

WATAUGA COUNTY RESPONSE

SESSION LAW 2018-69

AN ACT TO ASSIST THE CRIMINAL LAW RECODIFICATION WORKING GROUP

Re: Conduct Subject To Criminal Punishment Pursuant To G.S. 14-4(a)

Submission Deadline: December 1, 2018

Submitted Electronically: September 19, 2018

RECIPIENTS

Representative **Jonathan C Jordan** Jonathan.Jordan@ncleg.net
Chair, Joint Legislative Administrative Procedure Oversight Committee

Senator **Shirley B Randleman** Shirley.Randleman@ncleg.net
Chair, Joint Legislative Oversight Committee on Justice & Public Safety

Susan Sitze Susan.Sitze@ncleg.nrt
Legal Counsel



PREPARED BY

Watauga County
Department of Planning & Inspections
126 Poplar Grove Connector
Suite 201
Boone, North Carolina

CONDUCT SUBJECT TO CRIMINAL PUNISHMENT PURSUANT TO G.S. 14-4(a)

A violation of any regulatory provisions of the following Watauga County, North Carolina Ordinances is punishable in accordance with NCGS14-4:

Watershed Protection Ordinance

A cooperative program of public water supply watershed management and protection administered by local governments consistent with minimum statewide surface water management requirements. Minimum Ordinance standards promulgated by the State of North Carolina include (i) controlling development density, (ii) providing for performance-based alternatives to development density controls, and (iii) controlling discharges detrimental to water quality.

Subdivision/Multi-Unit Structures Ordinance

An Ordinance enacted to guide and regulate the subdivision of land to ensure (i) land suitability, (ii) coordination of streets and pedestrian facilities, (iii) adequate access, (iv) adequate provision of water & sewerage, to (v) prevent over-crowding and (vi) provide control of stormwater runoff. Multi-unit structure regulations include (i) density standards, (ii) minimum parking requirements, (iii) building setbacks, (iv) building heights, and (v) landscape buffers.

Foscoe-Grandfather Zoning Ordinance

An Ordinance regulating the use of buildings and land within specified zoning districts, including regulations governing (i) development density, (ii) parking standards, (iii) setbacks, (iv) buffer yards and screening, (v) stream protection, and (vi) storm water management.

Valle Crucis Historic District Ordinance

An Ordinance to establish the Valle Crucis Historic District and Historic Preservation Commission in order to preserve, protect, and enhance the history and heritage of the Valle Crucis community. Regulations require the issuance of a Historic District 'Certificate of Appropriateness' prior to issuance of certain building and/or demolition permits

Height of Structures Ordinance

An Ordinance created to limit the height of Residential Structures to 40 feet in order to ensure the provision of adequate fire protection within rural areas.

Sign Ordinance

An Ordinance enacted to control the size, number, and location of advertising signs. The Ordinance also (i) prohibits certain temporary and off-premise signage; (ii) requires sign maintenance, and (iii) requires removal of abandoned signs.

Erosion & Sedimentation Control Ordinance

A cooperative program of managing certain land-disturbing activities intended to control accelerated erosion and prevent off-site sedimentation. The Ordinance is administered by local governments pursuant to the North Carolina Sedimentation Pollution Control Act of 1973. Regulations require (i) prevention of off-site sedimentation, (ii) control of surface water runoff, (iii) limiting exposed areas and time of exposure, (iv) provision of adequate ground cover, and (v) protection of natural water courses.

Floodplain Development Ordinance

A cooperative program of managing development activities within Special Flood Hazard Areas established by Flood Insurance Studies (FIS) issued by the Federal Emergency Management Agency. The Ordinance is compliant with the minimum requirements for participation in the National Flood Insurance Program and is administered by local governments. Regulations require (i) preventing encroachments into the floodway, (ii) ensuring that new construction and substantial improvements are adequately protected from flood damage, and (iii) coordinating revisions to FIS reports and Flood Insurance Rate Maps.

Wireless Tower Ordinance

An Ordinance ensuring that residents, businesses and public safety operations in Watauga County have reliable access to telecommunications networks and state of the art mobile broadband communications services while also minimizing adverse impacts created by wireless facilities and structures. Regulations require (i) structural design standards for wireless structures, (ii) height restrictions, (iii) setback requirements, (iv) fencing, and (v) landscaping.

Wind Energy Systems Ordinance

An Ordinance established to regulate the location and use of wind energy systems and to describe the conditions by which a permit for installing a system could be obtained. The Ordinance regulates the (i) location, (ii) height, (iii) setback, and (iv) permit requirements for classes of wind energy systems.

High Impact Land Use Ordinance

An Ordinance establishing regulations & standards applicable to Asphalt Plants, Electricity Generating Facilities, Solar Power Farms, Propane or Gasoline Bulk Storage Facilities, Chip Mills, Explosives Manufacturing or Storage, Chemical Manufacturing or Storage, Motor Sports Facilities, Automotive Graveyards, Fuel Oil Bulk Storage Facilities, Electric Substations, Cement Mixing Facilities, Commercial and Industrial development with an aggregate building footprint 50,000 square feet or greater, Quarries and Stone Crushers, Junk and Scrap Yards, and Recycling Facilities. Regulations include (i) minimum parking requirements, (ii) outdoor lighting, (iii) separation from protected land uses, (iv) buffers, (v) setbacks, (vi) screening, and (vii) height limitations.

Sexually Oriented Business Ordinance

An Ordinance requiring the dispersing of sexually oriented businesses and limiting them to specified places; prescribing definitions of sexually oriented businesses; providing for licensing and regulation of sexually oriented businesses and employees. Ordinance standards include (i) minimum parking requirements, (ii) landscape buffers, (iii) separation requirements, (iv) limiting hours of operation, and (v) licensing requirements.

Structures Adjacent to National Park Service Land Ordinance

An Ordinance requiring new structures located adjacent to land owned by the National Park Service to be setback a minimum of 15 feet from the Park Service boundary.

Manufactured Home Parks Ordinance

An Ordinance establishing minimum standards for the design and construction of manufactured home parks. Those standards include (i) setbacks from road right-of-ways and property boundary lines, (ii) separation between mobile homes, (iii) parking standards, (iv) roadway requirements, (v) open space, (vi) maximum density, and (vii) landscape buffer provisions.

Subdivision Regulation of Recreational Vehicle Parks

An Ordinance establishing regulations governing the subdivision of land to be developed and sold for use by Recreational Vehicles (RV's). Standards include (i) setbacks from road right-of-ways and property boundary lines, (ii) separation between RV's, (iii) parking standards, (iv) internal roadway requirements, (v) open space, (vi) maximum density, and (vii) landscape buffer provisions.

Ordinance to Regulate Installation and Maintenance of Electronic Access Gates for Gated Communities

An Ordinance establishing standards for the installation of electronic access gates for gated communities to ensure safe and efficient ingress and egress for fire, law enforcement, and other emergency personnel. Regulations include (i) gate location standards, (ii) unobstructed width requirements, (iii) gate activation standards, and (iv) gate maintenance requirements

Abandoned & Junked Motor Vehicle Ordinance

An Ordinance enacted which prohibits owners of nuisance or abandoned vehicles, or owners of property that allow such vehicles, to remain on their property after it has been declared a nuisance and ordered to be removed.

Ordinance to Regulate Loud Disturbing Noise and Activities

An Ordinance enacted which prohibits the creation or allowance of unreasonably loud, disturbing noise of such character, intensity, and duration as to be detrimental to reasonable persons in the vicinity between the hours of 11 pm and 7 am.

Animal Care and Control Ordinance

An Ordinance creating the Department of Animal Care and Control for Watauga County to ensure enforcement of (i) all North Carolina laws and Watauga County ordinances pertaining to domestic dogs and cats and other pets, (ii) Watauga County Ordinance regulating Wild & Dangerous Animals, and (iii) North Carolina laws pertaining to the control of rabies.

Ordinance to Regulate Solicitation

An Ordinance enacted to prohibit unauthorized solicitation and/or engaging in the following activities: (i) use of words or language of a profane nature, (ii) language threatening to inflict bodily harm, (iii) to knowingly make false statements for financial gain, (iv) solicitation while impaired, (v) solicitation in violation of Ordinance terms, and (vi) failure to wear a protective safety vest while engaged in solicitation.

Solid Waste Ordinance

An Ordinance regulating the storage, collection, transportation, separation, processing, recycling, and disposal of solid waste, including hazardous waste (to the extent permitted by law) and medical waste.

Ordinance to Regulate Wild and Dangerous Animals

An Ordinance prohibiting the ownership or possession of inherently dangerous and wild animals, including any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lynx, alligator, crocodile, cayman, bear, sea mammal, poisonous snake, or any other warm blooded animal that can normally be found in the wild state.

Ordinance Regulating House, Building and Mobile Home Address Numbers

An Ordinance establishing regulations for assignment, size and placement of address numbers for structures within the county.

Ordinance Establishing Names of Public and Private Roads

An Ordinance creating the policy and procedures for signing and naming of primarily private roadways throughout the county.