

Melvin Jackson introduced the Ordinance and moved for its adoption. Jim Miller made a second to the motion and the vote was unanimous. The ordinance was adopted as follows:

AN ORDINANCE TO ADOPT A FIRE PREVENTION AND PROTECTION ORDINANCE FOR SURRY COUNTY, NORTH CAROLINA, AND AN ORDINANCE TO ADOPT CHAPTER 4 ENTITLED "PERMITS AND CERTIFICATES" OF THE NORTH CAROLINA STATE BUILDING CODE, VOLUME V, FIRE PREVENTION, AS A PART OF THE SURRY COUNTY FIRE PREVENTION AND PROTECTION ORDINANCE, PERMITS AND INSPECTIONS, AND PROVIDE FOR THE ENFORCEMENT OF THE SAME.

WHEREAS, it is the intent of this ordinance to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the jurisdiction of Surry County as hereinafter provided from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from hazardous conditions in the use or occupancy of buildings or premises; and

WHEREAS, it is the intent and purpose of Surry County to adopt, in all respects, Chapter 4 entitled "Permits and Certificates" of the North Carolina State Building Code, Volume V, Fire Prevention, as a part of the Surry County Fire Prevention Ordinance; and

WHEREAS, the adoption of Chapter 4 entitled "Permits and Certificates" of the North Carolina State Building Code, Volume V, Fire Prevention, is done to provide for and facilitate:

(a) the proper issuance of permits and inspection activities by Surry County relating to fire prevention, and

(b) the proper issuance of permits and certificates relating to fire prevention, and

(c) the proper issuance of permits and certificates in Surry County outside the corporate limits of any municipality located in Surry County, all as they relate to the public safety, health, and general welfare of the citizens of Surry County and contracted for services within the limits of the municipality in Surry County;

THE BOARD OF COMMISSIONERS OF SURRY COUNTY DO HEREBY ENACT AND ORDAIN:

Section 1. TITLE. This Ordinance shall be known as the Fire Prevention and Protection Ordinance of Surry County, North Carolina, and may be cited as such and referred to herein as the "Surry County Fire Protection Code" or the "Fire Code."

Section 2. FIRE MARSHAL TO ENFORCE ORDINANCE: The Surry County Fire Marshal (hereinafter referred to herein as "Fire Marshal") and his authorized, qualified, and certified representatives, or as otherwise provided herein, shall enforce and carry out the provisions of this ordinance. The Fire Marshal is designated as the Fire Official and charged with the administration and enforcement of this ordinance and applicable North Carolina General Statutes within the territorial jurisdiction of Surry County. Fire prevention inspectors employed pursuant to the County Personnel Ordinance in the Office of the Fire Marshal are designated as authorized representatives of the Fire Official and charged with the administration and enforcement of this ordinance and laws under the control and supervision of the Fire Marshal.

Section 3. ADOPTION OF TECHNICAL CODES AND STANDARDS BY REFERENCE: COPIES ON FILE:

(a) The provisions of the North Carolina State Building Code, Volume V, Fire Prevention, Chapter 4 entitled "Permits and Certificates," hereafter referred to as Chapter 4, as it now exists, are hereby adopted by reference and incorporated herein in its entirety. Copies of this Surry County Fire Prevention and Protection Ordinance, and all technical codes and standards adopted by reference and incorporated herein, shall be filed with, and available for public inspection in, the office of the Clerk to the Board of County Commissioners and the office of the Fire Marshal.

(b) Amendments to codes and standards adopted by reference herein which are adopted and published by the North Carolina State Building Code Council shall be effective in Surry County, North Carolina, at the time such amendments become a part of Chapter 4 entitled "Permits and Certificates" of Volume V, Fire Prevention, of the North Carolina State Building Code, and are hereby adopted by reference and incorporated into this ordinance as if fully set forth herein.

Section 4. JURISDICTION: This ordinance is and shall be applicable to all parts of Surry County not within the corporate limits of any municipality located within Surry County. Notwithstanding the foregoing provisions, said ordinance shall be applicable and in effect within the boundaries of any municipality in Surry County when a contract has been entered into between the municipality and Surry County whereby the Surry County Fire Marshal is to conduct inspections and issue permits within the corporate limits of said contracting municipality in Surry County.

Section 5. FULL FORCE AND EFFECT: If any portion of this ordinance shall be determined to be invalid, unconstitutional, or otherwise ineffective, such ruling shall not effect the remainder and other parts and clauses of this ordinance, and the same shall remain in full force and effect.

Section 6. INTERPRETATION AND INTENT:

(a) This ordinance shall be deemed an exercise of the police power of the County of Surry for the preservation and protection of the public health, safety, and welfare and for enforcement of the North Carolina State Building Code. All provisions of this ordinance shall be liberally construed for that purpose.

(b) Nothing in this ordinance shall be construed to conflict with the provisions of the North Carolina General Statutes pertaining to fire protection. In the event of an ambiguity or conflict between this ordinance and provisions of the North Carolina General Statutes, the latter shall prevail.

(c) It is the intent of this ordinance to prescribe regulations consistent with nationally recognized good practice for the safe guarding of life and property within the jurisdiction of Surry County as hereinafter provided from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from hazardous conditions in the use or occupancy of buildings or premises; and

(d) The ordinance shall not be construed to hold Surry County responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or 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.

Section 7. DEFINITIONS:

(a) The term "fire prevention" shall mean those services and county actions undertaken to eliminate fire hazards and perils, reduce the risk of occurrence of fire, and protect property and persons from damage and injury, and reduce the extent of the same in the event of fire.

(b) Other words, phrases, and terms used in the ordinance, to the extent possible, shall be given the meaning set forth in Section 202 (Chapter 2 entitled Definitions and Abbreviations) of the North Carolina State Building Code, Volume V, Fire Prevention, as it may be from time to time amended, which definitions are incorporated herein by reference.

Section 8. INSPECTION OF BUILDINGS AND PREMISES: Subject to the limitations and conditions stated in the North Carolina State Building Code, it shall be the duty of the Fire Marshal to inspect or cause to be inspected, as often as he may deem necessary or appropriate, all buildings, structures, and premises within his jurisdiction for the purposes of ascertaining and causing to be corrected any condition which may cause fire or explosion, endanger life from fire or explosion, or any violations of the provisions of the Code, or any other ordinance pertaining to fire or explosion hazards.

Section 9. PERMITS:

(a) This ordinance shall require permits from the Fire Marshal as set forth in Volume V, Fire Prevention, of the North Carolina State Building Code.

(b) It shall be the duty of the Fire Marshal to evaluate applications and to issue, if approved, all permits for those conditions as prescribed in Volume V, Fire Prevention, of the North Carolina State Building Code and this ordinance.

(c) No person shall maintain, store, or handle materials or conduct processes which produce conditions hazardous to life or property or install equipment used in connection with such activities without a permit as required by the Fire Marshal and prescribed by Volume V, Fire Prevention, of the North Carolina State Building Code and this ordinance. Before a permit may be issued, the Fire Marshal shall inspect and approve the receptacles, vehicles, buildings, structures, storage areas, devices, processes, and conditions related to the permit.

Section 10. SERVICE OF ORDERS OR NOTICES:

(a) The service of orders or notices for the correction of violations of the ordinance shall be made upon the owner, occupant, or other person responsible for the conditions or violation, either (1) by personally delivering a copy of same to such person, or (2) by delivering the same to and leaving it with any person in charge of the premises, or (3) by sending a copy of the order or notice by certified or registered mail to the owner's last known address.

(b) When buildings or other premises are occupied by one other than the owner under a lease or other agreement, the orders or notices issued to correct violations of the ordinance shall apply to the occupant thereof; provided that where the order or notices require the making of additions to or changes in the premises themselves which may become part of the real property of the owner, then in such cases, the orders or notices shall also be issued to the owner of the premises or real property. Failure to deliver an order or notice to the owner, if other than the occupant, shall not invalidate such order or notice.

(c) Service on any interested person or party may also be made as provided by North Carolina General Statutes, Chapter 1A, Rules of Civil Procedure.

Section 11. STORAGE TANK INSTALLATION, UPGRADING, AND REFURBISHING:

(a) Before any tank for underground or aboveground storage of flammable or combustible liquids or any other hazardous material covered by the provisions of the North Carolina State Building Code shall be installed, upgraded, or refurbished, a permit must be issued and shall be granted only upon written application made to the Fire Marshal setting forth therein (1) the location, character, size, and capacity of the tank, and (2) the purpose for which it is to be used, and (3) an agreement that the applicant or user will conform to all the provisions of the North Carolina State Building Code and the ordinances then existing; and, in case a pump is to be used in connection therewith, the application shall state its location with respect to the tank and with respect to the property line.

(b) The Fire Marshal shall determine whether the proposed tank complies with the provisions of the North Carolina State Building Code, the ordinance of the County, and laws of the State, and shall issue the permit if he finds there is compliance.

(c) The Fire Marshal shall have the right to inspect the tank and appliances before and after installation, and see that its location, installation, and operation are in accordance with the North Carolina State Building Code, the ordinance of the County, and laws of the State.

(d) After the tank is placed in the excavation, and fittings and connections have been attached thereto, and before it has been covered or concealed from inspection, the applicant for the permit shall notify the Fire Marshal, and shall wait until the installation of the tank connections and fittings have been approved by the Fire Marshal before covering them.

Section 12. STORAGE TANK REMOVAL:

(a) Before any tank for underground or aboveground storage of flammable or combustible liquids or any other hazardous material covered by the provisions of the North Carolina State Building Code shall be removed, abandoned, placed temporarily out of service, or disposed of, a permit must be issued and shall be granted only upon written application made to the Fire Marshal setting forth an agreement that the applicant, whether the owner or contractor, will conform to all the provisions of the North Carolina Building Code, the ordinances of the County, and the laws of the State.

(b) The Fire Marshal shall have the right to inspect the site before, during, and after removal, and see that its operation is in accordance with the North Carolina State Building Code, the ordinances of the County, and laws of the State.

Section 13. FEE SCHEDULE:

(a) Fees for inspections and permits required by this Ordinance shall, from time to time, be determined by resolution adopted by the Surry County Board of Commissioners. The fee schedule shall be filed with the Clerk of the Board of County Commissioners and the Fire Marshal's Office for public inspection.

(b) Fees for inspections required by this ordinance shall be paid within thirty (30) days of date of invoice.

(c) Fees for permits shall be received prior to the issuance of the permit. All fees for permits not received prior to the commencement of work will be considered delinquent.

(d) No permit shall be issued until all fees and charges have been paid in full. At any time it is determined that all fees and charges have not been paid and a permit has been issued, the permit shall be immediately revoked and all work concerned with that permit immediately stopped.

(e) The Fire Marshal shall charge and collect such fees as the Board of Commissioners of Surry County shall, from time to time, determine by resolution, for issuing permits, for inspections, and for other services performed by the Fire Marshal. The purpose of the fees shall be to defray, wholly or in part, the cost of providing fire prevention services. The specific kind of fees and the amount thereof shall be fixed and set forth by resolution of the Surry County Board of Commissioners duly adopted.

(f) The fees shall be due and payable as provided and set forth in the Resolution of the Surry County Board of Commissioners. The Fire Marshal shall pay over the account to the County for fees collected hereunder in accordance with rules promulgated by the County Finance Director.

Section 14. FIRE PREVENTION DUTIES AND RESPONSIBILITIES: The Fire Marshal shall have the following fire prevention duties and responsibilities:

(a) Enforcement of the Fire Prevention Inspection and Permits Ordinance and the North Carolina State Building Code, Volume 5, Fire Prevention, and Chapter 4 thereof.

(b) The duties and responsibilities of the Fire Marshal and authorized representatives with regard to administration and enforcement of this ordinance and State law shall include (1) receiving applications for permits and issuing or denying permits, (2) assessing and collecting fees, (3) making necessary inspections, (4) issuing orders, including stop orders, to correct violations, (5) bringing or causing to be brought civil and criminal judicial actions against actual or threatened violations, (6) keeping adequate records of administrative and enforcement activities, and (7) taking any other actions that may be required to fulfill the intent and purpose of the Section.

Section 15. VIOLATIONS AND PENALTIES:

(a) Any person who shall violate any of the provisions of this ordinance or who shall fail to comply with any judicial warrant, lawful order, or regulation made thereunder or who builds in violation of any specifications

or plans submitted and approved thereunder or any permit issued thereunder, shall be guilty of a misdemeanor. Each day that such violation continues shall constitute a separate offense.

(b) In the name of Surry County, the County Fire Marshal, through the County Attorney, may enjoin, by court action and proceeding, the construction or erection of any facility, building, or structure which does not conform to the provisions of the ordinance.

(c) This ordinance may be enforced by any of the remedies set forth in N.C.G.S. 153A-123, in addition to others specifically set out herein or in the Surry County Ordinance or the North Carolina State Building Code.

(d) Any person who violates any of the provisions of this ordinance shall be subject to a civil penalty for each violation in the amount established by ordinance of the Board of County Commissioners. Said civil penalty schedule shall be filed with the Clerk to the Board of Commissioners and in the Fire Marshal's office for public inspection. Each day of violation shall constitute a separate and distinct offense.

(e) Civil penalties must be paid within seventy-two (72) hours after a citation has been issued by the Fire Marshal for a violation. The Fire Marshal is authorized to issue written citations in the name of the county for violations.

Section 16. EFFECTIVE DATE: This ordinance shall be effective on the 1st day of January, 1993.

PASSED, APPROVED, AND ADOPTED by Surry County by its Board of Commissioners on the 21st day of December, 1992.

Upon motion of Melvin Jackson, seconded by Jim Harrell, the Board voted unanimously to approve the Memorandum of Agreement between the County and the Surry County Board of Education for funding of the Beulah/Lowgap School, a copy of which is on file with the Clerk to the Board; and, the Capital Project Ordinance as follows:

CAPITAL PROJECT ORDINANCE

BEULAH/LOWGAP ELEMENTARY SCHOOL

BE IT ORDAINED by the Board of Commissioners of the County of Surry that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, this capital project ordinance is hereby adopted:

Section 1. The project authorized by this ordinance is the construction, renovating, and equipping of the Beulah/Lowgap Elementary School.

Section 2. The officers of this governmental unit are hereby directed to proceed with this capital project within the guidelines set by the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project, and are hereby appropriated or referenced by prior appropriation.

Proceeds from the sale of 1992 School Bonds (Appropriated by the Project Ordinance)	\$ 4,400,000.
Total Revenues	\$ 4,400,000.

Section 4. The following amounts are available for expenditures for the project:

Purchase of Land	116,375.
Site Development	13,625.
Professional Fees	145,000.