



January 25, 2016 Council Meeting

Mayor Bryan Hough
Mayor Pro-Tem David Moore
Councilman Jerry Bishop
Councilwoman Carolyn Breyare
Councilman Jeff Meadows
Councilman Jim Hope
Councilman Perry Toomey
Kemp Michael, City Attorney
Danny Jackson, City Manager

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL WORK SESSION
Location: Council Chambers**



**January 25, 2016
6:30 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

SET THE AGENDA

1. Release of the Maintenance Cash Guarantee posted for Kendrick Farm Phase 3 Map 1—
Dave Johnson
2. Discussion of location for the Mount Holly Sign donated by the Archie Small Family
once replaced with the new Gateway Signage—*Miles Braswell*
3. Discussion of Proposed Revisions to Chapter 7 Entitled "*Fire Protection and
Prevention*" of the Mount Holly Code of Ordinances—*Marie Anders*
4. Adjourn



City of Mount Holly Action Agenda Item

To: Mayor and City Council From: David E. Johnson, PE	Date: January 21, 2016 Meeting Date: January 25, 2016
Agenda Item to be considered: <i>Release of the Maintenance Security posted by True Homes for Kendrick Farm Phase III, Map1 and for the acceptance of the roads for City ownership and maintenance.</i> 	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : <i>True Homes built the remaining residential lots in Kendrick Farm Phase III Map 1. The Council approved maintenance bond status for this project on March 10, 2014. True Homes deposited cash with the City in the amount of \$56,789.45 to repair any infrastructure defects.</i> <i>Since March 2015, the City has inspected the infrastructure and has been working with True Homes to address and correct all defects. Based upon our final inspection of the infrastructure, True Homes has repaired all defects to our satisfaction. We are recommending to the Council that the maintenance security be released and the roads accepted for City maintenance.</i> 	
<i>Fiscal Impact:</i>	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A
Manager/Staff Recommendation: <u>Recommend release of the cash security and acceptance of the roads for City maintenance.</u>	
Result of City Council Decision: 	
Attachments: None	

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, Assistant City Attorney

DATE: January 21, 2016

RE: Revision to Chapter 7 of the City Code, entitled "Fire Protection and Prevention"

As part of the comprehensive update to the Mount Holly City Code, I have worked closely with Fire Chief Ryan Baker on a revision to Chapter 7, entitled "Fire Protection and Prevention". The revision attached for your consideration appears to be long, but in reality is mostly composed of an incorporation of the NC Fire Code and a repeal of those sections which are now regulated by the State of North Carolina. In addition, revisions made to the sections regarding the composition of the fire department and the duties of the fire chief bring these sections in line with current standard operations of the fire department.

Some sections which I would like to point out specifically are as follows:

1. The NC Fire Code is incorporated by reference into the City Code in Section 7-18. Therefore, all of the sections which cover matters regulated by the state in the NC Fire Code would be repealed.
2. The chapter from the NC Fire Code regarding mandatory permits is also specifically incorporated by reference in a new Section 7-12B, to reflect that those who are required to obtain a mandatory permit pursuant to the NC Fire Code should seek such permits from the Mount Holly fire department.
3. Section 7-12D requires commercial buildings equipped with an automatic fire sprinkler system and/or building fire alarm system shall provide a "Knox Box" key entry system. This is similar to requirements in some other municipalities, such as Morrisville, and would allow the fire department to quickly enter such premises in a non-destructive manner in an emergency.
4. Sections 7-14 through 7-17 have been revised to include more detail regarding the issuing and enforcement of orders to remedy fire hazards, especially in the case of hazards that constitute an imminent hazard to life and property.
5. Section 7-20 regarding open burning has been clarified to show that burning is not allowed within the primary and secondary fire districts, which are located in downtown Mount Holly (roughly equivalent to Main St. and Central Ave. areas), rather than within the entire city limits. Outside the primary and secondary fire districts, the language was clarified to show that citizens can have camp fires or fires used for outdoor cooking (such as a fire pit or grill), and expands the type of open burning which may be allowed under regulations with a permit from the fire department to include small outdoor warming fires at construction sites and fires for the disposal of material generated as a result of a natural disaster.

RESOLUTION TO AMEND SECTIONS OF
CHAPTER 7 OF THE MOUNT HOLLY CITY CODE
ENTITLED "FIRE PROTECTION AND PREVENTION"

BE IT RESOLVED that the City Council hereby amends Chapter 7 entitled, "Fire Protection and Prevention," of the Mount Holly City Code as follows:

Sec. 7-7 reads as re-written:

"Section 7-7. Composition.

- (a) There will be a paid fire department, consisting of such employees as the city manager, with the approval of the city council, shall from time to time determine.
- (b) The department shall also act as first responders to accidents and medical emergencies and non-emergencies.
- (c) There shall be a Fire Chief who shall have charge of and provide for the maintenance of all equipment of the department and shall be directly responsible for the performance of his/her duties to the city manager. The Fire Chief shall have general control of the fire department and may at any time for cause suspend from duty any member of the department, ~~pending a hearing before the city manager.~~ All other paid staff firefighters of the department shall be designated as fire engineers and shall be subordinate to the Fire Chief. (Amended 9-11-00)
- ~~(e)~~(d) The command staff of the department shall be set by the fire chief and shall consist of qualified personnel."

Sec. 7-9 reads as re-written:

"Section 7-9. Volunteer fire and rescue personnel.

- (a) Volunteer fire and rescue personnel are hereby recognized as an integral part of the city's fire fighting capability. The Chief of the city department or his designee shall direct and command all fire fighting procedures and shall command the volunteers at fire and rescue scenes and shall be responsible for training the volunteers.
- (b) Volunteer forces shall be limited to fifty-five (55) members who shall be designated by the Chief ~~with the concurrence of the majority of the volunteer members and with approval of the City Manager.~~ The initial members shall be composed of the members of Mount Holly Volunteer Fire Department and the Catawba Heights Volunteer Fire Department in good standing as of September 30, 2000. Members shall be subject to such drug testing as the City Manager may adopt. (Amended August 8, 2005)
- (c) Volunteer staff shall report to the command staff of the fire department. ~~The Chief shall designate a command structure composed of volunteer members only."~~

Sec. 7-11 reads as re-written:

"Section 7-11. Duties generally.

It shall be the duty of the Fire Chief to:

- (a) Preserve and safe keep all equipment of the department.

- (b) Enforce all rules and ordinances relative to fire prevention.
- (c) Act as fire marshal and maintain an adequate staff of fire marshals certified by the state code officials' qualification board to properly execute all provisions of this chapter.
- (d) Do such other and further things necessary for the property and efficient operation of his department and for the prevention of fire. (Code 1961, §2-52.)
- (e) Command all city and volunteer personnel and equipment. (Amended 9-11-00)
- (f) Keep the city manager and city council informed of the progress and development of the fire department and of any matters pertaining to the present condition and future expansion of the fire department.
- (e)(g) Conduct investigations (jointly with other fire and law enforcement officials of fires as to determine their origin and cause."

Sec. 7-12 reads as re-written:

"Section 7-12. Investigation of fires.

Repealed.

~~Immediately after the occurrence of any fire, the Chief of the department shall investigate, or shall cause to be investigated, the cause, origin and circumstances thereof and, as far as possible, shall determine whether such fire is the result of accident, carelessness or design. If he has reason to believe that the fire is of suspicious origin, he shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in prosecution of the case when property instituted. (Code 1961, §6-7).(Amended 9-11-00)"~~

A new Sec. 7-12A is added as follows:

"Section 7-12A. Inspection of buildings and premises.

It shall be the duty of the fire chief to inspect, or cause to be inspected, according to an inspection schedule as set forth in the Mount Holly Fire Department Standard Operating Guidelines on file at the department, all buildings and premises except the interiors of one- and two-family dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or to endanger life from fire, and enforcing the NC Fire Code, or any violations of the provisions or intent of this chapter creating a fire hazard.

Installation or modification to a fire suppression, detection, and/or notification system without plan review and approval by the fire code official shall result in a penalty fee as set forth in the Mount Holly Fee Schedule. Required inspections for the suppression, detection, and/or notification system will not be conducted until the fee is paid."

A new Sec. 7-12B is added as follows:

"Section 7-12B. Permits.

Chapter 1 of the North Carolina Fire Code, Mandatory Permits and Certificates, as amended, is hereby incorporated by reference in this chapter. Every business or user of a building or structure required to obtain a mandatory permit under the NC Fire Code must obtain such permit no later than 30 days after notification by the fire chief or his designee. The fire chief or his designee shall have the authority to issue all applicable NC Fire Code permits to businesses which require such permits under the NC Fire Code. Permits will be valid for 12 or 24 months from the date of issuance and is determined by the inspection frequency of the facility as required per Section 7-12A. Permit fees will be in accordance with the Mount Holly Fee Schedule."

A new Sec. 7-12C is added as follows:

"Section 7-12C. Site plan and new construction approval.

The fire chief or his designee shall review construction or development site plans to ensure compliance with the North Carolina Fire Code before final site plan approval is granted.

The fire chief or his designee shall review and approve all commercial and multifamily residential building plans to ensure compliance with the NC Fire Code before final approval is granted.

The fire chief or his designee shall conduct inspections of buildings under construction to ensure compliance with the provisions of the NC Fire Code before the building inspector issues a certificate of occupancy for the building."

A new Sec. 7-12D is added as follows:

"Section 7-12D. Installations of Knox Box rapid entry system.

All commercial buildings equipped with an automatic fire sprinkler system and/or building fire alarm system shall provide a "Knox Box" key entry system. This Knox Box shall be mounted near the front entrance of the building. The Knox Box shall be mounted on the wall at five feet above finished floor. This Knox Box shall be ordered through the fire department and shall be in place before a certificate of occupancy is issued. Two sets of keys to access the facility or tenant spaces within the facility shall be provided to the fire department by the owner/manager or tenant."

Sec. 7-13 reads as re-written:

"Section 7-13. Right of entry.

The Chief of the department and any member of the fire department when so directed by the Chief shall have the right to enter any building or premises, at any reasonable hour, for the purpose of making any inspection or investigation provided for by this chapter. (Code 1961, §6-10.) (Amended 9-11-00)"

Sec. 7-14 reads as re-written:

"Section 7-14. Order to remedy hazard—Generally.

~~Whenever the Chief of the department shall find any building or any premises constitutes a fire hazard, for any reason, he shall serve or cause to be served upon the owner and the occupant of such building a written notice specifying the condition complained of, ordering the same to be remedied promptly, and indicating what is considered a reasonable time for compliance with such order.~~

(a) When the fire chief or his designee determines that a violation of this chapter or the NC Fire Code exists or that any commercial building or structure required to have a permit under the NC Fire Code does not have a valid permit in effect, he shall issue a notice of violation and order to correct the violation. Said order shall state the nature of the violation and specify the penalty to be imposed in accordance with the Mount Holly Fee Schedule in the event that the order is not complied with within by the time specified in the order. Failure to pay any such penalty within thirty days shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of a debt for the collection of the unpaid penalty, together with the costs of the action to be taxed by the Court.

(a)(b) The fire chief or his designee may issue immediate correction orders for violations of the NC Fire Code that constitute an imminent hazard to life and property. Such immediate correction order shall state that failure to correct such violation within 24 hours shall result in the imposition of a civil penalty in an amount listed in the Mount Holly Fee Schedule per day, per violation, until the violation has been completely corrected. Such immediate correction order shall also state that if the violation is not corrected within 24 hours, a civil complaint for collection of penalties and any unpaid fees owed under this chapter may be initiated and that other legal proceedings, including criminal prosecution, injunctions, or abatement orders related to the violation may be initiated. Repeated violations shall subject the violator to higher civil penalties set forth in the Mount Holly Fee Schedule.

(b)(c) Any condition listed below shall be deemed an imminent hazard:

1. Dangerous storage or unlawful amounts of combustible, flammable, or explosive or otherwise hazardous materials.
2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, flammable, or explosive or otherwise hazardous materials.
3. Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly combustible materials.

4. Accumulations of dust or waste material in air conditioning or ventilation systems, or of grease in kitchen or other exhaust ducts, or inadequate clearances to unprotected combustible materials from hoods, grease extractors, and ducts.
5. Obstructions to or in fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors, or windows liable to interfere with the operations of the fire department or impede egress of occupants in the case of fire.
6. Overcrowding in violation of occupancy limits established pursuant to the state Building Code and required under the NC Fire Code.

(Code 1961, §6-11.) (Amended 9-11-00)”

Sec. 7-15 reads as re-written:

“Sec. 7-15. Same--Methods of service of order.

The service of any order as provided in section 7-14 may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of the same to and leaving it with any person in charge of such premises or in case any such person is not found upon such premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. In case the owner of premises is some person other than the occupant thereof, service of such notice may be made by delivering a copy of such notice to such owner personally or by mailing such copy to his last-known address. If the occupant or owner is a partnership, service upon any partner shall be sufficient; and if a corporation, upon any officer or any local agent thereof. (Code 1961, § 6-12.)”

Sec. 7-16 reads as re-written:

“Sec. 7-16. Fire extinguishers.

Repealed.

~~Hand or other portable fire extinguishers shall be installed in every store, factory, garage or other building where readily inflammable material is stored, handled, kept or sold. (Code 1961, § 6-39.)”~~

A new Sec. 7-16 is added as follows:

“Sec. 7-16. Appeals.

- (a) Any person who has been served with a notice of violation and order for correction of violations of the NC Fire Code may appeal the notice and order to the state department of insurance, state building code council within ten days from date of issuance. However, any such appeal does not automatically stay the action of any order for correction during its pendency.

(b) Any person who has been served with a notice of violation and order for correction of violations of the provisions of this chapter which are not violations of the NC Fire Code or which relate to fees or penalties charged under this chapter may appeal to the city manager, whose decisions shall be final. Appeals must be filed within ten days from the date of issuance of the order."

Sec. 7-17 reads as re-written:

"Sec. 7-17. Obstruction of fire escapes.

Repealed.

~~No person shall at any time place any obstructions of any kind whatsoever before or upon any fire escape, balcony or ladder intended as a means of escape from fire. It shall be the duty of every member of the police and fire departments who shall discover any fire escape obstructed in any manner to forthwith report the same through his department channels to the chief of the fire department, who shall immediately notify the owner or tenant to remove the obstruction and such obstruction shall thereupon be immediately removed. (Code 1961, § 6-40.)"~~

A new Sec. 7-17 is added as follows:

"Sec. 7-17. Enforcement.

Failure to comply with the provisions of this chapter shall constitute a misdemeanor under G.S. 160A-175 and G.S. 14-4. Additionally, the fire chief or his designee may enforce the provisions of this article in civil court and seek any and all appropriate remedies authorized by G.S. 160A-175, including appropriate equitable remedies, and may seek injunctive relief and/or abatement orders. Each day's continuing violation shall constitute a separate and distinct offense."

Sec. 7-18 reads as re-written:

"Sec. 7-18. Exit signs in auditoriums.

Repealed.

~~Every exit in any theater or motion picture house shall be plainly indicated by a sign bearing the word 'exit', which sign shall be kept lighted throughout each performance. (Code 1961, § 6-41.)"~~

A new Sec. 7-18 is added as follows:

"Sec. 7-18. Relationship to other laws and standards.

The provisions of the NC Fire Code, including all appendices, as amended periodically, are incorporated by reference in this chapter. If any provision of this chapter is in material conflict with a provision of the NC Fire Code, then the state code provision shall take precedence

over the conflicting provision of this chapter.

For state law as to authority of the city to adopt technical codes by reference, see G. S., § 160A-76."

Sec. 7-19 reads as re-written:

"Sec. 7-19. Places of public assemblage and stores.

Repealed.

~~The following rules shall be observed in places of public assemblage and stores while open to the public:~~

- ~~(a) Lighting and obstructions. All doors, aisles and passageways within and leading into or out of the theaters, churches, and all other places of public assemblages shall, during the entire time any assemblage may be held therein, be kept adequately lighted and free from any article that might obstruct or delay the exit of the assemblage.~~
- ~~(b) Fastened doors. The doors of such buildings while occupied shall not be fastened so that they be opened by anyone from within.~~
- ~~(c) Sitting and standing. No person shall sit or stand or remain seated or standing, nor shall the owner or operator of such place allow any person to remain seated or standing in any such place of public assemblage in any aisle under any circumstances, or in any exit, or passageway required for the safe exit of the assemblage.~~
- ~~(d) Sidewalks, outside of exits. Clear passage from all exits and on sidewalks outside of all theaters and other places of public assemblage shall be maintained at all times.~~
- ~~(e)(a) Passageways in stores. No aisle, passageway or stairway in any store shall be obstructed with tables, showcases, or other obstructions, during the hours such store is open to the public. (Code 1961, § 6-42.)"~~

Sec. 7-20 reads as re-written:

"Sec. 7-20. Obstructions in tenement and apartment house hallways.

Repealed.

~~No obstruction shall be permitted in hallways of tenement houses or apartment houses. (Code 1961, § 6-43.)"~~

Sec. 7-21 reads as re-written:

~~"Sec. 7-21. Burning trash and materials--within primary and secondary fire districts.fire limits.~~

No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter or other material of any kind outside any house, on or in any street, sidewalk, alley, lot or yard ~~within the city limits except outside the primary and secondary fire districts pursuant to the terms and conditions as specified in Section 7-22 below.~~ A map of the primary and secondary fire districts shall be on file with the Mount Holly Fire Department. (Adopted June 12, 1995)"

Sec. 7-22 reads as re-written:

~~"Sec. 7-22. Same--Outside primary and secondary fire districts.fire limits.~~

(a) "Open Burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, chimney, or a permitted air pollution control device.

(a)(b) The following types of Open Burning are permissible outside the primary and secondary fire districts without a permit:

1. Camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions.
2. Fires purposely set for the instruction and training of firefighting personnel, including fires at permanent firefighting training facilities, or when conducted under the supervision of or with the cooperation of one or more of the following agencies: the Division of Forest Resources, the North Carolina Department of Insurance, or one of the North Carolina community colleges.

(b)(c) The following types of Open Burning are permissible outside the primary and secondary fire districts with a permit:

1. Small outdoor warming fires used on constructions sites or other areas, subject to the following conditions: a permit issued by the fire department shall be obtained prior to operating any type of warming fire, warming fires shall be initiated and contained in containers approved by the fire department at all times and such containers must be appropriately ventilated in at least three places, warming fires shall be attended by a responsible individual at all times, warming fires shall be located not less than 25 feet from any structure, an appropriate means of controlling the fire (i.e. extinguishers) shall be available while the fire is burning, and only untreated lumber shall be burned in warming fires. Burning construction materials like insulation, asphaltic materials, or treated lumber is prohibited. Warming fires shall not be used to dispose of paper, trash, excess construction materials, or other synthetic salvageable materials.
2. Fires for the disposal of material generated as a result of a natural disaster, such as tornado, hurricane, or flood if the state department of environment and natural resources regional office supervisor grants permission for the burning. The person

desiring to do the burning shall document to the appropriate DENR regional office supervisor that there is no other practical method of disposal of the waste. Factors that the regional office supervisor shall consider in granting permission for the burning include type, amount, and nature of combustible substances.

~~No developer or landowner shall maintain an outdoor fire for the purpose of land clearing, unless a permit is first obtained from the Mount Holly City Council. Before a permit can be issued, the City Council must:~~

- ~~a. review an emergency plan, approved by the Fire Chief, detailing manpower to be provided to contain the fire and available fire extinguishing equipment;~~
- ~~b. verify that the location of permitted fires shall be not less than 300 feet from any structure;~~
- ~~c. verify that the developer/land owner possesses \$500.00 of general liability insurance.~~

~~Once approved by Council, the Fire Chief shall issue a written permit after a \$500.00 fee is provided. Open burning shall not take place within the city limits of Mount Holly during the months of June, July and August. A time limit for burning shall be specified on the permit. Only debris cleared from the land can be burned. Debris may not be hauled from another site.~~

~~(Adopted June 12, 1995)"~~

Sec. 7-23. Reserved for Future Use.

Sec. 7-24 reads as re-written:

"Sec. 7-24. Ashes, coals and embers.

Repealed.

~~No person shall deposit ashes, smoldering coals or embers, greasy or oily substances, or other matter liable to spontaneous ignition, within fifteen feet of any wooden or plastered wall, partition, fence, floor, sidewalk, lumber, hay, shavings, rubbish or other combustible materials, except in metallic or other noncombustible receptacles. Such receptacles, unless resting on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two feet from any wall or partition. Nothing in this section shall prevent the deposit of cold or wet ashes and cinders for the improvement of any unpaved alley or walkway. (Code 1961, § 6-47.)"~~

Sec. 7-25 reads as re-written:

"Sec. 7-25. Accumulations of trash and waste.

Repealed.

~~No person shall permit any accumulation of waste paper, weeds, litter or combustible or~~

~~inflammable waste or rubbish of any kind to remain upon any roof or in any court, yard, vacant lot or other open space within the corporate limits of the city. Every owner or occupant of property shall cut down and remove therefrom all weeds, grass, vines and other growth, which endangers the same or any other property or which is likely to be fired. (Code 1961, § 6-48.)~~

Sec. 7-26 reads as re-written:

"Sec. 7-26. Removal of excelsior, etc.

Repealed.

~~No person making, using, storing or having charge or control of any shavings, excelsior, rubbish, sacks, bags, litter or combustible trash or waste, shall fail, neglect or refuse at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the premises or stored in noncombustible containers; provided, that this section shall not apply to sawmills, planing mills or similar business establishments, where the usual litter or refuse is reasonably cared for and disposed of. (Code 1961, § 6-49.)~~

Sec. 7-27 reads as re-written:

"Sec. 7-27. Maintenance of smokestacks, chimneys, etc.

Repealed.

~~All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, fire boxes or boilers to which they are connected shall be constructed in accordance with the Building Code and shall be maintained in such manner as not to endanger adjacent property. (Code 1961, § 6-50.)~~

Sec. 7-28 reads as re-written:

"Sec. 7-28. Removal of dead, etc., wires.

Repealed.

~~It shall be unlawful for any electric light, telegraph or telephone to permit any of their disconnected, dead or unused wires to hang or remain on any pole, tree or house where same has been formerly connected and in use, but all such wires shall be taken down and removed immediately upon notice by the chief of police. It shall be the duty of the chief of the fire department to notify the chief of police whenever he has knowledge of such existing conditions. (Code 1961, § 6-51.)~~

Sec. 7-29 reads as re-written:

"Sec. 7-29. Replacement and removal of burned utility poles.

Repealed.

~~It shall be unlawful for any telephone, telegraph or electric light company to allow or cause to be allowed any pole belonging to such company, which has been charred by fire, to~~

~~remain in such condition longer than ten days from the time of the fire, and all such poles shall be scrapped or removed. (Code 1961, § 6-52.)~~

Sec. 7-30 reads as re-written:

"Sec. 7-30. Permits required to handle explosives; record of sales.

Repealed.

~~All persons handling dynamite, giant powder or other dangerous explosives as articles of merchandise shall first obtain from the city manager a permit for the sale of the same by written application, stating the time and place they desire to sell the above mentioned explosives. They shall also keep a record of their sales, to whom sold, for what purpose, the amount sold and the date of the sale. (Code 1961, § 6-58.)~~

Sec. 7-31 reads as re-written:

"Sec. 7-31. Limit on period which explosives and blasting agents may be kept in cars, etc.

Repealed.

~~No person shall keep, or allow to be kept, in any car, or warehouse or upon any platform, any car, cargo or consignment of gunpowder or blasting powder or other explosive for a period of more than six hours, except as may be allowed by a permit issued by the City Council. (Code 1961, § 6-59, amended 6-25-80)~~

Sec. 7-32 reads as re-written:

"Sec. 7-32. Gunpowder and percussion and dynamite caps.

Repealed.

- ~~(a) It shall be unlawful for any person to have on his or any premises or in his building more than five kegs of powder and more than fifty pounds of gunpowder, except as may be allowed by a permit issued by the City Council, and the same shall be kept in a steel receptacle, preferably cylindrical in shape, mounted on wheels and fitted with a lock, and the receptacle shall have conspicuously displayed on it the "powder-danger". (amended 6-25-80)~~
- ~~(b) Every person having powder in buildings or premises shall, in writing, notify the chief of the fire department as to the location of the powder and shall cause to be displayed, conspicuously clear and legible, a sign, bearing the words "powder-danger", at such places.~~
- ~~(c) Should any person desire to handle percussion or dynamite caps, such shall be kept in the receptacle for detonators only.~~
- ~~(d)(a) Upon receipt of information from anyone storing powder within the corporate limits, it shall be the duty of the chief of the fire department and chief of police to examine the premises and see that the provisions of this article are complied with.~~

Upon report of the chief of the fire department, the city manager for good cause shall have the right to cancel any permit until conditions are made satisfactory to him. (Code 1961, § 6-60.)”

Sec. 7-33 reads as re-written:

“Sec. 7-33. Dynamite.

Repealed.

It shall be unlawful for any person to have on his or any premises, or in his building, more than fifty pounds of dynamite, and this amount, or less, may be held only under the following conditions:

- (a) Permit for keeping and use. Any person desiring to have or to use dynamite shall first secure from the city manager a permit to do so, and it shall be the duty of the city manager, on issuing such permit, to notify the chief of police and the chief of the fire department, giving the name of permittee and the location of the dynamite.
- (b) Container for keeping. Any person desiring to handle dynamite for any purpose shall not keep more than fifty pounds on the premises and shall provide a steel receptacle, preferably cylindrical in shape, mounted on wheels and fitted with a lock. Such receptacle shall be not less than three-eighths inch steel plate and shall have conspicuously displayed on it the words “dynamite—danger”.
- (c) Notice to chiefs of fire and police departments. Any person handling dynamite and keeping same in a building or on any premises shall, in writing, notify the chief of the fire department and the chief of police, as to the location of such dynamite and shall cause to be displayed, conspicuously clear and legible, a sign, bearing the words “dynamite”.
- (d) Examinations by chiefs of fire and police departments. Upon receipt of notification of issuing a permit to store or use dynamite, it shall be the duty of the chief of the fire department and the chief of police to examine the premises and see that the provisions of this article are complied with. Upon report of the chief of the fire department, the city manager shall have the right, for good cause, to cancel the permit until the conditions are made satisfactory to him.
- (e)(a) Storage with dynamite caps prohibited. Under no conditions shall anyone be permitted to store percussion or dynamite caps in the same receptacle with dynamite. (Code 1961, § 6-61.)”

Sec. 7-34 reads as re-written:

"Sec. 7-34. Transportation--Use of for-hire vehicles.

Repealed.

~~No person shall transport or carry any explosives in or upon any public conveyance which is carrying passengers for fare. (Code 1961, § 6-62.)~~

For state law as to vehicles transporting explosives, see G. S., §§ 20-143.1, 20-167."

Sec. 7-35 reads as re-written:

"Sec. 7-35. Same--Marking.

Repealed.

~~Every vehicle while carrying explosives shall have painted on its front, sides and back, in easily legible white letters at least six inches high on a red background, the words "explosives—dangerous" or, in lieu thereof, shall display upon an erect pole on the front end of such vehicle and at such height that it shall be visible from all directions a red flag with the word "danger" printed, stamped or sewed thereon in white letters. Such flag shall be at least eighteen inches by thirty inches in size, and the letters therein shall be at least six inches high. (Code 1961, § 6-63.)~~

For state law as to marking of vehicles transporting explosives, see G.S., § 20-167."

Sec. 7-36 reads as re-written:

"Sec. 7-36. Same--Drivers.

Repealed.

~~No person in charge of a vehicle containing any explosives shall smoke in or upon such vehicle, drive the vehicle while intoxicated, drive the vehicle or conduct himself in a careless or reckless manner or load or unload such vehicle in a careless manner or while smoking or intoxicated. (Code 1961, § 6-64.)"~~

Sec. 7-37 reads as re-written:

"Sec. 7-37. Same--Certain articles not to be carried.

Repealed.

~~No person shall place or carry or cause to be placed or carried in the bed or body of any vehicle containing any explosives any metal tools or other pieces of metal or any exploiters, detonators, blasting caps or other similar explosive material or carry in or upon any such vehicle any Match. (Code 1961, § 6-65.)"~~

Sec. 7-38 reads as re-written:

"Sec. 7-38. Precautions to prevent damage; who may conduct.

Repealed.

~~Every person engaged in blasting shall take all necessary precautions to make such blasting harmless to both persons and property. None but experienced blasters, authorized by a permit issued pursuant to the provisions of section 7-39 shall directly superintend or carry on as a laborer any blasting operations. (Code 1961, § 6-71.)"~~

Sec. 7-39 reads as re-written:

"Sec. 7-39. Permit.

Repealed.

~~Every permit for blasting shall be issued to and in the name of the contractor or other person who, by himself or through his agents and employees, is to do the specified blasting. Every permit shall show on the face thereof the name of the foreman or other person thereby authorized directly to superintend the blasting operations covered by the permit, together with the name of every person thereby authorized to participate in such blasting operations. A separate permit shall be required for the blasting incident to each separate construction, excavation or other project. If during the course of any authorized blasting operation any person named in the permit therefor is for any reason unable to continue his work under the permit the chief of the fire department may, upon application of the holder of the permit, substitute for such person any other qualified person. (Code 1961, § 6-71.)"~~

Sec. 7-40 reads as re-written:

"Sec. 7-40. Defined.

Repealed.

~~The term "pyrotechnic" or "pyrotechnics", whenever used in this article, shall be held to mean any sparkler, squib, rocket, firecracker, roman candle, fire balloon, signal light, railroad track torpedo, flashlight composition, firework or other device or composition used to obtain audible or visible pyrotechnic display. (Code 1961, § 6-78.)"~~

Sec. 7-41 reads as re-written:

"Sec. 7-41. Permits.

Repealed.

~~No person shall possess, store, sell or use pyrotechnics without securing a permit therefor. The chief of the fire department may, upon due application, issue a permit to a properly qualified person for giving a pyrotechnic display of fireworks in the public parks or other places within the city. Such permit shall impose such restrictions as may be necessary to safeguard~~

properly life and property in each case. (Code 1961, § 6-79.)”

Sec. 7-42 reads as re-written:

“Sec. 7-42. Sale.

Repealed.

~~No person shall sell at retail any pyrotechnics, except to a person holding a permit for a pyrotechnic display issued under the provisions of section 7-41; nor shall any person sell at wholesale any pyrotechnics to be resold in the city, except for an authorized pyrotechnic display. (Code 1961, § 6-80.)”~~

Sec. 7-43 reads as re-written:

“Sec. 7-43. Exceptions.

Repealed.

~~Nothing in this article shall be held to apply to the possession, sale or use of any normal stock of flashlight compositions by photographers or dealers in photographic supplies nor to the possession or use of signaling devices for current daily use by railroads or others requiring them. (Code 1961, § 6-81.)”~~

Sec. 7-44 reads as re-written:

“Sec. 7-44. Gasoline storage--Near buildings.

Repealed.

~~It shall be unlawful for any person to keep or store more than five gallons of gasoline in any part of the city, within one hundred feet of any building, unless such gasoline is kept in a tank or in a suitable closed container. (Code 1961, § 6-87.)”~~

Sec. 7-45 reads as re-written:

“Sec. 7-45. Same--Underground.

Repealed.

~~More than five gallons of gasoline, but not exceeding four thousand gallons, may be kept, if contained in a tank or suitable receptacle placed under the ground and entirely covered; provided, that the tank or receptacle be provided with a pump for drawing out the gasoline. (Code 1961, § 6-88.)”~~

Sec. 7-46 reads as re-written:

“Sec. 7-46. Kerosene.

Repealed.

~~It shall be unlawful for any person to keep or store in any part of the city more than three~~

~~barrels of kerosene or illuminating oils, and any person having kerosene or illuminating oils on any premises shall cause to be displayed a clear and legible sign bearing the words, 'Kerosene—Danger' or 'Oil—Danger', respectively; and any person having kerosene or illuminating oils on the premises shall notify in writing the chief of the fire department and the chief of police, as to the amount ordinarily kept and the exact location. (Code 1961, 6-93.)"~~

Sec. 7-47 reads as re-written:

"Sec. 7-47. Oil plants--Defined.

Repealed.

~~An "oil plant", within the meaning of this article, is any place where gasoline or other highly inflammable or explosive petroleum or other products are received in tank cars or other bulk quantities, stored and delivered by tank wagon or otherwise to dealers, consumers or places outside of such plant. (Code 1961, § 6-90.)"~~

Sec. 7-48 reads as re-written:

"Sec. 7-48. Same--Construction specifications.

Repealed.

~~No oil plant shall be established, located or maintained within the business or fire district or in or near a mercantile or manufacturing section, nor shall an oil plant be established or located within any other part of the city or within one mile in all directions thereof, unless its arrangement, construction, equipment and location conform to the following requirements:~~

- ~~(a) Construction of tanks generally. Each tank for storage of such products shall be of steel or reinforced concrete, shall conform to the specifications of the National Board of Fire Underwriters or U.S. Bureau of Standards and shall rest on noncombustible supports of ample strengthened stability, with a factor of safety not less than five. Shutoff gate valves shall be of gate type and vents shall be equipped with two or more layers of nickel gauze separated one half inch or more and of not larger than forty mesh to the inch. All tank supports shall be of brick or concrete or properly protected steel work, and all valves, vents and pumps shall be of such improved design, make or specifications and location as are approved by the National Board of Fire Underwriters or U.S. Bureau of Standards as modern and standard equipment for such purposes.~~
- ~~(b) Grounding and location of tanks. All such tanks shall be thoroughly and effectively grounded as protection against lightning and static electricity, and no such tank shall be located nearer than twenty five feet to the boundary line of the land occupied by the oil plant, except it be any building, not a part of such plant; provided, that in case of large storage tanks, twenty five thousand gallons capacity or over, the distance shall not be less than is prescribed by the rules and regulations of the National Board of Fire Underwriters.~~

(c) ~~Dykes.~~ Oil tanks shall not be located or maintained on land sloping towards combustible property or in proximity to streams or water fronts, where escaping oil could reach combustible property, unless such tanks shall be protected by an embankment or dyke, which protection shall have the capacity of not less than one and one half times the capacity of the tank or tanks surrounded and shall be at least four feet high, but in no case higher than one-fourth the height of the tank when the height of the tank exceeds sixteen feet. Such embankments or dykes shall be made of earthwork, reinforced concrete or sheet steel piling, properly joined, to be water and gasoline tight; such earthwork embankments shall be firmly and compactly built of good earth from which stones, vegetable matter, etc., have been removed, and shall have a flat section at the top of not less than three feet and a slope of at least two to one on the sides; such embankments or dykes shall be continuous, with no openings for piping or roadways, and all pipes installed or to be installed for filling or emptying such tanks shall be built or constructed over or under such embankment or dyke and brick or concrete steps shall be used where it is necessary to pass over.

(d)(a) ~~Fire extinguishing systems.~~ A foam extinguishing system, of a type approved by the state fire marshal, shall be installed for use in case of fire. (Code 1961, § 6-89.)”

Sec. 7-49 reads as re-written:

“Sec. 7-49. Same--Maintenance.

Repealed.

Every oil plant shall at all times be kept in proper shape and repair and clean and free from rubbish, litter and waste oils as will render it unnecessarily hazardous and a menace to life and property. (Code 1961, § 6-91.)”

Sec. 7-50 reads as re-written:

“Sec. 7-50. Same--Time limit for compliance.

Repealed.

Any oil plant already located within the limits of the city or within one mile thereof, in all directions, shall have six months from the adoption of this section within which to reconstruct or equip such plant to comply with the requirements of this article; provided, that such reconstruction shall not apply to the removal of any tank or other receptacles used for the storage of oils herein mentioned, because of the prohibited distance named herein; and provided, that the erection of buildings within the prohibited distance shall not operate for the removal of any tanks erected prior thereto. (Code 1961, § 6-92.)

Editor's note--This section was derived from the 1961 Code of the city.”

Sec. 7-51 reads as re-written:

"Sec. 7-51. Storage of kerosene, gasoline, etc., in cars, service stations, etc.

Repealed.

~~Nothing in this article shall be construed to prohibit the carrying of gasoline in proper storage tanks of automobiles, other motor driven vehicles or tank delivery trucks.~~

~~Dealers in gasoline, kerosene and illuminating oils may handle or keep stored such material outside of the fire limits when such material is stored in iron or steel tanks separated from any building used for any other purpose, or when such material is stored in a building constructed of brick or stone, covered with an iron roof or an arched roof of stone, brick or concrete, with no openings, except the doors, which shall be covered with iron or steel; and provided, that whenever any gasoline is kept in any quantity, there shall be displayed over the receptacle a clear legible sign bearing the words, "Gasoline Danger", and provided, that any and all persons keeping gasoline in any quantity shall notify the chief of the fire department and the chief of police, in writing, of the amount ordinarily to be kept, and of the exact location thereof. (Code 1961, § 6-94.)"~~

Sec. 7-52 reads as re-written:

"Sec. 7-52. Storage of inflammable non-liquids.

Repealed.

~~Storage of inflammable non-liquids is hereby prohibited within the city except as may be allowed by a permit issued by the City Council. (6-25-80)"~~

Sec. 7-53 reads as re-written:

"Sec. 7-53. Storage of inflammable liquids.

Repealed.

~~Storage of inflammable liquids is hereby prohibited within the city except by compliance with other provisions of this ordinance or as may be allowed by a permit issued by the City Council. (6-25-80)"~~

Sec. 7-54 reads as re-written:

"Sec. 7-54. Parking Prohibited in Fire Lanes

Repealed.

- ~~(a) Parking Prohibited in Fire Lanes: The parking in posted fire lanes or their obstruction in any manner where established to provide Fire Department access to buildings where fire protection systems are installed shall be prohibited. (Adopted March 10, 2003)~~

~~(b) Authority to Tow Improperly Parked Vehicles: The Fire Chief or his designees shall have the authority to have any vehicle in violation of this Section towed, in addition to any penalties. (Adopted March 10, 2003)~~

~~(c)(a) Application of Provisions: This Section shall apply to fire lanes on public as well as private property and fire apparatus access roads. (Adopted March 10, 2003)"~~



City of Mount Holly Informational Item

To: Mayor and City Council	Date: January 20, 2016
From: Miles Braswell, Director	Meeting Date: January 25, 2016
Agenda Item to be considered:	
Mount Holly Sign donated by the Archie Small Family once replaced with the new Gateway Signage Discussion	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request :	
During the January 11, 2016 City Council Meeting, the new Gateway Monument Sign Project was awarded to Image 360. Included in the bid was an alternate to dismantle and transport the existing City of Mount Holly sign located on Hwy. 273 to a City warehouse for storage.	
This existing sign was constructed by the Mount Holly Revitalization Committee in memory of Archie Small in 1995 (so states the bronze memorial plaque situated on the brick column).	
This informational item is a means to discuss potential locations for the existing sign once the new Gateway Monument Sign is constructed in its place.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☒ NO ☐ N/A
Budget Transfer required	☐ YES ☒ NO ☐ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A
Manager/Staff Recommendation: <u>Open comments to City Council as to the future location of the Mount Holly sign constructed in memory of Archie Small.</u>	
Result of City Council Decision:	
None Required – Informational Item Only	
Attachments: None	