

SUBMISSION BY TOWN ATTORNEY OF THE TOWN OF PLEASANT GARDEN
(GUILFORD COUNTY) TO:

NORTH CAROLINA GENERAL ASSEMBLY /

**JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT
COMMITTEE**

As required pursuant to SL 2019-198 (SB584). Submitted by email 20 September 2019.

TOWN OF PLEASANT GARDEN

ORDINANCE PROVISIONS PRESCRIBING CRIMINAL ENFORCEMENT

TITLE I: GENERAL PROVISIONS

Chapter 10. GENERAL PROVISIONS CHAPTER 10: GENERAL PROVISIONS

§ 10.99 GENERAL PENALTY.

(A) Whenever in this code or in any ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in the code or ordinance the doing of any act is required or the failure to do such act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this code or other ordinance shall be a Class 3 misdemeanor punished by a fine not exceeding \$50 or by imprisonment for a term not exceeding 30 days. Each day that any violation of this code or of any ordinance continues shall constitute a separate offense.

(B) Despite the provisions of division (A) above, violation of any provision of this code of ordinances regulating the operation of any vehicle shall constitute an infraction, subject to the penalty provisions of G.S. §14-3.1 and 14.4.

These provisions make the following regulated activities under the Code of Ordinances potentially enforceable by criminal prosecution as a misdemeanor:

- _Violation of conflict of interest bar by Council or board member
- _Violation of restriction on discharge of firearms
- _Violation of building permit provisions
- _Violation of animal control provisions

TITLE VI FIRE AND EMERGENCY REGULATIONS

Chapter 61: EMERGENCY DECLARATIONS

§ 61.12 PENALTY FOR VIOLATION Except as provided in section §61.06, any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$500 and/or imprisonment not exceeding 30 days, as provided by NCGS 14-4.

TITLE VII: GENERAL OFFENSES

Chapter 71: PROHIBITION OF THE CARRYING AND DISPLAY OF HANDGUNS, FIREARMS AND OTHER WEAPONS AT CERTAIN PUBLIC LOCATIONS

§71.05. Violation. The carrying of concealed handguns or the possession or display of any firearm or other weapon as defined in this section, in or on any of the locations specified by this section, shall constitute a misdemeanor and subject any violator(s) so convicted to such penalties as may be imposed by the Court.

Chapter 73: SOLID WASTE

§ 73.04. Enforcement, citations, remedies and penalties.

(A) Enforcement. This chapter may be enforced by any or all remedies allowed by this chapter, G.S. 14- 399 and by G.S. 153A-123 including criminal or civil action. Institution of criminal action under this chapter shall not limit or restrict the civil remedies or penalties provided herein. This chapter may be enforced by the county manager or his designee, solid waste enforcement officer, the health director or his designee, the Sheriff of Guilford County and his deputies, and by employees of the Guilford County Department of Emergency Services.

(G) Criminal penalty. Violation of this chapter is a misdemeanor prosecutable as other misdemeanors and punishable by imprisonment for up to 30 days in jail, a fine of \$500.00 or both such fine and imprisonment.

Chapter 75: NOISE

§75.02: Enforcement. The town in its discretion may through the sheriff or anyone designated in writing by the town administrator take one (1) or more of the following enforcement actions for violations of this chapter against any responsible person, persons or business entity as stated in subsection (A):

(2) Prosecution under NCGS § 14-4 as a misdemeanor offense punishable by a fine or not more than Five Hundred Dollars (\$500.00) and/or imprisonment as designated for a Class 3 Misdemeanor.

TITLE VIII: LAND USE/

§81.01 ADOPTED BY REFERENCE. (A) The town Development Ordinance and Development Map, and all amendments thereto, are hereby adopted by reference and incorporated into this code of ordinances as if fully set forth herein.

In the Development Ordinance:

8-4.7. - Criminal penalties.

Any violation of this [Development] Ordinance shall be a misdemeanor or infraction as provided by N.C.G.S. § 14-4, subject to a maximum fine of \$500.00.

Article VII - ENVIRONMENTAL REGULATIONS

7-1. - STORMWATER MANAGEMENT/WATERSHED PROTECTION DISTRICTS

7-3.13. - Remedies.

(F) *Criminal penalties.* Any violation of this Section shall be a misdemeanor or infraction as provided by N.C.G.S. § 14-4. Each violation shall be subject to a fine not to exceed \$500.00.

7-5.4. – Administration

(D)(5) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

Article VIII – ENFORCEMENT

8-4.7. - Criminal penalties.

Any violation of this [Development] Ordinance shall be a misdemeanor or infraction as provided by N.C.G.S. § 14-4, subject to a maximum fine of \$500.00.

TITLE X: ANIMAL CONTROL

Sec. 5-27. Penalties. The following penalties shall pertain to violations of this chapter: (a) The violation of any provision of this chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 or other applicable law. Each day's violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes [or] of fees imposed under this chapter.