

COLUMBUS COUNTY
BOARD OF COMMISSIONERS

MINUTES

The Honorable Board of Columbus County Commissioners met in their said office at 111 Washington Street, Whiteville, NC, at 7:30 P.M., April 15, 1996, it being the *third* Monday.

BOARD MEMBERS PRESENT:

Spruell Randolph Britt, Chairman

C.E. "Gene" Wilson, Vice Chairman

David L. Dutton, Jr.

A. Dial Gray, III

Sammie Jacobs

Lynwood Norris

C.W. Williams

James E. Hill, Jr., Attorney

Dempsey B. Herring
County Administrator

Ida L. Smith, Clerk to Board

Chairman Spruell R. Britt called the meeting to order and Ed Worley, Aging Director, gave the invocation.

BOARD MINUTES APPROVAL

A motion was made by Commissioner Norris, seconded by Commissioner Gray and passed unanimously to approve the Minutes of the April 1, 1996, Board Meeting as recorded.

CONSENT AGENDA ITEMS

A motion was made by Commissioner Williams, seconded by Commissioner Norris and passed unanimously to approve the following consent agenda items.

Tax Releases:

Ruth Moody Buffkin: A-3-7, Deferred taxes billed through error. Land transferred within family members. Amount \$767.15, valuation \$91,600, year 1995, year 1995 for 1992, 93, and 94. Account #10-015-10.

Mildred M. Dudley: J-7-25, deferred taxes billed through error, land transferred within family members. Amount \$24.67, valuation \$2,940, 1995 and 1995 for 1994, account #01-21464.

Jackie Junior Etheridge: 0-8-9, house vacant. Amount \$60.00, year 1995, account #03-05920.

Mabel C. Gore (Mrs.): TC-4-112, house vacant; also mobile home vacant on J-14-36D. Amount \$96.00, year 1995, account numbers 06-14920 and 07-06820.

Dorothy Graham: I-2-11, dwelling vacant. Amount \$90.00, years, 1994-95, account #05-02480.

Peggy D. Grainger (Life); B-4-7, deferred taxes double-billed through error. Amount \$38.13, valuation \$4,470, year 1995, year 1995 for 1994, year 1995 for 1993, account #10-06975.

Eugene Greene (Etals) E-5-20 acres corrected to 52/100 acres. Amount \$3.77, valuation \$485, account #12-10175.

James Monroe Powell: Two (2) dwellings only on CG-1-98. Amount \$36.00, year 1995, account #16-12321.

Alfonza Stevenson: H-13-60, leasehold, double-listed to H-13-60B, George Roosevelt Stanley. Amount \$120.96, valuation \$16,800, years 1990-1995, account #06-38033.

Andy & Sheri Noble; E-6-89C and double wide mobile home, located outside city limits of Cerro Gordo. Amount \$152.46, valuation \$77,880, years 1993-94, account #16-11866.

Charles Mitchell Powell, Sr.; CG-1-97, personal property (farming equipment) not inside city limits of Cerro Gordo. Amount \$38.99, valuation \$19,496, year 1995, account #16-12260.

Budget Amendments:

Appropriate 72-301-0000	Surcharge-E911	\$14,100
Appropriate 72-329-0000	Interest	2,500
Appropriate 72-399-0000	Fund Balance	36,983

Expend as follows:

72-525-0200	Salaries	\$ 1,962
72-525-0500	FICA	80
72-525-0600	Insurance	2,300
72-525-0700	Retirement	1,160
72-525-1100	Telephone	30,000
72-525-1300	Utilities	500
72-525-3300	Departmental Supplies	35
72-525-5400	Insurance	(1,454)
72-525-5700	Miscellaneous	10,500
72-525-7400	Equipment	7,000
72-525-8200	Interest on Loan	1,500

Accept 10-348-1600	State Aid Administration Family Preservation Grant	\$27,600
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Expend as follows:

10-612-0200	Salaries (Contract)	\$10,000
10-612-0300	Temporary and Part-time Salaries	1,500
10-612-1100	Telephone	2,000
10-612-1101	Postage	1,750
10-612-1300	Utilities	3,600
10-612-1400	Travel	8,250
10-612-1600	Repairs & Maintenance	500

Accept 10-348-1600	State Aid - Administration	\$72,400
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Expend as follows:

10-612-2600	Advertising	\$ 1,500
10-612-3200	Office Supplies	5,500
10-612-3300	Educational/Meeting/Janitorial Supplies	7,250
10-612-4500	Professional Services	17,500
10-612-5700	Miscellaneous Expenses	31,500
10-612-5300	Dues & Subscriptions	650
10-612-5400	Insurance & Bonding	1,500
10-612-7400	Capital Outlay	7,000

Accept 40-348-0300	Crisis Intervention	\$11,629
Expend 40-616-0000	Crisis Intervention	\$11,629

Accept 10-348-1600	State Aid Administration	\$75,118
Expend 10-611-0201	FSA Day Care	\$75,118

AGING - PERMISSION TO SEEK BID CONTRACTS FOR CONGREGATE**DINNERS**

A motion was made by Commissioner Norris, seconded by Commissioner

Dutton and passed unanimously to grant permission to Ed Worley, Aging Director, to seek annual bid contracts for congregate dinners to Nutrition Sites and home delivery.

RESOLUTION - SUPPORT I-74 TABLED

The Board reached a general consensus to table the request from Steve Yost, Economic Development Director, to support Interstate 74 and the four-lane connector through Columbus County until a response is received from Brunswick County as to what route they are supporting. The Board directed Dempsey B. Herring, Administrator, to meet with the Brunswick County Manager to coordinate the I-74 route.

PROCLAMATION - COLUMBUS COUNTY RETIRED & SENIOR VOLUNTEER PROGRAM

A motion was made by Commissioner Williams, seconded by Commissioner Wilson and passed unanimously to proclaim April 21-27, 1996 as National Volunteer Week

NATIONAL VOLUNTEER WEEK

1996 PROCLAMATION.

WHEREAS, the Columbus County Retired and Senior Volunteer Program (RSVP), sponsored by Southeastern Community College, has been providing community service opportunities for older adults, age fifty-five (55) and over, for twenty-three (23) years; and

WHEREAS, RSVP volunteers have formed partnerships with twenty-four (24) service organizations to work together to meet Columbus County's community needs; and

WHEREAS, more than two hundred thirty-seven (237) RSVP volunteers are expected to serve over thirty thousand (30,000) hours of community service during the 1995-96 year; and

WHEREAS, RSVP, as part of the Corporation for National and Community Service, taps the talents of older adults to address human needs, education, environmental and public safety issues.

NOW, THEREFORE, be it proclaimed by the Board of Commissioners of Columbus County that April 21-27, 1996, is National Volunteer Week in Columbus County. We ask that all citizens, whatever their ages or backgrounds, to join the National Service

movement and volunteer.

ATTEST:

/s/ Spruell R. Britt, Chairman

/s/ Ida L. Smith, Clerk to Board

Columbus County Board of Commissioners

**PROCLAMATION - APPRECIATION WEEK FOR COUNTY DEPARTMENT OF
SOCIAL SERVICES' EMPLOYEES**

A motion was made by Commissioner Norris, seconded by Commissioner Williams and passed unanimously to proclaim May 5-11, 1996 as Appreciation Week for the County Department of Social Services' Employees.

APPRECIATION WEEK FOR COUNTY DEPARTMENT OF

SOCIAL SERVICES' EMPLOYEES

1996 PROCLAMATION

WHEREAS, dedicated men and women across North Carolina work in local county departments of social services to provide services and support for thousand of our citizens; and

WHEREAS, these Social Services professionals accomplish many goals in their life's work: they provide financial and medical assistance for those unable to meet basic needs; protect children, older adults and the disabled; guide the needy toward self maintenance through education and job placement; assure that children receive financial support form their parents who are legally responsible for that support; offers services to children, older adults and the disabled that enhance their quality of life; and provide administrative support for program operations; and

WHEREAS, Social Services professionals are dedicated to improving the quality of life for the citizens of this State. They also strive to improve the delivery of services and to operate Social Services programs as efficiently and effectively as possible.

NOW, THEREFORE, we, the Board of Commissioners of Columbus County, hereby proclaim May 5-11, 1996, as "Appreciation Week for County Department of Social Services' Employees" in Columbus County and urge our citizens to recognize these professionals and commend them for their efforts.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ Spruell R. Britt, Chairman

ATTESTED BY:

/s/ Ida L. Smith, Clerk to Board

**PROCLAMATION - COLUMBUS COUNTY ALCOHOL & DRUG PREVENTION
COALITION**

A motion was made by Commissioner Norris, seconded by Commissioner Jacobs and passed unanimously to proclaim the month of April as Alcohol Awareness Month.

ALCOHOL AWARENESS MONTH

1996 PROCLAMATION

WHEREAS, underage drinking is the number one drug problem among the nation's youth; and

WHEREAS, use of alcohol is associated with the leading causes of death and injury among youth, including motor vehicle crashes, homicides and suicides; and

WHEREAS, juvenile crime, violence and poor academic performance are closely linked with underage drinking; and

WHEREAS, purchase of alcohol by people under the age of twenty-one (21) is illegal in all fifty (50) states; and

WHEREAS, approximately two-thirds (2/3) of teenagers who drink still report that they can buy their own alcoholic beverages; and

WHEREAS, passage of other laws to reduce underage drinking and enforcement of those laws is a community and state responsibility; and

WHEREAS, the ADPC mission is . . .

“ALCOHOL/DRUG PREVENTION NOW;

WELLNESS AND SUCCESS FOREVER”!

NOW, THEREFORE, we, the Columbus County Board of Commissioners, do hereby join with Senator George McGovern and proclaim that April, 1996, is Alcohol Awareness Month in Columbus County and call upon all citizens, parents, governmental

agencies, public and private institutions, businesses, hospitals and schools in Columbus County to join in "drawing the line" against underage drinking and to pursue the vision of ADPC.

COMMUNITY BASED ALTERNATIVES - 1996-97 ALLOCATION APPROVED

A motion was made by Commissioner Williams, seconded by Commissioner Dutton and passed unanimously to approve the 1996-97 Community Based Alternatives allocation as follows:

Whiteville City Schools - Student Assistance Program	\$43,527
Juvenile Services - Court Psychologist	2,700
Columbus County Schools - Youth and Family Counseling Services	87,056
CBA Certification	250

CONTRACT - SOCIAL SERVICES SECONDARY EMPLOYMENT WITH T. SCOTT SESSIONS

A motion was made by Commissioner Gray, seconded by Commissioner Norris and passed unanimously to approve the following Contract.

STATE OF NORTH CAROLINA

COUNTY OF COLUMBUS

THIS CONTRACT OF SECONDARY EMPLOYMENT by and between the COLUMBUS COUNTY COMMISSIONERS (hereinafter referred to as Department), and T. SCOTT SESSIONS, Attorney at Law (hereinafter referred to as Attorney), to provide for the legal services needed by the COLUMBUS COUNTY CHILD SUPPORT AGENCY (hereinafter referred to as Agency).

WITNESSETH

WHEREAS, the Department desires to employ the attorney to provide the legal services needed by the agency upon the following terms:

1. This contract shall begin April 1, 1996 and will continue through March 31, 1997 unless terminated, renewed, or extended as provided herein.
2. The Attorney, upon reasonable notice, shall be available for consultation, legal

advice, and representation as requested by the Agency on legal matters arising under Article 9, Chapter 110 of the North Carolina General Statutes, Title 42 United States Code, Section 651 et seq., and regulations promulgated thereunder.

3. The Attorney agrees to comply with all of the requirements of Article 9, Chapter 110 of the North Carolina General Statutes, Title 42 United States Code, Section 651 et seq., and the regulations promulgated thereunder, regarding the performance of the program legal services. These requirements include, but are not limited to, maintaining such records available for federal or state audit if required, and making any financial, statistical, and program progress reports.
4. The Department agrees to pay the Attorney Fifty Dollars (\$50.00) per hour for the time spent in performing the services required under this Contract. This hourly rate shall encompass all expenses including, but not limited to, those for salary, office space, heating and maintenance for office space, telephone service, long-distance telephone calls, and travel. The Attorney is not to be reimbursed for incurring extraordinary expenses incidental to performing the services required under this Contract, with the exception that the Department agrees to pay all court costs and filing fees which are required to be paid in conjunction with the services provided by the Attorney under this Contract.
5. Either party may terminate this Agreement with thirty (30) days written notice to the other party.
6. It is understood and agreed between the Department and the Attorney that the payment of compensation specified in this Agreement, its continuation or any renewal or extension thereof, is dependent upon and subject to, the allocation and appropriation of funds to the Department for the purpose set forth in this Agreement.
7. The Department has the option to renew or extend this Contract for additional one (1) year periods, not to exceed two (2) renewals or extensions.

NOW, THEREFORE, the parties have executed this Contract in triplicate originals, one to be retained by the Attorney, one to be retained by the Agency and one to be filed with the Child Support Enforcement Section of the Department.

/s/ T. Scott Sessions, Attorney at Law

/s/ Spruell R. Britt, Commission Chairman

APPOINTMENT - INSPECTIONS ADVISORY BOARD

A motion was made by Commissioner Williams, seconded by Commissioner Dutton and passed unanimously to appoint Charles Ward to serve on the Inspections Advisory Board to replace Monte Herring, for a one (1) year term, expiring April 15, 1997.

APPOINTMENT - CAPE FEAR RIVER ADVISORY BOARD

A motion was made by Commissioner Gray, seconded by Commissioner Norris

and passed unanimously to reappoint Commissioner Sammie Jacobs to serve on the Cape Fear River Advisory Board for a three (3) year term, expiring April 30, 1999.

FAMILIES FIRST - APPROVAL TO ALLOW RENOVATIONS TO DSS BUILDING (WEST WING) CONTINGENT UPON LEASE AGREEMENT

Vicki Pait, Families First Program Director, on behalf of the Board of Directors, requested the Commissioners to consider allowing them to renovate the West Wing of the old Department of Social Services Building to be used solely for emergency shelter of victims of domestic violence and sexual assault and administrative offices.

A motion was made by Commissioner Dutton, seconded by Commissioner Williams and passed unanimously to allow the Families First Board of Directors to renovate the West Wing of the old Department of Social Services contingent upon a lease being drawn up by James E. Hill, Jr., County Attorney.

SOCIAL SERVICES - LARRY E. MOORE, SOCIAL SERVICES DIRECTOR, APPOINTED AS DEPUTY FINANCE OFFICER

A motion was made by Commissioner Williams, seconded by Commissioner Jacobs and passed unanimously to appoint Larry E. Moore, Social Services Director, as Deputy Finance Officer for the Columbus County Department of Social Services.

SOUTHEAST REGIONAL PARK - ADVANCE FUNDING FOR ENGINEERING & DESIGN APPROVED

A motion was made by Commissioner Norris, seconded by Commissioner Dutton and passed unanimously to approve advance funding for engineering and design costs. Further, to approve an appropriation from Non-departmental - Contingency (10-660-9999) in the amount of \$23,100 to be expended in Interfund Transfers - Capital Projects (10-900-6000).

ORDINANCE - FIRE INSPECTION/PREVENTION ORDINANCE

A motion was made by Commissioner Williams, seconded by Commissioner Norris and passed unanimously to adopt the following Columbus County Fire Inspection Ordinance.

COLUMBUS COUNTY FIRE PREVENTION CODE

ORDINANCE

WHEREAS, on December 13, 1989, the North Carolina Building Code Council substantially adopted the Southern Standard Fire Code as the North Carolina Fire Prevention Code and codified the same as Volume V of the State Building Code with an effective date of July 1, 1991, for enforcement:

WHEREAS, the said Board of Commissioners finds and determines that it is necessary for the protection of the public health, safety, and welfare to enact an ordinance providing for enforcement of the new Fire Prevention Code:

NOW, THEREFORE, the Board of County Commissioners hereby ordains the Columbus County Code be, and it supersedes any previous Fire Prevention Code or policy on the subject and revised and provisions of which are as follows:

CHAPTER 1.1

FIRE PREVENTION

GENERAL PROVISIONS

ARTICLE I.

Section 1.1-1 Title.

This chapter shall be known and may be cited as the "Fire Prevention Ordinances of Columbus County, North Carolina."

Section 1.1-2 Purpose.

The purpose of the chapter is to provide the County of Columbus, North Carolina, with the organization and regulations for enforcement of Volume V, Fire Prevention Code of the North Carolina State Building Code.

Section 1.1-3 Authority.

The Board of Commissioners of Columbus County enacts this Chapter into law pursuant to the authority set forth in the following provisions of law:

1. The North Carolina State Administrative Code for the enforcement of the North Carolina State Building Code, Volume I-A.
2. The North Carolina State Building Code, Volume V. Fire Prevention,

hereinafter referred to as the Fire Prevention Code.

3. North Carolina Administrative Code, section 41F.0704 (b) (2).
4. N.C.G.S. Sections 58-79-1 and 58-79-45.
5. N.C.G.S. Section 15-27.2.
6. N.C.G.S. Chapter 69 and Article 3A.
7. N.C.G.S. Section 110-91.
8. N.C.G.S. Section 1150-525.
9. N.C.G.S. Section 143-138(e).
10. N.C.G.S. Chapter 143 Article 21A.
11. N.C.G.S. Sections 153A-121 through 124.
12. N.C.G.S. Chapter 153A Article 11.
13. N.C.G.S. Sections 153A Article 18. Part 4.

Section 1.1-4 Territorial Jurisdiction.

1. This chapter shall be applicable to all parts of Columbus County except within a city or municipality without Board Approval.

2. The Columbus County Board of Commissioners approved the requests from the towns of Boardman, Bolton, Brunswick, Cerro Gordo, Chadbourn, Fair Bluff, Lake Waccamaw, Riegelwood, Sandyfield, and Tabor City for the Columbus County Fire Marshal's office to enforce Volume V, the Fire Prevention Code within their city or municipal jurisdictions.

Section 1.1-5 Interpretation.

1. This ordinance shall be deemed an exercise of the police power of the County of Columbus for the preservation and protection of public health, peace safety, and welfare and for enforcement of the State Building code, Volume V, Fire Prevention Code. All the provisions of this Chapter shall be liberally construed for that purpose.

2. Nothing in this Chapter shall be construed to conflict with the provisions of the North Carolina General Statutes pertaining to fire protection; in the event of an ambiguity between this Chapter and a provision of said Statutes, the latter shall prevail.

Section 1.1-6 Definitions.

1. The term "Fire Prevention" shall mean those services and actions undertaken to eliminate fire hazards and perils, reduce the risk of occurrence of fire and passively protect property and persons from damage and injury and reduce the extent of the same in the event of fire.

2. The term "Hazardous Materials Emergency" shall mean a sudden and unexpected release of any substance which is defined in state and federal law or regulations as a hazardous material presenting threat to the public health or safety or to the environment or which otherwise, because of its quantity, concentration, or chemical, or infectious characteristics, presents a direct and immediate threat to public health or safety or to the environment and requires immediate action to abate the threat.

3. The term "intentionally Cause Fire Emergency" shall mean a fire willfully and maliciously started and caused to be started by a person with the intent to damage the property on or within which the fire occurred.

4. Other words, phrases, and terms used in this Chapter to the extent possible shall be given the meaning set forth in Section 202 of the North Carolina State Building Code, Volume V, Fire Prevention, as it may be from time to time amended.

Section 1.1-7 - Effective Date.

This Chapter shall be in effect July 1, 1996.

ARTICLE II. FIRE PREVENTION

Section 2.1-1 Fire Prevention Inspection Department:

1. There is hereby created an inspection department to be known as the Office of the Fire Marshal, consisting of fire prevention inspectors (one of which is the Columbus County Fire Marshal), each of whom shall possess an appropriate valid certificate issued by the North Carolina Code Officials Qualifications Board. The department shall be headed by a Fire Marshal, who shall be qualified as a fire prevention inspector.

2. The Office of the Fire Marshal shall be separate and independent of the Columbus County Inspection Department created and composed as set forth in the Columbus County Code.

Section 2.1-2 Designation of the Fire Official.

The Fire Marshal is hereby designated as the Fire Official and charged with the administration and enforcement of the Fire Prevention Code within the territorial jurisdiction of Columbus County. Fire prevention inspectors employed pursuant to the County Personnel Ordinance in the Office of the Fire Marshal are designated as authorized representatives of the Fire Official and charged with the enforcement and administration of the Fire Prevention Code under control and supervision of the Fire Marshal.

Section 2.1-3 Fire Prevention Duties and Responsibilities.

1. The duties and responsibilities of the Fire Marshal and authorized representatives with regard to administration and enforcement of the Fire Prevention Code shall include receiving applications for permits and issuing and denying permits, assessing and collecting fees, making necessary inspections, issuing or denying certificates of compliance, issuing orders including stop orders to correct violations, issuing civil penalty citations for violations and collecting such penalties, bringing or causing to be brought civil and criminal judicial actions against actual or threatened violations, keeping adequate records of administrative and enforcement activities, and taking any other actions that may be required to enforce said code.

2. The Fire Marshal shall make an annual schedule of periodic inspections required by the Fire Prevention Code consistent with funds and personnel provided to his office.

Section 2.1-5 Fire Prevention Inspections.

1. Fire Prevention Inspections are conducted in compliance with laws and ordinances which require or specify fire inspections. Occupancies normally inspected include places of public, educational, institutional, residential (except the interiors of dwellings), mercantile business, industrial, manufacturing, storage, special hazards, structures and the removal, installation or retrofitting of above or underground storage tanks provided by law.

2. All owners or occupants of facilities required to be inspected shall make application to the office of the Columbus County Fire Marshal for such inspection or permit as required.

Section 2.1-6 Record Keeping and Reporting.

The Fire Marshal shall compile and maintain a record of all reports of alleged

violations and of all fires to which volunteer Fire Departments have responded. Such records shall be public records and shall be used to make an annual report of fire prevention and fire protection activities conducted in Columbus County during the period April 1 to March 31 of each year. The report shall be submitted with advice and recommendations for improvement of fire prevention and protection to the County Administrator of Columbus County at the same time the Fire Marshal submits his departments annual budget. This report may include any such recommendations as suggested by the Fire Chiefs of the Volunteer Fire Departments with regards to improving fire protection and fire prevention activities in Columbus County.

Section 2.1-7 Public Information and Education.

The Fire Marshal shall plan and cause a public education program to be executed for the purpose of acquainting the public with the standards and requirements of the Fire Prevention Code. The Fire Marshal, in coordination with the Volunteer Fire Departments and other interested agencies shall also engage in a public education program with respect to fire prevention and safety measures.

Section 2.1-8 Coordination With the Inspection Department.

The Fire Marshal shall have no responsibility for administration and enforcement of any part of the North Carolina State Building Code other than that set forth above provided that the Fire Marshal shall coordinate administration and enforcement of the Fire Prevention Code including issuance of permits with the Columbus County Inspection Department in accordance with the rules of procedure promulgated jointly by the two departments and approved by the County Administrator.

Section 2.1-9 Permit and Inspection Fees.

1. The Fire Marshal shall charge and collect such fees as the Board of Commissioners of Columbus County shall authorize for issuing permits for inspections and for other services performed by the office of the Fire Marshal. The purpose of the fees shall be to defray wholly or in part the cost of providing fire prevention inspection services. The specific kind and amount of fees thereof shall be fixed by the Fire Prevention Fee Schedule, a copy which is attached hereto and incorporated by reference herein. This Fire Prevention Fee Schedule

shall be amended as necessary by action of the Board.

2. The fees shall be due and payable as provided in rules promulgated by the Fire Marshal. The Fire Marshal shall pay over and account with rules promulgated by the County Finance Director.

Section 2.1-10 Fire Prevention Regulations.

The Fire Marshal is authorized to promulgate rules regulating the administration and enforcement of the Fire Prevention Code and other fire prevention services for which his office is responsible hereunder. The Volunteer Fire Departments may and are encouraged to engage in a public fire education program within its department's functions.

ARTICLE III. ABATEMENT AND COST RECOVERY

Section 3.1-1 Public Health Nuisances Declared.

Every hazardous materials emergency and every intentionally caused fire emergency as defined herein which occurs within the territorial jurisdiction of this Chapter is found to be a condition dangerous and detrimental to the health, safety, and welfare of the citizens of Columbus County and to the peace and dignity of said county and therefore are hereby declared public health nuisances within the meaning and intent of N.C.G.S. Section 153A-121.

Section 3.1-2 Abatement of Hazardous Materials Emergencies.

Any authorized volunteer fire department or municipal fire department, county emergency response team or municipal emergency response team responding to a hazardous materials emergency within the territorial jurisdiction of this Chapter in accordance with its contract or a mutual aid agreement or interlocal undertaking and having reasonable cause to believe that a hazardous materials emergency exists shall remove, abate or remedy such emergency to the extent of its authority and capabilities.

Section 3.1-3 Abatement of Intentionally Cause Fires.

Any authorized volunteer fire department or municipal fire department responding in accordance with its contract or a mutual aid or interlocal agreement responding to a fire within the territorial jurisdiction of this Chapter and having reasonable cause to believe that such fire was intentionally caused shall fight such fire and otherwise remove, abate or

remedy such emergency to the extent of its authority and capabilities.

Section 3.1-4 Recovery of Abatement Expenses.

Expenses incurred in the abatement of hazardous materials emergencies and intentionally caused fire emergencies shall be recovered as follows:

Section 3.1-5 .1 Payment of Abatement Expenses.

The expenses of the abatement of a hazardous materials emergency or intentionally caused fire shall be charged to and paid by the person(s) owning, possessing, causing, storing, using or transporting the hazardous materials or who intentionally caused or had said fire started. Expenses shall include the actual labor costs, fringe benefits, administrative overhead, cost of equipment, cost of equipment operation, cost of materials expended, cost of disposal, the cost of any contract labor and materials and the costs including attorney's fees of collecting unpaid expenses.

Section 3.1-6. 2 Determination That a Nuisance Existed.

1. The Fire Chief or authorized representative thereof, in charge of the scene of the fire or other emergency involving the protection of life and property or the official in charge of a County or Municipal hazardous materials response team having reasonable cause to believe that hazardous materials emergency or intentionally caused fire emergency existed within the territorial jurisdiction of this Chapter and having responded to such emergency and removed, abated or remedied such emergency shall prepare a written determination that a nuisance did exist and a preliminary statement of the expenses incurred to remedy, abate, or remove said emergency.

2. The Fire Official, or his authorized representative, shall issue a final written determination of the expenses of abatement and issue an order for payment.

3. The determination and order of the Fire Official may be appealed by any party aggrieved thereby to the Superior Court of Columbus County by a petition for review filed no later than ten (10) days following the date of the determination and order.

Section 3.1-7 .3 Collection of Unpaid Abatement Expenses.

Unpaid abatement expenses shall be collected by a civil action by the Fire Department in which the emergency as described in the Chapter occurred, in the appropriate division of

the General Court of Justice.

ARTICLE IV. VIOLATIONS AND REMEDIES

Section 4.1-1 Violations of the Fire Prevention Code.

Any violation of the Fire Prevention Code is a violation of this Chapter.

Section 4.1-2 Violations a Misdemeanor.

A violation of this Chapter is punishable as a misdemeanor and shall subject the offender to such a fine and confinement as the law of North Carolina may allow from time to time provides. Each day's continuing violation shall constitute a separate offense for the purpose of such prosecution.

Section 4.1-3 Civil Penalties.

1. A violation of this Chapter shall subject the offender to the assessment of a civil penalty in an amount set forth in the schedule of civil penalties to be adopted from time to time by the Board of Commissioners of the County. Penalties assessed shall be recovered by the County in a civil action in the nature of debt if the offender does not pay the civil penalty within thirty (30) days after the offender has been cited for the violation. Each days continuing violation shall constitute a separate offense for the purpose of assessing a civil penalty.

2. The Fire Marshal and any fire prevention inspection employed in his office are authorized as public officials to investigate violations of this Chapter and, upon a determination that such a violation has occurred, issue civil penalty citations. The Fire Marshal shall include written procedures for investigating violations, issuing citations and collecting penalties in rules he is authorized to promulgate pursuant to this Chapter.

Section 4.1-4 Other Remedies.

This Chapter may be enforced by any other remedy at law or equity which the County is authorized to pursue, to include actions in the General Court of Justice for injunctive relief, other remedies authorized in N.C. G. S. Chapter 153A, Article 18, Part 3, and remedies authorized in the Fire Prevention Code. The civil penalties, criminal prosecution, and other remedies provided in this Chapter are cumulative and exclusive, and may be independently and separately pursued against the same person for the activity constituting

a violation of this Chapter. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies in other provisions of this code or other laws and regulations.

Section 4.1-5 Authority to Enter Upon Premises.

For the purpose of conducting inspections and investigations pursuant to this Chapter the Fire Marshal and fire inspectors of his office are hereby authorized to enter upon private premises, including any building or structure, subject to this Chapter. Nothing in this section shall be construed to free the inspecting or investigating official from any requirement to obtain the consent of the owner or occupant of the premises concerned or to obtain an administrative search warrant pursuant to Section 15-27.2 or other provisions of the North Carolina General Statutes or otherwise to view or enter upon such premises in a manner prescribed by law.

COLUMBUS COUNTY FIRE PROTECTION ORDINANCE

FIRE PREVENTION FEE SCHEDULE

1. The fees set forth in this section are fixed for the issuance of the permits pursuant to the indicated provisions of the Fire Prevention Code. Such permits shall be valid for the period of the occasions or activities for the length of the minimum inspection schedule of the Fire Prevention Code subject to revocation for failure to comply with the code provisions. Renewal of permits shall be subject to fees in effect for the period of renewal. Four (4) or more permits issued upon a single concurrent inspection shall be subject to a total maximum fee of \$200.00.

CODE #	DESCRIPTION	FEE
<u>Chapter 4 Permits</u>		
402.1	Airports, Heliports, and Helistops	\$50.00
402.2	Bowling Pin and Alley Resurfacing & Refinishing	\$50.00
402.3	Cellulose Nitrate Motion Picture Film	\$50.00
402.4	Cellulose Nitrate Plastic (Pyroxlin)	\$50.00
402.5	Combustible Fibers	\$50.00
402.6	Compressed Gases	\$50.00

402.7	Crude Oil Production	\$50.00
402.8	Cryogenic Fluids	\$50.00
402.9	Dry Cleaning Plants	\$50.00
402.10	Explosives, Blasting Agents, Ammunitions	\$50.00
402.11	Flammable and Combustible Liquids	\$50.00
402.12	Flammable Finishes	\$50.00
402.13	Fruit Ripening Processes	\$50.00
402.14	Fumigation & Thermal Insecticide Fogging	\$50.00
402.15	Hazardous Chemicals	\$50.00
402.16	High Piled Combustible Stock	\$50.00
402.17	Liquefied Natural Gas (LNG)	\$50.00
402.18	Liquefied Petroleum Gas (LPG)	\$50.00
402.19	Lumber Storage	\$50.00
402.20	Magnesium	\$50.00
402.21	Mechanical Refrigeration	\$50.00
402.22	Motion Picture Projection	\$50.00
402.23	Organic Coatings	\$50.00
402.24	Ovens	\$50.00
402.25	Pipelines for Flammable or Combustible Liquids	\$50.00
402.26	Places of Assembly	\$50.00
402.27	Pulverized Particles (Dust)	\$50.00
402.28	Repair Garages	\$50.00
402.29	Tank Vehicles for Flammable/Combustible Liquid	\$50.00
402.30	Tents and Air Supported Structures	\$50.00
402.31	Tire Rebuilding Plant	\$50.00
402.32	Wrecking Yards, Junk Yards, Waste Handling, Plants	\$50.00
402.33	Gas Stations	\$50.00

Chapter 5 Permits

502.3	Storage of Readily Combustible Materials	\$50.00
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502.6 Manufacture and Storage of Matches \$50.00

Chapter 9 Permits

902.5 Abandonment or removal of any Above Ground Storage \$250.00

Tanks or Underground Storage Tanks

Chapter 20 Permits

2002.1.1 Manufacture of fireworks allowed by state law \$250.00

2. The fees set forth in this section are affixed for the issuance of permits for specific occasions or activities pursuant to the indicated provisions of the Fire Prevention Code. Permits are valid for the period of the occasion or activity concerned.

CODE #	DESCRIPTION	FEE
2002.1.2	Sale, possession, use and distribution of fireworks for display	\$150.00
2006.1	Discharge of fireworks inside a building	\$50.00

3. The fees set forth in this section are fixed for the conduct of fire prevention inspections and reports rendered pursuant to the indicated provisions of the North Carolina General Statutes.

N.C.G.S.	DESCRIPTION	FEE
115C-525	Inspection of Public Schools	No Fee
110-91	Inspection of Day Care Facilities	\$ 50.00
NCAC41f	Inspection of foster homes, group homes, "Willie M" homes and nursing homes.	\$ 50.00
143-215	Inspection of the installation or removal of storage tanks containing flammable, combustible, or hazardous materials per site	\$100.00
142-215	Inspection of the retrofitting of storage tanks and pipes containing flammable, combustible or hazardous materials per site.	\$100.00
115-556	Inspection of Non-Public Schools.	\$ 50.00
115C-548	Inspection of Church Schools	\$ 50.00

COLUMBUS COUNTY FIRE PREVENTION ORDINANCE

SCHEDULE OF CIVIL PENALTIES

The following Civil Penalties shall be imposed in the amounts shown upon issuance of a citation for a violation of the Columbus County Fire Prevention Ordinance.

1. **Category I Violation:** A violation of the Fire Prevention Code which causes a fire resulting in damage to property, which is a contributing factor to a fire resulting in damage to property, or which aggravates the damage caused by a fire. Kindling of a bonfire or outdoor rubbish fire in violation of Section 501 of the Fire Prevention Code is not a Category I violation if the fire does not spread or cause damage to property other than the bonfire material or outdoor rubbish being burned.

Civil Penalty for Category I Violation: \$1,000.00

2. **Category II Violation:** A violation of the Fire Prevention Code and Volume 5, Chapter 8, Maintenance of Exit Ways, Section 802, shall be imposed to the owner/manager/person in charge of any building or structure enforceable by this code, a citation in the amount listed below, for violation of this section.

Civil Penalty for Category II Violation: \$500.00

3. **Category III Violation:** A violation of the Fire Prevention Code not associated with a fire involving places of assembly or storage of combustible, hazardous, or explosive materials.

Civil Penalty for Category III Violation: \$250.00

4. **Category IV Violation:** Failure to obtain a permit required by the Fire Prevention Code without a violation of said code.

Civil Penalty for Category IV Violation: \$100.00

5. **Category V Violation:** A violation of the Fire Prevention Code which is not a Category I, II, III, or IV violation of said code.

Civil Penalty for Category V Violation: \$ 50.00

Adopted this the 15th day of April, 1996, by the Board of Commissioners of Columbus County.

/s/ Spruell Randolph Britt, Chairman

Columbus County Board of Commissioners

ATTEST:

/s/ Ida L. Smith, Clerk to the Board

BUILDINGS (COURTHOUSE) - APPROVAL OF HEATING/AIR CONDITIONING

BID

Dempsey B. Herring, County Administrator, presented the Board with two (2) bids for heating/air conditioning for the courthouse. Rebids were received as follows:

Norris Heating	\$124,650
Pridgen Brothers Contractors	\$ 117,000

A motion was made by Commissioner Gray, seconded by Commissioner Williams and passed unanimously to award the contract to the low bidder: Pridgen Brothers Contractors in the amount of \$117,000.

SANDYFIELD (TOWN OF) - APPROVAL TO COLLECT TAXES

A motion was made by Commissioner Williams, seconded by Commissioner Jacobs and passed unanimously to allow the Tax Administrator to collect taxes for the Town of Sandyfield.

COUNTY DISTRICTED WATER - APPROVAL TO PROCEED WITH PROJECT

Commissioner Norris, reported that a public hearing was held at Guideway Elementary School on March 12, 1996 to receive input from citizens of the Old Dock, Pireway and surrounding communities in reference to potential development of a treated water system district for the area and the response from the citizens in attendance was 100% for the districted water system and presented a petition signed by the residents of the area affected that are in favor of the water district. Commissioner Norris requested the Board to approve the Columbus County Water District Authority to proceed with the next step of the water project.

A motion was made by Commissioner Gray, seconded by Commissioner Dutton and passed unanimously to allow the Columbus County Water District Authority to proceed with the next step in the preparation for a districted water system for the Old Dock,

Pireway and surrounding communities.

COLD POINT CORPORATION - LETTER OF CONGRATULATIONS

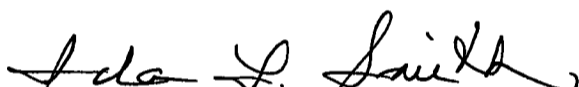
A motion was made by Commissioner Williams, seconded by Commissioner Gray and passed unanimously to write a letter of congratulations to Cold Point Corporation for the efforts they are making and the jobs being provided in Columbus County and wish them continued success.

DOT - DRAINAGE PROBLEMS ON HIGHWAY 211

Commissioner Jacobs requested Dempsey B. Herring, Administrator, to write a directive letter to the Department of Transportation regarding the drainage problems on the east side of Highway 211 from Renegade Road, South, to Gum Swamp.


ADJOURNMENT

A motion was made by Commissioner Norris, seconded by Commissioner Dutton and passed unanimously to adjourn the meeting at 7:50 P.M.



Ida L. Smith, Clerk to Board

APPROVED:



Spruell R. Britt, Chairman