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EMERGENCY MANAGEMENT AGENCY

§ 70.01 SHORT TITLE.

This chapter shall be known and may be cited and referred to as the “Emergency Management Ordinance” for the county, including its municipalities.

(1984 Code, § 2-5-16) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.02 PURPOSES.

(A) It is the intent and purposes of this chapter to establish an Office of Emergency Management to ensure the complete and efficient utilization of all resources of the county and its municipalities in the event of disaster, as defined herein.

(B) The Office of Emergency Management shall be the coordinating agency for all activity in connection with emergency management within the county including the municipalities within the geographical limits of the county; it will be the agency through which the Board of Commissioners and municipal councils will exercise the authority and discharge the responsibilities vested in them during states of disaster or local emergency.

(C) This chapter does not relieve any county department or agency of the responsibilities or authority given to it by state law or by local chapter, nor will it adversely affect the work of any volunteer agency organized for relief in disaster situations.

(D) This chapter shall not abridge or modify the authority of the governor or his or her delegates to implement emergency measures during declared states of disaster.

(E) The Office of Emergency Management shall be the central coordinating agency for activities and programs relating to emergency and disaster prevention, mitigation, preparedness, response and recovery, homeland security, among agencies and officials of the county and with similar agencies and officials of other counties, the state and federal agencies; and with other private and quasi-official organizations.

(1984 Code, § 2-5-17) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.03 DEFINITIONS.

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

ATTACK. Direct or indirect, actual or threatened, assault against the county, its government or its environs, or against the state or nation, by the forces of a hostile nation or the agents thereof, including but not limited to assault by bombing, conventional, radiological or nuclear, chemical, biological or cyber (technological) means, sabotage or other impending or actual calamity.

DIRECTOR. The director of the Office of Emergency Management, is appointed as prescribed in this chapter.

DISASTER. An occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural, biological, or human-made accidental, military or paramilitary cause.

EMERGENCY MANAGEMENT. Broadly defined, the governmental function that coordinates and integrates all activities to build, sustain and improve the capability to prepare for, protect against, respond to, recover from or mitigate against threatened or actual natural disasters, acts of terrorism or other man-made disasters. This shall include plans and preparations for minimizing the adverse effect of any kind of disaster, as defined herein, and shall include prevention, mitigation, warning, response, movement, shelter, emergency assistance and recovery. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States, health or law enforcement agencies.

EMERGENCY MANAGEMENT FORCES. The employees, equipment and facilities of all county and municipal departments, boards, councils, institutions, acting in furtherance of the purposes of this chapter and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons or agencies while acting in the capacity of emergency management volunteers.

EMERGENCY MANAGEMENT VOLUNTEER. Any person or agency contributing a service, equipment or facilities to the emergency management agency without remuneration and assigned to participate in the emergency management activity.

HOMELAND SECURITY. The comprehensive and coordinated efforts, strategies, and actions by government agencies in collaboration with relevant partners utilized to detect, identify, and deter threats and malefactor actions; protect people, key resources, and critical infrastructure; respond to and recover from catastrophic incidents and events while mitigating impacts of cascading risks. Nothing herein shall be construed to include law enforcement, investigation or functions activities delegated to WCSO or CCBI

INCIDENT COMMAND SYSTEM (ICS). The combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in domestic incident management activities.

MUTUAL AID AGREEMENTS. May include but are not limited to the furnishing or exchange of such supplies, equipment, facilities, personnel and services as may be needed; the reimbursement of costs and expenses for equipment, supplies, personnel and similar items; and on such terms and conditions as deemed necessary.

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS). A system prescribed by the Department of homeland Security under the direction of Presidential Directive #5 that strengthens response capabilities through a balance between flexibility and standardization, and use of common doctrine, terminology, concepts, principles and processes. The purpose of NIMS is to provide a consistent nationwide approach for federal, state and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size or complexity.

REGULATIONS. Plans, programs and other emergency procedures deemed essential to emergency management.

(1984 Code, § 2-5-18) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.04 VIOLATIONS OF REGULATIONS.

It shall be unlawful for any person to violate any of the provisions of this chapter or of the regulations or plans promulgated pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management forces, as herein defined, in the enforcement of the provisions of this chapter or any regulations or plan issued thereunder.

(1984 Code, § 2-5-19) (Ord. passed 1-5-1981; Ord. passed 10-1-1990) Penalty, see § 70.99

§ 70.05 ORGANIZATION AND APPOINTMENTS.

(A) The Organization shall consist of the following:

(1) An office of emergency management within the executive department of county government under the direction of the Board of Commissioners, through the County Manager, as authorized by G.S. Chapter 166A-19.15. The Office shall be led by its Director. The assistants and other employees as are deemed necessary by the Board of Commissioners for the proper functioning of the agency shall be appointed;

(2) The employees and resources of all county and municipal departments, boards, institutions and councils. The same shall participate in the emergency management activities. Duties assigned to county or municipal departments shall be the same as or similar to the normal duties of the Department, where possible; and

(3) Volunteer personnel and agencies offering services to and accepted by the county or municipality.

(B) A Director of the Office of Emergency Management and Homeland Security will be appointed. The Director will be a person well versed and trained in planning operations involving the activities of various agencies which operate to protect the public health, safety and welfare in the event of disaster, as defined in this chapter.

(C) The Director shall designate and appoint a Deputy Director as the Coordinator of the Office of Emergency Management to assume the emergency duties of the Director in the event of his or her absence or disability.

(1984 Code, § 2-5-20) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.06 EMERGENCY POWERS AND DUTIES.

(A) The Director shall promulgate a local emergency plan which shall be approved by the Board of Commissioners and which shall be activated whenever a local state of emergency is declared by the Board of Commissioners pursuant to local ordinance and G.S. § 166A, or when the Governor of the state declares a state of disaster in all or any part of the county.

(B) During states of declared disaster or local emergency, the Board of Commissioners may delegate to the Director the power to implement the additional plans as are necessary for the efficient administration of state or federal disaster plans and for the preservation of the public safety, health and welfare.

(C) During states of declared disaster or local emergency, the Director is authorized to utilize all available county resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of county agencies or units thereof for the purpose of performing or facilitating emergency services to the full extent allowed by G.S. 166A-19.15 or subject to the direction and guidance of the Board of Commissioners..

(1984 Code, § 2-5-21) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.07 DIRECTOR; DAY-TO-DAY DUTIES AND RESPONSIBILITIES.

(A) (1) The Director shall be responsible to the Board of Commissioners, through the County Manager, in regard to all phases of the emergency management activities. The Director shall be responsible for the planning, coordination and operation of emergency management and homeland security activities in the county. The Director shall maintain communication with state and federal authorities and authorities of nearby political subdivisions to ensure the most effective operation of the emergency management plans.

(2) No person shall be employed or associated in any capacity in any emergency management agency established under this chapter if the person:

(a) Advocates or has advocated a change by force or violence in the constitutional form of the government of the United States;

(b) Advocates or has advocated the overthrow of any government in the United States by force or violence;

(c) Has been convicted of any subversive act against the United States; or

(d) Is under indictment or information charging any subversive act against the United States.

(B) The Director's duties shall include, but not be limited to, the following:

(1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the county and its municipalities for emergency management purposes;

(2) Developing and coordinating of plans for the immediate use of all facilities, equipment, manpower and resources of the county for the purpose of minimizing or preventing damage to persons and property; and protecting or restoring governmental services and public utilities necessary for the public health, safety and welfare;

(3) Negotiating and entering into agreements with owners or persons in control of real property for the use of buildings and properties for emergency management purposes, pursuant to the agreements designating suitable buildings;

(4) Educating the populace through public information programs about procedures required for the protection of its persons and property in case of disaster, as defined herein;

(5) Conducting public exercises to ensure efficient operation of the emergency management forces and to familiarize residents with emergency management plans, procedures and operations;

(6) Coordinating the activity of other public and private agencies engaged in any emergency management activities and implementing state disaster procedures; and

(7) Negotiating and entering into agreements with other political subdivisions for mutual aid assistance providing such agreements are consistent with the state emergency management program and plans.

(8) Coordinating and maintaining a county wide public alert and warning system.

(9) Coordinating a program to maintain situational awareness of complex incidents and events to ensure a coordinated response per local plans.

(1984 Code, § 2-5-22) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.08 EMERGENCY MANAGEMENT PLANS.

(A) Comprehensive emergency management plans shall be adopted and maintained by resolution of the Board of Commissioners and the municipal councils. In the preparation of these plans, the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When comprehensive emergency management plans are approved, each municipal department or agency shall perform those functions assigned to it by these plans and shall maintain a current state of readiness at all times. The emergency operation plan and disaster operation plan shall have the full effect of local law whenever a disaster, as defined in this chapter, has been proclaimed.

(B) The Director shall describe in emergency plans those positions within the disaster organization, in addition to his or her own, for which lines of succession are necessary. In each instance, the responsible person shall designate and file with the Director a current list of three persons to be successors to his or her position. The list shall be in order of succession and shall designate persons most capable of carrying out all duties and functions assigned to the position.

(C) Each service chief and department head designated in the plan shall be responsible for carrying out all designated duties and functions. Duties will include organization and training of assigned employees and volunteers. Each chief shall formulate an operating procedure to implement the plan for his or her service.

(D) Amendments to the plan shall be submitted to the Director. The Director may submit proposed amendments to the Board of Commissioners and the municipal councils, with his or her recommendation. The amendments shall take effect 30 days from the date of approval by the Board of Commissioners.

(E) When a skill required for a disaster relief function is not available within local government, the Director shall be authorized to seek assistance beyond local government resources. Duties of a supervisory nature shall also include an implicit authority to carry out the ancillary duties as are necessary and proper before and after the occurrence of a disaster for the fulfillment of functions authorized by this chapter. Services from persons other than government employees may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as emergency management volunteers.

(1984 Code, § 2-5-23) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.09 MUNICIPAL OR PRIVATE LIABILITY.

(A) (1) All functions hereunder and all other actions related to emergency management by the county and its municipalities are governmental functions for the protection of the public peace, health and safety.

(2) Neither the county nor its municipalities, nor agents and representatives of same, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith complying with or attempting to comply with this chapter or rule, or regulation promulgated pursuant to the provisions of this chapter, shall

be liable for the death of or injury to persons, or for damage to property as a result of the activity.

(B) Any person owning or controlling real estate or other premises who voluntarily, and without compensation, grants to the county and its municipalities the right to inspect, designate and use the whole or any part or parts of the real estate for the purpose of emergencies during an actual, impending or practice disaster situation shall not be civilly liable for the death of or injury to any persons on or about the real estate under the license, privilege or permission, or for loss of or damage to the property of the persons.
(1984 Code, § 2-5-24) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.10 CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS SUSPENDED.

Whenever a declared state of emergency or disaster exists, the provisions of this chapter shall supersede all local rules and chapters inconsistent herewith.
(1984 Code, § 2-5-26) (Ord. passed 10-1-1990)

§ 70.11 NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS); RECOGNITION AND COMPLIANCE.

(A) The county shall recognize the National Incident Management System (NIMS) and adopt the principles and policies of the NIMS that will insure the complete and efficient utilization of all of the county's resources to combat disasters.

(B) NIMS principles and policies are to be adhered to by all emergency management forces and across all functional disciplines within the county to provide a comprehensive approach to incident management.

(C) Emergency Management, with guidance from the Federal Emergency Management Agency – National Integration Center (NIC), will be the coordinating agency for all activity in connection with NIMS.
(Res. passed - -2006)

§ 70.12 SEVERABILITY.

Should any provisions of this subchapter be declared invalid for any reason, by any court of competent jurisdiction, such declaration of invalidity shall not affect the validity of the provisions or of this subchapter as a whole.
(1984 Code, § 2-5-26) (Ord. passed 10-1-1990)

STATE OF EMERGENCY

§ 70.25 TERRITORIAL APPLICABILITY.

This chapter shall not apply within the corporate limits of any municipality, or within any area of the county over which a municipality has jurisdiction to enact general police-power ordinances, unless the municipality by resolution consents to its application, in which event it shall apply to the areas as fully and to the same extent as elsewhere in the county.
(1984 Code, § 2-5-36) (Ord. passed 1-5-1981; Ord. passed 10-1-1990) clean up

§ 70.26 "STATE OF EMERGENCY" DEFINED; RESTRICTIONS AUTHORIZED.

(A) A state of emergency shall be deemed to exist whenever, during times of public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any condition is imminent.

(B) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the county or any part thereof, or threatening damage to or destruction of property, the Chairperson of the Board of Commissioners is hereby authorized and empowered under G.S. § 166A 19.22, to issue a public proclamation declaring to all persons the existence of a state of emergency, and, in order to more effectively protect the lives and property of people within the county, to place in effect any or all of the restrictions authorized in this chapter.

(C) The Chairperson is hereby authorized and empowered to limit, by the proclamation, the application of all or any part of the restrictions to any area specifically designated or described within the county and to specific hours of the day or night, and to exempt from all or any part of the restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies and newspaper, magazine, radio broadcasting and television broadcasting corporations operated for profit; and the other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the county.

(1984 Code, § 2-5-38) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.27 STATE OF EMERGENCY PROCLAIMED, GENERALLY.

(A) The Chairperson of the Board of Commissioners, by proclamation, may impose the prohibitions and restrictions specified in §§ 70.30 and 70.31 in the manner described in those sections. The Chairperson may impose as many of those specified prohibitions and restrictions as he or she finds necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety and property. The Chairperson shall recite the findings in the proclamation.

(B) The proclamation shall be in writing. The Chairperson shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the county courthouse. The Chairperson shall retain a text of the proclamation and furnish, upon request, certified copies of it for use as evidence.

(1984 Code, § 2-5-39) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.28 PROCLAMATION, AMENDMENTS TO.

The Chairperson may amend or extend the proclamation from time to time, making the modifications as he or she would have been authorized to include in the original proclamation. The proclamation shall continue until terminated or amended.

(1984 Code, § 2-5-40) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.29 EVACUATION.

A proclamation may direct and compel the evacuation of all or part of the population of the county by prescribed routes, modes of transportation and destination in connection with evacuation and may control ingress and egress of a disaster area and the occupancy of premises therein.

(1984 Code, § 2-5-41) (Ord. passed 10-1-1990)

§ 70.30 CURFEW.

(A) The proclamation may impose a curfew prohibiting in certain areas and, during certain periods, the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The Chairperson may exempt from some or all of the curfew restrictions classes of people whose exemption the Chairperson finds necessary for the preservation of the public health, safety and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(B) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Chairperson by proclamation removes the curfew.

(1984 Code, § 2-5-42) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.31 RESTRICTIONS.

(A) Intoxicating liquor.

(1) The proclamation may prohibit the possession or consumption of any intoxicating liquor, including beer and wine, other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any intoxicating liquor within the area of the county described in the proclamation.

(2) The prohibition, if imposed, may apply to transfers of intoxicating liquor by employees of alcoholic beverage control stores as well as by anyone else within the geographic area described.

(B) Dangerous weapons and substances.

(1) The proclamation may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance, such prohibitions or restrictions not to conflict with state law regarding lawfully possessed firearms or ammunition. It is the intent of this Section to comply with N.C.G.S. § 14-409.40. The Chairperson may exempt, from some or all of the restrictions, classes of people whose possession, transfer or transportation of certain dangerous weapons or substances is necessary to the preservation of the public health, safety or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted

(2) "Dangerous weapons and substances" shall have the same meaning as it does under N.C.G.S. 14-288.1 and any amendments thereof and the term "firearm" shall have the same meaning as it does under N.C.G.S. 14-409.39(2) and any amendments thereof.

(3) If imposed, the restrictions shall apply throughout the jurisdiction of the county or the part thereof as designated in the proclamation.

(4) A violation of this section shall be punishable as provided by state statute.

(C) Access to areas.

(1) The proclamation may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this division, in violation of any order, clearly-posted notice or barricade indicating that access is denied or restricted.

(2) Areas to which access is denied or restricted shall be designated by the Sheriff and his or her subordinates when directed in the proclamation to do so by the Chairperson. When acting under this authority, the Sheriff and his or her subordinates may restrict or deny access to any area, street, highway or location within the county if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

(D) Other restrictions. The proclamation may prohibit or restrict:

(1) Movements of people in public places;

(2) The operation of offices, business establishments and other places to or from which people may travel or at which they may congregate; and

(3) Other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency, within the area designated in the proclamation.

(1984 Code, § 2-5-43) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.32 PROHIBITIONS AND RESTRICTIONS, REMOVAL OF.

The Chairperson shall, by proclamation, remove the prohibitions and restrictions as the emergency no longer requires them or when directed to do so by the Board of Commissioners.

(1984 Code, § 2-5-44) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.33 SEPARATE AND SUPERSEDING PROCLAMATIONS.

The Chairperson, in his or her discretion, may invoke the restrictions authorized by this chapter in separate proclamations and may amend any proclamation by means of a superseding proclamation.

(1984 Code, § 2-5-45) (Ord. passed 1-5-1981; Ord. passed 10-1-1990)

§ 70.34 CHAIRPERSON, ABSENTEE OR DISABILITY.

In case of the absence or disability of the Chairperson, the Vice-Chairperson of the Board of Commissioners, or the other person as may be designated by the Board of Commissioners, shall have and exercise all of the powers herein given the Chairperson.

(1984 Code, § 2-5-46) (Ord. passed 1-5-19; Ord. passed 10-1-1990)

§ 70.35 VIOLATIONS OF SUBCHAPTER.

Any person violating any prohibition or restriction imposed by a proclamation authorized by this chapter shall be guilty of a misdemeanor.

(1984 Code, § 2-5-37) (Ord. passed 1-5-1981; Ord. passed 10-1-1990) Penalty, see § 70.99

§ 70.36 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this subchapter is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this subchapter.

(1984 Code, § 2-5-49) (Ord. passed 10-1-1990)

HAZARDOUS MATERIALS

§ 70.50 DATA STORAGE BOX.

(A) Generally. Effective 1-1-1992, as amended effective August 16, 2010, all commercial enterprises or industries in the county which use, store or manufacture on-site hazardous materials that must be reported with regulated materials under Title III of the Federal Superfund Amendments and Reauthorization Act (SARA), 42 USC 11001 et seq., and the Clean Air Act Amendment 112 (r), and the regulations promulgated thereunder, must have an approved on-site hazardous materials data storage box at each facility where hazardous materials may be found. This requirement shall ensure consistency at all facilities storing hazardous materials so that responders can quickly locate, access, and utilize information located in the data storage box.

(B) Contents, types and location.

(1) This data storage box may contain keys providing access to all secured areas of the facility and may also serve as the required facility key box required by state and local fire codes. The data storage box shall contain current, specific information needed to assist fire departments and hazardous materials teams responding to emergencies at the facility. This information includes but is not limited to, facility maps or plans showing the type and location of hazardous materials, Tier II forms, lists of chemicals with Chemical Abstracts Service (CAS) numbers that are required to be reported on Tier II forms, 24-hour emergency telephone numbers for essential facility employees and other persons to be contacted in case of emergencies.

(2) The data storage box shall contain the Site Specific Hazardous Chemical Plan/Hazardous Materials Management Plan, specifically in the Wake County format. This form shall be updated annually, or more often as necessary, to ensure accuracy.

(3) The data storage box itself shall be of the type designated and approved by the Wake County Local Emergency Planning Committee and shall be located at the primary vehicular entrance, outside any security fence that may be surrounding the facility and visible and accessible to emergency responders. If the facility staffs a security control checkpoint, the data storage box may be located at the security checkpoint, but located outside any surrounding security fence and shall be visible and accessible to all emergency responders. The data storage box may be mounted to a post or other stand alone structure, so long as the above criteria are met. The data storage box may be mounted to a structure that is located outside of the secured perimeter, but shall not be mounted to the exterior of the facility or inside the facility housing the hazardous materials.

(4) Facilities may apply for site specific variance for the location of the Hazardous Materials Data Storage Box to Wake County Emergency Management. It is at the discretion of Wake County Emergency Management whether to approve or deny the request. If

approved, Wake County Emergency Management will notify First Responders as to its location.

(1984 Code, § 2-5-1) (Ord. passed 3-4-1991; Am. Ord. passed 8-16-2010) Penalty, see § 70.99

§ 70.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Violations of § 70.50 shall be a misdemeanor as provided under G.S. §§ 153A-123 and 14-4. Each day's continuing violation shall constitute a separate offense as provided by G.S. § 153A-123(g).

(2) The county may also secure injunctive and other appropriate equitable remedies to ensure compliance with this chapter, as provided by G.S. § 153A-123.

(3) Enforcement actions may be initiated by the County Fire Marshal, the County Emergency Management Director or Chief of the Fire Department serving the facility.

(1984 Code, § 2-5-1) (Ord. passed 3-4-1991)

Statutory reference:

Continuity of local government in emergency, see G.S. Chapter 162B

Emergency management, see G.S. Chapter 166A

Property taxes for civil preparedness programs, see G.S. § 153A-149(c)(9)

Riots and civil disorders, see G.S. §§ 14-288.1 et seq.

CHAPTER 71: ROAD NAMES

Section

71.01 Purpose and intent

71.02 Definitions

71.03 Road names

71.04 Administration and application

71.05 Display of road address numbers

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71.99 Penalty

§ 71.01 PURPOSE AND INTENT.

The purpose and intent of this subchapter is to provide a uniform system of road addresses for all properties and buildings throughout the county in order to facilitate provision of adequate public safety and emergency response services and to minimize difficulty in locating properties and buildings for public service agencies and the general public.

(1984 Code, § 2-5-61) (Ord. passed 6-30-1988)

§ 71.02 DEFINITIONS.

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

ADDRESS PROGRAM ADMINISTRATOR. The official of the county charged with the administration of this subchapter, including his or her authorized agent or delegate.

BUILDING. A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, chattels or equipment. When separated by division walls from the ground up without openings, each portion of the building may be deemed a separate building. For the purposes of this subchapter, the term BUILDING may also include other human-made structures, including but not limited to manufactured, mobile and modular homes.

DRIVEWAYS. A private way, beginning at the property line of a lot abutting a public road, private road, easement or private right-of-way, giving access from that public road, recorded easement, recorded private road or private right-of-way, and leading to a building, use or structure on that lot. A DRIVEWAY may not serve more than a single lot unless it runs along a lot line shared by two lots and serves no more than two lots.

OWNER. A person or legal entity having a beneficial, de facto, financial, legal, or record interest in either a building or in an address on which a building is located. OWNER includes but is not necessarily limited to those persons or entities who are deemed by the address program administrator to be a beneficial, de facto, equitable, legal, part or record owner of a building or address subject to this chapter.

ROAD. A public or private one-way or two-way road for ingress and/or egress. The roads may be of various types including frontage roads, rear access roads, roads with cul-de-sacs and dead-end roads. This definition includes secondary roads, but does not include driveways.

ROAD ADDRESS. The combination of numbers and road name assigned by the county which uniquely identifies a particular building or lot.

(B) Except as specifically set forth in this subchapter, the definitions in the county subdivision regulations shall govern the meaning of words and phrases in this subchapter. (1984 Code, § 2-5-62) (Ord. passed 6-30-1988)

§ 71.03 ROAD NAMES.

(A) The road names on file with the community development services agency are hereby declared the official names of these roads, unless changed by action of the County Board of Commissioners. The community development services agency is hereby authorized to determine the need for road name changes and to recommend the changes to the County Board of Commissioners.

(B) All roads in the county shall be identified by a sign showing the official name and state road number. These road signs shall be placed at all intersections and shall identify both intersecting streets.

(C) Road name signs shall be uniform throughout the county in accordance with the Governor's Highway Safety Commission Program. (1984 Code, § 2-5-63) (Ord. passed 6-30-88)

§ 71.04 ADMINISTRATION AND APPLICATION.

(A) The address program administrator will be responsible for the interpretation and administration of this subchapter, including:

- (1) Assigning all numbers for properties and buildings;
- (2) Maintaining address records of each property and building;
- (3) Recommending change of existing addresses when necessary to facilitate sequential house numbers along a road;
- (4) Designating individual unit addresses within the multiple housing units in conformity with this subchapter; and
- (5) Assisting the public in complying with the requirements of this subchapter.

(B) This section shall apply in all areas of the county not within a municipality; except that it shall not apply in the extraterritorial jurisdiction of any municipality which has adopted similar provisions in its zoning, subdivision or building inspection codes.

(1984 Code, § 2-5-64) (Ord. passed 6-30-1988)

§ 71.05 DISPLAY OF ROAD ADDRESS NUMBERS.

(A) Road address numbers must be clearly displayed so that the location can be identified easily from the road.

(1) The official address number must be displayed on the front of a building or at the entrance to a building which is most clearly visible from the street or road during both day and night.

(2) If a building is more than 75 feet from any road, the address number shall be displayed at the end of the driveway or easement nearest the road which provides access to the building.

(3) Numerals indicating the address number of a single-family dwelling shall be at least three inches in height and shall be posted and maintained so as to be legible from the road.

(4) Numerals for multiple dwelling units and nonresidential buildings shall be at least six inches in height and shall be placed on the front of the building facing the road or on the end of the building nearest the road.

(5) Numerals must be of contrasting color to the background.

(6) Mobile home lots shall have sequential address numbers throughout the park. Each lot will have a separate address number assigned. The address number of each lot must be clearly displayed on the lot so as to be legible from the road rather than mounted on the mobile home unit.

(B) The address program administrator will have the right to authorize and approve alternate methods of displaying house numbers which meet the intent of this subchapter when strict adherence to these standards cannot reasonably be met.

(1984 Code, § 2-5-65) (Ord. passed 6-30-1988) Penalty, see § 71.99

§ 71.06 ENFORCEMENT.

(A) No building permit shall be issued until an official house number has been assigned for a lot. The record plat of any subdivision must show the address for each lot created or recorded.

(B) No certificate of completion under § 150.051 of this code will be issued until road address numbers are properly displayed.

(C) An owner of a building or of an address on which a building is located, and an occupant of a building shall comply fully with this chapter. The county may issue a written notice to any owner or occupant when this chapter has not been fully met and specify in the notice means of compliance within a time frame not to exceed 30 days. Notice under this chapter is sufficient and proper if reasonably calculated to give actual or constructive notice. Means of notice deemed sufficient and proper include but are not limited to first class mail sent to the last known address of an owner or occupant as ascertained from the county's tax listings, posting on the front door of the affected building, or hand delivery to an occupant of legal age found at the affected building. The County Attorney may enforce this chapter by any one or more of the remedies authorized by G.S. § 153A-123.

(1984 Code, § 2-5-66) (Ord. passed 6-30-1988) Penalty, see § 71.99

§ 71.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

CHAPTER 72: FIRE PREVENTION AND PROTECTION

Footnote: Pursuant to N.C.G.S. 143-138(e), North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3

Related Statutes: N.C.G.S. Chapter 153A, Article 11 Fire Protection

Section

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§ 72.01 Title

This chapter shall be known as the Fire Prevention and Fire Protection Chapter of Wake County, North Carolina, and may be cited as that and referred to herein as "this chapter."

§ 72.02 Intent

(1) It is the intent of this chapter to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property within the jurisdiction of the county from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, devices and from the use or occupancy of buildings and premises.

(2) This chapter 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 therein or failure to inspect or re-inspect or the permits issued or denied as therein provided or by reason of the approval or disapproval of any equipment authorized therein.

§ 72.03 Applicability of Chapter

This chapter applies to all unincorporated areas of the county. In addition, this chapter, in its entirety, may apply within the corporate limits of any municipality located within the county, if a municipality, by resolution, requests that this chapter be applicable within the municipality and executes a memorandum of understanding with the county as to the applicability and the cost of enforcement of this chapter.

§ 72.04 Authority of Fire Marshal to Enforce

This chapter shall be enforced by the County Fire Marshal and his/her authorized representatives (collectively, the "Fire Marshal") using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. who shall be certified by the North Carolina Code Officials Qualifications Board and any other board, association or entity required by law. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

The County Fire Marshal shall have all of the duties set forth in N.C.G.S. § 153A-234,

§ 72.05 Adoption of North Carolina Fire Prevention Code.

For the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in the county and providing for issuance of permits for hazardous uses or operations, that certain fire prevention code recommended by the North Carolina Building Code Council, being particularly the International Fire Code with North Carolina Amendments, and the whole thereof, as hereinafter modified or amended, of which code a copy has been and now is filed in the office of the Clerk to the Board of County Commissioners and such copy is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the county. Any

amendments thereto shall be effective at such time as the amendments are declared in effect by the North Carolina State Building Code Council without further amendment to this chapter.

A copy of the fire prevention and protection ordinance, and all technical codes and standards adopted by reference shall be available for public inspection in the office of the Clerk to the Board of County Commissioners.

~~§ 72.05 APPOINTMENT OF AND DUTIES OF FIRE MARSHAL.~~

- ~~—(A) Appointment of Fire Marshal. The Board of Commissioners shall appoint the Fire Marshal, to serve at the will of the Board. The Fire Marshal shall have the assistants and employees as the Board may provide.~~
- ~~—(B) Duties of the Fire Marshal. Subject to the approval of the State Building Code Council, the duties of the Fire Marshal shall include, but are not limited to:~~
 - ~~—(1) Keeping the County Manager and the Board of Commissioners informed of the progress and development of rural fire departments;~~
 - ~~—(2) Keeping the County Manager and the Board of Commissioners informed of any matters pertaining to the present and future expansion of rural fire departments;~~
 - ~~—(3) Acting as liaison between fire departments and the County Manager or Board of Commissioners;~~
 - ~~—(4) Aiding in organizing and developing new fire departments;~~
 - ~~—(5) Being the County Manager's and Commissioners' adviser concerning requirements of the state's Fire Insurance Rating Bureau;~~
 - ~~—(6) Assisting in developing a comprehensive training program for all rural fire departments;~~
 - ~~—(7) Advising fire departments on equipment purchases and problems;~~
 - ~~—(8) Advising fire departments on the availability of civil defense surplus equipment;~~
 - ~~—(9) Making periodic inspections of all departments to see that they conform to the minimum standards of the state's Fire Insurance Rating Bureau;~~
 - ~~—(10) Making fire prevention inspections of schools as required by G.S. Chapter 115C and of day care facilities as authorized by G.S. Chapter 110;~~
 - ~~—(11) Making inspections of places of public gathering relative to fire protection and fire prevention;~~
 - ~~—(12) Making investigations (along with other officials) of fires of a suspicious nature so as to determine their cause;~~
 - ~~—(13) Assisting fire departments in developing a fire prevention program in their respective districts;~~
 - ~~—(14) Assisting school authorities in developing a fire prevention program for each school;~~
 - ~~—(15) Coordinating all fire departments in a mutual aid program within the county;~~
 - ~~—(16) Coordinating the activities of all fire departments in a call system or calling system so that each department will be assured of prompt notification and response of all fire calls; and~~
 - ~~—(17) Administering this chapter.~~

~~—(C) Electrical inspections. Neither the Fire Marshal nor his or her assistants shall make electrical inspections unless they are qualified to do so under G.S. § 153A-351. (1984 Code, § 2-6-5) (Ord. passed 1-3-1978)~~

~~Statutory reference:~~

~~—Fire Marshal and fire prevention codes, see G.S. § 153A-234~~

~~—Fire prevention inspections in day care facilities, see G.S. § 110-91(5)~~

~~—Inspectors, see G.S. §§ 153A-351 et seq.~~

~~§ 72.06 ENFORCEMENT OF CHAPTER.~~

~~—To enforce the provisions of this chapter, the Board of Commissioners hereby authorizes and directs the Fire Marshal to apply to the appropriate division of the general court of justice for mandatory or prohibitory injunctions, orders of abatement and other equitable remedies as provided for by G.S. § 153A-123.~~

~~(1984 Code, § 2-6-6) (Ord. passed 1-3-1978) Penalty, see § 10.99~~

~~§ 72.07 COMPLIANCE WITH ORDERS OF FIRE MARSHAL REQUIRED.~~

~~—Failure to comply with an order served by the Fire Marshal or by his or her assistants shall be a violation of this chapter.~~

~~(1984 Code, § 2-6-7) (Ord. passed 1-3-1978) Penalty, see § 10.99~~

~~§ 72.08 AUTHORITY TO ENTER PREMISES.~~

~~—(A) The Fire Marshal, or his or her acting agent, may, at all reasonable hours, enter any building or premises for the purpose of making any inspection or investigation which, under provisions of this chapter, he or she deems necessary to be made.~~

~~—(B) The Fire Marshal, or his or her acting agent, shall be permitted by the owner, lessee, manager or operator of any building or premises to enter and inspect his or her building or premises at the time and for the purpose stated in this section.~~

~~(1984 Code, § 2-6-8) (Ord. passed 1-3-1978)~~

~~Statutory reference:~~

~~—Similar provisions, see G.S. §§ 58-79-1 through 58-79-45~~

~~§ 72.09 INSPECTION OF BUILDINGS AND PREMISES.~~

~~—It shall be the duty of the Fire Marshal to inspect, or cause to be inspected by Fire Department officers or members, all buildings and premises except the interiors of dwellings, as often as may be necessary, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire or any violations of the provisions or intent of this chapter affecting the fire hazard.~~

~~(1984 Code, § 2-6-9) (Ord. passed 1-3-1978)~~

~~§ 72.10 ORDERS TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS.~~

~~—Whenever the Fire Marshal or any Fire Department officer or member designated by the Fire Marshal shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, he or she or they shall order the dangerous conditions or materials to be removed or remedied in the manner as may be specified by the Fire Marshal:~~

- ~~—(A) Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;~~
 - ~~—(B) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials;~~
 - ~~—(C) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials;~~
 - ~~—(D) Accumulations of dust or waste material in air conditioning or ventilation systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible materials from hoods, grease extractors and ducts; and~~
 - ~~—(E) Obstructions to or on fire escapes, designated access openings in exterior walls for Fire Department use, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.~~
- ~~(1984 Code, § 2-6-10) (Ord. passed 1-3-1978)~~

~~§ 72.11 SERVICE OF ORDERS.~~

- ~~—(A) The service of orders for the correction of violations of this chapter shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to the person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of premises, the order may be served either by delivering to and leaving with the person a copy of the order, or if the owner is absent from the jurisdiction of the officer making the order, by sending the copy by certified or registered mail to the owner's last known post office address.~~
 - ~~—(B) If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this chapter shall apply to the occupants thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, as would immediately become real estate and be the property of the owner of the premises; in that cases the rules or orders shall apply to the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.~~
- ~~(1984 Code, § 2-6-11) (Ord. passed 1-3-1978)~~

~~§ 72.12 INSTALLATION OF ABOVEGROUND TANKS.~~

- ~~—(A) Restricted locations. The storage of Class I flammable liquids (gasoline and other flammable liquids having a flash point below 100°F) in aboveground tanks is prohibited on all residentially-zoned properties and within 150 feet of any structure used normally for residential purposes.~~
- ~~—(B) Proper venting. Any aboveground tank storing flammable liquids or for the purpose of storing flammable liquids (liquids having a flash point below 100°F) shall have adequate emergency venting sized so as to be reasonably safe to persons and property and at least as large as the filling or withdrawal connection, whichever is larger, but in no case less than one and one-fourth (1 1/4) inch nominal inside diameter.~~
- ~~—(C) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning~~

—FLASH POINT. A liquid that is the lowest temperature of the liquid at which it gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the vessel used.

—IGNITABLE MIXTURE. A mixture within the flammable range (between upper and lower limits) that is capable of propagation of flame away from the source of ignition when ignited.

~~(1984 Code, § 2-6-12) (Ord. passed 1-3-1978)~~

Statutory reference:

~~—County fire protection, see G.S. §§ 153A-233 et seq.~~

~~—Fire protection, see G.S. Ch. 69~~

~~—Fire protection districts, see G.S. §§ 153A-300 et seq.~~

~~—Property taxes for fire prevention and protection, see G.S. § 153A-149(c)(11)~~

§ 72.06 Fire Inspection/Violation Fees

In accordance with NCGS 153A-123, fees have been approved as part of the county's schedule of fees to ensure compliance with this chapter.