

Town of Lake Waccamaw

ON THE SHORES OF NORTH CAROLINA'S LARGEST NATURAL LAKE

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Member N.C. League of Municipalities

Quick overview of Lake Waccamaw ordinances w/ penalties

Sec. 1-10. - General penalty; enforcement of ordinances; continuing violations. Overview of ordinance enforcement

(a)

Unless otherwise specifically provided, the violation of any provision of this Code or any other town ordinance shall be a misdemeanor, as provided by G.S. 14-4.

(b)

Violation of any provision of this Code or any other city ordinance shall subject the offender to a civil penalty to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a period of time after he has been cited for such violation.

(c)

Any provision of this Code or any other town ordinance may be forced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(d)

Any provision of this Code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the "Rules of Civil Procedure" of the General Statutes in general and Rule 65 in particular.

(e)

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Code or such ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(f)

The provisions of this Code and any other town ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.

(g)

Except as otherwise specifically provided, each day's continuing violation of any provisions of this Code or any other town ordinance shall be a separate and distinct offense.

Chapter 4 – Animals

Sec. 4-4 – (a)

The Lake Waccamaw Police Department will be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in Lake Waccamaw involved in a violation of this or any other ordinance or state law.

Sec. 4-8. - Dangerous dog/potentially dangerous dog.

- 1) A dog that without provocation has killed or inflicted severe injury on a person; or
- (2) Any dog owned or harbored primarily or in part for the purpose of dog fighting,

Sec. 4-12. - Failing to kill a mad dog.

If the owner of any dog shall know, or have good reason to believe, that his dog, or any dog belonging to any person under his control, has been bitten by a mad dog, and shall neglect or refuse immediately to kill the same, he shall forfeit and pay the sum of \$50.00 to him who will sue therefore; and the offender shall be liable to pay all damages which may be sustained by anyone, in his property or person, by the bite of any such dog, and shall be guilty of a Class 3 misdemeanor (G.S. 67-4).

Sec. 4-17. - Violations and costs.

- (a) Running at large \$25.00

- (b) Damages property 25.00 plus replacement cost of damages
- (c) Fouling of the air 25.00
- (d) Unsanitary condition of enclosure or surroundings 50.00
- (e) Excessive loud/disturbing noise 25.00
- (f) Violation of dangerous or potentially dangerous dog provisions 500.00
- (g) Severely injuring or killing an animal harbored by another person while on the other person's property, common area, or public property (first offence, before being defined as dangerous or potentially dangerous) 250.00

Chapter 6 Buildings and Building Regulations

Sec. 6-20. - Applicability.

(a) **General.** The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in [section 6-19](#). Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

(b) **Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(c) **Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the applicable state building codes in effect at the time of modification. Nothing in this code shall be construed to cancel, modify or set aside any provision of appendix A to this Code, zoning.

(d) **Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

(e) **Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(f) **Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

(Ord. of 8-11-2009, § 16.2)

Sec. 6-194. - Penalty.

Any person, firm or corporation who violates the provisions of this article may be assessed a civil penalty of \$100.00, payable within ten days to the town at the office of the town clerk. Each day that violations continue to exist beyond the ten days shall be considered a separate offense. In addition to any civil sanctions imposed herein, the offender shall be subject to a criminal penalty punishable by a fine not to exceed \$500.00 pursuant to G.S. 14-4.

Chapter 8 - BUSINESS LICENSES AND REGULATIONS

Sec. 8-21. - License tax upon certain businesses; licenses as personal privilege and not transferable; conditions applicable to licenses.

Sec. 8-24. - License year; prorating of tax for half year; expiration date; penalty for late payment.

(a) All taxes provided for and fixed in this article shall be for 12 months, unless otherwise specified. All licenses shall date from July 1 of the year of issuance and shall expire on June 30 next following, provided that where the license is issued after January 1, the licensee shall be required to pay one-half of the tax prescribed, except where otherwise specifically provided for.

(b) The privilege license taxes required by this article shall be deemed late if not paid on or before September 1 and shall be subject to a five percent penalty plus a one-half percent penalty for each month or fraction of a month the tax is paid after such date.

Chapter 10 - EMERGENCY MANAGEMENT

Sec. 10-1. - Purpose. The purposes of this article are to set forth the authority and responsibility of the town in prevention of, preparation for, response to and recovery from natural or manmade disasters or hostile military or paramilitary action

ARTICLE II. - STATE OF EMERGENCY

The governing body has duly adopted an ordinance authorizing the mayor to determine and proclaim the existence of a state of emergency and to impose various restrictions after he determines that such restrictions are necessary as a response to an emergency.

Sec. 10-29. - Penalty. The violation of any provision of this article shall constitute a misdemeanor punishable upon conviction in accordance with section 1-10.

Chapter 16 - FLOOD DAMAGE PREVENTION

Sec. 16-3. - Statement of purpose.

It is the purpose of this chapter to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within floodprone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 16-13. - Penalties.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

Chapter 18 Health and Sanitation

ARTICLE II. - NUISANCE ABATEMENT

Sec. 18-19. - Certain conditions deemed nuisance.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) The uncontrolled growth of noxious weeds or grass to a height in excess of 24 inches causing or threatening to cause a hazard detrimental to the public health or safety.
- (2) Any accumulation of rubbish, trash, or junk causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (3) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (4) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items.
- (5) Any condition detrimental to the public health which violates the rules and regulations of the county health department.
- (6) No person shall permit trash, stagnant water, or tin cans where water will accumulate, or other offensive material which affords a breeding place for mosquitoes or which otherwise constitutes a menace to health, to accumulate upon his premises or in the ditches thereon, but shall provide and use a suitable depository for such material, where it can be removed by the town garbage and trash removal service.

Sec. 18-24. - Additional remedies; criminal action.

The procedure set forth in this article shall be in addition to any other remedies that may now or hereafter exist under law for abatement of public nuisances and this article shall not prevent the town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this article as provided in G.S. 14-4.

Chapter 20/22 Law Enforcement

Sec. 22-1. - Unreasonably loud noise prohibited. Subject to sec, 1 -10. (see top of document)

Sec. 22-3. - Consumption of certain alcoholic beverages. Prohibited within right of ways of public streets, alleys, parks or public property. Subject to sec, 1 -10. (see top of document)

Sec. 22-4. - Damage to trees on public property. Subject to sec, 1 -10. (see top of document)

Sec. 22-5. - Posters on trees on public property is prohibited. Subject to sec, 1 -10. (see top of document)

Sec. 22-6. - Malicious mischief. Injuring or destroying public property is prohibited. Subject to sec, 1 -10. (see top of document)

Sec. 22-7. - Offensive matter on sidewalks, streets, or open lots is prohibited. Subject to sec, 1 -10. (see top of document)

Sec. 22-8. - Littering hazardous objects. Subject to sec, 1 -10. (see top of document)

Sec. 22-9. - Use of slingshot, air rifle, bow, etc. Use of slingshot, air rifle, bow, etc. within town limits or on town owned property is prohibited. Violation of this section shall be a misdemeanor punishable by a fine of not more than \$50.00 and imprisonment for not more than 30 days.

Sec. 22-10. - discharge of firearms in city limits or town leased property is prohibited.

Violation of this section shall be a misdemeanor punishable by a fine of not more than \$50.00 and imprisonment for not more than 30 days.

Chapter 24 - SIGNS¹

Signs use private land and the sign lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This chapter provides standards for the erection and maintenance of private signs. All private signs not exempted, as provided below, shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and, in part, to achieve the following: safety, communications efficiency, and landscape quality and preservation.

Sec. 24-7. - Violations; removal and penalties.

(a) If any sign is erected after January 1, 1979, in violation of any of the provisions of this chapter, the building inspector shall have the power to give the owner or lessee thereof notice of such violation by sending a copy of such notice to the owner or lessee. If the owner or lessee is not known, affixing a copy of the notice to the sign, sign structure, or building for a period of ten days shall be

sufficient. The notice shall contain a brief statement of the particulars in which this chapter is violated and the manner in which such violation is to be remedied.

(b) If such violation is not remedied within ten days after such notice, the owner shall remove the sign immediately.

(c) If such sign is not removed by the owner, the building inspector may initiate legal procedures to obtain the necessary court orders to remove such sign at the expense of the owner or his lessee.

(d) Any person who violates, disobeys, omits, neglects, or refuses to comply with this chapter, or who resists the enforcement of any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined \$50.00. Each day that a violation exists shall constitute a separate offense.

Chapter 26 - SOLID WASTE MANAGEMENT¹

Sec. 26-1. - Disposal generally.

(a) It shall be unlawful to deposit, dispose, place, discard or leave any trash, refuse, or garbage upon any street or highway located within the town or upon property owned or operated by the town unless such garbage, refuse, or trash is placed in a designated location or container for removal by a specific garbage or trash collector.

(b) It shall be unlawful to place, discard, dispose, or leave any trash, refuse, or garbage upon any private property located within the town without the consent of the owner, occupant, or lessee of such property.

Sec. 26-2. - Maintenance of premises.

All refuse, trash, or garbage which originates upon any premises shall not be permitted by the owner or occupant of such premises to accumulate in such manner or in such quantity as to constitute a fire hazard or a danger to health or so as to become offensive or otherwise become a public nuisance. Garbage, trash, and refuse shall be disposed of regularly as provided in this chapter and shall be done in a sanitary and lawful manner.

Sec. 26-3. - Litter control.

It shall be unlawful for any person to dispose of any litter at anyplace within the city except in receptacles provided for that purpose. Litter shall not be deposited or permitted to remain at any place where it would be subject to scattering by children, animals, the elements of nature, or by other means.

Sec. 26-4. - Violation, penalty.

(a) It is expressly provided that each day's violation of any provision of this chapter shall constitute a separate and distinct offense.

(b) Violation of any of the terms of this chapter shall constitute a misdemeanor and the offender shall be subject to punishment in accordance with section 1-10.

Chapter 28 - STORMWATER MANAGEMENT

Sec. 28-2. - Goals and purposes.

The central environmental goal of the town is to restore and preserve water quality and the natural ecological functions of the surface water that are in its planning area. In order to meet this important goal, the town's stormwater ordinance has been adopted for the following purposes:

(1) To regulate existing developments, new developments and construction activities consistent with state requirements and the town's requirements.

(2) To prepare and implement a comprehensive stormwater quality management program and further to prepare a groundwater and surface water quality monitoring program.

(3) To establish the authority of the town to administer and enforce stormwater quantity and quality regulations, including the monitoring, testing and inspection of the groundwater and stormwater runoff from all sources, including, but not limited to, point stormwater outfall pipes, storm water runoff from impervious surfaces, farms, golf courses, disturbed lands, sanitary sewer system and septic systems located within the town's planning area.

(4) To create public education programs so that the citizens of the town's planning area will have knowledge of how to reduce and prevent pollution of all nature from their land, homes and businesses.

Sec. 28-40. - Penalties.

(a) Violation of this article shall subject the offender to a civil penalty of not less than \$200.00 or more than \$1,000.00 per violation, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of this article. Each day's continuing violation thereof shall constitute and be a separate and distinct offense.

(b) This article shall be enforced by any appropriate equitable remedy issuing from a court of competent jurisdiction. In such cases, the general court of justice shall have jurisdiction and authority to issue such orders as may be appropriate to enforce the ordinance of the town, and it shall not be a defense to application made by the town therefor that there is an adequate remedy at law.

Chapter 32 - SUBDIVISIONS¹

Sec. 32-4. - Penalties for violation.

(a) Any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, subdivides his land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this chapter and recorded in the office of the county register of deeds, shall be guilty of a misdemeanor.

(b) The descriptions by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The town, through its attorney or other official designated by the board of commissioners, may enjoin illegal subdivision, transfer or sale of land by action for injunction.

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

Chapter 34 – TELECOMMUNICATIONS

Sec. 34-21. - Purpose and legislative intent.

(a) The Telecommunications Act of 1996 affirmed the Town of Lake Waccamaw's authority concerning the placement, construction and modification of wireless telecommunications facilities or complexes. This article provides for the safe and efficient integration of wireless facilities or complexes necessary for the provision of advanced wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless services to the public, government agencies and first responders, with the intention of furthering the public safety and general welfare.

(b) The Town of Lake Waccamaw finds that wireless telecommunications facilities (facilities) and complexes may pose significant concerns to the health, safety, public welfare, character and environment of the town and its inhabitants. The town also recognizes that facilitating the development of wireless service technology can be an economic development asset to the town and of significant benefit to the town and its residents. In order to assure that the placement, construction or modification of a facility or complex is consistent with the town's land use policies, the town is adopting a single, comprehensive, wireless telecommunications facility or complex application and permitting process. The intent of this section is to minimize the physical impact of wireless telecommunications facilities on the community, protect the character of the community to the extent reasonably possible, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the town.

Sec. 34-48. - Fines.

(a) In the event of a violation of this article, or any special use permit or administrative authorization issued pursuant to this article, the town may impose and collect, and the holder of the special use permit or administrative authorization for a wireless telecommunications facility or complex shall pay to the town, fines or penalties as set allowed by state law or as otherwise established by the town.

(b) Notwithstanding anything in this article, the holder of the special use permit or administrative authorization for a facility or complex may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this section or any section of this article. An attempt to do so shall subject the holder of the special use permit to termination and revocation of the special use permit in addition to the payment of fines. The town may also seek injunctive relief to prevent the continued violation of this article without limiting other remedies available to the town.

Chapter 36 - UTILITIES⁽¹⁾

Sec. 36-23. - Connection to water, sewer systems generally; application.

(a) No person shall connect any property with water or sewer system of the town before making application in writing therefor. Such application shall show the name of the applicant, name of street, the number, if any, the size of the house drain and house sewer, the number and kind of fixtures to be put in, and the name of the person engaged to install the fixtures and make connection.

(b) Any person making application shall be deemed to have specifically agreed to obey and abide by any and all regulations, ordinances and rules that are now or may hereafter be adopted by the board of commissioners for the protection of the water or sewer system, and to restrict, regulate and control the use thereon and the connection therewith.

Sec. 36-49. - Violations; penalty, enforcement.

(a) A violation of this article shall constitute a misdemeanor and shall be punishable by a fine of not less than \$50.00, and not exceeding the sum of \$500.00, or imprisonment for a term of not less than ten days and not more than 30 days, or both.

(b) Any owner not complying with this article shall be subjected to a civil penalty, to be recovered by the town in a civil action in the nature of debt, if the offender does not pay the penalty within a period of ten days after having been cited for violation of this article. This article may be enforced by any of the provisions set forth in G.S. 160A-175, including, but not limited to, citation as by contempt or for contempt, or by way of lien as provided in that statute.

(c) This article may also be enforced by any appropriate equitable or legal remedy, including mandatory injunction or order of abatement, or any other such order issued by a court of competent jurisdiction, as provided by statute. Per Session Law 2003-270, House Bill 469, the town may collect any remaining unpaid water or sewer debt after 90 days in the same manner in which delinquent personal or real property taxes can be collected. Appeals to violations may be heard by the board of commissioners.

(d) The town may apply, in accordance with G.S. 160A-175, for any remedy therein set out and may enforce the lien herein provided by any means set forth in the statute, whether the same is by criminal remedy or civil remedy as the court may order.

(e) Should any property owner fail to abide by this article, he shall be subjected to a civil penalty of \$50.00 for each infraction.

(f) Each day's violation of this article shall be a separate and distinct offense.

Chapter 38 - VEHICLES AND TRAFFIC

Sec. 38-1. - Mufflers on engines, vehicles.

It shall be unlawful for any person to operate any stationary engine, automobile, truck or any other motor vehicle within the town unless the same is first provided and equipped with a muffler, and any muffler cut out thereon shall be closed. Any person violating any of the provisions of this section shall be punished in accordance with section 1-10.

Sec. 38-2. - Vehicles which could damage streets.

No person shall run, pull, draw or drag any disc, cut-a-way or other harrow, sling cart, log wagon, or other machine or vehicle, or any thing over or across the paved streets in the town which will injure, damage or mutilate such street. Any person violating any of the provisions of this section shall be punished in accordance with section 1-10.

Article 2 Golf Cart enforcement – authority to regulate, operate on public streets,

Sec. 38-27. - Enforcement.

(a) **Violations.** Violation of the provisions of this article shall be an infraction, the maximum penalty for which shall be \$100.00. Notwithstanding the foregoing, persons who, while driving golf carts on public streets, roads and highways within the town, violate the rules of the road applicable to motor vehicles generally shall be subject to the same penalties applicable to the operators of such other motor vehicles.

(b) **Penalties.**

(1) **Equipment violations.** Equipment violations includes all equipment mentioned in all offenses: \$25.00.

(2) **License violations.** Any person found in operation of a cart without having a valid driver's license or learner's permit accompanied by a licensed driver will be fined \$50.00 and his privilege to operate a cart in the town will be revoked until said person can provide proof of a valid license to the police department. In the event that said driver is a juvenile, the owner of that golf cart shall receive the fine.

(3) **Insurance violations.** The registering person of any cart being operated in the town that is found to be without liability insurance will be fined \$50.00. The registration of said cart will be revoked until proof of insurance is provided to the police department.

(4) **Occupancy violations :** The operator of any cart in the town that is found to be in violation of the manufacturer's suggested occupancy while in operation shall be fined \$25.00 per person over the limit.

(5) **Driving violations:**

a. Reckless driving to endanger persons and or property shall be punishable by a fine of \$75.00.

b. Impeding the flow of traffic (failure to yield) shall be punishable by a \$25.00 fine.

c. Speeding shall be punishable by a \$25.00 fine.

(6) **Registration violations.** Failure to register a cart being operated in the town will be punishable by a \$50.00 fine. This fine will not be applied to the registration of said cart.

(7) **Alcohol/drug violations.** All alcohol and drug violations will be enforced by the General Statutes. Charges filed under the General Statutes will go against the violator's license, insurance and permanent record. The state courts shall set any fines or penalties.

Zoning regulations – any entity violating zoning regulations are subject to penalties in section 1 -10 of appendix A: Any person, firm or corporation who violates 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 violation continues to exist shall be considered a separate offense.

ARTICLE VI

WATER CONSERVATION

A. Escalating levels of water conservation due to water shortage as a result of drought or major interruption in supply.

Section 36-211., penalties for violation of water conservation measures

1. Failure to comply with mandatory conservation will result in a \$50.00 dollar fine for first offense; each violation will be increased by a factor of \$50.00
2. Failure to comply with mandatory conservation shall result in a \$100.00 dollar fine for first offense, \$350.00 fine for second offense and termination of service for third offense.