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VIA EMAIL ONLY

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Joint Legislative Oversight Committee on Justice and Public Safety
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Joint Legislative Oversight Committee on Justice and Public Safety
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**RE: Granville County – Ordinance Reporting Requirement Pursuant to Session
Law 2018-69**

Dear Joint Legislative Oversight Committees:

The following information is being provided as required by North Carolina Session Law 2018-69. Below is a list and brief description of the applicable ordinance provisions from the Granville County Code of Ordinances that create criminal offenses pursuant to G.S 14-4(a). For direct access to these ordinances, please see the following link:
https://library.municode.com/nc/granville_county/codes/code_of_ordinances

• **GRANVILLE COUNTY – CODE OF ORDINANCES**

- Chapter 1 (General Provisions); Section 1-6 (General penalty; enforcement of ordinances; continuing violations);
 - Section 1-6 (General penalty; enforcement of ordinances; continuing violations): “Any willful failure to pay any civil penalty imposed within this Code is a misdemeanor under G.S. 14-4 and punishable by a fine of \$500.00 or 30 days in jail or both.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - Any willful failure to pay any civil penalty imposed under the Granville County Code of Ordinances shall be punishable as set out above.
- Chapter 5 (Alcoholic Beverages); Section 5-1(b) (Sale of malt beverages and/or wine on Sundays);
 - Section 5-1(b) (Sale of malt beverages and/or wine on Sundays): “Violation of this section shall be a misdemeanor punishable on conviction by fine not exceeding \$500.00 or by imprisonment not exceeding 30 days.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This section provides that “[i]t shall be unlawful for any person to sell malt beverages and/or wine (fortified or unfortified) within the boundaries of the county, from 2:00 a.m. on each Sunday until 12:00 p.m. on Sunday.” Any violation of this Section shall be punishable as set out above.
- Chapter 8 (Amusements and Entertainment); Article II (Adult Establishments); Section 8-31(k) (Licensing provisions relative to masseurs, massage parlors, health salons and clubs);
 - Section 8-31(k) (Licensing provisions relative to masseurs, massage parlors, health salons and clubs): “Hours of operation. No masseur or masseuse or any person engaging in any of the businesses licensed by this article shall engage in such business, trade, profession, occupation or calling except within and between the hours of 8:00 a.m. and 10:00 p.m.; nor shall any operator of a massage parlor or establishment or business enumerated in this subsection and not specifically excepted, operate the business except within and between these hours. Violations of this section shall be considered under this section as a general misdemeanor and shall be punishable the same as a general misdemeanor under the laws of the state.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Section regulates the hours of operation of business licensed under Article II of Chapter 8. A violation of this Section shall be a punishable as set out above.
- Chapter 11 (Animals); Article I (In General); Section 11-12 (Penalties; equitable remedies);
 - Section 11-12(b) (Penalties; equitable remedies): “Notwithstanding any civil penalties outlined in this chapter, any person violating the provisions of this chapter may be found guilty of a misdemeanor under G.S. 14-4 and 153A-123, and may be subject to a \$500.00 fine or imprisonment.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - A violation of Chapter 11, which protects people of the county from rabies transmitted by unconfined, uncontrolled or unimmunized dogs

- and cats, regulate dogs and other animals that may be a nuisance, and ensures that animals are treated in an humane manner, and other purposes, shall be punishable as set out above.
- Chapter 11 (Animals); Article IV (Deer); Section 11-111 (Use of artificial light prohibited; penalty);
 - Section 11-111 (Use of artificial light prohibited; penalty): “Violation of this section shall be a misdemeanor and punishable by a fine of \$500.00 or imprisonment for 30 days.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Section regulates the use of an artificial light to shine in areas frequented by deer. A violation of this Section shall be a punishable as set out above.
 - Chapter 20 (Civil Emergencies); Article I (In General); Section 20-13 (Penalty for Violation);
 - Section 20-13 (Penalty for Violation): “Except as provided in section 20-6, any person violating any prohibition or restriction imposed by a proclamation authorized by this chapter shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$50.00, or imprisonment not exceeding 30 days, as provided by G.S. 14-4.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - A violation of any prohibition or restriction imposed by a state of emergency proclamation authorized by Chapter 20 shall be punishable as set out above.
 - Chapter 20 (Civil Emergencies); Article II (National Incident Management System); Section 20-54 (Violations);
 - Section 20-54 (Violations): “It shall be a misdemeanor for any person to violate any of the provisions of this article or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this article or any plan issued there under.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Article regulates the utilization of all County resources to combat disaster resulting from enemy actions or other disasters as defined therein. A violation of this Article shall be a punishable as set out above.
 - Chapter 23 (Emergency Services); Article II (Ambulance Service); Section 23-64 (Penalty for Violation);
 - Section 23-64 (Violations): “Violations of this article, or the terms of any franchise granted under this article, shall be a misdemeanor as provided by G.S. 14-4. Each such violation also shall subject the offender to a civil penalty in the amount of \$100.00 for each separate breach of the franchise or violation of this article.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Article regulates the emergency, nonemergency or convalescent transportation of patients within Granville County and generally provides that no person shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the

- business of emergency, nonemergency or convalescent transportation of patients within the county unless the person holds a valid permit for each ambulance used in such business issued by the Medical Care Commission of the state department of health and human resources and has been granted a franchise for the operation of such business or service by the county pursuant to this article.
- Chapter 30 (Hazardous Waste Management); Article II (Location, Operation and Management); Section 30-66 (Criminal penalties);
 - Section 30-66 (Criminal penalties): “Any person violating this division shall be guilty of a misdemeanor and, upon conviction, fined not more than \$50.00 for each offense or imprisoned for not more than 30 days for each offense. Each day this division is violated shall constitute a separate offense.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Division regulates the location, operation and management of hazardous waste facilities. A violation of this Division shall be a punishable as set out above.
 - Chapter 30 (Hazardous Waste Management); Article III (Site-Selection of Hazardous Waste Facilities); Section 30-97(a) (Enforcement);
 - Section 30-97(a) (Enforcement): “Criminal penalty. Any person who shall violate this division by operating a hazardous waste facility without a permit will be guilty of a misdemeanor and punished by fine of not more than \$50.00 or imprisoned for not more than 30 days.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Division regulates the siting of waste facilities within the County. A violation of this Division shall be a punishable as set out above.
 - Chapter 32 (Land Development Code); Article V (Environmental Performance Standards); Section 32-323 (Penalties for violation):
 - Section 32-323 (Penalties for violation): “Violation of the provisions of this division 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 misdemeanor.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Division provides for regulations designed to promote the public health, safety, and general welfare of its citizenry as it relates to flood damage prevention. A violation of this Division shall be a punishable as set out above.
 - Chapter 32 (Land Development Code); Article V (Environmental Performance Standards); Section 32-326 (Duties and responsibilities of the floodplain administrator):
 - Section 32-326 (Duties and responsibilities of the floodplain administrator): “Violation of a stop-work order constitutes a misdemeanor.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - Violation of a stop-work order issued by the Floodplain Administrator shall be punishable as set out above.
 - Chapter 32 (Land Development Code); Article V (Environmental Performance Standards); Section 32-327(e) (Corrective procedures):

- Section 32-327(e) (Corrective procedures): “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.”
- *Brief Description of Conduct Subject to Criminal Punishment:*
 - Failure to comply with such an order given by the Floodplain Administrator shall be punishable as set out above.
- Chapter 32 (Land Development Code); Article V (Environmental Performance Standards); Section 32-420.1(3)(Remedies and Penalties):
 - Section 32-420.1(3)(Remedies and Penalties): “Criminal penalties. Violation of this division may be enforced as a criminal matter under North Carolina law.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - Violations of Division 5 (“The Falls Watershed Stormwater Ordinance for New Development”) is punishable in the manner as indicated above.
- Chapter 32 (Land Development Code); Article VIII (Oxford-Henderson Airport); Section 32-564 (Enforcement and remedies):
 - Section 32-564 (Enforcement and remedies): “Each violation of this article or G.S. ch. 63, art. 4, or of any regulations, order or ruling promulgated or made pursuant to this article or G.S. ch. 63, art. 4, shall constitute a class 3 misdemeanor, and each day a violation continues to exist shall constitute a separate offense.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Article is known as the Granville County Oxford-Henderson Airport Height Ordinance and regulates matters related thereto as further described in Article VIII. A violation of this Article shall be a punishable as set out above.
- Chapter 32 (Land Development Code); Article XVII (Wireless Telecommunications Facilities); Section 32-580.6(b)(Fines):
 - Section 32-580.6(b)(Fines): A violation of this article is hereby declared to be an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violations shall constitute a separate additional violation.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Division regulates Wireless Telecommunications Facilities within the County. Violations of such matters are punishable as set out above.

- Chapter 32 (Land Development Code); Article XVII (Procedures and Administration); Section 32-1060 (Penalty);
 - Section 32-1060 (Penalty): “Any person who, being the owner or agent of the owner of any land within the subdivision regulation jurisdiction of the county transfers or sells land by reference to a plat showing a subdivision of land before such plat has been properly approved under this chapter and recorded in the office of the register of deeds of the county shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties. The county, through its county attorney or other official designated by the board of commissioners, may enjoin such illegal transfer or sale by action for injunction.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - The above described violation is punishable as set out above.
- Chapter 32 (Land Development Code); Article XVII (Procedures and Administration); Section 32-1166 (Conduct of quasi-judicial hearings);
 - Section 32-1166 (Conduct of quasi-judicial hearings): “The chair of the board, or any member acting as the chair, and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board, willfully swears falsely is guilty of a class 1 misdemeanor.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - Such a violation is punishable as set out above.
- Chapter 32 (Land Development Code); Article XVII (Procedures and Administration); Section 32-1184 (Misdemeanor);
 - Section 32-1184 (Misdemeanor): “Any person, firm, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor, upon conviction, be fined a sum not less than \$100.00 nor more than \$500.00 or by imprisonment not to exceed 30 days. A separate offense shall be deemed committed for each day during or upon which the violation occurs or continue.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Chapter regulates all development or actions within the County specified in Section 32-3. A violation of this Chapter shall be a punishable as set out above.
- Chapter 35 (Offenses and Miscellaneous Provisions); Article II (Offenses Against Property); Section 35-31(b) (Nonsmoking Areas);
 - Section 35-31(b) (Nonsmoking Areas): “Any person who violates this section shall be guilty of a misdemeanor and shall be fined not more than \$50.00 or imprisoned not more than 30 days.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Section regulates designates and regulates certain nonsmoking areas in the courthouse and courthouse annex. A violation of this Section shall be a punishable as set out above.
- Chapter 35 (Offenses and Miscellaneous Provisions); Article II (Offenses Against Property); Section 35-32 (Smoking in the county jail; prohibited);
 - Section 35-32 (Smoking in the county jail; prohibited): “Smoking is prohibited in the county jail as well as delivery of cigarettes, cigars and smokable tobacco

products to inmates; and, that any inmate of the county jail who smokes upon the jail premises, or any portion thereof, as well as any person who shall carry smokable tobacco products onto the premises of the Granville County Jail for purposes of delivery to an inmate thereof, shall be guilty of a class 3 misdemeanor and upon conviction therefore shall be subject to the fine and/or imprisonment of not more than \$250.00, and not to exceed 30 days imprisonment.”

- *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Section regulates smoking in the county jail as described above and violations thereof are punishable as set out above.
- Chapter 36 (Peddlers and Solicitors); Section 36.3 (Penalty);
 - Section 36.3 (Penalty): “The violation of this chapter shall constitute a misdemeanor punishable as provided in G.S. 14-4.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - A violation of the ordinance provisions of Chapter 36 (Peddlers and Solicitors) shall constitute a Class 3 misdemeanor. This Chapter regulates the business activities and door-to-door selling of goods and services and solicitations by itinerant merchants, salesmen, promoters, drummers, peddlers, and hawkers.
- Chapter 41 (Streets, Sidewalks and Other Public Places); Article III (Outdoor Public Assemblies); Section 41-78 (Penalty);
 - Section 41-78 (Penalty): “Any person who violates any provision of this article shall be guilty of a misdemeanor and shall be punished by a \$500.00 fine as provided in G.S. 14-4. The district health director may through a court of competent jurisdiction enjoin violations of this article.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - A violation of the ordinance provisions of Article III (Outdoor Public Assemblies) of 41 (Streets, Sidewalks and Other Public Places shall be punishable as set out above. This Article is intended to provide for the protection of the public health, welfare and safety of those persons in attendance at mass gatherings and of those persons who reside near or are located in proximity to the sites of mass gatherings or are directly affected by such gatherings.
- Chapter 41 (Streets, Sidewalks and Other Public Places); Article IV (Solicitation on the Streets and Highways); Section 41-91(b)(6) (Solicitation restricted; begging prohibited);
 - Section 41-91(b)(6) (Solicitation restricted; begging prohibited): “Per G.S. §20-175, in the event the solicitation event or the solicitors shall create a nuisance, delay traffic, create threatening or hostile situations, any law enforcement officer with proper jurisdiction may order the solicitations to cease. Any individual failing to follow a law enforcement officer's lawful order to cease solicitation shall be guilty of a class 2 misdemeanor pursuant to G.S. § 20-175.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - The above described violation is punishable as set out above.
- Chapter 41 (Streets, Sidewalks and Other Public Places); Article IV (Solicitation on the Streets and Highways); Section 41-93 (Enforcement);

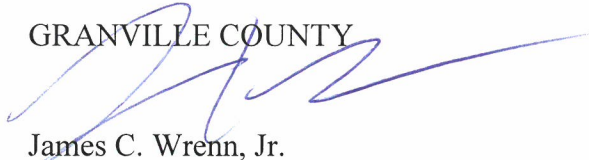
- Section 41-93(a) (Enforcement): “*Misdemeanor; fine.* Except as specifically set out herein to the contrary, the violation of this article is a class 3 misdemeanor as set out in G.S. §§ 153A-123 and 14-4. The maximum fine for a violation of this article is \$500.00.”
- *Brief Description of Conduct Subject to Criminal Punishment:*
 - A violation of the ordinance provisions of Article IV (Solicitation on the Streets and Highways) of 41 (Streets, Sidewalks and Other Public Places shall be punishable as set out above. This Article is intended to regulate solicitation.
- Chapter 44 (Utilities); Article III (Water and Wastewater); Section 44-176(c) (Enforcement of industrial waste discharges);
 - Section 44-176(c) (Enforcement of industrial waste discharges): “Any person or entity who knowingly and willfully violates any provision of this article may be charged with a misdemeanor, and shall upon conviction be fined a sum of not less than \$300.00 nor more than \$500.00 and may be imprisoned for a term not to exceed 30 days or the maximum amount allowed by law, whichever is greater.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Article regulates the collection of wastewaters for treatment and discharge. A violation of this Article shall be a punishable as set out above.
- Chapter 44 (Utilities); Article IV (Sludge and Septage); Section 44-258 (Misdemeanor);
 - Section 44-258 (Misdemeanor): “Any person or entity who knowingly and willfully violates any provision of this article may be charged with a misdemeanor, and shall upon conviction be fined a sum of not less than \$300.00 nor more than \$500.00 and may be imprisoned for a term not to exceed 30 days or the maximum amount allowed by law, whichever is greater.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - This Article regulates the application of sludge and septage to protect the ground waters and surface waters, and soils within the county and to ensure that sludge and septage will be disposed of so as not to create a hazard to the general public. A violation of this Article shall be a punishable as set out above.

If you have any questions or concerns regarding the foregoing or should you require any additional information, please do not hesitate to contact me.

[SIGNATURE PAGE FOLLOWS]

Sincerely,

GRANVILLE COUNTY



James C. Wrenn, Jr.
County Attorney

CC: Michael S. Felts, County Manager