

AN ORDINANCE OF THE COUNTY OF LENOIR, NORTH CAROLINA, WHICH PROVIDES FOR DEBRIS REMOVAL IN PRIVATE COMMUNITY STREETS TO ALLOW FOR PUBLIC SAFETY OPERATIONS AND TO PROVIDE FOR DEBRIS REMOVAL FROM PRIVATE PROPERTY IN CERTAIN LARGE-SCALE DISASTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; ADDRESSING THE NEED YEAR ROUND; PROVIDING AN EFFECTIVE DATE OF NOVEMBER 17, 2008

WHEREAS, the debris resulting from a natural or man-made disaster can block streets and can hinder the County's ability to provide emergency services to its citizens and to fight fires and save lives; and

WHEREAS, this condition can exist on private community streets as well as public streets; and

WHEREAS, this condition is detrimental to the health, safety and welfare of the residents in private communities, as well as the County at large; and

WHEREAS, the County has jurisdiction over all private roads in the County for the purposes set forth herein; and

WHEREAS, the County has the obligation, authority and responsibility to protect all of its citizens and to enforce its laws on private streets and to provide government services thereon; this obligation, authority and responsibility exists independent of this Ordinance, but is affirmed hereby as a matter of record; and

WHEREAS, generally debris removal from private property following a disaster is the responsibility of the property owner, large-scale disasters may deposit enormous quantities of debris on private property over a large area resulting in widespread immediate threats to the public-at-large and may constitute an immediate threat to the economic recovery of the community at large in that such debris may overwhelm the ability of private landowners to remove it in a timely fashion:

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF
THE COUNTY OF LENOIR, NORTH CAROLINA:**

The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

(a) The County has the authority and responsibility to protect the public health and safety, to enter upon and clear debris from public and private streets, to clear and remove debris to permit access by public emergency vehicles and other municipal service providers.

(b) The County may exercise its authority to implement the measures set forth herein when the Chairman of the Board of County Commissioners declares a local state of emergency pursuant to the provisions of Chapter 14, Article 36A, of the North Carolina General Statutes.

(c) In order to respond to emergency conditions, the County must expeditiously clear debris from all roads, including roads in private communities. This is necessary to eliminate an imminent threat to the public health, safety and welfare.

(d) The County is hereby authorized to remove debris from private roads, rights-of-way, and ingress/egress easements in private communities. Such debris removal is restricted to streets and rights-of-ways and ingress and egress easements, in order to clear them for emergency vehicle travel and delivery of services essential to the public health and safety. No other property will be cleared in a private community. This provision shall apply only to streets where the County regularly provides access for emergency vehicles and the enforcement of County regulations, as well as access for municipal and other public service vehicles. Debris will be removed from private streets, rights-of-ways and ingress/egress easements only when there is unrestricted access to them following a declaration of a local state of emergency as provided herein.

(e) The County shall conduct similar operations on public streets.

(f) This ordinance shall not be interpreted to create any obligations for the County to clear private streets except as deemed necessary to eliminate an imminent threat to the public health, safety, and welfare by the Lenoir County Emergency Services Director or his designee.

(g) In addition to the authority to remove debris from private streets upon authorization of the Lenoir County Emergency Services Director or his designee, the County shall have authority to authorize debris removal from private property under the following conditions: Upon a finding by the Lenoir County Manager or his designee that Federal Emergency Management Agency (FEMA) criteria have been met for eligibility of debris removal work from private property under the Public Assistance Program, he may authorize such work if it is necessary to: (1) eliminate immediate threats to life, public health, and safety; or (2) eliminate immediate threats of significant damage to improved public or private property; or (3) ensure economic recovery of the affected community to the benefit of the community-at-large. Lenoir County shall have the legal responsibility to take action where there is an immediate threat to life, public health, and safety regardless of whether there is any expectation or request that FEMA will reimburse costs incurred for private property debris removal. Where debris is removed from private property to eliminate immediate threats of significant damage to improved public or private property; or to ensure economic recovery of the affected community to the benefit of the community-at-large, Lenoir County shall make a reasonable effort to locate the property owner or tenant of the property and obtain his or her signed permission to remove the debris. In the event of a large-scale disaster, Lenoir County recognizes that it may not be able to locate the property owner or tenant in a timely manner, and in that event it may proceed with the debris removal if reasonable efforts to locate him or her are unsuccessful after 24 hours.

Section 2: That in the event any provision or application of this ordinance shall be held to be invalid, it is the legislative intent of the County commissioners that the other provisions and applications hereof shall not be thereby affected.

Section 3: That the provisions of this ordinance shall be codified within the Code of Ordinances of the County of Lenoir, NC, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 4: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 5: That this ordinance shall be in full force and effect immediately upon its passage.

AMENDMENTS:

MOVED Stroud SECOND Brown

APPROVED DENIED UNANIMOUS

YEA VOTES: Brown Davis Graham Harper

Humphrey Stroud Taylor

Paul H. Taylor, Jr.
Paul H. Taylor, Jr., Chairman

11/17/08
Date

Murphy
ATTEST

11/17/08
Date