

North Carolina Fire Law

Second Edition

C. Barrett Graham

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to:

Sharyne, my wife;

my parents,

Ruby B. Graham

and

*John B. Graham, MD
Alumni Distinguished Professor of Pathology
Professor Emeritus
University of North Carolina-Chapel Hill
(January 26, 1918–September 25, 2004);*

and

North Carolina's Firefighters

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Preface

To the student:

Please keep the following in mind when working with these materials.

1. This book is not intended as a detailed discussion of the law applicable to the fire service (lawyers call such books “horn-books”); rather it is an orientation and survey of guideposts for reference and further study. It consists of an overview of North Carolina and federal law.
2. Each state has its own laws and regulations governing its fire service-related activities. This means that when you cross a state line, the rules will change. The law discussed herein, for the most part, is that which is applicable only in North Carolina.
3. Legislative activities and court rulings have a continuous influence on law. Consequently, the law is subject to frequent, and often unannounced, changes. As a result, a student of law must not assume that what the law is today will remain the law forever. A serious student of a body of law must monitor it constantly and identify the changes in order to use it effectively, or, at the very least, the student must check for changes before making an important decision based upon what the law or rule “used to be.”
4. This text is intended to provide effective research tools for both the first-time student and the supervisor.

Acknowledgments

This project represents the most recent step in an academic adventure which began in 1991 when the late Emmel Coggins (former firefighter, Fire Service Instructor, regional training coordinator, and fierce advocate for North Carolina's Community Colleges) shanghied me into writing a course for firefighters dealing with civil liability. Emmel, you may have created a monster. Thanks, old man, wherever you are, for your advice and support. Thanks are due to my wife Sharyne, for her patience, support, and occasional boots to the rear, all of which combined to keep this project moving; to two distinguished professors, John B. Graham, MD, and John G. Barrett, PhD, who unhesitatingly encouraged me to pursue this project at its beginning; and to my parents, who saw to it that I received a decent education, my efforts to the contrary notwithstanding.

In my wanderings through academia, one person who was to have a profound effect upon many of us who studied under him was the late Franklin "Frank" Butler. He taught demanding courses in English, writing, and literature at Asheville School (where I graduated on schedule after four years and two summer schools). That which I have done correctly in this book safely can be attributed to Frank's influence. The errors are my fault entirely.

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