

Memorandum

TO: Rep. Jonathan C. Jordan and Sen. Andy Wells—Co-Chairs of the Joint Legislative Administrative Procedure Oversight Committee

Rep. James L. Boles, Jr., Rep. Ted Davis, Jr., and Sen Shirley B. Randleman--- Co-Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety

FROM: Drew Temple, Clerk to the Board of County Commissioners of Alleghany County, North Carolina

DATE: October 10, 2018

RE: Response to the Requirements set forth in Section 3 of Session Law 2018-69 (House Bill 379) for the County of Alleghany, N.C.

Attached is the response of the County of Alleghany, North Carolina to the requirements set forth in Section 3 of Session Law 2018-69 for local governmental units. The attached document contains a list of all the Town of Carrboro's ordinances that create criminal offenses pursuant to G.S. 14-4(a), with brief descriptions of the prohibited conduct. Additionally, there is a link to Alleghany's website for the ordinances summarized.

If you have any questions about this Memorandum, please contact Drew Temple at alleadmin@skybest.com, tel: (336) 372-4179. Also, please acknowledge receipt of this Memorandum and its sufficiency in complying with Session Law 2018-69, Section 3.

Ordinance 1-22 1971 Roadside Garbage: Prohibits any person, firm, organization or private corporation to throw or deposit in or upon any solid waste container or dumpster provided by Alleghany County, any type of waste or trash other than domestic household trash.

Ordinance 1-23 1974 Solid Waste Management: For the protection of public health is hereby adopted pursuant to authority granted by Article 22 of Chapter 153 and Article 3 of Chapter 130 of the General Statutes of North Carolina and amendments thereto and shall govern the management, storage, collection, transportation and disposal of all forms of solid waste throughout Alleghany County.

Ordinance 1-29 1975 Regulating Mass Gathering: To provide for the protection of the public health, welfare, and safety of those persons in attendance at mass gatherings and of persons who reside near or are located in proximity to the sites of mass gatherings or are directly affected thereby.

Ordinance 1-65 1983 Animal Control Ordinance:

Ordinance 1-74 1983 – Mountain Ridge Protection: To regulate the construction of tall buildings or structures on mountain ridges to ensure that: adequate water supply is available to such building or structure, the disposing of sewage will not infringe on the ground water rights and endanger the health of those persons living at lower elevations, adequate fire protection can be made available, such buildings or structures will not be a hazard to air navigation and to persons on the ground, and such tall buildings will not detract from the natural beauty of the mountains.

Ordinance 1-123 1991 Occupancy Tax Established: Be it ordained by the Board of County Commissioners of Alleghany County, North Carolina, that a countywide occupancy tax be established pursuant to the authority granted by the North Carolina General Assembly under HB 775.

Ordinance 1-128 1992 Solid Waste Disposal Fee Schedule: GS 153A-292 County Collection and Disposal Facilities

1. The County Board of Commissioners may establish and operate solid waste collection and disposal facilities.
2. The Board may by ordinance regulate the,
 - a. Use of a disposal facility
 - b. Method of disposal
3. The Board may,
 - a. Contract for collection
 - b. Establish and operate joint collection and disposal facilities

Ordinance 1-129 1993 E911 Establishment: Be it ordained by the Board of County Commissioners of Alleghany County North Carolina that countywide E911 telephone service be established pursuant to the authority granted under Chapter 62A of the North Carolina General Statutes.

Ordinance 1-136 1994 – Transfer Facility Use Regulation: It shall be unlawful for any person to enter upon or into, or to deposit any substance or article, of whatever nature or kind, considering solid waste after normal working hours so established by the Commissioners of the County of Alleghany.

Ordinance 1-137 1995 Alcohol Consumption at Fairgrounds: It shall be unlawful for a person to consume or possess any malt beverage, wine, spirituous liquor or any kind of alcoholic beverage on the Alleghany

County Fairgrounds property located just north of the Town limits of Sparta, North Carolina on Highway 21.

Ordinance 1-138 1995 911 Naming: This ordinance establishes a uniform system for addressing and road naming, for the Alleghany County Enhanced-911 system and for the enforcement thereof.

Ordinance 1997: The Legislature of the State of North Carolina has, in Chapter 153A, Article 6, Section 121, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Ordinance 1-150 1999 Roaring Gap Land Use District: To prohibit aesthetic harm, or acts or conditions which would be detrimental to the health, safety, and welfare of the citizens of Alleghany County by preserving the unique and historic character and the peace and dignity of the County and of the Roaring Gap Community consisting of approximately 2100 acres where for over 100 years the residents thereof have maintained a residential and recreation area which is environmentally beautiful and safe for walking, horseback riding, and other recreational purposes, and to set standards for housing in the Land Use District.

Ordinance 1-153 2000 Mobile Home Moratorium: To prohibit pre-June 15, 1976 manufactured homes (as defined below) from being located, placed, transported, or otherwise moved into Alleghany County from outside the County.

Ordinance 1-157 2001 Explosive Materials Ordinance: The Alleghany County Board of Commissioners finds that the location, possession, storage, use, handling, manufacture, sale, and transportation of certain explosive materials, together with the danger of fire, injury, and theft in connection therewith, constitutes a potential hazard to the health, safety, and welfare of the citizens of the County unless carefully regulated, controlled, and monitored. Accordingly, the Board of Commissioners, for the purpose of protecting the public and safeguarding the health and welfare of the citizens of the County, does deem it necessary and advisable to regulate the location, possession, storage, use, handling, manufacture, sale, and transportation of explosive materials within its jurisdiction.

Ordinance 1-189 2003 Floodplain Management: To promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage; and,
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Ordinance 1-292 2005 Polluting Industries Zoning Moratorium: To promote the health, safety, and general welfare of the citizens of Alleghany County, and to promote the peace and dignity of the County. The Alleghany County Commissioners hereby establish certain criteria relating to high impact land uses/polluting industries. These uses by their very nature produce objectionable levels of noise, odors, vibrations, fumes, light, smoke, and/or other impacts upon the lands adjacent to them. These standards shall allow for the placement and growth of such uses, while maintaining the health, safety, and general welfare standards of established residential and commercial areas in Alleghany County.

Ordinance 1-296 2005 High Impact Land Uses/Polluting Industries Ordinance: For the purpose of promoting the health, safety, and general welfare of the citizens of Alleghany County, and to promote the peace and dignity of the County. The Alleghany County Commissioners hereby establish certain criteria relating to high impact land uses/polluting industries. These uses by their very nature produce objectionable levels of noise, odors, vibrations, fumes, light, smoke, and/or other impacts upon the lands adjacent to them. These standards shall allow for the placement and growth of such uses, while maintaining the health, safety, and general welfare standards of established residential and commercial areas in Alleghany County.

Ordinance 1-324 2006 Property Rights Protection Ordinance: To assist the citizens of Alleghany in guiding future development within the county. It was developed with the intent to promote the orderly development of the county in order to protect the safety, health and general welfare of the citizens of Alleghany County, without depriving individual property owners of their rights.

Ordinance 1-451 2008 Land Subdivision: To promote the health, safety and general welfare of the community by providing rules and guidelines for the subdivision of land and construction of roads. The Ordinance is intended to:

1. Provide for the orderly growth and development of the county.
2. Allow for the coordination of streets and highways within the subdivision with existing or planned streets and highways and with other public facilities.
3. Reduce the danger to health or peril from flood, erosion or water pollution.
4. Provide roads that (1) will allow for a safe, convenient and functional system for vehicular circulation; (2) will be eligible for state maintenance and school bus service and (3) afford adequate access for emergency vehicles and services.
5. Provide for the dedication of street right-of-way, utility easements and public facilities.
6. Ensure proper and accurate description and recordation of real property.
7. And provide public officials with information regarding land development in Alleghany County in order to project the need for various public programs and facilities, in estimating population growth, and in projecting revenues and expenses.

Ordinance 1-465 2009 Flood Damage Prevention: To promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

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

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

Ordinance 1-481 2010 Pawnbroker's License Ordinance: In the public interest and welfare, for the promotion of convenience, and pursuant to statutory authority contained in NCGS Chapter 91A, the following rules are adopted, which set forth conditions, limitations and requirements under which a person may obtain a license to operate a pawnshop and conduct the business of pawnbroker in the unincorporated areas of Alleghany County.

Ordinance 1-488 2010 Explosive Materials Ordinance: The Alleghany County Board of Commissioners finds that the location, possession storage, use, handling, manufacture, sale, and transportation of certain explosive materials, together with the danger of fire, injury and theft in connection therewith, constitutes a potential hazard to the health, safety, and welfare of the citizens of the County unless carefully regulated, controlled, and monitored. Accordingly, the Board of Commissioners, for the purpose of protecting the public and safeguarding the health and welfare of the citizens of the County, does deem it necessary and advisable to regulate the location, possession, storage, use, handling, manufacture, sale, and transportation of explosive materials within its jurisdiction.