



Ordinance O17-024

Introduced By: John Grimes

Date: December 21, 2017

Ordinance Amending Article V. Fire Protection and Prevention of the Code of Ordinances, Town of Leland, North Carolina

BE IT ORDAINED:

BE IT ORDAINED:

1. That ARTICLE V. FIRE PROTECTION AND PREVENTION of the Code of Ordinances, Town of Leland, North Carolina is hereby repealed in its entirety and the following substituted in lieu therefore:

ARTICLE V. FIRE PREVENTION AND PROTECTION

Sec. 8-210. Title.

This ordinance shall be known and may be cited as the Fire Prevention Code of the Town of Leland, North Carolina.

Sec. 8-211. Jurisdiction.

This chapter is effective as allowed by law, in all areas of the municipality.

Sec. 8-212. Definitions.

For the purposes of this ordinance, the following definitions shall apply:

AGST shall mean above ground storage tank or a tank designed and approved to store flammable or combustible liquids or gases at or above normal atmospheric pressure while situated above ground.

Authority Having Jurisdiction (AHJ) shall mean the Chief of the fire department or his designee.

Knox Box shall mean a rapid entry key security system consisting of a hardened steel box installed at a strategic location outside of a building in which master keys to a facility are placed. The Knox Box is then locked by a representative of the fire department. In the event of an emergency, the fire department has rapid access to the building via use of the keys stored in the Knox Box.

N.C.A.C. shall mean the North Carolina Administrative Code.

N.C.D.E.N.R. shall mean the North Carolina Department of Environment and Natural Resources or any successor or renamed Department.

N.C.G.S. shall mean the General Statutes of the State of North Carolina.

NFPA shall mean the National Fire Protection Association.

NFPA 72 shall mean the National Fire Alarm Code.

NFPA 101 shall mean the Life Safety Code.

Sec. 8-213. Purpose.

It is the purpose of this chapter to prescribe regulations consistent with the most current edition of the North Carolina Fire Prevention Code, its appendices and nationally recognized good practices for the safeguarding of life and property from the hazards of fire and explosions arising from the storage, handling, and the use of flammable, combustible, and hazardous substances, materials and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

Sec. 8-214. Relationship to laws and standards.

The provisions of the North Carolina Fire Prevention Code, as amended periodically, are incorporated by reference herein. In the event that any provision of this ordinance is in material conflict with a provision of the North Carolina Fire Prevention Code, then the North Carolina Fire Prevention Code provisions shall take precedence over the conflicting provision of this ordinance.

Sec. 8-215. Application of ordinance.

The provisions of this ordinance shall apply to new and existing conditions and structures, and to the repair, use, occupancy and maintenance of existing buildings or structures specified in the North Carolina Fire Prevention Code, and to other conditions hazardous to life or property. Nothing contained in this ordinance shall be construed as applying to the transportation of any substance shipped in compliance with regulations prescribed by state and federal law or as applying to the military forces of the United States. This ordinance shall not apply to one and two family dwellings or individual living spaces located in multi-family dwellings.

Sec. 8-216. Duties of the Fire Chief.

The duties of the Fire Chief shall include but are not limited to:

- (a) Conducting periodic fire inspections of buildings, structures and premises within the Town's corporate limits.
- (b) Conducting investigations of fires of a suspicious nature so as to determine their point of origin and cause.
- (c) Assisting school authorities in developing and managing fire prevention programs for each public school within the response area.
- (d) Maintaining an adequate staff of fire inspectors certified by the North Carolina Code Officials Qualification Board to properly execute all provisions of this chapter.

Sec. 8-217. Authority to enter premises.

The Fire Chief or his designee may, at all reasonable hours, enter any building or premises for the purpose of conducting any inspection or investigation allowed under provisions of this ordinance, and for which he is authorized by North Carolina General Statutes.

Sec. 8-218. Inspection of buildings and premises.

It shall be the duty of the Fire Chief to inspect, or cause to be inspected, per the attached schedule, all buildings and premises except the interiors of one and two family dwellings, for the purpose of identifying activities and conditions that pose dangers of fire, explosion or related hazards and enforcing the North Carolina Fire Prevention Code, or any violations of the provisions or intent of this ordinance. The Fire Chief or his designee shall charge inspection fees for inspections of buildings per the schedule set forth in this ordinance, except when such buildings are owned by state or local government, and for all re-inspections made to ascertain compliance with a notice of violation and order of correction issued under this ordinance.

The following Inspection Schedule is adopted for the Town of Leland:

- Annually Hazardous, Institutional, High Rise, Assembly and Residential except one and two family dwellings and only interior common areas of dwelling units of multi-family occupancies
- Biennial Educational (except public schools) and Industrial Business, Mercantile, Storage, Churches and Synagogues

Sec. 8-219. Operational permits.

Chapter 1, section 105 of the North Carolina Fire Prevention Code Titled Permits, is hereby adopted by reference. All persons, corporations or entities desiring to open a business, expand an operation, or manufacture a new product for which a permit is required within the Town of Leland shall obtain all permits required by this section before a Permit to operate and certificate of occupancy is issued. The Fire Chief or his designees shall issue all applicable Fire Prevention Code Permits to businesses which require such permits under the North Carolina Fire Prevention Code. Permits will be valid for the period shown on the face of the permit. The Fire Chief or his designee shall charge a fee for such permits in accordance with the fee schedule set forth in Appendix "A" of this ordinance. All permits required by the North Carolina Fire Prevention Code or this ordinance may be combined into a single permit at the rate of the highest permit fee applicable. Non-profit or other tax-supported agencies may be exempt from permit fees. Renewal of permits shall coincide with the mandatory state inspection schedule for all occupancies.

Sec. 8-220. Site plan approval.

The Fire Chief or his designee shall review construction or development site plans to ensure compliance with chapter 6 of the North Carolina Fire Prevention Code before final site plan approval is granted.

Sec. 8-221. New construction approval.

(a) The Fire Chief or his designee shall review and approve all commercial and multi-family residential building plans to ensure compliance with the North Carolina Fire Prevention Code before final approval is granted.

(b) The Fire Chief or his designee shall conduct inspections of buildings under construction to insure compliance with the provisions of the North Carolina Fire Prevention Code before the Building Inspector issues a certificate of occupancy for the building.

Sec. 8-222. Immediately dangerous or hazardous conditions.

Whenever the Fire Chief or his designee finds in any building or upon any premises dangerous conditions or materials as described below, he shall order such dangerous conditions or materials be removed or remedied in such manner as the Fire Chief or his designee may specify:

(a) Dangerous storage or unlawful amounts of combustible, flammable, or explosive or otherwise hazardous materials;

(b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, flammable or explosive or otherwise hazardous materials;

- (c) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly combustible materials;
- (d) 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;
- (e) 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, including locked or blocked fire exits;
- (f) Overcrowding in violation of occupancy limits established pursuant to the North Carolina State Building Code and required under the North Carolina Fire Prevention Code.

Sec. 8-223. Notice of violation and order to correct.

When the Fire Chief or his designee determines that a violation of this ordinance exists or that any commercial building or structure required to have a permit under the North Carolina Fire Prevention Code does not have a valid permit in effect, he shall issue a notice of violation and order to correct the violation. Such notice and order shall:

- (a) State the nature of the violation and the penalty to be imposed.
- (b) Direct the violator to pay any unpaid fees and/or civil penalties by mailing the order and a check or money order to the Town of Leland, or by personally paying the amount at the Town of Leland Town Hall.
- (c) Notify the violator that a failure to pay any unpaid fees or penalties within the prescribed time may subject the violator to civil action in the nature of debt for the collection of any unpaid fees or additional penalties and may be collected by penalty plus any additional penalties, together with the cost of the action to be taxed by the court.
- (d) Provide and state that any unpaid penalty must either be paid as set forth above, or the failure to pay must be cleared by the Fire Chief within a specified period of time from the issuance of the violation notice and correction order. The notice and order shall further state that if the violation is not corrected and the order is not cleared within the specified time period, the filing of a civil complaint for the collection of any unpaid penalty may be initiated, together with other legal proceedings, including the filing of criminal charges. As used herein, an order will be deemed "cleared" when either (i) full payment has been made, or (ii) arrangements for payment have been made, or (iii) the violator has made a prima facie showing to the Fire Chief that the notice and order was issued as a result of mistake, inadvertence, or neglect, and (iv) all identified violations of Fire Prevention Codes have been corrected.

(e) Service of Notice of Violation and Order to Correct shall be made upon the owner, operator, or occupant, or other person having control over the premises where the violation exists. Service shall be made by delivering a copy of the notice and order by hand delivery or by registered or certified mail, return receipt requested, sent to owner, operator, occupant, or tenant at his last known address listed in the Brunswick County Tax Assessors records, or by leaving a copy of the notice and order with an agent or employee of such person. If the owner, operator, occupant or tenant cannot be located on the premises, the Fire Chief or his designee may effectuate service by affixing a copy of the notice and order prominently on the main entrance of the building where the violation exists.

Where correcting the violation will require improvement to real property or may result in administrative penalties against the property owner, the property owner must be notified by mailing a copy of the notice and order to the owner's address as listed in the Brunswick County Tax Assessors Office.

Sec. 8-224. Enforcement of chapter.

(a) Failure to comply with the provisions of this chapter shall constitute a misdemeanor under N.C.G.S. 160A-175 and N.C.G.S. 14-4. Additionally, the Fire Chief or his designee may enforce the provisions of this ordinance in civil court and seek any and all appropriate remedies authorized by N.C.G.S. 160A-175. Each day's continuing violation shall constitute a separate and distinct offense.

(b) Compliance with the Fire Chief's Notice of Violation and Order to Correct

(1) Immediate Action Orders: The Fire Chief or his designee may issue immediate correction orders for violations of the North Carolina Fire Prevention Code that constitute an imminent hazard to life and property. Failure to correct such violation within twenty-four (24) hours shall result in imposition of a civil penalty in the amount of Two Hundred Dollars (\$200.00) per day, per violation, until the violation has been completely corrected and the Fire Chief's Correction Order to correct shall so state. The order shall also state that if the violation is not corrected within twenty-four (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 related to the violation may be initiated. The Fire Chief or his designee shall also have the authority to cause all public utilities serving the business, building, or premises where the violation takes place to be terminated, and to affect the closing of the business building or premises until such time as the violation is completely corrected, or the imminent hazard to life removed. Repeated violations shall subject the violator to higher civil penalties set forth in this ordinance.

(2) Other Correction Orders: All other correction orders issued under this ordinance for violations that do not constitute imminent hazards shall be corrected within thirty (30) days.

Failure to correct such violations within thirty (30) days shall result in the imposition of civil and/or criminal penalties as set out in Appendix "A" of this ordinance.

Sec. 8-225. Appeals.

(a) Any person who has been served with a Notice of Violation and Order for Correction of violations of the provisions of this ordinance, violations of the North Carolina Fire Prevention Code, or which relate to fees or penalties charged under this ordinance may appeal to the Town of Leland. Appeals must be filed in writing, within ten (10) days from the date of issuance of the order, and delivered to the Town of Leland. Upon receipt of a notice of appeal, the Quality Assurance Committee will review the appeal and respond to the complaint in writing within 12 business days.

(b) Any person who has appealed a Notice of Violation and Order for Correction of violations of the North Carolina Fire Prevention Code and does not agree with the decision of the Quality Assurance Committee may appeal their decision to the North Carolina Department of Insurance, North Carolina Building Code Council within ten (10) days from receipt of the decision of the Quality Assurance Committee.

Sec. 8-226. Installation and removal of above ground and underground storage tanks.

(a) Above Ground Storage Tanks: Any person, firm or corporation desiring to install an above ground storage tank for the use or storage of any flammable or combustible liquid within the Town of Leland must first comply with the provisions of this section.

(1) Installation of Above Ground and Underground Storage Tanks

a. A permit as set out in Appendix "A" of this ordinance shall first be obtained from the Fire Chief or his designee.

b. At the time the permit is obtained, a copy of the site plan detailing the exact location of the installation of the tank shall be furnished to the Fire Chief or his designee for review. Upon approval of the site plan, the Fire Chief or his designee will issue the permit for the installation of the tank.

c. After installation, but before any flammable or combustible liquid is introduced into the tank, the Fire Chief or his designee will inspect the installation to insure compliance with all applicable regulations. At this inspection, the Fire Chief or his designee will witness an approved pressure test of the tank and all piping when required.

d. After all requirements of this section are met, the Fire Chief or his designee will approve the tank for the use stated on the permit.

(2) Removal of Above Ground Storage Tanks

- a. A permit as set out in Appendix "A" of this ordinance shall first be obtained from the Fire Chief or his designee.
- b. The contents of the tank shall have been pumped out, and the tank purged to remove any vapors or product left in the tank.
- c. The tank shall be opened and left open to allow the escape of any residual vapors.
- d. Prior to the actual removal of the tank, the Fire Chief or his designee will witness a competent person sample the air in the tank for the presence of a concentration of flammable vapors.
- e. Upon approval of all requirements of this section, the Fire Chief or his designee will approve the removal of the tank.

(3) Removal of Underground Storage Tanks:

- a. A permit as set out in Appendix "A" of this ordinance shall first be obtained from the Fire Chief or his designee.
- b. At the time of application for permit, proof of approval by the N.C. Department of Environment and Natural Resources as to notification of removal of an UGST must be shown.
- c. All flammable vapors must be removed by purging with confirmation by monitoring with an appropriate combustible gas monitor by a competent person. Removal of flammable vapors shall be conducted by a schooled operator in the use of such equipment.
- d. All suction, inlet, gauge, and vent lines shall be disconnected.
- e. The tank shall be removed from the excavation hole and placed on a transport vehicle. The tank shall be posted with a sign stating, "Tank has contained petroleum product (not vapor free) Not suitable for storage of food or liquid intended for human or animal consumption."
- f. Tanks shall remain in the ground until ready for removal from site. Tanks are to be removed from site as soon as possible after being removed from the excavation hole. In no case shall a tank remain above ground on site overnight.
- g. In the event of a spill or evidence of a leak, sample(s) of undisturbed soil shall be collected by the property owner or his agent, in accordance with N.C.D.E.N.R. regulations, and analyzed for

contamination by a state approved laboratory at the property owners' expense. The site shall be cleaned of contamination according to N.C.D.E.N.R. regulations. The Fire Chief or his designee shall be notified in writing when the site has been properly cleaned, and may make inspection of the work to assure that the site has been cleaned appropriately.

(4) Abandoning Underground Storage Tanks in Place:

- a. A permit as set out in Appendix "A" shall first be obtained from the Fire Chief or his designee.
- b. At the time of application for permit, proof of approval by N.C.D.E.N.R. shall be shown.
- c. All flammable or combustible liquids shall be removed from the tank.
- d. The tank shall be purged and checked for flammable vapors with an appropriate combustible gas monitor by a competent person.
- e. Removal of flammable vapors shall be conducted by person(s) schooled in the use of such equipment.
- f. All suction, inlet, gauge, and vent lines shall be disconnected and removed or capped and sealed.
- g. The tank shall be filled with concrete, sand or other approved material.
- h. In the event of a spill or leak, samples of undisturbed soil shall be collected in accordance with N.C.D.E.N.R. regulations, and analyzed for contamination by a state approved laboratory. The site shall be cleaned of contamination in accordance with N.C.D.E.N.R. regulations. The Fire Chief or his designee shall be notified in writing when the site has been properly cleaned, and may make inspection of the work to assure that the site has been cleaned appropriately.

Sec. 8-227. Installations of Knox Box systems.

All new or newly renovated commercial buildings, all commercial buildings equipped with an automatic fire sprinkler system, building fire alarm system and businesses established after the implementation of this code shall provide a "Knox Box" key entry system. All existing commercial buildings shall provide a "Knox Box" system in accordance with criteria adopted by the Town. The "Knox Box" shall be mounted at the exterior entrance to the occupancy on the door handle side of the primary entrance at a height of seven (7) feet from finished floor level, or at other location(s) as specified by the Fire Chief or his designee. The "Knox Box" shall be in place before a certificate of occupancy is issued. "Knox Boxes" are available online by going to www.knoxbox.com. Average delivery time is five (5) to six (6) weeks. 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. 8-228. Sprinklered occupancies.

(a) All occupancies required by the North Carolina Fire Code to have sprinkler systems installed shall have those systems installed prior to a certificate of occupancy being issued. Plans for all sprinkler systems shall be submitted to the Fire Chief or his designee at least two (2) weeks prior to beginning construction for the purpose of plans review.

(b) A dedicated sprinkler riser room is required providing an entry door to the room. The door leading to the dedicated sprinkler riser room shall be labeled with minimum three (3) inch lettering designating "RISER ROOM" in a contrasting color. Durable vinyl lettering is suggested.

Sec. 8-229. Alarm communication system.

(a) All buildings equipped with automatic sprinkler systems are required to have alarm communication equipment which complies with NFPA 72. Equipment must be fully functional and reporting to an Underwriters Laboratories approved central receiving station before a certificate of occupancy is issued for the facility.

(b) When a building is protected by an automatic sprinkler system and has a fire alarm system, the fire alarm control panel or a remote annunciator panel shall be placed in the riser room. This control panel shall have the capacity of silencing and resetting the alarm system. Adjacent to the fire alarm control panel shall be a framed zone map. Sprinkler zone nomenclature shall correspond with the zone map.

Sec. 8-230. False fire alarms.

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

(1) Alarm System: Any mechanism, equipment or device which is designed to operate automatically or manually to transmit a signal, message or warning of an occurrence which the Fire Department is expected to respond to.

(2) False Alarm: Activation of an alarm system eliciting a response by the Fire Department when a situation requiring such a response does not exist. This shall include accidental, avoidable and unnecessary alarm activation due to user error, equipment malfunction, and/or improper or unsuited equipment, but does not include alarms activated by unusually severe weather conditions or other extraordinary circumstances beyond the control of the user.

(b) False Alarm Policy

(1) If an alarm system generates two false alarms in any thirty (30) day period, the Fire Chief or his designee shall notify the owner or operator of the premises where the alarm system is installed, in writing, that such alarm system is in violation of the Town of Leland False Alarm Policy.

(2) If at any time during the thirty (30) day period following written notification of violation, the same alarm system generates a false alarm, the owner of the business where the alarm system is installed shall be liable to the Town of Leland for a civil penalty in the following amounts:

First false alarm	\$ 75.00
Second false alarm	\$ 150.00
Third false alarm	\$ 250.00
Fourth and subsequent	\$ 500.00

(3) If the owner or operator of the premises is able to demonstrate that an otherwise false alarm may have been triggered by the proper operation of the fire alarm system equipment, the above penalties may be waived.

Sec. 8-231. Hazardous materials data storage boxes.

(a) All commercial enterprises, businesses or industries in the Town of Leland which use, store or manufacture on-site hazardous materials that must be reported under State Right-to-Know laws, N.C.G.S. 95-173, et seq., or under Title III of the Federal Superfund Amendments and Reauthorization Act and the regulations promulgated thereunder and the North Carolina State Fire Code, must have an approved on-site hazardous materials data storage box at each facility where hazardous materials may be found.

(b) This data storage box must contain keys providing access to secured portions of the facility. The box shall contain current specific information to assist fire departments and hazardous materials teams responding to emergencies at the facility, including but not limited to facility maps or plans showing the type and location of hazardous materials, Tier II forms, lists of chemicals with CAS (chemical abstract service) numbers, Material Safety Data Sheets (MSDS), telephone numbers for facility employees and other persons to be contacted in case of such emergencies.

(c) The data storage box shall be of the type designated and approved by the Fire Chief or his designee, and shall be located at or near the primary entrance to the facility and installed in accordance with the Fire Chiefs specification.

Sec. 8-232. Street addresses.

In accordance with section 603.17 of the North Carolina Fire Prevention Code, all new and existing buildings shall display a number or address in such a manner as to be plainly visible and legible from the street or roadway. Please refer to the Town of Leland Buildings and Building Regulations Chapter 8 Article I for these standards.

Sec. 8-233. Open burning prohibited.

No person, business or firm shall cause, allow, or permit open burning of refuse or other material within the corporate limits of the Town of Leland which would conflict with the provisions of the North Carolina Fire Prevention Code, or the North Carolina Air Pollution Control Act, 15 NCAC 2D.0525, Control and Prohibition of Open Burning, 15A NCAC 2D.1900, and N.C.G.S. 142-215.3(a)(1), and N.C.G.S. 143-215.107(a)(5).

Sec. 8-234. Fire hydrant / fire department connections.

Unobstructed access to fire hydrants and fire department connections shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to the fire protection equipment or fire hydrant. A 3-foot clear space shall be maintained around the circumference of fire hydrants as otherwise approved. Failure to comply with this section shall be punishable by a civil penalty.

Sec. 8-235. Fire lanes establishment.

The establishment of fire lanes shall be determined by the Fire Chief or his designee in accordance with the North Carolina Fire Prevention Code, section 602.6. Upon establishment of the fire lane, the building occupant shall mark said fire lane to the following specifications:

- (a) Areas designated as fire lanes shall have their boundaries borders, and curbs clearly marked with yellow paint.
- (b) The words "No Parking, Fire Lane" shall be clearly marked with yellow paint within the fire lane with a minimum of ten (10) inch high lettering.
- (c) It shall be the responsibility of the building occupant to maintain the markings, and to keep the fire lane free of obstructions.
- (d) No person shall obstruct a designated fire lane with merchandise, building materials, vehicles, displays or any other obstructions of any kind. This prohibition includes all fire lanes in shopping centers or mall parking lots, and any and all other public vehicular areas. Violation of this section shall subject the offender to a fine of twenty-five dollars (\$25.00).

Sec. 8-236. Quality Assurance Committee.

The Quality Assurance Committee will be tasked with ensuring that all fire inspectors are performing quality inspections by conducting a random audit of inspections and meeting quarterly to discuss this audit. This committee will also respond to any and all appeals of inspections from the public. The Quality Assurance Committee will consist of the Town Manager, Fire Chief, Deputy Fire Chief, Building Inspections Manager, and Planning Manager.

Sec. 8-237. Severability.

If all or part of this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Sec. 8-238. Penalties.

(a) A violation of this chapter shall be determined to be in one of two separate categories - Life Safety Violations or General Code Violations.

(b) A Life Safety Violation shall subject the offender to a civil penalty in the amount of \$200.00. Life Safety Violations include the following:

- Locked or blocked fire exits while an occupancy is occupied.
- Overcrowding in excess of the posted occupancy limit.
- The use of live fire during exhibits or ceremonies in occupancies without proper approval or permits, or in violation of permits issued by the authority having jurisdiction.
- Storage or use of flammable or explosive materials without, or in violation of a permit.
- Any other violation of NFPA 101, the Life Safety Code.

(c) A General Fire Code Violation shall subject the offender to a civil penalty in the amount of \$50.00. General Fire Code Violations include the following:

- Failure to obtain proper permits from the Town of Leland.

- Violations of any permit issued by the Town of Leland other than violations involving Life Safety.
- Any other violation of the North Carolina State Fire Code.

(d) A civil penalty issued by the Town of Leland shall be recovered by the Town in a civil action in the nature of a debt if the offender does not pay the penalty within thirty (30) days after being cited for such violation. Each day that any violation continues after notification of such violation and the penalty therefore shall constitute a separate offense. The citation shall include:

(1) The name and address (if known) of the violator.

(2) The ordinance provision violated.

(3) The date and location of the violation.

(4) A description of the violation.

(5) The amount of the civil penalty.

(6) A statement that if the penalty is not paid to the Town within thirty (30) days, a civil action will be brought against the violator to recover the penalty. The Town Manager is authorized to sign the complaint on behalf of the Town.

(7) The signature of the Town official issuing the citation.

2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

3. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Leland, North Carolina, and shall be in full force and effect from and after its adoption.

Adopted by Town Council on this 21 day of December, 2017.

Brenda Bozeman, Mayor

Sabrena Reinhardt, Town Clerk

Approved as to Form:

John C. Wessell III, Town Attorney