

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

FEBRUARY 6, 2023
OTHERS PRESENT

Gordon Powell
C. Derrick Sims
Kyle W. Puryear
Charlie Palmer
Jason Thomas

Katherine M. Cathey, County Manager
Brenda B. Reaves, Clerk to the Board
S. Ellis Hankins, County Attorney

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, February 6, 2023 at 7:00pm in the Person County Office Building Auditorium located at 304 S. Morgan Street, Roxboro, NC.

Chairman Powell called the meeting to order. Vice Chairman Sims offered an invocation and Commissioner Puryear led the group in the Pledge of Allegiance.

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the agenda.

RECOGNITION:

A PROCLAMATION CELEBRATING 100 YEARS OF ROXBORO SAVINGS BANK:

Chairman Powell read a Proclamation Celebrating 100 Years of Roxboro Savings Bank noting he would also present this Proclamation at their Centennial event on February 14, 2023.

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A Proclamation Celebrating 100 Years of Roxboro Savings Bank

WHEREAS, Roxboro Savings Bank was founded in 1923 to serve the greater Person County community; and,

WHEREAS, Roxboro Savings Bank is a state-chartered community bank, headquartered in Roxboro; and

WHEREAS, Roxboro Savings Bank operates two branches in Person County which supports the continued growth in our community; and,

WHEREAS, Roxboro Savings Bank's mission is to continue to be recognized as "second to none" in the level of customer service provided in Roxboro, Person County and surrounding areas; and,

WHEREAS, February 14, 2023 marks the 100th anniversary of Roxboro Savings Bank's founding charter.

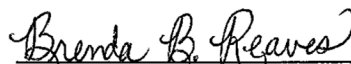
NOW, THEREFORE, the Person County Board of Commissioners, do hereby urge citizens to celebrate the Centennial Anniversary of Roxboro Savings Bank for the 100 years of modern banking products, personalized services as well as community service, and proudly proclaim February 14, 2023, as "Roxboro Savings Bank Day in Person County."

Adopted this, the 6th day of February 2023.




Gordon Powell, Chairman
Person County Board of Commissioners

Attest:


Brenda B. Reaves, NCMCC, MMC
Clerk to the Board

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PUBLIC HEARING

PERSON COUNTY FIRE PREVENTION AND PROTECTION ORDINANCE:

A **motion** was made by Vice Chairman Sims and **carried 5-0** to open the duly advertised public hearing for consideration of a Person County Fire Prevention and Protection Ordinance.

Fire Marshal Adam Morris noted that at the Board's January 3, 2023 meeting, the Fire Marshal introduced a proposed Fire Prevention and Protection Ordinance which outlines and authorizes the duties of the Fire Marshal's Office and explains procedures for enforcement of fire codes, inspection frequency, civil penalties, false fire alarms, open burning, permits, Knox Boxes and response to hazardous materials incidents.

At this time, the only documentation on file with the Office of the State Fire Marshal is a letter, dated August 12, 1992, which lists the frequency of conducting various types of inspections. Person County also has in place a False Fire Alarm Ordinance and a Resolution Authorizing the Fire Marshal to Implement a Local Burn Ban. The proposed ordinance incorporates each of these documents and defines how the Fire Marshal's Office carries out its work in accordance with State and Federal regulations and local expectations. Upon approval by the Board of Commissioners, the new ordinance will be submitted to the NC Building Code Council for consideration at their June 2023 meeting per NC General Statute 143-138 (e). In the absence of approval by the NC Building Code Council, or in the event that approval is withdrawn, local fire prevention codes and regulations shall have no force and effect.

The Board of Commissioners, at its January 3, 2023 meeting, called for and instructed staff to advertise for a public hearing to hear public comments on this matter. Mr. Morris stated the ordinance was advertised in the paper and county website noting to date he has not received any calls or had questions.

Mr. Morris reiterated to the group that open burning was allowed for yard trimmings only, i.e., natural vegetation; he said campfires and burn pits are allowed as long as it is natural vegetation and not trash. He added outside wood stoves are fine. Mr. Morris said the ordinance would provide enforcement of illegal burning such as trash, building materials, tires (anything other than natural vegetation). Mr. Morris stated surrounding counties have in place a similar ordinance. In Person County, Mr. Morris said there have been 37 cases in the last ten years with 32 of those being residential and three of those occurring since this item was introduced in January. Mr. Morris noted this ordinance provides an opportunity and need to educate the citizens at a first incident, with a warning letter upon a second incident with a fine thereafter.

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Mr. Morris referenced NC General Statute that state no local fire prevention codes nor regulations shall be effective until officially approved by the NC Building Code Council; he stated once the ordinance was approved by the Board, he would then submit for approval by the NC Building Code Council, which he anticipated would be in June 2023. For this reason, Mr. Morris requested the Board to adopt the proposed Fire Prevention and Protection Ordinance, effective July 1, 2023. Mr. Morris also requested upon the effective date of July 1, 2023, that the Board repeal the existing False Fire Alarm Ordinance as well as the Resolution Authorizing the Fire Marshal to Implement a Local Burn Ban noting these are incorporated within the new proposed ordinance.

Commissioner Puryear requested clarification that a burn permit would not be required to burn leaves or to have a recreational fire to which Mr. Morris affirmed.

Chairman Powell asked if the county was non-compliant; Mr. Morris responded the county was not in compliance with illegal burning noting without an ordinance, he was not able to enforce such illegal burning incidents but would use the opportunity to educate the public.

Mr. Morris updated the Board that one change in the proposed ordinance was needed in Chapter 10.9 for Guidelines for Open Burning. He said the first bullet would be modified to read YARD TRIMMINGS ONLY (leaves, limbs, grass, vines, etc.) noting the language to be removed was “must originate at a private residence and be burned on that site” due to the state now allowing tree companies/landscapers to transport such yard trimmings to be burned at another site.

Speaking in favor of the Person County Fire Prevention and Protection Ordinance was the following:

Mr. Bob Brauer of 1 Bobwhite Rd., Roxboro and Chair of the Person County Environmental Issues Advisory Committee stated support of the Fire Prevention and Protection Ordinance, and specifically, enforcement of illegal burning of trash noting modern packaging contains toxic chemicals that when burned are released into the atmosphere causing air pollution. and The remaining fire residue can leach into groundwater supply and deplete the soil. Mr. Brauer said the prohibited open burn items should be disposed of in the landfill and preferably any items that can be recycled through the recycling center. He asked the Board to approve the proposed ordinance to avoid further delay for enforcement of such illegal open burning.

There were no individuals appearing before the Board to speak in opposition to the Person County Fire Prevention and Protection Ordinance.

A **motion** was made by Vice Chairman Sims and **carried 5-0** to close the public hearing for consideration of a Person County Fire Prevention and Protection Ordinance.

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CONSIDERATION TO ADOPT A FIRE PREVENTION AND PROTECTION ORDINANCE:

A **motion** was made by Commissioner Palmer and **carried 5-0** to adopt a Fire Prevention and Protection Ordinance with an effective date of July 1, 2023 contingent upon approval of the NC Building Code Council, and, upon the July 1, 2023 effective date of the Fire Prevention and Protection Ordinance, to repeal the existing False Fire Alarm Ordinance and the Resolution Authorizing the Fire Marshal to Implement a Local Burn Ban, as presented by the Fire Marshal.

Person County Fire Protection and Prevention Ordinance



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CHAPTER 1
PERSON COUNTY FIRE PREVENTION AND PROTECTION
ORDINANCE

1.1 – Title

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

1.2 – 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.

1.3 – 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 Appendix H is set forth herein as the Fire Code for Person County. Any amendments to the aforementioned code, which are adopted, amended, and published by the North Carolina Fire Code Council, shall be effective in the county at the same time.

1.4 – Applicability

The provisions of this ordinance shall apply to all buildings and occupancies in the North Carolina Building Code, General Construction and the North Carolina Building Code, 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.

1.4.1 – 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.

1.5 – Jurisdiction

In accordance with the General Statutes of the State of North Carolina and the provisions of the Person County Fire Prevention and Protection Ordinance, it will be the responsibility of the Person 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, Fire Prevention and the Person County Fire Prevention and Protection Ordinance in the unincorporated areas of the county and within municipalities where the Person County Fire Marshal or Fire Code Official has jurisdiction. The City of Roxboro Fire Department will conduct fire prevention and fire code inspections within the city limits of Roxboro.

1.6 – Effective Date

These regulations shall become effective on the date this ordinance is adopted by the Person County Board of Commissioners.

1.6.1 – Definitions and Abbreviations

- A. 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.
- B. 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.
- C. Fire Code Official – 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.

1.6.2 – 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.

Chapter 2

DUTIES OF THE PERSON COUNTY FIRE MARSHAL

2.1 – Fire Marshal to enforce code

The Fire Protection and Prevention Ordinance of the county, state and federal laws and ordinances, as they pertain to fire safety and fire prevention, shall be enforced by the Person County Fire Marshal and their authorized representatives or as otherwise provided in this chapter. The Fire Marshal is hereby authorized to promulgate rules, regulations, and procedures necessary to enforce this chapter.

2.2 – Duties and Authority of the Fire Marshal's Office

- A. *Inspections of buildings and premises.* Inspection of buildings and premises are subject to the limitations and conditions stated in the state building code. It shall be the duty of the Fire Marshal's Office to inspect or cause to be inspected as often as he/she may deem necessary or appropriate all buildings, structures and premises, such as schools, churches, day care facilities, commercial buildings, foster homes, group homes, nursing homes and hospitals, within the jurisdiction, for the purposes of ascertaining and causing to be corrected any condition which may cause fire or explosion, or any violations of the provisions of this chapter, or any other ordinances pertaining to fire or explosion hazards. Inspections may be announced or unannounced. Included in the Fire Marshal's Office power to inspect is the authority to take photographs or videotapes of violations. The Fire Marshal's Office shall make inspections of buildings, institutions, facilities and premises required to be inspected by the North Carolina State Fire Prevention Code and G.S. 115C-525(b), based on the following schedule in Chapter 3 of this ordinance.
- B. *Investigation of fires and recordkeeping.* The Fire Marshal's Office shall investigate the cause, origin, and circumstances of every fire occurring in the county which is of a suspicious nature or which involves loss of life or injury to persons, or when notified by the Sheriff's Department, or any fire department of a fire protection district or when circumstances warrant. Such investigation shall begin immediately upon occurrence of such fire and if it appears that such fire is of suspicious origin the Person County Fire Marshal's Office shall be immediately notified and coordinate investigation activities with the fire department having jurisdiction. Any information obtained pursuant to any such investigation shall be confidential as authorized by law. The City of Roxboro Fire Investigation Team as well as the Person County Sheriff's Department, upon request of the Fire Marshal or his/her authorized representatives, may render such assistance as necessary in the investigation of any fire believed to be of suspicious origin. The Fire Marshal's Office investigative powers and responsibilities shall include photographing and/or videotaping the scene, evidence collection pertaining to origin and cause, and other activities necessary to determine the origin and cause in accordance with nationally set standards.

The Fire Marshal's Office shall keep a record of all fires and of all of the facts concerning the same, including statistics as to the extent of such fires and the damages caused thereby. All such records shall be public except those deemed confidential by law.

The Fire Marshal's Office shall keep records of all reports of alleged violations of this chapter.

The Person County Fire Marshal's Office shall require all fire protection districts to keep a record of all emergency alarms and submit reports of these alarms to the Fire Marshal's Office as the fire marshal may prescribe.

- C. *Fire Prevention Programs.* The Person County Fire Marshal's Office shall assist fire departments, schools, industries, and the general public in developing fire prevention programs. The Fire Marshal's Office shall also plan and conduct public fire prevention and safety programs, answer public inquiries on fire prevention matters and speak before clubs, societies, schools, and other organizations on fire prevention and safety.
- D. *Fire prevention, advice, plan approval and signing of certificates of occupancy.* The Person County Fire Marshal's Office shall provide fire prevention advice to engineers, architects, and contractors responsible for the construction or alterations of buildings. The Fire Marshal's Office shall also review and approve building plans dealing with fire protection measures, fire detection measures, and water distribution plans. It shall be a violation of this chapter to begin constructing without receiving the Fire Marshal's Office approval of plans. All plans submitted for review by the Fire Marshal's Office shall follow the North Carolina Administrative Code section 204.3.5 regarding the seal of a registered design professional unless one of the exceptions is met. The Fire Marshal's Office shall issue construction permits required by this chapter and is hereby authorized to sign off on certificates of occupancy for buildings or structures governed by this chapter.
- E. *Applications and permits.* The Person County Fire Marshal's Office shall require and evaluate applications and issue, if approved, all permits for those conditions as prescribed in the North Carolina State Fire Prevention Code and this chapter. The Fire Marshal's Office may refuse or deny the issuance of a permit if all of the conditions of this chapter or other policies or procedures promulgated by them have not been met.
- F. *Fees.* The Person County Fire Marshal's Office shall charge and collect such fees and civil penalties as the Person County Board of Commissioners may authorize and adopt as part of this chapter. The Fire Marshal's Office shall also charge and bill users of services, any user fees instituted and adopted by the Person County Board of Commissioners. The specific kind of fees and the amount thereof shall be fixed in an annual schedule of fire prevention fees approved by the board in coordination with the annual budget ordinance.
- G. *Entry upon premises.* For the purposes of conducting inspections, responding to complaints and making investigations pursuant to this chapter, the Fire Marshal and their designee are hereby authorized to enter upon private premises, including any building or other structure subject to this chapter, after obtaining the consent of the owner or occupant. If consent to enter is withheld or denied by the owner or occupant, the Fire Marshal or their designated representative shall seek an administrative search and inspection warrant per N.C. General Statute §15-27.2

- H. *Emergency entry.* The Person County Fire Marshal, their designated representative, or any Fire Chief and or their authorized representatives of a fire department serving fire protection districts shall have the right to enter any building or premises without permission or warrant in the event of any emergency situation constituting a threat to human life, property, or the public safety, for the purpose of eliminating, controlling, or abating the dangerous conditions or situations.
- I. *Fire lanes.* The Person County Fire Marshal shall have the authority to require the designation of fire lanes. The Fire Marshal shall also have the authority to require owners or occupants to erect all signs necessary to designate an area a fire lane.
- J. *Removal of obstructions and illegally parked vehicles.* The Person County Fire Marshal or their designee shall have the authority to remove any vehicle found obstructing any fire station, fire hydrant, fire protection equipment, or designated and marked fire lane.
- K. *Enforcement remedies.* In enforcing this chapter, the Person County Fire Marshal's Office is authorized to issue notices of violation, corrective, or abatement orders, stop work orders, citations and civil penalties, to cause the issuance of criminal summons and to seek injunctive relief from the courts. The Fire Marshal shall have the authority to summarily abate any condition that is in violation of any provision of this chapter or the North Carolina State Fire Prevention Code and that presents an immediate fire hazard to life or property.

CHAPTER 3

INSPECTION SCHEDULE FOR EXISTING BUILDINGS

3.1 – Frequency of Inspection

Inspections of buildings and premises are subject to the limitations and conditions stated in the state building code. It shall be the duty of the Fire Marshal's Office to inspect or cause to be inspected as often as he/she may deem necessary or appropriate all buildings, structures and premises, such as schools, churches, day care facilities, commercial buildings, foster homes, group homes, nursing homes and hospitals, within the jurisdiction, for the purposes of ascertaining and causing to be corrected any condition which may cause fire or explosion, or any violations of the provisions of this chapter, or any other ordinances pertaining to fire or explosion hazards. Inspections may be announced or unannounced. Included in the Fire Marshal's Office power to inspect is the authority to take photographs or videotapes of violations. The Fire Marshal's Office shall make inspections of buildings, institutions, facilities and premises required to be inspected by the North Carolina State Fire Prevention Code and General Statute §115C-525(b), based on the following schedule:

OCCUPANCY CLASSIFICATION	INSPECTION FREQUENCY
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 Years
Educational (Except Public Schools)	Every Two Years
Business	Every Three Years
Mercantile	Every Three Years
Storage	Every Three Years
Churches and Synagogues	Every Three 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.

- New and existing lodging establishments, including hotels, motels, and tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), bed and breakfast inns, and bed and breakfast homes as defined in North Carolina General Statute §130A-247 for the installation and maintenance of carbon monoxide alarms and detectors in accordance with North Carolina General Statute §143-138(b2).

- These facilities would be required to have an annual inspection on the smoke detector and carbon monoxide alarms within the facility.

- For Schedule of Inspection Fees, reference the Person County Fire Protection and Prevention Fee Schedule approved by the Person County Board of Commissioners.

Frequency rates for inspections of occupancies as mandated by the state General Statutes shall supersede the above schedule. Nothing in this section shall prevent the Fire Marshal's Office from conducting more frequent inspections than the schedule listed above or any schedule promulgated by any state regulatory agency.

Chapter 4

PERMITS AND PLAN REVIEWS

4.1 – 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.

4.2 – 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 Person County Board of Commissioners. An operational permit must be obtained from the Person County Fire Marshal’s Office as per the schedule of fees as adopted by the Person County Board of Commissioners.

4.2.1 – 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 the fee schedule approved for inspections in accordance with Section 105.

4.3 – 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.

4.3.1 – Contractor’s License Required

When the General Statutes require 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.

4.3.2 – 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.

4.4 – Plan Review

Plan review 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 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 issued or until the corrections are made to the plans. This plan review shall not apply to one- and two-family dwellings.

4.4.1 – Penalties

See Civil Penalties Schedule in Chapter 6 of this ordinance.

4.4.2 – 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, have violated any provision of the N.C. Fire Prevention Code, 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.

4.4.3 – 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 or entity listed on the permit application.

Chapter 5

UNSAFE BUILDINGS

5.1 – Unsafe Buildings or Systems

Every building or service system that appears to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress, or other causes shall be held to be 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 and N.C. General Statutes §160D-1118, §160D-1119, §160D-1120, §160D-1121, and §160D-1122.

5.1.1 – 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 applicable requirements.

5.1.2 – Abatement

The owner, operator or occupant of a building or premises deemed unsafe by the Fire Marshal or Fire Code Official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Chapter 6 CIVIL PENALTIES

6.1 – Civil Penalties

Any person who shall violate any of the provisions of the N.C. Fire Prevention Code or this ordinance, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, shall be subject to penalties as specified below as approved by the Person 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 Code 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 General Statutes Chapters 153A and 160A.

***For Civil Penalty Schedule, reference the Person County Fire Protection and Prevention Fee Schedule approved by the Person County Board of 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 shall be issued a Civil Citation for the violation as referenced in the Person County Fire Protection and Prevention Fee Schedule as addressed under Civil Citations. Violation must be corrected during the time of the inspection if at all possible.

CHAPTER 7 REPORTING A HAZARD OR VIOLATION

7.1 – 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 Person County.

7.1.1 – 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 336-330-2315. After normal business hours, please call 336-598-2167 or 336-597-0545.

7.1.2 – Required Information for Complaints

All complaints will require the following information to be recorded in order for the complaint to be processed:

- Name of the person(s) filing the complaint
- Address and phone number of person(s) filing complaint
- Location of hazard or violation
- Type of problem, hazard or violation

7.1.3 – 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.

CHAPTER 8 COLLECTION OF FEES

8.1.1 - 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 building's Certificate of Occupancy. Occupying a building that has not been issued a Certificate of Occupancy will be subject to a civil penalty for each day of continued offense.

8.1.2 - Inspection Fees (Existing Buildings)

The fee for an inspection of an existing building, which is based off the fee schedule adopted by The Person County Board of Commissioners, shall be assessed and an invoice will be supplied to the owner, occupant, or designee at the time of inspection. Subjects will have thirty (30) days to remit payment. After thirty (30) days the bill will be placed in a past due status, a twenty-five (\$25.00) dollar late fee will be added, and a second invoice will be sent to the owner. After period of sixty (60) days of non-payment, the account will be subject to a second twenty-five (\$25.00) dollar late fee. After a period of (90) days of non- payment the account will be turned over to the County Attorney for further collections. If appropriate, The Person County Attorney may institute civil action in the name of the county in the appropriate division of the General Court of Justice of Person County for recovery of the penalty, recommend application of the debt setoff program, or any other recovery mechanism allowed under State law.

CHAPTER 9 FALSE ALARMS

9.1 – Findings

The Person County Board of Commissioners finds that excessive false alarms unduly burden the county's public safety resources and desires to reduce the number of false alarms and enhance valuable public safety resources by establishing clear standards for the use of alarms and clear disincentives for the negligent and inappropriate use of alarms.

9.2 – Purpose

To encourage residential and commercial fire alarm users to properly use and maintain the operational effectiveness and proper utilization of alarm systems and to reduce or eliminate false alarms which may unduly divert fire resources, this Chapter governs systems intended to summon a fire public safety response, establishes fees, provides for penalties for violations, and establishes a system of administration.

9.3 – Definitions

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

- A. Alarm System means sensors, controls and enunciators connected to detect and report a fire. This definition shall not include alarms which do not require a response from law enforcement or fire departments, such as self-contained residential smoke detectors and vehicle alarms.
- B. Alarm System User (or "user") means any person, corporation, partnership, or governmental or educational entity that owns, leases, or occupies a property that utilizes an alarm system.
- C. False Alarm means activation of an Alarm System that elicits a response by fire or other emergency response units when no situation requiring such a response exists because the responding party finds no evidence of fire or combustion. False Alarm includes accidental, avoidable, and unnecessary alarm activation due to user error, equipment malfunction, improper or unsuited equipment, but does not include alarm activation caused by violent conditions of nature or other extraordinary circumstances beyond the control of the Alarm System User.

9.4 – Prohibited Actions

It shall be unlawful for any person to activate an alarm for the purpose of summoning fire departments when no fire exists at the location or otherwise cause an alarm when there is no valid reason for activation of the alarm.

It shall be unlawful for a person to continue an action, process, or maintain a situation which continues to create false alarms occurring at the same location.

It shall be unlawful for an alarm system user to fail to reimburse Person County in accordance with this ordinance's criteria, for alarm responses deemed false.

9.5 – Civil Penalties

Whenever a Person County Fire Department (paid or volunteer under contract with Person County), the Person County Fire Marshal, or other public safety department responds to a fire alarm and finds it to be a false alarm, a record will be started for that location. Monitoring of the location over the 12-month tracking period will begin and warning letters and notification of civil penalties will be sent to the Alarm System User, based upon the following schedule:

- For false alarm 1 through 2 – written warning
- For false alarm 3 through 5 – civil penalty of \$50 each
- For false alarm 6 through 7 – civil penalty of \$100 each
- For false alarm 8 through 9 – civil penalty of \$250 each
- For false alarm 10 and up – civil penalty of \$500 each

Subjects will have thirty (30) days to remit payment. After thirty (30) days, the bill will be placed in a past due status, a twenty-five (\$25.00) dollar late fee will be added, and a second invoice will be sent to the owner. After a period of sixty (60) days of non-payment, the account will be subject to a second twenty-five (\$25.00) dollar late fee. After a period of (90) days of non-payment the account will be turned over to the County Attorney for further collections.

9.6 – Exclusions

For the purpose of computing the number of alarm responses, a false alarm shall not include an alarm that is:

- A. Determined to have been activated by adverse weather conditions reported by the Person County Emergency Services Director, Person County Fire Marshal, the National Weather Service, Director of Inspections or the responding agency.
- B. Activated by an outside non-domesticated animal.
- C. An alarm where there is physical evidence of a fire at the premises where the alarm was activated.
- D. A local alarm activated in the testing of the alarm system procedure shall not count toward alarm responses as long as the alarm user notifies Person County 911 Center of the alarm test prior to the testing.

9.7 – Notification

The Fire Marshal shall have the Alarm System User notified in writing after the first and each subsequent false alarm. The notification shall include:

- The amount of the civil penalties for each false alarm.
- The date by which the civil penalty must be paid (for false alarm 3 and above), and
- A description of the appeal procedure available to the alarm user.

9.8 – Appeals

Any determination that the fire alarm activation was not one of the exclusions herein may be appealed to the Fire Marshal within ten (10) days of notification in writing. The decision of the Fire Marshal shall be final.

9.9 – Enforcement of Violations

Any person violating any of the provisions of this chapter shall be subject to the civil penalties set forth. Any violation of this chapter shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to G.S. §14-4. If payment is not received or equitable settlement reached within ninety (90) days after demand for payment is made, the matter shall be referred to the Person County Attorney. If appropriate, The Person County Attorney may institute civil action in the name of the county in the appropriate division of the General Court of Justice of Person County for recovery of the penalty, recommend application of the debt setoff program, or any other recovery mechanism allowed under State law set aside by Chapter 6 in this ordinance.

9.10 – Disbursement of Fees Collected

Civil penalties will be deposited into the Person County General Fund and tracked by the Fire Marshal's Office. Once payment is received, the funds will be distributed in the following manner:

- 50% to the responding department(s), and
- 50% to Person County

9.11 – History

This Chapter replaces and repeals the False Alarm Ordinance that was originally adopted on September 11, 2017 and revised September 21, 2020 and again on November 16, 2020.

CHAPTER 10 OPEN BURNING

10.1 – Definitions

- A. Open Burning – 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.
- B. Recreational Fire – An outdoor fire utilized for the cooking of food for human consumption or social entertainment.
- C. Structure – For the purpose of this section of the ordinance, a structure shall be defined as an occupied or unoccupied building.
- D. Illegal Burning – The burning of trash, paper, plastics, lumber, tires, chemicals or any other man-made materials.

10.2 – Where Allowed

Open burning is not allowed 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 burner's responsibility to ensure that the fire is maintained on their property and not allowed to spread to adjoining property.

10.3 – Accordance

Open burning in Person County shall be conducted in accordance with all applicable State Air Quality and Solid Waste Disposal Laws, other applicable state requirements, and shall also be in accordance with the Person County Fire Prevention Ordinance.

10.4 – Illegal Burning

In accordance with North Carolina Administrative Code 15A 2D.1900 "Open Burning", any person found in violation of this section could be subject to civil penalties as outlined in Chapter 6 of this ordinance.

10.5 – Attendance

Open burning must be constantly attended at all times by a competent person. The person conducting burning should take safety precautions to prevent spread by using minimum fire protection equipment. A minimum of a portable fire extinguisher or other appropriate onsite fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water should be available for immediate utilization.

10.6 – Extinguishment

Any open burning found to be in violation of this Chapter, or any State or Federal law shall be extinguished immediately by the responsible party, and open burning will be immediately discontinued.

10.7 – Burning Ban

In the event that the Person County Fire Marshal or designee issues a ban on outdoor burning within 100 feet of a structure, at that time in accordance with state law, all open burning shall be immediately discontinued until such ban is lifted by the Person 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 warning will be issued for a first offense before issuing a citation to be enforced with civil penalties for subsequent violations.

10.7.1 – Conditions Warranting

A burning ban on outdoor burning within 100 feet of a structure may be issued by the Person County Fire Marshal or designee in the event that atmospheric conditions or local circumstance make such fire hazardous. Atmospheric conditions that warrant a burning ban include, but are not limited to:

- Extended periods of low humidity (below 50%)
- High winds
- Elevated temperatures
- Lack of substantial rainfall
- At the request of the North Carolina Forest Service

Local conditions that may warrant a burning ban include, but are not limited to:

- Flammable and/or combustible liquid spills or leaks close to a burning site
- 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
- The proximity of adjacent structures or other such hazards

10.7.2 – Notification

In the event a burning ban is issued, citizens shall be notified through the local news and social media that a burning ban is in place, and fires shall be extinguished immediately. In conjunction with a North Carolina Forest Service burning ban, the Person County Fire Marshal or designee shall issue a burning ban of all open burning within 100 feet of a structure and all fires shall be extinguished immediately.

10.7.3 – Repeal

Any burning ban issued by the Fire Marshal or designee shall be repealed in the same manner.

10.8 – Civil Penalties

Any person found in violation of this Section of the Person County Fire Prevention and Protection Ordinance shall be subject to the Civil Penalties outlined in Chapter 6 of this ordinance.

10.9 – Guidelines for Open Burning

The following are guidelines for open burning (within 100 feet of a structure):

- YARD TRIMMINGS ONLY (leaves, limbs, grass, vines, etc.)
- Land clearers follow the rules set forth by the NC Division of Air Quality Land Clearing Section
- Fire must be a minimum of 50 feet from any structure and must not spread to within 50 feet
- A competent person shall constantly attend the fire until such fire is extinguished
- Must provide fire control tools to match the size of the pile being burned (garden hoses, rakes, shovels, extra help, fire extinguisher, etc.)
- An area should be cleared completely around the material to be burned
- If a burning ban has been issued, all fires must be extinguished immediately
- If at any time during the burning, the regulations regarding open burning are not met or are neglected in any way, the fire will be extinguished and a civil citation may be issued

10.10 – Items Not Allowed to Burn

The following items are not allowed to be burned:

- Newspaper, cardboard, and other paper products
- Rubbish, trash, or any other household goods
- Plastic and other synthetic materials
- Paints, household and agricultural chemicals
- Tires and other rubber products
- Asphalt shingles, Asbestos containing materials, and heavy oils
- Lumber and other building materials
- Wire, buildings, and mobile homes

These are all items that are on the North Carolina Division of Air Quality Open Burning Rule, Section .1900 that was first adopted in 1971. This rule prohibits much outdoor burning and sets conditions for allowable fires. Under this rule, it is always illegal to burn trash and other non-vegetative materials. Leaves, branches, and other plant growth can be burned under certain conditions. The North Carolina Division of Air Quality can issue fines up to \$25,000.00 or more for violations found.

Chapter 11

KNOX BOX SYSTEM

11.1 – Purpose

In an effort to provide both fire department emergency access and security for buildings, the Person County Fire Marshal's Office has selected the Knox Box Public Safety Key Box System for use in securing access to a key for nondestructive entry into a building.

11.2 – Guidelines

Per Section 506.1 of the North Carolina Fire Code, where access to or within a structure or an area is restricted because of secure openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Code Official is authorized to require a key box to be installed in an approved location. This is a mandatory system for commercial establishments within the Person County code enforcement jurisdiction with automatic fire sprinkler systems, fire pumps, fire alarms, gated communities, multi-family residential structures, governmental structures, nursing care facilities, or facilities storing hazardous materials in excess of exempt amounts per Chapter 50 of the North Carolina Fire Prevention Code, and any building deemed necessary by the Person County Fire Marshal.

With this system, the building owner/occupant must order the key box from the Knox Box Company, using authorized forms, to install on their building and to secure the key(s) required to make emergency entry into the property by the fire department.

11.3 – Issued Knox Box Keys

Issued Knox Box Keys are keys that are assigned to specific individuals who are required to maintain the security and accountability of the key(s) at all times.

Keys shall be issued to the following staff:

- County Fire Marshal (1)
- County Fire Inspector (1)
- City of Roxboro Fire Department (5)
- Allensville Volunteer Fire Department (1)
- Ceffo Volunteer Fire Department (2)
- Hurdle Mills Volunteer Fire Department (2)
- Moriah Volunteer Fire Department (2)
- Semora Volunteer Fire Department (1)
- Timberlake Volunteer Fire Department (1)
- Triple Springs Volunteer Fire Department (2)

11.4 – Knox Box Ordering Procedures

Commercial business owners/occupants needing to install a Knox Box at their location must contact the Person County Fire Marshal's Office for the proper form with authorization. All Knox Boxes ordered for use within the Person County code enforcement jurisdiction shall comply with the installation procedures outlined in Section 11.12 of this policy.

11.5 – Initial PIN Code Issuing Procedures

All Fire Chiefs within the Person County Fire Protection System will issue codes to assigned personnel of their department. It is the responsibility of the Fire Chief of the individual station to notify the Fire Marshal's Office of any new personnel needing a PIN code added to Key Secure Boxes or any changes in current personnel status requiring the deletion of the individual's name and PIN code. A Fire Chief can request to deactivate any PIN code from their Key Secure Box. The security of individual PIN codes once issued is the sole responsibility of the individual assigned the PIN code. If the PIN code is forgotten, lost, or stolen, the individual shall follow the appropriate section of the policy.

11.6 – Forgotten PIN Code Procedure

If an individual has forgotten their PIN code, they must contact the Fire Chief of the department for their PIN code.

11.7 – Lost/Stolen PIN Code Procedures

If an individual has reason to believe that the security of the PIN code issued to them has been jeopardized, they must immediately notify the Fire Chief of the department. The Fire Chief will notify the staff at the Person County Fire Marshal's Office to disable the PIN code. A new PIN code will be assigned by the Fire Chief of the individual's respective department and the staff of the Person County Fire Marshal's Office will install the new code into Key Secure Boxes at that fire department.

11.8 – Use/Misuse of PIN Codes

Not using the Knox Box Rapid Entry System when it is available with proper access keys may lead to disciplinary actions due to unnecessary property damage.

Any use of the PIN codes assigned to individuals is recorded. The time accessed, the time the key was removed, the duration the key was removed, as well as the time the key was replaced is recorded. The name of the person accessing the key is also recorded. It is the sole responsibility of the individual or individuals assigned the PIN code to protect the security of that PIN code, and that person will be held responsible for any use/misuse of the PIN code that was assigned to them. Using the PIN code system for any means other than fire operations is prohibited. An individual may periodically test their PIN code and the proper operation of the Key Secure Knox Boxes installed in the fire apparatus, but the test shall be no longer than 3 seconds in length and the individual will be held responsible for re-securing the Knox Box Key and any possible misuse related to the test.

11.9 – Knox Box “Key Secure” Programming

It is the responsibility of the Fire Marshal’s Office to program all Knox Box Key Secure Boxes. Any new boxes must be programmed by Person County Fire Marshal’s Office.

11.10 – Knox Box Ordering Procedures

Commercial business owners/occupants needing to install a Knox Box at their location must contact the Person County Fire Marshal’s Office for the proper form with authorization. All Knox Boxes ordered for use within the Person County code enforcement jurisdiction shall comply with the installation procedures outlined in Section 11.12 of this policy.

11.11 – Ordering of Knox Box Key(s)

Any new or additional key(s) shall be ordered through the Person County Fire Marshal’s Office.

11.12 – Knox Box Installation Procedures

The Knox Box shall be installed outside, in sight of the main entrance doors, or as approved by the Fire Marshal’s Office.

The Knox Boxes can be equipped with “Tamper-alarm” features. If equipped with tamper alarm it must be tied to fire alarm system and show on the fire alarm panel as a supervisory alarm.

The property owner/occupant must notify the Person County Fire Marshal’s Office in order to secure the Knox Box and confirm proper installation.

11.13 – Event of an Emergency

Fire department personnel shall not enter a Knox Box unless an emergency exists. Fire department personnel shall immediately notify dispatch that entry will be made utilizing a Knox Box and dispatch will record this action in the CAD notes. The time entered and the time exited shall be noted.

Fire department personnel shall notify the Fire Marshal that entry into the box was made. Fire department personnel shall document any use of the Knox Box System in the department’s fire report and email the call report to the Person County Fire Marshal’s Office.

11.14 – Non-Emergency Procedure or to Add/Remove Keys

The building owner/occupant or a fire official (whichever requests the change) shall schedule an appointment to meet with the owner/occupant to witness the placing of the keys (and any other paperwork) in the box and lock the Knox Box for the owner/fire department. The Fire Marshal’s Office shall notify the local fire department of the observed transaction. All parties shall sign the fire inspection form with copies being distributed as follows:

- Fire Marshal’s Office
- Building Owner or Designee
- Fire Department (email)

11.15 – Procedure for Verification

Person County Fire Marshal's Office staff shall conduct a check of each Knox Box during routine fire inspections. This will consist of checking for accuracy of keys, box lid operation, and tamper-alarm operation if applicable. This shall be documented on the fire inspection form.

11.16 – Benefits of the Knox Box System

Fire department shall use the Knox Box Key Box to gain access to any property that utilizes the Knox Box rapid entry systems.

Fire department personnel are required to know the location of any Knox Box Key Box within their assigned area.

Fire department personnel are responsible for communicating the purpose, benefits and positive impact the Knox Box System will have on the community, providing enough information about the benefits of the Knox Box System so that a mutual trust is created.

The cost to the property owner for a Knox Box should be compared with the potential saving realized by:

- Eliminating forced entry damage
- Reducing the response time needed by the fire department to gain access into a structure during any time of the day or night and holidays, therefore reducing damage
- Accessing information pertaining to the chemicals and preplans that may assist the fire department in addressing the emergency situation

The Knox Box System eliminates entry delays; therefore, it minimizes internal damage to the structure. In addition, the fire department is able to achieve maximum efficiency when responding to alarms. Potential firefighter injuries are reduced as well (no forced entry is required and delayed fire attack due to having to force entry is eliminated). The system also provides valuable Haz-Mat information, emergency contact info, etc., to responding emergency personnel.

Chapter 12

PYROTECHIC (FIREWORKS)

12.1 – Pyrotechnics (Fireworks)

The Person County Fire Marshal or designee is hereby granted the authority, given to the Person County Board of Commissioners by General Statute §14-413, to issue permits for use of pyrotechnics (fireworks) within Person County in which the Person County Fire Marshal's Office has enforcement jurisdiction.

No person shall use pyrotechnics without first applying 30 days prior to the date of the display for approval. Application must be complete with all names of display operators with copies of their valid North Carolina Certification for display of fireworks. Permit must be issued by the Fire Marshal's Office prior to any display or use of pyrotechnics (fireworks).

The Fire Marshal shall issue the permit upon a determination that the requirements of Chapter 56 of the North Carolina Fire Code and the insurance requirements of North Carolina General Statutes §14-413(d) have been met and the appropriate fees for issuance of the permit have been paid.

Chapter 13

HAZARDOUS MATERIALS AND SUBSTANCE ABATEMENT

13.1 – Purpose and Authority

The Person County Director of Emergency Management or 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 Person County Director of Emergency Management or 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 Person County Director of Emergency Management or 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.

13.2 – Definitions

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

- A. "Hazardous material or substance" means any material or substance defined as a hazardous material under North Carolina General Statutes Section 166A-21, 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 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 onto the land or into the air or the waters within the county limits.
- B. "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 endangers the health, safety or welfare of the general public or the environment.
- C. "Person" means any individual, firm, partnership, association, institution, corporation, organization, unit of local government, governmental agency, or any other group acting as a unit.
- D. "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.
- E. "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.

- F. “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.
- G. “Secretary” means the Secretary of the Department of Crime Control and Public Safety.
- H. “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.
- I. “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:
 - i. Intimidate or coerce a civilian population
 - ii. Influence the policy of a government by intimidation or coercion
 - iii. Affect the conduct of a government by mass destruction, assassination or kidnapping

13.3. – Financial & 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 creates 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 is not limited to, any or all of the following:

- Compliance with the direction of the fire department and/or rescue department.
- Supply of emergency response plan information for the site.
- Supply of emergency response equipment, personnel and materials available on site.
- Informing fire department and/or rescue department personnel of all matters pertaining to the incident.

13.4 – 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. The assessment invoice 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.

All assessed charges or portions thereof not paid within thirty (30) days after the receipt of an invoice will be placed in a past due status, a twenty-five (\$25.00) dollar late fee will be added, and a second invoice will be sent to the owner. After a period of sixty (60) days of non-payment, the account will be subject to a second twenty-five (\$25.00) dollar late fee. After a period of (90) days of non- payment the account will be turned over to the County Attorney for further collections. The Person County Attorney may seek to obtain payment of civil penalties and late fees, and interest, as provided in Section 6 of this ordinance.

- B. All reasonable attorney's fees and costs of collection shall be added to charges not paid within the required time period.

Adopted, this, the 6th day of February 2023.

Upon approval of the North Carolina Building Code Council, this ordinance will become effective July 1, 2023.

In witness whereof, the parties have hereunto set their hands and seals, by authority duly given, on the day and year first above written.



PERSON COUNTY

Gordon Powell, Chairman, Board of County Commissioners

Brenda Reaves, NCMCC, MMC, Clerk to the Board

Attest:

INFORMAL COMMENTS:

Chairman Powell announced each speaker would have two minutes each.

The following individuals appeared before the Board to make informal comments:

Mr. Dan Oldman of 750 Weaver Dairy Rd., #249, Chapel Hill, and a Republican member of US House District 4, spoke on climate changes brought on by human development. He noted, consistent with economic development, competitiveness and jobs, a clean economy must effectively use a mix of renewables, nuclear, and fossil fuels. He said he was speaking in the positive for item #5 on the agenda for Cypress Creek Renewables.

Ms. Carol Carter of 280 Clay Long Rd., Hurdle Mills stated opposition of placing permanent or semi-permanent furniture in the auditorium as it would be prohibitive to groups such as the Bee Keepers, Cattleman's Association and Farm Bureau who use the auditorium space, sometimes once a month, to not have full use of the entire room.

Mr. Jimmie Whitfield of 699 Charlie Reade Rd., Timberlake urged the Board not to restrict citizens' time to address the Board. He also thanked the Board for its hard work on the County's Solar Farm Ordinance and advocated to follow the existing ordinance and not consider larger scale solar farms as they tie up farmland or forestland for a long time without knowing the result.

Mr. Paul Lynch of 395 Union Grove Church Rd., Hurdle Mills spoke on the vital importance of maintaining the County's solar use ordinance in its current form. Mr. Lynch referenced the presentation on the agenda to modify the current ordinance or to do a new ordinance to allow projects over ten times the size of what is currently allowed; he asked the Board to consider the costs of allowing large solar companies to come into the county with their vast projects to change the character of Person County. Mr. Lynch asked the Board to not consider modifying the current solar ordinance to suit this application.

DISCUSSION/ADJUSTMENT/APPROVAL OF CONSENT AGENDA:

A **motion** was made by Commissioner Puryear and **carried 5-0** to approve the Consent Agenda with the following items:

- A. Approval of Minutes of January 3, 2023,
- B. Approval of Minutes of January 17, 2023,
- C. Budget Amendment #14,
- D. Person County Health Department Fee Request for the administration of the COVID-19 Pfizer Bivalent Vaccination for ages 5-11,
- E. Report of Unpaid 2022 Taxes,
- F. Advertisement of Unpaid Real Estate 2022 Taxes,
- G. Tax Adjustments for February 2023,
 - a. Tax Releases
 - b. NC Vehicle Tax System pending refunds
- H. Resolution Supporting Compression Increases for Division of Juvenile Justice and Delinquency Prevention Detention and Youth Development Center Staff, and
- I. Teens Space Initiative State Library EZ Grant Application

NEW BUSINESS:**CYPRESS CREEK RENEWABLES AND PERSON COUNTY:**

Chairman Powell stated that the presentation before the Board by Cypress Creek Renewables was for information only and that no action would be taken at this meeting.

Harrison Cole with Cypress Creek Renewables said the company was founded in 2014 and has offices in Durham and Asheville. Mr. Cole provided the following presentation on how solar energy and Person County could potentially work together for a renewable energy source.



CYPRESSCREEK
RENEWABLES

Cypress Creek & Person County

February 6, 2023

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DEVELOPMENT EXPERIENCE

Our capabilities have been refined through years of successful development

Select Transmission Projects and Offtakers

- 1 Madison, Virginia, 8,537 MW, Potomac Electric Power Company
- 2 Crooked Run, North Carolina, 1,035 MW, Duke Energy
- 3 Wago, Texas, 1,620 MW, Starbuck and Hedge
- 4 Palmetto Plains, South Carolina, 1,064 MW, Dominion

Select Community Projects and Offtakers

- 1 Salt Point Solar and Storage, New York, 30 MW, Community Solar
- 2 Baker Point, Maryland, 1,157 MW, K2 Energy Services, Monumental Sports and Entertainment, Geographic
- 3 Rangeland Solar and Storage, North Carolina, 1,470 MW, Brunswick Electric Warehousing Corporation
- 4 Cascade Texas, 1,547 MW, Engie and Starbuck

120 GW of Solar Energy Projects Developed to Date

- Transmission project developed
- Community project developed

SPOTLIGHT

Corporations Push to Decarbonize the Grid



Corporations are a major driver of solar energy growth. Cypress Creek and Starbucks have teamed up on two solar projects in Texas that are now producing enough energy to power 360 Starbucks stores annually.

"At Starbucks, we are proud of our 30-year legacy in environmental leadership as we know the planet is our most important partner. Our long-standing commitment to renewable energy supports our greener retail initiative and demonstrates our aspiration to sustainable coffee, served sustainably. Now, we are investing in new, renewable energy projects in our store communities, which we know is something our partners and customers can appreciate for their local economy and for the environment."

Rebecca Zimmer, Director of Global Environmental Impact, Starbucks

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PROJECTS DEVELOPED

We develop solar and storage projects of all shapes and sizes

▲ Bu Rock, North Carolina, 73MW

▲ Vale Air, Oregon, 1,200W

▲ Double Eagle Solar and Storage, North Carolina, 6.7MW with a 500kW/1000kWh Battery Energy Storage System (BESS)

▲ Innovative Solar 48, North Carolina, 100MW

▲ Shales, Texas, 270MW

▲ Community
▲ Transmission

Select projects developed

CYPRESS CREEK © 2023

3

Benefiting Communities

We strive to support communities where we live, develop and operate

We seek to establish sustainable relationships with our community partners. We focus our community engagement efforts on four focus areas:

Environmental Sustainability

STEM Education and Workforce Development

Economic Development and Community Investment

Veterans Initiatives

Our impact through end of year 2021:

7.3M METRIC TONS of carbon dioxide offset by our internal fleet since inception¹

\$65M invested in communities including annual property tax payments and annual land lease payments

"Creating paths to well-paying jobs is a priority. Solar energy will be a bigger part of Illinois' energy mix, and through our partnership with Cypress Creek, KCC graduates will go to work doing what they love. It's a point of pride that we've prepared them for a bright future."

Dr. John Avendano,
Kankakee Community College President

"The long term lease will help ensure that the property will stay in my family for my children and grandchildren while helping to provide for my retirement. I am also pleased that having this solar farm on my property will greatly increase the tax base and provide much needed revenue that can be used to improve the infrastructure and services for this small rural town in which I grew up. I can think of no better use for this property and no better company with whom to work."

Wannelle Witt Leikowetz, Landowner

"Your donations and match will pay for over 1,300 bags of food for the elementary children in the Orangburg School District... We rely totally on the donations of caring people like you and your employees to fund our mission. We are proud to say 100% of all funds donated are used to purchase food. All administrative costs are donated by our very committed board."

Melissa Cain, Executive Director, Into the Mouth of Babes

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¹ Calculated using the U.S. EPA Greenhouse Gas Emissions Calculator

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Brief History of Solar in North Carolina

2012-2018

- Up until 2018, most solar was built to sell power to Duke under a state program, capped at 5 MW of solar power, that was set up to comply with a federal law called PURPA.
- These 5 MW sites were smaller, but there was no competition encouraging solar developers to sell power to Duke at better prices.

2018-Present

- NC Legislature passed House Bill 589 in 2018 and then House Bill 951 in 2022; these bills set up competitive procurements of solar power by Duke Energy. Duke would then select the most competitive projects based on 1) cost to connect to the utility grid and 2) the proposed price to sell the energy.
- While there are other programs available to solar developers, this competitive procurement program will continue for years to come. The competitive procurement encourages solar developers to develop competitive sites that can "win" contracts to deliver low-cost solar power to Duke Energy and its customers.



▲ Fossil Church, 5MW, Johnston County, NC



▲ Rutherford Solar, 75MW, Rutherford County, NC

What are the constraints and opportunities for solar in Person County?

- There are a number of high-voltage transmission lines running through Person County. Even with existing plants, there is *some* additional capacity available to solar projects.
 - Due to the existing power plants within the county, there are a number of high-voltage transmission lines running through the county
 - While the existing power plants are quite large, there is *some* amount of additional capacity that would allow for *some* additional amount of solar. There is not an unlimited amount of capacity and we think there is only room for a few large solar projects.
 - Any potential solar project located within Person County would not directly compete with the existing power plants.
- Due to population density in certain parts of Person County, there are limited areas with sufficient open land and limited neighbors for solar projects.
- With the potential decommissioning and/or conversion of the Hyco or Mayo plant as indicated in the filed Carbon Plan, solar can provide tax revenue and jobs that support the County at a local level
 - Next iteration of the Carbon Plan is set to be published in 2024 and every two years after that

Common Concerns with Solar	
Common Concerns with Solar	Mitigants to Common Concerns
Visual Impact	Person County requires a substantial vegetative buffer requirement for a Tier 3 Solar project. We can comply with this request and have hired a landscape architect to help visualize the buffer
Property Values	We have hired a 3 rd party licensed appraiser that has certified that the potential project in Person County will not impact neighboring property values
Distrust of Developers	While there has been an influx of new developers to North Carolina, Cypress Creek has been operating in North Carolina since 2014 and has worked closely with over 40 counties to date.
Loss of Farmland	In a 2022 study, it was concluded that solar took up 0.28% of agricultural land in NC (even less if you include all land types). Since this is a temporary use, after the lifespan of the project, the land will be converted back to it's original use
Erosion	Erosion Control measures will be put into place during the construction phase and will consist of the best available practices including temporary and permanent basins to filter any runoff.
Decommissioning	Each site control agreement has a clause that protects the landowners in the case of decommissioning. We would plan to meet the County requirements for decommissioning and have done so in the past with other Counties.
Wildlife Protection	During the development process, we contact with the US Fish and Wildlife Services to identify any potential endangered/threaten species. If species are anticipated to be impacted a specific species survey will be completed to ensure that there is no impact
Heat Island	We have contacted several 3 rd party Professional Engineers previously and all have testified under oath that a heat island effect will not be produced outside of the array area.

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Hyco Solar: Potential Project in Northwest Person County

- Potential 80 MW project
- The project parcels total 1,250 acres. The disturbed area is anticipated to be around 700 acres; this includes fence line, vegetative buffer, etc. The area in solar panels will only be 380 acres.
- Two landowners under option contracts; the two landowners are residents of Person County.
- Based on statewide solar tax abatement, this project would contribute to the tax base of Person County between \$5.4M and \$7.2M over the 40-year life of the solar project.
- Project would cause over 100 direct jobs during construction and a handful of permanent jobs. There is additional indirect jobs and investment from equipment rentals, accommodations, local support, etc.

Roxboro ★
 Hyco Lake ●
 General Project Location ☀️

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Cypress Creek as a long-term partner

Cypress Creek is committed to good stewardship, collaboration with local communities, and making positive impacts

- Cypress Creek funds scholarships at community colleges, joins the chamber commerce, and encourages ourselves and our contracts to hire locally
- Cypress Creek engages with EMS services before, during, and after construction and requires an emergency response plan for every project
- Cypress Creek sets up workforce development initiatives and encourages STEM learning; we are especially excited about a new partnership with BetaBox learning that we are expanding throughout North Carolina



Images: BetaBox Learning at East Wayne High School and North Duplin Middle School in Wayne County, NC

Cypress Creek's planned partnership in Person County:

- Minimum of \$50,000 in local giving to support Person County organizations (food banks, veterans groups, etc.)
- Setting up either one or both: 1) a K-12 learning initiative with BetaBox or similar organization or 2) a workforce development program
- Construction jobs that pay at or more than prevailing wage

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What would be required for the project to proceed?

First, a text amendment that allows for larger sites than 100 acres to be considered for approval

- The current solar ordinance has language that says "The maximum size of a level 3 solar energy system shall not exceed one hundred (100) acres measured around the exterior perimeter of the panels (outside of the buffer area)."
- Our recommended change is to add language allowing for larger sites to be considered.

If this text amendment is considered and passed, any solar project would still need to go through a conditional rezoning AND receive a special use permit

- The Conditional Rezoning process requires the project to go first to the Planning Board for consideration and then to the Board of Commissioners for approval. This is a discretionary process, meaning the Board of Commissioners would have final say on which projects proceed.

If a project receives zoning approval from Person County, the project would still require to get an interconnection agreement AND be awarded a Power Purchase Agreement from Duke Energy.

- Projects that are submitted into the Competitive Procurements still need to go through the study process with Duke Energy. During this process, the projects are studied to determine the cost of upgrades required to interconnect. If the price is too high, then the project would not be eligible to move forward.

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Chairman Powell asked Mr. Cole if any of the solar projects were constructed and later sold to other solar companies to which he affirmed there were none sold to other solar companies however, some were sold to Fortune 500 companies, i.e. Apple, Amazon.

Chairman Powell asked Mr. Cole to clarify what a handful of permanent jobs would mean to Person County to which Mr. Cole stated for a facility of this size, there would be an office space onsite housing 2-3 people in Person County to maintain operation of the plant, with potential additional jobs based out of their Durham office. Mr. Cole stated Cypress Creek Renewables would work local contractors.

Commissioner Puryear asked about the process of any application received including a public hearing. County Attorney Ellis Hankins stated any amendments to the existing ordinance would be considered in the Board's sound legislative discretion.

If any one or more commissioners are interested in offering or considering amendments, Mr. Hankins said it was a straight-forward legislative matter. Mr. Hankins said that when any company files an application for land use approval, there are two options: 1) to seek a special use permit or 2) make a legislative conditional district zoning request.

Mr. Hankins reminded the Board that the special use permit proceeding was a quasi-judicial matter whereby the Board may only consider evidence that is offered in support of that application in that public hearing. He added this informational presentation would not be considered, only what was heard as evidence in that public hearing.

Mr. Hankins said there was no requirement that the Board consider any amendments to the ordinance.

Commissioner Puryear said the Board worked hard establishing the current Solar Energy System Ordinance and he was very happy with it.

Mr. Hankins stated the recent Carbon Plan Order issued by the Utilities Commission has significant mentions of alternative energy sources, including solar. He said he has asked the question twice to knowledgeable people whether in any way, the relative restrictive solar farm ordinance in Person County was an obstacle to conversion of those two existing Duke generation plants and so far, the answer has been no. He added that if he hears any indication that the solar farm ordinance as currently written is somehow or in any way a hindrance to the conversion of those plants, he would inform the Board of Commissioners.

PERMITTING PROCESS UPDATE:

County Manager Katherine Cathey presented the following Permitting Process Update:

Permitting Process Update

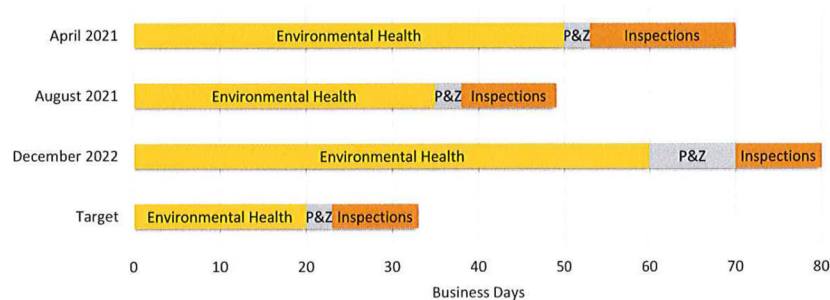
In mid-2021, staff responded to concerns raised by the Board of Commissioners and Homebuilders Association about the permitting process. After reviewing and updating processes, adding positions and continuing with implementation of Energov, permitting timeframes improved in late 2021. The average timeframe for completing an environmental health site evaluation was reduced from 10 weeks to 7 weeks, zoning permits continued to be issued in 2 to 3 business days, and the timeframe for issuing a building permit were reduced from 20 business days to 10-14 business days. For each step in the permitting process, when the customer has something missing or wrong on the paperwork, timeframes depend on how soon they make the corrections.

Over the course of 2022, timeframes have increased again, mainly due to higher workloads and staff turnover in Environmental Health and Planning & Zoning. The charts below reflect the current timeframes and targets as well as history.

Permitting Timeframes



Permitting Process Timeframes

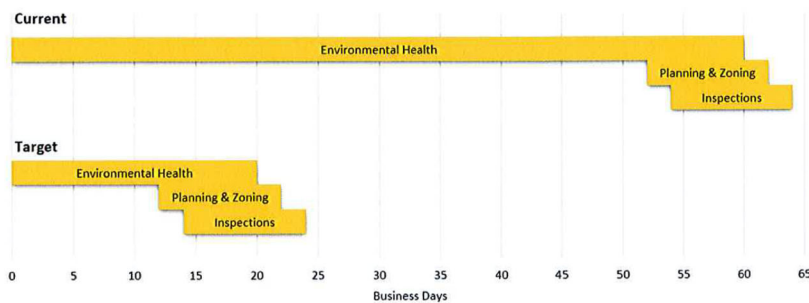


February 6, 2023

Concurrent Review Process

The development services departments recently implemented a concurrent review process. With a reduction in the Environmental Health timeframe, the target length of the permitting process is less than 25 days (5 weeks). Please note, the target for Planning & Zoning has increased from 2-3 business days to 7-10 business days to reflect current demands and establish realistic expectations. When Planning & Zoning begins their review process concurrently with Environmental Health, they are ready to issue a permit within 1-2 days of Environmental Health's approval, as long as there are no significant changes to the plan. Likewise, with a concurrent review process, Inspections is positioned to issue a permit within 1-2 days of Planning & Zoning's approval. Within this process, GIS assigns an address, which must be done before permits are issued.

Concurrent Permitting Process Timeframes



Development Services Staffing

	Environmental Health	Planning & Zoning	Inspections
# Full-time Positions	7	3	6
New Positions	<ul style="list-style-type: none"> 1 Environmental Health Specialist position added May 2021 1 Environmental Health Specialist position added July 2022 Part-time position added Jan. 2023 Utilized other Health Department staff for support 	<ul style="list-style-type: none"> Contract code enforcement officer added July 2022 	<ul style="list-style-type: none"> 1 Senior Code Enforcement Officer (Level 3) added May 2021
Staffing Levels	<ul style="list-style-type: none"> Have not reached full staffing Jan. 2023 – 1 new hire and 1 offer pending to fill all positions 	<ul style="list-style-type: none"> Fully staffed since Nov. 2022 All 3 employees are new to their positions 	<ul style="list-style-type: none"> Fully staffed since Aug. 2022 (with the exception of medical leave)

Energov Implementation

Environmental Health, Planning & Zoning and Inspections all utilize the Energov system. The system is available for customers to submit permit applications online for Environmental Health and Inspections. Customers may also submit payment, correspond with staff, update information, and track the status of their application through the web-based customer self-service (CSS) portal. (Planning & Zoning has 34 applications within the CSS portal that need updating and to match the Fee Schedule before making available online. They are in the process of updating their processes in CSS with an anticipated completion date of March 1, 2023. The department currently has 18 applications available in PDF through the department's page and is issuing permits and accepting payments through Energov.) Paper applications are still accepted in each department and are manually entered into Energov by staff.

Staff has spent countless hours on implementing Energov. There are still bugs in the system that need to be worked out by Tyler Technologies, and staff has requested a weekly standing appointment with our customer service representative until all issues have been addressed.

Environmental Health Summary

Since Dec. 2021, Environmental Health has experienced a retirement, a resignation, and a promotion resulting in continual recruitment efforts for the vacant Environmental Health Specialist positions. There have been four offers and declinations. On Jan. 17, an Environmental Health Specialist Intern joined the organization and will begin State training in February. The remaining vacant position has been offered and accepted. The estimated timeframe for completion of the authorization process for both new employees is approximately one year.

Environmental Health currently has 32 open applications. 15 of those applications are waiting on a Soil Scientist Report for A2 permitting option. Once received, permits then will be completed within 10 business days. Only 7 of these applications are from 2022. With the addition of a part-time employee and assistance from other Health Department staff, Environmental Health has been catching up on the backlog of site evaluations. Weather plays a factor in site evaluations, and it has been a wet couple of months.

Priority is given to failing septic systems and installation inspections. In 2022, there were 47 repair applications, 166 septic system installations, and 253 site/soil evaluation applications. The Emergency Preparedness Coordinator collected water samples in an effort to help alleviate Environmental Health's workload so they could focus on site evaluations and other duties. 123 water samples were collected by the Emergency Preparedness Coordinator in 2022. Other Health Department administrative staff helped with office coverage for 2 weeks when the Administrative Assistant was out in July 2022 to provide office coverage and allow Environmental Health staff to continue working in the field and applications to continue to be processed and completed. This is a great example of interdepartmental cooperation and commitment to providing a high level of customer service.

The Energov CSS link has been on the Environmental Health website since Aug. 2021. Applicants have the option to email paperwork, pay online and electronically sign permits. Staff help clients with online completion of paperwork and site plan and credit card payment submittals.

Environmental Health makes sure that there is always office coverage. The Supervisor and Specialists cover the office during lunch hours, with the exception of mandatory trainings and meetings. Staff thoroughly explain the application process and current timeframes, give applicants other available permitting options such as A2 soil scientist option, EOP (engineer option), and AOWE option (similar to

EOP but does not involve and engineer). These options have faster turnaround time of 10 business days and 15 working days.

Planning & Zoning Summary

Following two resignations and one promotion, the department has been fully staffed since Nov. 2022 with all three employees filling new positions. This turnover has increased permitting timeframes in the department. New employees in new positions may interpret policies and procedures differently, and this has led to some confusion for the public.

Staff is actively reviewing all planning and zoning ordinances, policies, procedures and forms with the goal of streamlining processes, aligning application forms with policies and the adopted Fee Schedule, and improving communication with the public. The revised streamlined process will be included in the Unified Development Ordinance.

Inspections Summary

The Inspections Department implemented an express review process in 2021. When staff receive an application with engineered plans, they put it at the front of the line, and it receives expedited approval for a building permit. Builders who have taken advantage of this process have been happy with the quicker turnaround, and the process has not delayed other plan reviews. For FY23, the department has completed 34 express reviews out of the 255 reviews submitted (both residential and commercial plans).

Customer Service Improvements

All departments will continue to reinforce expectations for promptly serving walk-in customers, answering the phone and/or returning messages, and sharing information via email. Staff juggles demands from many different directions, and they understand the importance of being responsive.

Staff has submitted a new position request for FY24 to add a Customer Service Representative (CSR) position that would staff the counter, providing a physical presence to greet the public and serving as an answering point for general calls and emails for all development services departments. The CSR would serve as the intake person for permit applications submitted on paper or through Energov and would be available to help customers navigate the application process on public kiosks or remotely. In addition, the CSR would be cross-trained on the basics for each department and prepared to answer questions as they arise or direct questions to the appropriate staff member. The CSR would monitor the flow of permit applications through Energov, follow-up when there is a delay (internally and with the applicant), and facilitate a quicker approval process and more timely communication. The support provided by this new position would free up time spent by current staff who are manually entering applications and taking credit card payments, provide a more seamless experience for the public, and improve overall satisfaction for all involved in the permitting process.

Feedback

Staff will continue to improve services to the public, welcomes feedback, and will use it constructively.

Inspections Director Dale Tillman, Mark Duncan, co-owner of Legacy Building Company, LLC and Senior Code Enforcement Officer Dan Lawrence provided a public demonstration of the Energov customer self-service (CSS) portal, a system for customers to submit permit applications online for Environmental Health and Inspections. Customers may also submit payment, correspond with staff, update information, and track the status of their application through the web-based portal. Planning & Zoning is in the process of configuring their processes in the CSS portal with an anticipated completion date of March 1, 2023. Departments are issuing permits and accepting payments through Energov.

Bonnie Holt, Environmental Health Specialist explained the obvious bottleneck in her department related to the fieldwork that takes the longest to review, mainly due to staffing issues. She added, that the issues they are experiencing was happening statewide and that new legislation has been passed allowing A2 soil scientists, EOP engineer, and AOWB positions as options with a shorter turnaround and a higher cost as a way to help with the backlog. She noted she informs applicants of all the options available and further noted staff do work extended hours and one part-time staff member works on the weekends.

Mr. Tillman stated many issues have originated with the Energov software, i.e., new upgrades to the system and lack of customer service. He noted the County has much invested into getting this system customized to the needs for all the departments using the system.

Chairman Powell stated the delays are not about the hard working staff and he appreciated the permitting process update. He said commissioners hear from the other side and if the software company was not meeting its expectations of staff that Tyler Technologies should hear about that prior to the next contract renewal. Mr. Tillman said the original contract was a 3-year contract and a new contract renewal would be due this year.

CHARTERS OF FREEDOM:

County Manager Katherine Cathey reminded the Board that on July 18, 2022, David W. Streater, PhD, Education Director with Foundation Forward presented a proposal to the Board of Commissioners to build a replica of the Charters of Freedom in Person County. Foundation Forward's mission is to build replicas of the Charters of Freedom across the United States, synonymous with the originals, in the National Archives in Washington, DC. The founding documents include the Declaration of Independence, the United States Constitution, and the Bill of Rights. The scope of the project is to design and build replicas that are central and open to the community 24/7, with high visibility, voluminous foot traffic, and easy access for schoolchildren, veterans and all others. The displays are engineered and built to last 300-500 years with all documents made to original size etched in bronze, each weighing 60 pounds and covered by engineered industrial viewing glass. The middle display measures 4'x16' and each side display measures 4'x4'. Also included with the displays is a vault with a time capsule sealed inside to be opened on Constitution Day, Sept. 17, 2087.

Ms. Cathey noted the Board voted to move forward with selecting a location and entering into a letter of agreement to begin the process. The following sites in Person County were evaluated: 1) the Person County Courthouse, 2) Huck Sansbury Recreation Complex, 3) the Person County Veterans Memorial Park and 4) the Museum of History campus. Ms. Cathey said the Huck Sansbury Park site was identified as the ideal location due to its location, accessibility, and visibility.

Foundation Forward considers the Charters of Freedom settings to be a gift to the county from Foundation Forward, however Ms. Cathey said there would be expenses incurred by the county. At a minimum, the county will be responsible for site preparation to include removal of existing sign, monument, shrubs, and sidewalk and ensuring the site is level and free of standing water. The county will then be responsible for ensuring the site is accessible by restoring the sidewalks. Adding electricity, landscaping, benches, etc. to enhance the area will be at the county's expense.

Project Components	Estimated County Expenses
Site preparation (clearing, grading and relocation of existing features)	\$5,000
Reconstruction of accessible approach and construction of apron around settings (labor, grading, construction, and materials)	\$12,000
Landscaping (optional, pavers, shrubs, benches, etc.)	\$12,000
Electricity (optional, to light display cases and/or flagpole)	\$5,000
Flagpole and flag (optional)	\$10,000

Ms. Cathey stated funding for this project was not included in the FY23 budget. To proceed with the project prior to July 1, the Board would need to appropriate funding from undesignated contingency (remaining balance: \$24,503) or fund balance.

The process of receiving a Charters of Freedom setting begins with signing the letter of intent and establishing a point of contact (POC) whom Foundation Forward will coordinate with throughout the process. Per the agreement, the POC must form a committee for promoting community involvement and planning the Dedication Ceremony, Time Capsule Ceremony, and any other related events. Foundation Forward's Resources and Communications team will work with the POC and committee.

Ms. Cathey requested the Board to discuss interest in moving forward and timeline as well as consider the following actions:

1. Approve location for Person County Charters of Freedom,
2. Determine desired components (landscaping, electricity, flagpole, etc.),
3. Identify funding source for county expenses,
4. Approve letter of intent, and
5. Designate a point of contact for the Charters of Freedom Project, whether a community Champion, a member of the community or a staff.

The Board agreed in the value of the project for the educational value to the community but was not pleased with the potential unbudgeted local funds that would be needed to complete the project.

Commissioner Palmer asked Recreation, Arts, and Parks Director John Hill, who was present in the audience, to provide any input on how the county could reduce any of the costs. Mr. Hill said the estimates were accurate however, the county could potentially inquire of the school system's vocational classes, the Boy Scouts, Friends of the Parks and the Recreation Advisory Board as to interest or availability to donate materials and/or volunteer time.

A **motion** was made by Commissioner Puryear and **carried 5-0** to table this item for further discussion at the Board's retreat.

PERSON COUNTY OFFICE BUILDING AUDITORIUM RENOVATION:

General Services Director Ray Foushee presented to the Board some proposed options for making improvements to the County Office Building Auditorium. He noted that the Board expressed an interest in relocating their meeting quarters from its Boardroom 215 to the County Auditorium, in order to capitalize on the larger available meeting space. Not only would Commissioners enjoy the use of a much larger space, but everyone, including all County and public patrons that use the auditorium would benefit from the proposed upfit and renovations.

In summary, Mr. Foushee provided a detail of the proposed auditorium renovations as follows:

- 1) Install new drop ceiling with new LED lights: install a 2'x2' grid system approximately 18" below the existing ceiling for a 10'8" ceiling, which would allow for new LED lighting, new HVAC ductwork, with wiring a cabling to be run above the ceiling; the cost estimated at \$10,382,
- 2) Install a 15 ton Trane new HVAC unit with steam coil for heating from boiler. Parts of existing unit are over 30 years old and currently having re-occurring problems. New HVAC with additional supply registers in the ceiling will be quieter and much more efficient; the cost estimated at \$52,500,
- 3) Up fit the existing auditorium with basic improvements: add new LED lighting in ceiling grid, along with new additional HVAC registers. Hang ½" drywall (sheetrock) on all walls. Walls will be strapped with 2x4 for attaching drywall. Finish as required. This will improve cosmetics of room by covering concrete block walls and reduce the echo factor with moldings and cover base installed: the cost estimated at \$26,265,
- 4) Convert the existing stage to a meeting/conference room by framing/sheetrock with a wall built with two vertical windows with a space for a retractable screen between windows. This will take advantage of an unused space and create a meeting space that could be used for closed sessions; the cost estimated at \$3,350,
- 5) Painting the entire room with two coats; the cost estimated at \$7,800,
- 6) Purchase 7 modular tables that mesh together. The two end tables are 36"x72" for accommodating the Manager, Clerk and Attorney. The five commissioner tables are 24"x48". All tables have wire management channels and grommets. Tables can be folded and stored, if the entire auditorium is needed for a function; the cost estimated at \$11,180,
- 7) Up fit storage room for IT staff use by cleaning/painting the storage room on the right side of the stage as permanent IT space. Includes all wiring/cabling/projection/TV monitors/retractable screen/ and installation; the cost estimated at \$20,000.

Mr. Foushee noted in the current year budget, the Board appropriated \$120,000 in the Capital Improvement Program (CIP) for this project. Mr. Foushee referred to a detailed breakdown of the estimates totaling \$131,477, and how he desired to have a contingency in place for any unknowns related to the project and thereby requested the Board's consideration for the project at \$150,000 (an additional \$30,000 would need to be appropriated from contingency or fund balance). He estimated a period of five to six weeks to complete all the improvements stated above.

Mr. Foushee asked the Board to provide direction on how to proceed with this option or some modification thereof, or to discuss the Board to hold its meetings in their Boardroom 215.

Commissioner Puryear said the original intent of the Board to relocate its permanent meeting room to the auditorium was a good idea and he thanked Mr. Foushee for all his hard work on this project however, he felt the Board should start meeting back in its Boardroom 215.

Commissioner Palmer asked Mr. Foushee if there was any known asbestos in the ceiling to which Mr. Foushee said it was not known however, his plan was not to disturb any area when the drop ceiling was installed.

Vice Chairman Sims noted the HVAC would need to be replaced at some point and the improvements would modernize the room and be good for all users. He added he was fine with the Board going back upstairs to Boardroom 215.

Chairman Powell asked Inspections Director Dale Tillman, present in the audience, about the elevator barrier wall if that could be eliminated to create more space in that area of the room, to which Mr. Tillman said it could be eliminated but nothing could be put in front of the elevator permanently; Mr. Foushee said he would look at the estimated costs to remove the wall.

A **motion** was made by Commissioner Puryear and **carried 5-0** to direct staff to proceed with the auditorium renovations as presented in items 1-5 above (not to include 6-7) and for the Board to start meeting in its Boardroom 215 starting in March 2023.

PUBLIC COMMENTS RULES AND PROCEDURES:

Chairman Powell presented Public Comments Rules and Procedures for the Board's consideration to approve and implement. The Board has expressed an interest in more clearly defining this segment of the meeting agenda. The proposed Public Comments Rules and Procedures document outlines current board practices and provide detailed expectations for the period of public comment.

General Statutes 153A-52.1 requires that boards of county commissioners provide at least one period of public comment each month at a regular meeting of the board. The Person County Board of Commissioners includes an "Informal Comments" section on each regular meeting agenda. Regular meetings take place one or two times per month.

The public comments section established by the Person County Board of Commissioners is "a 10-minute segment which is open for informal comments and/or questions from citizens of this county on issues, other than those issues for which a public hearing has been scheduled. The time will be divided equally among those wishing to comment. It is requested that any person who wishes to address the Board, register with the Clerk to the Board prior to the meeting."

Chairman Powell stated the Board desired to clarify the comment rules and procedures for a common understanding of policy and procedure, civility and decorum in a meeting that should be respected and conducted likewise.

Chairman Powell stated any approved public comments rules and procedures would be available online as well as copies available at the Board's regular scheduled meetings.

County Attorney Ellis Hankins said that the Board has a very general rule in its Rules and Procedure; however, the proposed public comments rules and procedures as presented by the Chairman would outline the expectations for the public. He suggested for the Board to consider adding language to restrict or limit comments to what the commissioners have legal jurisdiction and scope of authority to address. Mr. Hankins suggested the language to be added to #7 on the public comments rules and procedures to read as follows, "Citizens may offer comments on issues that are arguably within the County's jurisdiction and scope of authority only. Leeway will be accorded, but comments on issues clearly not within the County's jurisdiction and scope of authority are out of order."

Mr. Hankins stated the Board Chairman would have the authority to enforce any such adopted rules.

A **motion** was made by Commissioner Palmer and **carried 5-0** to amend the Person County Board of Commissioners Public Comments Rules and Procedures before the Board to include the additional language in #7 as presented by the County Attorney.

A **motion** was made by Commissioner Thomas and **carried 5-0** to approve the Person County Board of Commissioners Public Comments Rules and Procedures, as amended.

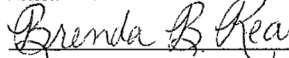
**PUBLIC COMMENTS RULES AND PROCEDURES
PERSON COUNTY BOARD OF COMMISSIONERS**

The Person County Board of Commissioners is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In order to balance the need and desire for such citizen input with the necessity of disposing of its regular business in the course of the meeting, the Board does hereby establish the following Public Comments Rules and Procedures:

1. The Public Comments period will be limited to a maximum of ten (10) minutes.
2. Persons who wish to address the Board during the Public Comments period will register on the sign-up sheet located on the table in front of the Clerk to the Board in the Commissioners' Meeting Room. Sign-up sheets will be available thirty (30) minutes before the start of each meeting.
3. Each speaker will have a specified amount of time, as determined by the Board of Commissioners to make his/her remarks. The designated timekeeper will be the IT staff, or other staff member designated by the Chairman, who will begin timing the speaker; a beeping sound will be heard when the allotted time expires.
4. Speakers will be acknowledged and called up to the podium by either the Board Chairman or the Clerk to the Board in the order in which their names appear on the sign-up sheet. Speakers will address the Board from the podium at the front of the room and should begin their remarks by stating their name and address.
5. It is recommended that groups or delegations select their spokespersons in advance of the meeting. Speakers are not allowed to yield their allotted time to another speaker.
6. Speakers will address all comments to the Board or County as a whole and not to one individual commissioner or to any individual County staff member. Discussion between speakers, members of the audience and the Board of Commissioners is not allowed.
7. Speakers will be courteous and respectful in their language and presentation and must refrain from personal attacks and the use of profanity. The Chairman will enforce these Rules and Procedures, and maintain order and decorum. Willfully interrupting, disturbing or disrupting a meeting and then refusing to leave when directed to do so by the Chairman is a criminal offense. Citizens may offer comments on issues that are arguably within the County's jurisdiction and scope of authority only. Leeway will be accorded, but comments on issues clearly not within the County's jurisdiction and scope of authority are out of order.
8. If the time period runs out before all persons who have signed up have the opportunity to speak, those names will be carried over to the next Board of Commissioners' Public Comments period. The Board of Commissioners may in its discretion extend the time for Public Comments as deemed appropriate.
9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Clerk to the Board.
10. Copies of these Public Comments Rules and Procedures will be available on the table located in front of the Clerk to the Board in the Commissioners' Meeting Room as well as online on the Commissioners' webpage located at www.personcountync.gov.

Adopted by the Board of Commissioners this, the 6th day of February 2023.

Attest:


Brenda B. Reaves, Clerk to the Board




Gordon Powell, Chairman
Person County Board of Commissioners

February 6, 2023

CHAIRMAN'S REPORT:

Chairman Powell had no report.

MANAGER'S REPORT:

County Manager Katherine Cathey introduced newly hired Assistant County Manager Brian Hart, who started with Person County on January 30, 2023, coming from Forsyth County. The Board welcomed Mr. Hart; Mr. Hart stated his excitement and his willingness to serve others in his new capacity here in Person County.

COMMISSIONER REPORT/COMMENTS:

Commissioner Palmer made the group aware of a hearing for public comments on March 13, 2023 at 7:00pm in the Superior Courtroom at the Person County Courthouse related to an application of Duke Energy Progress for an electric service adjustment and increase in its rates.

There was no report or comments from Vice Chairman Sims and Commissioners Thomas and Puryear.

ADJOURNMENT:

A **motion** was made by Vice Chairman Sims and **carried 5-0** to adjourn the meeting at 9:04pm.

Brenda B. Reaves
Clerk to the Board

Gordon Powell
Chairman

February 6, 2023