

MEMO

Date: October 27, 2023

**To: Bridget Herring, Chair, NCBCC
Jason Shepherd, Chair, Fire Committee**

**From: Charlie Johnson,
Staff, Chief Fire Code Consultant**

**Re: GS 143-138(e) NC State Building Code
Local Fire Prevention Regulations**

Request is for approval of Article D – Fire Marshal of the Randolph County Central Permitting Ordinance

Even though the ordinance is part of the Central Permitting Ordinance, they are requesting approval to adopt all appendices in NC Fire Code. Based upon Section 101.2.1 of the NC Fire Code, the adoption of those appendices is not legally enforceable until approved by local governing body and subsequently approved by the Building Code Council

The ordinance was approved by the Randolph County Board of Commissioners on September 5, 2023.

Staff has reviewed the ordinance for the following statutory requirements and identified items that are:

1. More stringent than the adopted statewide fire prevention code, and
2. Which are found to regulate only activities and conditions in buildings, structures, and premises, and
3. That pose dangers of fire, explosion or related hazards, and
4. Are not matters in conflict with the State Building Code.

Staff has reviewed and recommends approval of this ordinance.

§ 143-138. North Carolina State Building Code.

(e) Effect upon Local Codes. - Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention code and floodplain management regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General

Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas of the county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local fire prevention codes and regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not matters in conflict with the State Building Code, may be approved. Local governments may enforce the fire prevention code of the State Building Code using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

A local government may not adopt any ordinance in conflict with the exemption provided by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the exemption provided by subsection (c1) of this section.

RANDOLPH COUNTY COMMISSIONERS MEETING AGENDA

6:00 P.M. – September 5, 2023

Northgate Commons – 1457 N. Fayetteville St., Asheboro

- I. Call to Order – *Chairman Frye***
- II. Pledge of Allegiance**
- III. Special Recognitions**
 - A. Linda Smith Retired with 36 Years of Service with the Information Technology Department-*RJ Williamson, IT Director*
 - B. Lt. Scott Stockner Retiring with 30 Years of Service with the Sheriff's Office-*Sheriff Seabolt*
- IV. Public Comment Period (Pursuant to N.C.G.S. § 153A-52.1)**
- V. Consent Agenda**
 - A. Approve Board of Commissioners Regular Meeting Minutes of August 7, 2023, Special Meeting Minutes of August 14, 2023, and Closed Session Minutes of August 14, 2023 and August 22, 2023
 - B. Approve Budget Amendment – Strategic Planning Grants (\$685,336)
 - C. Reappoint Diane Villa, Leslie Brown, and David Caughron to the Randolph County Tourism Development Authority
 - D. Reappoint Dr. Robert Dough, Thomas Brown, RN, Elbert Lassiter, Keith Davis, Paula Lineberry, Jared Byrd, Brad Cooper, Mary Clark, Olivia Wood, Jaclyn Hannen, Alan King, Justin Whitfield, and Lynsay Saunders to the Randolph County EMS Peer Review Committee
 - E. Approve Budget Amendment – LATCF (\$50,000)
 - F. Approve Project Amendment - Deep River Trail Capital Project Amendment #4 (\$101,106)
 - G. Approve Project Amendment – Asheboro City Schools Capital Project Amendment #16 (\$5,000)
 - H. Approve Budget Amendment – Building Inspections (\$3,846)
 - I. Approve Budget Amendment – JDRC (\$172,688)
 - J. Approve Budget Amendment – Sheriff's Office (\$1,000)
 - K. Reclassify Office Assistant IV to Human Resources Technician
 - L. Add Senior Deputy Register of Deeds to Classification Plan
- VI. New Business**
 - A. Recognition of Community Navigators Program Winning NCACC Innovation Award – *Vice-Chairman David Allen*
 - B. Recognition of Leia Gearhart, Strategic Program Coordinator – *Jason King & Ashley Qualls, NCACC Strategic Member Services*
 - C. Public Safety Market Analysis Update – *Jill Williams, Human Resources Director and William Johnson, Assistant County Manager/Operations*
 - D. Consider Awarding Bid for the Farm, Food, and Family Education Center – *Paxton Arthurs, County Engineer, and Daniel Jenks, HH Architecture*
 - E. Consider Application for Needs-Based Grant for South Asheboro Middle School – *Dr. Aaron Woody*

RANDOLPH COUNTY COMMISSIONERS MEETING AGENDA

6:00 P.M. – September 5, 2023

Northgate Commons – 1457 N. Fayetteville St., Asheboro

- F. Voluntary Agricultural District Ordinance Update and Public Hearing – *Aimee Scotton, Associate County Attorney & Kenny Sherin, Cooperative Extension Director*
- G. Central Permitting Ordinance Update and Public Hearing – *Aimee Scotton, Associate Attorney & Erik Beard, Fire Marshal*
- H. Consider Adding Deputy Medical Director to the Classification Plan – *Chief Donovan Davis, Emergency Services*
- I. Establish Opioid Abatement Fund and Close Opioid Settlement Project Ordinance - *Will Massie, Assistant County Manager/ Finance Officer*
- J. County Manager's Update
- K. Commissioners' Updates

Upcoming Board Term Expirations

November – **Randolph County EMS Peer Review Committee** - Dr. Robert Dough, Thomas Brown, RN, Elbert Lassiter, Keith Davis, Paula Lineberry, Jared Byrd, Brad Cooper, Mary Clark, Olivia Wood, Jaelyn Hannen, Alan King, Justin Whitfield, and Lynsay Saunders;
Randolph County Juvenile Crime Prevention Council – Charmaine Ford

December – **Randleman Planning Board** – Pamela Webb; **Randolph County Adult Care Home Advisory Academy** – Laura Cox; **Randolph County Board of Equalization** – Kim Smith Griffin; **Randolph County Tax Commission** – Kim Smith Griffin; **Randolph County Board of Health** – Marty Trotter, Alan Ferguson; **Randolph County Planning and Zoning Board** – Kemp Davis, Reid Pell

hearing on this amendment has been duly advertised and scheduled for this evening. Most of the changes in the amendment simply reflect things that are already being done. For example, a requirement that the advisory board members are chosen, to the extent possible, to represent all segments of agricultural production existing in the County. This has been a long-standing practice in Randolph County, but now it is a legal requirement, and the Ordinance needs to be amended to reflect that. There are several other changes that similarly reflect practices already in place.

There are, however, two substantive changes. Previously, to qualify as a Voluntary Agricultural District, the property was required to be “engaged in agriculture” as defined by North Carolina General Statute 106-581.1. Now, to qualify the property must be “used for bona fide farm purposes as that term is defined in North Carolina General Statute 106-743.4(a) and 160D-903.” A reading of the statutes in question reveals that this change does not narrow or limit the properties that could be considered for a Voluntary Agricultural District. The definition of “bona fide farm” under 160D includes the definition of “engaged in agriculture” under 106-581.1. The “bona fide farm” definition expands the definition to include production of any nonfarm product that the Department of Agriculture recognizes as a “Goodness Grows in N.C.” product.

The second change is that a landowner whose property is removed from a Voluntary Agricultural District or an Enhanced Voluntary Agricultural District by the advisory board has a right of appeal to the Board of County Commissioners. Previously, the only right of appeal existed if the advisory board denied an application.

At the close of the public hearing, you may vote on whether to amend the Ordinance as presented. These changes were presented to the Voluntary Agricultural District Advisory Board, and the Board unanimously recommended approval.

Vice Chairman Allen said that one reason farmers join this program was to protect their farmland from non-farm encroachment. He said it seemed odd to take out the wording that talks about the purpose of this ordinance that says it is to protect land from non-farm development. Ms. Scotton said that was a change that was made by the General Assembly, in the General Statute wording, but they did not remove any of the protections that were previously included. She said the same protections still exist; it was just taken out of the purpose.

Chairman Frye opened the Public Hearing and closed it after no one wished to speak.

On motion of Allen, seconded by McDowell, the Board voted 4-0, to approve the amendments to the Voluntary Agricultural District Ordinance as presented.

Central Permitting Ordinance Update and Public Hearing

Erik Beard, Randolph County Fire Marshal, stated on September 8, 2020, the Board of Commissioners adopted a new Centralized Permitting Ordinance to replace the original ordinance adopted in 1991. The purpose of this ordinance is to promote the health, safety, and general welfare of Randolph County citizens by streamlining the development permit process through a centralized County permitting system, integrating all development information by parcel identifier into a computerized land records management system. The new ordinance was adopted following a presentation from the Central Permitting Advisory Committee which was formed by the County Manager and comprised of representatives from departments directly involved in Central Permitting.

Article D of this ordinance outlines the Fire Marshal's authorities and responsibilities as it relates to permitting and inspections. Section 1 of Article D lists the provisions of the *North Carolina Fire Code* together with all technical codes and standards referenced therein. This code currently consists of 45 chapters and over 200 referenced standards. This code also consists of 9 appendices, eight of which are not mandatory and enforceable unless specifically referenced by the adopted ordinance.

The appendices of the code were not included in the 2020 adoption because some of appendices were not applicable to our county or achievable by contractors and developers due to circumstances beyond their control. An example of this can be found in Appendix B of the code which lists the procedure for determining the fire-flow requirements for new buildings. In the past, fire-flow requirements listed in Appendix B were often unattainable due to the lack of available water in rural areas. The current fire code offers some flexibility in these rural areas, for example allowing the Code Official to reduce the fire-flow requirements and/or utilize alternative methods such as fire department tanker shuttles to achieve minimum fire-flow requirements.

Our goal is not to seek reductions in fire-flow requirements, but to have the ability to require the maximum fire-flow in areas that can meet the provisions of the appendix. Other appendices within the code address fire hydrant distribution and fire department access road requirements. The provisions of these appendices will become increasingly more important as our county experiences new growth.

The recommendation to adopt these appendices was unanimously approved by the Central Permitting Committee on May 4, 2023. At the close of the public hearing, I ask that you consider amending the Central Permitting Ordinance to add these appendices as presented in your packet. Your consideration of this request is greatly appreciated.

Chairman Frye opened the Public Hearing and closed it after no one wished to speak.

On motion by Haywood, seconded by Allen, the Board voted 4-0, to approve the amendment to the Central Permitting Ordinance, as presented.

Deputy Medical Director

Chief Donovan Davis, Emergency Services requested approval to create a Deputy Medical Director position in the Randolph County classification plan and add one (1) Deputy Medical Director position to the Emergency Services department. This is a position that we have funded in the past via a standard contract.

Chief Davis said Dr. Jason Stopyra is our Medical Director. He is considered a part-time County employee with a contract outlining his responsibilities and other expectations. The Deputy Medical Director will assist and share responsibilities with the Medical Director, including providing instruction at our monthly in-service training and the new paramedic academy, reviewing patient care reports for quality management, responding to emergency calls in the community, and more.

The cost for this part-time position will be \$8,000 annually and the funds are available in the current EMS budget. Aimee Scotton, Associate County Attorney, will draw up a contract outlining the responsibilities and expectations if approved.

Chairman Frye asked if the \$8,000 includes salary and travel since no one knows where this person would be traveling from. Chief Davis said they will be opening the position for a week or two to those

RANDOLPH COUNTY CENTRALIZED PERMITTING ORDINANCE

DEFINITIONS

- A. Central Permit Office: A central office staffed with professional technicians where a citizen can obtain all development permits or applications required for land use development. The central office is designed to make the permit process more convenient and streamlined for the public and to be a vital component of computerized County land records management.

- B. Land Records Management System: An integrated computerized land records management system is a collection of separately functioning land development sub-systems that allow the common maintenance of a parcel database. This system is utilized to maintain and allow access to computerized information generated by the daily transactions involving land development and construction.

- C. Geographic Information System (GIS): A system of computer hardware and procedures designed to support the capture, management, manipulation, analysis, and display of spatially-referenced data designed to solve complex planning and management problems.

- D. Permit: An official document issued by Randolph County authorizing performance of a specified activity.

- E. County Official: An employee of Randolph County charged with the authority to administer or issue permits and perform inspections as outlined in this ordinance.

- F. Central Permitting Advisory Committee: An advisory body appointed by the Randolph County Manager that is comprised of representatives of the departments working in, affected by, or providing support for Central Permitting.

The committee is appointed by the County Manager and contains representatives from Building Inspections, Environmental Health, Fire Marshal's Office, Planning and Zoning, Information Technology, Tax and Legal. The County Manager can appoint additional members to the committee as he/she sees fit.

- G. Kiosk Site: Dedicated computer workstation(s) located at various locations throughout Randolph County where individuals can apply for permits and upload associated documents online.

ARTICLE A

Delegation of Authority

Section 1. Authority

The Central Permitting process involves procedures that involve and affect many different county departments including but not limited to, Building Inspections, Environmental Health, Fire Marshal, Information Technology, Planning & Zoning, and Tax. Each affected Department Head has the authority over processes that fall squarely within his/her department's responsibilities as outlined in this ordinance. It is recognized, however, that a change in process made by one Department Head could have unintended consequences for others. In these instances, the Central Permitting Advisory Committee has the authority, as set out in its Bylaws, to review these decisions to ensure an integrated process that provides effective and efficient service. Any appeal from a majority decision of the Advisory Committee by a member Department shall be made to the County Manager.

Section 2. Purpose

The purpose of this ordinance is to promote the health, safety, and general welfare of Randolph County citizens by streamlining the development permit process through a centralized County permitting system, integrating all development information by parcel identifier into a computerized land records management system.

Section 3: General Responsibilities

Each department listed in Section 1 above shall:

- Maintain a computerized Land Records Management Program and any related Geographic Information System (GIS) for use by Central Permitting.
- Provide representation to the Central Permitting Advisory Committee as specified in the committee bylaws.

Permit Application Fee Refund Policy:

- No refunds are allowed once substantial work has commenced or a permit/vested right has expired. Substantial work is defined as practical work performed by an authorized County official performed outside the office or work performed in the office that results in the expenditure of County funds in furtherance of the permit.
- Before substantial work has commenced, permit fees will be refunded less an administrative fee.

- For residential permits, the administrative fee will be \$10.00 or 25% of the permit fee, whichever is greater up to a maximum of \$75.00.
- For commercial permits, the administrative fee will be \$10.00 or 25% of the permit fee, whichever is greater up to a maximum of \$150.00.
- Refunds will be processed upon the County's receipt of a fee refund request form.

ARTICLE B

Building Inspections

Section 1. Authority

Authority granted the Randolph County Inspections Department are defined by the North Carolina General Statutes Pertaining to the Implementation and Enforcement of the North Carolina State Building Codes.

- The provisions of the North Carolina State Building, Plumbing, Electrical, Mechanical, Fuel & Gas, Energy, Accessibility Codes and Standards referenced therein as adopted by the North Carolina Building Code Council.
- Amendments to codes and standards referenced above which have been adopted and published by the North Carolina Building Code Council shall be effective at such time the amendment has been adopted or come to be part of the North Carolina Technical Codes.

Section 2. Responsibilities

The Director of Inspections will ensure that all staff are state certified, if required, and adequately trained for inspecting facilities or systems, issuing permits or processing applications. In addition, the Director of Inspections will ensure the Inspections Department remains efficient in its processes of implementing and enforcing the North Carolina State Building codes.

Permitting:

Construction permits listed as required permits under the North Carolina General Statutes, shall be issued in accordance with applicable state laws, rules, regulations and local ordinances.

- Applications for construction permits required by state law will be processed through the Randolph County Department of Inspections or Central Permitting Office in such form and detail as prescribed by the Director of Inspections under applicable North Carolina General Statutes.

- Permits that are required by state law will be developed and maintained by the Director of Inspections or his / her designee in accordance with state law.

Inspections:

A Certified, North Carolina Code Enforcement Official employed by or contracted by Randolph County shall perform inspections of buildings, structures, electrical, plumbing and mechanical systems for compliance with the above referenced North Carolina State Building Codes.

- It shall be the responsibility of the permit holder or their authorized agent for notifying the inspections department when permitted work is ready for inspection and to provide access and means for the inspection of work required by code.
- Timeliness of inspections will be performed in accordance with the North Carolina General Statutes.

Enforcement:

Legal remedies are set forth in the North Carolina General Statutes, including but not limited to fines and criminal charges for violations of applicable North Carolina State Building Codes, Laws and Regulations.

Plan Review:

Drawings and design specifications, as required by the inspection department shall be drawn to scale with sufficient clarity and detail to indicate the nature, character and scope of the work and shall accompany the application or transmittal for a permit. All information, drawings, specifications and accompanying data shall bear the name, address and signature of the person responsible for the design. Construction projects shall be reviewed for compliance with applicable state laws, construction standards and the current edition of the North Carolina State Codes.

- **Additional data:** The inspection department may require details, computations, stress diagrams or documentation sealed by a registered design professional and other data necessary to describe the construction or installation of a system.
- **Submittal requirements:** Three completed sets of construction documents and specifications, along with supporting data are required prior to the start of the review. Acceptance of electronic documents is at the discretion of the Inspection department.
- **Review times:** The Plans Examiner will review the complete submittal package within 3 to 5 business days. Review times may be increased based on complexity of projects and or other requirements from state and local agencies.

- **Responsibility:** It shall be the responsibility of the applicant / permit holder to ensure that all documents are complete and in compliance with applicable codes and standards prior to submitting for review.

ARTICLE C

Environmental Health

Section 1. Authority

North Carolina General Statutes Chapter 130A Public Health, 15A NCAC 18A .1900 Laws and Rules for Sewage Treatment, and Disposal Systems, 15A NCAC 2C Well Construction Standards,

Section 2. Responsibilities

Permitting

The Local Health Department shall issue or deny permits in accordance with the laws and rules adopted by the State of North Carolina, as applicable for subsurface wastewater systems and private drinking water wells.

Applications for wastewater and well permits will be available at the following location: Randolph County Central Permitting office. Applications shall be submitted by the owner of the parcel or by their authorized agent. Authorization must be granted in writing and signed by the owner.

Inspections

Inspections shall be conducted to determine compliance with all applicable laws and rules. Inspections may be performed before, during, and after issuance of permits. The submission of the application grants permission and access to the property for required inspections.

It shall be the duty of the permit holder or their authorized representative to notify Environmental Health when permitted work is ready for inspection and to provide access and means for the inspections of work required by code.

Enforcement

Legal remedies, as set forth in the General Statutes, including fines and criminal charges are enforced for violations of applicable laws and rules.

Plan Review

15A NCAC 18A .1900 Laws and Rules for Sewage Treatment, and Disposal Systems dictate which wastewater system require engineered plans. When required plans will be reviewed for completeness and compliance with state rules. The plans may also be submitted to the State Engineer for review. Two sets of construction documents and supporting data needed for subsurface wastewater systems shall be submitted with each application in such form and detail as required by 15A NCAC 18A .1900 Laws and Rules for Sewage Treatment, and Disposal Systems.

It shall be the responsibility of the applicant to ensure that all documents are complete and in compliance with applicable codes and standards.

ARTICLE D

Fire Marshal

Section 1. Authority

NCGS 153A-234, 153A-351, 153A-352

The provisions of the *North Carolina Fire Code* together with all technical codes, standards and appendices referenced therein as adopted by the North Carolina Building Code Council.

Amendments to codes and standards referenced above which are adopted and published by the State Building Code Council shall be effective in the county at the time such amendments become part of the *North Carolina Fire Code*.

Section 2. Responsibilities

Permitting

Applications for operational and construction fire prevention permits listed as mandatory in the *North Carolina Fire Code* shall be submitted to Central Permitting in such form and detail as prescribed by the *fire code official*. When approved, these permits shall be issued in accordance with the applicable sections of the code.

Inspections

Periodic inspections of buildings, structures and premises as outlined in the *North Carolina Fire Code* shall be conducted by *fire code officials* for the purpose of identifying activities and

conditions that pose dangers of fire, explosion or related hazards. Periodic inspections shall at no time be conducted less frequently than described by the code.

It shall be the duty of the permit holder or their authorized representative to notify the *fire code official* when permitted work is ready for inspection and to provide access and means for the inspections of work required by code. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *fire code official*.

Enforcement

Legal remedies, as set forth in the General Statutes, including fines and criminal charges may be enforced for violations of applicable laws and rules.

Plan Review

Upon the submittal of applications along with associated documents and fees, a plans examiner will review the documentation and guide the applicant through the remainder of the process.

It shall be the responsibility of the applicant to ensure that all documents are complete and in compliance with applicable codes and standards.

ARTICLE E

Information Technology

Section 1. Authority

Provides support as directed by the County Manager.

Section 2. Responsibilities

Maintain system security per department requirements. Provide and maintain required system infrastructure. Perform system administration and ensure system performance and availability. Work with vendors to resolve issues as necessary. Research and make recommendations on improving system processes and act as project manager during implementation. Provide data analysis to departments as requested.

ARTICLE F

Planning and Zoning

Section 1. Authority

In accordance with article 18, Chapter 153A of the North Carolina General Statute as amended and may be amended, and the Unified Development Ordinance as adopted by the Randolph County Board of Commissioners.

Section 2. Responsibilities

The Central Permit Office shall be a function of the Department of Planning and Zoning and under the supervision of the Planning Director. Central Permit Office staff are responsible for issuing necessary development permits and to ensure any proposed development complies with County Unified Development Ordinance where applicable.

The Director shall develop and maintain adequate training programs and standards for Central Permit Office staff. The Director may designate appropriately trained staff to ensure the effective performance of the office.

Section 3. Permit Fees

Fees for permits shall be established by the Randolph County Board of Commissioners.

ARTICLE G

Jurisdiction

Section 1. Jurisdiction

This Central Permit Ordinance and related procedures are applicable to all territory within the development regulatory jurisdiction of the Randolph County Board of Commissioners. County Zoning and Building Inspections authority may apply to areas within municipal limits when specifically requested by the municipal governing body and approved through due process by the Randolph County Board of Commissioners. Public Health regulatory jurisdiction shall be that provided in N.G. General Statutes.

Section 2. Effective Date

This Central Permit Ordinance shall become effective September 8, 2020.

Upon motion of Haywood, seconded by Allen, the foregoing Ordinance was passed by the following vote:

Ayes: 4 Nays: 0 Abstentions: None

I, Dana Crisco, Clerk of the Board of the Randolph County Board of Commissioners, do hereby certify that the foregoing ordinance was duly adopted by the governing body of Randolph County at a regular meeting thereof, a quorum being present.

This the 8th day of September 2020.



Clerk

Article D Section 1 was updated by adding “appendices.”

Upon motion of Haywood, seconded by Allen, the foregoing Ordinance was passed by the following vote:

Ayes: 4 Nays: 0 Abstentions: None

I, Dana Crisco, Clerk of the Board of the Randolph County Board of Commissioners, do hereby certify that the foregoing ordinance was duly adopted by the governing body of Randolph County at a regular meeting thereof, a quorum being present.

This the 5th day of September 2023.



Clerk