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**BEAUFORT COUNTY  
NORTH CAROLINA**

October 25, 2019

**VIA EMAIL ONLY**

Joint Legislative Administrative Procedure Oversight Committee  
Representative Jonathan C. Jordan, Co-Chair  
[Jonathan.Jordan@ncleg.net](mailto:Jonathan.Jordan@ncleg.net)

Joint Legislative Administrative Procedure Oversight Committee  
Senator Andy Wells, Co-Chair  
[Andy.Wells@ncleg.net](mailto:Andy.Wells@ncleg.net)

Joint Legislative Oversight Committee on Justice and Public Safety  
Representative James L. Boles, Jr., Co-Chair  
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**RE: Beaufort County – Ordinance Reporting Requirement Pursuant to Session  
Law 2018-69**

Dear Joint Legislative Oversight Committees:

The following information is being provided as required by North Carolina Session Law 2018-69. Below is a list of the applicable ordinance provisions from the Beaufort County Code of Ordinances that create

**BEAUFORT COUNTY ADMINISTRATION BUILDING**  
121 West 3rd Street \* Washington, North Carolina 27889 \* Phone (252) 946-0079 \* Fax (252)-946-7722

criminal offenses pursuant to G.S. 14-4(a). For direct access to these ordinances, please see the following link:

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/beaufortco\\_nc/beaufortcountynorthcarolina/codeofordinan?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:beaufortco\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/beaufortco_nc/beaufortcountynorthcarolina/codeofordinan?f=templates$fn=default.htm$3.0$vid=amlegal:beaufortco_nc)

## **BEAUFORT COUNTY CODE OF ORDINANCES**

### **CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY**

#### **§ 10.99 GENERAL PENALTY.**

(A) Whenever in this code or in any ordinance of the county an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this code of ordinances the doing of an act is required or the failure to do an act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of the provision of this code of ordinances or of any such ordinance shall be punished by a fine of not more than \$500 or by imprisonment for not more than 30 days for each separate violation. Each day any violation of this code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

(B) Any act constituting a violation of the provisions within this code of ordinances or a failure to comply with any of its requirements shall also subject the offender to a civil penalty of \$100 for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt.

(C) In addition to the provisions of division (A) above, any provision of this code or other ordinance of the county may be enforced by any one or more of the remedies authorized by G.S. § 153A-123.

### **CHAPTER 30: COUNTY POLICIES**

#### **§ 30.01 ENHANCED 911 SERVICE**

(E) Any person who intentionally calls the 911 number for purposes other than obtaining public safety assistance commits a misdemeanor. Penalty, see § 10.99

### **CHAPTER 33: EMERGENCY MANAGEMENT**

#### **§ 33.10 VIOLATION OF REGULATIONS.**

It shall be unlawful for any person to violate any of the provisions of this subchapter or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder, or delay any member of the civil preparedness organization as herein defined in the enforcement of the provisions of this subchapter or any regulations or plan issued thereunder. Penalty, see § 33.99

#### **§ 33.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99.

(B) Any person violating any prohibition or restriction imposed by a proclamation authorized by § 33.25 through 33.37 shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$50 or imprisonment not exceeding 30 days, as provided by G.S. § 14-4.

## **CHAPTER 50: BACKFLOW WATER**

### **§ 50.02 CROSS-CONNECTIONS.**

(A) No potable water supply shall be connected by any means whatever to another source of water supply or to a storage facility, unless such connection has been approved by the State Division of Health Services and its Director.

(B) No person shall introduce any water into the distribution system or the potable water supply through any means other than from a source of supply duly approved by the State Division of Health Services and its Director, or make a physical connection between an approved supply and unapproved supply unless authorized in an emergency by the State Division of Health Services and its Director.

(C) All cross-connections between potable water supplies and non-potable or unprotected supply which are not specifically covered in the categories in this section shall be considered as special problems and the protective devices required shall be determined by the State Division of Health Services and its Director on the basis of the degree of health hazard involved.

(D) No person shall fill special tanks or tankers containing pesticides, fertilizers, other toxic chemicals, or their residues from the potable water system, except at a location with an over-the-rim free discharge of water or an approved reduced pressure backflow preventer properly installed on the potable water supply.

Penalty, see § 10.99

### **§ 50.05 POLICY.**

(A) When it has been determined by the county that a requested service requires the installation of a backflow prevention assembly, the customer shall, prior to receiving such service, submit for review and approval, plans and specifications of the proposed facilities. The submittal shall include a description of proposed facilities. The submittal shall include a description of proposed processes, operations, and the like in such detail as needed to evaluate potential effects on the county's system. Proposed assemblies shall be identified by size, manufacturer and model number, or by specification.

(B) When it has been determined by the county that an existing service may require the installation of a backflow prevention assembly, the customer shall submit for review such information as may be necessary to permit the county to evaluate the potential for undesirable effects on its system. Upon notification of the customer by the county that a backflow prevention assembly(ies) is necessary, the customer shall submit plans and specifications for approval and install or cause to be installed entirely at the customer's expense such assemblies as may be necessary.

(C) If it has been determined by the county that an imminent health hazard exists, then the water service to the facility causing the imminent health hazard may be terminated.

(D) All existing facilities which pose a potential severe hazard to the public water system shall install a reduce pressure principle backflow assembly at the point of service within 60 days of notification by the county at the customer's expense.

(E) All existing industrial and commercial facilities that have or may have an actual or potential cross-connection, that are not identified as a "severe hazard", shall be considered a moderate hazard facility. All existing moderate hazard facilities shall install a double-check valve assembly at the point of service within 90 days of notification by the county at the customer's expense.

(F) When required, an approved backflow prevention assembly shall be installed on each service line to a customer's water system in accordance with the requirements of the county at the customer's expense.

(G) (1) Reduced pressure principle assemblies shall be installed at the point of service in a horizontal position and in a location in which no portion of the assembly will become submerged under any circumstance or be subjected to temperatures below freezing.

(2) Pit and/or below-grade installations are prohibited. An RP shall be installed in accordance with detailed specifications provided by the county.

(H) (1) All double-check valve assemblies shall be installed at the point of service in drainable pits wherever belowground installation is necessary, in accordance with detailed specifications provided by the county.

(2) Double-check valve assemblies may be installed in a vertical position with prior approval from the county, provided the flow of water is in an upward direction.

(I) Backflow prevention assemblies shall be installed such that periodic testing and necessary repairs can be conveniently performed by county approved backflow testers.

(J) No water service shall be provided to any facility or service that requires the installation of a backflow prevention assembly until the installed assembly has passed the test performed by a certified tester and the test results have been received by the county.

(K) No new or existing water service connection to any premises shall be installed or maintained by the county unless the water supply is protected by an approved backflow prevention assembly(ies) as required by federal, state laws, regulations, and the county ordinance.

(L) Water mains served by the county, but not maintained by the county, shall be considered cross-connections. The degree of protection required shall be based upon the degree of hazard, as determined by the county.

(M) No person shall fill special use tanks or tankers from the public water system except at a county-approved location equipped with an air gap or an approved reduced pressure backflow prevention assembly properly installed on the county's water supply.

(N) Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.

(O) It shall be the customer's responsibility to notify the county if the customer's water system becomes contaminated or polluted or if there is reason to believe that a backflow incident has occurred from customer's water system into the public water system.

(P) Upon notification to the customer by the county that the existing backflow prevention assembly is not in compliance with this chapter, the customer shall replace the existing backflow prevention assembly with an approved backflow prevention assembly in accordance with the requirements of the county.

(Q) Removal of an approved backflow prevention assembly from a service connection that has been deemed a hazard by the county may result in immediate disconnection from the county's public water supply.

(R) No person shall connect a hose to a fire hydrant unless an approved backflow prevention assembly is connected to the hydrant, unless otherwise approved by the county.

(S) (1) The customer's system shall be open for inspection at all reasonable times to county personnel to determine whether cross-connections or other structural or sanitary hazards, including violations of this chapter, exist.

(2) When such a condition becomes known, the county may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the deficiency in compliance with this chapter.

(3) Should an inspection of the premises be refused, the county reserves the right to install, at the customer's expense, a reduced pressure principle backflow prevention assembly downstream of the water meter. The county will bill the customer all costs associated with the installation of the backflow prevention assembly plus an additional 50% surcharge.

(T) Backflow prevention assemblies that shall be connected to the county's public water system shall be limited to those assemblies approved by the county or the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, or meets the American Society of Sanitary Engineering (ASSE) Standards and carries an ASSE seal.

(U) Installation of all backflow assemblies shall be the customer's responsibility unless otherwise stated by the county. Backflow prevention assemblies shall be located downstream of the meter at the point of service or at a location approved by the county.

(V) Any facility or customer found to be in noncompliance with the provisions of this chapter and/or that neglects to correct a violation, may have his, her, or their water service terminated.

Penalty, see § 10.99

## **CHAPTER 51: LANDFILLS**

### **§ 51.99 PENALTY.**

If any person or business organization shall violate any section of this chapter, he or she shall be guilty of a misdemeanor and shall be fined not more than \$50, or imprisoned for not more than 30 days, and that each day's continuing violation is a separate and distinct offense as provided in G.S. § 153A-123.

## **CHAPTER 90: ANIMALS**

### **§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99.

(B) Any person violating the provisions of § 90.01 shall be guilty of a misdemeanor and shall be fined not in excess of \$200 or imprisoned not in excess of 60 days or both fined and imprisoned.

(C) (1) A violation of any provision of § 90.15 through 90.33 shall be punishable by a civil penalty or a fine of not less than \$50 nor more than \$500 in accordance with this section and/or a Class 1 misdemeanor. Each day's violation of §90.15 through 90.33 shall be a separate offense.

(2) The civil penalties assessed by citations shall be in accordance with the tables in division (C)(5) below. The civil penalty table applies to all violations that are enforced, regardless of any other method of enforcement that may be additionally used. Each prior offense must be evidenced by the issuance of a citation or a criminal conviction arising from a prior offense before the next escalated penalty for subsequent offenses may be assessed. Civil penalties shall only escalate when the same offense has been committed by the same owner in the past. No offense occurring more than two years before the current offense shall be considered. Each day that an ongoing violation continues shall be considered a separate violation from any previous or subsequent violation, and each separate violation may be the basis of a citation.

(3) A civil penalty is to be paid to the County Animal Control within the time frame stated on the citation. If payment is not received within the time frame stated on the citation, criminal charges may be filed for the violation that the defendant was cited for.

(4) Sections 90.15 through 90.33 do not supersede any ordinance found to be more restrictive regarding animal regulations including but not limited to homeowners or subdivision covenants regulating same.

(5) The following are citable offenses and costs for §§ 90.15 through 90.33.

(a) Section 90.17 Cruelty to animals.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(b) Section 90.18 Animal abandonment.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(c) Section 90.19 Tethering.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(d) Section 90.20 Luring, enticing, seizing, molesting, or teasing an animal.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(e) Section 90.26 Keeping stray animals; requirements, failure to surrender.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(f) Section 90.27 Animal nuisance.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(g) Section 90.28 Collar and identification.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(h) Section 90.29 Allowing livestock to run at large.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(i) Section 90.30 Domestic fowl running at large.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(j) Section 90.31 Dangerous dogs.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(k) Section 90.32 Rabies control (G.S. § 130A-185).

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

(l) Section 90.33 Interference with enforcement of subchapter.

First offense \$50

Second offense \$75

Third offense \$150

Fourth offense \$250

Fifth offense \$500

## **CHAPTER 91: LIVESTOCK OPERATIONS**

### **§ 91.99 PENALTY.**

(A) A violation of this chapter subjects the offender to a civil penalty of \$250 for each day a violation exists. Those sums may be recovered by the county in a civil action in the nature of debt if the offender does not pay within 20 days of notification of a violation. Following receipt of notification of a violation pursuant

to this section, an offender does not pay within 20 days of notification of a violation. Following receipt of notification of a violation pursuant to this section, an offender commits an additional and separate offense for each day the offender continues operation of the subject ILO in violation of this chapter.

(B) This chapter may also be enforced by application for appropriate injunction, order of abatement, or such other equitable relief as may be appropriate under G.S. § 153A-123 or similar provision.

## **CHAPTER 92: NOISE**

### **§ 92.99 PENALTY.**

The violation of any provision of this chapter shall constitute a misdemeanor and shall be punished by a fine up to \$500 or imprisonment of 30 days or both fine and imprisonment. Each day on which any violation of this chapter shall continue shall constitute a separate and distinct violation and offense.

## **CHAPTER 93: NON-SMOKING POLICY**

### **§ 93.99 PENALTY.**

(A) (1) Following oral or written notice by the person in charge of an area described in § 93.05, or his or her designee, failure to cease smoking or using tobacco products constitutes an infraction punishable by a fine of not more than \$50. A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.

(2) In addition to any penalty under division (A)(1) above, employees of the county who violate this chapter shall be subject to disciplinary action consistent with the county's human resources policies.

(B) (1) Failure to cease smoking or using tobacco products in prohibited areas may be punishable by a fine of not more than \$50 issued by citation from law enforcement.

(2) In addition, employees of the county who violate this chapter shall be subject to disciplinary action consistent with the county's human resource policies.

## **CHAPTER 110: INSULATION CONTRACTORS**

### **§ 110.99 PENALTY.**

A person, firm, or corporation violating the provisions of this chapter shall be subject to all applicable punishment, penalties, and equitable relief provided for by Ch. 703, North Carolina Session Laws of 1977, and G.S. § 153A-123.

## **CHAPTER 111: OUTDOOR ADVERTISING**

### **§ 111.99 PENALTY.**

The owner of any sign determined by the county to be "illegal" in any way will be subject to fines of \$50 per day after the county has given the owner reasonable notice of the violation.

## **CHAPTER 112: EMS SYSTEM OVERSIGHT AND AMBULANCE SERVICES**

### **§ 112.14 COMPLAINTS AND VIOLATIONS.**

(D) Any person filing two or more written and proven false complaints against any employee or the organization operating the ambulance services covered under this chapter shall be in violation of this chapter and guilty of a Class 3 Misdemeanor. An example of which would be the false or frivolous complaint against any ambulance service or any employee or representative of an ambulance service with the intent to cause a fine, suspension, probation, or termination of any ambulance franchise.

### **§ 112.99 PENALTY.**

(A) Penalties may be imposed for violations or acts of non-compliance with any of the franchise terms of this chapter.

(B) Penalties may be imposed and collected by the County Department of Emergency Services as follows:

(1) First offense: penalty of \$500;

(2) Second offense: if within one year of the first offense, penalty of \$1,000;

(3) Third offense: if within one year of the second offense, penalty of \$2,000; and

(4) Fourth offense: if within one year of the third offense, shall cause the Oversight Committee to recommend to the Board of Commissioners the permanent termination of the franchise.

(C) Penalties for any offense may include monetary penalties, suspension, probation, and/or termination of the franchise if approved by the Oversight Committee and the Board of Commissioners.

## **CHAPTER 113: MASSAGE PARLORS**

### **§ 113.99 PENALTY.**

Any person convicted of violating any provisions of this chapter shall be punished by fine or imprisoned as provided by G.S. § 14-4.

## **CHAPTER 114: LANDFILL FRANCHISES**

### **§ 114.99 PENALTY.**

(A) Any person violating this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed the maximum allowable by law at the time of the violation. Each day's violation shall be treated as a separate offense.

(B) Any violation of this chapter shall subject the offender to judicial enforcement of this chapter by an appropriate equitable remedy issuing from a court of competent jurisdiction, or by mandatory or prohibitory injunction and order of abatement, issuing from or through a court of competent jurisdiction, wherein the offender is commanded to correct or cease the violations.

## **150. MANUFACTURED HOUSING**

### **§ 150.999 PENALTY.**

Authority for the enforcement of this chapter is provided under G.S. § 153A-123. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances), shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$50 or imprisoned for no more than 30 days per offense. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

## **CHAPTER 152: FLOOD DAMAGE PREVENTION**

### **§ 152.30 DESIGNATION OF FLOODPLAIN ADMINISTRATOR; DUTIES AND RESPONSIBILITIES**

(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the Floodplain Administrator may order the work to be immediately stopped.

The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;

### **§ 152.32 CORRECTIVE PROCEDURES.**

(E) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

### **§ 152.99 PENALTY.**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor.

Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county taking such other lawful action as is necessary to prevent or remedy any violation.

## **CHAPTER 153: SUBDIVISIONS**

### **§ 153.99 PENALTY.**

(A) After the effective date of this chapter, the person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his or her land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this chapter and recorded in the office of the County Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The county, through its attorney or other official designated by the Board of Commissioners, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, the violation of any provision of this chapter shall subject the offender to the penalties prescribed by G.S. § 153A-334.

(B) Violators of this chapter shall be subject, upon conviction, to fine and/or imprisonment as provided in G.S. § 14-4.

## **CHAPTER 155: SOLAR ENERGY FACILITIES**

### **§ 155.11 ENFORCEMENT AND REMEDIES FOR VIOLATIONS.**

(A) *Enforcement.* The enforcement officer shall be the County Planner or his/her designee. The enforcement officer shall review site plans and make appropriate recommendations to the Planning Board. The enforcement officer shall also visit the SEFs regulated by this chapter as needed, and if the facility does not conform to this chapter, shall discuss with the SEF owner and/or SEF operator the steps needed to bring the SEF into compliance. If these steps are not taken, the enforcement officer shall notify the SEF owner in writing of the steps that must be taken to bring the facility into compliance. If the SEF owner or SEF operator still fails to bring the facility into compliance with this chapter, the enforcement officer, after consultation with the County Manager, shall initiate the necessary steps to enforce this chapter in accordance with § 155.99. The enforcement officer shall also assist the SEF owners and/or SEF operators in making plans to comply with this chapter.

### **§ 155.99 PENALTY.**

(A) *Violation shall be a misdemeanor.* Any person, firm, corporation, or other entity who constructs, maintains, or operates, or who controls the maintenance of a SEF in violation of this chapter shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$500, or by imprisonment not to exceed 30 days, or both, in the discretion of the court.

(B) Each day that said SEF is constructed, maintained, or operated in violation of this chapter shall constitute a separate and distinct offense.

If you have any questions or concerns regarding the foregoing or should you require any additional information, please do not hesitate to contact me.

Sincerely,



Brian M. Alligood  
County Manager

cc: David Francisco, County Attorney