



November 30, 2018

Via Electronic Delivery Only

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Ms. Susan Sitze
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Dear Representative Jordan, Senator Wells, Representative Boles, Senator Randleman and Ms. Sitze:

Please accept this summary of Onslow County ordinances subject to criminal punishment in compliance with the requirements of North Carolina Session Law 2018-69/ House Bill 379, § 3. Under North Carolina General Statute § 14-4, violations of county ordinances are deemed Class 3 misdemeanors unless other penalties are specified in the ordinance or the ordinance relates to the vehicle operation or parking. The full text of Onslow County Ordinances is

attached for your reference, and those that are subject to misdemeanor charges if violated are listed and summarized below:

Chapter 3, Article I: Airport Fuel

Fixed base operators selling aviation petroleum fuels must collect and remit a fuel flowage charges to the County as approved to the Commissioners based on the previous month's deliveries of fuel.

Chapter 3, Article III: Airport Taxis

The following requirements apply to airport taxi operators:

- Operators must maintain a valid airport taxi permit.
- Damages to taxi stand area must be reported immediately.
- Cleanliness of the taxi stand area must be maintained.
- Certain conduct, such as alcohol consumption, loud music and major repairs to vehicles are not permitted in the taxi area.
- Taxi loading will be done only in spaces 1 and 2, and unloading in specified lanes.
- Operators of limousines, taxis and private motor vehicles may not solicit rides or trips from potential passengers inside the terminal building.
- Permit fees for taxis and limousines must be paid semiannually or in accordance with any contract in place. Returned checks may result in immediate revocation of the permit.
- Airport Taxis have to belong to the Airport Taxi Association, display a sticker, and have proper markings on the vehicle.
- Taxis must be kept clean and in good repair.
- Airport manager may make periodic inspections, and permit holders are required to make improvements as reasonably recommended.
- Taxis must transport using the approved meter rates, cannot carry more than five people, cannot cruise in search of passengers, and may not allow anyone other than the driver or fare-paying passengers to ride in the taxi.
- All taxi vehicles must carry insurance with \$100,000 single limit coverage.

Chapter 4, Article I: Animal Control

Animal Control Officers must enforce all state and local laws regarding ownership of animals and cooperate with other law enforcement officers, impounding stray animals, assisting with rabies clinics, maintaining accurate records at the animal shelter, investigating reports of animal bites and determining the need for observation and isolation of animals, and assisting in reports of animal cruelty. Animal Control Officers shall not be authorized to carry any firearms of any kind on their person unless otherwise authorized by the animal services director. Animal control officers may store approved firearms at the animal shelter or in departmental vehicles and use when necessary to enforce sections of this chapter.

The following ordinances refer to the care and management of animals:

- It is unlawful to interfere with or obstruct animal control employees in performance of duties, to remove animals from enclosures, or to conceal an animal from animal control.

- All animals must remain under the immediate physical control of the owner or keeper or confined upon the property. Animals other than cats being walked off the property must be restrained by a leash connected to a collar or harness. Animals must be restrained or kept under the immediate control of its owner or keeper.
- An animal is a public nuisance when it disturbs the rights of a member of the public, threatens the safety of a member of the public or interferes with a person's enjoyment of their property. Examples include keeping animals in a manner or number that becomes offensive, annoying, or dangerous to the public health, allowing habitual barking between 10 PM and 6 AM, keeping animals in a unsanitary environment, and failing to confine an animal in heat. Commercial farms are exempted.
- Animals may not be treated with cruelty or deprived of adequate food and water, necessary medical attention, proper shelter, protection from the weather or humanely clean conditions.
- When sunlight is likely to cause heat exhaustion, shade must be provided, and dogs tied up or confined outdoors for more than 60 minutes must have an appropriately sized shelter with four sides, and a waterproof floor above ground. Vehicles, vessels, barrels, transport cages, and airline crates are not acceptable of use as a shelter.
- No animal may be confined in a building, enclosure, car, boat, vehicle or vessel when extreme heat or cold will be harmful to health.
- It is unlawful for any person to operate a puppy mill.
- Person(s) may not molest, torture, mutilate, kill, wound, poison, abandon, torment or deprive of sustenance any animal.
- Luring, enticing, seizing (unless an employee of animal control) or teasing an animal is not permitted.
- No person may sponsor, promote, or train a wild or domestic animal to participate in unnatural behavior in which the animal is wrestled, fought, harassed or displayed in such a way that the animal is abused.
- Animals may not be confined in a motor vehicle for such a period of time as to endanger the animal.
- It is unlawful to intentionally strike an animal with a motor vehicle.
- It is unlawful not to immediately notify either the owner of the animal, an animal control officer, or law enforcement after running over or hitting a domesticated animal with any vehicle.
- An animal that cannot be seized by reasonable means by animal control can be destroyed in the field upon authorization of the animal services director.
- Animal control can set live animal traps on private or public property upon request to remove stray, unwanted or nuisance animals, including cats. Only animal control can remove the animal from the trap.
- It is unlawful for anyone to keep, harbor, confine or remove the tags of an animal that does not belong to him or her without the consent of the owner. Any person in possession of a stray animal shall contact animal services within 72 hours.
- Keeping wild animals is illegal unless a zoological park.

Chapter 4, Article II: Rabies Control

It shall be unlawful for any person to keep, harbor or have in his custody or control for longer than 14 days a dog or cat four months old or older unless such dog/cat has been vaccinated with rabies vaccine, and the County Health director may order animal vaccines as needed to protect public health. It is unlawful for a dog owner or keeper not to have a collar on a dog, worn at all times other than during obedience trials, tracking tests, training schools and hunting, that bears a current rabies tag.

Chapter 5: Building Numbering

Any person, firm or agent who intentionally violates this article shall be guilty of a misdemeanor, and each day's continuing violation is a separate and distinct offense:

- Road name signs and address numbering shall be uniform throughout the County in accordance with approved local standards and policies.
- Road address numbers must be clearly displayed so that the location can be identified easily from the road.
- No building permit shall be issued until an official building number has been assigned for a lot.
- No final inspection shall be released until a building number is displayed in accordance with this article. No certificate of completion as required by the Onslow County Mobile Home Park Ordinance for mobile home parks shall be issued until address numbers are properly displayed.

Chapter 5: Minimum Housing Standards

Every owner of a dwelling or dwelling unit and every occupant thereof shall maintaining a dwelling in good repair, in a clean and sanitary condition, and within certain minimum standards of fitness.

Every dwelling and dwelling unit used or intended for human habitation, except transportable and temporary housing must comply with the minimum standards of fitness. Minimum standards for structural condition include the following: (a) Walls, floors and roofs shall not have rotted, deteriorated, or damaged supporting members to a point where the structural integrity would not be reasonably safe for the purpose used; (b) Foundation, foundation walls, piers or other foundation supports shall not be deteriorated or damaged to a point where the supporting strength would not be safe for the purpose used; (c) Stairs, porches and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; (d) Every dwelling unit must have adequate means of egress as required by the State Residential Building Code (Volume VII of the State Building Code) as which the house was constructed; (e) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather must be constructed and maintained so as to be reasonably weatherproof and airtight; (f) Chimney parts cannot be defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard; (g) There can be no use of exposed ground as a floor, and wood floors shall not be placed directly on the exposed ground.

The minimum standards for basic equipment and facilities are as follows: (a) Each dwelling unit must be connected to a potable water supply, with hot and cold water, sink, lavatory, tub or shower, and to the public sewer or approved sewage disposal system, and must comply with State Plumbing Codes as which the house was constructed; (b) Every dwelling unit must have facilities for providing heat by either electrical or central heating systems, or have sufficient fireplaces or properly vented heat appliances, to heat the dwelling to 68 degrees three feet above the floor in the winter; (c) Every dwelling and dwelling unit must be wired for electric lights and receptacles, connected in such manner as determined by the National Electric Code. There must be installed in every bathroom, water closet room and laundry room, at least one supplied ceiling or wall-type electric light fixture, and public hallways in multiple dwelling units must be lighted when natural daylight is insufficient. Except when provided with mechanical ventilation, every habitable room shall have an operable window, the size of which, shall be not less than eight percent of the floor area of such room.

For protection against mosquitoes, dwelling units that do not have central heating and air conditioning must have installed screens and a self-closing device on every door opening directly to the outside; and every window or other device with openings to outdoor space. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Extermination shall be the responsibility of the owner of multi-unit dwellings whenever infestation exists in two or more units, or in the shared parts of the dwelling.

Chapter 5.5: Cable Television

It is unlawful for any person to engage in the construction, operation, or maintenance of a CATV system in the unincorporated areas of the County unless such person or the person for whom such action is being taken shall have first obtained and shall currently hold a valid franchise and comply with all provisions of the franchise.

Chapter 6: Emergency Management

Unless otherwise provided for by law, it is a class 3 misdemeanor for any person or entity to disobey or violate any proclamation issued under emergency management provisions, or to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of a proclamation or the duties outlined in Chapter 6.

The owner, agent, or transporter/hauler of hazardous materials or property involved in a hazardous release are collectively and separately liable for the full cost of the County's hazardous response activities. Any person, firm, corporation, or association failing or refusing to pay for hazardous response activities must pay a penalty of \$100.00 per month for each month the fee remains unpaid. Any person who fails to pay the fee within 90 days of invoice is guilty of a misdemeanor punishable by fine not to exceed \$500.00, imprisonment not to exceed three months, or both.

Chapter 6.5: Fire Prevention and Protection

It is illegal to maintain, store, handle materials or conduct processes which produce conditions hazardous to life or property, or install equipment used in connection with such activities without a permit as required by the Fire Marshal and prescribed in Volume V—Fire Prevention of the North Carolina State Building Code.

Before any tank for underground or above-ground storage of volatile, flammable or combustible liquids or any other hazardous material can be installed, a permit must also be issued. Inspection fees must be paid within the number of days specified in the billing notice.

Any person who violates any of the Chapter 6.5 provisions or who fails to comply with any judicial warrant, lawful order, or regulation, or who builds in violation of any specifications or plans submitted and approved, is guilty of a misdemeanor. Each day the violation continues is a separate offense. The County Fire Marshal, through the County Attorney, can enjoin the construction or erection of any facility, building or structure which does not conform to the provisions of the code.

Chapter 7: Flood Damage Prevention

A floodplain development permit is required prior to initiating any development activities within special flood hazard areas. When the floodplain administrator finds violations of applicable state and local laws, or violations of a variance that has been granted, the owner is notified and given an opportunity to fix the problem. If the violation is not remedied, the owner is charged with a misdemeanor.

Chapter 8: Business Provisions

Violation of the following provisions shall constitute a misdemeanor:

- A massage business may not allow treatment or massage to be given by a person of the opposite sex to a patron, may not offer to massage private parts of a person, and may not allow minors to be given treatment.

- Establishments may not display sexually explicit materials within view of minors or a public street, highway or sidewalk.
- Door-to-door solicitors must obtain a permit from the Sheriff.
- Tattoo operators must be trained, adhere to sanitation and inspection requirements, and not tattoo minors without parental consent.
- No adult business or sexually oriented business shall be permitted in any building located within 1,000 feet in any direction from a building used as a dwelling, a building in which an adult business or a sexually oriented business is located, a building used as a church, synagogue or other house of worship, a building used as a public school or as a state licensed day care center, or within 1,000 feet of any lot or parcel on which a public playground, public swimming pool or public park is located.

Chapter 9: Mobile Home Parks

Any person who intentionally violates the guidelines for establishing new mobile home parks, the guidelines for completing additions or expansions of existing mobile home parks, or the standards for manufactured homes is guilty of a misdemeanor.

Chapter 10: Motor Vehicle Abandonment

Motor vehicles cannot be abandoned on any county-owned property, including but not limited to those areas designated for recreational purposes and those parking areas provided for the use and convenience of the public when conducting business at any County-owned facility. Unauthorized vehicles may not use spaces reserved for the Board of Commissioners, judges or other elected officials. Any violations of these provisions are a misdemeanor.

Chapter 11: Noise

The creation of any unreasonably loud and disturbing noise in the County is prohibited, unless specifically permitted. Noise of such character, intensity and duration as to be detrimental to the health, safety or welfare of any individual is prohibited. Any violation shall be punished by a fine not to exceed \$500.00, or shall be imprisoned for not more than six months, for each offense.

Chapter 12: Parades and Picket Lines

Any person responsible for organizing a parade, picket line or group demonstration shall give the County sheriff, before the beginning of this activity, reasonable notice of this activity in order that appropriate measures may be taken to protect public order and safety. At least 48 hours' notice will be considered reasonable. The following acts or activities, when undertaken in conjunction with or as a part of any parade, picket line or group demonstration, are prohibited:

- The carrying on or about the person any firearm or any weapon or article, including but not limited to blackjacks, nightsticks or flashlights, which by their use might constitute a deadly weapon.
- The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.
- The obstruction of public streets, sidewalks, alleys, parks or other public grounds or places, without specific permission from an authorized public official, in a manner which disrupts normal public use of these facilities or interferes with other citizens' use of these facilities for their intended purposes.

No parade, picket line or group demonstration shall commence before 9:00 a.m. or terminate after 6:00 p.m. Any violation shall be punished by a fine not to exceed \$500.00, or shall be imprisoned for not more than six months, for each offense.

Chapter 12: 911 system

Any person who intentionally calls the 911 number for other than purposes of obtaining public safety assistance commits a misdemeanor.

Chapter 12: Parks and Recreation

The following are prohibited in the parks and punishable as a misdemeanor if the offender does not pay the penalty of the violation within 15 days:

- Removing, destroying or taking trees, flowers, ferns, shrubs, rocks, or other plant or mineral;
- Defacing or destroying building, signs or equipment;
- Dumping debris, refuse or chemicals;
- Bathing, wading or swimming in any waters in any park except when designated;
- Indecent exposure and public dressing or undressing;
- Bathing dogs or other animals, washing vehicles or clothing or polluting waters;
- Allowing animals other than leashed dogs to enter park;
- Riding horses except to, from and along designated areas;
- Smoking where forbidden;
- Building a fire or camping except where permitted or granted by special permit;
- Possession of or selling beer, wine, or other intoxicating beverage;
- Picnicking or fishing except in designated areas;
- Possession of firearms (unless law enforcement), air guns, or explosives;
- Hunting;
- Boating or canoeing without a permit;
- Striking golf balls;
- Parking outside designated areas, obstructing traffic, or driving more than 10 mph;
- Selling, hiring or leasing any object or merchandise unless specifically permitted;
- Playing musical instruments, radios, talking machines, or drums without permitting;
- Advertising or hanging notices or signs unless permission is granted from department;
- Erecting a structure, stand or platform unless specifically permitted;
- Landing an airplane, balloon, parachute or other flying apparatus except under permit;
- Exceeding the scope of a permit that has been granted;
- Remaining in the park between the hours of 11 PM and 7 AM, or using areas of the park that require payment without paying; and
- Parents may not allow any minor to do any act prohibited in the park.

Chapter 12: Inland Waterway Control

Operating a boat at any speed that can cause a wake that endangers lives or damages property is prohibited on the Intracoastal Waterway in the general vicinity of Swansboro, North Carolina and beginning at waterway channel marker 46B and running generally westward with the Intracoastal Waterway to beacon 48, including all of the Intracoastal Waterway between the above-referred beacons. Infractions are punishable as a misdemeanor.

Chapter 12: Firearms

Discharging any firearm outside the corporate limits of any municipality within 500 feet of any building, residence, business, farm building, or a combination thereof, except for any pistol or firing range in existence at the time of construction of such residential or commercial development is prohibited and punishable as a misdemeanor.

Chapter 13: Signage

Anyone who intentionally violates the guidelines and maintenance criteria for material, size, setback, placement and lighting for outdoor signage and does not correct the issue after being given notice will be guilty of a misdemeanor.

Chapter 14: Solid Waste Management

It is unlawful and punishable as a misdemeanor for any person to do the following:

- Maintaining a residence, commercial establishment, or parcel of land where solid waste is permitted to accumulate in any manner that may become a nuisance, cause injury or a threat to health, or detract from property value.
- Failure to place solid waste in covered refuse receptacles or fail to secure tree and shrubbery trimmings properly for pick-up.
- Leaving outside within public view any accumulated junk or refuse, including household trash, dilapidated furniture, appliances, machinery, equipment, farm machinery, building material, non-operational vehicles, or other item that is either wholly or partially rusted, wrecked, junked, dismantled, or in inoperative condition and not currently awaiting repairs.
- Disposal of hazardous or medical waste, or contagious disease refuse unless authorized by state or federal regulation.
- Disposal of any solid waste from sources outside the boundaries of Onslow County or from within a federal military facility (other than up to 100 tons of commissary waste per month) in any Onslow County convenience center or landfill.
- Scavenging, rummaging, or removing any item from a County landfill, convenience site, or authorized construction and demolition landfill.
- Disposal of any solid waste at a County convenience site by any commercial garbage or sanitation collection service or any other person who collects solid waste for a fee.
- Failure of commercial collectors of solid waste to use vehicles without tight covers and containment that avoids liquids and solid waste from escaping.
- Discarding or abandoning any solid waste on public property or the private property of others;
- Operating a commercial or non-commercial junkyard or salvage yard except where authorized by the Onslow County Zoning Ordinance;
- Releasing more than five helium or lighter-than-air balloons in a 24-hour period unless under a government contract for scientific or meteorological purposes.

- Failure of drive-in restaurants and other food establishments that permit carry-out food service to maintain sufficient receptacles for the disposal of business trash, garbage, and refuse at all times on their premises.
- Failure of junkyards and salvage yards to properly screen their property.
- Failure of a construction or demolition site to keep the site free from debris and to provide an on-site commercially manufactured refuse receptacle for the collection of construction debris.
- Disposal of ashes that have not been cooled and dampened.
- Abandoning vehicles or allowing nuisance vehicles to remain on property.
- Abandoning a mobile or manufactured home.
- Open burning that is not one of the permitted uses (personal and recreational use of campfires, private burning of yard trash, and fire training exercises are permitted), or that is done at a time when any state agency has banned open burning.
- Failure to properly maintain a septic system.

Enforcement of this article is handled by the County planning and development department and the County sheriff's department. If a violation is a first offense for the person charged, a written letter or warning citation may be issued. Failure to comply with the corrective measures stated warning notices shall be just cause for enforcement personnel to issue a citation. Persons found to be in violation of this article may be allowed to perform remedial cleanup work in lieu of prosecution, injunctive action, or civil penalties at the sole discretion of the County planning and development department. The County has removal rights in certain circumstances. Except as provided, any person violating the provisions of this article is guilty of a misdemeanor and subject to a fine of not more than \$100.00 for the first offense, \$200.00 for the second offense, and \$500.00 for each subsequent offense, or imprisonment of not more than 30 days. Each day a violation occurs shall be a separate violation. Pursuant to N.C.G.S. 153A-132.1, any person who engages in littering on a public street within the County or property owned by the County shall be subject to a fine of not more than \$50.00 or imprisonment of not more than 30 days.

Please contact me if additional information is needed and thank you for your review of statewide criminal offenses.

Sincerely,

Sharon Scudder Russell, JD
Deputy County Manager
Onslow County
910-347-4717