



City Clerk Esther J. McCrackin


134 Rose Avenue, P. O. Box 1434, Henderson, NC 27536

Phone 252.430.5705; Fax 252.492.7935; E-mail emccrackin@ci.henderson.nc.us

www.ci.henderson.nc.us

November 1, 2018

To: Rep. Jonathan C. Jordan and Sen. Andy Wells - Co-Chairs of the Joint Legislative Administrative Procedure Oversight Committee; *and*
Rep. James L. Boles, Jr., Rep. Ted Davis, Jr., and Sen. Shirley B. Randleman – Co-Chairs of the Joint Legislative Oversight committee on Justice and Public Safety

Fr: Esther McCrackin, City Clerk 

Re: Response to the Requirements set forth in Section 3 of Session Law 2018-69 (House Bill 379) for the City of Henderson, North Carolina.

In an attempt to comply with the September 27, 2018 memorandum regarding the above requirements, and after review by the City Attorney, attached you will find

1. A Table of Contents of the City of Henderson's Code of Ordinances. At this time, none of the City's ordinances have been decriminalized; therefore, failure to comply with any ordinance technically is deemed a misdemeanor. If you would like to review any section of the Code for further information, the link is https://library.municode.com/nc/henderson/codes/code_of_ordinances
2. A summary listing of all of the City of Henderson's ordinances that specifically reference NCGS 14-4(a)
3. A summary by title of Chapter 10 entitled *Offenses – Miscellaneous*.

If you have any questions, or need further information, please contact me at the number above or our city attorney, D. Rix Edwards (252-438-4134) or at redwards@sszlaw.net.

Henderson, North Carolina - Code of Ordinances

Table of Contents

PART I - THE CHARTER

- Sec. 1. - Incorporation; powers generally.
- Sec. 2. - City limits.
- Sec. 3. - Ward boundaries.
- Sec. 4. - Elective officers—Enumerated; conduct of elections; terms of office; vacancies.
- Sec. 5. - City elections.
- Sec. 6. - Reserved.
- Sec. 7. - Council-manager form of government established.
- Sec. 8. - City manager—Appointment; qualifications; term of office; compensation.
- Sec. 9. - Same—Duties.
- Sec. 10. - City council—Powers generally; organization; mayor pro tempore; oath of office.
- Sec. 11. - Same—Duty to elect certain city officers, etc.
- Sec. 12. - Same—Meetings.
- Sec. 13. - Same—Quorum.
- Sec. 14. - Same—Meetings to be public; presiding officer; tie vote.
- Sec. 15. - Same—Presiding officer in absence of mayor.
- Sec. 16. - Same—Majority vote prerequisite to passing motions; exception as to resolutions and ordinances.
- Sec. 17. - Reserved.
- Sec. 18. - Same—Rules of order; removal of members for cause.
- Sec. 19. - Salaries of mayor and councilmen.
- Sec. 20. - Duties, authority, etc., of the mayor.
- Sec. 21. - City clerk.
- Sec. 22. - Director of finance.
- Sec. 23. - Reserved.
- Sec. 24. - City attorney.
- Sec. 25. - Delegation of duties by department heads.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 26. - Police jurisdiction.

Sec. 27. - City council—Powers enumerated generally.

Sec. 28. - Same—Power to create, etc., departments.

Sec. 29. - Same—Power to grant franchises.

Sec. 30. - Taxing powers.

Sec. 31. - Power to convey real and personal property, etc.

[Sec. 31A. - Power to accept real estate subject to an existing deed of trust under certain circumstances.]

Sec. 32. - Power of council to make investigations, subpoena witnesses, etc.

Sec. 33. - Wells, privies, etc.

Sec. 34. - Corner lot assessment.

Sec. 35. - Street improvements—Authority of city council to make.

Sec. 36. - Same—Defined; when petition unnecessary.

Sec. 37. - Same—Assessment procedure.

Sec. 38. - Same—Effect.

Sec. 39. - Extension of extraterritorial zoning and subdivision control beyond one mile; extraterritorial planning area defined.

Sec. 40. - Enactment of regulations.

Sec. 40.1. - Weeded Lot Ordinance.

Sec. 41. - Enforcement of regulations in extraterritorial planning area.

Sec. 42. - Authority of zoning board of adjustment.

Sec. 43. - Recording subdivision plat, etc.

Sec. 44. - Authority to require improvements to comply with city specifications.

Sec. 45. - Authority to establish proposed street lines.

Sec. 46. - Platting.

Sec. 47. - Adoption of official map, etc.

Sec. 48. - Right of city to acquire property before improvement upon proposed street lines.

Henderson, North Carolina - Code of Ordinances

Table of Contents

- Sec. 49. - Effect of failure to notify city of improvements.
- Sec. 50. - Effect of failure of city to act.
- Sec. 51. - Bonds of city officers and employees.
- Sec. 52. - Reserved.
- Sec. 53. - Procedure for letting contracts, etc.
- Sec. 54. - City Code to remain in force, etc.
- Sec. 55. - Effective date of Charter; repeal of certain acts, etc.
- Sec. 56. - Severability of Charter provisions.
- Sec. 57. - Repeal of conflicting laws.
- Sec. 58. - Effective date.

PART II - THE CODE

TITLE I - ADMINISTRATION

Chapter 1 - GENERAL PROVISIONS

- Sec. 1-1. - How Code designated and cited.
- Sec. 1-2. - Definitions and rules of construction.
- Sec. 1-3. - Provisions considered as continuations of existing ordinances.
- Sec. 1-4. - Catchlines of sections.
- Sec. 1-5. - Severability of parts of Code.
- Sec. 1-6. - General penalty; enforcement of ordinances; continuing violations.
- Sec. 1-7. - Return check charge.

Chapter 2 - LEGISLATIVE OFFICERS AND EMPLOYEES GENERALLY

ARTICLE I. - IN GENERAL

- Sec. 2-1. - Office of city clerk and collector of revenue.
- Sec. 2-2. - Duties of city clerk generally.
- Sec. 2-3. - Election of city treasurer.

Henderson, North Carolina - Code of Ordinances

Table of Contents

ARTICLE II. - CITY COUNCIL

Sec. 2-4. - Regular meetings—Generally.

Sec. 2-5. - Same—Agenda.

Sec. 2-6. - Presiding officer.

Sec. 2-7. - Order of business.

Sec. 2-8. - Ordinances reduced to writing.

Sec. 2-9. - Precedence of motions.

Sec. 2-10. - Questions without debate.

Sec. 2-11. - Deciding questions of order.

Sec. 2-12. - Recording votes.

Sec. 2-13. - Motion to reconsider.

Sec. 2-14. - Ethics.

Sec. 2-15. - Reports of committees.

Sec. 2-16. - Communications and petitions in writing.

Sec. 2-17. - Enforcement of parliamentary rules.

Sec. 2-18. - Robert's Rules of Order adopted.

Sec. 2-19. - Rules adopted or suspended.

Sec. 2-20. - Speaking regulations.

Sec. 2-21. - Visitors addressing council.

Sec. 2-22. - Committees.

ARTICLE III. - EMPLOYEES

Sec. 2-23. - Employment is "at-will".

ARTICLE IV. - PERSONNEL RECORDS

Sec. 2-24. - Personnel transactions.

Sec. 2-25. - Employee personnel records of public record.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 2-26. - Department records.

Sec. 2-27. - Confidential records.

Sec. 2-28. - Disciplinary matters.

Sec. 2-29. - Objection to material.

Sec. 2-30. - Penalty for violation.

Sec. 2-31—2-39. - Reserved.

ARTICLE V. - BOARDS AND COMMISSIONS.

Sec. 2-40. - Attendance.

Chapter 3 - LICENSES

ARTICLE I. - IN GENERAL

Sec. 3-1. - Definitions.

Sec. 3-2. - Imposition of privilege license taxes.

Sec. 3-3. - License required.

Sec. 3-4. - Annual license; proration of tax.

Sec. 3-5. - Required for each separate business.

Sec. 3-6. - Required for each separate place of business.

Sec. 3-7. - Display.

Sec. 3-8. - Refund of license tax.

Sec. 3-9. - Limitations of state law on license taxes.

Sec. 3-10. - Additional tax assessed on delinquent licensees.

Sec. 3-11. - Time limitations on collecting past taxes.

ARTICLE II. - SCHEDULE

Sec. 3-12. - Reserved.

Sec. 3-13. - Refusal or revocation of a license.

Sec. 3-14. - Reserved.

Henderson, North Carolina - Code of Ordinances

Table of Contents

ARTICLE III. - MASSEURS, MASSAGE PARLORS, HEALTH SALONS AND CLUBS

Sec. 3-15. - Purpose of article.

Sec. 3-16. - Definitions.

Sec. 3-17. - Application for license.

Sec. 3-18. - Qualifications of applicant for license.

Sec. 3-19. - Issuance and renewal of license and payment of fees.

Sec. 3-20. - Employment of persons convicted of certain crimes.

Sec. 3-21. - Enforcement and revocation of license.

Sec. 3-22. - Certain procedures prohibited.

Sec. 3-23. - Names of employees to be filed with chief of police.

Sec. 3-24. - Hours of operation.

Sec. 3-25. - Patronage of massage parlors by minors.

Sec. 3-26. - Criminal penalties.

ARTICLE IV. - COMPETITION WITH FRANCHISEES

Sec. 3-27. - Restricted.

ARTICLE V. - SEXUALLY ORIENTED BUSINESSES

Sec. 3-28. - Purpose and authority.

Sec. 3-29. - Definitions.

Sec. 3-30. - Classifications.

Sec. 3-31. - License required.

Sec. 3-32. - Issuance and posting of license.

Sec. 3-33. - Annual license fee.

Sec. 3-34. - Inspection.

Sec. 3-35. - Notices.

Sec. 3-36. - Notice of violation and suspension of license.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 3-37. - Revocation of license.

Sec. 3-38. - Appeal of denial, suspension, or revocation of license.

Sec. 3-39. - Transfer of license.

Sec. 3-40. - Expiration of license.

Sec. 3-41. - Prohibitions regarding minors.

Sec. 3-42. - Adult live entertainment businesses.

Sec. 3-43. - Adult mini-motion-picture theaters.

Sec. 3-44. - Clothing modeling studios.

Sec. 3-45. - Criminal penalty.

Sec. 3-46. - Civil injunction.

ARTICLE VI. - ELECTRONIC GAMING OPERATIONS

Sec. 3-47. - Electronic gaming operation—Defined.

Sec. 3-48. - Annual privilege license tax.

Sec. 3-49. - Additional annual privilege license tax.

Sec. 3-50. - Privilege license for all electronic gaming machines.

Sec. 3-51. - Requirement for privilege license for each electronic gaming machine.

Sec. 3-52. - Forfeited privilege license tax.

Chapter 3A - VIDEO AND CABLE SYSTEM STANDARDS

ARTICLE I. - INTRODUCTION

Sec. 3A-1. - Purpose.

Sec. 3A-2. - Definitions

Sec. 3A-3. - Franchise application.

Sec. 3A-4. - Qualifications.

ARTICLE II. - GRANT OF FRANCHISE

Sec. 3A-5. - Grant.

Henderson, North Carolina - Code of Ordinances

Table of Contents

- Sec. 3A-6. - Anti-competitive practices.
- Sec. 3A-7. - Use public rights-of-way.
- Sec. 3A-8. - Franchise required.
- Sec. 3A-9. - Term of franchise.
- Sec. 3A-10. - Time of the essence in performing required acts.
- Sec. 3A-11. - State law governs disputes.
- Sec. 3A-12. - Transfer of ownership or control.
- Sec. 3A-13. - Franchise renewal.
- Sec. 3A-14. - Franchise fee.
- Sec. 3A-15. - Forfeiture or revocation.
- Sec. 3A-16. - Receivership and foreclosure.
- Sec. 3A-17. - Equal opportunity policy.
- Sec. 3A-18. - Notices.
- Sec. 3A-19. - Failure of city to enforce franchise does not waive terms.
- Sec. 3A-20. - Rights reserved to grantor.
- Sec. 3A-21. - No recourse against grantor.

ARTICLE III. - REGULATION OF FRANCHISE

- Sec. 3A-22. - Regulatory authority.
- Sec. 3A-23. - Supervision of franchise.
- Sec. 3A-24. - Rates and charges.
- Sec. 3A-25. - Performance evaluation.
- Sec. 3A-26. - Violation and penalties.

ARTICLE IV. - LETTER OF CREDIT, INSURANCE, INDEMNIFICATIONS

- Sec. 3A-27. - Letter of credit.
- Sec. 3A-28. - Liability and insurance.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 3A-29. - Indemnification.

ARTICLE V. - FINES AND PENALTIES

Sec. 3A-30. - Penalty provisions.

ARTICLE VI. - SYSTEM DESIGN AND CONSTRUCTION

Sec. 3A-31. - Authority to construct.

Sec. 3A-32. - Construction and technical standards.

Sec. 3A-33. - System construction schedule.

Sec. 3A-34. - Cable system extension.

Sec. 3A-35. - Facilities in the public way.

Sec. 3A-36. - Tests and performance monitoring.

ARTICLE VII. - SERVICE STANDARDS

Sec. 3A-37. - Service to customers.

Sec. 3A-38. - Standard of customer service and care.

ARTICLE VIII. - BOOKS, RECORDS, REPORTS

Sec. 3A-39. - Books, records available to city.

Sec. 3A-40. - Reporting.

Sec. 3A-41. - Reports provided on request.

Sec. 3A-42. - Additional reports.

Sec. 3A-43. - Records required.

Chapter 4 - ELMWOOD CEMETERY (Owned by City)

ARTICLE I. - IN GENERAL

Sec. 4-1. - Designation.

Sec. 4-2. - Authority of city under chapter.

Sec. 4-3. - Duties of director.

Sec. 4-4. - Cemetery register.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 4-5. - Sale of lots.

Sec. 4-6. - Lot prices.

Sec. 4-7. - Mausoleum lots.

Sec. 4-8. - Deed to lot.

Sec. 4-9. - Grave digging fees.

Sec. 4-10. - Liability of owner.

Sec. 4-11. - Grave digging.

ARTICLE II. - MAINTENANCE

Sec. 4-12. - Cemetery maintenance and operation.

ARTICLE III. - PERPETUAL CARE

Sec. 4-13. - Perpetual care—Defined.

Sec. 4-14. - Fund created; object.

Sec. 4-15. - Preservation of principal.

ARTICLE IV. - RULES AND REGULATIONS

Sec. 4-16. - Depth of graves.

Sec. 4-17. - Removal, injury, etc., to markers, etc.

Sec. 4-18. - Plants, flowers, etc.

Sec. 4-19. - Depositing rubbish, etc.

Sec. 4-20. - Use as playground; discharge of firearms.

Sec. 4-21. - Vehicle regulations.

Sec. 4-22. - Other rules and regulations enumerated.

Chapter 4A - NON-CITY OWNED CEMETERIES

Sec. 4A-1. - [Person or entity owning or maintaining a cemetery.]

Sec. 4A-2. - [Blacknall Cemetery.]

Chapter 4B - TAX ON GROSS RECEIPTS DERIVED FROM RETAIL, SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 4B-1. - Definitions.

Sec. 4B-2. - Levy of tax.

Sec. 4B-3. - Collection of the tax.

Sec. 4B-4. - Report and payment of tax.

Sec. 4B-5. - Taxpayer to keep records.

Sec. 4B-6. - Tax collector to provide forms.

Sec. 4B-7. - Situs.

Sec. 4B-8. - Penalties and remedies.

Sec. 4B-9. - Severability.

Sec. 4B-10. - Authority.

Chapter 4-C - URBAN HOMESTEADING PROGRAM

Sec. 4C-1. - Program established; procedures and standards.

TITLE II - POLICE

Chapter 5 - POLICE DEPARTMENT ADMINISTRATION

Sec. 5-1. - Composition.

Sec. 5-2. - Duties generally.

Sec. 5-3. - Police power and authority.

Sec. 5-4. - Duties of chief; supervision and control of department.

Sec. 5-5. - Department hours generally.

Sec. 5-6. - Authority to restrict access to certain areas.

Sec. 5-7. - Taxicab inspector.

Sec. 5-8. - Travel expenses.

Sec. 5-9. - Use of police cars.

Sec. 5-10. - Residence and telephone requirements.

Sec. 5-11. - Other employment.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 5-12. - Department property.

Sec. 5-13. - Mutual assistance between police and fire departments.

Chapter 6 - ANIMALS AND FOWL

ARTICLE I. - IN GENERAL

Sec. 6-1. - Confinement of diseased animals.

Sec. 6-2. - Livestock—Running at large.

Sec. 6-3. - Fowl—Running at large; enclosure requirements.

Sec. 6-4. - Same—Roosters as nuisance.

Sec. 6-5. - Horses, cattle and goats; requirements.

Sec. 6-6. - Stables—Permit to erect.

Sec. 6-7. - Same—Removal for violations.

Sec. 6-8. - Same—Manure bins.

Sec. 6-9. - Hogs or pigs.

Sec. 6-10. - Wild or exotic animals.

ARTICLE II. - DOGS

Sec. 6-11. - Confinement required unless immunized.

Sec. 6-12. - Impoundment.

Sec. 6-13. - Rabid animals.

Sec. 6-14. - Female dogs in heat.

Sec. 6-15. - Vicious dogs.

Sec. 6-16. - Limitation of number of dogs kept; exception.

ARTICLE III. - BIRDS OR ANIMALS INJURIOUS TO PERSONS OR PROPERTY

Sec. 6-17. - Permit required for killing.

Sec. 6-18. - Procedure for taking alive.

Chapter 7 - MOTOR VEHICLES AND TRAFFIC

Henderson, North Carolina - Code of Ordinances

Table of Contents

Chapter 8 - PAWNBROKERS, CASH CONVERTERS, CURRENCY CONVERTERS, METAL DEALERS AND SCRAP DEALERS

Chapter 8A. - RETAIL SHORT-TERM LEASE OR RENTAL OF VEHICLES

Sec. 8A-1. - Definitions.

Sec. 8A-2. - Levy of tax.

Sec. 8A-3. - Collection of the tax.

Sec. 8A-4. - Report and payment of tax.

Sec. 8A-5. - Taxpayer to keep records.

Sec. 8A-6. - Tax collector to provide forms.

Sec. 8A-7. - Situs.

Sec. 8A-8. - Penalties and remedies.

Sec. 8A-9. - Administration.

Sec. 8A-10. - Severability.

Sec. 8A-11. - Authority.

Chapter 9 - RAILROADS

Sec. 9-1. - Chapter posted in station.

Sec. 9-2. - Obstructing crossings.

Sec. 9-3. - Cars standing near crossings.

Sec. 9-4. - Warning devices required at certain intersections.

Sec. 9-5. - Maintenance of streets crossing tracks.

Sec. 9-6. - Depositing trash, etc., on right of ways.

Sec. 9-7. - Crowding around, etc., trains prohibited.

Sec. 9-8. - Crossing track when gates down.

Sec. 9-9. - Jumping on or off train while in motion.

Sec. 9-10. - Loitering, etc. on bridges.

Chapter 10 - OFFENSES—MISCELLANEOUS

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 10-1. - Alcoholic beverages—Public consumption and public drunkenness.

Sec. 10-2. - Sale of alcoholic beverages; Sunday sales.

Sec. 10-3. - Animal fighting.

Sec. 10-4. - Barbed-wire fences.

Sec. 10-5. - Reserved.

Sec. 10-6. - Business—Conducting in boisterous, etc., manner.

Sec. 10-7. - Loitering.

Sec. 10-7.1. - Reserved.

Sec. 10-8. - State of emergency; restrictions authorized.

Sec. 10-9. - Disorderly conduct.

Sec. 10-10. - Disturbing public amusements.

Sec. 10-11. - Excavations—Safety precautions.

Sec. 10-12. - Firebombs; "Molotov cocktails"—Definitions.

Sec. 10-13. - Same—Possession, manufacture, etc.

Sec. 10-14. - Gambling devices, etc.

Sec. 10-15. - Halloween regulations—Definitions.

Sec. 10-16. - Same—Masks prohibited; exceptions.

Sec. 10-17. - Same—Trick or treat visitations.

Sec. 10-18. - Hotels, etc., soliciting patronage.

Sec. 10-19. - Reserved.

Sec. 10-20. - Noises—Enumeration of prohibited acts.

Sec. 10-20.1. - Noise from radios, tape players, loudspeakers, sound amplifiers.

Sec. 10-21. - Obscenity; indecent exposure, etc.

Sec. 10-22. - Parades and assemblages—Definition.

Sec. 10-23. - Same—Permit and standards.

Henderson, North Carolina - Code of Ordinances

Table of Contents

- Sec. 10-24. - Same—Noncompliance.
- Sec. 10-25. - Same—Vehicles restricted along route.
- Sec. 10-26. - Picketing—Definitions and regulations.
- Sec. 10-27. - Pickets and parades—Interference.
- Sec. 10-28. - Profanity in public.
- Sec. 10-29. - Property—Injury, removal, etc.
- Sec. 10-30. - Public dances and dances at public places.
- Sec. 10-31. - Schools—Interference with pupils.
- Sec. 10-32. - Selling goods; wares, etc., from vehicles parked on city streets.
- Sec. 10-32.1. - Yard sale regulations.
- Sec. 10-33. - Signs—Affixing to utility poles.
- Sec. 10-33.1. - Same—Political signs prohibited in certain places.
- Sec. 10-33.2. - Same—Removal of political signs.
- Sec. 10-33.3. - Signs within rights-of-way and in public places.
- Sec. 10-34. - Solicitors, peddlers and transient vendors—Definitions; applicability of regulations.
- Sec. 10-35. - Same—Registration; permits; bond.
- Sec. 10-36. - Same—Denial, suspension or revocation of permit and badges.
- Sec. 10-37. - Same—Issuance of permits and badges.
- Sec. 10-38. - Same—Penalty for violations.
- Sec. 10-39. - Star pool.
- Sec. 10-40. - Begging and traffic interference.
- Sec. 10-41. - Reserved.
- Sec. 10-42. - Weapons, bows, slings, etc.
- Sec. 10-43. - Wire fences charged with electricity.
- Sec. 10-44. - Trespassing on city property.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 10-45. - Use of city parks within certain hours.

Sec. 10-46. - Use of steel traps prohibited.

Sec. 10-47. - Licensing and regulation of public game rooms (including poolrooms, bowling alleys, billiard halls, bingo parlors, amusement centers, video arcades and electronic game establishments).

Sec. 10-48. - Disruptive behavior.

Sec. 10-49. - Concealed weapons on city properties.

Sec. 10-50. - Anti-graffiti ordinance.

Sec. 10-51. - Youth protection ordinance.

Sec. 10-52. - No smoking on city owned or leased properties.

TITLE III - FIRE

Chapter 11 - FIRE DEPARTMENT ADMINISTRATION

Chapter 12 - FIRE PREVENTION

Sec. 12-1. - Fire Prevention Code adopted.

Sec. 12-2. - Fire resistance ratings.

Sec. 12-3. - Enforcement powers of fireman.

Sec. 12-4. - Lis pendens.

Sec. 12-5. - State mandated fire inspections fee.

Sec. 12-6. - Periodic inspection schedule.

Chapter 13 - FIRE PROTECTION

Sec. 13-1. - Limitations on providing fire protection.

Sec. 13-2. - Interference with firemen, etc.

Sec. 13-3. - False fire alarm—Prohibited; exception.

Sec. 13-4. - Same—Reward.

Sec. 13-5. - Same—Bell ringing.

Sec. 13-6. - Right-of-way of apparatus.

Sec. 13-7. - Driving vehicles so as to hinder firemen.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 13-8. - Police power of fire chief, etc.

Sec. 13-9. - Powers of mayor, etc., during progress of fire.

Sec. 13-10. - Reserved.

Sec. 13-11. - Responsibility of truck drivers.

Sec. 13-12. - Certificate prerequisite to driving.

Sec. 13-13. - Riding on trucks limited to members.

Sec. 13-14. - Trespassing on department property.

Sec. 13-15. - Primary fire limits.

Sec. 13-16. - Secondary fire limits.

TITLE IV - PUBLIC UTILITIES

SUBTITLE A GENERALLY

Chapter 14 - PUBLIC UTILITIES ADMINISTRATION

Sec. 14-1. - Department created.

Sec. 14-2. - Liability of city.

Sec. 14-3. - Director of department—Appointment.

Sec. 14-4. - Same—Duties.

SUBTITLE B. WATER AND SEWERS

Chapter 15 - WATER AND SEWERS

ARTICLE I. - IN GENERAL

Sec. 15-1. - Definitions.

Sec. 15-2. - Required sanitary facilities.

Sec. 15-3. - Divisions—Created.

Sec. 15-4. - Same—Supervisors.

Sec. 15-5. - Collector of revenue to collect sewer fees.

Sec. 15-6. - Reselling water prohibited.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 15-7. - Using large amounts of water.

Sec. 15-8. - Rebates and collection for water and sewer service.

Sec. 15-9. - Cutting off water and/or sewer for violating Code.

Sec. 15-10. - Authority of mayor to restrict use.

ARTICLE II. - WATER SERVICE

DIVISION 1. - GENERALLY

Sec. 15-11. - Application for service—Generally.

Sec. 15-12. - Same—Conditions.

Sec. 15-13. - Fire hydrants—Use prohibited.

Sec. 15-14. - Same—Liability for damage.

Sec. 15-15. - Air conditioning.

DIVISION 2. - CONNECTIONS

Sec. 15-16. - Permit required to alter or extend unmetered lines.

Sec. 15-17. - Connecting pipes to city property.

Sec. 15-18. - From mains to property line, etc.

Sec. 15-19. - Permit required.

Sec. 15-20. - Cross connections with private lines and supplemental water sources prohibited when connected to city water.

Sec. 15-20.1 - Backflow prevention.

Secs. 15-20.2. - Effective date of sections 15-20 and 15-20.1.

Sec. 15-21. - Outside city.

Sec. 15-22. - For fire protection.

Sec. 15-23. - Stop and waste cock.

Sec. 15-24. - Schedule of charges—Generally.

Sec. 15-25. - Same—Credit for certain consumers.

Sec. 15-26. - Tapping charge.

Henderson, North Carolina - Code of Ordinances

Table of Contents

DIVISION 3. - METERS

- Sec. 15-27. - Required; exception.
- Sec. 15-28. - Entire water supply metered.
- Sec. 15-28.1. - Covering water meters prohibited.
- Sec. 15-28.2. - Contractor's bond forfeited if meter bypassed.
- Sec. 15-29. - Installation charges.
- Sec. 15-30. - Licensed plumber to install lines from meter.
- Sec. 15-31. - Damage by hot water.
- Sec. 15-32. - Separate service pipes for each user.

DIVISION 4. - BILLING, RATES, ETC.

- Sec. 15-33. - Account set-up fee and security deposits.
- Sec. 15-34. - Due date of bills; delinquency.
- Sec. 15-35. - Using water after turn-off by city.
- Sec. 15-36. - Procedure for discontinuing service.
- Sec. 15-37. - Charges during vacancies.
- Sec. 15-38. - Nonliability of city.
- Sec. 15-39. - Rates and fees—Generally.
- Sec. 15-39.1. - Equal pay plan.
- Sec. 15-40. - Same—Sprinklers; hydrants.
- Sec. 15-41. - Single meter required for each user.
- Sec. 15-41.1. - No meters required for certain fire lines.
- Sec. 15-41.2. - Connections for irrigation systems.
- Sec. 15-42. - Claims; adjustments.
- Sec. 15-42.1. - Sewer credit for outside watering of grass, plants and other vegetation.
- Sec. 15-42.2. - Other adjustments to sewer charges.

Henderson, North Carolina - Code of Ordinances

Table of Contents

DIVISION 5. - WATER SERVICE SYSTEM

Sec. 15-43. - Application.

Sec. 15-44. - Right of entry.

ARTICLE III. - SEWER SERVICE

DIVISION 1. - GENERAL PROVISIONS

Sec. 15-45. - Removing obstructions to sewer laying.

Sec. 15-46. - Service outside city limits.

Sec. 15-47. - Sewer service fee—Amount.

Sec. 15-48. - Same—Addition to water bill; date payable.

Sec. 15-49. - Same—On water used but not emptied into sewer system.

Sec. 15-50. - Same—On wastes obtained elsewhere but emptied into sewer system.

Sec. 15-51. - Powers and authority for inspection.

Sec. 15-51.1. - Supplemental sewer disposition prohibited when served by city sewer.

Sec. 15-52. - Damage to testing equipment.

Sec. 15-53. - Connections outside city—Generally.

Sec. 15-54. - Same—Prerequisites.

Sec. 15-55. - Same—Application.

Sec. 15-56. - Same—Refusal to be city's option.

Sec. 15-57. - Sewer lines constructed inside or outside city.

Sec. 15-58. - Same—Schedule of charges.

Sec. 15-59. - Same—Additional fees.

Sec. 15-60. - Same—Certain other fees to remain in force.

Sec. 15-61. - Same—Specifications.

DIVISION 2. - REGULATIONS REGARDING THE DISCHARGE INTO THE CITY SANITARY SEWER

Sec. 15-62. - Purpose and policy.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 15-63. - Definitions and abbreviations.

DIVISION 3. - GENERAL SEWER USE REQUIREMENTS

Sec. 15-64. - Prohibited discharge standards.

Sec. 15-65. - Additional prohibitions.

Sec. 15-66. - National categorical pretreatment standards.

Sec. 15-67. - Local limits.

Sec. 15-68. - State requirements.

Sec. 15-69. - Right of revision.

Sec. 15-70. - Dilution.

Sec. 15-70.1. - Pretreatment of wastewater.

Sec. 15-71. - Accidental discharge/slug control plan.

Sec. 15-71.1. - Hauled wastewater.

Sec. 15-71.2. - Low pressure sewer systems.

DIVISION 4. - FEES AND CHARGES

Sec. 15-72. - Fees and charges.

DIVISION 5. - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

Sec. 15-73. - Permits.

DIVISION 6. - REPORTING REQUIREMENTS

Sec. 15-74. - Baseline monitoring reports.

Sec. 15-75. - Compliance schedule progress reports.

Sec. 15-75.1. - Reports on compliance with categorical pretreatment standard deadline.

Sec. 15-75.2. - Periodic compliance reports.

Sec. 15-75.3. - Reports of changed conditions.

Sec. 15-75.4. - Reports of potential problems.

Sec. 15-75.5. - Reports from unpermitted users.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 15-75.6. - Notice of violation/repeat sampling and reporting.

Sec. 15-75.7. - Notification of the discharge of hazardous waste.

Sec. 15-76. - Analytical requirements.

Sec. 15-76.1. - Grab and composite sample collection.

Sec. 15-76.2. - Timing.

Sec. 15-77. - Recordkeeping.

Sec. 15-78. - Confidential information.

Sec. 15-78.1. - Monitoring facilities.

Sec. 15-78.2. - Search warrants.

DIVISION 7. - ENFORCEMENT

Sec. 15-79. - Administrative remedies.

Sec. 15-80. - Civil penalties.

Sec. 15-80.1. - Other available remedies.

Sec. 15-80.2. - Annual publication of significant noncompliance.

Sec. 15-81. - Affirmative defenses to discharge violations; upset.

Sec. 15-81.1. - Prohibited discharge standards defense.

Sec. 15-82. - Bypass.

Sec. 15-82a. - Severability.

Sec. 15-82b. - Conflict.

DIVISION 8. - INFLOW AND INFILTRATION

Sec. 15-82.1. - Abnormal inflow or infiltration.

ARTICLE IV. - SYSTEM IMPROVEMENTS

DIVISION 1. - GENERALLY

Sec. 15-83. - Definitions.

Sec. 15-84. - Applicability.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 15-85. - Policy.

Sec. 15-86. - Improvements authorized.

Sec. 15-87. - Appurtenances.

Sec. 15-88. - Pump stations.

Sec. 15-89. - Procedure.

DIVISION 2. - CONSTRUCTION

Sec. 15-90. - Construction drawings.

Sec. 15-91. - Rights-of-way and easements.

Sec. 15-92. - Inspection and standards.

Sec. 15-93. - "As built" drawings.

Sec. 15-94. - Fire hydrants.

Sec. 15-95. - Connection with privately owned lines prohibited.

Sec. 15-96. - Bacteriological test.

DIVISION 3. - COSTS AND CHARGES

Sec. 15-97. - Assignment of costs and charges.

Sec. 15-98. - Determination of costs and charges.

Sec. 15-99. - Collection of assessments and charges.

Sec. 15-100. - Special provisions.

ARTICLE V. - STREAMS AND DRAINAGE AREAS

Sec. 15-101. - Discharging sanitary wastewater.

Secs. 15-102—15-119. - Reserved.

ARTICLE VI. - FIRE HYDRANT USAGE

Sec. 15-120. - Purpose.

Sec. 15-121. - Fire hydrant usage.

Chapter 15A - FATS, OILS AND GREASE ORDINANCE

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 15A-1. - Scope and purpose of program.

Sec. 15A-2. - Definitions.

Sec. 15A-3. - Grease interceptor maintenance and grease removal.

Sec. 15A-4. - Record keeping requirements.

Sec. 15A-5. - Specifications.

Sec. 15A-6. - Enforcement.

Sec. 15A-7. - Sample permit.

Chapter 15B - WATER SHORTAGE RESPONSE ORDINANCE

Sec. 15B-1. - Purpose.

Sec. 15B-2. - Definitions.

Sec. 15B-3. - Declaration of voluntary conservation.

Sec. 15B-4. - Declaration of mandatory conservation.

Sec. 15B-5. - Declaration of a water shortage emergency.

Sec. 15B-6. - Declaration of mandatory rationing.

Sec. 15B-7. - Objectives of mandatory rationing.

Sec. 15B-8. - Mandatory rationing for residential users.

Sec. 15B-9. - Mandatory rationing for nonresidential water users.

Sec. 15B-10. - Mandatory rationing for hospitals and health care facilities.

Sec. 15B-11. - Variances.

Sec. 15B-12. - Notices.

Sec. 15B-13. - Conservation recommendations.

Sec. 15B-14. - Enforcement of water rationing.

Sec. 15B-15. - Shortage water rates.

Sec. 15B-16. - Regulations.

Sec. 15B-17. - Civil penalties.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 15B-18. - Appeals.

Sec. 15B-19. - Return to normal.

Sec. 15B-20. - Effectiveness.

Sec. 15B-21. - Revision.

Sec. 15B-22. - Severability.

SUBTITLE C PUBLIC WORKS

Chapter 16 - STREETS AND SIDEWALKS

ARTICLE I. - IN GENERAL

Sec. 16-1. - Supervision.

Sec. 16-2. - Duties of department of public works.

Sec. 16-3. - Records.

Sec. 16-4. - Cellar doors—Permit required.

Sec. 16-5. - Same—To be level with sidewalk.

Sec. 16-6. - Same—To be closed after sundown.

Sec. 16-7. - Spitting on sidewalks, etc.

Sec. 16-8. - Littering.

Sec. 16-9. - Throwing balls, playing marbles, etc.

Sec. 16-10. - Sleeping on streets and sidewalks.

Sec. 16-11. - Signs across streets or sidewalks.

Sec. 16-12. - Congregating on street or sidewalk.

Sec. 16-13. - Injury, etc., to trees.

Sec. 16-14. - Obstructing street or sidewalk; obstructing or damaging signs or signals.

Sec. 16-15. - Reserved.

Sec. 16-16. - Selling or displaying wares on street or sidewalk.

Sec. 16-17. - Deliveries of wood or coal.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 16-18. - Removal of gravel, earth, sand, etc.

Sec. 16-19. - Walking on newly-laid pavement.

Sec. 16-20. - Plantings and placement of objects at intersections.

ARTICLE II. - EXCAVATIONS, CUTS AND REPAIRS

DIVISION 1. - STREETS AND SIDEWALKS

Sec. 16-21. - Excavations below grade of street.

Sec. 16-22. - Permit for cuts—Required.

Sec. 16-23. - Same—Contents.

Sec. 16-24. - Same—Fees.

Sec. 16-25. - Permittee to perform excavating.

Sec. 16-26. - Repair requirements.

DIVISION 2. - STORM DRAINAGE FACILITIES

Sec. 16-27. - Definition.

Sec. 16-28. - Enforcement and administration of division.

Sec. 16-29. - Depositing certain substances in system.

Sec. 16-30. - Obstructions.

Sec. 16-31. - Permit for construction, alteration, etc., of storm sewer lines required.

Sec. 16-32. - Right of entry.

Sec. 16-33. - Notice to remedy faulty conditions—Generally.

Sec. 16-34. - Same—Failure to comply.

Sec. 16-35. - Assessment of costs.

Sec. 16-36. - Use of public funds.

Sec. 16-37. - Acceptance by the city.

DIVISION 3. - STORMWATER MANAGEMENT

Sec. 16-37.1. - Purpose and authority.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 16-37.2. - Definitions.

Sec. 16-37.3. - Protecting riparian buffers.

Sec. 16-37.4. - Development standards.

Sec. 16-37.5. - Permits.

Sec. 16-37.6. - Submission requirements.

Sec. 16-37.7. - Inspections and enforcement.

Sec. 16-37.8. - Illegal discharge detection and elimination.

Sec. 16-37.9. - Civil penalties for illegal discharges and connections.

ARTICLE III. - STREETS

Sec. 16-38. - Games prohibited.

Sec. 16-39. - Street markers and signs.

Sec. 16-40. - Repair of street cuts.

Sec. 16-41. - Processing petitions.

Sec. 16-42. - Driveway—Permit required for construction, etc.

Sec. 16-43. - Same—Permittee to bear expense.

Sec. 16-44. - Same—General specifications.

Sec. 16-45. - Same—Specifications for nonresidential uses.

Sec. 16-46. - Same—Specifications in residential areas.

Sec. 16-47. - Permit required for erecting poles, etc.

Sec. 16-48. - Repair and maintenance—Generally.

Sec. 16-49. - Same—Dirt streets.

Sec. 16-50. - Street cleaning.

Sec. 16-51. - Maintenance of traffic signs, lines, etc.

Sec. 16-52. - Limitations on use of right-of-way by filling stations.

ARTICLE IV. - SIDEWALKS

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 16-53. - Maintenance and repair.

Sec. 16-54. - To be kept clean.

Sec. 16-55. - Driving horses, vehicles, etc., on sidewalks.

Sec. 16-56. - Roller skating—Prohibited in streets.

Sec. 16-57. - Same—Sidewalks.

Sec. 16-58. - Limitations on grating and lights.

Sec. 16-59. - Hanging articles over sidewalk.

Sec. 16-60. - Awnings.

Sec. 16-61. - Stands or tables.

Sec. 16-62. - Leaving gates open on sidewalks.

Sec. 16-63. - Displays on sidewalks.

Sec. 16-64. - Painting or marking on sidewalk.

Sec. 16-65. - Draining water from sidewalks.

Sec. 16-66. - Drains crossing sidewalks to be underground.

Sec. 16-67. - Drains and gutters to be attached to porches, awnings, etc.

Sec. 16-68. - Open drains.

ARTICLE V. - CONSTRUCTION AND FINANCING OF STREET IMPROVEMENT

Sec. 16-69. - General provisions.

Sec. 16-70. - Annual program.

Sec. 16-71. - Petitions for improvement.

Sec. 16-72. - Minimum specific requirements.

Sec. 16-73. - Distribution of costs.

Sec. 16-74. - Special assessment procedure.

Sec. 16-75. - Subdivisions.

Sec. 16-76. - Dedication of streets.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Chapter 16A - RIGHT-OF-WAY MANAGEMENT

- Sec. 16A-01. - Findings, purpose and intent.
- Sec. 16A-02. - Election to manage the right-of-way.
- Sec. 16A-03. - Definitions.
- Sec. 16A-04. - Administration.
- Sec. 16A-05. - Registration and right-of-way occupancy.
- Sec. 16A-06. - Registration information.
- Sec. 16A-07. - Reporting obligations.
- Sec. 16A-08. - Permit requirement.
- Sec. 16A-09. - Permit applications.
- Sec. 16A-10. - Issuance of permit; conditions.
- Sec. 16A-11. - Permit fees.
- Sec. 16A-12. - Right-of-way patching and restoration.
- Sec. 16A-13. - Joint applications.
- Sec. 16A-14. - Supplementary applications.
- Sec. 16A-15. - Other obligations.
- Sec. 16A-16. - Denial of permit.
- Sec. 16A-17. - Installation requirements.
- Sec. 16A-18. - Inspection.
- Sec. 16A-19. - Work performed without a permit.
- Sec. 16A-20. - Supplementary notification.
- Sec. 16A-21. - Revocation of permits.
- Sec. 16A-22. - Mapping data.
- Sec. 16A-23. - Location and relocation of facilities.
- Sec. 16A-24. - Pre-excavation facilities location.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 16A-25. - Damage to other facilities.

Sec. 16A-26. - Vacating rights-of-way.

Sec. 16A-27. - Right-of-way use fees, reimbursements and review.

Sec. 16A-28. - Liability and insurance.

Sec. 16A-29. - Indemnification and liability.

Sec. 16A-30. - Civil penalty provisions.

Sec. 16A-31. - Abandonment of underground facilities.

Sec. 16A-32. - Appeal.

Sec. 16A-33. - Encroachment agreement.

Sec. 16A-34. - Severability.

Sec. 16A-35. - Anti-competitive practices.

Sec. 16A-36. - No recourse against the city.

Chapter 17 - SANITATION

Sec. 17-1. - Definitions.

Sec. 17-2. - Accumulations prohibited.

Sec. 17-3. - Garbage and trash collection policy.

Sec. 17-4. - Containers.

Sec. 17-5. - Collection schedule of city.

Sec. 17-6. - Collection charges.

Sec. 17-7. - Unauthorized use of containers.

Sec. 17-8. - Pilfering or rummaging through commercial garbage containers.

Sec. 17-9. - Tree cutters to clean up resulting debris.

Sec. 17-10. - Regulations for commercial/industrial bulk container service.

Sec. 17-11. - "Solid waste management rules" adopted.

Sec. 17-12. - Franchise or contract with city required.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 17-13. - Penalty.

TITLE V - INSPECTIONS AND PLANNING

Chapter 18 - BUILDINGS AND BUILDING INSPECTOR

Sec. 18-1. - Building Code adopted.

Sec. 18-2. - Special provisions relative to flooding.

Sec. 18-3. - Building permit fees; demolition permit and bond; moving permit and bond; mobile structure foundation and tie-down permit; reinspection fee; fee for beginning work without permit.

Sec. 18-4. - Television antenna—Grounding prerequisite to installation.

Sec. 18-5. - Same—Inspection.

Sec. 18-6. - Issuance of house numbers.

Sec. 18-7. - Insulation and energy utilization equipment—Licensing of insulation contractors.

Sec. 18-8. - Same—Required permit; fee for insulation work; exceptions; reinspection fee; work done without permit.

Sec. 18-9. - Same—Penalties.

Sec. 18-10. - Service of documents.

Sec. 18-11. - Appeals from building inspector.

Sec. 18-12. - Violations.

Sec. 18-13. - Severability.

Sec. 18-14. - Lis pendens.

Chapter 19 - ELECTRICAL CODE

Sec. 19-1. - Electrical Code adopted.

Sec. 19-2. - Electrical inspection fees.

Chapter 20 - PLUMBING AND HEATING

ARTICLE I. - PLUMBING

DIVISION 1. - GENERALLY

Sec. 20-1. - Plumbing inspector—Appointment; duties.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 20-2. - Same—Right of entry.

Sec. 20-3. - Same—Condemnation of defective work; revocation of license for hiding defects.

Sec. 20-4. - Appeal from decision of plumbing inspector.

Sec. 20-5. - Prerequisites to engaging in plumbing business.

Sec. 20-6. - Permit—Regulations.

Sec. 20-7. - Same—Fee.

Sec. 20-8. - Repairs by licensed plumbers only.

DIVISION 2. - PLUMBING CODE

Sec. 20-9. - Adoption; applicability.

Sec. 20-10. - Separate sewer connections required; frostproof toilets prohibited.

Sec. 20-11. - Sinks and grease traps.

Sec. 20-12. - Sand traps and grease catch basins.

ARTICLE II. - HEATING

Sec. 20-13. - Adoption of state code.

Sec. 20-14. - Heating and air conditioning permit fees.

Sec. 20-15. - Refrigeration permit fees.

Sec. 20-16. - Gas inspections.

Sec. 20-17. - Venting inspections.

Sec. 20-18. - Storage of petroleum products.

Chapter 21 - MINIMUM HOUSING CODE

Sec. 21-1. - Definitions.

Sec. 21-2. - Minimum standards of fitness for dwellings and dwelling units.

Sec. 21-3. - Minimum standards for structural condition.

Sec. 21-4. - Minimum standards for basic equipment and facilities.

Sec. 21-5. - Minimum standards for ventilation.

Henderson, North Carolina - Code of Ordinances

Table of Contents

- Sec. 21-6. - Minimum standards for space, use and location.
- Sec. 21-7. - Minimum standards for safe and sanitary maintenance.
- Sec. 21-8. - Minimum standards for control of insects, rodents and infestations.
- Sec. 21-9. - Minimum standards applicable to rooming houses; exceptions.
- Sec. 21-9A. - Safety.
- Sec. 21-10. - Responsibilities of owners and occupants.
- Sec. 21-11. - Duties of code compliance inspector.
- Sec. 21-12. - Powers of code compliance inspector.
- Sec. 21-13. - Inspections; duty of owners and occupants.
- Sec. 21-14. - Procedure for enforcement.
- Sec. 21-15. - Methods of service of complaints and orders.
- Sec. 21-16. - In rem action by inspector; placarding.
- Sec. 21-17. - Costs to be lien on premises.
- Sec. 21-18. - Alternative remedies.
- Sec. 21-19. - Removal, etc., of complaints, notices, etc.
- Sec. 21-20. - Certificate of minimum housing compliance.
- Sec. 21-21. - Zoning board of adjustment to hear appeals.
- Sec. 21-22. - Conflict with other provisions.
- Sec. 21-23. - Violations; penalty.
- Sec. 21-24. - Severability of provisions.
- Sec. 21-25. - Lis pendens.
- Sec. 21-26. - Civil liability.

Chapter 21A - ABANDONED STRUCTURES

- Sec. 21A-1. - Legislative findings, intent and purpose; "abandoned building or structure" defined.
- Sec. 21A-2. - Duties of code compliance director.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 21A-3. - Powers of code compliance director.

Sec. 21A-4. - Standards for enforcement.

Sec. 21A-5. - Procedure for enforcement.

Sec. 21A-6. - Methods of service of complaints, orders and notices.

Sec. 21A-7. - In rem action by inspector; placarding.

Sec. 21A-8. - Cost of removal or demolition to be lien on premises.

Sec. 21A-9. - Alternative remedies.

Sec. 21A-10. - Violations.

Sec. 21A-11. - Severability.

Sec. 21A-12. - Lis pendens.

Chapter 21B - SUMMARY ABATEMENT

Sec. 21B-1. - Legislative findings, intent and purpose.

Sec. 21B-2. - Authorization.

Sec. 21B-3. - Powers of authorized officials.

Sec. 21B-4. - Procedure for enforcement.

Sec. 21B-5. - Hearing.

Sec. 21B-6. - Abatement by city; lien for costs.

Sec. 21B-7. - Civil penalties.

Sec. 21B-8. - Supplemental to other provisions.

Chapter 21D - NONRESIDENTIAL STANDARDS CODE

Sec. 21D-1. - Definitions.

Sec. 21D-2. - Minimum standards of fitness for nonresidential buildings or structures.

Sec. 21D-3. - Minimum standards for structural condition.

Sec. 21D-4. - Minimum standards for basic equipment and facilities.

Sec. 21D-5. - Minimum standards for safe and sanitary maintenance.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 21D-6. - Minimum standards for control of insects, rodents and infestations.

Sec. 21D-7. - Safety.

Sec. 21D-8. - Responsibilities of occupants.

Sec. 21D-9. - Duties of compliance officer.

Sec. 21D-10. - Powers of compliance officer.

Sec. 21D-11. - Inspections; duty of owners and occupants.

Sec. 21D-12. - Procedure for enforcement.

Sec. 21D-13. - Costs and liens.

Sec. 21D-14. - Ejectment.

Sec. 21D-15. - Appeals from orders of compliance officer.

Sec. 21D-16. - Petition to superior court by owner.

Sec. 21D-17. - Alternative remedies.

Sec. 21D-18. - Removal, etc., of complaints, notices, etc.

Sec. 21D-19. - Conflict with other provisions.

Sec. 21D-20. - Violations; penalty.

Sec. 21D-21. - Civil penalties.

Sec. 21D-22. - Severability of provisions.

Sec. 21D-23. - Lis pendens.

Sec. 21D-24. - Civil liability.

Chapter 22 - SWIMMING POOLS

Sec. 22-1. - Definitions.

Sec. 22-2. - Permit—Required; application.

Sec. 22-3. - Same—Application fee.

Sec. 22-4. - Regulations.

Sec. 22-5. - Construction requirements.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Chapter 23 - WEEDS

- Sec. 23-1. - Conditions of public nuisance.
- Sec. 23-2. - Investigation of complaints.
- Sec. 23-3. - Notification; order of abatement.
- Sec. 23-4. - Service of notice.
- Sec. 23-5. - Repealed by ordinance adopted 6-22-87, § 4.
- Sec. 23-6. - Penalty for failure to remove after notice so to do.
- Sec. 23-7. - Failure to abate nuisance (and rights of appeal).
- Sec. 23-8. - Costs of abatement; when due; lien.
- Sec. 23-9. - Chapter in addition to available remedies.

Chapter 23A - SOIL EROSION AND SEDIMENTATION CONTROL

- Sec. 23A-1. - Title.
- Sec. 23A-2. - Purposes.
- Sec. 23A-3. - Definitions.
- Sec. 23A-4. - Scope and exclusions.
- Sec. 23A-5. - General requirements.
- Sec. 23A-6. - Basic control objectives.
- Sec. 23A-7. - Mandatory standards for land disturbing activity.
- Sec. 23A-8. - Design and performance standards.
- Sec. 23A-9. - Storm water outlet protection.
- Sec. 23A-10. - Borrow and waste areas.
- Sec. 23A-11. - Access and haul roads.
- Sec. 23A-12. - Operations in lakes or natural watercourses.
- Sec. 23A-13. - Responsibility for maintenance.
- Sec. 23A-14. - Additional measures.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 23A-15. - Existing uncovered areas.

Sec. 23A-16. - Permits.

Sec. 23A-17. - Erosion and sedimentation control plans.

Sec. 23A-18. - Appeals.

Sec. 23A-19. - Inspections and investigations.

Sec. 23A-20. - Remedies, penalties and fees.

Sec. 23A-21. - Reserved.

Sec 23A-22. - City engineer—Defined.

Sec 23A-23. - Severability.

SUBTITLE B PLANNING

Chapter 24 - ZONING

Sec. 24-1. - Zoning Ordinance adopted.

Sec. 24-2. - Official Zoning Map adopted.

Chapter 25 - SUBDIVISION REGULATIONS

Sec. 25-1. - Adopted.

Chapter 26 - PLANNING BOARD

Sec. 26-1. - Created.

Sec. 26-2. - Membership; qualifications, appointment, term of office, compensation and removal of members; filling of vacancies.

Sec. 26-3. - Extraterritorial representation.

Sec. 26-4. - Chairman and other officers; rules of procedure; meetings; quorum; records.

Sec. 26-5. - Powers and duties generally.

Sec. 26-6. - Basic studies.

Sec. 26-7. - Comprehensive plan.

Sec. 26-8. - Zoning regulations.

Sec. 26-9. - Subdivision regulations.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 26-10. - Public facilities.

Sec. 26-11. - Miscellaneous powers and duties.

Sec. 26-12. - Annual report; analysis of expenditures; budget request.

Sec. 26-13. - Advisory council and special committees.

Chapter 26A - COMMUNITY APPEARANCE COMMISSION

Sec. 26A-1. - Created; composition; terms, removal and qualifications of members.

Sec. 26A-2. - Meetings; organization.

Sec. 26A-3. - Powers, authority and duties.

Chapter 26B - FLOOD DAMAGE PREVENTION/FLOOD HAZARD ORDINANCE

Sec. 26B-1. - Adopted.

SUBTITLE C ENGINEER

Chapter 27 - CITY ENGINEER

Sec. 27-1. - Appointment.

Sec. 27-2. - Qualifications.

Sec. 27-3. - Duties.

Sec. 27-4. - Assistants.

SUBTITLE D EXTRATERRITORIAL PLANNING AREA

Chapter 28 - EXTRATERRITORIAL AREA

Sec. 28-1. - Establishment.

Sec. 28-2. - Representation.

TITLE VI - RECREATION AND PARKS

Chapter 29 - PARKS AND RECREATION

ARTICLE I. - PARKS AND RECREATION COMMISSION

Sec. 29-1. - Created; membership, appointment, qualifications, term of office and compensation of members; filling of vacancies.

Sec. 29-2. - Functions and powers generally.

Henderson, North Carolina - Code of Ordinances

Table of Contents

Sec. 29-3. - Power to accept grants and gifts.

Sec. 29-4. - Financial limitations.

Sec. 29-5. - Budget; financial administration.

Sec. 29-6. - Meetings.

ARTICLE II. - PARKS AND RECREATION DEPARTMENT

Sec. 29-7. - Created.

Sec. 29-8. - Director.

Sec. 29-9. - Powers and duties generally.

Sec. 29-10. - Care of parks, etc.

ARTICLE III. - USE OF PARKS

Sec. 29-11. - Fees relative to use of

Title 1 - Administration

Section 1-6 – General penalty; enforcement of ordinances; continuing violations: Unless otherwise specifically provided, violation of any provision of this Code or any other city ordinance (except article VI of chapter 7 of the City Code) shall be a misdemeanor, as provided by G.S. 14-4. The maximum fine for violating a City Ordinance of the City of Henderson (including not only the City Code, but the zoning code, subdivision code, building code and any other codes adopted by the city) shall be five hundred dollars (\$500.00).

Title II - Police

Chapter 7 –Motor Vehicles and Traffic

Section 21-18 – Alternative remedies: Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. § 14-4 and section 21-23, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Section 21D-17 – Alternative remedies: Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. 14-4 and 21-23, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Chapter 10 –Offenses

Section 10-08(h)– State of emergency; restrictions authorized - Any person violating any provision of this section or any prohibition or restriction imposed by a proclamation authorized by this section shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days, as provided by G.S. 14-4.

Section 10-38 – Same – Penalty for violations: Any person violating any provision of sections 10-34 through 10-37 or making any false or misleading statement in an application for a permit shall, upon conviction, be punished as provided by section 14-4 of the General Statutes of North Carolina.

Title V - Inspections and Planning

Section 21D-20 – Violations; penalty: It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close, or remove or demolish the same, upon order of the compliance officer duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building or structure, with respect to which an appropriate order has been issued pursuant to this chapter, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense. Each violation of any provision of this chapter shall constitute a Class 3 misdemeanor, punishable as provided by G.S. 14-4.

Section 23-9 – Chapter in addition to available remedies: The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the city from proceeding in a criminal action against any person violating the provisions of this chapter as provided in General Statutes of North Carolina, section 14-4.

Section 23A-20(5) – Misdemeanors: Unless otherwise specifically provided, in addition to, or in lieu of, assessments of fees or other remedies, violations of the sedimentation requirements set forth in this ordinance shall constitute a misdemeanor, pursuant to North Carolina General Statutes 160A-175 and 14-4, conviction which may entail fines and incarceration.

Chapter 21 – Minimum Housing

Section 21D-20 – Violations: penalty: It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close, or remove or demolish the same, upon order of the compliance officer duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building or structure, with respect to which an appropriate order has been issued pursuant to this chapter, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense. Each violation of any provision of this chapter shall constitute a Class 3 misdemeanor, punishable as provided by G.S. 14-4.

Section 21-23 – Violations; penalty: Each violation of any provision of this chapter shall constitute a class 3 misdemeanor, punishable by a fine of not more than five hundred dollars or imprisonment of not more than twenty (20) days, as provided by G.S. 14-4.

Chapter 23 - Weeds

Section 23-9 – Chapter in additional to available remedies: The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the city from proceeding in a criminal action against any person violating the provisions of this chapter as provided in General Statutes of North Carolina, section 14-4.

Henderson, North Carolina
Code of Ordinances
Offenses – Miscellaneous

- **Sec. 10-1. - Alcoholic beverages—Public consumption and public drunkenness.**
- **Sec. 10-2. - Sale of alcoholic beverages; Sunday sales.**
- **Sec. 10-3. - Animal fighting.**
- **Sec. 10-4. - Barbed-wire fences.**
- **Sec. 10-5. - Reserved.**
- **Sec. 10-6. - Business—Conducting in boisterous, etc., manner.**
- **Sec. 10-7. - Loitering.**
- **Sec. 10-8. - State of emergency; restrictions authorized.**
- **Sec. 10-9. - Disorderly conduct.**
- **Sec. 10-10. - Disturbing public amusements.**
- **Sec. 10-11. - Excavations—Safety precautions.**
- **Sec. 10-12. - Firebombs; "Molotov cocktails"—Definitions.**
- **Sec. 10-13. - Same—Possession, manufacture, etc.**
- **Sec. 10-14. - Gambling devices, etc.**
- **Sec. 10-15. - Halloween regulations—Definitions.**
- **Sec. 10-16. - Same—Masks prohibited; exceptions.**
- **Sec. 10-17. - Same—Trick or treat visitations.**
- **Sec. 10-18. - Hotels, etc., soliciting patronage.**
- **Sec. 10-19. - Reserved.**
- **Sec. 10-20. - Noises—Enumeration of prohibited acts.**
- **Sec. 10-20.1. - Noise from radios, tape players, loudspeakers, sound amplifiers.**
- **Sec. 10-21. - Obscenity; indecent exposure, etc.**
- **Sec. 10-22. - Parades and assemblages—Definition.**
- **Sec. 10-23. - Same—Permit and standards.**
- **Sec. 10-24. - Same—Noncompliance.**
- **Sec. 10-25. - Same—Vehicles restricted along route.**

Henderson, North Carolina
Code of Ordinances
Offenses – Miscellaneous

- **Sec. 10-26. - Picketing—Definitions and regulations.**
- **Sec. 10-27. - Pickets and parades—Interference.**
- **Sec. 10-28. - Profanity in public.**
- **Sec. 10-29. - Property—Injury, removal, etc.**
- **Sec. 10-30. - Public dances and dances at public places.**
- **Sec. 10-31. - Schools—Interference with pupils.**
- **Sec. 10-32. - Selling goods; wares, etc., from vehicles parked on city streets.**
- **Sec. 10-32.1. - Yard sale regulations.**
- **Sec. 10-33. - Signs—Affixing to utility poles.**
- **Sec. 10-33.1. - Same—Political signs prohibited in certain places.**
- **Sec. 10-33.2. - Same—Removal of political signs.**
- **Sec. 10-33.3. - Signs within rights-of-way and in public places.**
- **Sec. 10-34. - Solicitors, peddlers and transient vendors—Definitions; applicability of regulations.**
- **Sec. 10-35. - Same—Registration; permits; bond.**
- **Sec. 10-36. - Same—Denial, suspension or revocation of permit and badges.**
- **Sec. 10-37. - Same—Issuance of permits and badges.**
- **Sec. 10-38. - Same—Penalty for violations.**
- **Sec. 10-39. - Star pool.**
- **Sec. 10-40. - Begging and traffic interference.**
- **Sec. 10-41. - Reserved.**
- **Sec. 10-42. - Weapons, bows, slings, etc.**
- **Sec. 10-43. - Wire fences charged with electricity.**
- **Sec. 10-44. - Trespassing on city property.**
- **Sec. 10-45. - Use of city parks within certain hours.**
- **Sec. 10-46. - Use of steel traps prohibited.**

Henderson, North Carolina
Code of Ordinances
Offenses – Miscellaneous

- **Sec. 10-47. - Licensing and regulation of public game rooms (including poolrooms, bowling alleys, billiard halls, bingo parlors, amusement centers, video arcades and electronic game establishments).**
- **Sec. 10-48. - Disruptive behavior.**
- **Sec. 10-49. - Concealed weapons on city properties.**
- **Sec. 10-50. - Anti-graffiti ordinance.**
- **Sec. 10-51. - Youth protection ordinance.**
- **Sec. 10-52. - No smoking on city owned or leased properties.**