

# 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, North Carolina Forest Service, 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**

A handwritten signature in cursive script, appearing to read "Gordon Powell", written over a horizontal line.

Gordon Powell, Chairman, Board of County Commissioners

A handwritten signature in cursive script, appearing to read "Brenda B. Reaves", written over a horizontal line.

Brenda Reaves, NCMCC, MMC, Clerk to the Board

*Attest:*