

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: JULY 25, 2019

AGENDA ITEM NUMBER: 15

- SUBJECT:**
- A. ORDINANCE CREATING CHAPTER 9 OF THE FORSYTH COUNTY CODE ENTITLED "EMERGENCY MANAGEMENT"**
  - B. ORDINANCE REVISING CHAPTER 15 OF THE FORSYTH COUNTY CODE ENTITLED "OFFENSES-MISCELLANEOUS"**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:** Recommend Approval

**SUMMARY OF INFORMATION:** See Attached

**ATTACHMENTS:**  YES  NO

**SIGNATURE:**

*J. Dudley Watts Jr. /AMS*  
COUNTY MANAGER

**DATE:**

July 25, 2019

**ORDINANCE CREATING CHAPTER 9  
OF THE FORSYTH COUNTY CODE ENTITLED  
"EMERGENCY MANAGEMENT"**

**BE IT ORDAINED** by the Forsyth County Board of Commissioners that Chapter 9 of the Forsyth County Code, entitled "Emergency Management" consisting of Sections 9-1 through 9-27, is hereby adopted as shown in the attached Sections 9-1 through 9-27.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective upon final adoption.

Adopted this 25<sup>th</sup> day of July 2019.

**ORDINANCE CREATING CHAPTER 9  
OF THE FORSYTH COUNTY CODE ENTITLED  
"EMERGENCY MANAGEMENT"**

Be it ordained by the Forsyth County Board of Commissioners that the Forsyth County Code is hereby amended by adding Chapter 9, entitled, "Emergency Management," with three (3) Articles and twenty-seven (27) sections to be numbered as follows: Article I entitled "General" with sections 9-1, entitled "Emergency management organization," 9-2, entitled "Purpose of chapter", 9-3, entitled "Territorial applicability," 9-4, entitled "Violations of article," 9-5 entitled "Agency structure," 9-6 entitled "Duties and responsibilities of the director," 9-7 entitled "Emergency management plans," 9-8 entitled "Planning related to special facilities," 9-9 entitled "City and county departmental continuity plans," 9-10 entitled "Local Emergency Planning Committee," Section 9-11 entitled "Severability;" Sections 9-12 through and including 9-20 entitled "Reserved"; Article II entitled "State of Emergency" with the following sections: 9-21 entitled "Curfew and other restrictions authorized during state of emergency," Sections 9-22 through and including 9-25 entitled "Reserved;" and Article III entitled "Financial responsibility for emergencies involving hazardous materials" with the following sections: 9-26 entitled "Definitions," and 9-27 entitled "Financial responsibility."

**AUTHORITY**

The articles and sections of this ordinance are adopted pursuant to the authority conferred by Article 20 of Chapter 160A, Interlocal Cooperation, and Article 1A of Chapter 166A, North Carolina Emergency Management Act.

**ARTICLE I - GENERAL**

**Sec. 9-1. Emergency Management.**

There shall be a joint city/county office of emergency management. This office shall serve as the emergency management agency for the purposes of Chapter 166A of the North Carolina General Statutes and said office shall operate in accordance with joint resolutions adopted by the board of county commissioners and the city council, and in accordance with applicable state law.

**Sec. 9-2. Purpose of chapter.**

- a. The city/county office of emergency management ("emergency management agency") coordinates the response of governmental agencies and others to natural, manmade and nuclear disasters to ensure the complete and efficient utilization of all resources of the county and its municipalities in the event of an emergency or disaster. In addition, the agency outlines and implements standard emergency response procedures to minimize injury and property damage caused by such

disasters. As a result, the agency may find it necessary to recover the cost of equipment and materials utilized in such effort and hereby has the authority to do so.

- b. The emergency management agency shall serve as the coordinating entity for all activities in connection with emergency management within the city of Winston-Salem and Forsyth County and shall serve as the agency through which the Winston-Salem City Council (“city council”) and Forsyth County Board of Commissioners (“county commissioners”), and where appropriate other city (or town) councils within Forsyth County, exercise the authority and discharge the responsibilities vested in them during states of disaster or local emergency.
- c. This chapter does not relieve any city or county department or agency of the responsibilities or authority given to it by state law or by local charter, nor will it adversely affect the work of any volunteer agency organized for relief in disaster situations.
- d. This chapter shall not abridge or modify the authority of the governor or his or her delegates to implement emergency measures during declared states of disaster.
- e. The emergency management agency shall serve as the central coordinating agency for activities and programs relating to emergency and disaster mitigation, preparedness, response and recovery among agencies and officials of the city, county and with similar agencies and officials of other counties, the state and federal agencies, and with other private and quasi-official organizations.

**Sec. 9-3. Territorial applicability.**

The emergency management agency shall perform emergency management, mitigation, preparedness, disaster response, and recovery functions within the territorial limits of the city of Winston-Salem and Forsyth County including incorporated municipalities pursuant to duly adopted ordinances, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of North Carolina Statutes, mutual aid agreements, and in accordance with State and Forsyth County comprehensive emergency management planning.

**Sec. 9-4. Violations of article.**

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

**Sec. 9-5. Agency structure.**

The agency shall consist of the following:

1. A director who shall be recommended by the city manager, appointed by, and responsible to the city council and county commissioners. The director shall be supervised by the city manager and may be disciplined or terminated by recommendation of the city manager upon agreement of the city council and county commissioners;
2. Such other employees as the city deems necessary pursuant to the interlocal agreement between the city and county;
3. Such other relevant city and county departments, as deemed necessary by the city or county; and
4. Volunteer personnel and agencies offering services to and accepted by the city or county, where appropriate.

**Sec. 9-6. Duties and responsibilities of the director.**

- a. The director shall be responsible for the organization, administration and operation of the emergency management agency, subject to the direction and control by the city manager or his designee and the city council and county commissioners. The director shall serve as the coordinator of the emergency management agency, with such authority as set forth in N.C.G.S. 166A-19.15, and shall coordinate the activities, services and programs for emergency management and disaster response within the city limits and Forsyth County and shall maintain liaison with the state and federal authorities and the authorities of pertinent political subdivisions to insure the most effective operation and implementation of the emergency management plans.
- b. The director's duties shall include, but not be limited to the following:
  1. Manage a comprehensive emergency management program for the city of Winston-Salem and Forsyth County pursuant to N.C.G.S. 166A, including, but not limited to elements addressing mitigation activities, preparedness, responses to disasters and emergencies, and recovery operations.
  2. Compel and coordinate the activity of all other public and private agencies engaged in any emergency management activities within the county and its municipalities.
  3. Through public informational programs, educate the populace as to actions

necessary and required for the protection of persons and property in case of enemy attack, terrorism, or disaster, either impending or present.

4. Manage exercises to insure the efficient operation of the emergency management forces and to familiarize residents and partner agencies with emergency management regulations, procedures and operations.
5. Monitor and advise the city and county managers, and where appropriate other city and county officials, of any and all threats, emergencies or disasters that pose a risk to the lives and safety of the residents of Winston-Salem and Forsyth County, propose solutions for their decision on how best to protect people and property from imminent danger or from further damage.
6. Procure supplies and equipment, institute training programs, public preparedness information and education programs, manage and coordinate disaster drills and exercises in accordance with the city and county-wide emergency plans.
7. Enter into mutual aid agreements in collaboration with other public and private agencies within the state for reciprocal disaster aid and assistance in the event of a disaster or emergency that is too great a magnitude to be dealt with unassisted.
8. Manage the Winston-Salem/Forsyth County Emergency Operations Center (EOC) as the central coordinating entity during major emergencies or disasters.

**Sec. 9-7. Emergency management plans.**

- a. A city and countywide, all-hazard emergency operations plan shall be adopted and maintained by resolution of the city council and county commissioners. In the preparation of this plan, the services, equipment, facilities and personnel of all existing departments and agencies shall be used to the fullest extent. When the plan is approved, each department or agency shall perform those functions assigned to it by the plan and shall maintain a current state of readiness at all times. The emergency operations plan shall have the full effect of local law whenever an emergency or disaster occurs.
- b. Supporting plans shall be maintained by the emergency management agency to ensure coordinated activities in the mitigation, preparedness, response, and recovery phases of emergency management. In the preparation of these plans, the services,

equipment, facilities and personnel of all existing departments and agencies shall be used to the fullest extent. When the plans are published, each department or agency shall perform those functions assigned to it by the plans.

- c. The emergency management agency shall describe in emergency plans those positions within the disaster organization, in addition to the agency head, for which lines of succession are necessary. In each instance, the responsible person shall designate and file with the emergency management agency a current list of three persons to be successors to each key position. The list shall be in order of succession and shall designate persons most capable of carrying out all duties and functions assigned to the position.
- d. Each department designated in emergency plans shall be responsible for carrying out all designated duties and functions designated by the plan. Duties will include organization and training of assigned employees and volunteers. Each department shall formulate procedures to implement the plan for the organization.
- e. When a skill required for a disaster relief function is not available within local government, the director shall be authorized to seek assistance beyond local government resources.

**Sec. 9-8. Planning related special facilities.**

- a. Special facilities are those institutions or organizations whose populations are dependent upon the institution for transportation or care.
- b. Special facilities are required to have a plan in place to be self-sufficient in an emergency that would require evacuation of their facility due to a natural or technological disaster.
- c. These institutions include, but are not limited to, assisted living facilities, hospitals, schools (public and private), day care centers, elderly care centers or similar organizations.
- d. The institutions shall submit copies of their disaster plan to the emergency management agency for review on a regular basis as defined by the emergency management agency. Such review does not constitute approval of the disaster plan.

**Sec. 9-9. City and county departmental continuity plans.**

To facilitate emergency preparedness planning for Winston-Salem and Forsyth County, all City and Forsyth County departments, authorities, independent agencies, and constitutional officers shall prepare and periodically revise continuity of operations plans pursuant to directions and guidelines from the emergency management agency. These continuity plans

must establish a comprehensive and effective program that maintains the continuity of essential departmental functions during any emergency or other situation that disrupts normal operations. The City and Forsyth County shall ensure that such contingency plans are consistent with other emergency and disaster plans within the City and Forsyth County in format and shall address at a minimum the following areas:

1. Assignment of personnel as the continuity of operations program manager;
2. Direction and control including authorities and responsibilities of key personnel, the succession of key departmental leadership, and delegations of authority;
3. Identification of essential and non-essential departmental functions and staffing capabilities required to continue providing essential functions;
4. Activation, mobilization, relocation, alert, notification and implementation plans for activating the continuity of operations plan;
5. Alternate facility operations;
6. Communications (primary and back-up) systems that will be used to keep employees, on-duty and off-duty, informed of departmental response activities, to coordinate employees in order to carry out departmental missions, to keep in contact with customers and suppliers, and to coordinate with the City and Forsyth County EOC;
7. Protection of facilities, equipment, supplies, and vital records;
8. Recovery and restoration of services including employee support, critical asset repair/replacement, and the continuity of operations;
9. Administration and logistics.

**Sec. 9-10 - Forsyth County Local Emergency Planning Committee.**

- a. **Purpose.** The Forsyth County Local Emergency Planning Committee, established pursuant to the United States Environmental Protection Agency's Emergency Planning and Community Right-to-Know Act, shall advise the emergency management agency regarding community emergency preparedness activities including, but not limited to, training exercises, identifying hazards, and emergency response resources.
- b. **Membership and appointment.** The Forsyth County Local Emergency Planning Committee shall include capacity appointments representing elected state and local officials; police, fire, civil defense, and public health professionals; environment, transportation, and hospital officials; facility representatives; and representatives from community groups and the media. Members serving in such capacity appointments shall be appointed by the director, subject to approval by the State of North Carolina.



The city council and the county commission shall each appoint two members respectively to the Forsyth County Local Emergency Planning Committee.

**Sec. 9-11 - Severability**

Should any provision of this subchapter be declared invalid for any reason, by any court of competent jurisdiction, such declaration of invalidity shall not affect the validity of the provisions or of this subchapter as a whole.

**Sec. 9-12 - 9-20. RESERVED.**

**ARTICLE II - STATE OF EMERGENCY**

**Sec. 9-21. Curfew and other restrictions authorized during state of emergency.**

- a. A state of emergency shall exist whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, or wherever the occurrence of any such condition is imminent.
- b. The chairman of the board of county commissioners and the board of county commissioners, or either, shall have the authority to determine and proclaim the existence of a state of emergency, in all or part of the unincorporated area of Forsyth County and to impose necessary prohibitions and restrictions:

1. Of movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction; prescribing routes, modes of transportation, and destinations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area;
2. Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;
3. Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages;
4. Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term "dangerous weapons and

substances" has the same meaning as it does under G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. 14-409.39(2); and

5. Upon 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.

**c. Duration of State of Emergency**

1. A proclamation under this section shall take effect immediately upon issuance unless otherwise stated in the proclamation. The chairman or board of commissioners shall immediately report the substance of applicable prohibitions and restrictions to the mass communications media serving Forsyth County, and as soon as practicable shall distribute the full text of any proclamation under this section to the mass communications media serving Forsyth County for general distribution to the public.
2. Prohibitions and restrictions imposed by a proclamation shall expire within five (5) days following their last imposition unless extended or terminated by further proclamation prior to the expiration of said five (5) days. Prohibitions and restrictions may be extended as to time or area, amended, or rescinded by proclamation of the chairman or by the board of commissioners. The chairman or the board of commissioners shall proclaim the termination of any prohibitions and restrictions imposed under the authority of this section upon a determination that they are no longer necessary.
3. Any person who violates any provision of a proclamation issued under this section shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

(Ord. No. 4-2017, 10-12-17)

**State Law reference—** G.S. 166A-19.22 and G.S. 166A-19.31.

**Sec. 9-22 - 9-25. RESERVED.**

**ARTICLE III - FINANCIAL RESPONSIBILITY FOR EMERGENCIES INVOLVING  
HAZARDOUS MATERIALS**

**Sec. 9-26 - Definitions**

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

*Having control* means, but is not limited to, any person using, transferring, storing or transporting a hazardous material onto the land or into the air or the waters of the county.

*Hazardous material* means any substance which, when discharged in any quantity, may present an imminent and substantial danger to the public health or welfare or to the environment.

*Hazardous material response* means the sending of equipment, resources and materials to abate hazardous materials which endanger the health or safety of persons or the environment.

*Person* includes individuals, firms, partnerships, associations, institutions, corporations, local governments and governmental agencies.

**Sec. 9-27. Financial responsibility.**

- a. *Generally; billing and collection of costs.* The spilling of hazardous materials is dangerous and prejudicial to public health and safety and shall constitute a nuisance under G.S. 160A-193. The property owner or the person exercising or having control over the hazardous materials that created the emergency and nuisance shall be financially responsible for any expenses incurred by the county or a volunteer fire department during the abatement, containment, and control of hazardous materials. The office of emergency management, through the county finance department, shall be responsible for billing and collecting from said owner or other persons all such costs associated with a hazardous materials response by the office of emergency management.
- b. *Lien for payment of charges.* Failure of the person in default to pay the charges assessed shall give the county the right to levy a lien upon the land or premises where the hazardous material response arose. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes pursuant to authority in G.S. 153A-140. The expense of the action is also a lien on any other real property owned by the person in default within the county, except for the person's primary residence. The additional lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection, as it relates to the additional lien, shall not apply if the person in default can show that the nuisance was created solely by the actions of another.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

**ORDINANCE REVISING CHAPTER 15  
OF THE FORSYTH COUNTY CODE ENTITLED  
"OFFENSES-MISCELLANEOUS"**

**BE IT ORDAINED** by the Forsyth County Board of Commissioners that Chapter 15 of the Forsyth County Code, entitled "Offenses-Miscellaneous" consisting of Sections 15-1 through 15-27, is hereby revised as shown in the attached Sections 15-1 through 15-27.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective upon final adoption.

Adopted this 25<sup>th</sup> day of July 2019.

## Chapter 15 - OFFENSES—MISCELLANEOUS<sup>III</sup>

Footnotes:

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**Editor's note**— Ord. No. 4-2017, adopted Oct. 12, 2017, amended Ch. 15 in its entirety to read as herein set out. Former Ch. 15, §§ 15-1—15-28, pertained to similar subject matter and derived from Ord. of 11-20-72, § 1; Ord. No. 4-77, § 2, 5-16-77; Ord. No. 5-78, § 1, 7-17-78; Ord. No. 6-83(A), § 3, 6-13-83; Ord. No. 9-85, § 1, 12-9-85; Ord. No. 4-88, § 1, 3-14-88; Ord. No. 1-90, § 1, 3-26-90; Ord. No. 3-90, § 1, 4-23-90; Ord. No. 6-90, § 1, 5-14-90; Ord. No. 12-91, §§ 1—3, 9-23-91; Ord. No. 15-91, §§ 1—3, 11-11-91; Ord. No. 2-92, §§ 3, 4, 6, 4-13-92; Ord. No. 3-95, §§ 1, 2, 7-10-95; Ord. No. 2-96, §§ 1—3, 8-12-96; Ord. No. 4-96, 9-23-96; Ord. No. 5-96, 9-23-96; Ord. No. 3-99, § 1, 4-26-99; Ord. No. 1-2012, 2-27-12; Ord. No. 2-2014, 10-14-13.

### ARTICLE I. - IN GENERAL

Sec. 15-1. - Loud and disturbing noise.

- (a) Subject to the provisions of this section, the production or emission of noise, amplified speech, music, or other sounds that disturb or frighten individuals and is detrimental to the health, safety or welfare of any individual and the peace and dignity of the county is prohibited.
- (b) The following acts, among others, are declared to be loud, disturbing, or frightening noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

At any time during the day or night:

- (1) The use of any loud, boisterous or raucous language or shouting so as to frighten or disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in the vicinity.
- (2) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the production by means of any such signal device of any unreasonably loud, disturbing, or frightening sound; and the sounding of such device for an unreasonable period of time.
- (3) The keeping of any animal which, by causing frequent or long continued noise, shall frighten or disturb the quiet comfort and repose of any reasonable person of ordinary sensibilities in the vicinity, however, the provisions of this ordinance are preempted by state laws relating to farming and may not interfere with lawful farm operations.
- (4) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other disturbing noise.

At any time during the day or night, but particularly during hours between 11:00 p.m. and 7:00 a.m.:

- (5) The playing of any radio, phonograph, musical instrument, or sound production or amplifying equipment in such manner or with such volume at any time, during the day, or night, but particularly during hours between 11:00 p.m. and 7:00 a.m., as to frighten or disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling, hotel or other type of residence in the vicinity.
- (c) *Noise limit.* It shall be unlawful to:

- (1) Cause, allow or permit the operating or playing of any radio, tape player or similar device that reproduces or amplifies sound in such a manner as to produce disturbing or frightening noise at one hundred (100) feet from the device or vehicle containing that device when the device or vehicle is being operated in or on a public right-of-way or public space.
- (2) This section shall not apply to emergency operations designed to protect the public health and safety, or the agricultural operations and farms in the unincorporated area of Forsyth County, or the sound amplification in conjunction with a county festival.

(Ord. No. 4-2017, 10-12-17)

**State Law reference**— Authority to regulate, restrict or prohibit noise, G.S. § 153A-133.

Sec. 15-1.1. - Penalty for violation.

- (a) Violation of section 15-1, entitled "Loud and disturbing noise," subjects the offender to a civil penalty to be recovered by Forsyth County in a civil action in the nature of a debt if the offender does not pay the penalty within a prescribed time period after being cited for violation of this ordinance.
- (b) The violator may be charged with a Class 3 misdemeanor punishable in accordance to G.S. 14-4 with a fine of up to five hundred dollars (\$500.00) and/or other sanctions allowed by law.

(Ord. No. 4-2017, 10-12-17)

~~Sec. 15-2. State of emergency.~~

- ~~(a) The chairman of the board of county commissioners and the board of county commissioners, or either, shall have the authority to determine and proclaim the existence of a state of emergency, in all or part of the unincorporated area of Forsyth County and to impose necessary prohibitions and restrictions:~~
  - ~~(1) Of movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction; prescribing routes, modes of transportation, and destinations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area;~~
  - ~~(2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;~~
  - ~~(3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages;~~
  - ~~(4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term "dangerous weapons and substances" has the same meaning as~~

~~it does under G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. 14-409.39(2); and~~

- ~~(5) Upon 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.~~

~~A state of emergency shall exist whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, or wherever the occurrence of any such conditions is imminent.~~

- ~~(b) A proclamation under this section shall take effect immediately upon issuance unless otherwise stated in the proclamation. The chairman or board of commissioners shall immediately report the substance of applicable prohibitions and restrictions to the mass communications media serving Forsyth County, and as soon as practicable shall distribute the full text of any proclamation under this section to the mass communications media serving Forsyth County for general distribution to the public.~~

- ~~(c) Prohibitions and restrictions imposed by a proclamation shall expire within five (5) days next following their last imposition unless extended or terminated by further proclamation prior to the expiration of said five (5) days. Prohibitions and restrictions may be extended as to time or area, amended, or rescinded by proclamation of the chairman or by the board of commissioners. The chairman or the board of commissioners shall proclaim the termination of any prohibitions and restrictions imposed under the authority of this section upon a determination that they are no longer necessary.~~

- ~~(d) Any person who violates any provision of a proclamation issued under this section shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.~~

~~(Ord. No. 4 2017, 10-12-17)~~

~~State Law reference — G.S. 166A-19.22 and G.S. 166A-19.31.~~

~~Sec. 15-3. Hazardous materials response; financial responsibility.~~

- ~~(a) Purpose and authority. The Winston-Salem/Forsyth County Office of Emergency Management coordinates the response of governmental agencies and the general public to natural, man-made and nuclear disasters. In addition, the office outlines and implements standard emergency response procedures to minimize suffering and property damage caused by said disasters. As a result of such, the office finds it necessary to recover the cost of resources utilized in such effort.~~

- ~~(b) Definitions. For the purpose of this section:~~

~~*Having control over* means, but is not limited to, any person using, transferring, storing, or transporting a hazardous material on to the land or into the air or the waters of the county.~~

~~*Hazardous material* means any substance which, when discharged in any quantity, may present an imminent and substantial danger to the public health or welfare or to the environment.~~

~~*Hazardous material response* means the sending of equipment, resources, and materials by the county or at the request of the county to abate hazardous materials which endanger the health or safety of persons or the environment.~~



~~Person includes individuals, firms, partnerships, associations, institutions, corporations, local governments, and governmental agencies.~~

~~(e) Responsibility; fees and charges.~~

~~(1) The property owner and/or the person exercising or having control over the hazardous materials that created the emergency shall be financially responsible for any expense incurred by the county or a volunteer fire department during the abatement, containment, and control of hazardous materials. The Winston Salem/Forsyth County Office of Emergency Management, through the county finance department, shall be responsible for billing and collecting from said owner and/or persons all such costs associated with a hazardous materials response by said office.~~

~~(2) Failure to pay the charges as assessed shall give the county the right to levy a lien upon the land or the premises where the hazardous material response arose and the levy shall be collected in the same manner as unpaid taxes pursuant to authority of G.S. 153A-140.~~

~~(Ord. No. 4 2017, 10-12-17)~~

~~State Law reference— G.S. 14-409.40.~~

~~Sec. 15.2 - 15-4. - Reserved.~~

~~Sec. 15-5. - Restrictions regarding discharge of firearms; exceptions.~~

~~(a) *Restrictions.* No person shall, without the written permission of the current owner or lawful occupant of such property, discharge a firearm within three hundred (300) feet of a dwelling or other building or structure, which is designed to be occupied by human beings. Such written permission must be dated, shall be valid for no longer than one (1) year after its issuance and must be displayed upon the request of any law enforcement officer with authority to enforce this section.~~

~~(b) *Exceptions.* This section shall not be construed as prohibiting discharge of a firearm when used:~~

~~(1) In defense of person or property;~~

~~(2) To take birds or animals pursuant to G.S. Chapter 113, Subchapter IV, Game Laws;~~

~~(3) Pursuant to lawful directions of law enforcement officers.~~

~~(Ord. No. 4-2017, 10-12-17)~~

~~Cross reference— Penalty provisions, § 15-1.1.~~

~~State Law reference— G.S. 153A-129.~~

~~Secs. 15-6—15-15. - Reserved.~~

~~ARTICLE II. - RESERVED~~

~~Secs. 15-16—15-19. - Reserved.~~

~~ARTICLE III. - COUNTY-OWNED PROPERTY<sup>[2]</sup>~~

Footnotes:

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**Editor's note**— It should be noted that a resolution adopted by the county on Sept. 11, 1995 provided as follows: ". . . as the expression of past policy and practice, and subject to applicable laws, ordinances and Board resolutions, the County Manager is authorized to determine the use and location of County owned, leased or occupied premises, space or real property by and for departments, agencies and offices of the County government and of the General Court of Justice, including use by invitees, members of the public and others of said premises; and to determine the conditions of possession, use and control of the premises or property on behalf of the County. This authority expressly includes, but is not limited to: assignment of space in County buildings; assignment of parking spaces, and prohibiting the carrying of weapons and/or concealed handguns on County owned, leased or occupied premises."

Sec. 15-20. - Solid waste.

It shall be unlawful for any person to place, discard, dispose, leave or dump any trash, debris, garbage, litter, discarded cans or receptacles, or any waste matter whatsoever upon county-owned property unless it is placed in an authorized and lawfully designated location or container.

(Ord. No. 4-2017, 10-12-17)

**State Law reference**— G.S. 153A-136.

Sec. 15-21. - Reserved.

**Editor's note**— Ord. No. 6-13, entitled, "Running at large prohibited," more thoroughly addresses animals running at large.

Sec. 15-22. - Entry on property.

- (a) It shall be unlawful for any person to trespass upon a golf course owned or operated by the county. For the purposes of this section, a person shall be deemed to be trespassing on the golf course if he goes upon the fairways, greens, tees, or sand traps when he is not engaged in golfing activities as a player, caddy, maintenance worker, officer, representative or agent of the county, or is not otherwise engaged in legitimate pursuits relating to or associated with participation in the playing of golf or operation or maintenance of the golf facilities. Nothing herein shall be construed to make unlawful the entry upon a golf course owned or operated by the county when such entry is with the knowledge and approval of authorized employees, representatives, invitees or agents of the county, as for example, galleries attending tournaments or persons accompanying players who are playing golf. It is the purpose of this section to make unlawful the entry upon the golf course by persons who have no legitimate reason for being on the course insofar as the playing of the game of golf is concerned or insofar as the operation and maintenance of the golf course is concerned.
- (b) It shall be unlawful to enter county-owned property or any of its facilities without permission or without payment of applicable fees or charges, if any.

(Ord. No. 4-2017, 10-12-17)

Sec. 15-23. - Reserved.

Sec. 15-24. - Damage to plant growth.

Cutting, digging, picking, pulling, removing or damaging in whole or part trees, flowers, or other plants, whether cultivated or wild, or breaking branches from any tree or shrub located on county-owned property is prohibited, except where undertaken by county representatives for growth management and maintenance purposes.

(Ord. No. 4-2017, 10-12-17)

**State Law reference—** G.S. 14-129.

Sec. 15-25. - Violations.

If any person shall violate a provision of sections 15-20 through 15-24 or any valid regulation pertaining to county-owned property and shall refuse upon request to remedy said violation, said person may be requested to leave the premises and upon the person's failure to do so, he shall be deemed a trespasser and subject to all remedies as provided by law in addition to the remedies for violating this Code or any valid regulation.

(Ord. No. 4-2017, 10-12-17)

Sec. 15-26. - Possession or consumption of alcoholic beverages at county park sites.

- (a) The consumption of malt beverages and unfortified wine and the possession or consumption of any fortified wine, spirituous liquor or mixed beverages, as defined in G.S. Chapter 18B, is prohibited at the following county parks or recreation sites, except in areas designated by the county manager or his representative in charge of the premises where consumption, or possession or consumption of those beverages or some of those substances and beverages may be allowed by the county manager during stated hours and subject to such restrictions and conditions as the county manager or his representative may prescribe by regulations adopted: Horizons, Joanie Moser, Union Cross, Old U.S. 421, C.G. Hill, Old Richmond, Wright Courthouse, Walkertown Community Park, Tanglewood Park, Kernersville Lake Park and other county parks or recreation sites owned or occupied by the county. The provisions of this section shall also apply to any alcoholic beverage having less than one-half of one percent (0.005) alcohol by volume, except a violation is punishable as provided in Chapter 1 of the Code.
- (b) Notice of the general prohibition and any regulations allowing possession or consumption which are adopted by the county manager or his authorized representative shall be filed with the clerk to the board and shall be posted in conspicuous locations at the affected park sites. In addition, areas designated where possession or consumption is allowed shall be clearly defined in any regulations.
- (c) The violation of this ordinance and resolution shall constitute a misdemeanor, punishable as provided in G.S. 18B-102(b).
- (d) This ordinance and resolution is adopted as authorized by G.S. 18B-300(c), 18B-301(f)(4) and other applicable laws.

(Ord. No. 4-2017, 10-12-17)

**State Law reference**— Authority to regulate the possession and consumption of alcoholic beverages, G.S. 18B-300(c), 18B-301(f)(4).

Sec. 15-27. - Weapons on county property.

(a) *Prohibited.* No person shall possess or carry, in or on any Forsyth County buildings and their appurtenant premises, or in or on any Forsyth County park or recreational facility, owned, leased as lessee, operated, managed and/or controlled by Forsyth County, openly or concealed about his person, any pistol or gun, bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other deadly weapon of like kind, unless otherwise authorized by law.

(b) *Concealed handguns.*

(1) Subject to the provisions of G.S. 14-415.11(c), no person who has a concealed handgun permit shall carry a concealed handgun in or on any Forsyth County buildings, or their appurtenant premises, now or hereafter owned, leased as lessee, operated, managed, and/or controlled by Forsyth County, where prohibited by posting.

(2) Unless otherwise prohibited by law, the concealed handgun permittee may, nevertheless, secure his/her handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle while parking in any parking area on property owned, leased as lessee, operated, managed and/or controlled by Forsyth County regardless of whether such parking area is appurtenant to any building or facility in which firearms are prohibited by this section.

(c) *Park property.* Unless otherwise specifically provided by law, a concealed handgun permittee may possess and carry a concealed handgun in or on the following county park facilities:

- (1) Union Cross Park;
- (2) Kernersville Lake Park;
- (3) Walkertown Community Park;
- (4) Horizons Park;
- (5) C.G. Hill Memorial Park;
- (6) U.S. 421 River Park;
- (7) Joanie Moser Memorial Park;
- (8) Fred Sturmer Memorial Park;
- (9) Tanglewood Park.

\* *Triad Park.* The entrance and recreational facilities of Triad Park are located within Guilford County. Consistent with Guilford County's ordinance, and to provide consistency at Triad Park, unless otherwise provided by law, subject to the provisions of G.S. 14-415.11(c), no person who has a concealed handgun permit shall carry a concealed handgun in or on any Triad Park recreational facilities and buildings, or their appurtenant premises, where prohibited by posting. The concealed handgun permittee may, nevertheless, secure

the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle.

- (d) *Exemptions.* This section shall not apply to those individuals exempted under G.S. 14-269, except as otherwise specifically addressed by law.
- (e) *Posting of signs required.* The county manager is hereby ordered to post appropriate signage consistent with the provisions of state law and this section at each county park facility now or hereafter owned, leased as lessee, operated, managed, or controlled by Forsyth County.
- (f) *Location of signs.* Said signs shall be visibly posted on the exterior of each entrance by which the general public can access the building and appurtenant premises. The county manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building and appurtenant premises.
- (g) *Violations.* Any person who possesses or carries a weapon on county property where prohibited shall be punished as provided by state law.

(Ord. No. 4-2017, 10-12-17)

**State Law reference**— Statewide uniformity concerning legal carry of concealed handgun; exceptions, G.S. 14-415.23.

Sec. 15-28. - Violations and penalties.

If any person shall violate this ordinance or chapter or any provision thereof, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).

(Ord. No. 4-2017, 10-12-17)