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## INTEROFFICE MEMORANDUM

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**TO:** NORTH CAROLINA GENERAL ASSEMBLY, JOINT LEGISLATIVE  
ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE

**FROM:** LAURENCE C. BERGMAN, TOWN MANAGER

**SUBJECT:** TOWN OF WALLACE REPORT ON CRIMINALLY ENFORCED  
ORDINANCES

**DATE:** SEPTEMBER 30, 2019

**CC:** JACKIE NICHOLSON, TOWN CLERK  
ERIN WYNIA, NCLM CHIEF LEGISLATIVE COUNCIL

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The attached spreadsheet along with this memorandum provides the required report to the Joint Legislative Administrative Procedure Oversight Committee of the North Carolina General Assembly as provided for in Senate Bill 584: Criminal Law Reform.

The Town of Wallace, incorporated in 1899, is a municipality located in Duplin and Pender Counties of North Carolina. As such it shall have and may exercise all the powers, duties, rights, privileges and immunities conferred upon it by the Town Charter as a municipal corporation and by general law as defined in North Carolina General Statute Chapter 160 A.

The Town has a wide variety of ordinances defined in chapters of which most include a penalty section and are generally specified as misdemeanors. The Town Code of Ordinances refers to NCGS 160A-175: Enforcement of Ordinances, which includes language referring further to NCGS 14-4.

The Town of Wallace appreciates the opportunity to provide this information and be of service to the Joint Legislative Administrative Procedure Oversight Committee.

## Town of Wallace, North Carolina

### Town of Wallace Ordinances with Criminal Enforcement

SB 584 Criminal Law Required Report to the Joint Legislative Administrative Procedure Oversight Committee

09/30/2019

<u>Ordinance Number Punishable By G.S. 14-4(a)</u>	<u>Ordinance Title</u>	<u>Description of Conduct Subject to Criminal Punishment</u>	<u>Penalty Ordinance Notation</u>
<b><u>Chapter 10. General Provisions</u></b>			
References the entire code of ordinances	References the entire code of ordinances	Any violation of the Code of Ordinances	10.99 and NCGS 160A-175
<b><u>Chapter 50. Sewers</u></b>			
50.003	Damaging, Obstructing Systems	Unlawful to damage, tamper with or obstruct any element of the sanitary sewer system	50.999 is the penalty description
50.02	Connection to and use of public sewer system required	Unlawful to put sewage on land or in waterways. Owners required to connect to and use sanitary sewer system	50.999 is the penalty description
50.021	Private Disposal Systems	Users of private sewer systems required to connect to public sewer system when available	50.999 is the penalty description
50.022	Building Sewers and Connections	All desiring to connect to or contribute flow to public sewer system required to seek permits and follow all requirements related to said sewer system.	50.999 is the penalty description
50.023	Separate Connections required	Requirements for separate living structures to have separate sewer connections	50.999 is the penalty description
50.024	Outside Connections	Requires connections from outside the corporate limits to comply with requirements of the Town.	50.999 is the penalty description
50.025	Maintenance and Repair of connections	Requires maintenance and repairs of sewer lines on private property to be done by the property owner.	50.999 is the penalty description
50.040.	Prohibited Discharges	Prohibits a variety of discharges to sanitary sewer system that are hazardous, or considered a pollutant that would damage the system. Also prohibits stormwater or viscous fluids or larger solids that would cause flow problems or obstructions. Also a variety of prohibitions that cause the sewer system to violate state permits.	50.999 is the penalty description
50.041	Pollutant Limitations	Regulates specific pollutant concentrations with maximum daily amounts.	50.999 is the penalty description
50.045	Fats, Oils and Grease control	Regulates a variety of elements related to fats, oils and greases created by commercial or industrial sources to prevent blockage and damage to sewer systems.	50.999 is the penalty description
50.046	Flow equalization tanks; control manholes	Requirements for commercial pretreatment and creation of flow regulating infrastructure	50.999 is the penalty description 51.999 is the penalty description
<b><u>Chapter 51. Water</u></b>			
51.002	Interference with any waterworks prohibited	Prohibits tampering, interference, damage or unauthorized connection to any portion of the public water system	51.999 is the penalty description

51.003	All work to be done by licensed plumber	Prohibits work on consumer water systems by unlicensed plumbers.	51.999 is the penalty description
51.017	Separate water services required	Unlawful to occupy a structure that is not supplied with water services when the are available and offered by the town; each separate dwelling required to be individually metered	51.999 is the penalty description
51.041	Use of water for fire protection	requirements for fir suppression water systems to be seperated from the regular use water, and only used for fire suppression.	51.999 is the penalty description
51.060.	Use of hose for sprinkling	Requires metered connection for any use of hoses for sprinkling or other uses	51.999 is the penalty description
51.061	Use of fire hydrants	Regulates use of fire hydrants to Fire Department only with some town approved exceptions	51.999 is the penalty description
<b><u>Chapter 70. Traffic Code General Provisions</u></b>			
70.02	Motor vehicles required to be registereed	Requires town registration on certain motor vehicles and registration fee paid.	70.99 is the penalty description
70.04	Transference of number plates	Transfer of town motor vehicle registration not transferable	70.99 is the penalty description
70.05	Display of Town Number Plate or sticker	Requirement of registration plate or sticker to be displayed	70.99 is the penalty description
<b><u>Chapter 71. Traffic Regulations</u></b>			
71.01	Obstruction of Streets	Vehicles restricted from parking on streets or public infrastructure that creates an obstruction	70.99 is the penalty description
71.02	Moving vehicle of another prohibited	Prohibit non-owners from moving vehicles into prohibited areas	70.99 is the penalty description
71.04	Regulation of bus traffic	Requires common carriers such as buses to only pick up or discharge passengers in designated bus stations	70.99 is the penalty description
71.05	Speed limits	Unlawful to operate motor vehicle in excess of any speed limits set forth in the ordinances	70.99 is the penalty description
<b><u>Chapter 72. Parking Regulations</u></b>			
72.01	Parking prohibited at all times in designated places	Prohibits parking in areas desingated by signage or markikngs indicating a no parking zone	72.99 is the penalty description
72.02	Parking prohibited during certain hours	Prohibits parking in areas desingated by signage or markikngs indicating a no parking zone for specific times	72.99 is the penalty description
72.03	Limited Parking	Prohibits parking exceeeded stated time limits dentes by signage	72.99 is the penalty description
72.04	Taxicab Stands	Limits the number of taxicabs owned by one owner in a limited space unless in designated taxi stands.	72.99 is the penalty description
72.05	Parking parellel to the curb	Designates on street parking as parallel only unless otherwise desginated.	72.99 is the penalty description
72.06	Vehicles backed to the curb	Restricts back in parking at curbs unless loading or unloading	72.99 is the penalty description
72.07	No stopping on left side of curb in business district	Prohibits vehicles from parking with its left side to the curb	72.99 is the penalty description
72.08	Parking within lines	Requires parking within lines where designated lines for parking are present	72.99 is the penalty description

72.09	Angle Parking	Requires angle parking for streets designated in Schedule VI, Chapter 74	72.99 is the penalty description
72.10.	Selling, washing or repairing vehicle on roadway	Prohibits parking vehicles on streets for the purpose of selling, washing, repairing or storing said vehicle	72.99 is the penalty description
72.11	Using parked vehicle for advertising prohibited	Prohibits parking vehicles on streets for the primary purpose of advertisement	72.99 is the penalty description
72.12	Parking Prohibitions	Prohibits parking in several locations or situations as enumerated in 72.12 including on sidewalks, crosswalks, signaled areas, near graded areas, and within 10 feet of any water hydrant	72.99 is the penalty description

#### **Chapter 73. Traffic Schedules**

Schedule I	Speed Limits	Establishes speed limits on 4 specific street sections	70.99 is the penalty description
Schedule II	Left Turns Prohibited	Established areas of prohibited left turns on one street	70.99 is the penalty description
Schedule III	Stop Signs	Established specific stop sign intersections enforced	70.99 is the penalty description
Schedule IV	Yield Signs	Establishes yield sign locations to be enforced	70.99 is the penalty description
Schedule V	Stop Lights	Establishes Town stop light locations to be enforced	70.99 is the penalty description
Schedule VI	Truck Routes	Establishes that trucks of a certain description are not to operate on certain street and only truck routes with certain exceptions	70.99 is the penalty description

#### **Chapter 74. Parking Schedules**

Schedule I	Permitted Parking	Establishes specific permitted parking areas by street	70.99 is the penalty description
Schedule II	Parking Prohibited at all times	Established specific areas where parking is prohibited by street section	70.99 is the penalty description
Schedule III	Limited Parking	Established where there is limited parking by street section and location	70.99 is the penalty description
Schedule IV	Restricted Parking	Prohibits truck or large vehicle parking in certain areas for longer than one hour as designated by street name and section	70.99 is the penalty description
Schedule V	Parking parallel to the curb	Establishes specific areas designated for parallel parking by street name	70.99 is the penalty description
Schedule VI	Angle Parking	Establishes specific areas designated for angled parking by street name	70.99 is the penalty description
Schedule VII	Restricted Parking from 9 PM to 6 AM	Restricts parking from 9PM to 6AM on specific streets and street sections	70.99 is the penalty description

#### **Chapter 90. Animals**

90.02	Grazing prohibited	Prohibits animals from grazing on streets, sidewalks or alleyways	90.99 is the penalty description
90.03	Hogs	Defines the keeping of hogs as unlawful unless specific conditions are met	90.99 is the penalty description
90.04	Chickens	Requires chickens to be confined to prevent intrusion on other property owners	90.99 is the penalty description
90.05	Animal Fights	Establishes that it is unlawful to incite or cause an animal to fight, such as a dog or chicken	90.99 is the penalty description
90.06	Bird Sanctuary	Establishes town corporate limits and town owned property to be a bird sanctuary and prohibits trapping, hunting, shooting or otherwise killing birds in those areas.	90.99 is the penalty description

90.24	Dogs running at large	Prohibits dogs running without restraints via leash or other device	90.99 is the penalty description
<b><u>Chapter 91. Civil Emergencies</u></b>			
91.01	State of Emergency; curfew authorized	Provides authority for the Mayor to enact a state of emergency to include a variety of measures including curfews, regulation of firearms, sale of alcohol, regulate travel, and prohibition of business activities	10.99 is the penalty description
91.02	Black out procedures	Establishes power of a Mayor to enact blackout procedures and policies during State of War and makes it unlawful to refuse or neglect such regulations	10.99 is the penalty description
<b><u>Chapter 92. Fire Prevention</u></b>			
92.02	Trash in Fire zone	Establishes it unlawful to throw waste paper or trash outside of a building or on the streets within the fire zone of the town	10.99 is the penalty description
92.03	Use of fireworks and explosives prohibited	Prohibits storage of explosives and use of fireworks	10.99 is the penalty description
<b><u>Chapter 93. Garbage and Refuse</u></b>			
93.15	Solid waste required to be deposited in approved containers	Makes it unlawful to place solid waste on private or public property except in approved containers	93.99 is the penalty description
93.16	Burning or burying solid waste prohibited	Prohibits burning or burying of trash	93.99 is the penalty description
93.17	Accumulation of garbage, refuse, and solid waste prohibited	Establishes that it is unlawful to allow garbage or solid waste to accumulate	93.99 is the penalty description
93.18	Containers required and use thereof	Requires use of containers provided by the town to deposit solid waste and regulates the timing and location of where to put the containers and defines items not allowed to be put in the containers	93.99 is the penalty description
93.19	Pre-collection practices	Establishes that liquids should be drained from garbage and refuse, and that recyclables are separated	93.99 is the penalty description
93.21	Unlawful use of containers	Defines unlawful acts and uses of Town solid waste containers	93.99 is the penalty description
93.58	Unlawful use of solid waste dumpsters	Makes unlawful to deposit residential waste in a business solid waste dumpster and requires that corrugated cardboard be separated and recycled	93.99 is the penalty description
93.62	Vandalism	Makes unlawful to damage or vandalize any dumpster, approved container or community collection site	93.99 is the penalty description
<b><u>Chapter 94. Health and Sanitation</u></b>			
94.01	Sale of infected clothing	Makes it unlawful to sell any infected clothing or bed linens	10.99 is the penalty description
94.03	Weeds and refuse	Establishes that uncontrolled growth of noxious weeds greater than 24 inches or the accumulation of trash or vegetable matter that creates threats to public health are a public nuisance.	10.99 is the penalty description
<b><u>Chapter 95. Minimum Housing Standards</u></b>			

95.35	Responsibility of owners and occupants	Establishes owner and dweller requirements to keep dwellings clean, free of rubbish or garbage accumulation, maintained, and provide working plumbing fixtures	95.99 is the penalty description
<b><u>Chapter 96. Nuisances</u></b>			
96.01	Public nuisances	Generally defines nuisances and makes them unlawful	96.99 is the penalty description
96.02	Distribution of Handbills	Makes it unlawful to distribute handbills in the corporate limits of the town	96.99 is the penalty description
96.35	Unnecessary noises prohibited	Prohibits unreasonably loud or disturbing noises.	96.99 is the penalty description
96.36	Prohibited acts enumerated	Provides an enumerated list of acts and sources of loud noises considered disturbing.	96.99 is the penalty description
<b><u>Chapter 97. Recreation</u></b>			
97.01	Certain acts prohibited	Defines a variety of prohibited acts related to all parks and recreation facilities, parks, or playgrounds	97.99 is the penalty description
97.02	Open fires prohibited	Prohibits open fires in parks except for in park provided grills or department approved grills	97.99 is the penalty description
97.03	Misuse of facilities	Prohibits flagrant misuse of parks and recreation facilities	97.99 is the penalty description
<b><u>Chapter 98. Streets and Sidewalks</u></b>			
98.01	Obstructions	Defines and makes unlawful an enumerated list of obstructions that may impact streets and sidewalks	98.99 is the penalty description
98.02	Garbage on public ways	Prohibits the placement and leaving of any trash, garbage, scrapped items or junked vehicles on public rights of way or roads	98.99 is the penalty description
98.03	Garbage and refuse on streets and sidewalks	Makes it unlawful to clean fish, chickens or other animals and leave the offal on any street, sidewalk or alleyway	98.99 is the penalty description
98.04	Placing merchandise on streets	Generally makes unlawful the sale or placement of goods for display or sale on any street or sidewalk except as provided for as exceptions with certain conditions met.	98.99 is the penalty description
98.05	Bicycles, motorcycles and skateboards on public sidewalks	Prohibits the operation of bicycles, motorcycles or skateboards on public sidewalks except when it is across sidewalks as the means for entering into a public street	98.99 is the penalty description
98.25	Distance from Curb and Sidewalk	Regulates how closely trees can be planted from street curbs or sidewalks	98.99 is the penalty description
98.26	Distance from street corners and fire hydrants	Prohibits planting of trees within defined distances of street corners and fire hydrants	98.99 is the penalty description
98.27	Utilities	Prohibits the planting of trees other than those specified by the Tree Board under or within 10 feet of overhead utility lines	98.99 is the penalty description
98.30.	Tree Topping	Makes unlawful as normal practice for anyone to top any street, park or publically owned tree on public property, and provides a definition of Tree Topping	98.99 is the penalty description
<b><u>Chapter 111. Alcoholic Beverages</u></b>			

111.01	Sale of malt beverages and wine	Unlawful to sell malt beverages or wine for on premise consumption in the town from or after 1 PM each Sunday until 7 AM Monday. Unlawful to consume alcohol on town property, public vehicular areas, hospitals, schools, churches or any institution maintained or supported by the state or town, car washes, service stations, shopping centers, or other places providing parking spaces for the public, patrons or employees.	111.99 is the penalty description
111.02	Consumption of intoxicating beverages		111.99 is the penalty description
<b><u>Chapter 115. Health Salons and Massage Parlors</u></b>			
115.12	Patronage by minors	Unlawful for minors under 18 to be served at a massage parlor without a doctors order	113.99 is the penalty description
115.13	Massaged by unlicensed person	Restricts massages by unlicensed provider unless supervised in the same room by a licensed provider	10.99 is the penalty description
115.14	Failure to obtain license	License required to operate massage parlor	10.99 is the penalty description
<b><u>Chapter 116. Vehicles for Hire</u></b>			
116.09	Liability Insurance or Surety Bond	Failure to operate vehicle for hire without insurance or bonds	116.99 is the penalty description
<b><u>Chapter 118. Adult Establishments</u></b>			
118.04	Operating Rules	Video Poker prohibited, no loitering, no outdoor music after 11 PM, coordination with police department required	10.99 is the penalty description
<b><u>Chapter 130. Offenses Against Property</u></b>			
130.01	Posting Avertisements on Trees and Post	Prohibits posters or banners on trees, light posts or property of the town	10.99 is the penalty description
<b><u>Chapter 131. Offenses Against Morals</u></b>			
131.01	Public nuisances affecting morals and decency	Prohibits the sale, exhibit or distribution of publications with obscene language, prints, pirtures or descriptions. Establishes that it is unlawful to perform an obscene act in a public place, write obscene language on walls or fences in a public place, or disfigure a street, wall or fence.	10.99 is the penalty description
131.02	Obscene public acts; vandalism		10.99 is the penalty description
<b><u>Chapter 132. Offenses Against Public Health and Safety</u></b>			
132.01	Riotus or disorderly conduct	Unlawful to engage in riotus or disorderly conduct Establishes curfew for minors with defined times and days of the week as well as defined responsibility of adults and businesses.	132.99 is the penalty description
132.02	Curfew for minors		132.99 is the penalty description
132.03	Disturbing public meetings	Prohibits disorderly conduct at a public meeting Requires the payment of entrance fees to amusements and payment of fares for transportation such as buses and taxis.	132.99 is the penalty description
132.04	Failure to pay admission fee; public transportation fares		132.99 is the penalty description
132.05	Unauthorized use of police whistle	Prohibits use of whistles, horns or sirens that are similar in appearance or sound to those used by the police or fire departments.	132.99 is the penalty description

132.06	Trick or treating during Halloween	Makes unlawful trick or treating for those over the age of 12 and prohibits the same for anyone after 9 PM	132.99 is the penalty description
<b><u>Chape 150. Airport Zoning Code</u></b>			
Covers the entire chapter generally	Covers the entire chapter generally	Violation of any provision of the Airport Zoning Code	150.99 is the penalty description
<b><u>Chapter 151. Flood Damage Prevention</u></b>			
Covers the entire chapter generally	Covers the entire chapter generally	Violation of any provisions of the Flood Damage Prevention Chapter	151.99 is the penalty description
<b><u>Chapter 152. Subdivision Code</u></b>			
Covers the entire chapter generally	Covers the entire chapter generally	Transfer or Sale of land referred to in a subdivision plat before it is approved by a legislative body and recorded by the register of deeds	152.99 is the penalty description
<b><u>Chapter 153. Zoning Code</u></b>			
Covers the entire chapter generally	Covers the entire chapter generally	Violation of Any Zoning Provisions and Codes	153.999 is the penalty description