

## **CHAPTER 05 - OFFICE OF STATE FIRE MARSHAL**

### **SUBCHAPTER 05A - FIRE AND RESCUE**

#### **SECTION .0100 - GENERAL PROVISIONS**

##### **11 NCAC 05A .0101      DEFINITIONS**

As used in this Subchapter:

- (1) "ISO" means the Insurance Services Office, Inc., or any successor organization.
- (2) "North Carolina Fire Suppression Rating Schedule" or "NCFRS" means the ISO Fire Suppression Rating Schedule. The NCFRS is incorporated into this Subchapter by reference, including subsequent amendments or editions. The NCFRS may be obtained from the ISO at <http://www.iso.com/> for a fee of one hundred dollars (\$100.00). Fire chiefs and local government chief administrative officials may request a single copy of the FRSR, free of charge at [www.iso.com](http://www.iso.com).
- (3) "NFIRS" means the National Fire Incident Reporting System administered by the United States Fire Administration (USFA) and coordinated and collected in North Carolina by the Office of the State Fire Marshal. State fire incident reporting instructions are provided by OSFM at [http://www.ncdoi.com/OSFM/Fire\\_Rescue\\_Commission/Default.aspx?field1=Incident\\_Reporting\\_-\\_Information&user=Incident\\_Reporting](http://www.ncdoi.com/OSFM/Fire_Rescue_Commission/Default.aspx?field1=Incident_Reporting_-_Information&user=Incident_Reporting) for no charge and satisfy NFIRS reporting requirements.
- (4) "Office of State Fire Marshal" or "OSFM" means the Office of State Fire Marshal of the North Carolina Department of Insurance

*History Note:* Authority G.S. 58-2-40;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Amended Eff. February 1, 2017; September 1, 2010; October 1, 2006; July 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

##### **11 NCAC 05A .0102      PURPOSE OF DIVISION**

*History Note:* Authority G.S. 11-23; 58-7.3; 58-9; 69-19; 118-1 through 118-17; 118A-3; 147-33.1;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1986;  
Repealed Eff. July 1, 1988.

##### **11 NCAC 05A .0103      MAILING ADDRESS**

All requests for information, assistance, training, or required reports shall be directed to: North Carolina Department of Insurance, Office of State Fire Marshal, 1202 Mail Service Center, Raleigh, NC 27699-1202.

*History Note:* Authority G.S. 58-2-40;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Amended Eff. October 1, 2006; July 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

##### **11 NCAC 05A .0104      DIVISION PERSONNEL**

*History Note:* Authority G.S. 58-7.3; 58-9;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Amended Eff. July 1, 1986;  
Repealed Eff. July 1, 1988.

## **11 NCAC 05A .0105      TRAINING OPERATIONS**

*History Note:*      *Authority G.S. 58-2-40; 58-78-10;*  
*Eff. February 1, 1976;*  
*Readopted Eff. May 12, 1978;*  
*Amended Eff. October 1, 1988;*  
*Repealed Eff. May 1, 2017.*

### **SECTION .0200 - STATE VOLUNTEER FIRE DEPARTMENT**

## **11 NCAC 05A .0201      ADMINISTRATION OF STATE VOLUNTEER FIRE DEPARTMENT**

*History Note:*      *Authority G.S. 58-2-40; 58-80-1 thru 58-80-60;*  
*Eff. February 1, 1976;*  
*Readopted Eff. May 12, 1978;*  
*Amended Eff. April 8, 2002; July 1, 1986;*  
*Repealed Eff. May 1, 2017.*

## **11 NCAC 05A .0202      COMPREHENSIVE EMERGENCY MANAGEMENT PLAN**

The Commissioner of Insurance acts as an advisor to the Governor for Structural Fire Suppressions and Rescue Services under the North Carolina Emergency Operations Plan and assists other state and local agencies through the OSFM in the following areas:

- (1) planning in the fire and rescue services;
- (2) training in the various fields of emergency structural fire suppression, rescue services, search and rescue, fire prevention and education;
- (3) serving as the lead agency for Structural Fire Suppressions and Rescue Services during these declared emergencies; and
- (4) serving as a support agency for search and rescue functions during these declared emergencies.

*History Note:*      *Authority G.S. 58-2-40;*  
*Eff. February 1, 1976;*  
*Readopted Eff. May 12, 1978;*  
*Amended Eff. February 1, 2017; July 1, 1986;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.*

### **SECTION .0300 - FIREFIGHTERS' RELIEF FUND**

## **11 NCAC 05A .0301      ELIGIBLE MEMBERS**

*History Note:*      *Authority G.S. 58-2-40(1); 58-84-40;*  
*Eff. February 1, 1976;*  
*Readopted Eff. May 12, 1978;*  
*Amended Eff. September 1, 2010; October 1, 2006; February 1, 1993; July 1, 1986;*  
*Repealed Eff. May 1, 2017.*

## **11 NCAC 05A .0302      CERTIFICATION OF ELIGIBILITY**

The certification form required by G.S. 58-84-46 shall be entitled "Local Relief Fund Board of Trustees Report" and shall, include the following:

- (1) the name of the city, fire district, or sanitary district;
- (2) names, home addresses, email addresses, and phone numbers of the "board of trustees of the local Firefighters' Relief Fund";
- (3) identify of the treasurer and board chair of the local Firefighters' Relief Fund; and
- (4) the date each person was (re)elected or (re)appointed to the board.

*History Note:* Authority G.S. 58-2-40(1); 58-84-86;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Amended Eff. February 1, 2017; September 1, 2010; October 1, 2006; July 1, 2002; February 1, 1993; July 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

**11 NCAC 05A .0303 ADMINISTRATION OF FIREFIGHTERS' RELIEF FUND**

- (a) OSFM shall compile and maintain records, including the following information:
- (1) certifications of the "Local Relief Fund Board of Trustees Report" filed in accordance with G.S. 58-84-46;
  - (2) certifications filed by the North Carolina State Firemen's Association in accordance with G.S. 58-84-40(b);
  - (3) amount of Firefighters' Relief Fund tax assigned by the North Carolina Department of Revenue; and
  - (4) amount of property tax values for each rated fire district as filed by each County.
- (b) If a fire department dissolves, the following procedures apply:
- (1) If a neighboring fire department elects to expand its boundaries to include the area served by the dissolved fire department, the Firefighters' Relief Fund account shall be transferred to the expanding fire department.
  - (2) If no neighboring fire department elects to include the dissolved fire department's territory into its own, the dissolved fire department shall not be certified and shall forfeit its right to future annual payments from the Firefighters' Relief Fund.
- (c) If a rated and certified fire department that is serving two or more rated and certified districts divides into separate fire departments, the original rated and certified fire department shall retain the relief fund for each rated and certified district. Any new fire department resulting from the division shall be entitled to receive relief fund money after it has been rated and certified in accordance with 11 NCAC 05A .0503.
- (d) Fire department checks shall be disbursed by the Department of Insurance Controllers office to the fire departments in that county through Electronic Funds Transfer, unless a fire department's account cannot accept electronic funds transfers, in which case the Commissioner shall distribute the department's allocation by paper check.

*History Note:* Authority G.S. 58-2-40(1); 58-84-25; 58-84-40; 58-84-50; 58-85-1;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Amended Eff. February 1, 2017; September 1, 2010; February 1, 1993; July 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

**SECTION .0400 - ADMINISTRATION OF OTHER FUNDS**

**11 NCAC 05A .0401 FIREMEN'S PENSION FUND**

**11 NCAC 05A .0402 FIREMEN AND RESCUE SQUAD IN LINE OF DUTY DEATH BENEFIT**

*History Note:* Authority G.S. 118A-19; 143-166.1 through 143-166.7;  
Eff. February 1, 1976;  
Readopted Eff. May 12, 1978;  
Repealed Eff. July 1, 1986.

**11 NCAC 05A .0403 RURAL VOLUNTEER FIRE DEPARTMENT FUND**

**11 NCAC 05A .0404 RESCUE SQUAD WORKERS' RELIEF FUND**

*History Note:* Authority G.S. 118-50; 118-61;  
Eff. October 1, 1988;  
Repealed Eff. February 1, 1993.

## **SECTION .0500 - INITIAL CERTIFICATION AND RESPONSE RATINGS FOR FIRE DEPARTMENTS**

### **11 NCAC 05A .0501      PURPOSE**

*History Note:*      Authority G.S. 58-2-40; 58-86-25;  
                             Eff. September 1, 1985;  
                             Amended Eff. October 1, 2006; July 1, 1992; July 1, 1986;  
                             Repealed Eff. January 1, 2018.

### **11 NCAC 05A .0502      QUALIFICATIONS** **11 NCAC 05A .0503      ESTABLISHMENT OF FIRE DEPARTMENT** **11 NCAC 05A .0504      PRIMARY PERSONNEL**

*History Note:*      Authority G.S. 58-2-40; 58-84-5; 58-86-25; 143-166.1;  
                             Eff. September 1, 1985;  
                             Amended Eff. February 1, 2017; October 1, 2006; July 1, 1992; July 1, 1986;  
                             Repealed Eff. January 1, 2018.

### **11 NCAC 05A .0505      DRILLS AND MEETING REQUIREMENTS**

*History Note:*      Authority G.S. 58-2-40; 58-36-10; 58-78-5; 58-86-25;  
                             Eff. September 1, 1985;  
                             Amended Eff. October 1, 2010; October 1, 2006; July 1, 1992;  
                             Repealed Eff. January 1, 2018.

### **11 NCAC 05A .0506      ALARM AND COMMUNICATIONS** **11 NCAC 05A .0507      RECORDS AND DOCUMENTS**

*History Note:*      Authority G.S. 58-2-40; 58-79-45;  
                             Eff. September 1, 1985;  
                             Amended Eff. February 1, 2017; September 1, 2010; October 1, 2006; July 1, 1992;  
                             Repealed Eff. January 1, 2018.

### **11 NCAC 05A .0508      APPARATUS**

*History Note:*      Authority G.S. 58-2-40; 58-36-10(3); 58-86-25;  
                             Eff. September 1, 1985;  
                             Amended Eff. October 1, 2006; August 3, 1992;  
                             Repealed Eff. January 1, 2018.

### **11 NCAC 05A .0509      FIRE STATION**

*History Note:*      Authority G.S. 58-2-40; 58-86-25; 143-166.1;  
                             Eff. September 1, 1985;  
                             Repealed Eff. January 1, 2018.

### **11 NCAC 05A .0510      INSPECTION**

*History Note:*      Authority G.S. 58-2-40; 58-36-10(3); 58-86-25;  
                             Eff. September 1, 1985;  
                             Amended Eff. October 1, 2006; July 1, 1992;  
                             Repealed Eff. February 1, 2017.

### **11 NCAC 05A .0511      SIX MILE INSURANCE DISTRICT**

*History Note:* Authority G.S. 58-2-40; 58-86-25; 58-40-25(4);  
Eff. October 1, 2006;  
Repealed Eff. January 1, 2018.

## **11 NCAC 05A .0512 STANDARDS AND POLICIES**

*History Note:* Authority G.S. 58-2-40; 58-36-10(3);  
Eff. October 1, 2006;  
Amended Eff. February 1, 2017;  
Repealed Eff. January 1, 2018.

### **SECTION .0600 - VOLUNTEER FIRE DEPARTMENT FUND**

## **11 NCAC 05A .0601 DEFINITIONS**

*History Note:* Authority G.S. 58-2-40(1); 58-87-1;  
Eff. February 1, 1993.  
Repealed Eff. February 1, 2017.

## **11 NCAC 05A .0602 FIRE DISTRICT RATING CERTIFICATION**

If a fire department is working with OSFM to obtain its fire district rating certification as of March 1, it may apply for a grant. In order to receive a grant, the fire department shall obtain its fire district rating certification within 60 days after OSFM has determined that the fire department has otherwise satisfied the requirements of G.S. 58-87-1 and the rules in this Section.

*History Note:* Authority G.S. 58-2-40(1); 58-36-10(3); 58-87-1;  
Eff. February 1, 1993;  
Amended Eff. February 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

## **11 NCAC 05A .0603 REQUIREMENTS**

(a) A department shall apply for a grant by using an online application made available by OSFM. This application shall contain the following information:

- (1) general contact information for the applicant;
- (2) a description of the department, including the names and total number of active members, services provided, the number of volunteers and paid personnel and the total annual salary;
- (3) a list of current vehicles owned by the department;
- (4) total county and city funding received by the department;
- (5) contract information for each city and county; and
- (6) a list of equipment requested by the department.

(b) Online applications shall be submitted to OSFM and be electronic date stamped no later than March 1. Applications bearing electronic date stamps later than March 1 shall be disqualified.

(c) Any application received by OSFM that is incorrect or incomplete shall be returned to the department with a request that the correct or complete information be sent to OSFM within 10 business days after receipt by the department. The failure of the department to return the requested correct or complete information shall result in the forfeiture by the department of its eligibility for a grant during that grant cycle.

(d) Any department listed on the Office of State Budget and Management Suspension of Funding List for Non State Entities available at <http://www.osbm.state.nc.us/> shall be ineligible to participate in the grant program until the department is removed from the Suspension of Funding List pursuant to G.S. 143C-6-23. If a department is awarded a grant and becomes ineligible to receive funding due to being listed on Suspension of Funding List, the department may be required to forfeit the grant pursuant to 09 NCAC 03M .0801.

(e) If the application includes a request for a motor vehicle, the vehicle specifications shall accompany the application. If a used vehicle is requested, then the previous year's maintenance records shall accompany the application. Maintenance records shall consist of items such as weekly or monthly vehicle checks that would include

annual inspections, oil changes, fuel level, tire pressure, mileage, hour meter, and other pertinent fluid levels and service test records, if applicable.

(f) The following documents shall accompany a grant application:

- (1) A contract verification form showing an agreement between the department and a county for the department to provide fire protection to a district;
- (2) A current roster comprising a list of "eligible firefighters" as defined in G.S. 58-86-2;
- (3) A financial statement of the department; and
- (4) A statement verifying that the department is financially able to match the grant in accordance with G.S. 58-87-1(a1)(2).

(g) Statements that there are no overdue taxes, conflict of interest statements as defined in G.S. 143C-6-23(b), payment agreements, and equipment invoices shall be received by OSFM no later than September 30 following the announcement of grant recipients. Departments submitting incorrect invoices, such as sales orders, acknowledgements, and packing slips, on or before September 30 shall be contacted by OSFM and given 10 business days to submit correct documents. The failure of any department to comply shall result in the department forfeiting its eligibility for a grant from the Fund. Equipment or capital improvements that are ordered by a department before May 15 or equipment that is back-ordered by a vendor for a department or equipment not received by a department on or before September 30 shall not be funded by grants from the Fund.

(h) OSFM may extend the September 30 deadline for invoice submission for the following:

- (1) new vehicles;
- (2) self-contained breathing apparatus;
- (3) personal protective equipment; or
- (4) capital improvements.

(i) In order for the deadline to be extended pursuant to Paragraph (h) of this Rule, the department shall notify OSFM in writing by August 31. OSFM shall review the grant extension request and may approve an extension of up to 90 days. If an extension greater than the initial 90 days is needed by the department, another written request shall be submitted to OSFM no later than 30 days prior to the end of the first extension. The first extension shall be for 90 days, any subsequent extension and its length shall be determined by OSFM based on the information provided, but shall not exceed 90 days. Extensions may be granted for the following reasons: manufacturing delays, state declared disasters, shipping delays, and supply shortages.

*History Note: Authority G.S. 58-2-40(1); 58-87-1;*

*Eff. February 1, 1993;*

*Amended Eff. May 1, 2017; September 1, 2010; January 1, 2007;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.*

## **11 NCAC 05A .0604 OTHER GRANT CRITERIA**

In addition to criteria in G.S. 58-87-1, in awarding grants the Commissioner of Insurance shall consider the following criteria in relation to each fire department:

- (1) number of paid personnel;
- (2) personnel salary paid by the unit or the city or county;
- (3) number and age of vehicles;
- (4) county population density;
- (5) county per capita income;
- (6) source of fire department funding, including the following funding sources for the last fiscal year:
  - (a) city or county funding;
  - (b) fire tax;
  - (c) sales tax;
  - (d) contracted services;
  - (e) revenue from EMS billing;
  - (f) fund raising;
  - (g) donations; and
  - (h) revenue from non-OSFM grants.
- (7) cash balance as of the beginning of current fiscal year;
- (8) protective equipment requested;
- (9) miscellaneous equipment requested;

- (10) vehicles requested;
- (11) capital improvements requested; and
- (12) current fire insurance rating.

*History Note:* Authority G.S. 58-2-40(1); 58-87-1;  
 Eff. February 1, 1993;  
 Amended Eff. February 1, 2017;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

## **SECTION .0700 – VOLUNTEER RESCUE/EMS FUND**

### **11 NCAC 05A .0701 DEFINITIONS**

As used in the section:

- (1) "Office of State Fire Marshal" or "OSFM" means the Office of State Fire Marshal of the North Carolina Department of Insurance.
- (2) "Fund" means the Volunteer Rescue/EMS Fund created in G.S. 58-87-5.
- (3) "Unit" means a volunteer unit, a rescue/EMS unit, or an EMS unit recognized by OSFM in accordance with G.S. 58-87-5(b)(3).

*History Note:* Authority G.S. 58-2-40(1); 58-87-5;  
 Eff. February 1, 1976;  
 Readopted Eff. May 12, 1978;  
 Amended Eff. February 1, 2017;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

### **11 NCAC 05A .0702 ALS CERTIFICATION**

If a unit is working with the Office of Emergency Medical Services (OEMS) to obtain its Advanced Life Support (ALS) certification as of October 1, that unit may apply for a grant. In order to receive a grant, the unit shall obtain its ALS certification from OEMS within 60 days after OSFM has determined that the unit has otherwise satisfied the requirements in G.S. 58-87-5 and the rules in this Section.

*History Note:* Authority G.S. 58-2-40(1); 58-87-5;  
 Eff. February 1, 1993;  
 Amended Eff. February 1, 2017;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

### **11 NCAC 05A .0703 REQUIREMENTS FOR UNITS REQUIRED TO MATCH GRANTS**

(a) A unit shall apply for a grant by using an online application made available by OSFM. This application shall contain the following information:

- (1) general contact information for the applicant;
- (2) a description of the unit, including the names and total number of active members, services provided, the number of volunteers and paid personnel and the total annual salary;
- (3) a list of current vehicles owned by the unit;
- (4) total county and city funding received by the unit;
- (5) contract information for each city and county; and
- (6) a list of equipment requested by the unit.

(b) Online applications shall be submitted to OSFM and be electronic date stamped no later than October 1. Applications bearing electronic date stamps later than October 1 shall be disqualified.

(c) Any application received by OSFM that is incorrect or incomplete shall be returned to the unit with a request that the correct or complete information be sent to OSFM within 10 business days after receipt by the unit. The failure by the unit to return the requested correct or complete information shall result in the forfeiture by the unit of its eligibility for a grant during that grant cycle.

(d) Any unit listed on the Office of State Budget and Management Suspension of Funding List for Non State Entities available at <http://www.osbm.state.nc.us/> shall be ineligible to participate in the grant program until the unit is removed from the Suspension of Funding List pursuant to G.S. 143C-6-23. If a unit is awarded a grant and becomes ineligible to receive funding due to being listed on the Suspension of Funding List, the unit may be required to forfeit the grant pursuant to 09 NCAC 03M .0801.

(e) If the application includes a request for a motor vehicle, the vehicle specifications shall accompany the application. If a used vehicle is requested, then the previous year's maintenance records shall accompany the application. Maintenance records shall consist of items such as weekly or monthly vehicle checks that would include annual inspections, oil changes, fuel level, tire pressure, mileage, hour meter, and other pertinent fluid levels and service test records, if applicable.

(f) The following documents shall accompany a grant application;

- (1) A Rescue Provider Statement showing that a county recognizes the unit as providing rescue or rescue/EMS services to a specified district. As used in this Subparagraph, "rescue provider statement" means a statement, signed by representatives of a unit and the county in which the rescue or rescue/EMS services are provided, that the unit provides rescue or rescue/EMS services within the county;
- (2) A current roster of unit members;
- (3) A statement verifying that the unit is financially able to match the amount of the grant in accordance with G.S. 58-87-5(a)(2); and
- (4) A financial statement of the unit.

(g) Statements that there are no overdue taxes, conflict of interest statements as defined in G.S. 143C-6-23(b), payment agreements, and equipment invoices shall be received by OSFM no later than April 30. Units submitting incorrect invoices, such as sales orders, acknowledgements, and packing slips, before April 30 shall be contacted by OSFM and given 10 business days to submit the correct documents. The failure of any unit to comply shall result in the unit forfeiting its eligibility for a grant from the Fund. Equipment or capital improvements that are ordered by a unit before December 15 or equipment that is back-ordered by a vendor for a unit or equipment not received by a unit on or before April 30 shall not be funded by grants from the Fund.

(h) OSFM may extend the April 30 deadline for invoice submission for the following:

- (1) new vehicles;
- (2) self-contained breathing apparatus;
- (3) personal protective equipment; or
- (4) capital improvements.

(i) In order for the deadline to be extended pursuant to Paragraph (h) of this Rule, the unit shall notify OSFM in writing by March 31. OSFM shall review the grant extension request and may approve an extension of up to 90 days. If an extension greater than the initial 90 days is needed by the unit, another written request shall be submitted to OSFM no later than 30 days prior to the end of the first extension. The first extension shall be for 90 days, any subsequent extension and its length shall be determined by OSFM based on the information provided, but shall not exceed 90 days. Extensions may be granted for the following reasons: manufacturing delays, state declared disasters, shipping delays, and supply shortages.

*History Note: Authority G.S. 58-2-40(1); 58-87-5;*

*Eff. February 1, 1993;*

*Amended Eff. May 1, 2017; September 1, 2010; January 1, 2007;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.*

## **11 NCAC 05A .0704 REQUIREMENTS FOR UNITS NOT REQUIRED TO MATCH GRANTS**

*History Note: Authority G.S. 58-2-40(1); 58-87-5;*

*Eff. February 1, 1993;*

*Repealed Eff. May 1, 2017.*

## **11 NCAC 05A .0705 OTHER GRANT CRITERIA**

In addition to criteria in G.S. 58-87-5 and other Rules in this Section, in awarding grants the OSFM shall consider the following criteria in relation to each unit:

- (1) number of paid personnel;



- (2) personnel salary paid by the unit or the city or county;
- (3) number and age of vehicles;
- (4) county population density;
- (5) county per capita income;
- (6) unit funding sources including the following funding sources for the last fiscal year:
  - (a) city or county funding;
  - (b) fire tax;
  - (c) sales tax;
  - (d) contracted services;
  - (e) revenue from EMS billing;
  - (f) fund raising;
  - (g) donations; and
  - (h) revenue from non-OSFM grants;
- (7) cash balance as of the beginning of current fiscal year;
- (8) protective equipment requested;
- (9) miscellaneous equipment requested;
- (10) capital improvements requested; and
- (11) vehicles requested.

*History Note:* Authority G.S. 58-2-40(1); 58-87-5;  
 Eff. February 1, 1993;  
 Amended Eff. February 1, 2017;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

## **SECTION .0800 - CIGARETTE FIRE-SAFETY STANDARDS**

### **11 NCAC 05A .0801 CERTIFICATIONS**

- (a) Certifications and fees submitted pursuant to G.S. 58-92-20 shall be sent to:  
 NCDOI-OSFM  
 NC Fire Safety Programs  
 1202 Mail Service Center  
 Raleigh, NC 27699-1202
- (b) OSFM shall return incomplete certifications. The submitter shall complete or correct the original submittal within 90 days after the date of return. If the submitter fails to return a completed or corrected submittal within the 90-day period, the submitter shall pay the fee specified in G.S. 58-92-20(e) for each subsequent submittal.
- (c) Payment of all fees under Article 92 of Chapter 58 of the General Statutes shall be remitted by way of a check drawn on a bank. As used in this Paragraph, "bank" has the meaning set forth in Section 2(c) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841(c)).

*History Note:* Authority G.S. 58-2-40; 58-92-20; 58-92-35; 58-92-30(g);  
 Eff. February 1, 2010;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 19, 2019.

## **SECTION .0900 – PUBLIC PROTECTION CLASSIFICATIONS FOR FIRE DISTRICTS**

### **11 NCAC 05A .0901 DEFINITIONS**

As used in this Subchapter:

- (1) "9S Inspection" means an inspection conducted by the Office of State Fire Marshal (OSFM) to ensure compliance with the requirements of this Section in order to receive a public protection classification rating.
- (2) "Automatic Aid" means assistance dispatched automatically by contractual agreement between two communities or fire districts to all structure fires.

- (3) "Eligible Firefighter" means all persons 18 years of age or older who are firefighters as defined by G.S. 58-86-2.
- (4) "Engine" means a motorized vehicle meeting the requirements of NFPA 1901, "Standard for Automotive Fire Apparatus."
- (5) "Fire Department" means an organization established or organized under applicable State and local laws, for the purpose of limiting, reducing, or preventing damage or personal injury caused by fire or other emergency.
- (6) "Fire Districts" or "Insurance Districts" means an area within a city, town, municipality, or county that is established in order to provide fire prevention and fire suppression services.
- (7) "Fire Station" means a building for the housing of fire department apparatus and personnel.
- (8) "Gallons Per Minute" or "GPM" means the volume of water flow from a hose, hydrant, or other fire suppression apparatus.
- (9) "Pounds Per Square Inch" or "PSI" means the pressure a gas or liquid exerts on the walls of its container.
- (10) "Public Protection Classification" or "PPC" means a rating given to fire districts or insurance districts throughout the State on their ability to provide fire prevention and fire suppression services to affected areas within its jurisdictional boundaries.
- (11) "Road Miles" are the miles that a fire apparatus will travel from a fire station to an emergency scene.
- (12) "Rural Fire District" means a fire district that is outside the jurisdictional boundaries of a city, town or municipality and is established pursuant to G.S. Chapter 69, Article 3A of or G.S. Chapter 153A, Article 11.
- (13) "Structure Fire" means a condition where an actual monetary loss or physical damage has occurred to a building or constructed area, due to the result of a fire.
- (14) "Tanker" means a fire truck/engine designed to carry water to fires, whether equipped with or without a pump to dispense the water.

*History Note*      *Authority G.S. 58-2-40; 58-36-10; 58-40-25;*  
*Eff. January 1, 2018.*

#### **11 NCAC 05A .0902      PURPOSE**

- (a) This Section establishes standards for insurance public protection classifications for fire districts throughout the State.
- (b) Fire districts in all rural areas of the State and in cities with populations of 100,000 or fewer according to the most recent annual population estimates certified by the State Budget Officer shall be inspected by the Department in accordance with the requirements of this Section. All other fire districts in the State shall be inspected by the Insurance Services Office ("ISO") in accordance with this Section.
- (c) A "PPC 1" is the best rating, and a "PPC 10" indicates that the fire district does not meet the minimum protection requirements.
- (d) A fire district that meets the certification requirements set forth in this Section shall be given a public protection classification of "PPC 9S."
- (e) A fire district that meets the certification requirements set forth in this Section, but contains properties within its jurisdictional limits that are more than five but within six road miles from a responding fire station, shall be given a public protection classification rating of "PPC 9E."
- (f) If a fire district contains some properties within its jurisdictional limits that meet the requirements of a certain PPC rating, and some properties within its jurisdictional limits that meet the requirements of another PPC rating, the fire district may receive a split rating.
- (g) To receive a public protection classification better than a "PPC 9S," a fire district must meet the requirements of this Section and the North Carolina Fire Suppression Rating Schedule ("NCFSRS").

*History Note:*      *Authority G.S. 58-2-40; 58-36-10; 58-40-25;*  
*Eff. January 1, 2018.*

#### **11 NCAC 05A .0903      RATING OF FIRE DISTRICTS**

- (a) To receive a PPC rating, a fire department shall submit a written request to OSFM containing the following information:

- (1) The name of the fire district;
  - (2) The name of the entity that operates the fire district (e.g., city, town, county, non-profit corporation);
  - (3) The name of the person in charge of the entity that operates the fire district;
  - (4) The name and title of the Fire Chief or his or her designee;
  - (5) The physical address of the location of every fire station utilized by the fire department;
  - (6) The mailing address of the fire department;
  - (7) The Federal (FEIN) Tax ID number of the fire department;
  - (8) Copies of any contracts with a local government body to provide fire protection; and
  - (9) A Geographic Information System ("GIS") computer-generated map of the fire district, and documentation of the approval of the map by the local governing body if applicable.
- (b) A fire department may contract with more than one unit of government to provide fire protection. In addition, a local unit of government may contract with more than one fire department to provide fire protection.
- (c) 9S Re-Inspections. Fire departments shall be re-inspected by OSFM, at least every 10 years and shall be notified by OSFM of such 9S re-inspection in writing at least 30 days in advance. In addition, upon receipt of information alleging noncompliance with this Section that is reviewed and verified by OSFM, OSFM shall perform unannounced re-inspections of fire departments.
- (d) New Station Inspection. A fire department may request a certification inspection for any new station. Before OSFM will conduct the inspection, the fire department must provide the following:
- (1) Proof of Certificate of Occupancy; and
  - (2) If the fire department is adding to their rated insurance district with an additional station or making any changes to the insurance district lines, new maps and approvals in accordance with Subparagraph (a)(9) of this Rule.
- (e) Merging of fire departments. When two or more fire departments merge into one fire department, OSFM shall conduct a 9S inspection. Before the inspection will be conducted, the fire departments must provide the requirements of Paragraph (a) of this Rule.
- (f) Unless otherwise approved pursuant to Paragraph (g) of this Rule, a fire district may not extend more than five road miles from a responding fire station.
- (g) A rural fire district may extend its boundaries to more than five road miles but within six road miles from a responding fire department if, in addition to the requirements of Paragraph (a) of this Rule, the fire department enters a written automatic aid contract with another jurisdiction that requires the responding party to respond with at least one piece of fire apparatus capable of carrying at least 1,000 gallons of water.

*History Note:* Authority G.S. 58-2-40; 58-36-10; 58-40-25; 58-83-1;  
Eff. January 1, 2018.

## **11 NCAC 05A .0904 FACILITIES**

- (a) A fire station shall be provided with heating for all-weather protection of apparatus.
- (b) If a fire department has multiple fire stations, each fire station shall not be more than 10 road miles from another fire station within the fire district.

*History Note:* Authority G.S. 58-2-40; 58-36-10; 58-40-25;  
Eff. January 1, 2018.

## **11 NCAC 05A .0905 APPARATUS SPECIFICATIONS AND EQUIPMENT**

- (a) Engines. All stations shall have at least one engine that is:
  - (1) Constructed in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus"; and
  - (2) Equipped with the following:
    - (A) A pump certified by an independent third-party certification organization that is accredited for inspection and testing systems on fire apparatus in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus."
    - (B) A pump rated at not less than 750 GPM at 150 PSI net pump pressure.
    - (C) A tank with at least a 300-gallon capacity.
    - (D) Two 200-foot pre-connected hose lines, with a diameter of 1 ½ inches, 1 ¾ inches, or 2 inches, with nozzles that have a minimum flow of 95 GPM.

- (E) At least 20 feet of hard-suction hose in a size to flow the capacity of the engine, or at least 15 feet of soft-suction hose with a diameter of at least four inches.
  - (F) Four self-contained breathing apparatus (SCBA) in proper working condition. A SCBA shall be considered in proper working condition if the facepiece, back frame and harness, cylinder, hoses, low air alarms, regulators, and accessories are tested and operational in accordance with manufacturer's recommendations. The SCBA's shall be certified in accordance with NFPA 1981, "Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services."
  - (G) Four spare SCBA cylinders.
  - (H) One roof ladder at least 12 feet long.
  - (I) One extension ladder at least 24 feet long.
  - (J) One folding ladder.
  - (K) One pike-head axe.
  - (L) One flat-head axe.
  - (M) One forcible entry tool.
  - (N) One pike pole or plaster hook at least 6 feet long.
  - (O) Two portable, rechargeable hand lights suitable for use in hazardous conditions in accordance with NFPA 70, "National Electrical Code."
  - (P) 100 feet of utility rope, at least ½ inch in diameter.
  - (Q) Two 20 pound, class BC portable extinguishers.
  - (R) One 2½-gallon water extinguisher.
  - (S) One first aid kit.
  - (T) One bolt cutter at least 14 inches long.
  - (U) One two-way radio assigned to the apparatus.
  - (V) One traffic vest for each riding position.
- (b) Tankers. If a station has a tanker, the tanker shall:
- (1) Be equipped with at least 1,000 gallons of water.
  - (2) Be equipped with hoses and equipment for filling the tank and transferring water to the engine.
  - (3) Be properly baffled in accordance with NFPA 1901, "Standard for Automotive Fire Apparatus."
  - (4) Be equipped with one traffic vest for each riding position.
- (c) Protective Clothing. Each eligible firefighter shall be provided protective clothing approved pursuant to NFPA 1851, "Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting," including:
- (1) Helmet.
  - (2) Coat.
  - (3) Pants.
  - (4) Boots.
  - (5) Gloves.
  - (6) Hoods.
- (d) A fire station shall inspect all equipment inventory monthly, and document the inspection.
- (e) A fire station shall perform maintenance on engines and tankers in accordance with manufacturers recommendations, and maintain logs documenting all such maintenance.
- (f) A fire department shall perform a fire pump performance test on all engines annually, in accordance with NFPA 1911, "Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles." If the engine was purchased within the previous 12 months, the certification required by Part (a)(2)(A) of this Rule shall satisfy this requirement.
- (g) All NFPA standards referenced in this Rule are herein incorporated by reference, including subsequent amendments and editions. Copies of these standards are available for public inspection at the Department, or may viewed online for free at the National Fire Protection Association website at <http://www.nfpa.org>.

*History Note: Authority G.S. 58-2-40; 58-36-10; 58-40-25;  
Eff. January 1, 2018.*

## **11 NCAC 05A .0906 STAFFING LEVELS**

### **(a) Fire Station.**

- (1) Each fire department shall maintain a minimum of 15 eligible firefighters on its roster.

- (2) Each fire department shall provide a roster containing the names and date of birth of all eligible firefighters. A report submitted to the North Carolina State Firefighters' Association pursuant to G.S. 58-86-25 constitutes compliance with this Subparagraph.
  - (3) Each fire department shall provide current workers compensation insurance certifications for all of its eligible firefighters.
  - (4) Firefighters under the age of 18 will not be counted for purposes of meeting the requirements of this Rule.
- (b) Additional Fire Stations: Fire departments that operate more than one station shall have four additional personnel for each additional station.

*History Note:* Authority G.S. 58-2-30; 58-36-10; 58-40-25; S.L. 2017-167;  
Eff. January 1, 2018.

#### **11 NCAC 05A .0907 TRAINING**

- (a) Eligible firefighters shall attend at least 36 hours of training annually in the area of fire prevention, fire suppression, or protection of life and property. No more than 12 hours of emergency medical services training may be counted toward the 36-hour training requirement.
- (b) Fire departments shall provide at least four hours of training per month, for a total of 48 hours of training per year.
- (c) Within one year of appointment, the fire chief of each fire department shall complete a class on management of fire department operations and records approved by the State Fire and Rescue Commission in accordance with G.S. 58, Article 78.
- (d) Fire departments shall maintain training records in accordance with 11 NCAC 05A .0911.

*History Note:* Authority G.S. 58-2-40; 58-36-10; 58-40-25;  
Eff. January 1, 2018.

#### **11 NCAC 05A .0908 COMMUNICATIONS AND ALARMS**

- (a) Fire departments shall utilize the Public Service Answering Point (PSAP) established pursuant to G.S. 143B, Article 15, Part 10, to receive 911 calls and dispatching, 24 hours per day, 7 days per week.
- (b) Notification to firefighters of emergencies may be provided by pagers, portable radios with alerting capabilities, or station alerting devices with paid personnel. Text paging or phone paging by a third party shall not be an acceptable means of notification.
- (c) In jurisdictions utilizing Automatic Vehicle Location (AVL) systems, the fire department that is responsible for the fire district shall be dispatched, along with the closest unit recommendation of the AVL systems. In accordance with 11 NCAC 05A .0903(g), if a jurisdiction is utilizing AVL for unit dispatch, it shall ensure that an apparatus with a minimum of 1,000 gallons of water is dispatched as required by the automatic aid protocols.

*History Note:* Authority G.S. 58-2-40; 58-36-10; 58-40-25;  
Eff. January 1, 2018.

#### **11 NCAC 05A .0909 RESPONSE TO STRUCTURE FIRES**

- (a) Each fire department shall ensure the response of at least four of its eligible firefighters and one engine to all structure fires. The fire chief may be one of the four responding members.
- (b) The fire department responding to a structure fire shall have a plan to provide a minimum flow of 200 GPM for 20 minutes within five minutes of the first arriving engine.

*History Note:* Authority G.S. 58-2-40; 58-36-10; 58-40-25;  
Eff. January 1, 2018.

#### **11 NCAC 05A .0910 INCIDENT REPORTING**

- (a) In addition to the requirements of this Rule regarding the storage and deployment of Aqueous Film Forming Foam (AFFF), when a fire department responds to a fire, the fire chief shall ensure that a fire incident report is completed using software that complies with the current version of the National Fire Incident Reporting System (NFIRS).

(b) A fire department shall keep records on dates, times, and locations of all fires using software that complies with the current version of the NFIRS.

(c) All reports shall be submitted to OSFM within 120 days of incident occurrence.

(d) When a fire department responds to a fire involving fatalities, an initial report shall be filed by the fire chief or fire marshal of the authority having jurisdiction within 48 hours of the incident to the Office of State Fire Marshal.

(e) In accordance with G.S. 58-82B-10, an online reporting portal for the storage and deployment of AFFF has been created at the following website: <https://www.ncosfm.gov/fire-rescue/ratings-and-inspections/afff-foam>. This online reporting portal consists of an online database and an online reporting tool to capture the storage and deployment of AFFF.

(f) The fire chief or fire marshal of the authority having jurisdiction shall ensure that the following information regarding AFFF inventory for their fire department is entered into the online database:

- (1) The number of trucks at each department that carry AFFF, and the fire station or other location, including street address, where each truck is located.
- (2) The volume, trade name, and Chemical Abstract Service (CAS) number of the AFFF on each truck.
- (3) An inventory, including the volume, trade name, and CAS number of AFFF stored by each fire department at a fire station or other location, including the street address where the AFFF is stored.
- (4) The volume, trade name, and CAS number of AFFF products that are no longer utilized and could be removed from inventory for disposal, including the street address where the AFFF is stored.
- (5) A photograph of the label and the container of the AFFF. For the purpose of this Subparagraph, a photograph includes an electronic image produced by the camera of an electronic device.

The information entered in the online database shall be updated annually in accordance with G.S. 58-82B-5.

(g) When a fire department responds to a fire, conducts training involving AFFF foam in any quantity, or has an accidental spill, the fire chief shall ensure an initial report is entered in the online reporting tool within 15 days of the incident or the training event, including the following:

- (1) The date, time, and location, including street address and GPS coordinates, where AFFF was involved, the trade name, and CAS number of the AFFF used.
- (2) The total volume of AFFF involved, including gallons of foam and gallons of water and total concentration of foam.
- (3) The reason for the deployment of AFFF, such as firefighting, fire prevention, other emergency response actions intended to protect property or public safety, training, or an accidental spill.

(h) The fire chief or fire marshal of the authority having jurisdiction shall ensure that an annual report is available in the online reporting tool by July 1st of each year that includes the information required by Paragraph (g) of this Rule.

*History Note:* Authority G.S. 58-2-40; 58-36-10; 58-40-25; 58-79-1; 58-79-45; 58-82-5; 58.82.10; S.L. 2021-180, s. 8.10(i);  
Eff. January 1, 2018;  
Amended Eff. June 1, 2023.

## **11 NCAC 05A .0911 RECORDS**

A fire department shall maintain the following records for 36 months:

- (1) Apparatus maintenance logs for in service engines and tankers, in accordance with 11 NCAC 05A .0905.
- (2) Apparatus equipment inventory checks for all in service engines and tankers, in accordance with 11 NCAC 05A .0905.
- (3) Fire pump performance tests, in accordance with 11 NCAC 05A .0905.
- (4) Training records for all eligible firefighters, in accordance with 11 NCAC 05A .0907.
- (5) The AFFF inventory and usage reports created in accordance with 11 NCAC 05A .0910.

*History Note:* Authority G.S. 58-2-40; 58-36-10; 58-40-25; 58-82-5; 58-82-10;  
Eff. January 1, 2018;  
Amended Eff. June 1, 2023.

## **11 NCAC 05A .0912 NON-COMPLIANCE**

(a) Upon completion of an inspection, the OSFM inspector will review the inspection results with the fire chief or the chief's designee. Any fire department that fails to meet any of the standards set forth in this Section shall be considered non-compliant for the purpose of determining Fire Insurance District Rating Classifications.

(b) A non-compliant fire department shall have a period of 30 days from the date of the inspection to submit a written corrective action plan to OSFM. The corrective action plan shall address each deficiency found in the inspection and the corrective action the fire department will take in response to the deficiency. Upon receipt of approval of the corrective action plan from OSFM, the fire department shall have six months to become compliant. If the fire department remains non-compliant after the expiration of the six-month corrective action period, OSFM shall consult with the entity that operates the fire district and place the fire department on probation until the fire department becomes compliant, for a period not to exceed six months. Upon completion of the probationary period, OSFM shall re-inspect the fire department for compliance. If the fire department remains non-compliant, OSFM shall designate the fire department as a "PPC10" (non-certified).

*History Note:* Authority G.S. 58-2-40; 58-36-10; 58-40-25;  
Eff. January 1, 2018.

#### **SECTION .1000 – DISASTER RESPONSE AND RECOVERY**

##### **11 NCAC 05A .1001      FEDERAL      EMERGENCY      MANAGEMENT      AGENCY-OWNED TRANSPORTABLE TEMPORARY HOUSING UNITS**

*History Note:* Authority G.S. 58-78A-2; S.L. 2024-57, s. 1F.4.;  
Emergency Adoption Eff. January 7, 2025;  
Temporary Adoption Eff. March 7, 2025;  
Temporary Adoption Expired December 27, 2025.