

**AN HAZARDOUS ORDINANCE FOR  
HAZARDOUS MATERIALS PROTECTION IN LENOIR COUNTY**

BE IT AND IT IS HEREBY ORDAINED by the Board of Commissioners of Lenoir County, North Carolina, as follows:

Section 1. Hazardous Materials and Substances

(A) Definitions

The following words, phrases, and terms when used in this Section, shall have the meanings ascribed to them in this Section and applicable regulations of the U.S. Environmental Protection Agency and the North Carolina Department of Environment, Health and Natural Resources, except where the context clearly indicates a different meaning.

**Hazardous material:** 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.

**Having control over:** shall mean but not limited to any person using, transferring, storing or transporting a hazardous material immediately prior to release of such hazardous material onto the land or into the air or the waters of the county.

**Hazardous material response:** The sending of fire department or its agent(s), personnel, or equipment to abate, control, or remedy the spread of hazardous materials which endanger the health or safety of persons or the environment.

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

(B) Purpose and Activity

(1) The Lenoir County Emergency Services Director or his designee shall have the authority to summarily abate, remedy, or control the spread of hazardous materials which are emitted into the environment in such a manner as to endanger the health or safety of the general public or the environment.

(2) The Lenoir County Emergency Services Director shall have authority to enter public or private property, with or without the owner's consent, to respond to such hazardous materials emergencies.

(3) The Lenoir County Emergency Services Director or his designee shall determine the type, amount and quantity of equipment and personnel required to adequately abate, remedy or control the spread of all hazardous materials which are emitted into the environment.

(C) Responsibility

The property owner and/or the person exercising control over the hazardous materials that create the hazardous materials emergency shall be held financially liable for the response, abatement, control, and remedial costs incurred by the Lenoir County or its agent(s) during the emergency. The property owner and/or the person exercising control over such hazardous material shall assist Lenoir County or its agent(s) in abatement, removal, control and remedial measures associated with the hazardous material emergency. Assistance shall consist of any or all of the following:

- (1) Comply with the direction of the Lenoir County Emergency Services Director;
- (2) Supply emergency response plan information for the site.
- (3) Supply emergency response equipment, personnel, and materials available on the site.

(D) Fees and Charges

The fees and charges for hazardous materials emergency response on behalf of Lenoir County or its agent(s) shall be established by the Board of County Commissioners of Lenoir County from time to time and set forth in the Lenoir County Manual of Fees and Charges, a copy of which shall be maintained in the office of the Lenoir County Emergency Services Director and the Lenoir County Finance Office, and shall contain a schedule of types and amounts of charges authorized.

(E) Payment of Costs

(1) Upon completion of response to a hazardous materials emergency by Lenoir County or its agent(s) under the provisions of this Section, the County shall thereupon mail or deliver to the owner of and/or the person having control over the hazardous materials that created the emergency a bill covering the costs of response, including but not limited to abatement, remediation, control and removal.

(2) As provided for in Section 160A-193 of the General Statutes, the amount of the bill shall become a lien upon such property, land, or premises where the hazardous materials emergency arose, and if not paid within thirty (30) days, shall be collected in the same manner as provided for the collection of delinquent or unpaid taxes.

This Ordinance shall be effective on and after the date of its passage.

Adopted this 4th day of March 1991.

Revision adopted the 7<sup>th</sup> day of November 2005.

LENOIR COUNTY BOARD OF COMMISSIONERS

*George W. Graham, Jr.*

By: George Graham, Chairman

ATTEST:

*Lashonda Aytch*  
Clerk, Lenoir County Board of Commissioners

**AN ORDINANCE ESTABLISHING FEES AND CHARGES  
FOR HAZARDOUS MATERIALS RESPONSE**

BE IT ORDAINED by the Board of Commissioners of Lenoir County as follows:

Hazardous Materials Response

The charges for hazardous materials emergency response on behalf of Lenoir County or its agent(s) shall be based upon the following schedule:

- A. Engine company response shall be \$ 150.00 for each hour, or any part thereof.
- B. Additional engine company response shall be \$150.00 for each hour or any part thereof.
- C. Hazardous materials units response shall be \$300.00 for each hour or any part thereof.
- D. Truck company response shall be \$150.00 for each hour or any part thereof.
- E. Fire/Medic squad response shall be \$75.00 for each hour or any part thereof.
- F. Battalion Chief response shall be \$25.00 for each hour or any part thereof.
- G. Any other actual costs of abatement, control, removal or remediation of the hazardous materials other than set out above, including but not limited to the costs of services rendered by Lenoir County, other departments or outside contractors or agents acting on behalf of the County.

This Ordinance shall be effective on and after the date of its passage.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 1991.  
Revision adopted the 7<sup>th</sup> day of November 2005.

LENOIR COUNTY BOARD OF  
COMMISSIONERS

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By: George Graham, Chairman

