

MAYOR
Steven Denton
COUNCIL
Danny Sparrow
Kerry Hart
Bud Pate
Cathy Kirkland
Rob McMinn



TOWN MANAGER
Heath Jenkins
POLICE CHIEF
Derek Summey
FIRE CHIEF
Eric Withers
DEPUTY CLERK
Tammy Calhoun

October 30, 2019

NC League of Municipalities
Joint Legislative Administrative Procedures Oversight Committee

To Whom it May Concern:

The Town of Stanley is following up on reporting ordinances with criminal justice. See attached ordinance punishable by GS14-4.

Thank You,

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(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. passed 5-13-60; Am. Ord. passed 1-1-70; Am. Ord. passed 1-1-80; Am. Ord. passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (G.S. § 160A-69) (Ord. passed 1-17-80; Am. Ord. passed 1-1-85).

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see G.S. §§ 139-1 et seq.

§ 10.99 GENERAL PENALTY.

(A) Whenever in this code or in any ordinance of the town any act is prohibited or is made 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 punishable 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 regulating the operation of any vehicle shall constitute an infraction, subject to the penalty provisions of G.S. §§ 14-3.1 and 14-4.

(C) In addition to in lieu of the penalty provisions set forth above, the violator may be subject to civil penalties and/or equitable remedies as permitted under state law.

§ 50.99 PENALTY.

If any person shall violate any provision of this chapter, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50. (G.S. § 14-4(b))

*Cross-ref to 10.99 each day continues
is separate offense*

1. Watering of lawns, ornamental plants and gardens shall be limited to that necessary for plant survival only.
2. Planting of new ornamental plants and seeding of lawns should be deferred until the Water Emergency situation no longer exists.
3. Household water should be re-utilized to the greatest possible extent for watering.
4. Faucets should not be left running while shaving, brushing teeth or washing dishes.
5. The use of washing machines and dishwashers should be limited, if possible, and these units should be operated with full loads, when used.
6. Washing of cars or other vehicles should be curtailed to Saturdays or Sundays. Hoses should not be left running while washing vehicles.
7. The use of flow restrictions and other water saving devices is encouraged.
8. Showers should be used for bathing and showers should be limited to (4) minutes or less.
9. Filling of pools shall be deferred or limited to hours between 9:00 p.m. and 6:00 a.m.
10. Inspect and repair all faulty and defective parts of faucets and toilets.
11. Do not wash down outside areas such as sidewalks, patios, driveways, etc.
12. Use disposable and biodegradable dishes where possible.
13. Limit hours of water-cooled air conditioners.
14. Any practice listed above may be modified or additional practices added at the discretion of the Town Manager, with the approval of Council

D. Temporary suspension or revocation of zoning clearance permits and/or divisions of land exceptions.

1. During a declared mandatory (Level II, III or IV) water emergency, the Town Manager or his/her designee may direct that the issuance of zoning clearance permits and/or divisions of land, that involve waterline connections or extensions, or any upgrade in capacity for water usage, be temporarily suspended for the duration of the water emergency.
2. Notwithstanding subsection (I) above, water connections to the water system owned by the Town of Stanley may continue to be made during a declared mandatory water emergency for the following facilities:
 - (a) Public schools satisfying the compulsory education requirements of the State of North Carolina.
 - (b) Public facilities for police, sheriff, fire or emergency medical services.
 - (c) Hospitals and nursing homes.
 - (d) Facilities of public utilities regulated by the State of N.C.
3. It shall be unlawful to make any water service connection, not subject to the exceptions set forth in subsection (2) above, to the water system owned by the Town of Stanley during the time that zoning clearance

permits and/or divisions of land, that involve waterline connections or extensions, or any upgrade in capacity for water usage, are temporarily suspended. In addition to the civil penalties provided for in subsection (e) below, any person, firm or corporation who shall make such connection during such time shall be guilty of a misdemeanor and, upon conviction, shall be punished for a Class 3 misdemeanor and shall be fined not more than \$500.00 as provided in NCGS 14-4.

E. During a Declared Level II Water Emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the Town of Stanley.

1. All voluntary practices listed above shall be mandatory.
2. Watering and irrigation of lawns, ornamental plants and gardens shall not be done except by a handheld container (bucket, jug, etc.).
3. Planting of new ornamental plants or seeding of lawns shall be deferred until the Water Emergency no longer exists.
4. Use of water for washdown of outside area is prohibited.
5. Residential washing of cars and other vehicles shall be prohibited, except on Saturday and Sunday. Commercial washing facilities including those providing hand held washing nozzles may continue normal operation. However, the facility owner/operator shall ensure that water wasteage does not occur.
6. Restaurants and other food serving establishments shall serve water to patrons only at the request of the patron(s).
7. Commercial, industrial and construction operations shall eliminate all possible waste of water.
8. Newly constructed or drained pools shall be filled by permit only. Fill permits shall be issued by the Town Clerk and issuance of the permits may be curtailed, depending on the severity of the situation.
9. Do not operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
10. Do not wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios, or use water for similar purposes; provided, however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted. Provide further, licensed commercial pressure washers shall be permitted to operate. However, the facility owner/operator shall ensure that water wasteage does not occur.
11. Any practice listed above may be modified or additional practices added at the recommendation of the Town Manager and with approval of Council.

SPEED LIMITS**§ 70.40 SPEED LIMIT FOR TOWN STREETS.**

The speed limit inside the town limits is 25 miles per hour unless otherwise posted.

§ 70.99 PENALTY.

If any person shall violate any provision of this chapter, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50. (G.S. § 14-4(b))

CHAPTER 72: VEHICLE REGISTRATION

Section

72.01 Motor vehicle registration fee

72.99 Penalty

§ 72.01 MOTOR VEHICLE REGISTRATION FEE.

(A) Every resident of the town owning and operating a motor vehicle in the town shall annually register the same with the Town Tax Collector, or such other person as the town shall direct, and pay an annual registration fee as set out by the Town Council on each motor vehicle so owned and operated by such person. (Ord. passed 7-1-63; Am. Ord. passed 7-10-95)

(B) The registration fee required by division (A) shall be paid by every resident owning and operating a motor vehicle in the town annually. No registration fee required hereunder shall be prorated by the Town Tax Collector for the any portion of the annual period required hereunder; provided, that the provisions of this chapter shall not apply to a resident owning and operating a vehicle temporarily for a period of time not to exceed 14 days during any one year or a vehicle operated for display or exhibition purposes.
(Ord. passed 7-1-63)

§ 72.99 PENALTY.

If any person shall violate any provision of this chapter, he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.
(G.S. § 14-4(b))

otherwise abate such nuisance under the supervision of an officer or employee designated by the Town Manager. Any person who has been ordered to abate a public nuisance, because of an inability or unwillingness to proceed personally, may, within the time allowed by this chapter request the town in writing to remove such condition, the cost of which shall be paid by the person making such request.

(C) **Costs.** The total costs incurred by the town in removing, contracting to remove, or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Tax Collector to mail statement of such charges to the owner or person in possession of such lot with instructions that such charges are due and payable within 30 days from the receipt thereof. In any case in which such costs are imposed under the provisions of this ordinance, the Town Clerk or town Zoning Administrator/Housing Inspector shall properly certify to the Tax Collector, in writing, the nature of the work and date performed, the name of the property owner, the address of the property, and the total cost to the town (including actual cost in labor and materials, a contractual agreement for services, investigation of ownership and violation, inspection, etc.).

(D) **Nonpayment.** In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in this chapter, such charges shall become a lien upon the land or lot where the public nuisance existed and shall be collected as unpaid taxes, together with any legal expense including attorneys fees, as provided in G.S. § 160A-193.

(E) **Other remedies.** The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this chapter shall not prevent the institution of criminal charges against any person, firm, or corporation violating this chapter, as provided in G.S. § 14-4. (Ord. passed 11-6-95) Penalty, see § 95.99

§ 95.99 PENALTY

(A) Any violation of the provisions of this chapter may subject the offender to a civil penalty in an amount not to exceed \$50 per day, which may be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited by the appropriate town official for violation, as provided in G.S. § 160A-175(c).

(B) In addition to other available remedies, this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction and applied for by the town as provided in G.S. § 160A-175(d).
(Ord. passed 11-6-95)

adopted revisions 2/08

CHAPTER 96: FIRE PREVENTION

Section

- 96.01 Burning trash within town limits
- 96.02 Violations and remedies

§ 96.01 BURNING TRASH WITHIN TOWN LIMITS.

No person shall burn or cause to be burned any trash, shavings, paper, leaves, litter or other material of any kind outside any house, on or in any street, sidewalk, alley, lot or yard within the corporate limits of the town. Any items burned in the preparation of food will be exempt from §§ 96.01 and 96.02.

(Ord. passed 5-6-96)

§ 96.02 VIOLATIONS AND REMEDIES.

Any person found in violation of §§ 96.01 and 96.02 shall be guilty of a misdemeanor and shall be subject to enforcement under G.S. § 14-4, as amended, or subject to civil penalty as provided in § 10.99 of this code.

(Ord. passed 5-6-96)

§ 132.08 EXPIRATION.

This chapter shall be null and void after a date determined by Council unless Council votes to extend the effective date of the chapter. This provision, commonly known as a "sunset provision," is included in this chapter to ensure that the chapter, its effectiveness and its necessity, will be reviewed by the Council within a reasonable time after its adoption.
(Ord. passed 10-5-98)

§ 132.99 PENALTY.

(A) A juvenile who violates any provision of this chapter is subject to being adjudicated delinquent. The Court may, in its discretion, impose any dispositional alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is delinquent.

(B) Any person other than a juvenile who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100, and imprisonment in the discretion of the court in accordance with G. S. § 14-4.
(Ord. passed 10-5-98)

REFERENCES TO NORTH CAROLINA GENERAL STATUTES

<i>G.S. Cite</i>	<i>Code Section</i>
14-3.1	10.99
14-4	10.99, 50.99, 70.99, 72.99, 95.05, 96.02, 132.99
20-37.6	71.01
20-162	71.01
20-219.11	94.09
Ch. 44A, Art. I	94.11
121-5	31.165
132-3	31.999
136-141	94.14
136-143	94.14
Ch. 160A, Art. 12	30.16
160A-67	30.01
160A-69	30.02
160A-70	30.02
160A-101	Charter, Sec. 8
160A-102	Charter, Sec. 8
160A-148	31.006
160A-164	31.001
160A-168	31.162, 31.163
160A-171	30.03
160A-172	30.03
160A-173	30.06
160A-175	95.99
160A-193	94.10, 95.05
160A-266	30.16
160A-281	30.04
160A-291	30.05
160A-292	30.05
160A-307	93.30