

Sec. 1-7. - General penalty.

- (a) It shall be unlawful for any person to violate any of the provisions of this Code or the ordinances of the town.
- (b) Where no specific penalty is provided for in any town ordinance for violation of the same, any person who does violate any ordinance of the town shall be enforced as provided in G.S. 14-4 as the same may be amended from time to time.
- (c) In addition to all other code enforcement actions provided for in this Code, any person found guilty of violating any provision of this Code or any ordinance of the town may be required to pay the court costs, or any portion thereof, in the discretion of the court.
- (d) Each day's continuing violation of a provision of this Code or of any town ordinance shall be a separate and distinct offense.
- (e) Fines collected as criminal penalties are required to go to the county school fund. If a violation is potentially subject to criminal prosecution as well as being subject to a civil penalty, the funds collected as civil penalties go to the school fund.
- (f) Oak Island shall issue code enforcement penalties as a civil penalty. If the offense involved is subject to civil penalties only and is specifically not made a crime, then the funds generated from citations transfer to the town.
- (g) No fine shall exceed \$50.00 unless the ordinance expressly states that the maximum fine is greater than \$50.00.

(Amend. of 2-8-2005; Amend. of 7-13-2017)

State Law reference— Liability of defendant for costs in criminal actions, G.S. 6-47 et seq.; violation of local ordinances, G.S. 14-4; enforcement of ordinances, G.S. 160A-175.

Sec. 4-2. - Bird sanctuary.

The area within the corporate limits of the town is hereby declared a bird sanctuary in accordance with G.S. 160A-188. Any person guilty of violations of this section shall be subject to criminal or civil proceedings, or to any other remedy provided for under G.S. 160A-175. Fines for civil violations are set in the town's fee schedule maintained at the Town Hall.

(Ord. of 11-14-2000(5), art. I, § 1; Ord. of 2-12-2002, art. I, § 1; Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-5. - Alligators.

It shall be unlawful to feed, tease, harass or injure alligators within the corporate limits of the town. Violations may be subject to criminal penalties, as provided in G.S. 113-291.11, and/or civil penalties as provided in G.S. 160A-175. Fines for civil violations are set in the town's fee schedule maintained at the Town Hall.

(Ord. of 11-14-2000(5), art. I, § 4; Ord. of 2-12-2002, art. I, § 4; Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-6. - Animal creating nuisance.

(a) It shall be unlawful for any owner or keeper of animals to permit an animal to create a nuisance, or to maintain a nuisance created by an animal.

(b) Possession of certain reptiles is unlawful. It shall be unlawful for any persons to keep, maintain, possess or have under their control within the town limits any venomous reptile, or non-venomous reptile

weighing over 30 pounds at maturity. This prohibition is primarily based upon concern to protect the health, safety and welfare of the town's residents.

(c) It shall be unlawful for a person to own, keep, or have within the town an animal that habitually or repeatedly disturbs, annoys or frightens the residents as determined by an animal control officer/law enforcement officer.

(d) It shall be unlawful for a person to own, keep, or have within the town an animal that habitually or repeatedly creates unsanitary conditions in the area where the animal primarily resides, that is not removed, in a timely manner, by the owners or keepers.

(e) Compliance shall be required as follows:

(1) When an animal control officer or law enforcement officer determines that a violation has occurred on private property, the owner or keeper shall be given written notification of such violation and be given 48 hours from the time of the notification to abate the nuisance. If the animal commits any further violations or if the owner of the animal fails to abate the condition which constitutes the nuisance, the animal control/law enforcement officer may issue a notice of violation and civil penalty for the first offense and additional penalties for any and all subsequent offenses. If the owner fails to abate the nuisance after the second civil penalty, animal control officers/law enforcement may deem the animal a habitual public nuisance and/or seize and impound the animal. If the animal is seized, animal control/law enforcement officers must post a notice of seizure and impoundment with the owner. The owner may reclaim the animal upon payment of civil fees, redemption fees and boarding. If the animal is not reclaimed within five days, it shall become the property of the town and shall be disposed of according to section 4-48.

(2) When an animal control officer or law enforcement officer determines that a violation has occurred on public property, the owner must remove the animal from the public area immediately and may be charged criminally as provided by G.S. 160A-175, and/or subject to civil penalties as provided in the town's fee schedule.

(3) Any animal that has been previously deemed by an animal control officer or law enforcement officer as being at large, based upon probable cause, or has previously caused injury to a person or animal, or has displayed vicious tendencies, or has been a habitual public nuisance, must be restrained by a fence or enclosure by the owner even when on the owner's property based on the owner's failure to abate the nuisance. The restraint must be deemed appropriate by the animal control supervisor. Any person guilty of violations of this section shall be subject to criminal or civil proceedings, or by any other remedy provided for under G.S. 160A-175. Fines for civil violations are set in the town's fee schedule maintained at the Town Hall. The provisions for violation in this section are separate and severable and either civil or criminal action may be instituted notwithstanding the other.

(Ord. of 11-14-2000(5), art. VII, § 1; Ord. of 2-12-2002, art. VII, § 1; Amend. of 4-12-2011; Amend. of 1-14-2014; Amend. of 9-9-2014)

Cross reference— Nuisances, § 14-31 et seq.

Sec. 4-7. - Abandonment of animals.

It shall be unlawful for any person to turn loose or discard any domesticated animal or pet with the intent of abandoning such animal or pet. Any person guilty of violations of this section shall be subject to criminal or civil proceedings, or to any other remedy provided for under G.S. 14-361.1 or G.S. 160A-175. Fines for civil violations are set in the town's fee schedule maintained at the Town Hall. The provisions

for violation in this section are separate and severable and either civil or criminal action may be instituted notwithstanding the other.

(Ord. of 2-12-2002, art. VI, § 6; Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-9. - Allowing dogs or other pet animals to defecate on public or private property.

(a) Owners of any dog or other pet animal shall be fully responsible for the removal or cleanup of any mess or destruction made by their dog or other pet animal.

(b) It shall be unlawful for any owner or person in control of a dog or other pet animal to permit the animal to go on public or private property of other persons without their consent and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden, or turn over trash cans or spread litter in any manner whatsoever.

(c) It shall be unlawful for owners of any dog or other pet animal to take it off its own property limits without carrying bags and utensils to properly and promptly remove and dispose of all feces left by the dog or other animal on public property, including, but not limited to, any public street, alley, sidewalk, park, beach strand, or any private property within the town limits of Oak Island. Any person found not complying shall be subject to *criminal* or civil proceedings, or to any other remedy provided for under G.S. 160A-175. Civil fines for violations are set in the town's fee schedule maintained at Town Hall.

(d) Subsections (a) and (c) of this section shall not be applicable to any seeing-eye dog being handled by a person who is legally blind.

(Ord. of 2-12-2002, art. VI, § 8; Amend. of 2-13-2007(1); Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-11. - Animal cruelty/general care and prohibited acts.

All animals shall be kept and treated under sanitary and humane conditions.

(1) Food, water and shelter. All animals in the possession of any persons shall be provided proper and adequate food and water. All animals shall be given at suitable intervals not to exceed 24 hours, a quantity of foodstuff suitable for the species and age, sufficient to maintain a healthful level of nutrition. All animals shall have access to a constant supply of clean, fresh water. All animals shall be provided proper and adequate shelter from the weather at all times.

(2) Sanitary shelter. All shelter for animals and the area surrounding said shelter shall be kept clean at all times.

(3) Veterinary medical treatment . All owners or possessors of animals shall provide proper veterinary medical attention for sick, diseased or injured animals. A sick animal shall go no longer than 24 hours without veterinary care.

(4) Cruelty and cruel treatment. No person shall beat, torment, tease, injure or lure an animal or otherwise cruelly treat an animal.

(5) Illegal contest or combat. No person shall cause, permit or instigate any dogfight, cockfight, or other illegal contest or combat between animals or animals and humans.

(6) Poisoning of animals. No person shall expose any known poisonous substance or mix a poisonous substance with food so that it will likely be eaten by any animal.

(7) Confinement of animals in motor vehicles.

a. In order to protect the health and safety of an animal, any animal control officer, animal cruelty investigator appointed under G.S. 19A-45, law enforcement officer, firefighter, or rescue squad worker, who has probable cause to believe that an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions, may enter the motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible for the animal (G.S. 14-363.3).

b. Nothing in this section shall be construed to apply to the transportation of horses, cattle, sheep, swine, poultry, or other livestock.

c. Any person found to be cruelly treating, neglecting or intentionally harming an animal shall be subject to *criminal* or civil proceedings, or to any other remedy provided for under G.S. 19A-23, G.S. 14-360 or G.S. 160A-175. Civil fines for violations are set in the town's fee schedule maintained at Town Hall.

(Ord. of 2-12-2002, art. VIII, § 1; Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-13. - Enforcement.

Unless otherwise specified in the body of this section upon the violation of any provision of this chapter, the town may enforce this chapter by criminal or civil proceedings, or by any other remedy provided for under G.S. 160A-175 or any other applicable laws.

(Ord. of 2-12-2002, art. VIII, § 2; Amend. of 1-14-2014)

Sec. 4-14. - Penalty for violation of chapter.

(a) Any person guilty of violations of this chapter shall be subject to criminal or civil proceedings, or to any other remedy provided for under G.S. 160A-175. Fines for civil violations are set in the town's fee schedule maintained at the Town Hall and modified from time to time as deemed necessary.

(b) Unless otherwise specified in the body of this chapter, the provisions for violations in this section are separate and severable and either civil or criminal action may be instituted notwithstanding the other.

(Ord. of 2-12-2002, art. III, § 1; Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-42. - Vaccinations.

Every dog over the age of four months shall be required to wear a collar at all times which has been affixed with the dog's valid rabies vaccination tag. The owner of any dog not wearing its valid rabies vaccination tag as required by this section may be charged criminally in accordance with G.S. 160A-188, and/or be subject to civil penalties as provided under G.S. 160A-175. Fines for civil violations are set in the town's fee schedule maintained at the Town Hall.

(Ord. of 11-14-2000(5), art. IV, § 2; Ord. of 2-12-2002, art. IV, § 2; Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-43. - Registration.

(a) All dogs kept within the town limits by residents shall be registered. Such registration must be applied for and issued to a person who is 18 years of age or older, in January of every year.

(b) Each registered dog shall wear a tag containing information as determined to be necessary by the animal control officer. Any dog found within the town not wearing such tag on its collar shall be deemed to be unregistered. Any person guilty of violations of this section shall be subject to criminal and/or civil proceedings, or to any other remedy provided for under G.S. 160A-175. Fines for civil violations are set in the town's fee schedule maintained at the Town Hall.

(Ord. of 11-14-2000(5), art. V, § 1; Ord. of 2-12-2002, art. V, § 1; Amend. of 4-12-2011; Amend. of 8-14-2012; Amend. of 1-14-2014)

Sec. 4-44. - Running at large.

(a) [Running at large prohibited.] It shall be unlawful for any dog to be running at large.

(b) Animal at large. If animal control receives an at large complaint and an animal control officer does not personally observe the animal at large, the officer shall investigate said complaint. The animal control officer shall have authority to go on and about private property to investigate said complaint. Upon a finding of probable cause to believe the animal was at large he may issue a written notice of violation and/or civil penalty. If an animal control officer observes an animal off of the owner's property and not under physical restraint, he may impound the animal. When the same animal has been repeatedly impounded or the owner has been repeatedly cited for his animal(s) being at large, animal control or law enforcement may declare the animal(s) a habitual public nuisance and/or cite the owner for maintaining a habitual public nuisance. The animal(s) shall then be housed or confined according to the instructions of animal control or law enforcement. If the animal(s) is/are subsequently found at large or the owner is subsequently cited for his animal(s) being at large, the animal control or law enforcement may impound the animal(s) and initiate an action in district court for custody of the animal or animals based on the owner's failure to abate the nuisance. If any dog is found to be running at large or to be a habitual public nuisance, the owners of the dog shall be subject to criminal and/or civil proceedings, or by any other remedy provided for under G.S. 160A-175. Fines for civil violations are set in the town's fee schedule maintained at the Town Hall.

(Ord. of 11-14-2000(5), art. VI, § 1; Ord. of 2-12-2002, art. VI, § 1; Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-46. - Unrestrained dogs.

(a) It shall be the duty of the owner of the dog to be responsible for the dog on the premises of the owner. If any dog leaves the premises of the owner without a leash, it shall be deemed to be running at large. If any dog found at large cannot be safely taken up and impounded, any necessary action may be taken by the duly sworn officer. If any dog is found unrestrained, the dog's owner may be charged criminally as provided by G.S. 160A-175, and/or subject to civil penalties as provided in the town's fee schedule.

(b) Subject to section 4-49(d), when signs are placed, erected or installed at public beach accesses giving notice thereof, dogs may be on the beach from October 15 to March 15 from 6:00 a.m. to 8:00 p.m. without a leash under the following conditions:

- (1) Dog(s) shall not be left unattended;
- (2) Dog(s) must be under visual and voice control at all times;
- (3) Do not allow dog(s) to visit with other beach-goers or dogs without permission;

- (4) If a dog exhibits aggression toward other dogs or beach-goers, the owner must put the dog on a leash and remove the dog from the beach immediately;
- (5) Owners shall be solely responsible for any injury or damage caused by their dog(s); and
- (6) Owners shall properly and promptly remove and dispose of all feces left by their dog(s).
- (7) It shall be unlawful at all times for a dangerous or vicious dog to be taken on a public beach access or on the public beach.

If any dog is found unrestrained in violation of this subsection, the dog's owner may be charged criminally and/or may be fined \$100.00 per offense.

(c) It shall be unlawful for any dangerous or vicious dog, or dangerous animal to be kept, harbored, or otherwise maintained within the town without being restrained in accordance with the definition of restraint as spelled out in section 4-49(a). If any dangerous or vicious dog, or dangerous animal is found unrestrained, the owner shall be criminally charged and/or fined \$500.00 per violation.

(Ord. of 11-14-2000(5), art. VI, § 3; Ord. of 2-12-2002, art. VI, § 3; Ord. of 12-9-2003; Amend. of 1-9-2007; Amend. of 2-13-2007(2); Ord. of 4-14-2009; Amend. of 1-11-2011; Amend. of 4-12-2011; Amend. of 1-14-2014; Amend. of 9-9-2014)

Sec. 4-47. - Impoundment.

(a) It shall be the duty of any animal control officer or police officer to take into his custody any dog found running at large or unrestrained as required by this chapter and to impound such dog. The officer shall make a complete report as to the date, time, place, breed, sex, color and circumstances of the impoundment.

(b) The owner of any registered dog impounded in accordance with this chapter shall be given written notice within 24 hours of impoundment. All dog owners will be given a four-day option to request a hearing (appeal) from a designated hearing board. The designated hearing board shall consist of three members and shall be appointed by the town council. (In the case of an unregistered dog, notice with the required animal information shall be posted at Town Hall.)

(c) It shall be unlawful for any person to interfere with, hinder, obstruct or delay any animal control officers while in the performance of duty. It shall also be unlawful for any person to attempt to release, or to release any animal in the custody of or trapped by animal control. Any person found to be in violation of this section shall be charged *criminally* as provided by G.S. 19A-48, and/or subject to civil penalties as provided by G.S. 160A-175. Fines for civil violations are set in the town's fee schedule maintained at the Town Hall.

(Ord. of 11-14-2000(5), art. VI, § 4; Ord. of 2-12-2002, art. VI, § 4; Ord. of 12-9-2003; Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-48.1. - Dogs on public property.

(a) Dogs on public property must abide by the following terms and conditions:

(1) All dogs must be physically restrained and under control by owner/keeper at all times. (Except in areas where written exceptions are clearly posted.)

(2) If a dog exhibits aggression toward other dogs or people, it must be removed from public area immediately.

(3) Shade and fresh water must be provided for dogs kept outside for extended periods.

(4) All dogs must wear a valid rabies tag at all times.

(5) All permanent residents must have the dog's Town of Oak Island registration tag on the dog's collar.

(6) Owners shall properly and promptly remove and dispose of all feces left by their dog(s).

(b) If a dog owner is found to be allowing a dog to be a nuisance on public property, the owner must remove the animal from the public area immediately and may be charged criminally as provided by G.S. 160A-175, and/or subject to civil penalties as provided in the town's fee schedule.

(Amend. of 9-9-2014)

Sec. 4-49. - Dangerous dog or other dangerous animal.

(a) Definitions. As used in this division, the following terms shall have the meanings set forth below:

At large means when a determined dangerous dog or other dangerous animal(s) is off the premises of the owner and not under restraint or is not confined to a secure enclosure while on the premises of the owner, it shall be deemed at large.

Dangerous or vicious dog means a dog that has been determined by the animal control officer to be dangerous or vicious in accordance with the definition in section 4-1.

Owner means any person, group of persons, firm, partnership or corporation owning, keeping, harboring, having charge of or taking care of a dangerous dog or other dangerous animal.

Owner's premises means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Restraint means that a dangerous or vicious dog or animal is firmly under the control of a person by means of a leash, chain, or rope, of reasonable length, at all times. For purposes of this section, tying a dangerous or vicious dog, or dangerous animal to a stake, pipe, tree or any other stationary object shall not constitute restraint. When the animal is not under the control of a person by means of a leash, "restraint" shall mean confinement to a secure building or enclosure deemed appropriate by the animal control officer.

Secure building or enclosure means an enclosure from which a dangerous dog or other dangerous animal cannot escape unless freed by an owner.

(b) Exemption. This division shall not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties, or a dog being used in a lawful hunt, or a dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

(c) [Determination; appeal.] The animal control officer is designated as the person responsible for determining when a dog is "dangerous or vicious"; and a separate board, consisting of at least three members, shall be appointed by town council to hear any appeals. When the animal control officer makes a determination that a dog is "dangerous or vicious," the owner must be notified in writing, and reasons given for the determination. This written notification shall be sent by certified mail with a return receipt requested. The owner may appeal the determination by filing written objections with the hearing board within three days of the date the certified notification was delivered and signed by the recipient. The hearing board shall schedule a hearing within ten days of the filing of the objections. Any appeal from the final decision of such hearing board shall be taken to the superior court by filing notice of appeal and a petition for review within ten days of the final decision of the hearing board. Appeals from rulings of the hearing board shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in Brunswick County.

(d) [Prohibition from public beach/public beach access.] It shall be unlawful at all times for a dangerous or vicious dog to be taken on a public beach access or on the public beach. If any dangerous or vicious dog is found in violation of this subsection, the dog's owner shall be guilty of a misdemeanor and will be fined \$500.00 for each offense.

(Ord. of 12-9-2003; Ord. of 4-14-2009; Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 4-52. - Penalty for violation of this division.

Violations of this division are punishable by prosecution in criminal court as provided by G.S. 67-4.3 or by G.S. 160A-175.

(1) Dangerous dog found at large. If a dangerous dog is found at large, or is determined by an animal control officer/police officer to pose immediate danger to the health and safety of any person or animal, it may be destroyed with or without prior notice to the owner, only after unsuccessful attempts to catch it and authorization from the animal control supervisor. If an animal control officer/police officer does destroy such a dog he shall submit a written report of the incident to the animal control supervisor within 72 hours of the incident and shall make a good faith attempt to notify the owner of the incident.

If the owner of a dangerous dog has failed to adhere to the written dangerous dog instructions provided by the dangerous dog panel, the animal control officer may have issued an order of seizure with intent to destroy the dog, to the owner. The owner may appeal this intended action by filing a written request with the dangerous dog appellate committee within three business days of receiving the written decision. The dangerous dog appellate committee shall schedule a hearing within three business days of receiving the appeal and request for hearing. The dangerous dog appellate committee shall hear the appeal and render a final written decision within three business days after the hearing and serve the same on the owner. The owner may appeal the dangerous dog appellate committee's decision to the Superior Court by filing notice of appeal and a petition for review within ten business days of the final decision of the dangerous dog appellate committee. If the owner fails to seek a timely review of the animal control officer's notice of intent to destroy the dog or if he fails to file a timely appeal of the dangerous dog appellate committee's decision, the animal control officer shall have the dog humanely destroyed.

(2) Failure to confine or restrain a dangerous dog and failure to provide notice of transfer. Any owner who fails to confine or restrain a dangerous dog or any owner who fails to provide the written notices or violates any provisions of this division shall be subject to the fines, penalties and remedies set forth in the town's fee schedule, as well as being subject to the issuance of a criminal warrant or summons as provided by G.S. 67-4.2(a), G.S. 67-4.2(b) and G.S. 67-4.2(c). Unless otherwise specified in the body of this division, the provisions for violations in this division are separate and severable and either civil or criminal action may be instituted notwithstanding the other.

(Amend. of 4-12-2011; Amend. of 1-14-2014)

Sec. 8-2. - Unsafe buildings.

(a) Finding; intent. It is hereby found that there exists, or may exist, within the town unsafe buildings which the town council finds to be hazardous to the health, safety and welfare of the residents of the town. Therefore, pursuant to the authority granted by G.S. 160A-174, G.S. 160A-411 et seq. and G.S. 160A-426, it is the intent of this section to provide for the repair, alteration or improvement, or the closing, removal or demolition of any such unsafe buildings in accordance with the provisions established in this section.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandoned building means any building, whether designed and intended for residential or nonresidential purposes, which is vacant or not in active use, regardless of reason or purpose, for a period of two or more years.

Building means any structure enclosed and isolated by exterior walls, constructed, used or occupied for residence, business, industry or other public or private purposes, or purpose accessory thereto.

Deteriorated means a building determined unsafe for occupation which can be repaired, altered or improved so as to allow occupancy at a cost not to exceed 50 percent of its assessed valuation as referenced in the most recent county tax listing.

Dilapidated means a building determined unsafe for occupation which cannot be repaired, altered or improved so as to allow occupancy at a cost not to exceed 50 percent of its assessed valuation as referenced in the most recent county tax listing.

Garbage means animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Inspector means a building inspector of the town or any agent or entity authorized by the town to administer the provisions of this section.

Occupied building means any building in current use for any purpose including, but not limited to, residence, business, industry or other public or private purpose, or purpose accessory thereto.

Owner means the holder of the title in fee simple and every mortgagee of record of a property.

Rubbish means combustible and noncombustible waste materials, except garbage and ashes; the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Unfit for human habitation means:

- (1) Conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this article; or
- (2) Conditions exist that constitute life hazards and that do not comply with minimum standards of fitness of the requirements established by this article.

(c) Duties of the building inspector. The building inspector is hereby designated as the town officer to enforce the provisions of this section. It shall be the duty of the building inspector to:

- (1) Investigate buildings within the town and determine which may be in violation of this section;
- (2) Make a determination as to whether such buildings are deteriorated or dilapidated as defined under this section and to take such action pursuant to such determination and the provisions of this section as may be necessary to ensure the repair, alteration or improvement, or the closing, removal or demolition of such buildings;
- (3) Keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this section; and

(4) Perform such other duties as may be prescribed in this section or assigned to him by the town council.

(d) Powers of the building inspector. The building inspector is authorized to exercise such powers as may be authorized under local, state and federal law to carry out the intent and the provisions of this section, including the following powers in addition to those granted in this section:

- (1) Investigate the condition of buildings within the town in order to determine which buildings may be in violation of this section;
- (2) Enter upon premises for the purpose of making inspections;
- (3) Administer oaths and affirmations, examine witnesses, and receive evidence; and
- (4) Designate such other officers, agents and employees of the town as he deems necessary to carry out the provisions of this section.

(e) Minimum standards of fitness.

(1) A determination that a building is unsafe or unfit for human occupancy in accordance with the provisions of this section shall be made upon a finding that any one of the following conditions exist in such building:

- a. Interior walls or vertical studs that seriously list, lean or buckle to such an extent as to render the building unsafe;

- b. Supporting member or members which show 33 percent or more damage or deterioration, or nonsupporting, enclosing, or outside walls or covering which shows 50 percent or more of damage or deterioration; provided that such deterioration affects the structural integrity of the building;
- c. Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
- d. Such damage by fire, wind, flood or other causes so as to render the building unsafe for occupation;
- e. Dilapidation, decay, disrepair, or unsanitary conditions which render the building dangerous to the health, safety and welfare of the occupants or the general public;
- f. Inadequate facilities, as required by the North Carolina State Building Code, for egress in case of fire or panic;
- g. Lack of adequate ventilation, light, heating, or sanitary facilities to such extent to endanger the health, safety, and welfare of the occupants or the general public;
- h. Presence of unsafe or malfunctioning electrical, heating or plumbing facilities to a degree which constitutes a health or safety hazard;
- i. For any building whose occupancy classification requires it; lack of connection to a potable water supply and/or public sewer or other permitted sewage disposal system; for the purposes of this standard, a building is not connected to a potable water supply if the water supply has been cut off for nonpayment of a water bill or otherwise if the system is not receiving a flow of potable water to the tap; likewise, a building is not connected to a sewage disposal system if the service has been interrupted for nonpayment of a bill or the use of a disposal system has been prohibited or terminated by order of the county health department;
- j. Any violation of the fire prevention code, as determined in consultation with the fire/EMS chief, which constitutes a condition which is unsafe and dangerous to life;
- k. Any abandoned or insufficiently secured building which is found to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities.

(2) In addition to the conditions enumerated in subsection (e)(1) of this section, any one of which renders a building unsafe or unfit for human occupancy, a building may also be considered unsafe when three or more of the following conditions are determined by the inspector to be in evidence:

- a. Buildings and environs are not kept clear of garbage or rubbish accumulations which create health and sanitation problems;
- b. Flammable, combustible, explosive, or other dangerous or hazardous materials are not stored in a manner approved for such materials;
- c. The building and environs are not kept clear of cracked or broken glass that could be in danger of falling or shattering, loose shingles, crumbling stone or brick, or other dangerous objects or hazardous conditions;
- d. The building and environs are not kept free of objects protruding from building walls, roof, and environs which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, electrical wires, and similar objects;
- e. Exterior porches, landings, balconies, stairs, and fire escapes are not provided with properly designed and maintained banisters or railings;
- f. Chimneys, flues, and vent attachments are not maintained in a structurally or functionally sound manner;
- g. Electrical fixtures, receptacles, equipment and wiring are not maintained in a state of good repair and good working order;

h. Adequate facilities for egress in case of fire or panic are not provided or are not maintained so as to allow a clear route for evacuation.

(f) Procedure for enforcement.

(1) Preliminary investigation; notice; hearing. Whenever a petition is filed with the inspector by at least five residents of the town charging that a building exists in violation of this section or whenever it appears to the inspector, upon inspection, that a building exists in violation hereof, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges and containing a notice that a hearing will be held before the inspector at a place and time therein fixed, not less than ten nor more than 30 days from the date of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such building. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

(2) Procedure after hearing. After such notice and hearing, the inspector shall state in writing his determination whether such building violates this section. If the inspector determines that the building is in violation, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such building or else remove or demolish the building within 90 days from the date of such order.

(3) Appeal; finality of order if not appealed. Any owner who has received an order from the inspector as authorized in this section may appeal from the order to the town council by giving notice of appeal in writing to the town clerk within ten days from the date of such order. In the absence of an appeal, the order of the inspector shall be final. The town council shall hear such appeal at its next regular meeting occurring not earlier than ten working days from the filing of the appeal with the town clerk and may affirm, modify and affirm, or revoke the order of the inspector. Every decision of the council shall be subject to review by proceedings in the nature of certiorari if instituted by the appellant within 15 days of the date of the date of the decision by the council, but not otherwise.

(4) Effect of appeal upon order of the inspector. Unless so modified by action of the town council or a court of competent jurisdiction, an appeal shall have no effect upon the time period dictated for compliance with the provisions of this section as established by the order of the inspector.

(g) Methods of service of complaints and orders. Complaints or orders issued by the inspector shall be served upon the owner of the property as referenced in the county tax listing either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned within ten days from the date of mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identity or the whereabouts of the owner is unknown and such owner's identity or whereabouts cannot be ascertained by the inspector in the exercise of reasonable diligence, the inspector shall make an affidavit to that effect, and the serving of such complaint or order may be made by publication in a newspaper having general circulation in the town at least once, no later than the time at which personal service is required under subsection (f) of this section. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

(h) Action upon failure to comply with order of the inspector.

(1) In personam remedy. If the owner of any building shall fail to comply with an order of the inspector to repair, alter, or improve or to close, remove, or demolish the building or to appeal such order within the time frame specified, the inspector shall submit to the town council at its next regularly scheduled meeting a resolution directing the town attorney to petition the superior court for an order directing the owner to comply with the order of the inspector.

(2) In rem remedy. After failure of an owner of a structure to comply with an order of the inspector issued pursuant to the provisions of this section or to appeal such order as provided for in this section, then, upon adoption by the town council of an ordinance authorizing and directing him to do so, the inspector shall proceed to cause such structure either to be repaired, altered or improved, or closed, removed or demolished, as directed by the ordinance of the town council.

(3) Posting of notice. Upon adoption of a resolution as specified under subsection (h)(1) of this section or an ordinance as specified under subsection (h)(2) of this section, the inspector shall cause to be posted on the main entrance of such structure a notice advising the public of the dangerous character of such building and prohibiting its use or occupation. Such notice shall read substantially as follows: "This building is unsafe for occupancy; the use or occupation of this building is prohibited and unlawful." Use or occupation of a building so posted shall constitute a misdemeanor. Each such resolution or ordinance shall be recorded in the office of the county registrar of deeds, and shall be indexed in the name of the property owner in the grantor's index.

(i) Costs incurred shall be a lien on premises. As provided for by law, the amount of the cost of any removal or demolition caused to be made or done by the inspector pursuant to this section shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. 160A-216 et seq.

(j) Alternative remedies. Neither this section nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this section by criminal or civil proceedings or by any other remedy provided for under G.S. 160A-175.

(Ord. of 11-14-2000(7), § 3-2; Ord. of 9-8-2015(2))

Sec. 8-3. - Remedies provided.

Notwithstanding any other provision of this chapter, nothing in this chapter shall be construed to limit the town's authority to prohibit the commencement of, or seek the abatement of, any violation of this chapter through the initiation of *criminal* or civil proceedings or any other remedy provided for under G.S. 160A-175.

(Ord. of 11-14-2000(7), § 3-71)

Sec. 10-52. - Reasons for refusal or revocation of a license.

(a) The zoning administrator shall refuse to issue or revoke a license for any of the following reasons:

(1) The applicant misrepresents a fact relevant to his qualifications for license.

(2) The applicant refuses to provide information necessary to review an application.

(3) The building inspector and or fire marshal cannot certify the business to be conducted meets the North Carolina State Building codes or zoning regulations.

(4) The business to be conducted or being conducted does not fully comply with the license category requirements.

(5) The licensee or assignee fails to comply with section 10-58.

(6) The licensee has been issued three violation notices of this article.

(b) The zoning administrator shall refuse to issue a business license for the sale of beer and wine or shall revoke a license for any of the following reasons:

- (1) The licensee makes any fraud, misrepresentation or false statement contained in the application for license;
 - (2) The licensee makes any fraud, misrepresentation or false statement made in connection with the selling of malt beverages and/or unfortified and/or fortified wine;
 - (3) Conviction of the applicant of any felony or of a misdemeanor involving moral turpitude;
 - (4) Conducting the business licenses under this article in an unlawful manner; or
 - (5) Any violation of this article or other municipal ordinance or state laws.
- (Ord. of 4-10-2001(9), § 3.2; Ord. of 10-13-2015(1))

Sec. 10-79. - Collection of deficiency.

The zoning administrator may use any of the following methods to collect a deficiency:

- (1) *Criminal* prosecution in accordance with section 10-80(a);
- (2) Equitable relief in accordance with section 10-80(b);

Sec. 10-80. - Enforcement of article.

(a) Criminal remedies. Conducting business within this town without having paid the license fee imposed by this article, or without a valid license issued in accordance with this article, or without posting a license in compliance with section 10-74 is a misdemeanor, punishable as provided in section 1-7. Each day that a person conducts business in violation of this article is a separate offense. Payment of a fine imposed in criminal proceedings in accordance with this section does not relieve a person of the liability for fees imposed under this article.

(b) Equitable remedies. In addition to the criminal remedies set forth in subsection (a) of this section and in compliance with G.S. 160A-175(d), the town may seek an injunction against any person who conducts a business in violation of this article.

(Ord. of 4-10-2001(9), § 4.10; Ord. of 10-13-2015(1))

Sec. 12-32. - Penalty for violation of article.

The violation of any provision of this article, or any provision of any restriction imposed by any proclamation authorized by this article, shall constitute a misdemeanor, and the violator, upon conviction, shall be punished in accordance with section 1-7 of this Code.

(Ord. of 10-10-2000(2), § 3)

Sec. 14-35. - Penalties for violation of division.

A violation of this division shall be punishable by a fine of \$50.00 per day for the first ten days following the time allowed for abatement, up to \$500.00 per violation issued by the director of development services. The town may also recover from the violator the town's cost of inspection, services of notices and costs incurred for abatement of the nuisance. Each day that the violation shall continue or be carried on shall constitute an additional, separate violation.

A civil penalty of up to \$250.00 per day is hereby imposed for each day beyond the time allowed for abatement of the nuisance until the nuisance is abated. If a violator fails to pay the civil penalty in full, the same will be a lien against the real property and collected as unpaid taxes. Fines collected as civil

penalties go to the Town of Oak Island and fines collected as criminal penalties are required to go to the county school fund.

(Ord. of 9-14-2004; Amend. of 7-13-2017)

Sec. 14-127. - Enforcement.

Violation of this article shall be punishable under section 1-7, up to \$500.00 fine or 20 days in jail.

Anything placed in or on sand dunes or their designated access areas or attached to posts, ropes, sand fences or signs may also be designated as litter and removed and disposed of by the town. All persons are also notified that any person who shall be adjudged to have knowingly or willfully violated the provisions of this article may also be guilty of a class II misdemeanor as defined in G.S. 113A-126(c) and may also be subject to civil penalties as provided in G.S. 113A-126(d)(1), (2), (3) and (4).

(a) The property owner, as well as his or her agents, contractors, subcontractors, or employees, may be held liable for the proper execution of any portion of work performed under the permit or permits issued for such work.

(b) The code enforcement official shall inspect every project approved under this section at least one time after completion of the work and completion of any restoration or protection of vegetation which he may prescribe.

(c) Any person violating the provisions of this section shall immediately undertake restoration or replacement of such items in accordance with requirements of the code enforcement official. In the event such restoration or replacement is not completed within 30 days of the initial violation, the town is authorized to undertake such restoration. All costs of such restoration or repair incurred by the town shall be deemed an additional civil penalty to be collected from the violator.

(d) Garbage receptacles at the discretion of the town may be installed on the seaward side of each town-owned street-end access point and also on the landward side of the street-end access points. Other garbage receptacles may, at the discretion of town staff, depending upon the amount of usage, be placed on the seaward and/or landward side of nonstreet-end access points.

(e) The provisions of this article may be enforced by an appropriate equitable remedy issued from a court of competent jurisdiction.

(f) Failure to comply with this article or with the provisions of a permit or to perform the work as proposed by the permit application shall result in the immediate issuance of a stop work order by the building inspector.

(g) Failure of any person to comply with a stop work or restoration order issued by the building inspector shall constitute a violation of this article subject to all the enforcement provisions of this section.

(h) The board of adjustment may grant an exception for private residential beach access structures regarding horizontal and vertical development for purposes of allowing a handicapped accessible structure to be built. These structures must meet the provisions of the North Carolina Building Code and the standards in subsection 18-82(r) of the zoning ordinance.

(Ord. of 3-12-2002, ch. 5, art. 1, § 1.11; Amend. of 7-13-2010; Amend. of 5-10-2016(1); Amend. of 4-18-2017(2); Amend. of 12-12-2017)

Sec. 14-144. - [Penalty.]

Any person who shall violate this article shall be subject to a civil penalty in an amount of \$50.00 for the first offense, \$100.00 for the second offense, and escalates to a criminal offense after second violation. Each day that a person is in violation of this article shall constitute a new and separate offense. Civil penalties shall be payable to the town within 15 days of a civil citation.

(Amend. of 11-12-2013)

Sec. 16-2. - Penalties for violation of chapter.

(a) Any person who shall violate any of the provisions of this chapter or who fails to comply therewith, or who shall violate or fail to comply with any order made under this chapter, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under this chapter, or any certificate or permit issued under this chapter, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the authorities designated by ordinance or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. Upon violation of any provision of this chapter, the town may enforce this chapter by criminal or civil proceedings, or by any other remedy provided for under G.S. 160A-175, or section 1-7 of this Code.

(b) The application of the penalty in subsection (a) of this section shall not be held to prevent the enforcement removal of prohibited conditions.

(Ord. of 11-14-2000(4), § 2; Amend. of 4-8-2014(2))

Sec. 20-1. - Consumption and possession of alcoholic beverages, malt beverages and unfortified wine.

(a) Authority of town to regulate. Municipalities are granted the authority to regulate or prohibit the consumption and possession of alcoholic beverages and unfortified wine pursuant to the provisions of G.S. 18B-300(c). It is in the public interest to prohibit the consumption and possession of such beverages in particular locations under certain circumstances.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Malt beverage means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent, and not more than six percent alcohol by volume.

Open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

Public street mean any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the town and open to public use, including the sidewalks of any such street.

Unfortified wine means wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than 17 percent alcohol by volume.

State Law reference— Similar provisions, G.S. 18B-101, 18B-300(c).

(c) Consumption on the public streets and on municipal property. It shall be unlawful for any person to consume alcoholic beverages, malt beverages and/or unfortified wine on the public streets. Furthermore,

it shall be unlawful for any person to consume alcoholic beverages, malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields, except as specifically authorized by the town manager.

(d) Possession of open containers on the public streets and on municipal property. It shall be unlawful for any person to possess any open container of alcoholic beverages, malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of alcoholic beverages, malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields, except as specifically authorized by the town manager.

(e) Possession during special events. It shall be unlawful for any person to possess alcoholic beverages, malt beverages and/or unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, unless specifically authorized by the town manager.

(f) Penalty. Violation of this section shall constitute a misdemeanor making the violator subject to punishment in accordance with section 1-7.

(Ord. of 4-10-2001(4), §§ 1—5; Ord. of 9-12-2006(2))

State Law reference— Municipal authority to regulate and prohibit the consumption and possession of alcoholic beverages, malt beverages and unfortified wine, G.S. 18B-300(c).

Sec. 20-2. - Public nudity.

(a) It shall be unlawful for any female over the age of five to willfully expose her breasts in any public area. For the purpose of this section, the term "expose her breasts" shall mean the revealing of the female breast with less than a fully opaque covering on any portion thereof lower than the top of any part of the areola, except as provided in G.S. 14-109.9(b).

(b) It shall be unlawful for any person over the age of five years to appear in any public area in such a state of dress or undress so as to expose to the view of others the human male or female pubic area, pubic hair, anus, vulva or buttocks with less than a fully opaque covering.

(c) For the purposes of this section, a public area is any area in the town limits ordinarily open to public use, including but not limited to the beach strand, commercial premises and parking areas, public parking and access areas, town rights-of-way, public parks and city-owned property and any areas within town limits that are visible under normal and usual lighting conditions, to anyone making ordinary use of those areas.

(d) A violation of the provisions of this section shall subject the offender to a civil penalty payable to the town. Fees for the civil citation are spelled out in the Oak Island Fee Schedule and are subject to be updated from time to time. Failure to pay the civil penalty shall constitute a misdemeanor punishable as provided by section 1-7.

(Ord. of 5-11-2004; Ord. of 6-8-2004)

Sec. 22-88. - Penalties.

Any person who shall violate the provisions of this article shall be guilty of a misdemeanor punishable in accordance with section 1-7.

(Ord. of 12-14-1999(2), § 1)

Sec. 24-65. - Leaves and yard debris.

(a) Residential leaf and yard debris service shall be limited to the amount of tree limbs, cuttings, shrubbery, and the like that a typical resident shall produce in normal yard work. Debris must be placed in the right-of-way in front of that resident's property and shall be out of the paved roadway, cannot obstruct stormwater assets or ditches, must be placed away from sewer clean outs, water meters, electrical lines and in accordance with other instructions that shall be published by the town, for collection by the town. The debris shall not be placed in any other area without written permissions from the other property owner affected and shall be submitted to the public works director. Debris pickup is not a service provided to a landscaping firm, a private tree company or to individuals, who are compensated to trim trees, modify landscaping, or perform major yard work, and those that perform this type work will be solely responsible for removal and disposal of all materials. The town will not collect yard debris that is generated in conjunction with new construction, remodeling, demolition, or the clearing of trees and brush from properties in preparation for future development of those properties. It is not the intent of the city to collect large portions of trees, entire trees, lot-clearing debris, or multi-family and commercial leaf and yard debris. This material shall not be dumped, thrown, or allowed to remain on any lot or space within the city limits.

(b) Penalty for violation.

(1) Items found in violation of this section will be tagged as such and written notification shall be given to the property owner, resident, or tenant stating violation and corrective action to be taken. If the violation is not corrected, the city will take action to remedy the violation. The property owner, resident, or tenant may be fined as described below and will be charged the actual costs of cleanup and disposal.

(2) Any person in violation of this section shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.00 as permitted by G.S. 14-4 and shall also be subject to appropriate equitable remedies including but not being limited to injunctive relief. The department of development services may stay enforcement of the civil penalty if the offender takes corrective actions within ten days of receipt of notice of violation. Appeals of decisions of the department of development services concerning enforcement of this section may be made to the board of adjustments within ten days of the decision. Appeals to the board of adjustments shall be made in accordance with section 18-334 of this Code.

(Ord. of 11-14-2000(1), § 10-40; Amend. of 11-10-2015(1))

Cross reference— Vegetation, ch. 32.

Sec. 26-1. - Construction or other improvements within street rights-of-way.

(a) No person or entity, other than the town, shall construct, install, maintain or erect any utility infrastructure, structure, pole, fence or other obstruction in any town street right-of-way without having first fully executed a right-of-way encroachment agreement with the town. The following exceptions to the foregoing shall apply:

(1) Mailboxes;

(2) Newspaper boxes; and

(3) Driveway connections, utility service laterals and stormwater cross drainage piping installed and/or constructed in accordance with town specification.

(b) Except as provided in (a)(1) through (3) above, no person or entity, other than the town or NCDOT, shall construct, maintain or erect any structure, pole, fence or other obstruction within any street right-of-way located, either now or in the future, within the corporate limits of Oak Island that is a part of the state

roadway system without having first fully executed a right-of-way encroachment agreement with NCDOT.

(c) Within any municipal or state street right-of-way, the town, or its designee, shall be responsible for repairing or replacing, to equal or better condition, any driveway, stormwater cross drainage piping or walkway within the street right-of-way that is damaged or destroyed by any project, improvements or repair work undertaken or contracted by the town within such rights-of-way.

(d) Property owners shall be permitted to undertake seeding of lawn or other nonstructural improvements and shall be obligated to properly maintain same in the area between the street pavement edge or edge of the traveled way and the property line/right-of-way line, provided such work does not prevent or hinder the allowance of on street parking where such parking is not otherwise prohibited by this Code. Property owners undertaking such improvements shall be responsible for any damage to such improvements that might occur during the course of infrastructure improvements occurring within street rights-of-way by or on behalf of the town or NCDOT.

(e) The provisions of this article shall be subject to enforcement through initiation by the town of criminal or civil proceedings or any other remedy available as provided for under G.S. 160A-175.

(Ord. of 4-10-2001(2), § 1; Ord. of 2-10-2004; Amend. of 9-19-2017)

Sec. 26-63. - Penalty for violation of article.

A violation of the provisions of this article shall subject the offender to a civil penalty payable to the town. Fees for the civil citation are spelled out in the Oak Island Fee Schedule and are subject to be updated from time to time. Failure to pay the civil penalty shall constitute a misdemeanor punishable as provided by section 1-7.

(Ord. of 4-10-2001(1), § 3; Amend. of 6-10-2003; Amend. of 4-10-2007(2))

Sec. 28-11. - Speed limits.

(a) The speed limit for vehicular traffic upon the town-owned public streets within the corporate limits of the town shall be 25 m.p.h and 35 m.p.h. on Yacht Drive unless otherwise posted.

(b) The speed limit for vehicular traffic on NC 133 (Long Beach Road) from a point 0.1 mile south of the south end of the G.V. Barbee Bridge over the Intracoastal Waterway at 1.6 miles southwest of SR 1101 (Fish Factory Road) northeastward to SR 1101 (Fish Factory Road) in Oak Island shall be 45 m.p.h.

(c) The speed limit for vehicular traffic on SR 1105 (North Middleton Avenue/E.F. Middleton Boulevard) from SR 1190 (Oak Island Drive) to 0.474 miles north of SR 1190 in the Town of Oak Island, shall be 45 m.p.h.

(d) Violations of this section shall be a misdemeanor as provided by G.S. 14-4.

(Ord. of 4-10-2001(5), § 1; Amend. of 1-12-2005; Amend. of 9-8-2009; Amend. of 5-10-2011; Amend. of 9-13-2016(2))

Sec. 30-1. - Violations; penalties.

(a) Upon the violation of any provision of this chapter, the town may enforce this chapter by criminal or civil proceedings, or by any other remedy provided for under G.S. 160A-175 and section 1-7 of this Code.

(b) Written notice of a violation may be provided to the violator by personal service or first class mail. When first class mail is sent via the United States Postal Service, a receipt shall be deemed to occur on the third day after the date of the postmark.

(c) Upon notification of a violation as provided for in subsection (b) of this section, each day's continuing violation shall be deemed a separate and distinct offense.

(Ord. of 4-10-2001(11), §§ 12-69—12-71)

Sec. 30-121. - Installment regulated.

(a) No new wells shall be permitted within the town with a well pipe greater than two inches in diameter, a pump greater than two horsepower or a pump that will generate greater than 50 gallons per minute of water.

(b) This section shall not affect wells currently in existence within the town.

(c) Violation of this section shall be a misdemeanor making the offender liable for punishment in accordance with section 1-7.

(Ord. of 4-10-2001(13), § 1)

Sec. 30-194. - Access to and obstructions of manholes and easements.

(a) No person shall open, enter into, place or allow anything to be placed in a manhole or valve pit of the town's reuse water system without written approval from the town manager or his authorized representative.

(b) No person shall damage, obstruct or cover a manhole or valve pit of the town's reuse water system.

(c) No person shall plant trees, shrubs or other plants within a reuse water easement without prior written approval from the town manager or his authorized representative.

(d) No person shall place any part of a structure or any permanent equipment within a reuse water easement without prior written approval from the Town Manager or his authorized representative. Prohibited structures include buildings, houses, decks, garages, tool or storage sheds, swimming pools, walls and fences. Prohibited permanent equipment includes air conditioning units and heat pumps.

(e) Violation of this section is a misdemeanor and in addition may be punished under section 1-7.

(Ord. of 5-29-2003, § 14)

Sec. 32-34. - Damage to trees.

(a) It shall be unlawful to intentionally damage or destroy trees planted on municipally owned or controlled property except as a part of a town-authorized improvement program. It shall also be a violation of this code to attach or place any rope or wire (other than one to support a young or broken tree), sign, poster, handbill, or anything to any such public tree.

(b) A person damaging a tree on public property shall be liable to the town for any loss of value. In the event damage is so pervasive as to result in the treatment or removal of the tree, the person damaging such tree shall also be liable for costs of treatment or removal. Values of public trees shall be appraised in accordance with the Council of Tree and Landscape Appraisers Guide for Plant Appraisal, 9th Edition, as amended. These values will be kept on file in the town's development services office.

(c) Any violation of the provisions of this article shall be deemed a misdemeanor making the violation subject to punishment in accordance with section 1-7 of this Code in addition to the recovery of damage assessed as outlined in subsection (b) above.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

From the Unified Development Ordinance (adopted Oct. 9, 2018 and sent to Municode to be codified, not yet available online through Municode, but here on the Town's website: https://www.oakislandnc.com/wp-content/uploads/2018/10/UDOadopted_Oct2018.pdf)

5.7.4.7. Transfer of Lots in Unapproved Subdivision Plats. Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Town, thereafter subdivides his land in violation of applicable Town ordinances 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 applicable Town ordinances and recorded in the office of the Brunswick County Register of Deeds, shall be guilty of a Class 1 misdemeanor, unless specifically stated otherwise. The description 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 may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to NCGS 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

5.7.6. Issuance of Permits and Conveyance of Subdivision Lots. Zoning permits and building permits may be issued by the Town of Oak Island for the erection of any building on any lot within a proposed subdivision prior to the final plat of said subdivision being approved in a manner as prescribed by this Ordinance and recorded at the Register of Deeds office, provided an improvements permit has been issued by the Brunswick County Health Department, if required. A certificate of occupancy may not be issued until the final plat has been approved and recorded.

After the effective date of this Ordinance, it shall be illegal for any person being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, to subdivide his land in violation of this Ordinance or to transfer or sell 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 Ordinance.

The description 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 Council, through its attorney or other official so designated, may enjoin an illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by NCGS 14-4. Civil penalties may be issued in accordance with Section 1.8.

10.86 PENALTIES FOR VIOLATION.

Violation of the provisions of these regulations 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 Class 1 misdemeanor pursuant to NCGS 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 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 Oak Island from taking such other lawful action as is necessary to prevent or remedy any violation.

10.89.16. Issue stop work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of these regulations, the Floodplain Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing or in charge of the work. The stop work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.