

## **MEMORANDUM**

TO: Sen. Andy Wells  
Co-Chair of the Joint Legislative Administrative Procedure Oversight Committee

Rep. Sarah Stevens  
Vice Chair of the Joint Legislative Administrative Procedure Oversight Committee

Rep. James L. Boles and Rep. Ted Davis, Jr.  
Co-Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety

CC: Susan Sitze  
Staff Attorney, NC General Assembly

FROM: Tamara Brooks  
Town Clerk, Town of Connelly Springs

DATE: October 30, 2019

RE: Response to Section 3 of Session Law 2018-69, House Bill 379

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Attached is the response for the Town of Connelly Springs to the requirements set forth in Section 3 of Session Law 2018-69 for local government units. The attached document contains a list of all the Town of Connelly Spring's ordinances that create criminal offenses pursuant to G.S. 14-4(a) with brief descriptions of the prohibited conduct.

Please acknowledge receipt of this Memorandum and its sufficiency in complying with Session Law 2018-69, Section 3.

<b>Ordinance Punishable by G.S. 14-4(a)</b>	<b>Description of Conduct Subject to Criminal Punishment under the Ordinance</b>	<b>Other Notes</b>
Zoning Ordinance (adopted 12-10-1996, and amended 1-4-1999, 7-26-1999, 3-6-2000, 11-6-2000, 3-5-2001, 4-15-2005, 5-1-2006, 10-2-2006)	Section 123.6. Penalties for Violation. Any person, firm, or corporation who violated the provisions of this Ordinance, shall upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days.	Each day that a violation of this Ordinance is not corrected within thirty (30) days after the notice of said violation has been given shall constitute a separate and distinct violation.
Zoning Ordinance (Article XV) (adopted 12-10-1996)	Section 153. Penalties. Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, shall be subject to a fine of fifty dollars (\$50.00) per day.	
Public Nuisance and Animal Control Ordinance	Section 7(d)(2). A violation of this Article shall be a criminal misdemeanor punishable by a fine up to \$500.00 or a maximum thirty (30) days imprisonment as provided by N.C.G.S. 14-3 and 14-4. Each day that any violation continues after written notification of such violation by the Enforcement Officer shall be considered a separate offense.	
Ordinance Regulating the Discharging of Firearms Within the Corporate Municipal Limits of the Town of Connelly Springs	The violation of this ordinance shall subject the first time offender to a penalty of no more than \$50.00. For a second violation of this statute within a three year period of time, the offending party shall be subject to a fine or not more than \$500.00. Upon the third violation of this ordinance within a three year period of time, the punishment for the offending party shall be identical to the punishment for a Class I misdemeanor.	Does not specify that this is a criminal penalty
Burke County Watershed Protection Ordinance (adopted by the Town of Connelly Springs 10-4-1993)	Section 104. Criminal Penalties. Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.	
Flood Damage Prevention Ordinance (adopted August 6, 2007)	Article 3. Section H. Penalties for Violation. Violation of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Connelly Springs from taking such other lawful action as is necessary to prevent or remedy any violation.	
Environmental Compliance Ordinance (adopted 10-7-2013)	Section 1304. Criminal Action. Any person who violates the provisions of this ordinance shall upon conviction be guilty of a misdemeanor as provided in G.S. 14-4, as amended.	Section 1300 provides for the procedures to be followed when a violation occurs or is alleged to have occurred. This section seeks to allow the Town to seek voluntary compliance followed by any other civil or criminal penalty allowed by law as deemed necessary to resolve the violation.

Each of the ordinances adopted by the Town of Connelly Springs has been enacted with the overall purpose to provide for the health, safety and welfare of the citizens of the Town of Connelly Springs. General enforcement provisions are included within each ordinance, but the enforcement provisions are not directed toward specific violations. Copies of ordinances are available upon request.