

CHAPTER 11 – FIRE PROTECTION, HAZARDOUS MATERIALS & PUBLIC SAFETY

COLUMBUS COUNTY FIRE PREVENTION AND PROTECTION ORDINANCE

	<u>Pg.</u>
Part 1 -Administration	1
Part 2 -Inspection Schedule for Existing Buildings	4
Part 3 -Permits, Plan Review & Fees	5
Part 4 -Unsafe Buildings	6
Part 5 -Civil Penalties	7
Part 6 -Reporting A Hazard or Violation	8
Part 7 -Collection of Fees	8
Part 8 -Forms	9
Part 9 -False Alarm Ordinance	10
Part 10 -Columbus County Open Burning	12
Part 11 -Uniform Property Addressing and Display	15
Part 12 - Hazardous Material and Substance Abatement	15

PART 1 - ADMINISTRATION

ARTICLE 1-TITLE

These regulations shall be known as the "Fire Prevention and Protection Ordinance of Columbus County, North Carolina," and may be cited as such and referenced to herein as the code.

ARTICLE 2 - INTENT

It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire and explosion within the jurisdiction of the county. The code shall not be construed to hold the county responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein, failure to inspect or re-inspect or the permits issued or denied as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

ARTICLE 3 -CODE AND AMENDMENTS

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, or exposure to hazardous materials, the North Carolina Fire Prevention Code and appendices of said code, along with the North Carolina Amendments of said code is hereby adopted by reference and is set forth herein as the Fire Code for the County. Any Amendments to the aforementioned code, which are adopted, amended, and published by the North Carolina Building Code Council, shall be effective in the County at the time such amendments are declared in effect by the North Carolina State Building Code Council.

ARTICLE 4 -APPLICABILITY

The provisions of this ordinance shall apply to all buildings and occupancies in the North Carolina Building Code Volume 1, General Construction and the North Carolina Building Code Volume V, Fire Prevention and any other building referenced by this ordinance. The provisions of this code shall apply equally to existing as well as new buildings.

Section 1. Inapplicability of Code.

Where the North Carolina Fire Prevention Code or its references are inapplicable to a specific occupancy of process, the appropriate NFPA (National Fire Protection Association) or other nationally recognized standard shall be used.

Section 2. Copy on File.

A copy of the fire prevention and protection ordinance, and all technical codes and standards adopted by reference shall be available for public inspection at the fire marshal's office.

ARTICLE 5- JURISDICTION

In accordance to the general statutes of the State of North Carolina and the provisions of the Columbus County Fire Prevention and Protection Ordinance, it will be the responsibility of the Columbus County Fire Marshal's Office to issue all fire prevention permits, conduct all fire inspections for the county and enforce the provisions of the North Carolina Building Code Volume V, Fire Prevention and the Columbus County Fire Prevention and Protection Ordinance in the unincorporated areas of the county.

Section 1. Contracting for Services.

Where a Columbus County Municipality or Sanitary District who is legally obligated to provide fire inspection services to a specified area cannot do so, they may contract with the County Fire Marshal's office to provide these services. Any area contracted to the fire marshal's office for fire

inspection services shall be bound to all the provisions of the Columbus County Fire Prevention and Protection Ordinance.

Section 2. Exception to Contracting for Services.

Where a municipality provides fire inspection services and only requires the assistance of the Fire Marshal's office due to the inability to inspect a building whose occupancy requires a more qualified Inspector than supplied by the municipality, then the provisions of this ordinance shall not apply.

ARTICLE 6 - DEFINITIONS

Section 1. Definitions and Abbreviations.

For the purpose of this code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as set forth in this and following sections.

Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural includes the singular.

Fire Code Official means the Fire Chief or other designated authority charged with administration and enforcement of the code, or a duly authorized representative that holds a certification certificate issued by the North Carolina Code Qualifications Board.

Section 2. Terms Not Defined.

Where terms are not defined in this code and are defined in the International Fire Code, International Building Code, International Fuel Gas Code, International Mechanical Code or International Plumbing Code, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.

PART 2 – EXISTING BUILDING INSPECTIONS

ARTICLE 1 -FREQUENCY OF INSPECTION

Inspection schedules of existing buildings shall be in accordance with Section 106 of the N.C. Fire Prevention Code, and shall be conducted no less frequently than described in the schedule below:

<u>OCCUPANCY CLASSIFICATION</u>	<u>INSPECTION FREQUENCY</u>
Public Schools	Every Six Months
Hazardous	Every Year
Institutional	Every Year
High Rise	Every Year
Assembly	Every Year
Residential* (Excludes one and two family dwellings)	Every Year
Industrial	Every two (2) years
Educational (Except Public Schools)	Every two (2) years
Foster Care Home (G.S. 131-D)	Every two (2) years
Group Care Home	Every two (2) years
Business	Every three (3) years
Mercantile	Every three (3) years
Storage	Every three (3) years
Churches and Synagogues	Every three (3) years

*The North Carolina Fire Code definition of a residential occupancy is a multi-family building; the Fire Code does not apply to one and two family dwellings.

*For Scheduled Inspection Fee see Columbus County Fire Protection and Prevention Fee Schedule approved by Columbus County Commissioners.

PART 3 - PERMITS, PLAN REVIEW & FEES

Section 1. Definition.

Permit is an official document issued by the Fire Marshal's Office authorizing performance of a specified activity, use, operation or installation. This includes, but is not limited to the following types: Use Permit, Special Use Permit, Burning Permit, Operational Permit, Construction Permit and Permits for Fire Protection Systems, Storage Tanks, and any other items needing a permit.

Section 2. Required Permits.

In accordance with the detailed requirements of the County, a permit shall be obtained from the Fire Marshal's Office pursuant to the procedure set forth in Chapter 1, Section 105 of the N.C. Fire Prevention Code, along with the N.C. Amendments and this ordinance. Permits shall be obtained to conduct those activities or operations as set forth in the permit and service fee schedule as approved by the Columbus County Board of Commissioners. An operational permit must be obtained from the Columbus County Fire Marshal's Office as per the schedule of fees as adopted by the Columbus County Board of Commissioners.

- A. Renewal. All permits will be valid for a period of 1, 2, or 3 years and will be renewable upon completion of fire inspection in accordance with Section 105 of the NC Fire Prevention Code. Renewal fees will be based on fee schedule proposed for inspections in accordance with Section 105.

Section 3. Information Required with Applications.

An application for a permit shall be filed with the Fire Marshal's Office on a form furnished for that purpose, provided by the County and shall include the applicant's answers in full to inquiries set forth in such forms. Applications for permits shall be accompanied by appropriate fees and such data as may be required by the Fire Marshal or Fire Code Official.

- A. Contractor's License Required. When the General Statutes requires that general construction, plumbing, mechanical, electrical, fire protection, or gas work be performed by the appropriately licensed individual(s), no permit for such type work shall be issued to an unlicensed person or firm.

- B. Additional Data. The Fire Marshal's Office may require details, computations, stress diagrams, professional certification and other data necessary to describe the construction or installation of a system.
- C. Plan Review. Plan reviews shall apply to all buildings and occupancies in the N.C. Building Code General Construction and the N.C. Fire Prevention Code. This review will be for the determination of compliance with this ordinance and the Fire Code, and shall be completed within a reasonable time of receipt of plans. If the Fire Marshal's Office review of these plans indicates the need for a fire permit, as outlined in this ordinance and the Fire Code or if there are corrections to be made to the plans, the building permit shall not be issued until the fire permit has been applied for or until the corrections are made to the plans. This plan review shall not apply to one and two family dwellings.

Section 4. Penalties.

See Civil Penalties Schedule in Chapter 5 of this ordinance.

Section 5. Revocation.

The Fire Marshal and or Fire Code Official may revoke a permit upon determination that the permit holder, or any agents or employees of the permit holder, has violated any provision of the N.C. Building Code Fire Prevention or of this Ordinance, or any stated condition of the permit. The Fire Marshal or Fire Code Official shall advise the permit holder, in writing, of the reason for the revocation.

Section 6. Nontransferable.

Any permits issued shall not be transferable. Permits shall be valid only as specified on the permit for the time period, use, and/or project specified. Permits shall be valid only for the individual listed on the permit application.

PART 4 - UNSAFE BUILDINGS

Section 1. Unsafe, Defective Buildings or Systems.

All buildings or service systems, which are unsanitary, constitute a fire hazard, or constitute a hazard to safety or health, bad conditions of walls, overload floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress are considered unsafe. All such unsafe building or service systems shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the technical codes. (G.S. 153A-365, 153A-366, 153A-367, 153A-368, 153A-369, 153A-370 and 153A-371).

- A. Summary Abatement. Where conditions exist that are deemed hazardous to life and property, the Fire Marshal or Fire Code Official is authorized to abate summarily such hazardous conditions that are in violation of this code.
- B. Abatement. The owner, operator or occupant of a building or premises deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

PART 5 – CIVIL PENALTIES

Section 1. Civil Penalties.

Any person who shall violate any of the provisions of the N.C. Fire Prevention Code or this ordinance adopted by the Columbus County Board of Commissioners, or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under or any certificate or permit issued there under, shall be subject to penalties as specified below as approved by the Columbus County Board of Commissioners. These penalties shall be recovered by the County in a Civil Action in the nature of debt if the offender does not pay the penalties within a period of 30 days after the issuance of the notice of violation. The notice of violation shall be in writing, signed by the Fire Marshal and/or the Fire Official charged with the enforcement of the N.C. Fire Prevention Code or this ordinance, and shall be delivered or mailed to the offender either at his/her residence or place of business or at the location where the violation occurred. Each day's continuing violation shall be a separate and distinct offense. Any action to recover such penalties may be joined in an action for appropriate equitable remedy, including injunctions and orders of abatement and including an action to recover damages by the County in abating, correcting, limiting, and otherwise dealing with the harmful effects of the offending action. Civil penalties are assessed in accordance with North Carolina G.S. 153A and G.S. 160A.

* For Civil Penalty Schedule see Columbus County Fire Protection and Prevention Fee Schedule approved by Columbus County Commissioners.

Violation(s) consisting of locked and/or blocked exits, impedance of the occupants to quickly evacuate a structure or premise, or conditions posing imminent danger to the occupants on or about the premise or Violation(s) of Occupancy Limits established pursuant to the North Carolina State Building and/or Fire Code must be corrected during the time of the inspection if at all possible

PART 6 - REPORTING A HAZARD OR VIOLATION

Section 1. Hazards and Violations.

The Fire Marshal's Office will respond to any complaint regarding a life safety hazard, illegal burning, and any other fire code violation or fire ordinance violation in Columbus County.

- A. How to report a hazard or violation. A hazard or violation may be reported at any time. They may be reported directly to the Fire Marshal's Office at 910-640-6610. If it is after normal business hours, please call (910) 640-1428.
- B. Required Information for Complaints. All complaints will require the following information to be recorded in order for the complaint to be processed:
1. Name of the person filing the complaint
 2. Address and phone number of person filing complaint
 3. Location of hazard or violation
 4. Type of problem, hazard or violation
- C. Records. A written record of all complaints will be maintained in the Fire Marshal's Office. A report will be attached to the complaint stating any violations or hazards found and what actions were taken.

PART 7 - COLLECTION OF FEES

Section 1. Inspection Fees (New Construction).

In the event additional fees are required to be assessed during a construction project, any and all fees must be paid in full prior to the issuance of the buildings Certificate of Occupancy. Occupying a building that has not been issued a Certificate of Occupancy will constitute a civil penalty for each day of continued offense.

Section 2. Inspection Fees (Existing Buildings).

The fee for an inspection of an existing building shall be assessed and an invoice will be supplied to the owner, occupant, or designee. Subjects will have thirty (30) days to remit payment. After thirty (30) days the bill will be placed in a past due status and a second invoice will be sent to the subject. After a period of sixty (60) days of non-payment, the account will be subject to a 10% late fee and the account will be placed on hold and no additional inspections or permits will be issued, civil action will be taken through the court system after a period of ninety 90 days.

PART 8 - FORMS

REPORTING A HAZARD or VIOLATION FORM

Name of Person Filing Complaint

Address of Person Filing Complaint

Phone Number of Person Filing Complaint

Location of Hazard (address -name of business -name of owner or operator if known)

Type of Problem, Hazard or Violation Reported

A written record of all complaints will be maintained in the Fire Marshal's Office. A report will be attached to the complaint stating any violations or hazards found and what actions were taken.

Fire Marshal Use Only

Date of resulting inspection: ___/___/___ Was property found to be in violation? Yes___No___

Comments/Resolution_____

PART 9 - FALSE ALARM ORDINANCE

ARTICLE 1. PURPOSE

- A. The purpose of this ordinance is to encourage alarm users and alarm companies to maintain the operational reliability of alarm systems and to properly use alarm systems in order to reduce or eliminate false/accidental alarm dispatches of fire apparatus.
- B. This ordinance governs systems intended to summon a fire response, establishes a fee associated with penalties for violations.

ARTICLE 2. DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alarm. means the activation of an alarm signal that produced either an audible sound that can be heard from the interior or exterior of a commercial or residential building, structure, or premise housing the alarm system, or the emission of a signal to a direct monitoring service which in turn notifies the Columbus County Communications Center or directly notifies local officials that an alarm has been activated.

Alarm Business. means the business by any individual, partnership or corporation serving, repairing, altering, replacing, moving or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any commercial or residential building, structure or premises, and shall not include any other activity of the business.

Alarm Dispatch Request. means a notification to public safety officials by an alarm company that an alarm has been activated at an alarm site.

Alarm Installation. means any alarm device or combination of devices installed for one or more commercial or residential buildings, structures or premises.

Alarm System. means a device or series of devices, including but not limited to, systems interconnected with a radio frequency signal, which are designed to warn of fire by emitting or transmitting a remote or local audible, visual, or electronic signal indicating an alarm condition that may require attention by a fire department.

Automatic Telephone Dialing Device or Digital Alarm Communication System. An alarm system that automatically sends a prerecorded voice message or coded signal over regular telephone lines by direct connection or any other digital method indicating the existence of the emergency situation that the alarm system is designed to detect.

False Fire Alarm. means any transmitted alarm signal in which there is no sign of smoke, fire or water-flow conditions.

ARTICLE 3 - GENERAL REGULATIONS

- A. The alarm user shall maintain the premises and the alarm system in a manner that will minimize or eliminate false/accidental alarm dispatches and activate the alarm only for the occurrence of events it was designed to report.
- B. The alarm user shall respond or cause a responsible representative to respond to the alarm site within 30 minutes when notified by officials.
- C. Each alarm user shall furnish to the county in writing the names and telephone number of at least one, but no more than five, persons authorized and able to deactivate the alarm system.
- D. The alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of the alarm site shall sound no longer than (15) minutes, requiring an automatic reset.

ARTICLE 4 - ALARM RESPONSE

Section 1. False Alarms.

It shall be determined that three (3) or more fire false alarm within a 12-month period is excessive and constitutes a public nuisance. The county will allow three (3) fire false alarm response to any alarm user within any calendar year without penalty. A civil penalty shall be issued for any excess false alarm responses as follows:

Fire False Alarms- Fees:

4th False Alarm: \$ 50.00

5th False Alarm: \$ 75.00

6th False Alarm: \$100.00

7th False Alarm: \$150.00

8th False Alarm: \$200.00

9th False Alarm: \$250.00

10 or more False Alarms: \$500.00

- A. No fee shall be assessed if the false/accidental alarm dispatch is:
1. Caused by a hurricane, tornado or lightning strike where there is clear evidence of physical damage to the alarm system.
 2. Activated by an electrical power outage to the electric meter on the commercial or residential building housing the activated alarm system.
 3. An alarm system activated during alarm system tests conducted by the Fire Marshal's Office for the purpose of computing alarm times.
 4. Caused by an actual fire.
 5. Activated by smoke condition without fire.
 6. Sprinkler water flow has tripped system due to a sprinkler head activating with or without fire.

PART 10 – COLUMBUS COUNTY OPEN BURNING

ARTICLE 1. DEFINITIONS

Open Burning means the burning of leaves, grass clippings, and other natural, unprocessed vegetation in which the products of combustion pass into the open air without passing through any type of chimney or duct.

Recreational Fire means an outdoor fire utilized for the cooking of food for human consumption.

Structure For the purpose of this section of the ordinance, a structure shall be defined as an occupied building.

Illegal Burning. The burning of trash, paper, plastics, lumber, tires, chemicals and other man-made materials.

ARTICLE 2. OPEN BURNING - WHERE ALLOWED

Open burning may be allowed not within 50 feet of any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. It is the burners responsibility to ensure that the fire is maintained on their property and not allowed to spread to adjoining property.

Section 1. Exceptions.

- A. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
- B. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

Section 2. Notification Required.

Notification is required for all open burning when the vegetation to be burned is piled such that the pile size exceeds five (5) feet wide x five (5) feet long x five (5) feet high, or when the vegetation burns longer than five (5) hours. Two (2) or more piles on a single piece of property shall be considered a single pile. Notification is also required when the vegetation to be burned is larger than six (6) inches in diameter. A phone number will be established for the public to utilize to make notification of open burning.

Section 3. Notification Requirement Exceptions.

Exceptions to the notification requirement specified in Article 2, section 2 are as follows:

- A. Agriculture, silviculture, or burning of land for wildland management.
- B. Fires set for the training of firefighting personnel.
- C. Recreational fires.

Section 4. Accordance with Applicable State and Federal Air Quality and Waste Disposal Laws.

Open burning in Columbus County shall be conducted in accordance with all applicable State and Federal Air Quality and Solid Waste Disposal Laws, and shall also be in accordance with the North Carolina Fire Prevention Code.

Section 5. Prohibited Open Burning.

In accordance with Section 307.2.2 of the North Carolina Fire Prevention Code, open burning permitted by this ordinance that is deemed to be offensive or objectionable due to smoke or odor emissions shall be prohibited.

Section 6. Illegal Open Burning.

In accordance with North Carolina Administrative Code 15A 2D .1900 "Open Burning", any person found in violation of this section shall be subject to the Civil Penalties outlined in Part 5 of this chapter.

Section 7. Attendance to Open Burning.

Open burning must be constantly attended at all times by a competent person. In accordance with Section 307.4 of the North Carolina Fire Prevention Code, a minimum of one portable fire extinguisher with a minimum 4-A rating or other approved onsite fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.

Section 8. Extinguishment of Open Burning.

Any open burning found to be in violation of this Section, the North Carolina Fire Prevention Code or any State or Federal law shall be extinguished immediately by the responsible party, and open burning will be immediately discontinued.

ARTICLE 3- BURNING BAN

In the event that the Columbus County Fire Marshal's Office issues a ban on outdoor burning within 100 feet of a structure, then in accordance to state law all Open Burning shall be immediately discontinued until such ban is lifted by the Columbus County Fire Marshal's Office. During this ban, no open burning shall be conducted at all within 100 feet of a structure; this includes any outdoor burning at residences. A civil citation may be issued for violations.

Section 1. Conditions Warranting a Burning Ban.

A burning ban on outdoor burning within 100 feet of a structure may be issued by the Columbus County Fire Marshal's Office in the event that atmospheric conditions or local circumstance make such fire hazardous.

- A. Atmospheric conditions that warrant a burning ban include, but are not limited to:
1. Extended periods of low humidity (below 50%)
 2. High winds
 3. Elevated temperatures
 4. Lack of substantial rainfall.
- B. Local conditions that may warrant a burning ban include, but are not limited to:
1. Flammable and/or combustible liquid spills or leaks close to a burning site.
 2. A hazardous materials incident where the proximity of the burn site could cause a possible ignition source or prove hazardous to operations controlling the incident.
 3. The proximity of adjacent structures or other such hazards.

Section 2. Notification of Burning Ban.

In the event a burning ban is issued, citizens shall be notified through the news media or in person that a burning ban is in place, and fires shall be extinguished immediately. In conjunction with North Carolina Forest Service burning ban, the Columbus County Fire Marshal's Office shall issue a burning ban of all-open burning within 100 feet of a structure and all fires shall be extinguished immediately. The local press shall be notified by the Fire Marshal's Office that such ban is in effect and that no permits will be issued until such ban is lifted and no open burning will be allowed.

Section 3. Repeal of Burning Ban.

Any burning ban issued by the Fire Marshal's Office shall be repealed in the same manner.

Section 4. Civil Penalties.

Any person found in violation of this Section of the Columbus County Fire Prevention and Protection Ordinance shall be subject to the Civil Penalties outlined in Chapter 11, Part 5 of this Ordinance. Failure to make notification of open burning that falls under jurisdiction of this section shall constitute a violation.

PART 11 - UNIFORM PROPERTY ADDRESSING AND DISPLAY

Section 1. Uniform Property Address and Address Display.

New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property

Section 2. Address Numbers Requirements.

Address numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Number shall be Arabic numerals or alphabet letters, and shall contrast with their background.

Section 3. Numbering in Accordance with International Fire Code.

Addressing for all buildings shall be in accordance with Section 505.1 of the 2000 International Fire Code

PART 12 – HAZARDOUS MATERIAL AND SUBSTANCE ABATEMENT

ARTICLE 1 – PURPOSE AND AUTHORITY

The County of Columbus (hereinafter "County") Fire Marshall or his designee shall have the authority to summarily abate, control, contain, remove, or remedy hazardous materials or substances which are emitted into the environment or are left unattended in such a manner as to endanger the health, safety or welfare of the general public or the environment. The County fire Marshall or his designee shall have the authority to enter public or private property, with or without the owner's consent, to respond to such hazardous materials emergencies. The County Fire Marshall or his designee shall determine the type, amount and quantity of equipment and personnel required to adequately abate, control, contain, remove, or remedy all hazardous materials or substances which are emitted into the environment or which are left unattended in

such a manner as to endanger the health, safety or welfare of the general public or the environment.

ARTICLE 2 - DEFINITIONS

For the purposes of this section the following definitions shall apply, unless a different meaning appears from the context:

Hazardous material or substance means any material or substance defined as a hazardous material under North Carolina General Statute Section 166A-21 (see Article 5 of this ordinance), and also includes any material or substance which, when discharged in any quantity, may present a danger to either the health, safety or welfare of the general public, or the environment.

Exercising or having control over means, but not be limited to, any person using, transferring, storing, possessing or transporting a hazardous material or substance immediately prior to release of such hazardous material or substance on to the land or into the air or the waters within the county limits.

Hazardous material and-substance response means the sending of any fire department and/or rescue department equipment, *that receives any funding by County*, and/or personnel to abate, control, contain, remove, or remedy any hazardous material or substance which endanger the health, safety or welfare of the general public or the environment.

Person means any individual, firm, partnership, association, institution, corporation, organization, unit of local government, governmental agency, or any other group acting as a unit.

ARTICLE 3 – HAZARDOUS MATERIAL RESPONSIBILITY; FEES AND CHARGES

Section 1. Financial and Liability Responsibility.

Any property owner and/or person exercising or having control over any hazardous material or substance, or property owner and/or person that create a hazardous material or substance emergency shall be held financially responsible and liable for the response, abatement, control, containment, removal, and remedial costs incurred by the County and any County fire department during the emergency. The property owner and/or the person exercising control over such hazardous material or substance shall assist the fire department in the abatement, control, containment, removal and remedial measures associated with the hazardous material emergency. Assistance shall consist of, but not be limited to, any or all of the following:

- A. Compliance with the direction of the fire department and/or rescue department.
- B. Supply of emergency response plan information for the site.
- C. Supply of emergency response equipment, personnel and materials available on site.

- D. Informing fire department and/or rescue department personnel of all matters pertaining to the incident.

ARTICLE 4 – HAZARDOUS MATERIALS PENALTIES AND PAYMENT

Section 1. Payment and Collection of Penalties.

- A. The cost incurred by the County and any County fire department and/or rescue department in responding to, abating, controlling, containing, removing, or otherwise remedying a hazardous material or substance emergency shall be assessed to the responsible party as set forth in Article 3 above, which assessment shall be in writing and delivered to the responsible party and/or its registered agent by personal delivery, first-class United States Mail, commercial delivery carrier or by registered or certified United States Mail return receipt requested, and shall be paid within thirty (30) days of receipt thereof.
- B. Failure to pay the charges as assessed shall give the county the right to levy a lien upon the land, property or the premises where the hazardous material or substance emergency arose and said lien shall be collected as unpaid taxes as provided in North Carolina General Statute Section 153A-140 (See Article 6 of this Ordinance).
- C. All assessed charges or portions thereof not paid within thirty (30) days after the receipt of a statement of charges, shall bear interest at the rate of eight (8) percent per annum until paid. If the statement of charges is delivered to the responsible party by first class mail, three days shall be added to the prescribed period within which payment shall be made. If a statement of charges is delivered to the responsible party by first-class United States Mail, three days shall be added to the prescribed period within which payment shall be made.
- D. All reasonable attorneys' fees and costs of collection shall be added to charges not paid within the required time period.

Section 2. Enactment.

The above Ordinance was approved and adopted, after the second reading, by the Columbus County Board of Commissioners on February 19, 2007, upon motion by Commissioner Memory, seconded by Commissioner McKenzie, and the motion unanimously carried. This information will be recorded in Minute Book 29, at Pages ____ - ____.

ARTICLE 5 - DEFINITIONS

Hazardous materials emergency response team or hazmat team means an organized group of persons specially trained and equipped to respond to and control actual or potential leaks or spills of hazardous materials.

Hazardous material means any material defined as a hazardous substance under 29 Code of Federal Regulations § 1910.120(a)(3).

Hazardous materials incident or hazardous materials emergency means an uncontrolled release or threatened release of a hazardous substance requiring outside assistance by a local fire department or hazmat team to contain and control.

Regional response team means a hazmat team under contract with the State to provide response to hazardous materials emergencies occurring outside the hazmat team's local jurisdiction at the direction of the Department of Crime Control and Public Safety, Division of Emergency Management.

Secretary means the Secretary of the Department of Crime Control and Public Safety.

Technician-level entry capability means the capacity of a hazmat team, in terms of training and equipment as specified in 29 Code of Federal Regulations § 1910.120; to respond to a hazardous materials incident requiring affirmative measures, such as patching, plugging, or other action necessary to stop and contain the release of a hazardous substance at its source.

Terrorist incident means activities that occur within the territorial jurisdiction of the United States, involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state, and are intended to do one of the following:

- A. Intimidate or coerce a civilian population.
- B. Influence the policy of a government by intimidation or coercion.
- C. Affect the conduct of a government by mass destruction; assassination, or kidnapping.

ARTICLE 6 - ABATEMENT OF PUBLIC HEALTH NUISANCES

Section 1. Abatement of public health nuisances.

A county shall have authority, subject to the provisions of Article 57 of Chapter 106 of the General Statutes to remove, abate, or remedy everything that is dangerous or prejudicial to the public health or safety. Pursuant to this section, a board of commissioners may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety. The expense of the action shall be paid by the person in default, and, if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes. The authority granted by this section may only be exercised upon adequate notice, the right to a hearing, and the right to appeal to the General Court of Justice. Nothing in this section shall be deemed to restrict or repeal the authority of any municipality to abate or remedy health nuisances pursuant to G.S. 160A-174, 160A-193, or any other general or local law. This section shall not affect bona fide farms, but any use of farm property for nonfarm purposes is subject to this section.