fire department has responded to an emergency at the property.

**Sec. 7-53. RULES AND REGULATIONS.**

The chief may establish rules and regulations for the placement and maintenance of fire department lock box within the town, including approved types of fire department lock box.

**Sec. 7-54. UPDATE OF KEYS AND INFORMATION.**

The owner or person in control of any building or facility described in section 7-50 required to have a fire department lock box shall do the following:

1. Provide keys capable of access to such fire department lock box at all times to the fire department.
2. Maintain current information of hazardous materials stored in the building or facility in easy access to the fire department.
3. Maintain up to date emergency contact information on file with fire department.

**Sec. 7-55. RESTRICTED ACCESS TO PROPERTIES.**

Any property that restricts access from the public right-of-way on to the property by a manual or mechanical gate must install means for fire department to enter, including the following:

1. If a manual gate is present, then a lock that meets the approved key system adopted by the fire chief is required.
2. If an electronic gate is present, then a means for fire department to control the gate with approved key system adopted by the fire chief is required.



**Sec. 7-56. FDC AND STANDPIPE CONNECTIONS.**

Structures that have a sprinkler or standpipe system are required to install locking FDC (fire department connection) caps on all connections (intake and discharge) for all water-based fire protection systems approved by the fire chief. On new construction these caps and/or plugs must be installed before the issuance of a certificate of occupancy. On existing systems, these caps or plugs shall be installed when a change of occupancy classification occurs or the entire area protected by sprinklers or standpipes is vacant for more than six months. No business license or certificate of occupancy will be issued until this is completed.

The owner of the building where such system is located shall be responsible for notifying the fire department when inspection, testing, or maintenance of any such fire protection equipment is performed.

**Sec. 7-57. — Sec. 7-100. Reserved**