

# IV. FMO Policies

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# Fire Inspection Policy

04.01

## 1. Purpose

- A. The purpose of this procedure is to address the conduction of fire code inspections, time periods for the correction of violations and the issuance of civil penalties for violations thereof.

## 2. Inspector Duties and Responsibilities

- A. Each fire inspector is charged as his/her duty to inspect occupancies within the City of Concord to the best of their abilities and to enforce with fairness and consistency, the North Carolina Fire Prevention Code. As part of these duties it is required that the inspector issue civil penalties for violations of the code when these hazards are not corrected in the manner specified herein.

## 3. Authority to Conduct Inspections and Inspection Schedule

- A. The authority for Fire Marshal's Office personnel to conduct Fire Inspections is authorized by North Carolina General Statute 160A-424.
- B. Fire Inspections shall be conducted according to City Ordinance 34 -85 and the North Carolina State Fire Code Inspection Schedule as follows:

Once every year	Hazardous, institutional, high rise, assembly and residential except one- and two-family dwellings and only interior common areas of dwelling units of multifamily occupancies
Once every two years	Industrial and educational (except public schools)
Once every three years	Business, mercantile, storage, churches and synagogues

## Initial Inspection Process

- A. The maintenance of the Firehouse Occupancy Module and scheduling of fire inspections shall be the responsibility of the Bureau Secretary. At the beginning of each month an inspection schedule shall be given to each fire inspector detailing what occupancies are due to be inspected during the month.
- B. It shall be the responsibility of the fire inspector to arrange his/her daily schedule and the subsequent periodic inspections and re-inspections to be conducted during the month.
- C. Upon making a fire inspection of an occupancy the fire inspector shall present proper credentials and request from the owner, occupant or other person responsible the permission to conduct an inspection.
- D. During the inspection if possible the owner, occupant or other person responsible shall accompany the fire inspector on the tour of the building.
- E. When violations of the Fire Code are found the fire inspector shall note the violations on the inspection form and explain to the owner, occupant or other person responsible the reasons why the item found is a violation. The fire inspector shall explain what is to be done to correct the violation and any alternatives for the correction of the item.

- F. Upon completion of an inspection the fire inspector shall conduct a closing interview with owner, occupant or other person responsible. The fire inspector shall thoroughly explain each item found and noted on the inspection report and all available alternatives for the correction of items.
- G. During the closing interview a copy of the inspection report listing the violations is to be provided to the owner, occupant or other person responsible. The inspection report shall list the violations of the Fire Code and state the subsequent re-inspection date for the occupancy. In usual practice the inspector will issue an inspection report and return for a re-inspection after at least 30 days.
- H. If the responsible party is unknown or not available the inspector may leave a copy with the person in charge of the premises or the current occupant. Failure to deliver an inspection report or notice to the owner, if other than the occupant, shall not invalidate such order or notice.
- I. When buildings or other premises are occupied by one other than the owner under a lease or other agreement, the inspection report shall apply to the occupant. Exceptions to this rule may be granted on a case-by-case basis at the discretion of the Bureau Chief.

## 5. Re-inspections

- A. The fire inspector should as close as possible return to complete a re-inspection within 5 working days of the re-inspection date noted at the initial inspection of an occupancy.
- B. Upon making a re-inspection of an occupancy the fire inspector shall present proper credentials and request from the owner, occupant or other person responsible the permission to conduct an inspection.
- C. During the re-inspection if possible the owner, occupant or other person responsible shall accompany the fire inspector on the tour of the building.
- D. Upon completion of the re-inspection the fire inspector shall conduct a closing interview with owner, occupant or other person responsible. The fire inspector shall thoroughly explain each item found not to be corrected. Outstanding violations shall be noted on a new inspection form.
- E. During the closing interview a copy of the re-inspection report listing the outstanding violations is to be provided to the owner, occupant or other person responsible. The re-inspection report shall list the violations of the Fire Code and state the subsequent re-inspection date for the occupancy.
- F. If at the time of the 2<sup>nd</sup> inspection trip violations have not been corrected the inspector will notify the owner, occupant or other person responsible that a 3<sup>rd</sup> inspection trip will occur after a period of 30 days.
- G. The fire inspector should return to complete a 3<sup>rd</sup> inspection trip upon the expiration of the re-inspection date noted at the 2<sup>nd</sup> inspection trip of an occupancy. If the violations have not been corrected the inspector will notify the owner, occupant or other person responsible that a 4<sup>th</sup> inspection trip will occur after a period of 10 days and a civil penalty will be issued if the violations have not been corrected.
- H. At the time of 3<sup>rd</sup> inspection trip the fire inspector shall inform the owner, occupant or other person responsible that an extension of time may be requested in writing, with supporting documentation if the occupant or person in charge feels that the violations will not be corrected by the time of the 4<sup>th</sup> inspection trip. Request for extensions shall be made to the Bureau Chief.

- A. The fire inspector should return to complete a 4<sup>th</sup> inspection trip upon the expiration of the re-inspection date noted at the 3<sup>rd</sup> inspection trip of an occupancy.
- B. If upon the 4<sup>th</sup> inspection trip outstanding violations have not been corrected and no extension request letter is available the inspector shall issue a civil penalty and notify the owner, occupant or other person responsible that additional civil penalties will apply if the hazard is not corrected. At this time the inspector will notify the occupant that a 5<sup>th</sup> inspection trip will occur.
- C. If the owner, occupant or other person responsible presents a letter requesting additional time with supporting documentation of hardship the inspector will not issue a civil penalty but forward the request to the Bureau Chief for consideration.
- D. If the request for extension is rejected the inspector will as soon as possible notify the owner, occupant or other person responsible of the denial and issue a civil penalty.
- E. If a 5<sup>th</sup> inspection trip is necessary and violations have not been corrected and/or fines not paid the fire inspector shall notify the owner, occupant or other person responsible that court proceedings will be sought and additional Civil Penalties will be imposed.
- F. Additional re-inspections shall be according to court orders and time constraints imposed by the courts.

#### **6. Approving Variances by Extending Time**

- A. Additional time may be granted to complete repairs or correct hazards if a request is providing in writing and documentation is provided of hardship.
- B. Valid reasons for granting expended time are as follows:
  - i. Parts were ordered in a timely manner but are on back order.
  - ii. Occupant has contracted to have work done but contractor cannot come until after the 70 day period has expired.
- C. All items on the inspection form, which could have been corrected, must have been corrected before consideration will be given for any items remaining.
- D.
- E. If in the opinion of the inspector the occupant or owner has made a good faith effort to correct all items additional time may be granted up to 90 days. Subject to approval of the Bureau Chief.
- F. Major items requiring budget approval may be deferred to the next budget year if approved and the risk involved in allowing the condition is not substantial.

#### **7. Advanced Notice**

- A. Advanced notice of initial fire inspections is to be given to the occupant in order to provide for a more thorough and complete fire inspection.
- B. Each inspector is responsible to provide advance notice to the occupancies he/she is to inspect by arranging for the bureau secretary to mail such notice to each of the occupancies.
- C. Advanced notices shall not give a specific date of inspection but shall give a time period in which the inspection will take place (i.e. month and/or week).

#### **.8. Civil Penalties & Issuance of Citations**

- A. The fire inspectors of the Concord Fire Marshal's Office are authorized to issue notices of violation (Civil Penalties, citations) when they have reasonable cause to believe that any person or condition has violated any provision of the state fire code.
- B. Civil penalties (citations) are to be written on the booklets provided and copies distributed as listed on the bottom of the form. (One copy to the recipient, one copy to Fire Marshal's Office, and one copy for the inspector.)

- C. Civil penalties must be issued to City departments, County government and the School system equally as in the private sector with no exceptions.
- D. Civil penalties must be issued with consistency. Each inspector is responsible to be consistent in the application of civil penalties and consistent with the bureau as a whole in its interpretation of code requirements.
- E. Copies of the Civil Penalty must be forwarded to the Bureau Secretary the day issued or the following morning.

### **9. Testing the Validity of Violations**

- A. Before issuing a Civil Penalty for violations of the fire code each inspector should consider the following questions. Based upon his or her answer to these questions the inspector may find it advisable to question supervisory staff before issuing the citation.
  - i. Have two inspections occurred with written notice and signature?
  - ii. Has the business had 70 days time to correct the hazard?
  - iii. Has the business provided a letter requesting more time including documentation of hardship?
  - iv. Is the item listed on the inspection form a valid hazard?
  - v. Is there a code reference for the hazard listed?
  - vi. Is the violation one listed in policy as receiving an instant penalty?
  - vii. Is the violation a repeat violation?
  - viii. Is the violation a past event or action

### **10. Instant Civil Penalties**

- A. In some instances violations of the fire code will be issued civil citations without any prior notice.
- B. These violations include the following:
  - i. Fire protection system failure without fire watch,
  - ii. Rendering fire protection systems inoperative intentionally,
  - iii. Egress violations,
  - iv. Imminent hazards,
  - v. Repeated violations,
  - vi. Conditions which would not ordinarily be detected or are not likely to be discovered should the violation occur again and
  - vii. Those violations, which are events or actions and incentive is needed to assure a repeat will not occur.
  - viii. Failure to maintain fire protection systems as required between inspections,

### **11. Facsimile Correction Notices**

- A. Violations found in occupancies may be cleared by the occupant or responsible party returning a copy of the Hazard Correction Facsimile sheet printed on the back of the inspection report.
- B. Only minor violations may be cleared using a fax correction sheet. (i.e. Exit sign bulbs, extinguisher tag expired, bulbs out on emergency light etc. )
- C. If a minor violation is cleared due to a fax correction sheet and the hazard is not corrected, upon finding the uncorrected condition, the inspector shall issue a civil penalty for the violation.

### **12. Amount of Civil Penalties**

Refer to current Fine and Fee Schedule.

# No Interior Fire Attack Policy

04.02

## Purpose

The purpose of this Policy to provide for the safety, health, protection and general welfare of public safety personnel and the citizen's of the City of Concord by requiring vacant, abandoned, and unsafe buildings to be repaired, secured or demolished and removed.

Vacant and abandoned buildings not properly secured at doorways and windows serve as an attractive nuisance for young children who may be injured therein, tend to attract persons intent on criminal activity such as the illicit sale of drugs, and serve as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent and/or insect infestation, thereby creating a health menace to the community.

Buildings and structures may become unsafe by reason of damage by fire, vandalism, neglect, age, the elements or general deterioration. Debris, rubble or parts of buildings left on the ground and not removed constitute a dangerous, unhealthy and unsightly condition.

Furthermore, unsafe buildings pose a threat to the lives and safety of firefighters, law enforcement and other emergency services personnel dispatched to control fire, rescue and law enforcement incidents occurring within these structures.

## Definitions

As used in this policy, the following terms shall have the meanings indicated:

**ABANDONED BUILDING** – A building or structure that has been deserted, forsaken or ceded where no viable owner or an absentee landlord can be identified and/or contacted.

**BUILDING/STRUCTURE**- Any buildings, mobile home, structure or portion thereof used for residential, business, commercial, industrial, recreational or other purpose.

**CODE ENFORCEMENT OFFICER/INSPECTOR** - The Code Enforcement Officer of the City of Concord or such other person appointed by the City of Concord to enforce the provisions of Article IV - Chapter 14 of the City of Concord Ordinances, North Carolina General Statutes (N.C.G.S.) and North Carolina Fire Prevention Code.

**PORTION OF BUILDING OR STRUCTURE** - Any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty:

**UNSAFE BUILDING OR STRUCTURE** - Any building, structure or portion thereof which:

1. Because of its structural condition is or may become dangerous or unsafe to the public;
2. Is open at the doorways, windows or walls making it an object of attraction to minors under 18 years of age as well as to vagrants and other trespassers;
3. Is or may become a place of rodent or insect infestation;
4. Consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty;
5. Presents any other danger to the health, safety, and general welfare of the public.

**VACANT BUILDING** - A building or structure that is unoccupied where a viable owner (i.e. one that is interested in the property) can be easily identified and contacted.

## **Maintenance of Buildings and Structures**

It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the City of Concord to maintain such building or structure or portion of any building or structure in any condition or manner which shall be unsafe Article IV - Chapter 14 of the City of Concord Ordinances, North Carolina General Statutes (N.C.G.S.) and North Carolina Fire Prevention Code.

### **Procedure**

This policy may be instituted in cases where the following instances, conditions and/or circumstances exist. This is included but not limited to;

1. Citizen complaint,
2. Private enterprise complaint,
3. Other municipal or government entity referral,
4. Periodic fire inspection,
5. Emergency incident or natural disaster,
6. Any imminent hazard that endangers the health and/or welfare of the general public.

Upon policy institution, the Fire Marshal's Office shall record all information pertaining to the complaint. The following minimum information shall be obtained:

1. The name, address and affiliation of the party reporting the complaint;
2. The name, address, phone number and any other information pertaining to the address of the complaint;
3. The conditions observed by the party they believe to indicate the structure or structures are unsafe;
4. Any owner or occupant information if known.

Once the above information has been obtained the Fire Marshal's Office shall notify the City of Concord Code Enforcement and Cabarrus County Building Inspections Department of the complaint and assign the investigation of the complaint to a Fire Marshal's Office Inspector.

Upon being assigned, the inspector shall begin an investigation of the incident. The inspector shall follow the requirements set forth in this policy.

## Inspection Protocol

The inspector shall attempt to contact the property owner/representative and notify them of the complaint (N.C.G.S. 160A-443). If contact is made, the inspector shall request an appointment to conduct an inspection of the property. The City of Concord Code Enforcement and Cabarrus County Building Inspections Department shall be notified of the date of the inspection and a Building Inspector shall be requested to be present at the time of inspection.

1. If possible, the property owner or representative shall accompany the inspector during the inspection.
2. If permission to conduct the inspection is refused, an Administrative Search Warrant shall be procured and duly served prior to the inspection (N.C.G.S. 15-27.2).

Upon arrival the inspector shall:

1. Meet with the property owner or representative and request permission to enter the building/structure and conduct an inspection,
  - A. If possible, the property owner or representative shall accompany the inspector during the inspection.
  - B. If permission to conduct the inspection is refused, an Administrative Search Warrant shall be procured and duly served prior to the inspection (N.C.G.S. 15-27.2).
2. Dress in the appropriate Personal Protective Equipment (PPE) needed to ensure personal protection during the investigation. PPE may include hardhat, eye protection and/or gloves to safeguard the inspector from an injury during the inspection,
3. Use nationally recognized practices in the conduction of the investigation of the complaint,
4. Document any deficiencies, hazards or unsafe conditions found during the inspection. Suggest proper methods and alternative methods to correct deficiencies, hazards or unsafe conditions shall also be thoroughly explained,
5. Utilize the Fire Marshal's Office inspection form to record any deficiencies, hazards or unsafe conditions found during the inspection.
6. Utilize photographs and photo logs to adequately supplement documentation of the inspected property,
7. Upon completion of the inspection, notify, in writing, the property representative of findings of fact,
8. The notice of findings and facts shall include: notice of the unsafe conditions, time period for which these items must be corrected, penalties for enforcement and notice of subsequent appeal procedures,
9. Ask owner or representative to sign the inspection form at the end of the inspection. Leave a copy of the inspection form with the owner/representative. If the owner/ representative refuse to sign the inspection form, the inspector shall note the refusal on the form and leave a copy.

If the property owner or representative cannot be identified or contact cannot be made the inspector shall attempt to notify the property owner or representative by registered mail. If an owner or representative cannot be identified or found the inspector shall:

1. Obtain and serve an Administrative Search Warrant at the building/structure. The search warrant shall be obtained and served in accordance with N.C.G.S. 15-27.2,
2. Upon the serving of the Administrative Search Warrant, the inspector shall conduct the inspection in accordance with items 2-8 above,
3. The inspector shall notify, in writing, the property owner or representative by registered mail of the findings of fact,
4. If the property owner or representative cannot be identified or contacted and the building/structure cannot be repaired, secured or demolished, it shall be condemned. An additional registered letter shall be mailed to the property owner or representative outlining the findings of fact and the procedures to be followed during the condemnation proceedings,
5. Condemnation proceedings shall follow the requirements outlined in City Ordinance Article IV, Sections 14-85 through 14-94.

Vacant and abandoned buildings/structures shall be secured in accordance with North Carolina Fire Prevention Code Section 311 and the methods employed to secure such buildings shall be consistent with the methods outlined in the International Association of Arson Investigators/United States Fire Administration Abandoned Building Project Booklet. Upon request, a copy of the International Association of Arson Investigators/United States Fire Administration Abandoned Building Project Booklet shall be made available to the building/structure owner or representative.

If the structure, portion of a structure, wiring or HVAC system is found to be condemnable, the building(s) shall be deemed to be an Unsafe Building or Structure pursuant to N.C.G.S.160A-426 and the inspector shall affix, in a conspicuous location, a "No Interior Fire Attack" sign to the exterior of the building. If necessary, the inspector shall affix several signs in conspicuous locations on the building exterior to alert firefighters of the hazardousness of the structure.

If the building is vacant and/or abandoned, Section 308.2 of the North Carolina Administrative Enforcement Code authorizes the inspector to disconnect utilities to any building(s) deemed to be an Unsafe Structure. The owner/representative shall be notified of the decision to disconnect electrical service utilities. The City Electrical Department shall also be notified of the decision to disconnect electrical service utilities.

If any occupant fails to comply with an order to vacate a *residential dwelling*, the inspector may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding (N.C.G.S. 160A-443 (7)).

The condemnation of structures located within the City Limits of Concord shall be jointly enforced by the Concord Fire Marshal's Office, City of Concord Code Enforcement and the Cabarrus County Building Inspections Department. Condemnation enforcement procedures by the Fire Marshal's Office shall be enforced by City Ordinance Article IV, Sections 14-85 through 14-94.

### **Records and Reports**

The inspector shall document the condition of the structure by filling out a "Vacant/Abandoned Building Evaluation Form". The completed form shall be placed in the Occupancy Master File for the structure. All notes, paperwork, photo logs, 35mm photos or digital photo storage media, inspection forms, search warrant forms any other paper files are to be sent to the Fire Marshal's Office for storage.

A record of the inspection shall be entered into the Firehouse Software Occupancy Module and any digital photos and/or other digital documentation shall be placed on the Investig8 server folder. A photo log for all 35mm and digital photos shall be documented in the Investig8 server folder.

Inspection reports and other associated documentation shall be submitted as soon as possible, but no more than three days from the time of the date of inspection. Inspectors will be responsible for conducting any follow up inspections as needed.

Upon identification of a building/structure deemed "No Interior Fire Attack", Concord Emergency Communications shall be notified by the Fire Marshal's Office of the posting. This notification shall be entered into the CAD premises information for the building/structure address.

Copies of the "Vacant/Abandoned Building Evaluation Form", photographs and other documentation of the buildings/structures deemed as "No Interior Fire Attack" shall be forwarded by the Fire Marshal's Office to the Fire Operations Division of the Fire Department and Concord Police Department.

The Fire Operations Division shall ensure that all suppression personnel are properly informed of buildings/structures determined to be "No Interior Fire Attack".

Communications shall notify responding responders of a "No Interior Fire Attack" designation upon dispatch to a building/structure that has been deemed "No Interior Fire Attack".

### **Emergency Guidelines**

Emergency Operations For Buildings/Structures as Defined:

1. Vacant Building/Structure
2. Abandoned Building/Structure
3. "No Interior Fire Attack"

It is without question that life safety is the highest priority given to any emergency operation. It is with this concern that **Incident Commanders** must evaluate the risk versus benefit in formulating their **Action Plan**. Buildings/ structures that are **vacant, abandoned,** or designated “**No Interior Fire Attack**” will usually have a low potential for civilian victims and a high injury risk to firefighters. Therefore, **Incident Commanders** must take in account the safety of all personnel at the fire scene. Interior operations are not mandated in these types of properties. Entry should be an option, not an obligation.

### **1. Vacant Building/Structure**

Personnel arriving **First On-Scene** and assuming the role of **Incident Command (IC)** of a vacant building/structure in reference to actual reports of fire or fire alarm activations should consider the following in the mitigation of these type incidents.

When personnel establish command at vacant buildings/structures an immediate assessment of the property should begin. This assessment, along with sound tactical judgment should assist in formulating an **Action Plan** with direct consideration of the properties structural integrity and overall condition. Consideration should include, but not limited to:

- a. Age of Building
- b. Type of Construction
- c. Obvious Hazards
- d. Risk/Benefit Analysis

If there are **No** visible signs of fire or other hazards, the IC should initiate an investigational approach that utilizes a team or teams of personnel to perform a through walk-around of the building/structure. This course of action will assist the IC in prioritizing the need for physical entry. If the investigation reveals that there are **NO** immediate threats of fire or other life safety concerns, the IC should consider contacting a key holder for entry into the property. If a key holder is unavailable and observation of the building/structure does not reveal conditions necessitating immediate action by life safety personnel, the property should be tagged utilizing a card/note advising the owner/landlord to contact the City of Concord Fire Marshals Office. This should be followed-up by the IC or his designee notifying the Fire Marshals Office via e-mail as soon as possible after returning from the incident. If entry is made, either by the assistance of a key holder or by forcible entry applications, operations on the interior should not be taken lightly. Extreme caution should be exercised at all times. The use of Thermal Imaging Camera's, lighting equipment, ropes, etc. should be considered to perform interior functions. If entry by life safety personnel is initiated, the IC should utilize standard guidelines consistent with the operation of personnel on the interior of buildings/ structures.

Consideration should include, but not limited to:

- a. Accountability
- b. Rapid Intervention
- c. Safety

If upon arrival or during the investigation process the building/structure shows signs of possible or obvious fire conditions, the IC should initiate operations consistent with the strategies and tactics of structural firefighting. These strategies should include all areas discussed previously regarding a buildings/structures over-all condition and structural integrity. All standard-operating guidelines regarding safe fire ground operations should be strictly adhered. This includes the option of establishing a **Defensive Mode of Fire Attack** if conditions warrant.

It shall be the IC's option as to the commitment of life safety personnel to interior operations on vacant buildings/structures. This decision should be based on sound judgment of the Risk/Benefit analysis. A common sense approach should support that **"If It Doesn't Look Safe, It Probably Isn't"**

Response notification of essential personnel i.e.; Fire Investigator, Safety, EMS, Police, etc. should be consistent with **"Working Fire" Standard Operating Guidelines**. Notification of the property owner or responsible party should be initiated as soon as possible after operations have begun.

Upon arrival of the property owner or responsible party, all pertinent information concerning the building/structures condition, contents, and possible hazards should be ascertained and assessed. This information should be forwarded to the on-call investigator upon their arrival.

Should a non-fire related call for service involve a building/structure that appears to be abandoned or vacant and conditions portray obvious or possible safety concerns, notification should be made to the Fire Marshal's office as soon as possible after returning from the incident via e-mail and/or telephone.

## **2. Abandoned Building/Structure**

Abandoned buildings/structures differ greatly from vacant properties. Abandoned as defined has been deserted or forsaken and has no viable owner or landlord. With this understanding it is likely that the conditions in such buildings/structures will be suspect at best. Considering the unlimited hazard potential in this type of property, the IC should initiate strategies and tactics consistent with the operations concerning buildings/structures identified as **"No Interior Fire Attack"**

## **3. "No Interior Fire Attack" Building/Structure**

The most important concept that fire service personnel must understand when responding to fires involving buildings /structures that have been deemed unsafe is that these properties are inherently dangerous. These type properties pose a significant risk to life safety personnel. Identified and unidentified buildings/structures of this type conceal hazards of many forms. Hazards commonly found include:

- . Open Shafts
- . Pits and Holes
- . Structural Degradation
- . Exposed Structural Members
- . Openings in Walls, Floors, and Ceilings that Permit Abnormal Fire Travel
- . Combustible Contents
- . Blocked or Damaged Stairs
- . Maze-Like Configuration
- . Potential for Multi-Room Fires on Arrival
- . Potential for Extension to Near-by Structures

Upon notification by Concord Communications or by visually identifying a building/structure that displays the appropriate markings indicating “**No Interior Fire Attack**” by the authority having jurisdiction, the following guidelines should be considered:

Immediate consideration for the safety, health, protection, and general welfare of all life safety personnel, shareholders of The City of Concord, and the general public should be paramount. The potential for firefighter injuries or fatalities in these type properties are significantly higher than for any other property use. Firefighting operations in and around unsafe buildings should be conducted with extreme caution.

Persons charged with the position of **IC** should initiate strategies and tactics consistent with the **Defensive Mode of Fire Attack**. This should include but not limited to:

- a. Immediate Life Safety Concerns
- b. Adequate Resources
- c. Water Supply
- d. Exposure Protection
- e. Collapse Potential

When the **IC** initiates a Defensive Mode of fire attack, there should be **No** interior search made of that building/structure. All search functions should be conducted from the exterior of the building/structure. When establishing search teams, the following guidelines should be considered:

- a. Continuous Size-up of the Incident Scene
- b. Observe, Monitor, and Update Command on all Safety Area's
- c. Assign Search Teams to Exterior Divisions (A-Alpha, B-Bravo, etc.)
- d. Establish **Rapid Intervention Team(s)**
- e. Ensure Accountability of all Personnel

Teams should conduct searches by use of openings, such as doorways, windows, or other means that will provide observation of the interior of the building/structure without the entry of life safety personnel.

Tools such as Thermal Imaging camera's and lighting equipment should be considered when conducting these types of searches.

In the event that a multiple story building/structure is involved, the use of aerial ladder devices should be considered to affect exterior searches when applicable. The use of aerial devices will allow life safety personnel to view the interior by means of windows or other openings without physical entry.

**\*\* At No time should personnel or apparatus be allowed to operate in an area that poses a potential for collapse. Collapse zones should be established early-on as initial fire companies arrive on scene. All personnel operating on the incident scene should monitor these areas closely and update the Incident Commander accordingly. \*\***

In the event that a victim has been located, the **IC** should be notified immediately and rescue operations initiated if possible. All attempts at rescue should be conducted with the highest regard to personnel safety. If entry into a building/structure that has been deemed unsafe is required, the **IC** in conjunction with the on scene **Safety Officer** will evaluate and enter into a decision as to the best course of action.

The **Safety Officer** should evaluate and advise the **IC** of the realistic probability of affecting a safe rescue.

Precautions for consideration should include:

- a. Limiting the Amount of Time that Personnel Operate in the Building/Structure.
- b. Providing Specific Tasks and Objectives to Interior Personnel.
- c. Monitoring of Interior Personnel by the Incident Commander and Safety Officer.

All actions conducted upon an incident involving structures of this type shall be conducted according to an established site safety plan. It shall be the responsibility of the **Safety Officer** to enforce the guidelines set forth in the site safety plan. Any deviations from the plan shall be immediately corrected and the abatement actions documented by the **Safety Officer**.

All other incident strategy, tactics and operations shall be conducted according to department guidelines and policies.

No Interior Attack Sign Specification:



**N** | 2 1/2" to 4" Letters

**CONCORD DEPARTMENT OF FIRE & LIFE SAFETY  
VACANT/ABANDONED BUILDING EVALUATION FORM**

Address			
Property Name			
Owner Name		Telephone	
Owner Address			

Answer each of the following questions about the building. Select multiple options, if necessary; explain response. Draw a sketch of the location and explain your observations in a brief narrative.

**Building Security**

<input type="checkbox"/> Secure	<input type="checkbox"/> Open/unsecure	<input type="checkbox"/> Signs of recent entry
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**Utilities**

<b>Active Utilities</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> If Yes	<input type="checkbox"/> Gas	<input type="checkbox"/> Elect	<input type="checkbox"/> Oil	<input type="checkbox"/> Water
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**Building Use** (The original use of the building)

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**Building Construction**

<input type="checkbox"/> # of Floors	<input type="checkbox"/> Basement	<input type="checkbox"/> Yes	<input type="checkbox"/> Sub basement	<input type="checkbox"/> Multi sub levels
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**Structure Members (Beams, girders, columns)**

<input type="checkbox"/> Steel	<input type="checkbox"/> Concrete	<input type="checkbox"/> Wood	<input type="checkbox"/> Mixed (describe)
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<b>Truss Construction:</b>	<input type="checkbox"/> Roof	<input type="checkbox"/> Floors
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<b>Exposed Structural Members</b> (Beams, girders, columns)	<input type="checkbox"/> Roof	<input type="checkbox"/> Floors
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<b>Exterior Walls</b>	<input type="checkbox"/> Block/Brick	<input type="checkbox"/> Curtain Wall	<input type="checkbox"/> Wood	<input type="checkbox"/> Metal Tile Rods(Stairs)
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<b>Openings in Exterior Walls (windows, doors, etc.)</b>	<input type="checkbox"/> Many	<input type="checkbox"/> Few	<input type="checkbox"/> Windowless
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<b>Ceiling Type:</b>	<input type="checkbox"/> None	<input type="checkbox"/> Suspended	<input type="checkbox"/> Metal	<input type="checkbox"/> Drywall/Plaster	<input type="checkbox"/> Wood
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**Condition of Interior Walls and Floors (Integrity of compartmentation)**

<input type="checkbox"/> Good	<input type="checkbox"/> Deteriorating	<input type="checkbox"/> Multiple penetrations that would allow fire spread	<input type="checkbox"/> Walls	<input type="checkbox"/> Floors
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**Condition of Roof**

<input type="checkbox"/> Good	<input type="checkbox"/> Some instability/deterioration	<input type="checkbox"/> Major Deterioration
-------------------------------	---	--

**General Condition of Structure**

<input type="checkbox"/> Good	<input type="checkbox"/> Some structural instability	<input type="checkbox"/> Major Deterioration of structural elements
-------------------------------	--	---

**Fire Protections Systems**

Operational Fire Alarm System		Yes		No
Operational Standpipe System		Yes		No
Fire Department Connection (show on sketch)		Yes		No
Operational Sprinkler System (valves open, pressure showing on gauges)		Yes		No
System off, but usable if supplied through FDC.				

**Fire Potential (Fuel Load)**

Quantity:		Numerous		Moderate		Limited
Distribution		Concentrated		Spread out		
Interior Finish		Combustible		Non-combustible		Mixed(Describe in notes)
Room Size		Large		Moderate		Small
Housekeeping		Good		Poor		
Potential for Delay in Fire Department Notification					Large	Moderate
						Small

**Exposures (Note Locations on Sketch)**

Location		Alpha		Bravo		Charlie		Delta
Separation (ft)		Division		Division		Division		Division
Occupied (Y/N)								

**Suppression Operations**

Hazards in Building		Holes in Floors		Missing Stairs		Open shafts/pits
Interior Layout		Complicated		Normal Walls/Partitions		Open

<b>Building Access:</b>		4 Sides		3 Sides		2 Sides		Limited
<b>Water Supply:</b>		Adequate		Inadequate		Note locations on sketch		

<b>Hazardous Materials located on the site: (describe in detail)</b>		Yes		None Observed
<b>Conditions that require immediate correction (describe in detail)</b>		Yes		No
<b>Previous history of fires</b>				

**Analysis of the building (provide your analysis of the building)**

	High	Moderate	Low
Potential for an exposure fire (extension to other building)			
Potential for a Multi-Room fire on arrival of first due company			
Potential for structural collapse early in the fire development			
Potential for fire fighters to becomes lost or trapped during operations			

**Narrative**

Prepared By: \_\_\_\_\_ Date: \_\_\_\_\_  
Inspector

Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
Bureau Chief of Fire Prevention

Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
Fire Chief

## PURPOSE

The purpose of this guideline is to provide a procedure for the notification the Cabarrus County Health Department in cases of incident response to restaurants and other establishments preparing, packaging and selling food.

## INCIDENT RESPONSE NOTIFICATION

1. The Cabarrus County Health Department shall be notified when the fire department responds to any type of incident at a restaurant or other type of establishment preparing, packaging and selling food.
  - A. Examples of the type of calls the health department is to be notified are:
    - i. Any type of fire and/or explosion,
    - ii. Any type of gas leak or haz-mat spill,
    - iii. Any activation of the cooking hood fire extinguishing system(s) or discharge of a fire extinguisher,
    - iv. Any unsanitary conditions, un-cleanliness or unsafe acts by an employee, (Ex. Witnessing of non-hand washing, contaminated food),
    - v. A medical call where someone has been overcome by fumes, gases or similar situations (It is not necessary to contact the health department for medical calls not involving the above types of incidents).
    - vi. Any time gas, water or electricity is cut off to an establishment for any reason.
    - vii. Any type of incident not listed above but in the opinion of the fire department, the safety of the food establishment employees, occupants and customers is in danger.

## ON-SCENE PROCEDURES

1. Upon discovering a condition outlined above, the "Officer-in-charge" of the incident shall notify communications to contact the Cabarrus County Health Department and advise them of the incident.
  - A. At the time of health department notification, the fire department will be will be advised as to whether or not a health department representative will be immediately responding and an approximate time of arrival to the incident.
  - B. The Cabarrus County Health Department has stated the fire department does NOT have to stay on the scene until the Health Department representative has arrived.
  - C. The "Officer-in-charge" shall direct the manager or person-in-charge of the food establishment that the establishment is to remain closed until the Health Department arrives, investigates and gives clearance to reopen.

- D. This directive includes incidents occurring at night, on Friday, Saturday or Sunday. Establishments are not allowed to open until Health Department approval is given.
  - E. If the Fire Department is advised that Health Department response will be delayed, the “Officer-in-Charge” shall have the manager or person in-charge of the food establishment sign a Restaurant Fire Release form. Upon completion the “Officer-in-Charge” shall give the yellow copy of the form to the Manger or person in-charge of the food establishment and the Fire Company shall clear the scene and return to quarters.
3. If the fire origin and cause cannot be readily determined or if in the opinion of the “Officer-in-charge” Fire Code violations or life threatening life safety issues exist, the “Officer-in-charge” of the incident should notify communications to contact the On-Call Fire Inspector/Investigator to respond to the incident.
- A. For purposes of fire investigation and Fire Code enforcement, the fire company in charge shall remain on the scene until fire investigator arrival.
4. At the time of Fire Inspector/Investigator arrival, the investigator and the “Officer-in-charge” shall confer as to whether or not it is necessary for the fire company on the scene to remain on scene or return to quarters. Consideration should be given to keep Fire Companies in service on-scene or returned to quarters as often and as soon as possible.
- A. The fire company shall be responsible for documenting and entering the fire report information for the incident.
  - B. The Inspector/Investigator shall be responsible for investigating the origin and cause of the incident and any subsequent reporting and requirement of the correction of any Code violations.
5. The Inspector/Investigator shall be responsible for coordinating any necessary Fire Code violation corrections with the Health Department prior to the reopening of the establishment.
- A. Once all violations have been corrected the Fire Inspector/Investigator shall advise the Health Department of the corrections and Fire Department approval for the establishment to reopen.



**CONCORD DEPARTMENT OF  
FIRE AND LIFE SAFETY**

Food/Beverage Establishment Fire Release  
Telephone Number 704-920-5517  
Fax Number 704-782-3488

As per Cabarrus County Health Department Directive you have been advised to cease food preparation, food and beverage sales until the arrival of a Cabarrus County Health Department Representative.

Until arrival of the Health Department Representative you may conduct the following:

- 1Clean and remove fire debris,
- 2Clean and remove any excessive grease residue,
- 3Clean and remove any ruined food and/or beverages,
- 4Remove any trash and/or grease traps,
- 5Notify any necessary repair companies and/or technicians,
- 6Conduct any business related affairs not pertaining to food and beverage preparation and/or sales.

Before reopening for business any fire suppression systems, fire alarm systems fire sprinkler systems, hood exhaust systems, fire extinguishers, and other similar devices shall be inspected, maintained and tested prior to approval to begin food preparation, food and beverage sales.

Once all systems have been returned to service and the business has been approved to reopen by the Cabarrus County Health Department, please call the City of Concord Fire Marshal's Office to schedule a re-inspection. **YOU MUST HAVE FIRE MARSHAL'S OFFICE APPROVAL BEFORE REOPENING FOR BUSINESS.**

**I have been made fully aware of the situations and conditions above and I am fully aware of the consequences, citations and fines that may result if I do not comply with the situations and conditions listed above.**

**PROPERTY NAME:** \_\_\_\_\_

**PROPERTY ADDRESS:** \_\_\_\_\_

**PROPERTY REP. NAME:** \_\_\_\_\_

**INCIDENT DATE:** \_\_\_\_\_

## Purpose

1. Chapter 9 of the North Carolina Fire Prevention Code, Section 901.7 addresses fire protection systems being out of service. This section states that when a required fire protection system is out of service, the fire department and Code official shall be notified immediately and where required by the Code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the system(s) have been returned to service.
2. Fire protection systems provide the general public with protection and warning in the event of a fire. In order to accomplish this, fire protection equipment must be in service at all times. In the event of a malfunction of a system, proper safeguards must be implemented to provide protection to the general public. These safeguards are accomplished through either the prompt, orderly evacuation of a building or requiring the building owner/representative to conduct a fire watch of the facility. The purpose of this directive is to establish guidelines for the evacuation and/or fire watch being required by the department.

## Procedure

1. To determine whether or not a fire watch is necessary is; are occupants of a building going to be left unprotected by a fire protection system being out of service? Occupancies where fire watches are required and shall be conducted are institutional, residential, twenty-four hour businesses and factory industrial occupancies.
  - A. Examples of these types of occupancies would be hospitals, elderly care facilities, large mercantile where overnight stocking is conducted, factories with second and third shifts and essentially any occupancies being inhabited at all times.
  - B. Examples where fire watches would not needed are doctor's offices, small business and other types of occupancies where there are certain times where the business is closed and not inhabited.  
If the occupancy plans to reopen while the fire protection system is out of service, a fire watch would be necessary while the building is inhabited by employees and/or the general public.
2. In order to properly implement a fire watch Section 403 of the Fire Code states where utilized, fire watches shall be provided with at least one means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires. A working telephone or cell phone would satisfy this requirement. Items to be checked during a fire watch would include;

- A. The entire area shall be continuously monitored by roving Fire Watch Personnel at all times, with all areas being observed at a minimum of once per hour.
- B. A log must be kept showing the date, time and signature of the person conducting the fire watch. Any abnormal conditions should be noted on the log.
- C. All fire protection systems not affected by the system out of service must be checked and any abnormalities noted on the log.
- D. All exit and paths of egress must be checked to ensure they are not blocked and/or obstructed.
- E. All emergency light fixtures and exit signs are properly functioning.
- F. Any fire/smoke/emergency condition shall be immediately reported to the fire department.

## Forms

1. In order to facilitate this procedure, two forms have been developed. The "Fire Watch Requirements" form is designed to inform the occupancy representative of the need to conduct a fire watch and the procedures be carried out during the fire watch. The property name, property address, and property representative name must be filled out on the bottom of the form. This form is a "2 Part" carbon form. The white page of the form is to be returned to the Fire Marshal's Office and the yellow page of the form is to be left with the representative. If the representative refuses to sign the form, the "Officer-in-Charge" initiating the Fire Watch shall fill out as much information as possible on the form, note on the form the representative refused to sign, attempt to leave the yellow copy with the representative and forward the white copy to the Fire Marshal's Office.
2. The second form "Fire Watch Log Sheet" is the log sheet the representative is to fill out during their fire watch tour. This form is also "2 Part" carbon. Both pages are left with the representative. After completion of the fire watch the representative is required to detach the white copy and mail it to the fire department. The yellow copy is for the business to keep on file. A supplement form is also available. This form should be left at the premises when the representative expects the system to be out of service for an extended period of time.
3. The decision to implement a fire watch is left to the Fire Prevention Bureau Chief, Assistant Fire Marshals, Fire Inspectors, and "On Call Inspector". Suppression personnel encountering a system out of service should request the appropriate Code Official and ascertain if a fire watch is necessary. If it is determined a fire watch is necessary, the appropriate forms should be left with the property representative. Copies of these forms will be placed on the Battalion Chief, Fire Prevention Bureau Chief, Assistant Fire Marshals and Fire Inspection personnel's vehicles.



CONCORD DEPARTMENT OF  
FIRE AND LIFE SAFETY  
FIRE WATCH REQUIREMENTS  
Telephone Number 704-920-5517  
Fax Number 704-782-3488

ANYTIME A FIRE ALARM SYSTEM OR SPRINKLER SYSTEM IS OUT OF SERVICE FIRE WATCH IS TO BE CONDUCTED IN THE AFFECTED AREAS. BELOW IS A LIST OF ITEMS TO BE CHECKED WHILE MAKING ROUNDS THROUGH THE AFFECTED AREA(S).

- 1 THE ENTIRE AREA SHALL BE CONTINUOUSLY MONITORED BY ROVING FIRE WATCH PERSONNEL AT ALL TIMES, WITH ALL AREAS BEING OBSERVED AT A MINIMUM OF ONCE PER HOUR.
- 2 A LOG MUST BE KEPT SHOWING THE DATE, TIME AND SIGNATURE OF THE PERSON CONDUCTING THE FIRE WATCH. ANY ABNORMAL CONDITIONS ARE TO BE LOGGED ON THIS FORM.
- 3 ITEMS TO BE CHECKED (IF APPLICABLE):
  - A SPRINKLER SYSTEM: HEADS, VALVES, GAUGES, AIR PRESSURE,
  - B MANUAL PULL STATION(S) ACTIVATED: HANDLES PULLED DOWN,
  - C SMOKE DETECTOR(S) ACTIVATION - RED LED LIGHT ON
  - D EXIT PATHS, DOORS, STEPS: AISLES ARE CLEAR AND NOT OBSTRUCTED,
  - E EXIT LIGHTS, EMERGENCY LIGHTS FUNCTIONING,
  - F FIRE ALARM PANEL(S) AND REMOTE ANNUNCIATOR PANEL(S).

**ANY FIRE/SMOKE CONDITION MUST BE REPORTED IMMEDIATELY BY CALLING 9-1-1 AND EVACUATING THE BUILDING/EFFECTED AREAS. YOU ARE REQUIRED TO CALL 704-782-2121 PRIOR TO TAKING ANY SYSTEM OUT OF SERVICE YOU MUST ALSO CALL WHEN SYSTEM IS BACK IN SERVICE.**

PROPERTY NAME: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

PROPERTY REP. NAME: \_\_\_\_\_

INCIDENT DATE:



## Overcrowding Complaint Policy

04.05

The purpose of this guideline is to provide guidelines for the correction of overcrowding in public assembly occupancies.

When responding to a complaint of an overcrowding in an assembly occupancy the following shall be used:

### Complaint receiver:

1. Collect as much information as possible and Items of importance including:
  - a. Caller name, phone number and relation to occupancy (employee, public, etc.),
  - b. Name and location of complaint address and possible reason for overcrowding,
  - c. Responsible party/promoter sponsoring event, if known,
  - d. Person in charge of event/party, if known,
  - e. Other factors which may affect the situation (i.e. alcohol, drugs, violence, etc...),
  - f. Any other relevant information.
2. Notify the on-call fire inspector/investigator of the situation and request them to respond to the complaint.

### Inspection:

1. Upon receiving the complaint, document all information given.
  - a. Evaluate past history if any, of events occurring at the complaint address.
  - b. Evaluate scene safety and assess the need to have Law Enforcement notified to respond.
  - c. Stage prior to Law Enforcement arrival, if necessary.
2. Upon arrival to the complaint address:
  - a. Contact the manager or responsible party in charge.
  - b. Find the occupant load posting and note the maximum number of occupant's allowed in the building.
  - c. Explain the nature of the complaint and allow them an opportunity to resolve the problem.
  - d. While at the occupancy, other imminent hazard items should be looked for (i.e. locked and blocked exits, fire hazards and other major Code violations). All major Code violations shall be rectified and noted on the Inspection Report.
  - e. If the responsible party willingly resolves the problem, an inspection form should be filled out stating the violation(s) found and document that it has been corrected. The form is to be signed by the responsible party.
  - f. The inspection report should be forwarded to the Fire Marshal's Office and filed in the occupancy inspection file.

3. If the responsible party is unwilling to resolve the problem, the following procedure should be implemented:
  - a. Call for immediate police assistance,
  - b. Upon PD arrival, instruct the management to discontinue any entertainment,
  - c. Post all doors and instruct all occupants to exit.
    - i. *An alternative to this would be, if the occupancy has other areas (rooms, courts, exterior areas) that would allow occupants to leave the overcrowded area and go to another less crowded area. An example of this would be Julian's. If there was a complaint that the Sports Bar area was overcrowded, have occupants leave the Sports Bar area and go into the game room area or other areas of the occupancy. If this method is chosen, fines will not be issued for overcrowding.*
  - d. Count the number of occupants as they are leaving.
  - e. Check for complete evacuation, and be cautious against conflict with patrons.
  - f. Once the building has been completely evacuated, occupants will be allowed to re-enter the occupancy.

**Re-open and resume entertainment:**

1. Occupants shall be counted as they re-enter the building. Admittance shall be discontinued once the occupant load has been reached.
  - a. Instruct PD to inform any remaining exterior occupants of the maximum occupant load being reached and allow PD to order those occupants to disperse.
2. If the occupancy has been overcrowded, a citation in the amount of \$500.00 shall be issued. Upon issuance of a citation, the Bureau Chief shall be notified.
3. The occupancy shall be placed on a 1-year probationary period. Any future overcrowding violations occurring during the 1-year probationary period will result in further fines and possible court action being taken against the occupancy.
4. Advise responsible party that the situation has been corrected and they may re-open for business.
5. While at the occupancy, other imminent hazard items should be looked for (i.e. locked and blocked exits, fire hazards and other major Code violations). All major Code violations shall be abated and noted on the Inspection Report. Additional fines may be levied for imminent hazards found. Upon the issuance of additional fines for imminent hazards the Bureau Chief shall be notified.
6. A complete fire inspection form and written report shall be submitted detailing all activities conducted and violations found. The inspection form and report shall be forwarded to the Fire Marshal's Office and filed in the occupancy inspection file.
7. In cases of overcrowding involving establishments serving beer, wine and spirits; the North Carolina Division of Alcohol Licensing Enforcement (ALE) shall be notified of the violation.

## Fire Investigation Policy

04.06

### Purpose

The following policy will establish lines of authority and identify responsibilities for the investigation of fires and hazardous material incidents.

### Policy

The Incident Commander in charge of the fire scene is responsible for accurately determining the fire origin and cause, to insure that it is accurately reported, to notify proper authorities, and to maintain proper control and custody of the scene. This must be accomplished after fire control activities and salvage, and before taking overhaul actions which could hinder the investigation.

The officer in charge will be responsible for determining when a fire investigator is needed, based on information gathered or the circumstances of the fire. The on-duty fire investigator can be contacted via dispatch 24 hours a day by radio, telephone, or digital pager to consult with Command prior to or during response to assist Command. An investigator will be dispatched by Communications or called by the officer in charge and will respond to the scene in the following circumstances:

- a. Origin and cause cannot be determined.
- b. The fire is suspicious or known to be incendiary in origin.
- c. The fire involves a large monetary loss.
- d. The presence of multiple set fires in a given geographical area.
- e. The fire involves a fatality or serious injury (Included are Fire, EMS, Law Enforcement or other public safety officers).
- f. The incident is the result of an explosion causing severe property damage or involves dynamite, homemade bombs or devices, gas leaks, or other materials capable of causing severe damage, or which may be the result of criminal activities.
- g. The incident involves a hazardous material - chemical spills, liquefied propane gas, natural gas leaks, or petroleum spill for which the immediate cause cannot be determined.
- h. Investigation of false alarms that may be malicious.
- i. On all working first or greater alarm structure fires;
- j. Imminent Hazard Fire Code violations
- k. Investigation Mutual Aid Assistance requested by other local governments.

No investigator is needed for the following situations but the company officer is responsible for the completion of an accurate Fire Report in Firehouse Software to document the fire cause:

- a. Minor fires where cause is determined to be accidental;
- b. Scalding burns, electrical accidents, and minor accidental burn injuries;
- c. Car fires originating in engine area during vehicle operation,

- d. Minor grass, fence, or trash fires with no witnesses or suspects. If multiple small fires are found but no one is around to provide information, the company officer may enter a request for investigation. A follow-up call can be made to Fire Investigators at the company officer's discretion;
- e. Traffic accident fatalities involving fire subsequent to a collision investigated by Concord Police Department or NC Highway Patrol;
- f. Known juvenile fire-setters who have caused minor fires by playing with fire, matches, etc., can be referred to the Fire Safety Educators. Referrals can be made in writing by forwarding the completed "Juvenile Assistance Referral" form, or by calling the Fire Safety Educators.

If the incident is determined to be of a minor nature (e.g. accidental, with no injuries and slight fire damage) and the cause can be determined easily by the Company Officer through information received or by investigations of the fire scene (e.g. a stove fire with food remains on stove), units on the scene shall gather the information needed and accurately complete the required Incident Report in Firehouse Software.

If the incident requires an investigation be conducted by an investigator, companies shall delay all non-essential overhaul and secure the fire scene until the fire investigator arrives. Salvage and all unnecessary interim activities which may alter or contaminate the fire scene, or which may interfere with a subsequent origin and cause investigation must be discontinued until authorized to continue by the responding fire investigator.

Command shall assign personnel to protect the fire scene and maintain custody of the scene until the arrival of a fire investigator, especially when delay in response to the scene by an Investigator has been indicated.

After achieving fire control, Command may release companies not required to complete investigation and overhaul. In some cases involving lengthy investigation periods, companies may return to quarters and return later to the scene to complete overhaul activities when requested by the investigator.

## **Fire Marshal's Office Protocol**

### **Notification**

- a. Fire Marshal's Office (FMO) personnel will be notified as established by this policy.
- b. The Incident Commander shall notify FMO personnel via fire communications through telephone, radio and/or digital pager to respond to the incident.

### **Response**

- a. Fire investigator will respond using Fire Department transportation. Response will be non-emergency traffic unless emergency traffic is authorized by Command.
- b. Fire investigators will be assigned a city vehicle and investigative equipment and will be held accountable for the proper use, care, and maintenance of same.

## Arrival

- a. Upon arrival the investigator shall report to Command and be entered into the scene accountability system.
- b. Consent to search the premises shall be secured by the fire investigator prior to beginning his/her investigation. A "Consent to Search" form should be used to document consent. If consent is refused an Administrative Warrant shall be procured and duly served prior to the investigation commencing.
- c. The investigator shall don the appropriate PPE needed to ensure personal protection during his/her investigation. This may include SCBA and/or other respiratory protection equipment as determined by the site safety plan.
- d. The investigator shall use nationally recognized practices in the conduction of his/her investigation of the incident.
- e. The investigator shall request from Command any personnel or equipment necessary for the investigation. Command shall make every attempt to meet such requests, to the extent possible under the prevailing circumstances.
- f. The fire investigator is responsible for photographs needed of the fire investigation, or personal injuries of civilians resulting from fire or explosion.
- g. If the incident appears to be incendiary in nature, the fire investigator shall notify the Incident Commander to notify communications to have the Concord Police Department, Criminal Investigation Division on-call detective to respond.
- h. Upon Concord Police Department's arrival the fire investigator shall inform the on-call detective of the nature and details of the incident.
- i. The fire investigator shall determine if a K-9 is needed to assist in the investigation of the incident. K-9's shall be requested from Charlotte Fire Department or NCSBI.

## Records and Reports

- a. Fire investigators will assume responsibility for information documented after their arrival.
- b. All reports shall be entered into the Firehouse Software reporting module and any digital photos and/or other digital documentation shall be placed on the Investig8 server folder.
- c. All notes, paperwork, photo logs, 35mm photos, digital photos, statements, consent forms any other paper files are to be sent to the Fire Marshal's Office. A copy of the fire report is to be filed with the investigation file. Hard copies of the incident report need to be kept on file in case of computer service disruption or virus attack. Report copies should include copies of all NCIFRS modules containing report information.
- d. A photo log for all 35mm and digital photos shall be submitted along with items listed in item c.
- e. Fire investigators will be required to submit a narrative to be included with the incident report with a copy to the Fire Chief for any large incident to which they respond.
- f. These reports will be submitted as soon as possible, but no more than three days from the time the incident occurred.
- g. Fire investigators will be responsible for conducting any follow up investigations needed.

- a. FMO personnel shall collect all evidence utilizing nationally recognized practices/methods and maintain custody of same.
- b. Fire cause evidence for accidental fires:
  - 1. Shall be left in place, red tagged, photographed and documented. The owner/occupant/agent shall be notified of the evidence and instructed not to tamper, remove or destroy said evidence.
  - 2. If structure or scene conditions warrant evidence be recovered, it shall be recovered using nationally recognized practices and retained for release to the proper authorities.
  - 3. Photographs shall be taken during evidence collection to properly document recovery methods.
  - 4. After collection of evidence, the Fire Investigator shall ensure that the chain of custody is maintained.
  - 5. Evidence collected for accidental and undetermined fires shall be maintained by the fire department. Evidence shall be properly packaged and placed into the fire department evidence lockup room. Upon being placed in the fire department evidence lock up room the fire investigator shall document the evidence by using the evidence log.
- c. Fire cause evidence for incendiary fires:
  - 1. Evidence shall be recovered using nationally recognized practices and methods.
  - 2. Photographs shall be taken during evidence collection to properly document recovery methods.
  - 3. After collection of evidence, the Fire Investigator shall ensure that the chain of custody is maintained.
  - 4. After collection, origin and cause evidence shall be turned over to the Concord Police Department for storage.

When an appliance, machine or other device is found to be either the direct fire cause or in the area of fire origin, the fire investigator shall not disassemble, alter or perform any destructive examination or testing of the item. The investigator shall place a red "Do Not Remove" tag on the appliance, machine or other device. The tag should be placed as close as possible to the point of fire origin on the appliance, machine or other device and documented by photograph.

#### **Joint Fire/Police Investigations at Fire Scenes.**

The Concord Fire Department is responsible for the investigation of all fires. If during the course of their investigation personnel discover evidence of crimes and/or other criminal activities, personnel will report such crimes to police and cooperate with police officers and detectives.

Concord Police and fire department investigators will conduct joint investigation of Arson/Incendiary fires, fire deaths or life-threatening injuries at fire scenes.

When fires are determined to be Arson and/or incendiary in origin, the fire and police department shall follow the joint investigation protocol:

- a. Fire department investigators determine fire origin and cause. Causes include; Arson, Incendiary, Accidental and Undetermined.
- b. Upon determining Arson, Incendiary, or Criminal Involvement, Fire Investigators shall notify the Concord Police Department of the discovery.
- c. Concord Police Department shall be responsible for criminal investigation activities and subsequent apprehension, arrest and questioning of suspects and/or other parties involved in the ignition of Arson and/or incendiary fires.
- d. In cases of Arson or Incendiary fire origins, fire department investigators may also assist the police department in the development and/or naming of suspects and/or or parties involved.
- e. Concord Police Department shall be responsible for identification and removal of all bodies from fire scene.
- f. Concord Police Department shall be responsible for the storage of all evidence collected when a fire origin and cause is determined to be Arson, Incendiary or other criminal activity.
- g. Concord Police Department shall determine the cause and manner of deaths in cooperation with the Cabarrus County Medical Examiners Office or North Carolina Medical Examiner's Office to whose office bodies are delivered at the direction of police. Concord Police Department shall also be responsible for releasing the name of the deceased and family notification. It shall be the responsibility of the County Medical Examiner to order an autopsy for any fire related death.
- h. Fire Investigators shall assist Concord Police Department in the prosecution of individuals involved in the ignition of Arson and/or Incendiary fires. Assistance shall include preparation for court trial, testifying as to fire origin and cause at trial, testifying as to witness and/or suspect testimony at trial, and any other information as needed.
- i. If at any point during an investigation an investigator discovers evidence of an illegal drug lab or other illegal activities involving the manufacture, selling or use of illegal drugs, the investigation will cease immediately, the building evacuated, and the Concord Police Department (CPD), State Bureau of Investigation (SBI) and Haz-Mat team shall be notified. Once evacuated, the building shall be secured and turned over to CPD for law enforcement investigation operations. Incident command shall be jointly controlled by CDF&LS, CPD and NCSBI.

## Appendix

### Scene/Evidence Preservation

Protection of the fire scene and preservation of physical evidence must be a primary concern once life safety is secured and fire control is achieved.

The fire scene must be guarded. Evidence cannot be used in court unless the investigator can establish a chain of custody by proving who found the evidence, where it was found and prove that evidence was not tampered with while in official custody. To ensure that the chain of custody remains unbroken, the scene must remain in the custody of the fire department. Thus, at a fire scene where it has been determined that custody must be maintained, a guard must be posted, and custody must be maintained until the scene is released. No unauthorized persons may enter the scene. The fire department has the legal authority to close the scene entirely, even to the property owner or to other interested person/s. It is vital that the fire department prevent personnel from unnecessarily walking through a fire area, walking on, obscuring evidence, or picking up and moving evidence. This shall include both fire department personnel and the media. If it is essential that evidence be moved or if necessary firefighting operations may damage evidence, the evidence must be covered or its location marked before moving it carefully to a secure location.

The entry and exiting of fire and law enforcement personnel on the scene must be maintained. Unnecessary personnel must be kept out of potential fire origin areas. When origin and cause of a fire is determined to be criminal, entry and exit of personnel must be logged for prosecution and court activities. Items such as scene tape, security sentries, and other methods must be employed to ensure security is maintained. Under no circumstances should victims, occupants and/or owners of a structure be allowed to re-enter a scene until the scene has been thoroughly investigated.

The fire department must protect the fire scene from unnecessary damage during firefighting operations. Special care must be exercised during extinguishment to avoid washing out evidence through misuse of fire streams. The refueling of gasoline powered equipment such as PPV fans and Chain Saws must be performed in areas away from the fire area. Improper fueling of these devices can cause cross contamination of a fire scene and be detrimental to flammable/ignitable evidence collection. Overhaul operations present the greatest potential for damage to the scene or evidence which may be used by the fire investigator and police department in subsequent court cases and prosecution. Salvage operations should be kept to minimum until the investigation can be completed. The unnecessary handling or removal of items must be controlled and eliminated. Companies assigned to Salvage and/or overhaul should incorporate scene security and evidence preservation into their plan to stop the loss.

**Destruction of Evidence:** It is incorrect to believe that evidence is completely destroyed by fire. This misconception is the reason many incendiary fires have never been brought to the attention of the courts.

Evidence is not destroyed in fires except in very rare cases. The form, shape, color, size, and weight may be altered, but evidence can still be identified upon trained examination. It is critically important to preserve evidence by not moving fire debris unnecessarily.

In cases where an accidental fire cause is determined by the fire department and an appliance, machine or other device is found to be either the direct fire cause or in the vicinity of the fire origin the insurance company may contract a private fire investigator to examine and investigate the scene. The fire investigator shall not disassemble, alter or perform any destructive examination or testing of the item. Doing so may lead to evidence "spoliation" issues. Testing or disassembling of items shall only be conducted by the insurance companies involved in the investigation of the incident.

Upon completing the incident investigation, the fire investigator should inform the property owner, property representative or occupant to not tamper, handle, clean or remove the device(s). Furthermore, the property owner, property representative or occupant should be informed with witnesses present, if he/she tampers with, handles, cleans or removes the devices after being informed their insurance company *may* not pay the damage claim against the property.

### **Witnesses/Victims**

An attempt to identify the victim and/or any witnesses who are at the fire scene must be made as soon as possible, and shall not be delayed until the investigator is actually on the scene. Obtaining the identification of witnesses is critical to the conduct of the subsequent investigative process. If police officers are at the scene, the company officer may request them to obtain such information and identification for fire investigators, but if police officers are unable to comply with the request (as the result of other circumstances which may take precedence) the company officer retains this responsibility.

If a victim requests information regarding their fire loss, for insurance purposes, the company officer can give the fire department incident number which will enable the victim to access fire department information regarding the fire. The victim should also be given a copy of the CDF&LS. "After The Fire" brochure to assist them.

### **Special Investigation Considerations**

Fire investigators are often confronted with unique situations which can pose a threat to their safety or the safety of others. Special response equipment is available to assist investigators in stabilizing these situations.

Prior to entry into a structure, the investigator shall check with the Safety Officer. Concerns with the structural stability should be brought to the Safety Officer and Incident Commander's attention. Concord has a Structural Collapse Team which can be utilized to stabilize the building for investigation purposes. If members of the Structural Collapse Team determine that the building cannot be stabilized, investigations will be terminated.

Investigators will be trained at least to the Haz-Mat Operations Level. If during an investigation, hazardous materials are determined to be involved in the fire; the Haz-Mat Team should be requested to respond. Investigators will follow the recommendations of the Haz-Mat Team including decontamination.

## **Intentional Activation of False Alarms**

**04.07**

This policy shall provide the necessary information for investigators to file criminal charges and subsequent prosecution of suspects involved in the commission of False Alarms.

When requested by the Suppression Division to assist in the investigation of an intentionally activated false alarm, the "On-Call" Investigator shall notify the Police Department and request an Officer to respond to the incident.

Upon arrival the inspector shall notify the Incident Commander and began his/her investigation of the incident. The investigator shall gather all available information including physical evidence and/or witness statements of the incident. Photos shall be taken to properly document the scene and filed with the incident report. If a suspect is identified and charges are necessary, the investigator shall notify the PD Officer of the suspect and probable cause. The investigator shall coordinate the subsequent citation and/or arrest of the suspect with the PD Officer on the scene.

The suspect shall be cited with violating Fire Code Section 901.8 and shall be charged with a class 2 misdemeanor under North Carolina General Statute 14-286 (See Below). If the suspect has activated more than one alarm device (example -multiple manual pull stations), each device is a separate offense and shall be cited as a separate violation.

If the fire alarm system or fire suppression system has been damaged or the structure has been damaged by the activation of the system, the investigator should confer with the PD Officer and request that "Malicious Injury to Property"

{NCGS 14-127 or 14-160} charges be cited against the suspect. Please note NCGS 14-286 may also be used for any person who damages, defaces, molest, or injures any part or portion of any fire-alarm, fire-detection, smoke-detection or fire-extinguishing system.

After the charges have been filed, the investigator shall work with the Police Department and District Attorneys Office to complete the prosecution of the suspect.

See following page for North Carolina General Statutes

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**§ 14-286. Giving false fire alarms; molesting fire-alarm, fire-detection or fire-extinguishing system.**

It shall be unlawful for any person or persons to wantonly and willfully give or cause to be given, or to advise, counsel, or aid and abet anyone in giving, a false alarm of fire, or to break the glass key protector, or to pull the slide, alarm, or lever of any station or signal box of any fire-alarm system, except in case of fire, or willfully misuse or damage a portable fire extinguisher, or in any way to willfully interfere with, damage, deface, molest, or injure any part or portion of any fire-alarm, fire-detection, smoke-detection or fire-extinguishing system. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor. (1921, c. 46; C.S., s. 4426(a); 1961, c. 594; 1969, c. 1224, s. 5; 1975, c. 346; 1993, c. 539, s. 182; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 14-127. Willful and wanton injury to real property.**

If any person shall willfully and wantonly damage, injure or destroy any real property whatsoever, either of a public or private nature, he shall be guilty of a Class 1 misdemeanor. (R.C., c. 34, s. 111; 1873-4, c. 176, s. 5; Code, s. 1081; Rev., s. 3677; C.S., s. 4301; 1967, c. 1083; 1993, c. 539, s. 67; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 14-160. Willful and wanton injury to personal property; punishments.**

- (a) If any person shall wantonly and willfully injure the personal property of another he shall be guilty of a Class 2 misdemeanor.
- (b) Notwithstanding the provisions of subsection (a), if any person shall wantonly and willfully injure the personal property of another, causing damage in an amount in excess of two hundred dollars (\$200.00), he shall be guilty of a Class 1 misdemeanor.
- (c) This section applies to injuries to personal property without regard to whether the property is destroyed or not. (1876-7, c. 18; Code, s. 1082; 1885, c. 53; Rev., s. 3676; C.S., s. 4331; 1969, c. 1224, s. 14; 1993, c. 539, s. 105; 1994, Ex. Sess., c. 24, s. 14(c).)

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## **Fire Investigation Files, Photos and Associated Documentation.**

**04.08**

This policy is to define the reporting and documentation of incident investigations.

All fire investigation files, digital photos and associated documents are to be placed on the Investg8 on 'Concord\_fire\Sys\Data' server folder. Any personnel not having access to this server and folder should contact Cindy to arrange for Tech-Edge to establish a connection for them.

Once in the Investg8 folder, access the current investigation year file folder "2005". Please make a "new" folder in this file for each separate incident number. When making a new folder please title the folder with the incident number, incident type abbreviation, incident origin abbreviation:

### **Incident Type:**

SF – Structure Fire or any fire involving a building  
VF – Car Fire or any vehicle  
WF – Woods Fire or brush fire  
Exp – Explosion  
Col – Building Collapse  
HM – Hazardous Materials  
FI – Fatality Incident  
M - Miscellaneous Incident

### **Incident Origin:**

A = Accidental  
I = Incendiary  
J = Juvenile  
IJ= Incendiary / Juvenile  
F = Fatality  
C = Complaint  
U= Undetermined  
M= Malicious Alarm

### **Example: 05-0001234 SF A**

If there are situations where one of the above will not work. Please give the FMO a call and the abbreviation(s) will be determined. Once the incident file folder has been created, investigators are free to create as many folders and subfolders as necessary. All forms, digital photos and any other documents are to be placed in this folder.

All digital photos will be attached from this folder to the firehouse investigation module. All folder titles should be made as self-explanatory as possible. Folder titles should be made so personnel any personnel accessing them can understand the title and access the correct folder.

All notes, paperwork, photo logs, 35mm photos, statements, consent forms any other paper files are to be sent to the FMO. A copy of the fire report should be submitted with the incident file. Hard copies of the incident report need to be kept on file in case of computer crashes or virus attacks. Report copies should include copies of all NCIFRS modules containing report information, weather conditions the day or night of the incident and any other pertinent information.

Any digital or 35mm photos taken and stored on the server or paper files are to include a "Photo Log" Excel file. Please utilize and create a completed photo log for every incident where photos are taken. Copy and paste a copy of the "Blank Photo Log Form" file into your incident folder for a photo log. The file name shall be titled "(Inc #, Type, Origin) Photo Log". A paper copy of the photo log is to be submitted with the incident report.

### **Example: 05-0001234 SF A Photo Log**

Personnel having digital photos of incidents from previous years need to forward copies of the photos on CD or Disk to the FMO. 35mm photos printed on photo paper need also be forwarded to the FMO as well. All investigation paper files need to be sent to the FMO. An investigations central file has been created the file cabinets in the FMO office. It is important that all files be accessible for review and information in the investigators absence. These files will be accessible to investigators at all times.

Effective immediately the "On-call Camera Case" is being carried in the Battalion Chief vehicle. This will aid in making sure the camera is available at all times. If the BC is not on the call you are investigating, please call the BC to make arrangements for the camera to be brought to the scene. Also, a plastic folder has been placed in the top of the case under the foam padding. The folder contains Consent Forms, Witness Statement Forms and Release Forms. These forms are to be used when necessary and submitted to the FMO with the incident report file.

Effective immediately the Arson Report Module in Firehouse is to be used when any investigation is conducted. This module will be used for accidental and incendiary fire investigations. Please fill in as much information as possible.

In the "Description" text box please enter the address for the incident. This is necessary to be able to see the address of the incident when browsing the Investigation Module. The FMO will be making changes to the module to "fit" the division's needs. Any suggestions for field information are welcome and should be directed to the FMO.

The use of this module is necessary to track as much information as possible. All photos shall be linked to the Firehouse report module. Entire folder selections can also be linked to the Firehouse folder. For pictures to be accessible in the future, they cannot be moved from their file location. Please place all pictures in the incident file created on the In Investg8 on 'Concord\_fire\Sys\Data file. The location of this folder will not change.

## **Toughbook Computer Use Policy**

**04.09**

### **Purpose**

The purpose of this policy is to define the use of the Toughbook computers by personnel in the Fire Marshal's Office (FMO).

### **Policy**

Toughbook computers shall be issued to both Assistant Fire Marshal's and each Fire Inspector. Toughbook computers shall be mounted in each FMO vehicle via vehicle charger/docking station with associated printer.

Personnel shall have their computers at work each day and are responsible for its whereabouts at all times. Failure to bring to work or maintain custody of computers constitutes a violation of this policy and is subject to disciplinary action. While personnel are on-duty, computers shall be used and operated in accordance with the City of Concord Computer Policy. Personnel are permitted to operate their computers while off-duty in an approved manner in accordance with the City of Concord Computer Policy. Only City of Concord Personnel or other approved persons shall access, log-on or operate computers. Violations of this policy constitute disciplinary action.

### **Computer Use**

Personnel shall activate and log-on to their computers at the beginning of each workday, investigative call back and special assignment. Computers shall be used in the following manner;

1. Composing, sending, receiving and reading of email in Internet Email or Groupwise Email accounts,
2. Scheduling of inspections, consultations, meetings, investigations and other work related appointment items in Groupwise,
3. Researching daily scheduled fire inspection and investigation items recorded in the Firehouse Records Management Occupancy Database,
4. Entering of Training information and courses in the Firehouse Records Management Training Database,
5. Entering of incident and investigation documentation in the Firehouse Records Management Incident and Investigation Modules,
6. Issuance of Fire Code Operational and Construction permits,
7. Enforcement of Firelane, Open Burning and other City Ordinances,
8. Enforcement of any FMO guidelines, checklist and/or policies,
9. Internet research for fire inspection, fire/rescue incident, haz-mat incident and fire investigations,
10. Typing of Word Documents, Excel Spreadsheets and other word and data processing items,

11. Logging of COC and other fire inspection items in Filemaker Pro DSD module and Cabarrus County Building Inspections Website.
12. Any other job related research, data entry and miscellaneous uses.

Computers shall not be operated while vehicles are being driven or operated. Personnel shall stop their vehicle in a parking lot or other safe area to access and operate computers. Computers, charging/docking stations and printers shall be turned off when not in use to avoid draining/discharging vehicle batteries. Vehicles shall be locked at all times while not occupied. After hours, laptops shall be removed from vehicle and secured properly.

Computer supplies shall be requisitioned through the Fire Department Logistics Division. Computer equipment problems and software issues shall be reported to Technologies Edge personnel as soon as possible for repair.