

Regular Session, September 7, 2010, 9:30 a.m.
Catawba County Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Tuesday, September 7, 2010 at 9:30 a.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn M. Lail and Commissioners Glenn Barger, Dan A. Hunsucker, and Barbara G. Beatty.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, Assistant County Manager Dewey Harris, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m.
2. Vice-Chair Lynn M. Lail led the Pledge of Allegiance to the Flag.

3. Commissioner Dan A. Hunsucker offered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes of the Regular Meeting of August 16, 2010. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed all present and specifically recognized Commissioner Candidate Randy Isenhour, noting she and Vice-Chair Lail were also candidates. Later in the meeting Chair Barnes recognized Sallie Johnson from the Hickory Public Schools Board of Education.
6. Public Comments for Items not on the Agenda:
Chair Barnes noted this was the time to speak on items that were not on the agenda and those present who wished to speak on the Animal Shelter could do so, after signing the sign-in sheet, after the Animal Shelter presentation at the end of the agenda.
7. Presentations:
 - a. Chair Barnes presented a proclamation to Emergency Management Coordinator Karen Yaussy declaring September 2010 as "National Preparedness Month". The proclamation encouraged citizens to prepare their homes, businesses, and communities for any type of emergency from natural disasters to potential terrorist attacks and also encouraged participation in the preparedness activities offered by the County and other government agencies, such as making a family emergency plan; putting together an emergency supply kit; being prepared to help a neighbor; and working as a team to help keep everyone safe.
 - b. Jackie McSwain, District Engineer for the North Carolina Department of Transportation (NCDOT), presented a request for the Board to adopt a resolution which stated it reviewed and concurred with the North Carolina Department of Transportation (NCDOT) 2010-2011 Secondary Road Program for Catawba County. The presentation outlined the paving priorities of NCDOT for unpaved roads within the County, which will utilize an anticipated \$1,580,200 allocation in State highway funds. Commissioner Beatty asked that it be clarified that the determination on which roads would be included in these paving priorities was made by NCDOT and based on a point system and the Board had no part in those determinations. Commissioner Beatty made a motion to adopt the following resolution and the motion carried unanimously.

Resolution 2010-___

WHEREAS, Representatives from the North Carolina Department of Transportation appeared before the Catawba County Board of Commissioners on Tuesday, September 7, 2010 and presented the Secondary Roads Improvement Program for 2010-2011 for Catawba County.

NOW, THEREFORE, BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the Board has reviewed said program and concurs with the SecondaryRoads Improvement Program for the fiscal year 2010-2011 as presented by the representatives of the North Carolina Board of Transportation as follows:

**North Carolina Department of Transportation
Catawba County Secondary Roads Construction Program
2010 – 2011 Paving Priority**

FY 2010 – 2011 Anticipated Allocations:	
Highway Fund (G.S. 136-44.5b&c)	\$ 717,900.00
Trust Fund (G.S. 136-182)	\$ 862,300.00
Grand Total	\$ 1,580,200.00

I. Paving Unpaved Roads

A. Rural Paving Priority

Rural Length				
Priority #	SR#	Local Name	(Miles)	Cost Estimate
1	1499	Meandering Way	0.42	\$188,300.00
2	2011	Carriage Street	0.40	\$195,700.00
3	1896	Marshall Road	0.09	\$57,900.00
4	1110	Jays Road	0.50	\$215,400.00
Rural Total			1.41	\$657,300.00

* Rural Paving Alternates:

5	2027	Powell Road	0.20	\$75,000.00
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B. Subdivision Paving Priority

Subdivision Length				
Priority #	SR#	Local Name	(Miles)	Cost Estimate
1	1576	33rd St. NE	0.15	\$65,800.00
2	1827	3rd Ave. SE	0.09	\$47,500.00
3	2103	Stillwater Drive	0.06	\$35,500.00
Subdivision Total			0.30	\$148,800.00

* Subdivision Paving Alternates:

4	2650	Barefoot Avenue	0.26	\$95,500.00
5	1561	CrabApple Street	0.35	\$145,600.00

II. General Secondary Road Improvements (Funded by G.S. 136-44.5b)

A. Paved Road Improvements

SR#	Local Name	Description	(Miles)	Cost Estimate
1735	Mt. Olive Church Rd.	widening and Resurfacing.	1.93	\$473,500.00

III. Trust Fund Safety Improvements (Funded by G.S. 136-182)

Length				
SR#	Local Name	Description	(Miles)	Cost Estimate
None				

B. Various Spot Stabilization, Secondary Maintenance

Length				
SR#	Local Name	Description	(Miles)	Cost Estimate
Various Various				\$100,000.00

IV. Funds reserved for surveying, road additions, contingencies, overdrafts, and paving entrances to certified fire departments, rescue squads, etc..... \$150,000.00

Total from page 1..... \$806,100.00
Total from page 2..... \$723,500.00

Grand Total \$1,529,600.00

****This Program is subject to the availability of funding, right of way, and environmental review.**

Roads may or may not be improved in the order listed herein due to these and other factors.

This the 7th day of September, 2010.

8. Appointments.
Vice-Chair Lail recommended the appointment of Jody Street for a first term and the reappointment of Mick Berry and Dennis Hurst to second terms on the Region E Development Corporation. These terms will expire September 30, 2013. Chair Barnes recommended the reappointment of Rebecca Wright for a second term on the Sister Cities Association Board. Ms. Wright's term will expire June 30, 2012. Chair Barnes also recommended the appointment of John Cline for an unexpired term to replace Rocky Towery and reappointment of Jeffrey Bronnenberg for a third term and Ann Davis for a first term on the Alcohol Beverage Control Board. Mr. Cline's term will expire on April 6, 2011, Mr. Bronnenberg's term will expire on August 31, 2013 and Ms. Davis' term will expire on October 5, 2013. These recommendations came in the form of a motion and the motion carried unanimously.

9. Consent Agenda:

County Manager J. Thomas Lundy presented the following three items on the consent agenda:

a. A request for approval of the expanded use of \$9,000 in annual Children with Special Needs Adoption funds to offset costs to relatives in gaining custody or guardianship of their relative children. In 1990, the Board of Commissioners approved the use of \$9,000 annually to assist with moving more African American children in foster care to adoptive homes. Eighteen percent of children currently in foster care are African American and 64% are Caucasian. In the Catawba County foster care system, 21% foster homes are African American and 74% are Caucasian. Last fiscal year, 22 African American children entered foster care and 53 left foster care. Of those 53, about half returned home; 17 were placed with relatives, and the others were adopted or placed with non-relatives. Social Services offers enhanced board rates to foster families taking in high needs children, sibling groups, and older children, and assists children with ongoing needs in foster care and those moving to adoptive homes with funds from the State and funds donated to Social Services.

Social Services has made strong efforts in recent years to locate more relatives of children early in a family's involvement with child welfare services. There has been increased success in achieving this, often allowing children to maintain or gain connections to relatives while the family is involved with child welfare services, and sustaining those contacts after the family is no longer involved with Social Services. In fiscal year 2009-2010, 99 children in foster care (27%) were living with relatives.

Many additional children are placed with relatives as a safety resource without having to come into foster care, but it is not a permanent arrangement. Relatives do not receive a board rate or any other financial offset to take the children into their homes. North Carolina is not currently able to provide guardianship funding to counties, as allowed by 2008 Fostering Connections legislation, because of State budget shortfalls. Many relatives would gladly accept custody or guardianship of their relative children rather than have them enter foster care. In order to do this, they must often pay substantial fees to an attorney to draft guardianship papers. Most cannot afford this, especially in today's economy. If funds were available to help offset the costs of attorney fees, many children would avoid entry into the foster care and legal system, and the stigma that often comes with being a "foster child". Cost savings to the county and state in reduced foster care expenses can more than offset the cost of attorney fees to gain legal custody for relatives. Most importantly, it gives the child quick permanency, a sense of belonging, and a tight connection to their family roots. Research continues to show that these factors can also reduce the costs to communities in later juvenile charges and adult crimes.

b. A request for approval of amendments to Sections 28-304 and 28-305 of the County Personnel Code to recognize revisions to North Carolina General Statute 153A-98(b), which expands the definition of public and confidential information regarding County personnel records. The Government Ethics and Campaign Reform Act of 2010, signed into law by Governor Beverly Perdue on August 2, 2010, expanded this definition. The changes required by the Act are designed to strengthen transparency of government by increasing and clarifying accessibility to public records and will be a significant change for counties. The Act makes information about employees' promotions, demotions, transfers, suspensions, separations or other changes in position (rather than only the most recent change), and each change in salary, a matter of public record. The Act also makes information regarding the general reasons for an employee's promotion a public record.

Finally, the Act makes any written notice of the final decision of the County to dismiss an employee, along with the specific acts or omissions that are the basis of the dismissal, to be a matter of public record. The Act's effective date is October 1, 2010. The following ordinance applies:

Ordinance No. 2010 –06

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 28 Personnel, Article IX. Records and Reports, Section 28-304 Personnel records; access to public information; privacy act, is hereby amended to read as follows:

Sec. 28-304. - Personnel records; access to public information; privacy act.

(a) Personnel records are necessary for the proper administration of the county personnel system and will be maintained by the personnel director. The employee's personnel file is maintained by the personnel department. The personnel records custodian shall be the personnel director, whose responsibility it is to maintain a file for each county employee.

(b) The personnel director may designate an individual or individuals within the personnel department to act as records custodian. The records custodian is responsible for the proper maintenance and documentation of personnel records in accordance with state and local law.

(c) The county shall maintain in each employee's personnel record only information that is necessary and relevant to accomplishing legitimate personnel administration needs. It is the responsibility of the personnel director to assure the sanctity and authenticity of every employee's personnel file.

(d) As required by G.S. 153A-98 and 160A-168, any person may have access to public information as defined by this article for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public record as the county may adopt. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

(e) Departments shall forward all documents that are a part of a personnel file to the personnel director.

(f) For purposes of this article, an employee's personnel file consists of any information gathered by the county with respect to that employee. This would include but would not be limited to information relating to an employee's application for employment, selection for a vacant position, performance, promotions, demotion, transfers, suspension, and other disciplinary actions, evaluation forms, salary, any applicable information relating to employment, or termination of employment.

(Ord. No. 2003-19, 10-6-2003)

Sec. 28-305. Public and confidential information defined.

(a) As required by North Carolina GS 153A-98, the following information regarding each county employee is public information:

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment to county services.
- (4) The terms of any contract by which the employee is employed whether written or oral, past or current, to the extent the county has the written contract or a record of the oral contract in its possession;
- (5) Current position/title.
- (6) Current salary.
- (7) Date and amount of each increase or decrease in salary.
- (8) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification.
- (9) Date and general description of the reasons for each promotion.

(10) Date and type of each disciplinary dismissal, suspension or demotion. If the disciplinary action was a dismissal, a copy of the written notice of final decision setting forth the specific acts or omissions that are the basis of the dismissal.

(11) Office to which the employee is currently assigned.

(a1) For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses and deferred and all other forms of paid compensation.

(b) All information contained in a county employee's personnel file, other than the information listed in subsection (a) of this section, will be maintained as confidential in accordance with the requirements of G.S. 160A-168 and shall be open to public inspection only in the following instances:

(1) The employee or a duly authorized agent may examine all portions of the employee's personnel file, except:

(a) Letters of reference solicited prior to employment; and

(b) Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.

(2) A licensed physician designated in writing by an employee may examine the employee's medical record.

(3) A county employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.

(5) An official of any agency of the state or federal government or any political subdivision of the state may inspect any portion of a personnel file when such information is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.

(6) An employee may sign a written notarized statement authorizing release of other specified information to prospective employers, educational institutions, or other specified persons.

(7) The county manager, with the concurrence of the board of commissioners, may inform any persons of the employment or nonemployment, promotion, demotion, suspension, or other disciplinary action, reinstatement, transfer, or termination of a county employee and the reasons for that personnel action. Before releasing the information, the manager shall determine in writing that the release is essential to maintaining public confidence in the administration of county services or to maintaining the level of quality county services. A record shall be maintained in the personnel file and as part of the public record in the office of the clerk to the board.

(8) Even if considered part of an employee's file, the following information may be withheld from an employee:

(a) Testing or examination material used solely to determine qualification when disclosure would compromise testing.

(b) Investigative reports concerning possible criminal actions against the employee until the investigation is completed.

(c) Information which might identify undercover officers or informers.

(d) Notes, preliminary drafts, and internal communications unless used for official personnel decisions.

(Ord. No. 2003-19, 10-6-2003)

State law references: Penalty for permitting illegal access to confidential file G.S. 153A-98

This the 7th day of September, 2010.

c. A request for approval of amendments to the Catawba County Code, Chapter 14, Emergency Management and Services and Chapter 18, Fire Prevention and Protection. Staff had worked with the County's Legal Department to thoroughly review and update these two chapters of the Catawba County Code. The majority of the changes are related to format, numbering, naming of reference material, and to provide clarity to the ordinances. For example, references to the North Carolina General Statutes were previously signified by the abbreviation G.S. and would be listed as NCGS if the Board approves the amendments. References to specific general statutes and administrative

codes that have been renumbered, repealed, or revised would be amended and replaced with State law or North Carolina Administrative Code, depending on the source. References to the North Carolina Department of Insurance and Insurance Service office have been changed to read NC Department of Insurance. The ordinance currently makes reference to the Emergency Management Office, Office of Emergency Management, and emergency management agency. These would be changed to read "Emergency Management Division" for consistency throughout the document. The proposed amendments to Chapter 18 were distributed to each fire department in the county for review and comment. There were no comments or changes suggested. The following ordinance applies:

Ordinance No. 2010 –07

BE IT ORDAINED that the Catawba County code of Ordinances, Chapter 14 Emergency Management and Services is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 14-1. Penalty.

Any person violating any section of this chapter shall, upon conviction, be punished in accordance with section 1-14.

Sec. 14-2. Hazardous materials emergencies.

(a) Authority. Pursuant to NCGS Chapter 166A, the North Carolina Emergency Management Act, a county emergency management division is hereby established. The emergency services director, who oversees the county's emergency management division, shall have a direct responsibility for the organization, administration and operation of the county's program. The emergency services director may designate a hazardous materials coordinator(s) to coordinate operations of the county hazardous materials team.

(b) Definitions. *Hazardous Materials* means any material defined as a hazardous substance under 29 Code of Federal Regulations , 1910.120(a)(3).

Responsible Party means the owner of or person in possession of hazardous materials.

(c) Intent and Purpose. The intent and purpose of this article is to establish the duties of the county emergency management division, as it relates to hazardous materials emergencies, in order to control and eliminate the threat to public health and safety that hazardous materials emergencies pose. Such incidents include but are not limited to spills, accidents, illegal dumping and other releases or threatened releases of hazardous materials requiring control. The emergency management office shall have the authority to summarily remove, abate, or remedy hazardous material emergencies within the jurisdiction of the county that are, or potentially are, a threat to public safety.

(d) Right of Entry. When responding to a release or threatened release of hazardous materials the county emergency management division, along with any agencies it calls in to provide assistance, may enter onto any private or public property where the release or threatened release occurred, or any adjacent or surrounding property, in order to respond to the release or threatened release of hazardous material or to monitor, control, and contain the release or perform any other action in mitigation of a hazardous materials incident.

(e) Liability and Fees. Liability for an incident which threatens public health lies with the responsible party of the hazardous materials who shall be responsible for all containment and removal costs, including the county's response fee, other agencies called in to assist the county, as well as any equipment and materials used to abate the threat to public health and safety.

(Code 1995, § 331.01)

Cross references: Environment, ch. 16.

Secs. 14-3--14-30. Reserved.

Article. II. EMERGENCY MANAGEMENT DIVISION*

*Cross references: Administration, ch. 2.

Sec. 14-31. Establishment; coordinator.

The county established the Catawba County Civil Defense Agency and appointed a director of such agency pursuant to budgetary authority conferred July 6, 1961. By resolution of January 6, 1975, the name of such agency was changed to the Catawba County Civil Preparedness Agency, and the director's title was changed to Coordinator of the Agency. On March 10, 1981, the board of commissioners changed the name of the Catawba County Civil Preparedness Agency to Catawba County Emergency Management Division. The county director of emergency services serves as the coordinator of emergency management.

(Code 1995, § 330.01)

Sec. 14-32. Short title.

This article shall be known and may be cited and referred to as "The Emergency Management Ordinance for the County of Catawba."

(Code 1995, § 330.02)

Sec. 14-33. Intent and purpose.

(a) It is the intent and purpose of this article to establish a division that will ensure the complete and efficient utilization of all of the county's resources to combat disaster resulting from enemy actions or other disasters as defined in this article.

(b) The county division of emergency management will be the coordinating agency for all activity in connection with emergency management. It will be the instrument through which the board of commissioners may exercise the authority and discharge the responsibilities vested in it during a disaster.

(c) This article will not relieve any county department of the moral responsibilities or authority given to it in the county Charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

(Code 1995, § 330.03)

Sec. 14-34. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coordinator means the coordinator of the county emergency management division, appointed as prescribed in this article.

Disaster means an occasion or instance caused by any natural means (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), and, regardless of cause, any fire, flood, or explosion, where local efforts and capabilities are maximized to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophic situation in any part of the county including alleviating the damage, loss, hardship, or suffering caused by the event.

Emergency means an incident, whether natural or manmade, that requires responsive action to protect life or property.

Hostile action means action taken against the U.S. or any governmental subdivision thereof by foreign forces or domestic terrorists, resulting in the destruction or damage to military targets, injury or death to the civilian population or damage to or destruction of public and private property.

Emergency management means:

(1) The basic government functions of maintaining the public peace, health and safety during an emergency. This term includes plans and preparations for protection and relief and recovery from effects of an emergency, disaster or hostile action as defined in this section. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

(2) The employees, equipment and facilities of all county departments, boards, councils, institutions and commissions; and in addition it includes all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

County authorized first responder means any person duly registered, identified and appointed by the coordinator of the county emergency management division and assigned to participate in the emergency management activity.

Regulations means plans, programs and other emergency procedures deemed essential to emergency management.

(Code 1995, § 330.04)

Cross references: Definitions generally, § 1-2.

Sec. 14-35. Organization and appointments.

(a) The department head of the Emergency Services Department shall serve as the coordinator of the emergency management division as required by NCGS 166A-7.

(b) The coordinator shall designate and appoint deputy coordinators to assume the emergency duties of the coordinator in his absence or inability to act.

(Code 1995, § 330.05)

Sec. 14-36. Duties and responsibilities of coordinator.

(a) For the purposes of this article, the coordinator shall:

(1) Be responsible to the board of commissioners in regard to all phases of emergency management activity.

(2) Be responsible for the planning, coordination and operation of the emergency management activities in the county.

(3) Maintain liaison with the state and federal authorities and the authorities of nearby political subdivisions to ensure the most effective operation of the emergency management plans.

(b) The coordinator'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 for emergency management purposes.

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

(3) Enter into agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for the emergency management purposes and designating suitable buildings as public shelters.

(4) Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in an enemy attack or disaster, either impending or present.

(5) Conducting public practice alerts to ensure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.

(6) Coordinating the activity of all other public and private agencies engaged in any emergency management activities.

(Code 1995, § 330.06)

Sec. 14-37. Emergency management plans.

(a) Comprehensive emergency management plans shall be adopted and maintained by resolution of the board of commissioners. In the preparation of these plans as they pertain to county organization, it is intended that the services, equipment and facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by these plans and to maintain their portions of the plans in a current state of readiness at all times. These plans shall have the effect of law whenever a disaster, as defined in this article, has been proclaimed.

(b) The coordinator shall prescribe in the emergency plans those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the coordinator a current list of three persons as successors to his position. The list will be in order of succession and will nearly as possible designate persons best capable of carrying out all assigned duties and functions.

(c) Any individual assigned responsibility in the plans shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and, where needed, volunteers. Each individual shall formulate the standing operating procedure to implement the plans for his service.

(d) Amendments to these plans shall be submitted to the coordinator. If approved, the coordinator will then submit the amendments to the board of commissioners with his recommendation for its approval. Such amendments shall take effect 30 days from the date of approval.

(e) When a required competency or skill for a disaster function is not available within government, the coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as emergency management volunteers.

(Code 1995, § 330.07)

Sec. 14-38. Liability.

(a) This article is an exercise by the county of its governmental functions for the protection of the public peace, health, and safety, and neither the county nor agents and representatives of the county or any individual, receiver, firm, partnership, corporation, association, or trustee or any of the agents thereof in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to this article shall be liable for any damage sustained to persons or property as the result of such activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons 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 such real estate or premises under such license, privilege or other permission or for loss of or damage to the property of such person.

(Code 1995, § 330.08)

Sec. 14-39. Violations.

It shall be a misdemeanor for any person to violate any of the sections of this article or plans issued pursuant to the authority contained in this article or to willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of this article or any plan issued under this article.

(Code 1995, § 330.09)

Secs. 14-41--14-65. Reserved.

ARTICLE III. STATE OF EMERGENCY*

*State law references: County power to adopt ordinances to address states of emergency, NCGS § 14-288.13; local emergency authorizations, NCGS § 166A-8; ordinances may be effective if state of emergency exists or imminent, NCGS 14-288.17.

Sec. 14-66. 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 such condition is imminent.

(b) In 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 damages to or destruction of property, the chairperson of the board of commissioners or, in case of his absence or disability, the person authorized to act in his stead, is authorized and empowered under NCGS 14-288.13 and 166A-8 to issue a public proclamation declaring to all persons the existence of such 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 article..

(c) The chairperson is authorized and empowered to limit by the proclamation the application of all or any part of such 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 such restrictions, while acting in the line of and within the scope of their respective duties, the following:

(1) Law enforcement officers, firefighters and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities;

(2) On-duty military personnel, whether state or federal;

(3) On-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and

(4) Such 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 people within the county.

(Code 1995, § 332.01)

Sec. 14-67. Proclamation imposing prohibitions and restrictions.

(a) The chairperson of the board of commissioners by proclamation may impose the prohibitions and restrictions specified in this article in the manner described in this article. The chairperson may impose as many of those specified prohibitions and restrictions as he finds are 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 his/her findings in the proclamation.

(b) The proclamation shall be in writing. The chairperson shall take reasonable steps to give notice to the public of the terms of the proclamation. The chairperson or designee shall send reports of the substance of the proclamation to the mass communications media which serve the affected area. The chairperson shall retain a text of the proclamation and provide copies upon request.

(Code 1995, § 332.02)

Sec. 14-68. Evacuation.

In a state of emergency the chairperson may direct and compel the evacuation of all or part of the population of the county; prescribe routes, modes of transportation, and destination in connection with evacuation; and control ingress and egress of a disaster area, the movement of persons within the area, and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent proclamation which shall be well publicized.

(Code 1995, § 332.03)

Sec. 14-69. Curfew.

(a) The proclamation of a state of emergency 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 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.

(Code 1995, § 332.04)

Sec. 14-70. Possession, consumption or transfer of alcoholic beverages.

The proclamation of a state of emergency may prohibit the possession or consumption of any alcoholic beverage, including beer, wine, and spirituous liquor, other than on one's own premises and may prohibit the transfer, transportation, sale or purchases of any alcoholic beverage within the area of the county described in the proclamation. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of alcoholic beverage control stores as well as by anyone else within the geographical area described.

(Code 1995, § 332.05)

Cross references: Alcoholic beverage control board, § 2-281 et seq.

Sec. 14-71. Possession, transportation and transfer of dangerous weapons and substances.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dangerous weapon or substance means:

(1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in NCGS 14-288.8(c)(5), pertaining to gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.

(2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so used.

(3) Any part or ingredient in any instrument or substance included in this definition when the circumstances indicate a probability that such a part or ingredient will be so used.

(b) Prohibition. The proclamation of a state of emergency may prohibit the transportation or possession off one's own premises or the sale or purchase of any dangerous weapon or substance. 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's health, safety, or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

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

(d) Violation. A violation of this section shall be punishable as provided in NCGS 14-288.7.

(Code 1995, § 332.06)

Sec. 14-72. Access to areas.

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

(b) Areas to which access is denied or restricted shall be designated by the sheriff and his subordinate or other law enforcement officer when directed in the proclamation to do so by the chairperson. When acting under this authority, the sheriff and his 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.

(Code 1995, § 332.07)

Sec. 14-73. General prohibitions and restrictions.

The proclamation of a state of emergency may prohibit or restrict the following:

(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.

(Code 1995, § 332.08)

Sec. 14-74. Removal of prohibitions and restrictions.

The chairperson shall by proclamation terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them or when directed to do so by the board of commissioners.

(Code 1995, § 332.09)

Sec. 14-75. Superseding and amendatory proclamations.

The chairperson in his discretion may invoke the restrictions authorized by this article in separate proclamations and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in section 14-67 pertaining to the proclamation imposing prohibitions and restrictions.

(Code 1995, § 332.10)

Sec. 14-76. Termination of proclamation.

Any proclamation issued under this article shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in section 14-67 pertaining to the proclamation imposing prohibitions and restrictions.

(Code 1995, § 332.11)

Sec. 14-77. Absence or disability of chairperson.

In the absence or disability of the chairperson, the vice-chairperson of the board of commissioners or such other commissioner as may be designated by the board of commissioners shall have and exercise all of the powers given the chairperson in this article.

(Code 1995, § 332.12)

Sec. 14-78. Territorial applicability.

This article shall apply within the corporate limits of any municipality which has ratified the ordinance from which this article derives and has adopted it as its own or within any area of the county over which the municipality has jurisdiction to enact general police-power ordinances, fully and to the same extent as elsewhere in the county.

(Code 1995, § 332.13)

Secs. 14-79--14-105. Reserved.

ARTICLE IV. EMERGENCY MEDICAL SERVICES MUTUAL AID

Sec. 14-106. Endorsement of guidelines.

(a) The board of commissioners, in view of the board's interest in promoting health and safety, endorses the guidelines for emergency medical services mutual aid.

(b) Nothing in this section shall be construed to make any county or its departments or agents responsible for the payment or collection of emergency medical services charges for services provided by any emergency medical service with its base of operation located in any county other than its own, except that a county requesting mutual aid in a disaster should make provision to reimburse the assisting county for expenses (limited to fuel, food and lodging) incurred as a result of the disaster response. Counties may elect to reimburse further expenses, to be judged on an individual basis.

(Code 1995, § 334.01)

Sec. 14-107. Mutual aid between counties on emergency vehicles.

(a) The board of commissioners authorizes mutual aid to surrounding counties in the use of the county gas pump for emergency vehicles coming through the county when gas stations are closed.

(b) The county shall be reimbursed for its services.

(Code 1995, § 336.01)

Secs. 14-108--14-135. Reserved.

ARTICLE V. AMBULANCE FRANCHISES*

*Editor's note: Ord. No. 2006-12, adopted Oct. 16, 2006, amended Article V in its entirety and enacted similar provisions as set out herein. The former Article V derived from Code 1995, §§ 339.01--339.15, and title 33.

State law references: Regulation of ambulance services, NCGS 131E-155--131E-162 and any amendment; authority to franchise ambulance services, NCGS 153A-250.

Sec. 14-136. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation of patients on the streets or highways, waterways or airways of this state.

Approved means approved by the state medical care commission pursuant to the applicable rules and regulations promulgated under state law.

Communications center means the county communications center which provides a system that coordinates the many interdependent agencies and facilities involved in emergency response care.

County means the county board of commissioners or its designated representative.

Department means the North Carolina Department of Health and Human Services.

Emergency medical dispatcher means an emergency telecommunicator who has completed an educational program approved by the department and has been credentialed as an emergency medical dispatcher by the department.

Emergency medical services means services rendered by emergency medical services personnel in responding to improve the health and wellness of the community and to address the individual's need for emergency medical care within the scope of practice as defined by the North Carolina Medical Board in accordance with state law in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.

Emergency medical services personnel means all the personnel defined herein as an emergency medical dispatcher, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, emergency medical services instructor or medical responder.

Emergency medical technician (EMT) means an individual who has completed an educational program in emergency medical care approved by the department and has been credentialed as an emergency medical technician by the department.

Emergency medical services instructor means an individual who has completed educational requirements approved by the department and has been credentialed as an emergency medical services instructor by the department.

Emergency medical technician-intermediate means an individual who has completed an educational program in emergency medical care approved by the department and has been credentialed as an emergency medical technician-intermediate by the department.

Emergency medical technician-paramedic means an individual who has completed an educational program in emergency medical care approved by the department and has been credentialed as an emergency medical technician-paramedic by the department.

EMS provider means a firm, corporation or association which engages in or professes to provide emergency medical services.

First responder agency means an organization with personnel trained in emergency medical care that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical aid arrives.

Franchise means a permit issued by the county to a person, corporation or other legal entity for the operation of an ambulance service.

Franchisee means any person, corporation or other legal entity having been issued a franchise by the county for the operation of an ambulance service.

License means any driver's license or permit to operate a motor vehicle issued under or granted by the laws of the state.

Medical responder means an individual who has completed an educational program in emergency medical care and first aid approved by the department and has been credentialed as a medical responder by the department.

Nonemergency transportation services means the operation of an ambulance for any purpose other than transporting emergency patients.

Operator means a person in actual physical control of an ambulance which is in motion or which has the engine running.

Owner means any person who owns an ambulance.

Patient means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated.

Person means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than the United States.

Rescue means a situation where the victim cannot escape an area through the normal exit or under his own power.

Secondary ambulance provider means the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response.

(Ord. No. 2006-12, 10-16-2006)

Cross references: Definitions generally, § 1-2.

Sec. 14-137. Enforcement.

The county division of emergency medical services shall be the enforcing agency for the regulations contained in this article. Such office will:

- (1) Receive all franchise proposals from potential providers.
- (2) Study each proposal for conformance to this article.
- (3) Recommend to the county manager and board of commissioners the award of the franchise to the applicant submitting the best proposal.
- (4) Inspect the premises, vehicles, equipment, and personnel of franchisees to ensure compliance to this article and perform any other inspections that may be required.
- (5) Recommend to the county manager and board of commissioners the temporary or permanent suspension of a franchise for noncompliance with the franchise terms of this article; recommend the imposition of misdemeanor or civil penalties as provided herein.
- (6) Ensure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
- (7) Receive monthly reports from ambulance services and consolidate the reports into a quarterly summary for review by the county.
- (8) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions; take corrective action.
- (9) Recommend improvements to the county which will ensure better medical transportation.
- (10) Maintain all records required by this article and other applicable county regulations.

(Ord. No. 2006-12, 10-16-2006)

Sec. 14-138. Inspection of records, premises, and equipment.

Under this article the county may inspect a franchisee's records, premises, and equipment at any time in order to ensure compliance with this article and any franchise granted under this article.
(Ord. No. 2006-12, 10-16-2006)

Sec. 14-139. Required.

(a) No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or nonemergency transportation of patients within the county unless the person holds a valid permit for each ambulance used in such business or service issued by the state department of health and human services, office of emergency medical services, and has been granted a franchise for the operation of such business or service by the county pursuant to this article.

(b) No person shall drive an ambulance, attend a patient in one, or permit one to be operated when transporting a patient within the county unless he holds a currently valid credential as a medical responder, emergency medical technician, EMT-intermediate or EMT-paramedic issued by the state department of health and human services, office of emergency medical services.

(c) No franchise shall be required for the following:

(1) Any entity rendering assistance to a franchised ambulance service in a major catastrophe, mutual aid or emergency with which the services franchised by the county are insufficient or unable to cope upon request of the county;

(2) Any licensed entity operated from a location or headquarters outside of the county in order to transport patients who are picked up beyond the limits of the county to a location within the county or where a licensed entity operated from a location or headquarters outside the county transports a patient from one of the two county hospitals to a location outside the county; or

(3) Any non-profit agency licensed by the state, having a contract with franchisee to assist franchisee with providing secondary ambulance service.

(4) Ambulances owned and operated by an agency of the United States government.

(Ord. No. 2006-12, 10-16-2006)

Sec. 14-140 Application.

Application for a franchise to operate ambulances in the county shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the county and shall contain the following:

(1) The name and address of the ambulance provider and of the owner of the ambulance.

(2) The trade or other fictitious name, if any, under which the applicant does business, along with a certified copy of an assumed-name certificate stating such name or articles of incorporation stating such name.

(3) A full description of the type and level of service to be provided, including the location of the place from which it is intended to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched; an audited financial statement of the applicant as it pertains to the operations in the county, the financial statement to be in such form and in such detail as may be required by the county. The financial statement must provide sufficient detail in a form accepted by the county.

(4) A full description of how each component listed in the North Carolina Administrative Code are being accomplished.

(5) Reserved.

(6) Any information the county shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the county in accordance with the requirements of state laws and this article.

(Ord. No. 2006-12, 10-16-2006)

Sec. 14-141. Procedures for grant.

(a) Prior to accepting applications for the operation of an ambulance service, the board of commissioners may designate specific service areas as franchise districts. The districts will be established using criteria that include geographic size, road access, the location of existing medical transportation services, population, and response time. The county shall have the authority to redistrict or rearrange existing districts at any time at its discretion.

(b) An applicant must apply for a franchise to operate either emergency transportation service and nonemergency transportation service or both. If both types of service are to be provided, separate applications must be filed for each type.

(c) Upon receipt of an application for a franchise, the county shall schedule a time and place for hearing the applicant. Within 30 days after the hearing, or as soon as may be practical the county shall conduct an investigation of the applicant, the proposed operation and other existing operations, if applicable.

(d) A franchise may be granted if the county finds that:

(1) The applicant meets all applicable state standards, standards outlined in this article, and standards required by the Catawba County Emergency Medical Services System Plan.

(2) The proposed service will fit within the existing service so as not to adversely affect the level of service or operations of other franchisees to render service.

(3) A need exists for the proposed service to improve the level of ambulance services available to residents of the county, and this is a reasonable and cost effective manner of meeting the need.

(Ord. No. 2006-12, 10-16-2006)

Sec. 14-142. Conditions of issuance.

(a) The county may issue a franchise to an ambulance provider, to be valid for a term to be determined by the county, provided that either party, at its option, may terminate the franchise upon 60 days' prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a franchise if continued service is desired.

(b) Upon suspension, revocation, or termination of a franchise granted under this article, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation, or termination of either a driver's license to operate a motor vehicle or a credential issued by the state, such person shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service or attend an ambulance. The franchisee shall not permit such an individual to drive an ambulance or provide medical care in conjunction with the ambulance service.

(c) Each franchised ambulance service shall comply at all times with the requirements of this article; the franchise granted under this article; all applicable state and local laws relating to health, sanitation, safety, equipment, and ambulance design; and all other laws and ordinances.

(d) Prior approval of the county shall be required where ownership or control of more than ten percent of the right of control of the franchisee is acquired by a person or group of persons acting in concert, none of whom owns or controls ten percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the county shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the county.

(e) Any change of ownership of a franchised ambulance service without the approval of the county shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this article as upon original franchising.

(f) No franchise may be sold, assigned, mortgaged, or otherwise transferred without the prior, written approval of the county and a determination of conformance with all requirements of this article as upon original franchising. Each franchised ambulance service, its equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the state, the county, or their designated representatives immediately upon request.

(g) A franchise may not be defaced, removed, or obliterated.

(Ord. No. 2006-12, 10-16-2006)

Sec. 14-143. Insurance.

No ambulance franchise shall be issued under this article, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the county unless the franchisee has at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the state, for each and every ambulance owned and or operated by or for the ambulance service providing for the payment of damages as follows:

- (1) In the sum of \$1,000,000.00 for injury to or death of individuals in accidents resulting from any cause for which the owner of the vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agency; and
- (2) In the sum of \$1,000,000.00 for the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the state or as approved by the county.
- (3) In the sum of \$6,000,000.00 beyond the \$1,000,000.00 for each of the requirements listed herein.
- (4) Franchisee must annually supply a certificate of insurance for all requirements contained within this Section. Additionally, franchisee must immediately notify the County if franchisee's insurance lapses for any reason.
(Ord. No. 2006-12, 10-16-2006)

Sec. 14-144. Rates and charges.

- (a) Under this article each franchisee shall submit a schedule of rates to the county for approval and shall not charge more or less than the approved rates without specific approval by the county.
- (b) No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service, but such service may attempt to secure guarantee of payment with the family or guardian of the patient once the patient is in the process of receiving medical attention.
- (c) Only on not medically necessary transports where a person requires transportation to a nonemergency facility, attempts to collect payment can be made before the ambulance begins its trip.
(Ord. No. 2006-12, 10-16-2006)

Sec. 14-145. Violations.

It shall be unlawful for any person to provide ambulance services or to operate ambulances within the territorial limits of the county without having been granted a franchise by the board of commissioners to do so. Further, this article shall not apply to ambulances based outside of the county, except any such ambulance may not receive a patient within this county for transportation to a location within this county without a franchise to operate within the county.
(Ord. No. 2006-12, 10-16-2006)

Sec. 14-146. Penalty.

- (a) Any person, firm or corporation who violates any provision of this article shall be subject to all penalties authorized by this Article and any other applicable local, state or federal law.
- (b) A violation of any provision of this chapter for which a specific penalty has not been provided shall constitute a misdemeanor and be punishable as provided by law.
(Ord. No. 2006-12, 10-16-2006)

Secs. 14-147--14-176. Reserved.

ARTICLE VI. 911 EMERGENCY TELEPHONE NUMBER SYSTEM

Sec. 14-177. Monthly charge on exchange facilities and commercial mobile radio service (CMRS) connections.

- (a) Imposed. A monthly 911 landline charge of \$0.85 is imposed upon each exchange access facility subscribed to by all telephone subscribers whose exchange access lines are in the area served or which would be served by the county enhanced 911 service. The monthly charge shall be uniform and shall be charged to each exchange access facility regardless of the type of the exchange access facility used. A monthly 911 wireless charge of \$0.80 is imposed on each commercial mobile radio service (CMRS) connection. The monthly charge shall have uniform application and shall be imposed throughout the state.

(b) Adjustment to charge. Prior to the beginning of each fiscal year of the county, along with and at the same time as a public hearing conducted for the purpose of adopting the budget for the following fiscal year, the board of commissioners shall determine the amount of the monthly 911 charge for the following fiscal year. The amount of such charge is on file and available for inspection in the county offices.

(Code 1995, § 317.02; Ord. No. 2004-11, 6-7-2004)

Secs. 14-178--14-200. Reserved.

ARTICLE VII. HOUSE NUMBERING AND STREET NAMING

Sec. 14-201. Physical address system; house numbering.

(a) Generally. The county physical address system was engineered by the department of planning and development staff in 1986 as part of the enhanced 911 (E-911) emergency response project. In 1995 the department was reorganized, and this function is now under the department of planning and information technology. The system standardizes each address throughout the county into a three-part physical location--a house number, street name, and community name--which is compatible with E-911 technology. Each physical address is unique and permanent for a specific location. The system allows for an orderly increasing progression of numbers from the center of the county and excludes existing municipal numbering boundaries.

(b) Base numbering grid. The address system utilizes digitized planimetric maps scaled at one inch equals 1,600 feet that are based on the state plane coordinate system and which were provided by Duke Power. Using the state plane coordinate system grids, 1,000-foot blocks were set up starting at 1,000 for the beginning point at the geographical center of the county and increasing by 100 in the four compass directions. Beginning ranges for each road in the county's jurisdiction were established by directly reading the block scale and interpolating to the nearest foot interval.

(c) Numbering procedure. The procedure for numbering is as follows:

(1) Depending on the major tending compass direction of the road, either a north-south or east-west axis is drawn on the corresponding tax map, and the beginning range is attached to this reference line. From this reference line all buildings are assigned a number at an interval of one number every ten feet. This allows 100 numbers per 1,000-foot block, which is sufficient to allow for growth. Even numbers are assigned on the north and east sides of a road, and odd numbers are assigned on the south and west sides of a road.

(2) Curvilinear (winding) roads are numbered with a simple axis rotation at the property boundary of two parcels of land at the greatest bend in the road. Often several rotations are necessary on some of the more winding roads in the county. The odd and even sides of a road are relatively maintained the entire length of the road so that only one side of a road is even and one side is odd.

(d) Municipal coordination. In the fall of 1986, the county and the municipalities located within the county signed agreements establishing numbering areas located in and around the perimeter of each city. These boundaries were established to avoid duplications of numbers on any street and allow the cities to make a progressive effort to resolve existing numbering problems located within the city limits as well as allow them to number areas slated for future annexations. By contract, the cities are responsible for the assignment and maintenance of house numbers within their numbering area. Municipalities participating in numbering boundary agreements include Catawba, Conover, Newton, and Hickory, which includes Brookford and Long View. The city of Claremont elected to adopt the county's numbering system and will be numbered and maintained by the county.

(Code 1995, § 502.01)

Sec. 14-202. Requirements for posting/displaying of E-911 numbers on new construction and existing buildings.

All new and existing structures, residential and nonresidential, on any street, alley or water body within the boundaries of the county shall display their assigned E-911 address numbers in accordance with the following conditions and standards:

(1) Number specifications. All structure numbers shall be constructed of a durable material and shall be reflective for night readability. The color shall contrast with the color scheme of the structure and, if mounted on glass, shall contrast with the background and be clearly visible. The minimum

number size for residential structures or units shall be four inches in height. The minimum size for all other structure numbers shall be six inches in height. A number size larger than the minimum size may be required when the minimum size does not provide adequate identification as deemed appropriate by the ordinance administrator.

(2) Posting locations. Locations for posting the numbers shall be in accordance with the following:

a. For single-family residential or duplex structures, the structure's E-911 number shall be posted and maintained within a three-foot perimeter of the front entrance of the structure, in a location visible and readable from the street. For all other structures, the E-911 number shall be posted on a building face most readily visible from the road from which the number is assigned. For multiunit buildings, unit numbers shall be posted at each unit within a three-foot perimeter of the front entrance of the unit. If the structure is not visible from the street from which its number is assigned or is located further than 50 feet from the street, the assigned E-911 number shall be posted on the property adjacent to the street at or near every driveway or access to such structure.

b. In all cases the structure's E-911 number shall be clearly displayed in such a way that the structure number can easily be identified from the street or road during both day and night.

c. Structures such as boathouses, piers, and docks that are located on water shall post an E-911 number. This number must be posted on a structure so that it is visible from the water to ensure it can be located or identified by a water vehicle, if needed, in an emergency situation.

d. Structures facing an alley must have E-911 identification numbers posted in the same manner as required for the street.

(3) Procedures. Procedures for posting the numbers are as follows:

a. No building permit shall be issued for any building, or structure until the owner or developer has applied for or has been issued a street address for the proposed structure.

b. Final approval for a certificate of occupancy of any structure or building erected or repaired after the effective date of the ordinance from which this article is derived shall be withheld until permanent and proper structure numbers have been posted in accordance with the requirements of this article.

(4) Address changes. Within 90 days after written notification from the ordinance administrator of the assignment of a change of a structure number, the owner of such structure shall post the assigned E-911 number in compliance with the requirements of this article.

(Code 1995, § 515.106)

Sec. 14-203. Naming of streets.

(a) Naming new street. When a new street, road or right-of-way is dedicated, the developer of the street, road or right-of-way shall be required to select a name for the new street, road or right-of-way. The name selected shall not duplicate or be deceptively similar to the name of any other public road in the county in accordance with G.S. 153A-239.1 pertaining to naming roads in unincorporated areas. The developer of the street shall also be responsible for the costs of street signs and erection as a result of the new dedication in accordance with section 36-6. When the naming of a street is complete, the county shall notify the postmaster with jurisdiction over the road, the sheriff's department, fire and rescue departments, the board of transportation and any city within five miles of the road.

(b) Renaming existing street. When an existing street is desired to be renamed, one of the following methods shall be used to change the name:

(1) A petition containing 51 percent of the names of persons owning property on the street may be filed with the county planner. The proposed name shall not duplicate or be deceptively similar to the name of any other public street in the county in accordance with G.S. 153A-239.1 pertaining to naming roads in unincorporated areas. The planner shall verify the names on the petition against the property tax records of ownership to ensure the petition's validity. The planner shall request the clerk to the board of commissioners to set a date for the required public hearing. The planner shall advertise the proposed hearing at least ten days prior to the hearing in each newspaper of general circulation published in the county and shall post notice of the proposed action in at least two public places in the township where the road is located and at the county courthouse, also in accordance with G.S. 153A-239.1. The board of commissioners shall hold the proposed hearing to consider the proposed name change at the time and place advertised. The board of commissioners shall then decide whether or not to rename the road. If the road is renamed, the planner shall notify the

postmaster with jurisdiction over the road, the sheriffs department, fire and rescue departments, the board of transportation and any city within five miles of the road. A fee in accordance with the current fee schedule per sign that will be affected as a result of the proposed name change shall be charged to the petitioners. This fee shall be paid in advance when the petition is first filed with the planner. If the request for the name change is denied, all funds paid shall be returned to the petitioners less \$50.00.

(2) The board of commissioners may request the clerk to the board to set a date, time and place for a public hearing to consider a proposed name change. The board shall direct the clerk to verify with the county planner that the proposed name is neither a duplicate nor deceptively similar to the name of any other street in the county in accordance with G.S. 153A-239.1 pertaining to naming roads in unincorporated areas. The county shall post notice of the proposed change in at least two public places in the township where the road is located and at the justice center. Notice of the time and place of the hearing shall also be published in each newspaper of general circulation published in the county at least ten days prior to the meeting. The board of commissioners shall then hold the hearing at the time and place advertised and shall decide if the name will be changed. If the street is renamed, the clerk shall notify the post-master with jurisdiction over the street, the sheriff's department, the fire and rescue departments, the board of transportation, and any city within five miles. All costs associated with this change shall be paid by the county.

(Code 1995, § 502.05)

Cross references: Streets, sidewalks and other public places, ch. 34.

Secs. 14-204--14-240. Reserved.

This the 7th day of September, 2010.

Ordinance No. 2010 –08

BE IT ORDAINED that the Catawba County code of Ordinances, Chapter 18 Fire Prevention and Protection is hereby amended to read as follows:

ARTICLE I. FIRE MARSHAL*

State law references: Fire marshal, NCGS § 153A-234.

Sec. 18-1. Enforcement of fire prevention code; appointment and dismissal.

(a) The fire prevention code shall be enforced by the fire marshal's office, which is established and which shall be operated under the supervision of the director of emergency services. For purposes of enforcement of this Article the Catawba County Fire Marshal is the designated Fire Code Official.

(b) The fire marshal shall be appointed and dismissed in accordance with chapter 28 of this Code.

(Code 1995, § 341.01)

Sec. 18-2. Duties.

The board of commissioners shall set the duties of the fire marshal. The fire marshal's duties include but are not limited to the following:

(1) Keeping the county manager and board of commissioners informed of the purpose and development of rural fire departments.

(2) Acting as liaison between fire departments, the county manager and the board of commissioners.

(3) Aiding in the organization and development of new fire departments.

(4) Acting as advisor to the county manager and board of commissioners concerning the requirements of the NC Department of Insurance (NCDOI).

(5) When possible, providing assistance with training programs for fire departments, upon request.

(6) Advising fire departments on the availability of surplus equipment.

(7) Making periodic inspections of all fire departments within the county to see that they conform to the minimum standards of NCDOI.

- (8) Making fire inspections in schools as required by NCGS 115 and day care facilities as required by NCGS 110.
- (9) Making inspections of public occupancies relative to fire protection and fire prevention codes that may be enforced.
- (10) Investigating, along with other fire and law enforcement officials, fires of a suspicious or unknown nature to determine their cause and origin.
- (11) When possible, assisting fire departments in developing and delivering fire prevention and fire education programs throughout the county, upon request.
- (12) Administering the current North Carolina State Building Code: Fire Prevention Code, including amendments, as adopted by the county and any other safety ordinances that may apply.
- (13) Determining the most appropriate fire department to be the primary responder when a property line lies within more than one fire district.

Sec. 18-3. Special fees.

The fee for fire inspections and permits shall be set forth by the board of commissioners in the county's schedule of fees, which is on file in the office of the budget manager.
(Code 1995, § 341.06)

Sec. 18-4. Violations. Parking in fire lanes prohibited.

- (a) The parking of motor vehicles, or otherwise obstructing a required or designated fire lane shall be prohibited at all times as required by the North Carolina State Building Code: Fire Prevention Code. This prohibition does not apply to emergency vehicles while engaged in an emergency response.
- (b) Any person who parks in a fire lane shall be subject to a \$50.00 penalty issued by either the Catawba County Fire/Rescue Division or by a law enforcement officer.

Sec. 18-5. Violations.

- (a) Any person shall be subject to all penalties allowed by law if the person:
 - (1) Violates or fails to comply with the provisions of the fire prevention code;
 - (2) Violates or fails to comply with any order made under the fire prevention code;
 - (3) Builds in violation of any detailed statement of specifications or plans submitted and approved under the fire prevention code or any certificate or permit issued thereunder; or
 - (4) Fails to comply with such an order as affirmed or modified by the fire marshal or by a court of a competent jurisdiction, within the time affixed.
- (b) In addition to any civil penalties that may apply, violators are subject to criminal penalties pursuant to ~~G.S.~~ NCGS 14-4(a) and any other criminal laws that may be applicable.
(Code 1995, § 341.07)

Sec. 18-6. Penalties.

- (a) The minimum penalty for a violation of this article shall be a civil penalty of \$50.00, and the maximum civil penalty shall be \$500.00. Criminal sanctions shall be in accordance with state law. Each violation, as well as each day a violation exists, shall constitute separate and distinct offense.
- (b) If a person has not been cited within the previous 12 months and the violations are corrected within 72 hours, the fine shall be waived. The citation and penalties shall be in writing, signed by the fire marshal or his representative, and shall be delivered.
- (c) The types of violations and the related civil penalties are as follows:
 - (1) Type 1 violations (\$50.00). These violations generally increase the likelihood of a fire or injury. They include, but are not limited to, failure to:
 - a. Obtain proper permits for required uses as listed under the permit fees.
 - b. Maintain properly operating exit or emergency lights.
 - c. Maintain a clear, unobstructed access to fire protection equipment.
 - d. Properly cover or close electrical junction boxes.
 - e. Limit or restrict use of electrical extension cords improperly used.
 - (2) Type 2 violations (\$100.00). These violations represent a general threat to property. They include but are not limited to failure to:

- a. Safely maintain proper storage of combustibles outside of a business.
 - b. Maintain a clear, unobstructed access to electric panels.
 - c. Properly maintain automatic closing fire and smoke doors.
 - d. Properly maintain and inspect portable fire extinguishers.
 - e. Properly maintain unobstructed accesses to hydrants, risers and fire department connections.
- (3) Type 3 violations (\$250.00). These violations directly affect the safety of persons within an occupancy or the probability of heavy property loss if a fire occurs. They include but are not limited to failure to:
- a. Maintain a clear, unobstructed access to and from exit doors, both inside and outside.
 - b. Install, test or properly maintain required smoke and fire alarm systems.
 - c. Install or properly maintain or test existing/required automatic sprinkler systems and extinguishing systems.
 - d. Properly store or use flammable, combustible, or hazardous materials.
 - e. Limit the number of persons in a place of assembly to the maximum posted number allowed.
- (4) Type 4 violations (\$500.00). These violations are where, despite prior notice, corrections have not been made and/or previous fines have not been paid.
- (d) The application of the penalties in subsection (c) of this section shall not be held to prevent the enforcement of or removal of the prohibited conditions.
- (Code 1995, § 341.08)

This the 7th day of September, 2010.

Chair Barnes asked if any Commissioner wished for an item to be broken out of the consent agenda and none were requested. Commissioner Barger made a motion to approve the consent agenda and the motion carried unanimously.

10. Departmental Reports.

1. Tax Office:

Tax Administrator Mark Logan presented a request for the Board to accept a proposed Schedule of Values, Standards, and Rules for Catawba County's 2011 Revaluation, as prescribed by North Carolina General Statute 105-317. Pursuant to a resolution adopted by the Board on September 4, 2007, Catawba County's next countywide revaluation will become effective January 1, 2011. Catawba County has approximately 87,000 separate parcels of land which are required by state law to be appraised at 100% of market value, as of the effective revaluation date. To that end, Catawba County staff has worked for many months analyzing data derived from real estate sales, building cost data, and income and expense statements from income producing properties in the County. This has culminated in the formulation of a proposed Schedule of Values, Standards, and Rules to be utilized to generate market value appraisals for all real property in Catawba County. Individuals who buy and sell real estate in the open market establish the market value. Market value is not set by the Catawba County Tax Department.

Also included in the proposed Schedule of Values is a special schedule for appraising eligible agricultural, horticultural, and forest land at its "present use" value. This schedule is a statewide schedule formulated by the North Carolina Department of Revenue. Properties whose owners qualify for "present use" assessment will receive two values: a market value mandated by law and a "present use" value.

Adoption of the proposed Schedule of Values is an important step in the revaluation process. Because of its importance, the Machinery Act of North Carolina requires the Board of Commissioners to only adopt it after holding a public hearing and then publicizing that it has done so. After the adoption, property owners will have 30 days to challenge the Schedule of Values by appeal to the North Carolina State Property Tax Commission.

In accordance with North Carolina General Statute 105-317(c), the proposed Schedule of Values must be formally presented to the Board of Commissioners not less than 21 days before the meeting at which it will be considered. After the formal presentation, the Board must notify the public through

newspapers of general circulation that it has received the proposed Schedule of Values and that it is open for inspection at the Assessor's office. The notice must also inform the public that a public hearing will be held, giving the specific date, time, and place. This public hearing must be at least seven days before the Board of Commissioners' adoption of the proposed Schedule of Values. The public hearing is scheduled for September 20, 2010, at 7:00 p.m., in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse at 30 North College Avenue in Newton.

The vote for formal adoption of the Schedule of Values will occur at the October 4, 2010 meeting, at 9:30 a.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse. Afterwards, a newspaper notice will be published stating that the Schedule of Values has been adopted and that property owners have 30 days from the date of the first publication to challenge the Schedule of Values by appeal to the North Carolina State Property Tax Commission on grounds that the Schedule of Values does not adhere to the appropriate statutory valuation standard (that it will produce values that are too high, too low, or inconsistent). The North Carolina State Property Tax Commission has the power to order the Board of Commissioners to revise the Schedule of Values if they do not adhere to the statutory valuation standard. The North Carolina State Property Tax Commission's decision may be appealed to the North Carolina Court of Appeals. Assuming an October 4, 2010 adoption, property owners will have until Wednesday, November 3, 2010 to challenge the Schedule of Values. Mid-November 2010 is the target date for mailing of new valuation notices to property owners (the notices will give instructions on how to appeal values); Late-November 2010 through March 2011 will be the timeframe when informal hearings before staff appraisers will occur with property owners wishing to appeal the new value. On January 1, 2011 the new values go into effect for 2011 tax bills to be mailed in July 2011. In April, May and June 2011 the Board of Equalization and Review will conduct its hearings. Commissioner Barger made a motion to accept the Proposed 2011 Schedule of Values.

2. Emergency Services:

Emergency Services Director Bryan Blanton presented the Board with an update on the closing of the Catawba County Animal Shelter on August 25, 2010, due to an outbreak of a virus at the shelter that has not been identified as any known virus after extensive testing at two animal virus labs, Statistics illustrated that, when comparing August 2009 and August 2010, there had been a 117% increase in deaths and a 134% increase in euthanasia due to illness that was attributed to the unidentified virus. The options and considerations for staff to react to this virus were outlined and the only feasible solution identified.

A timeline of the actions taken indicated the closing of the shelter on August 25, an inspection of the shelter by the State on August 27, 2010 and the State's concurrence with the actions taken by Catawba County, the intake limited to new animals at the temporary shelter, the humane euthanasia of the exposed and ill animals from the shelter, after the appropriate hold time as required by state law and the County Animal Control Ordinance, the disposal of items from the shelter, the cleaning and sanitizing of the shelter and equipment, the cleaning and sanitizing of the heating, venting and air conditioning system of the shelter, the transfer of animals from the temporary shelter to the main shelter on September 6, 2010 and the reopening of the shelter on September 7, 2010.

The Board members commended staff on their handling of this difficult problem. Chair Barnes then opened the floor for comments by citizens who had signed up to speak on this issue. Ms. Deborah Laux spoke on the need for a commitment to spay and neutering programs. Ms. Laux stated she would be presenting a report to the Board on her research within the next week and this report would include the names of local vets who had agreed to hold free spay and neuter clinics. Mr. Patrick Jean questioned why a quarantine was not instituted and requested an independent investigation be conducted regarding the County's actions. Ms. Anneliese Simmons wanted the shelter moved to Hickory to the old Regal Manufacturing building near Hickory High School and said she had confirmed that the property zoning allowed an animal shelter as an accepted use of the property. She also asked the Board to consider appointing a citizen committee to examine issues related to the animal shelter.

11. Other Items of Business:
- a. Commissioner Barbara Beatty, who attended the North Carolina Association of County Commissioners Annual Conference, commended the County's Social Services Department, which received the Association's Outstanding County Program for Social Services' Educational Improvement Initiative for Children In Foster Care program, which works to improve educational continuity and stability for children in foster care in Catawba County.

b. Commissioner Glenn Barger submitted his letter of resignation from the Board of Commissioners, effective September 30, 2010. On October 1, 2010, Commissioner Barger will begin work as Interim Superintendent for Catawba County Schools. Commissioner Barger expressed his pleasure in serving on the Board for the last eight years and complimented his fellow board members' professionalism and dedication. He went on to commend County Manager Tom Lundy and the entire County staff for the support they had provided him during his time on the Board. Commissioner Barger's letter read as follows:

Catawba County Board of Commissioners:

I regret to inform you that I am resigning from my position as Commissioner. My last day of service will be September 30, 2010. I regret that I cannot serve the remaining two months of my term. However, I have accepted the position of Interim Superintendent for the Catawba County Schools. My tenure in this position will begin October 1. I look forward to continue my service to Catawba County in this role.

I cannot begin to express to you how much I have enjoyed serving with you for the past eight years. Your professionalism and dedicated service to the citizens of Catawba County will always be remembered and appreciated.

To County Manager Lundy and the entire staff, thank you for the support and the opportunities that you have provided me during the last eight years. I have enjoyed my association with you. The citizens of Catawba County are fortunate to have such a fine staff.

If I can be of any assistance during this transition, please let me know. I would be glad to be of assistance.

Board members spoke of Commissioner Barger's contribution to the Board and his perspective from his education background and his mindset to always help the community.

12. Attorneys' Report: None
13. Manager's Report: None.
14. Adjournment: Chair Barnes adjourned the meeting at 10:50 a.m.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk