

Wilson County Ordinances creating offenses punishable as misdemeanors

Ordinance	Reference	Section	Description
Animal Control Ordinance	See Wilson County Ordinance PDF	Section XXXI	The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4. Those who violate these ordinances shall be guilty of a class (3) three misdemeanor and shall be fined not more than five hundred dollars (\$500). Each day's violation of this ordinance 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 fees imposed under this ordinance.
National incident Management System Ordinance	See Wilson County Ordinance PDF	Section 4	It shall be a misdemeanor for any person to violate any of the provisions of this Ordinance 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 ordinance or any plan issued there under.
Wilson County Noise Ordinance	See Wilson County Ordinance PDF	Section 3	A violation of this ordinance by any person is a misdemeanor and shall subject the offender to a fine of up to one hundred dollars (\$100.00) and/or imprisonment for up to thirty (30) days. A second or subsequent violation by the same person within one (1) year shall subject such person to a fine of up to three hundred dollars (\$300.00) and/or imprisonment for up to thirty (30) days.
Outdoor Sign Ordinance	See Wilson County Ordinance PDF	Section 10	Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be submitted to a fine of not more than fifty dollars (\$50) or imprisonment of not more than thirty (30) days, as specified by North Carolina General Statute 14-4. Each day that the violation continues to exist, shall be construed a separate and distinct offense.
Parking Ordinance	See Wilson County Ordinance PDF	Section 2	The violation of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punished as provided in G.S. 14-4.
Solid Waste Ordinance	See Wilson County Ordinance PDF	Section IX	Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed \$500 or imprisonment for not more than 30 days, or both. Each day's violation shall be treated as a separate offense.
Watershed Protection Ordinance	See Wilson County Ordinance PDF	Section 104	Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues, shall constitute a separate offense.
Unified Development Ordinance	http://www.wilson-co.com/government/transparency/unified-development-ordinance	Article 4.6.7	Pursuant to NCGS 14-4, any person, firm, or corporation convicted of violating the provisions of this Ordinance shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500).
Wilson County Flood Damage Prevention Ordinance	http://www.wilson-co.com/government/transparency/unified-development-ordinance	Article 14.5.8	Violation of the provisions of this ordinance 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. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Wilson County from taking such other lawful action as is necessary to prevent or remedy any violation.
Ordinance Regulating Discharge of Firearms	See Wilson County Ordinance PDF	See ordinance	It shall be unlawful for any person to discharge a firearm in Wilson County within 300 feet of a building used as a dwelling or place of business at the time the offense is committed, except in the defense of person or property, or in pursuant of lawful directions of law enforcement officers. Violation of this ordinance shall be a misdemeanor and shall be punishable as provided in G.S. 14-4. This ordinance is adopted pursuant to authority granted Wilson County in GS 153A-129.

**AN ORDINANCE PROVIDING FOR THE REMOVAL,
STORAGE AND DISPOSITION OF ABANDONED
MOTOR VEHICLES.**

BE IT ORDAINED by the Board of Commissioners of the County of Wilson:

Section 1.

- (a) Whenever any motor vehicle is abandoned on county-owned property or public grounds within such county or is abandoned upon privately owned property, any such vehicle may be removed for safekeeping by or under the direction of the sheriff or other officials so designated by the board of commissioners to a storage garage or area; provided that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant of the premises unless the same has been declared by the board of commissioners to be a health or safety hazard.
- (b) The person at whose request such vehicle is removed from privately owned property shall indemnify such county against any loss or expense incurred by reason of the removal, storage or sale thereof. Written notice by mail of such removal shall be promptly given to the registered owner of the vehicle. The owner of such vehicle, before obtaining possession thereof, shall pay to the county all reasonable costs incidental to the removal, storage and locating the owner of the vehicle. Should such owner fail or refuse to pay the costs or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made and after notice to him at his last known address and to the holder of any lien of record in the office of the Department of Motor Vehicles against the vehicle, the officer designated by the board of commissioners may, after holding the vehicle for 30 days and after having the value of the vehicle determined by three disinterested dealers or garage men and after 20 days' notice has been given to the Department of Motor Vehicles before the date of sale, dispose of the same by public or private sale (or in the event of an appraised value of less than fifty dollars (\$50.00) by other means in the discretion of the board of commissioners or the designated officer) and the proceeds of any sale shall be forwarded to the treasurer or similar officer of the county. The treasurer or similar officer shall pay from the proceeds of any sale the cost of removal, storage, investigation as to ownership and sale, and liens in that order. Subject to Section 3 below, any remaining proceeds shall be deposited in the general fund of the county. Upon receipt of a county's bill of sale from a purchaser or other person entitled to receive any vehicle disposed of a hereinbefore provided, the Department of Motor Vehicles shall issue a certificate of title to said person if a certification of title for such vehicle is required by law.

Section 2.

- (a) For purposes of this ordinance, a vehicle shall be determined to have been abandoned in the following circumstances:
 - 1. It has been left upon county-owned property or public grounds within the county in violation of a law or ordinance prohibiting parking; or
 - 2. The vehicle fails to display a current license plate; or It is partially dismantled or wrecked; or
 - 3. It is incapable of self-propulsion or being moved in the manner for which it was originally intended; or
 - 4. It is left on property owned or operated by the county for a period of not less than 24 hours; or

5. It is left on private property without the consent of the owner, occupant or lessee thereof for a period of not less than two hours; it is left on any public grounds within such county for a period of not less than seven days.

Section 3.

If, after the sale, the ownership of any vehicle at the time of its removal is established satisfactorily to the officer so designated by the board of commissioners by the person claiming such ownership, the owner shall be paid by such officer so much of the proceeds from the sale of such vehicle as remains after paying the cost of removal, storage, investigation of ownership and sale and any liens as herein-above required.

Section 4.

No person shall be held to answer in any civil or criminal action to any owner or person legally entitled to the possession of any abandoned, lost or stolen vehicle, or for disposing of such vehicle as provided by this ordinance.

Section 5.

The term "motor vehicle" or "vehicle" as used herein is hereby defined to include all machines designed to be self-propelled or pulled and intended to travel along the ground by means of wheels, treads, runners or slides.

Section 6.

Nothing herein shall be construed to apply to any vehicle in an enclosed building or vehicle on the premises of a business enterprise being operated in a lawful place and manner and the vehicle being necessary to the operation of such business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county.

Section 7

- (a) Whenever a vehicle is found to be an abandoned motor vehicle as defined in Section 2 of this ordinance, and, in addition, is found to be inoperable, dismantled or damaged, five years old or older, and worth less than twenty-five dollars (\$25.00), it shall be deemed to be a junk motor vehicle. A junk motor vehicle may be removed from public or private property under the direction of an official designated by the board of commissioners to a storage area or garage, provided no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the property on which the vehicle is located unless the same has been declared a health or safety hazard by the board of commissioners. Any junk motor vehicles so removed shall be held at least 15 days. The owner of any such junk motor vehicle may reclaim his vehicle during the 15-day retention period by exhibiting proof of ownership to a designated official and paying all reasonable costs incident to the removal and storage of the vehicle and administrative expenses. If, after holding the vehicle 15 days, it remains unclaimed, said vehicle may be destroyed or otherwise disposed of as provided by ordinance or resolution of the board of commissioners. Further, any board of commissioners may, with the consent of the owner of the vehicle, remove and dispose of any motor vehicle as a junk motor vehicle regardless of the value, condition or age of such vehicle and without waiting the aforesaid 15-day period. Any proceeds derived from the disposition of junk motor vehicles shall be retained by the county for deposit in the general fund. Notice shall be given within 15 days after final disposition to the Department of Motor Vehicles that such vehicle has been deemed to be a junk motor vehicle and has been disposed of as such. The notice shall contain as full and accurate

a description of the vehicle as can reasonably be determined.

- (b) No person shall be held to answer in any civil or criminal action to any owner, lienholder or other person legally entitled to the possession of any abandoned, lost or stolen junk motor vehicle for disposing of such vehicle as contemplated by this ordinance.

Adopted August 7, 1972.

**WILSON COUNTY
BOARD OF COMMISSIONERS
ANIMAL CONTROL ORDINANCE**

Section I: Definitions

Animal: Every living domestic creature, but does not include humans.

Animal Shelter: Any premises designated by the Board of Commissioners for the purpose of impounding and caring for animals.

At Large: An animal shall be deemed to be at large when it is off the property of its owner or keeper and not under physical restraint.

Commercial Animal Establishment: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, animal exhibition or kennel.

Exposed to Rabies: An animal shall be deemed to have been exposed to rabies if it has been bitten by, or been in the presence of, any animal known or suspected to have been infected with rabies.

Grooming Shop: Any establishment, whether operated separately or in connection with another business enterprise which provides hair and nail clipping, bathing, and other cosmetic services for animals.

Health Director: Health Director of the Wilson County Health Department.

Impoundment: Any animal in custody of a person or animal shelter duly authorized by the County Manager or, when required by this Ordinance, the Health Director.

Keeper: A person having custody of an animal or who keeps harbors or fosters an animal. A keeper knowingly permits an animal to remain on or about any premises occupied or controlled by such person.

Kennel: Any premises wherein a person boards, lets for hire, trains for a fee, breeds, buys or sells dogs or cats. This shall not include the ownership of dogs which are part of the household or which are maintained adjoining a private residence for hunting, tracking practice, exhibition, or the guarding or protection of the owner's property when no more than five (5) dogs per year are sold by such owner.

Nuisance: An animal or group of animals shall be considered a nuisance if it:

- a. damages, soils, or defiles private, or public property routinely traveled by the public;
- b. interferes with, molests, or attacks persons or other domestic animals or pets;
- c. is repeatedly at large;
- d. causes unsanitary, dangerous or offensive conditions including fouling of the air by odors;
- e. chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles;

- f. by virtue of number or type is offensive or dangerous to the public health, safety, or welfare;
- g. is diseased or dangerous to the public health.

Owner: Any person or legal entity that has possessory property right in a dog or other animal.

Pet: Any animal kept for pleasure rather than utility.

Pet Shop: Any commercial establishment whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells, or boards any species of animal.

Riding School or Stable: Any place which has available for hire boarding and or riding instruction any horse, pony, donkey, or burro.

Restraint: Any animal shall be considered under restraint if it is within the real property limits of its owner, or secured by a leash or lead, or confined.

Security Dog: Any dog used, kept or maintained in the county for the purpose of protecting any person or property. Any such dog shall be further classified as a patrol dog, sentry dog, or watch dog.

- a. Patrol Dog - A dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.
- b. Sentry Dog - A dog that is trained or conditioned to attack or otherwise response aggressively without command.
- c. Watch Dog - A dog that barks and threatens to bite any intruder and that has not been specially trained or conditioned for that purpose.

Service Animal: An animal certified to provide assistance to a person or persons

Stray: Any animal not under restraint and found off the property of its owner or keeper.

Suspected of Having Rabies: An animal which is unvaccinated against rabies or has bitten a person.

Tethering: For the purpose of this ordinance tethering is defined as the securing of an animal to an anchor point to confine it to a desired area. There are several types of tethering; fixed and running.

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious Animal: An animal that constitutes a physical threat to humans or other domestic animals. An animal is deemed vicious by animal control authorities by the following criteria;

- a. inflicts a bite on a person that results in broken bones or disfiguring lacerations, requiring cosmetic surgery or hospitalization; or
- b. killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
- c. approaches a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack

Dangerous Dog: As defined in North Carolina General Statute 67-4.1. A dog that with out provocation has killed or inflicted severe injury on a person; or is determined by the Sheriff or Health Director or person designated by the Sheriff or Health Director to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in the next paragraph. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

"Potentially dangerous dog" means a dog that the Sheriff or Health Director or the person designated by the Sheriff or Health Director who are responsible for animal control determined to have:

- a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
- b. Killed or inflicted serious injury upon a domestic animal when not on the owner's real property; or
- c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

Section II: Agency Authority and Responsibility

Authority is hereby transferred from the Board of Commissioners to the Wilson County Sheriff's Office to establish and maintain an animal control program, to employ animal control officers and such other employees as shall be determined necessary by the Wilson County Sheriff's Office, and to appoint and compensate animal control officers and such other employees in accordance with policies of Wilson County Sheriff's Office.

The employees of the animal control program shall under the direction of the Wilson County Sheriff:

- A. Have the responsibility as a law enforcement agency to enforce all laws of North Carolina and all ordinances of Wilson County pertaining to animals and shall cooperate with all law enforcement officers within Wilson County in fulfilling this duty.
- B. Primary responsibility for rabies control is vested in the Health Director by G.S. 130A-41(10) and related statutes, including G.S. 130A-186, G.S. 130A-187, G.S. 130A-194, G.S. 130A-196, G.S. 130A-198, and others. In rabies control matters, the Sheriff, of Wilson County shall assist the Health Director, where appropriate.
- C. Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat involved and suspected of having rabies, for a period of not less than ten (10) days, and for reporting to the Health Director as soon as practicable the occurrence of any such animal bite and condition of any quarantined animal.
- D. Be responsible for the operation of the animal shelter.
- E. Be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in Wilson County involved in a violation of this or any other county ordinance or state law.
- F. Investigate cruelty or abuse with regard to animals.

- G. Make sure canvasses of the county, including the homes in the county, as necessary for the purpose of ascertaining compliance with this ordinance or state statute.
- H. Keep, or cause to be kept, accurate and detailed records of:
 1. Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program.
 2. Bite cases, violations and complaints, and investigation of same.
 3. All monies belonging to the County which were derived from fees, penalties, license tags, sales of animals, or other sources.
 4. Any other matters deemed necessary by the Health Director and the Sheriff of Wilson County.
- I. Be empowered to issue notices of violation of this ordinance in such form as the Wilson County Sheriff's Office may prescribe.

Section III: Cruelty to Animals

- A. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animals, or to cause or procure such action. **It shall be unlawful for any person other than a licensed veterinarian to cut any part of an animal. This shall include, but not be limited to ears and/or tails.** The words 'torture" and 'torment' shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; nor to prohibit the Animal Enforcement Officers or persons duly authorized by the Sheriff of Wilson County, or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner; nor to prohibit the lawful use of animals in scientific research.
- B. It shall be unlawful for any owner or keeper to fail to provide his animal or animals with proper shelter and protection from the weather. Proper shelter for a farm animal shall be a three-sided building with a roof. Proper shelter for a dog shall have a roof, a floor, and three sides and be in a condition to prevent exposure to the elements. The shelter must be large enough to allow room for the dog to turn in a circle without touching the shelter walls. In the winter months (i.e., November - March) the shelter shall contain dry bedding at all times. During warm months, the shelter must be positioned to maintain a cooler temperature inside the shelter than outside. For multiple dogs there must be adequate shelter for all dogs within a confined area.
- C. It shall be unlawful for an owner or keeper to fail to provide sufficient and wholesome food and water to keep his animal or animals in good health and comfort, the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering, and humane care and treatment.
- D. Dogs that are confined outdoors must be provided with adequate fresh water and appropriate food daily. The water container shall be stabilized and be placed in a position so that it cannot be knocked over. The enclosure must be kept free of excessive accumulation of feces and urine.

E. Tether

1. Fixed -Tethered dogs must be attached to a swiveled ground anchor by a coated cable wire not shorter than 15 feet. Chains and ropes are not acceptable types of tethers. All tethers must have swivels attached at both ends to prevent twisting. The tether must be arranged so as to be free from any obstacles that may limit the moveable length of the tether. Shelter and water must be present and always within reach of a tethered dog. If a dog cannot reach their shelter or water due to tangled or shortened tethers, the owner will be considered in violation of the ordinance. Tethers must be attached to a safe and secure collar. The tether wire may not be used as a collar.
2. Running-A strong runner wire (minimum of 15 feet) which is firmly secured to fixed anchor points; posts, trees or fences are acceptable. The tether is attached to the runner wire and must have a swivel to prevent entanglement. Shelter and water must be present and always within reach of a tethered dog. If a dog cannot reach their shelter or water due to tangled or shortened tethers, the owner will be considered in violation of the ordinance. Tethers must be attached to a safe and secure collar. The tether wire may not be used as a collar.

F. Dogs contained by an outside pen or fenced-in area shall be provided 100 ft² (10' x 10' square or equivalent) of room for each dog in the enclosure. Facilities regulated by other government agencies are exempt.

G. It shall be unlawful for any person to sell or offer for sale, barter or give away within the county baby chickens, baby ducklings or other fowl under six (6) weeks of age or rabbits under eight (8) weeks of age as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl or such rabbits in proper facilities by breeders or stores engaged in the business of selling for the purposes other than for pet or novelties.

H. It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.

I. It shall be unlawful for any person to tether any fowl.

Section IV: Confinement, muzzling, and control of vicious or dangerous domestic animals

It shall be unlawful for any person to keep any vicious, fierce or dangerous domestic animal within the county unless the animal is confined within a secure building or secure enclosure, or the animal is securely muzzled and under restraint by a competent person who, by means of a leash in hand, has such animal under control at all times.

Section V: Animals creating nuisance prohibited

A. It shall be unlawful for an owner or keeper to permit an animal or animals to create a nuisance, or to maintain a nuisance created by an animal or animals.

B. Compliance shall be required as follows:

1. When an animal enforcement officer, law enforcement officer, or person duly authorized by the Sheriff of Wilson County observes a violation, the owner or

keeper will be provided written notification of such violation and be given 48 hours from time of notification to abate the nuisance.

2. Upon receipt of a written detailed and signed complaint being made to the Sheriff of Wilson County by any person or persons that any other person is maintaining a nuisance as defined in this ordinance, the Sheriff of Wilson County shall cause the owner or keeper of the animal, or animals in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings thereon to be produced in writing.
3. If the written findings indicate that the complaint is justified, then the Sheriff of Wilson County or person duly authorized by the Sheriff of Wilson County shall cause the owner or keeper of the animal or animals in question to be so notified in writing, and ordered to abate such nuisance within forty-eight (48) hours by whatever means may be necessary.
4. In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals shall be posted for three working days (72 hours) at the animal shelter. If after three working days, the owner or keeper of the animal or animals remains unknown, the animal may be impounded, transferred to an animal rescue organization or humanely destroyed according to the current North Carolina statute.

C. It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this ordinance.

Section VI: Noisy Animals

It shall be unlawful for any person to own, keep, or have within the county an animal that habitually or repeatedly makes noises or other sounds that tend to annoy, disturb, or frighten its citizens.

Section VII: Dogs and cats running at large prohibited

Dogs and cats running at large prohibited.

1. It shall be unlawful for any owner of a dog/cat to allow it to run at large off the premises of its owner.
2. Upon an animal control officer's observation of a dog/cat running at large, or off premises of its owner and not under the restraint of a competent person, the officer may at his discretion, impound the dog/cat or return it to its owner.
3. Upon an animal control officer's receipt of a complaint that a dog/cat is running at large or is off the premises of its owner and not under the restraint of a competent person, the officer shall investigate the complaint; and upon finding that there is probably cause that a violation has occurred, the officer may issue a citation or a warning or take any other action contained in this chapter or any state law as the circumstances may require.
4. This does not apply to hunting dogs that are being lawfully hunted according to North Carolina State Statute and Wilson County Ordinance.

Section VIII: Luring, Enticing, Seizing, Molesting, or Teasing an Animal

It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper.

Section IX: Quarantine and Isolation Authority for Communicable Disease Control

- A. The State Health Director and a local health director are empowered to exercise quarantine and isolation authority. Quarantine and isolation authority shall be exercised only when and so long as the public health is endangered, all other reasonable means for correcting the problem have been exhausted, and no less restrictive alternative exists.
- B. No person other than a person authorized by the State Health Director or local health director shall enter quarantine or isolation premises. Nothing in this subsection shall be construed to restrict the access of authorized health care, law enforcement, or emergency medical services personnel to quarantine or isolation premises as necessary in conducting their duties.
- C. Before applying quarantine or isolation authority to livestock or poultry for the purpose of preventing the direct or indirect conveyance of an infectious agent or persons, the State Health Director or a local health director shall consult with the State Veterinarian in the Department of Agriculture and Consumer Services.
- D. When quarantine or isolation limits the freedom of movement of a person or animal or of access to a person or animal whose freedom of movement is limited, the period of limited freedom of movement or access shall not exceed 10 calendar days. Any person substantially affected by the county in which the limitation is imposed may request a review to that limitation. If a person or a person's representative requests a hearing, the hearing shall be held within 72 hours of the filing of that request, excluding Saturdays and Sundays. The person substantially affected by that limitation is entitled to be represented by counsel of the person's own choice or if the person is indigent, the person shall be represented by counsel appointed in accordance with Article 36 of Chapter 7A of the General Statutes and the rules adopted by the Office of Indigent Defense Services. The court shall reduce the limitation if it determines, by the preponderance of the evidence, that the limitation is not reasonably necessary to prevent or limit the conveyance of a communicable disease or condition to others.
- E. If the State Health Director or the local health director determines that a 10-calendar-day limitation on freedom of movement or access is not adequate to protect the public health, the State Health Director or local health director must institute in superior court in the county in which the limitation is imposed an action to obtain an order extending the period of limitation of freedom of movement or access. If the person substantially affected by the limitation has already instituted an action in superior court in Wilson County, the State Health Director must institute the action in superior court in Wilson County. The court shall continue the limitation for a period not to exceed 30 days if it determines, by the preponderance of the evidence, that the limitation is reasonably necessary to prevent or limit the conveyance of a communicable disease or condition to others. Before the expiration of an order issued under this section, the State Health

Director or local health director may move to continue the order for additional periods not to exceed 30 days each.

Section X: Compliance with state rabies laws - supplement to state rabies laws

- A. It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.
- B. It is the purpose of this ordinance to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.
- C. The Health Director shall organize or assist the Sheriff of Wilson County in organizing at least one countywide rabies vaccination clinic per year for the purpose of vaccinating dogs and cats. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area.

Section XI: Vaccination of dogs, cats, and other pets.

- A. It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the Health Director or the Wilson County Animal Enforcement Office that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that pet.
- B. A rabies vaccination shall be deemed current for a dog or cat if the first two doses of vaccine are administered twelve (12) months apart and each subsequent booster dose of vaccine administered every three (3) years as per the vaccine manufacturer's recommended schedule.
- C. All antirabic vaccine shall be administered by a licensed veterinarian or a trained and qualified vaccinator.

Section XII: Vaccination tag and certificate

- A. Upon complying with the provisions of Section X of this ordinance, there shall be issued to the owner or keeper of the dog or cat vaccinated a rabies tag, stamped with a number and the year for which issued, and a rabies vaccination certificate. Owners or keepers must be able to make the vaccination certificate available to an animal control officer upon request.
- B. In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of this ordinance current vaccination certificate cannot be provided.
- C. It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag.

D. All dogs or cats shipped or otherwise brought into this county, except for exhibition purposes where the dogs or cats are confined and not permitted to run at large, shall be securely confined and vaccinated within one week after entry, unless prior vaccination by a licensed veterinarian or a trained and qualified vaccinator can be provided.

Section XIII: Notice to Health Director when person bitten; confinement of animal

A. When a person has been bitten by an animal having rabies or suspected of having rabies, it shall be the duty of such person, or his parent or guardian if such person is a minor, and the person owning such animal or having the same in his possession or under his control, to notify the Wilson County Animal Shelter, the Health Director or person duly authorized by the Health Director immediately and give their names and addresses; and the owner or person having such animal in his possession or under his control shall immediately securely confine the animal at the animal shelter or a veterinarian of their choice for ten (10) days at the expense of the owner or keeper. It shall be the duty of every physician, after his first professional attendance upon a person bitten by any animal having rabies or suspected of having rabies, to report to the Health Director the name, age and sex of the person so bitten, and precise location of the bite wound, within twenty-four (24) hours after first having knowledge that the person was bitten. If the owner of, or a person who has in his possession or under his control, an animal having rabies or suspected of having rabies, refuses to confine the animal as required by this ordinance or by GS 130A-194, the Health Director may order seizure of the animal and its confinement for ten (10) days in such place as the Sheriff of Wilson County designates.

B. Law enforcement agencies investigating animal bites, shall report such bites immediately to the Health Director or person duly authorized by the Health Director and give the names and addresses of persons bitten and owner of animal.

C. Animals confined per Section XII A. above shall not be released from confinement except by permission from the Sheriff of Wilson County after being examined by a licensed veterinarian at the cost of the owner or keeper.

D. In the case of an animal suspected of having rabies, whose owner or keeper is not known or if the animal is badly wounded, diseased, or suffering may be humanely destroyed immediately and the head forwarded for examination.

Section XIV: Destruction or confinement of animal bitten by a known rabid animal

Animals not vaccinated against rabies which are bitten by a known rabid animals shall be immediately destroyed, unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six (6) months at the owner's or keeper's expense. If the animal has a current rabies vaccination, it shall be revaccinated and returned to the owner or keeper.

Section XV: Postmortem diagnosis

A. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the Health Department for shipment to the Laboratory Section of the North Carolina Division of Health Services for rabies diagnosis.

B. The carcass of any animal suspected of dying of rabies shall be surrendered to the Health Department. The head of such animal shall be shipped to the Laboratory Section of the North Carolina Division of Health Services for rabies diagnosis.

Section XVI: Unlawful killing or releasing of certain animals

It shall be unlawful for any person to kill or release any animal under observation for rabies, or any animal under observation for biting a human, or to remove such animal from the county without written permission from the Sheriff of Wilson County, provided that a licensed veterinarian, or the Health Director, or persons duly authorized by the Sheriff of Wilson County, may authorize any animal to be killed for rabies diagnosis.

Section XVII: Failure to surrender animal for confinement or destruction

It shall be unlawful for any person to fail to refuse to surrender any animal for confinement or destruction as required in this ordinance, when demand is made therefore by the Health Director or the Sheriff of Wilson County.

Section XVIII: Impoundment

A. Any animal which appears to be lost, stray or unwanted, or not under restraint and off the property of the owner or keeper are in violation of this ordinance, and may be seized, impounded, and confined in a humane manner in an animal shelter.

B. Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this ordinance.

Section XIX: Notice to owner or keeper

A. Upon impounding an animal, notice of such impoundment shall be posted for a minimum of seventy-two (72) hours, beginning with the time the animal enters the animal shelter, or until the animal is disposed of. Reasonable effort shall be made to identify the owner or keeper and inform such owner or keeper of the conditions whereby the animal may be redeemed.

B. Such notice shall be prominently displayed on a bulletin board at the animal shelter, and the time and place of the taking of such animal, together with the time and date of posting the notice shall be stated therein.

Section XX: Redemption by owner or keeper generally

A. The owner or keeper of an animal impounded under this ordinance may redeem the animal and regain possession thereof within 72 working hours after notice of impoundment is posted as required by this ordinance by complying with all applicable provisions of this ordinance and paying any applicable fees as determined by the Sheriff of Wilson County.

B. Any animal whose rabies vaccination can not be verified must be transported to a licensed veterinarian for a physical examination and proper rabies vaccination at the expense of the owner.

- C. No animal owner or keeper may be permitted to adopt his own animal under the provisions of this ordinance, but he must comply with the provisions of this ordinance in order to reclaim an animal that has been impounded pursuant to state law or this ordinance.
- D. The provisions of this section shall have no application with respect to animals surrendered by the owner or keeper to the Animal Shelter for immediate adoption or destruction as provided for in Section XXIII.

Section XXI: Destruction or adoption of unredeemed animal generally

- A. If an impounded animal is not redeemed by the owner or keeper within the period prescribed in Section XIX, it may be destroyed in a humane manner or shall become the property of the animal shelter(s) and offered for adoption to a responsible adult who is willing to comply with this ordinance and with policies set forth by the Sheriff of Wilson County.
- B. No animal which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this ordinance, except by special authorization of the Health Director.

Section XXII: Procedure with respect to redemption or adoption of unvaccinated dog or cat

- A. All animals over 4 months that are adopted from the shelter will be transported to the veterinarian of their choice for spay/neuter and rabies vaccination according to the fees established by the animal shelter.
- B. An appointment will be made for animals younger than 4 months of age to be spayed or neutered and vaccinated at an appropriate future date according to the fees established by the animal shelter. The proof of rabies vaccination notice will be completed by the veterinarian and returned to the animal shelter.

Section XXIII: Immediate placement for adoption or destruction of owner surrendered animals

- A. Any animal surrendered by its owner to the Animal Shelter may be immediately placed for adoption or humanely destroyed by the Animal Control Officer when:
 - 1) The owner affirmatively represents in writing that he or she is in fact the legal owner of said animal; and
 - 2) The owner agrees that he or she will indemnify and hold the County of Wilson harmless from any loss or damage it may sustain, including attorneys' fees, by reason of the destruction or placement for adoption of said animal; and
 - 3) The owner transfers ownership of said animal to the County of Wilson and releases the County from any and all future claims with respect to said animal.

B. Upon receiving said assurances, the Animal Shelter may rely on the same and place said animal for adoption, or destroy said animal, as it sees fit. The waiting periods provided in Section XIX-XX (Section 19-20) shall not apply to immediate adoption for destruction as provided for in this section.

Section XXIV: Destruction of wounded, diseased, or unweaned animals

Notwithstanding any other provision of this ordinance, any animal seized and impounded which is badly wounded, diseased (not a rabies suspect), or unweaned and has no identification shall be destroyed immediately in a humane manner at the discretion of the animal shelter. If the animal has identification, the Animal Control Officer shall attempt to notify the owner or keeper before disposing of such animal. If the owner or keeper cannot be reached readily, and the animal is suffering, the Animal Control Officer may destroy the animal at its discretion in a humane manner.

Section XXV: Destruction of animals which cannot be seized by reasonable means

Notwithstanding any other provision of this ordinance, an animal which cannot be seized by reasonable means may be humanely destroyed by order of the Sheriff of Wilson County.

Section XXVI: Injuring animals, notice required

It shall be unlawful for any person injuring an animal to fail to notify immediately the owner or keeper of said animal, or an animal control agency, or a local humane society.

Section XXVII: Keeping stray animals: requirements, failure to surrender

A. It shall be unlawful for any person in the county knowingly and intentionally to harbor, feed, keep in possession by confinement, or otherwise allow to remain on his property any animal which does not belong to him, unless he has within seventy-two (72) hours from the time such animal came into his possession, notified the Sheriff of Wilson County or person duly authorized by the Sheriff of Wilson County. Upon receiving such notice, the Sheriff of Wilson County or person duly authorized by the Sheriff of Wilson County shall publicly post a description of the animal and location of where the animal was found for 72 hours.

B. It shall be unlawful for any person to refuse to surrender any such stray animal to the Sheriff of Wilson County or person duly authorized by the Sheriff of Wilson County upon demand.

Section XXVIII: Non-domestic animals - prohibited

No person shall possess or harbor any non-domestic animal or animals which are dangerous to persons or property or which have the potential of being dangerous to persons or property. This section shall not apply to bonafide circuses, petting zoos, and other traveling commercial animal exhibitions of limited duration. Licensed wildlife permit holders are exempt from this section.

Section XXIX: Collecting dogs and cats for resale - permit required

- A. It shall be unlawful for any person to collect any dog or cat for the purpose of resale unless a permit for the same shall have been obtained from the Sheriff of Wilson County in accordance with the provisions of this section and unless such permit shall remain unsuspended and unrevoked.
- B. The Sheriff of Wilson County shall promulgate regulations and applicable fee schedule for the issuance of permits and shall include requirements for humane care and transportation of all cats and dogs and for the compliance with the provisions of this ordinance and applicable laws. The Sheriff of Wilson County may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of collected dogs and cats.
- C. The Office of the Sheriff of Wilson County may revoke any permit if the person holding the permit refuses or fails to comply with this ordinance, the regulations promulgated by the Sheriff of Wilson County, or any law governing the protection and keeping of animals.

Section XXX: Interference with enforcement

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Officers or persons duly authorized by this ordinance, or to seek to release any animal in the custody of such persons, except as otherwise specifically provided. **It shall be unlawful, and a violation of this ordinance for any person to release any animal from a trap or cage, or carry away, interfere with or damage any trap or cage set out or placed by animal control officers.**

Section XXXI: Animal Privilege Fees

An animal owner's privilege fee will be assessed according to the following fee scale. It will be the owner's duty to pay this privilege fee within thirty (30) days of receiving the notice of the fees. It shall be the duty of the Sheriff to deliver the fee notices to animal owners, breeders and other kennels and to collect the fees. If the fees are not paid the owners, breeders and kennel operators will be in violation of this ordinance and subject to penalties described in Section XXXII.

Animal Privilege Fees

<u>Cat/Dog</u>		<u>Altered</u>	<u>Unaltered</u>
Cat/Dog under 1 year of age	1 year license	\$10.00	\$10.00
Cat/Dog 1 year of age or older	1 year license	\$10.00	\$20.00
Cat/Dog 1 year of age or older	3 year license	\$25.00	\$50.00

Any Owner of a handicap helper dog, which is used for seeing or hearing purposes and can show proof of spay/neuter, shall receive a license free of charge.

Annual Kennel Licenses

Cats/Dogs	5-10	\$45.00
	11-20	\$70.00
	21-Over	\$100.00

Multi- Animal Category

- Any combination of dogs and cats totaling 5 or more
- Good for one year (renewable on date of purchase)

Show Kennel

- Either dogs or cats
- Do not have to be neutered or spayed
- Good for one year (renewable on date of purchase)
- Kennel must participate in three AKC or UKC sanctioned events per year (proof to be shown) or equivalent for cats or six in three years

Hunter Kennel

- Dogs only
- Do not have to be spayed or neutered
- Good for one year (renewable on date of purchase)
- Proof of NC Hunting License

Exclusion for Elderly and Disabled Persons

Those persons who have applied for and been granted a Property Tax Homestead Exclusion from property taxes pursuant to G.S. 105-277.1 because of age or disability shall be exempted from the payment of animal privilege fees.

Section XXXII: Penalty for violation

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4. Those who violate these ordinances shall be guilty of a class (3) three misdemeanor and shall be fined not more than five hundred dollars (\$500). Each day's violation of this ordinance 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 fees imposed under this ordinance.
- B. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123 (d) and (e).

C. In addition to and not in lieu of the criminal penalties and other sanctions provided in this ordinance, a violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth.

- 1) Such civil penalties may be recovered by Wilson County in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice for such violation.
- 2) Such notice shall, among other things:
 - a) State upon its face the amount of the penalty if such penalty be paid within seventy-two (72) hours from and after the issuance of the notice and the late fee of **fifty dollars (\$50.00)** if paid more than seventy-two (72) hours after its issuance.
 - b) Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of **fifty dollars (\$50.00)**, together with the cost of the action to be taxed by the court.
 - c) Further provide that such offender may answer the said notice by mailing said notice, and stated penalty to the Sheriff of Wilson County, his mailing address, or by making payment to the Sheriff of Wilson County, or to the Office of the Sheriff of Wilson County, and that upon payment, such case or claim and right of action by Wilson County will be deemed compromised and settled.
 - d) State that such penalties must be paid within seventy-two (72) hours from issuance of such notice. Such notice shall further state that if such notice of violation is not paid within said seventy-two (72) hour period, court action by the filing of a civil complaint for collection of such penalty may be taken.
- 3) The Sheriff of Wilson County is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action which Wilson County may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such contended violation or violations.
- 4) The civil penalty or violation of this ordinance is one hundred dollars **(\$100.00)**. Said penalty shall be paid within seventy-two (72) hours from and after the issuance of the notice referred to above.
- 5) The notice of violation referred to herein may be delivered to the person violating the provisions of this ordinance in person, or may be mailed to said person at his last known address.
- 6) In addition to the penalty prescribed in subsection (4) above, a **twenty five dollar (\$25.00)** penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized seventy-two (72) hour period. Should it become necessary to institute a civil action to collect any penalty hereunder, then the violation shall also be subject to an additional penalty of **fifty dollars (\$50.00)**.

- 7) All penalties paid to the Sheriff of Wilson County or as may be recovered in a civil action in the nature of debt as herein provided shall be paid for specific use of animal control.

Section XXXIII: Repeal of Conflicting Ordinance

All prior Wilson County Animal Control Ordinances adopted are hereby repealed.

Section XXXIV: Conflicting Regulations

Should there be a conflict between the provisions of this Ordinance and State or Federal law, such provisions of State or Federal Law shall control.

Section XXXV: Effective Date

This ordinance shall be effective on the first day of July, 2008, except for Section XXXI and Section XXXI shall be effective as of January 1, 2009.

**ORDINANCE PROHIBITING THE CARRYING OF CONCEALED
HANDGUNS IN LOCAL GOVERNMENT BUILDINGS,
THEIR APPURtenant PREMISES, AND PARKS,
IN POSSESSION OR CONTROL OF WILSON COUNTY**

WHEREAS, the North Carolina General Assembly, at its 1995 Session, enacted Chapter 398 of the 1995 Session Laws, and

WHEREAS, said Chapter 398, referred to above, which is effective on December 1, 1995, provides for the issuance of concealed handgun permits, and

WHEREAS, those persons to whom concealed handgun permits are issued may generally carry concealed handguns, except in certain specified areas and in "other premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice or statement by the person in legal possession or control of the premises"; and

WHEREAS, G.S. §14-41S.23, which is part of said Chapter 398, referred to above, authorizes units of local government to adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun on local government buildings, their appurtenant premises, and parks; and

WHEREAS, the Wilson County Board of Commissioners believes that it is in the best interest of the citizens of Wilson County to prohibit the carrying of concealed handguns in local government buildings, their appurtenant premises, and parks.

NOW, THEREFORE, the Wilson County Board of Commissioners does hereby ordain:

1. The carrying of concealed handguns in local government buildings in the legal possession or control of Wilson County, their appurtenant premises, and parks is prohibited and unlawful.
2. The Wilson County Manager shall cause conspicuous notices to be posted in accordance with G.S. §14-41S.11 giving the public notice that the carrying of concealed handguns is prohibited in or on the premises of the local government buildings, their appurtenant premises, and parks, as heretofore referred to in paragraph 1. Said notice shall be visibly posted on the exterior of each entrance by which the general public can access the local government building, appurtenant premises, and parks, and in such other places on the exterior and interior of said buildings, appurtenant, and parks as may be appropriate.
3. The prohibition against carrying concealed handguns set forth in this ordinance shall not apply to the persons designated in G.S. §14-269(b), as amended by Chapter 398 of the 1995 Session Laws.
4. A person who violates the provisions of this ordinance may be subject to prosecution under Article 54B of Chapter 14 of the North Carolina General Statutes.
5. This ordinance shall be effective on and after December 1, 1995.

On a motion by Commissioner Evans, seconded by Commissioner Jones, the Board unanimously approved the concealed weapons ordinance.

ORDINANCE REGULATING DISCHARGE OF FIREARMS

It shall be unlawful for any person to discharge a firearm in Wilson County within 300 feet of a building used as a dwelling or place of business at the time the offense is committed, except in the defense of person or property, or in pursuant of lawful directions of law enforcement officers. Violation of this ordinance shall be a misdemeanor and shall be punishable as provided in G.S. 14-4.

This ordinance is adopted pursuant to authority granted Wilson County in G.S. 153A-129.

WILSON COUNTY HOUSE NUMBERING ORDINANCE

I. PURPOSE

The purpose of this ordinance expressed herein is to provide a uniform house numbering system in Wilson County in order to preserve and promote public health, safety and welfare. Specifically, this ordinance is designed to provide for the assignment of house numbers to all residents and businesses; establish a house number map; and listing of all addresses along streets and roadways in Wilson County.

II. AUTHORITY

The Wilson County Board of Commissioners is authorized to assign house numbers in the unincorporated areas of Wilson County and hereby exercises this authority, except in the extraterritorial jurisdiction of the City of Wilson pursuant to Chapter 153A-240 of the North Carolina General Statutes.

III. TITLE

This ordinance shall be known as the House Numbering Ordinance of Wilson County, North Carolina.

IV. HOUSE NUMBERING

Section I – Assignment of House Numbers

The Wilson County Planning Department shall assign house numbers in the unincorporated areas of Wilson County on all public roadways and selected private roads dedicated to public access. The Board of Commissioners hereby authorizes the Planning department to develop procedures for the numbering of structures in unincorporated areas of Wilson County.

Section II – House Number Design and Placement Standards

It is the desire of the Wilson County Board of Commissioners that all owners of residences, industries, businesses, and all other occupied buildings, post address numbers. In order to enhance the health, safety, and general welfare of the citizens of Wilson County, the Board of Commissioners requests voluntary compliance in the posting of address numbers on buildings using the following standards:

- (a) The height of the number for the house, building, mobile home space, or unit shall be a minimum of three (3) inches and be, preferably, of reflective materials. Numbers should be displayed either on both sides of the mail box or on the house. If the building or mobile home is more than 75 feet from the road, and does not have a mailbox, the address should be displayed on a tree, lawn stake, or fence so that it is visible from the road.
- (b) Mobile home park lots shall have separate address numbers assigned. The address number of each lot must be clearly displayed on the lot so as to be legible from the road rather than mounted on the mobile home unit.

- (c) The Wilson County Planning Director shall have the right to authorize and approve alternate methods of displaying house numbers which meet the intent of this ordinance when strict adherence to these standards cannot reasonably be met.

Section III – New Structures

- (a) Numbers shall be assigned to each lot on the final copies of all subdivision or mobile home park plan.
- (b) No building permit or electrical permit shall be issued for any building or mobile home until the owner has obtained from the Wilson County Planning Department the official number of the premises.

V. SEPARABILITY

Should any section or provision of these regulations be held void or invalid by the courts for any reason, it shall not affect the validity of any other section or provision hereof which is not itself held void and invalid.

Wherever the provisions of any other law, Ordinances, or regulation impose higher standards than are required by the provisions of this ordinance, the provisions of such law, ordinance, or regulations shall govern.

VI. EFFECTIVE DATE

This ordinance shall be effective from and after January 1, 1992.

Wilson County National incident Management System Ordinance

**The County of Wilson ordains:
The National Incident Management System**

Section1. Short Title

This ordinance shall be known and may be cited and referred to as "The National Incident Management System (NIMS) Ordinance for the County of Wilson.

Section 2. Intent and Purpose

1. It is the intent and purpose of this ordinance to formally recognize the National Incident Management System (NIMS) and adopt the principles and policies of the NIMS that will insure the complete and efficient utilization of all of the County of Wilson's resources to combat disaster resulting from enemy actions or other disasters as defined herein.
2. The purpose of the NIMS is to provide a consistent nationwide approach for Federal, State, territorial, tribal, and local governments to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size or complexity.
3. The NIMS principles and policies are to be adhered to by all emergency management forces and across all functional disciplines within Wilson County to provide a comprehensive approach to incident management.
4. The NIMS provides a common foundation for training and other preparedness efforts; communicating and sharing information with other responders and with the public, ordering resources to assist with a response effort and for integrating new technologies and standards to support incident management.
5. To institutionalize the use of the Incident Command System (ICS), outlined in Appendix A of the NIMS. The 9/11 Commission Report recommends the use of (NIMS) ICS to enhance command, control and communications capabilities.
6. The Wilson County Office of Emergency Management, with the guidance from the NIMS Integration Center (NIC), will be the coordinating agency for all activity in connection with NIMS. It will be the instrument through which the Wilson County Board of Commissioners may exercise authority and discharge the responsibilities vested in them during emergencies.

Section 3. Definitions

1. "Director" shall mean the Director of the Wilson County Emergency Management Agency.
2. "Disaster" includes, but is not limited to, extraordinary fire, flood, storm, epidemic, accident, chemical spill, actual or threatened enemy attack, sabotage, or other impending or actual calamity endangering or threatening to endanger health, life or property of constituted government.
3. "Emergency Management" is the basic government function of maintaining the public peace, health and safety during an emergency. This term shall include plans and preparations for protection and relief, recovery and rehabilitation from a disaster as defined herein or the effects of an attack by the forces of an enemy national or the agents thereof. It shall not, however, include any activity that is the responsibility of the military forces of the United States.
4. "Emergency Management Forces" shall mean the employees, equipment, and facilities of all County departments, board, councils, institutions, and commissions, and in addition shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies that are assigned the duties of responding to emergencies within Wilson County.
5. "Incident Command System", ICS, means the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in domestic incident management activities as outlined in the NIMS document under Appendix A.
6. "National Incident Management System" NIMS, is a document produced by the Department of Homeland Security under the direction of Presidential Directive-5 that strengthens response capabilities through a balance between flexibility and standardization, and use of common doctrine terminology, concepts, principles, and processes.

7. "NIMS Integration Center (NIC)" – federal agency established to provide strategic direction and oversight of the NIMS, supporting both routine maintenance and continuous refinement of the system and its components. Develops and facilitates national standards for NIMS.

Section 4. Violations

It shall be a misdemeanor for any person to violate any of the provisions of this Ordinance 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 ordinance or any plan issued there under.

Section 5. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Ordinance, as a whole, it being the legislative intent that the provisions of this Ordinance shall not be severable and remain valid, notwithstanding such declaration.

Section 6. Conflicting Ordinances, Orders, Rules and Regulations Suspended

At all times when the orders, rules and regulations promulgated pursuant to this Article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 7. Applicability Extension

The undersigned municipalities hereby ratify this ordinance and adopt it as their own including all forms and conditions herein.

Section 8. Effective Date

This Ordinance shall take effect on the 6th day of June, 2005.

WILSON COUNTY NOISE ORDINANCE

Sec. 1 Loud and disturbing noise.

- (a) Subject to the provisions of this ordinance, the creation of any unreasonably loud and disturbing noise in Wilson County is prohibited and unlawful. Noise of such character, intensity and duration as to be detrimental to the health, safety or welfare of any individual is prohibited.
- (b) The following acts, among others, are declared to be loud and disturbing noises in violation of this ordinance, but such enumeration shall not be deemed to be exclusive:
 - (1) The use of any loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.
 - (2) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal or as required by law, so as to create any unreasonably loud or harsh sound; or the sounding of such device for an unreasonable period of time.
 - (3) The playing of any radio, television set, record player, musical instrument or sound-producing or sound-amplifying device in such manner or with such volume, particularly but not limited to the hours between eleven o'clock p.m. and seven o'clock a.m., as to annoy or disturb the quiet, comfort or repose of any person of normal sensibilities in any dwelling, motel, hotel or other type of residence.
 - (4) The keeping of any animal, except livestock, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person of normal sensibility in the vicinity.
 - (5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other noise.
- (c) As used in this ordinance, the terms, "unreasonably loud and disturbing noise", "loud and disturbing noise", and "loud and disturbing noises", shall be defined and limited to mean noise which is clearly audible at a distance of more than one hundred (100) feet from the source of the noise, measured in a straight line from the source of the noise.

Sec. 2. Exceptions

The following are exempt from the provisions of this ordinance.

- (a) Noises generated, made or created during the regular operations of a manufacturing or industrial facility, defined as any premises where goods or

wares are made, processed, warehoused or stored or where manufacturing is legally permitted and carried on.

- (b) Noises generated, made or created by fire, law enforcement, ambulance, rescue or other emergency vehicles while such vehicles are engaged in their proper functions.
- (c) Parades, fairs, circus, other similar public entertainment events, sanctioned sporting events, athletic contests, sporting events and sporting activities taking places in areas set aside for such activities, or any activities normally associated with any of the above, when such events and activities take place between the hours of 7:00 a.m. and 11:30 p.m.; provided, that in racing events which utilize motor vehicles on circular or oval tracks which are unpaved and/or the turns of which are banked at 15° or less, for this paragraph (c) to apply, the vehicles shall be equipped with properly operating racing mufflers which will diminish or reduce the noise made by the vehicle to at least the same extent as if the vehicle were equipped with a two chambered Flow Master racing muffler. After 11:30 p.m. persons engaged in these events and activities who create noise which is prohibited by Section 1 hereof shall be in violation of this ordinance.
- (d) Construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accordance with manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.
- (e) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
- (f) Lawnmowers and agricultural equipment and landscape maintenance equipment when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in proper operating condition.
- (g) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons of property from an imminent danger.
- (h) Noises resulting from the provision of government services.
- (i) Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to Article 54, Chapter 14 of the General Statutes of North Carolina.
- (j) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.

In any proceeding pursuant to this ordinance, if an exception may be applicable, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met.

Sec. 3. Penalties

A violation of this ordinance by any person is a misdemeanor and shall subject the offender to a fine of up to one hundred dollars (\$100.00) and/or imprisonment for up to thirty (30) days. A second or subsequent violation by the same person within one (1) year shall subject such person to a fine of up to three hundred dollars (\$300.00) and/or imprisonment for up to thirty (30) days.

Adopted this the 1st day of November, 1999.

Amended by addition of Sec. 1 (c) on November 1, 1999

Amended May 16, 1996 with the changing of Sec. 2 Penalties to Sec. 3 and
adding a new Sec. 2 Exceptions.

Adopted February 1994 original Noise Ordinance

OUTDOOR ADVERTISING SIGN ORDINANCE

Section 1. Purpose and Intent

The purpose of this ordinance is to preserve and improve the roadside appearance along highways in unincorporated Wilson County through the control of outdoor advertising signs on highways which do not come under the control of the Outdoor Advertising Control Act (G.S. 136-126) as amended and enforced by the NC Department of Transportation. These regulations are intended to minimize visual distractions to motorists, maintain roadside views of the rural countryside to enhance the attractiveness of the area for residents and visitors, protect property values, protect the public investment in highways, and promote the overall economic welfare of Wilson County.

Section 2. Authority

This ordinance is adopted under the authority granted by North Carolina General Statute 153A-121.

Section 3. Jurisdiction

This ordinance applies to all areas of Wilson County outside any municipality's corporate and extraterritorial jurisdiction.

Section 4. Applicability

These regulations apply along highways in Wilson County which do not come under the control of the Outdoor Advertising Control Act (G.S. 136-126 as amended and administered by NC Department of Transportation. They shall affect all outdoor advertising signs intended to be seen from the traveled portion of the highway within one thousand (1,000) feet of the right-of-way on each side of the highway.

Section 5. Outdoor Advertising Sign Standards

The following standards shall govern outdoor advertising signs:

5.1 Location

- A. Allowed along all highways not under the control of the Outdoor Advertising Control Act (G.S. 136-126) as amended and outside of the zoned areas.
- B. Zoned Areas-Outdoor advertising signs are allowed only in the B-1 (Highway Business), M-1 and M-2 (Industrial), and the MHD (Major Highway District) districts.
- C. Types of Outdoor advertising signs not permitted:
 1. Signs which attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any traffic sign, signal or device.
 2. Signs which are painted on buildings.
 3. Signs which move or have animated moving parts.
 4. Signs which are illegal under state or federal laws.

D. Non-Interstate and unzoned area locations

Outdoor advertising signs may be placed along the same side of the road within five hundred (500) feet of each side of any commercial or industrial activity, as defined in Section 12.1, which has both direct frontage and access to the highway. Determination of the area where signs are allowed shall be from the outermost part of the principal structure or structures on the premises extending outward 500' beyond the edge of such activity. Measurements shall not be from the property line of the activities and shall be along or parallel to the edge or pavement of the highway.

5.2 Spacing of Outdoor Advertising Signs

- A. No sign shall be located within a one thousand (1,000) foot radius of any other outdoor advertising sign.
- B. No sign shall be located within two thousand (2,000) feet of an interchange or intersection at grade along the interstate system or other freeways. (Measured from the nearest point of the intersection of the main traveled way and the entrance or exit traveled way).
- C. No sign shall be located within five hundred (500) feet of any non-interstate intersection at grade.

5.3 Total Area

The maximum area for the face of any outdoor advertising sign shall be three hundred (300) square feet including the border trim.

5.4 Height

The maximum height of an outdoor advertising sign shall be thirty (30) feet and shall be measured as the vertical distance from the natural ground below the sign to the highest part of the sign.

5.5 Sign size

- A. The maximum vertical height of the outdoor advertising sign face shall be twenty (20) feet.
- B. The maximum horizontal length of the outdoor advertising sign face shall be thirty (30) feet.

5.6 Separation from Other Uses

No outdoor advertising sign shall be located within five hundred (500) feet of any residential zoning district or any lot upon which an existing residence, church, school, or public institution is located.

5.7 Setback

All signs shall be set back at least twenty-five (25) feet from the nearest edge of the right of way.

5.8 General Requirements

A. Illumination

Outdoor advertising signs shall be illuminated in accordance with the following requirements:

1. Lighting shall be directed to the face of the sign and shall be shielded so that the source of the light is not visible and does not create a hazard or nuisance for motorists or nearby residents.
2. No flashing, rotating, or intermittent illumination shall be permitted.
3. Any illuminated sign shall meet the requirements of the North Carolina Building Code (Volume 4).

B. Number and arrangement of signs

Outdoor advertising signs may be of single face, back-to-back or v-type design.

C. Obstructions

Regardless of the requirements of this ordinance, no outdoor advertising sign shall obscure or interfere with official traffic signs, signals, or devices or create a traffic hazard.

D. Structural Requirements

All outdoor advertising signs shall meet the structural requirements of the North Carolina Building Code (Volume I).

Section 6. Administration

The Wilson County Chief Building Inspector, or authorized representative, shall administer this ordinance.

6.1 Interpretation

If any conflict arises during the enforcement of this ordinance, or more than one interpretation is possible, Section 1, Purpose and Intent, shall be used as a guideline for interpretation. Additionally, the most restrictive interpretation shall apply.

6.2 Permit Procedure

No construction, reconstruction, or alteration related to an outdoor advertising sign shall begin until the appropriate permits have been secured from the Wilson County Planning and Inspections Department. It is the responsibility of the owner or agent responsible for the sign to comply with these or other permit requirements.

A. Sign application

The applicant shall submit the following information for each proposed sign:

1. A site plan, at an appropriate scale, which illustrates the following items:
 - a. Location of proposed sign;
 - b. Setbacks;
 - c. Right-of-way lines; and
 - d. Distance to the nearest building plus any existing outdoor advertising signs, if applicable.
2. An elevation drawing and description, if necessary of the proposed sign which includes:
 - a. The dimensions of the sign and sign structure;

- b. The area of the sign face;
 - c. Colors and materials
 - d. Illumination; and
 - e. Any other relevant features of the signs.
3. If the sign location is in an unzoned area, a description of the type of commercial or industrial activity which is being used to qualify for outdoor advertising signs; and
4. Any other information determined necessary by the Chief Building Inspector to insure compliance with this ordinance and the North Carolina Building Code.

B. Fees

A permit fee of twenty (\$20) dollars shall be paid when the sign permit application is submitted to the Wilson County Planning and Inspections Department for review and determination of Compliance.

C. Expiration of permit

An outdoor advertising sign permit shall expire six (6) months after the date of issuance if the work authorized by the permit has not commenced. If, after commencement, the work is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by a permit that has expired may be performed until a new permit has been secured.

D. Revocation of permits

Following written notice by the Chief Building inspector, an outdoor advertising sign permit may be revoked for any of the following actions or omissions by the applicants:

1. Substantial departure from the approved permit application or plans and specifications.
2. Refusal or failure to comply with the requirements of the North Carolina Building Code or this ordinance; or
3. False statements or misrepresentations made in securing the sign permits.

A permit mistakenly issued in violation of this ordinance or any other state or county law or ordinance may also be revoked.

Section 7. Maintenance

All outdoor advertising signs shall be maintained in accordance with the North Carolina Building Code.

Section 8. Nonconforming Signs

Any advertising sign already legally in existence may be maintained for the reasonable life of the sign. If the sign is destroyed more than 50% of its assessed value, said sign must be removed and any new sign erected must meet the requirements of this ordinance. If the sign owner wishes to replace a sign structure for any other reason, it too shall conform with this ordinance except as otherwise provided by State Law.

Section 9. Violations

9.1 Notice

If any violation of this ordinance is committed, the Chief Building inspector shall give notice by certified or registered mail, return receipt requested, to the owner of the sign or owner of record of the property. The notice shall give the nature of the violation, with reference to the applicable provisions of this ordinance; actions necessary to correct any deficiencies; whether immediate corrective action is to be taken or whether thirty (30) days are allowed to correct or remove the sign in violation; and that the decision of the Chief Building Inspector may be appealed as provided in section 11.0. Any required actions shall be at the expense of the sign owner or property owner.

9.2 Failure to comply

If no corrective action has been taken after notice has been given, the Chief Building inspector shall initiate or cause to be initiated any legal action or proceedings necessary to enforce this ordinance.

Section 10. Penalties and Remedies

- 10.1 Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and shall be submitted to a fine of not more than fifty dollars (\$50) or imprisonment of not more than thirty (30) days, as specified by North Carolina General Statute 14-4. Each day that the violation continues to exist, shall be construed a separate and distinct offense.
- 10.2 In addition to, or in lieu of, any of the above remedies or penalties, this ordinance may also be enforced by any appropriate equitable remedy or order of abatement as provided in G.S. 153A-123(a) (d) and (3) and issuing from a court of competent jurisdiction.
- 10.3 Civil penalties may also be used in addition to, or in lieu of, any and all other remedies.
- 10.4 Any one, all, or any combination of the foregoing penalties and other additional or in lieu of remedies chosen by the County of Wilson may be used to enforce this ordinance.

Section 11. Appeals

Interpretations and decisions of the Chief Building Inspector regarding this ordinance may be appealed in writing to the Planning Board, provided such appeal is initiated with ten (10) days of denial of a sign permit or receipt of a violation notice.

11.1 Review by the Planning Board

The Planning Board may, in instances where practical difficulties or unnecessary hardship may result from the strict application of this ordinance, modify or waive certain provisions if such modification or waiver serves to preserve the purpose and intent of these regulations and will not negatively affect the public safety and welfare of the residents of Wilson County.

11.2 Limitations

Sections 5.1 through 5.6 of this ordinance shall not be subject to review for waivers or modification.

11.3 Suspension of time limits

When an appeal is filed, any time limitation imposed by the Chief Building Inspector shall be suspended until a decision is rendered by the Planning Board.

11.4 Further Appeals

Decisions of the Planning Board are subject to judicial review by a court of competent jurisdiction.

Section 12. Definitions

For purposes of this ordinance, certain words or terms are defined in this section. Words or terms not specifically defined shall be interpreted by common usage or meaning.

12.1 Commercial or industrial activity

Any accepted or recognized commercial or industrial operation, except that the following uses shall not be considered commercial or industrial for purposes of this ordinance:

- A. Outdoor advertising structures;
- B. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, roadside fresh produce stands;
- C. Transient or temporary activities;
- D. Activities not visible from the highway;
- E. Activities more than one thousand (1,000) feet from the nearest edge of the right-of-way;
- F. Activities conducted in a building principally used as a residence;
- G. Railroad tracks and minor sidings;
- H. Any outdoor advertising activity or any other business or commercial activity carried on in connection with an outdoor advertising activity; or
- I. Any commercial or industrial activity engaged in or established primarily for the purpose qualifying an area for the establishment of outdoor advertising signs.

12.2 Freestanding Sign

A sign supported by a sign structure placed in or upon the ground which is independent of any other object for support.

12.3 Freeway

A divided arterial highway for through traffic with full control of access.

12.4 Nonconforming Sign

A sign which was legally erected prior to the effective date of this ordinance, but which does not conform to these regulations.

12.5 Outdoor Advertising Sign

A sign, whether freestanding or painted on or attached to a building, which directs attention to a business, product, accommodation, service, event, or other activity which is conducted, sold, offered, or provided at a location other than the premises where the sign is located. Such signs are also known as billboards or off-premise signs. On-premise business identification signs, temporary political signs, directional signs twenty (20) square feet or less in size, official signs, or highway and historic markers shall not be considered outdoor advertising signs.

12.6 Sign

Any object, display, or structure, or portion thereof, which is located outdoors and is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location through the use of words, letters, figures, designs, symbols, colors, or illumination.

12.7 Sign Face

The surface of a sign where copy, messages, or advertisements are attached for display to the public, including any parts of the sign structure upon which such information is located. The surface area of the sign shall include the sign's trim and border.

12.8 Sign Structure

The supporting poles, braces, struts, building or structure to which an outdoor advertising sign is attached.

Section 13. Repeal of Conflicting Ordinances

Any resolution, ordinance, or part of ordinance in conflict with this ordinance are hereby repealed.

Section 14. Severability

Should a provision of this ordinance be ruled invalid, all other parts shall remain valid.

Section 15. Effective Date

The provision of this ordinance shall become effective on August 6, 1990.

WILSON COUNTY PARKING ORDINANCE
THE WILSON COUNTY BOARD OF COMMISSIONERS ORDAINS:

SECTION 1. It shall be unlawful for any person to park in parking spaces owned or leased by Wilson County unless such person shall have obtained a parking permit from the Wilson County Manager or his designee.

SECTION 2. The violation of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punished as provided in G.S. 14-4.

SECTION 3. In addition to and not in lieu of the criminal penalties provided in this ordinance, a violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth.

- (1) Such civil penalties may be recovered by Wilson County in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of a citation for such violation.
- (2) Such citation shall, among other things:
 - (a) State upon its face the amount of the penalty if such penalty be paid within 72 hours from and after the issuance of the notice and the late fee (\$1.00) if paid more than 72 hours after its issuance.
 - (b) Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of twenty five dollars (\$25.00) together with the cost of the action to be taxed by the court.
 - (c) Further provide that such offender may answer said citation by mailing said notice and stated penalty to the Finance Officer of Wilson County, Wilson County Courthouse, at its mailing address, or by making payment to said Finance Officer in the Wilson County Courthouse, and that upon payment, such case of claim and right of action by Wilson County will be deemed compromised and settled.
 - (d) State that such penalties must be paid within 72 hours from issuance of such notice. Such notice shall further state that if the notice of violation is not paid within said 72 hour period court action by the filing of a civil complaint for collection of such penalty may be taken.
- (3) The Finance Officer of Wilson County is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action which Wilson County may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such contended violation or violations.
- (4) The civil penalty for violation of this ordinance is fifteen dollars (\$15.00). Said civil penalty shall be paid within 72 hours from and after the issuance of the citation referred to above.
- (5) The citation referred to herein may be delivered to the person violating the provisions of this ordinance in person, or it may be affixed to the automobile or motor vehicle parked in violation of this ordinance.
- (6) In addition to the penalty prescribed in subsection (4) above, a one-dollar (\$1.00) penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized 72 hour period. Should it become necessary to institute a civil action to collect any penalty hereunder, then the violation shall also be subject to an additional penalty of \$25.00.

(7) All penalties paid to the Finance Director or as may be recovered in a civil action in the nature of debt as herein provided shall be paid into the general fund of Wilson County.

SECTION 4. The Wilson County Manager, or his designee, is hereby authorized to assign parking spaces owned or leased by Wilson County, and to charge a rental fee for such spaces, as may be set by the Board of Commissioners.

ADOPTED APRIL 5, 1983

WILSON COUNTY ORDINANCE FOR THE MANAGEMENT OF SOLID WASTE

Section I. Purpose and Intent

The purpose of this ordinance is to provide for the proper management of solid waste in Wilson County and to establish a monitored solid waste collection, transportation and disposal system. It is the intent of this ordinance not to conflict or contradict any rules and regulations of the North Carolina Department of Environment and Natural Resources, Division of Waste Management or any other applicable solid waste management laws, rules or ordinances.

Section II. Definitions

The following definitions apply in the interpretation and enforcement of this ordinance:

- A. **Agricultural waste:** Waste materials produced from the raising of plants and animals, including animal manure, bedding, plant stalks, hulls and vegetable matter. -
- B. **Ashes:** Waste resulting from the burning of wood, coal, or other combustible materials.
- C. **Board:** Board of Commissioners of Wilson County.
- D. **Bulky waste:** Large items of solid waste such as furniture, large auto parts, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.
- E. **Collection:** The act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility, or disposal facility.
- F. **Commercial Firm:** Stores, offices, restaurants, warehouses and other non-manufacturing activities.
- G. **Commercial Solid Waste:** All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial waste.
- H. **Construction and demolition waste:** Solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but does not include inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock concrete, or similar non-hazardous material.
- I. **County:** Wilson County.
- J. **County Manager:** The Wilson County Manager or his authorized agent.
- K. **Cover:** Any tarpaulin, plastic, or similar material which is laid, set or spread and securely fastened over all rubbish, garbage, solid waste, or miscellaneous refuse which would otherwise be subject to fan or spill onto roadways, thoroughfares or adjoining property.
- L. **Department:** The Department of Environment, Health and Natural Resources.
- M. **DSWM:** The Wilson County Department of Solid Waste Management.
- N. **Garbage:** All putrescible waste, including animal offal and carcasses, arid recognizable industrial by-products, but excluding sewage and human waste.
- O. **Hazardous waste:** Solid waste, or a combination of solid wastes, that because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- P. **Household:** A domestic establishment including the members of a family and others living under the same roof.
- Q. **Incineration:** The process of burning solid, semi-solid, or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.

- R. **Industrial Firm:** A place of business employing more than five individuals and engaged in the manufacture or assembly of a product or products.
- S. **Industrial Solid Waste:** Solid waste generated by industrial processes and manufacturing.
- T. **Inert Debris:** Solid waste that consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.
- U. **Institutions:** Educational, health care, correctional, and other similar facilities.
- V. **Institutional Solid Waste:** Solid wastes generated by educational, health care, correctional, and other institutional facilities.
- W. **MFR:** Materials Recovery Facility.
- X. **Land-clearing Debris:** Solid waste that is generated solely from land-clearing activities.
- Y. **Landfill:** A disposal facility or part of a disposal facility where waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.
- Z. **Litter:** Garbage, miscellaneous refuse, rubbish and/or solid waste that is improperly disposed of.
- AA. **Medical Waste:** Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 C.F.R. 261.4 (b)(1), or those substances excluded from the definition of "solid waste" in this ordinance.
- BB. **Municipal Solid Waste:** Solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, or solid waste from mining or agricultural operations.
- CC. **Municipal Solid Waste Management Facility:** Any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal.
- DD. **Pathological Waste:** Human tissues, organs, and body parts, and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biological or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.
- EE. **Person:** Any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.
- FF. **Putrescible:** Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal, and animal carcasses.
- GG. **Processing:** Any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amendable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.
- HH. **Radioactive Waste:** Waste containing any material, whether solid, liquid or gas that emits ionizing radiation spontaneously.
- II. **Recycling:** The process by which solid waste or recovered materials are collected, separated, or processed and reused or returned to use in the form of raw materials or products.
- JJ. **Refuse:** Solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions.

KK. **Regulated Medical Waste:** Blood and body fluids in individual containers in volumes greater than 20 ml. microbiological waste, and pathological waste that has not been treated pursuant to rules promulgated by the Department.

LL. **Resource recovery:** The process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling.

MM. **Sanitary landfill:** A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to G. S. Ch. 130A, Article 9.

NN. **Scrap tire:** A tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

OO. **Septage:** Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a septic tank system.

PP. **Sharps:** Needles, syringes, and scalpel blades.

QQ. **Sludge:** Any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.

RR. **Solid waste:** Any non-hazardous garbage, refuse, or sludge from a water supply treatment plant or air pollution control facility, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid waste resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:

- (1) Fecal waste from fowls and animals other than humans;
- (2) Solid or dissolved material in
 - a. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to the surface waters;
 - b. Irrigation return flows; and
 - c. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G. S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for purposes of this definition;
- (3) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition;
- (4) Any source, special nuclear or by product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011);
- (5) Mining refuse covered by the North Carolina Mining Act, G. S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.

SS. **Solid Waste Collector:** Any person who collects or transports solid waste for monetary or in-kind compensation and is properly registered with the DSWM.

TT. **Solid Waste Convenience Center:** A permanent structure with mechanical equipment used for the collection and/or compaction of solid waste prior to the transporting of solid

waste for final disposal. It is also an area used by the County for the collection of recyclable materials from county residents.

- UU. **Solid waste disposal site:** A location at which solid waste is disposed of by incineration, sanitary landfill, or other approved method. !
- VV. **Solid waste receptacle:** Container used for the temporary storage of solid waste while awaiting collection.
- WW. **Source separation:** Setting aside recyclable materials at their point of generation by the generator.
- XX. **Tire:** A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G. S. 20-4.01 (23).
- YY. **Transfer station:** A site at which solid waste is concentrated for transport to a processing facility or disposal site. A transfer station may be fixed or mobile.
- ZZ. **Used oil:** Any oil that has been refined from crude oil or synthetic oil and, as a result of use storage, or handling, has become unsuitable for its :Original purpose.
- AAA. **Waste:** Useless, unused, unwanted or discarded materials, resulting from natural community activities, including solids, liquids and gases.
- BBB. **Waste to Energy Incineration:** A disposal method where solid waste is burned to generate steam or electricity.
- CCC. **White Goods:** Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
- DDD. **Yard Waste:** Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

Section III. Storage, Transportation and Disposal

- A. No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste on his property that is not stored or disposed of in a manner prescribed by this ordinance.
- B. The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from his property at least once each week (7-day period).
- C. Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place, with adequate handles or bails to facilitate handling. Solid waste receptacles, as defined by this ordinance, may also be used for storage provided they meet the requirements of this subsection. The number of containers shall be adequate to store one week's accumulation of garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.
- D. Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this subsection includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods. Useful materials, such as firewood and building materials, may be stored on the premises, provided they are stored in a safe manner at a reasonable height above ground.
- E. No owner, occupant, tenant, or lessee of a building or dwelling, other: than a licensed junk/scrap metal dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than 72 hours.
- F. No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator, or other receptacle that has an airtight door without first removing the door.

- G. Solid waste shall be disposed of only in one of the following ways:
 - (1) In a landfill approved by the Department;
 - (2) In a waste to energy facility that has all required local, state, and federal control permits;
 - (3) Approved containers provided by commercial waste haulers.
 - (4) By any other method, including transfer station, recycling and resource recovery, that has been approved by the Department.
- H. In addition to the methods listed in subsection G. above, refuse may be disposed of in solid waste receptacles provided by the county at the convenience centers.
- I. Construction and demolition wastes must be disposed of at disposal sites approved and permitted by the Department.
- J. Regulated medical, hazardous, and radioactive waste must be disposed of according to written procedures approved by the Department
- K. A person who transports loose material on the roads of Wilson County without said material being covered or securely loaded in such a manner as to prevent litter on public and private property shall be subject to fines, fees and penalties listed in Section IX.
- L. Any person collecting and transporting solid waste generated on such person's property for disposal at an approved disposal site shall comply with sections VII.F.2 of this ordinance concerning vehicles and containers.
- M. All sharps shall be placed in a sealed, puncture-proof container prior to disposal.
- N. Open burning of solid waste is prohibited.

Section IV. Solid Waste Management Facility

- A. The county solid waste management facility may be used by county residents and nonresident property owners for the storage and disposal of solid waste. The facility shall be open during business hours as established by the board. In emergencies, the facility may be opened for additional hours as directed by the County Manager or the Manager's representative. Except when open during regular business hours the facility shall be kept locked, and entry shall not be permitted. Solid waste shall be disposed of or stored at the facility in the manner and according to procedures established by the Solid Waste Management Director or the Directors representative.
- B. The following wastes may be accepted for storage or processing at the Wilson County Solid Waste Management Facility:
 - (1) Lead acid batteries
 - (2) Pesticide containers
 - (3) Tires
 - (4) Antifreeze
 - (5) White goods
 - (6) Yard Waste
 - (7) Used motor oil and other petroleum products or liquid hydrocarbons
 - (8) Other materials designated by the State or County
- C. No person may loiter or rummage about the facility or remove articles therefrom.
- D. No person may deposit material at any point at the facility except where indicated by authorized employees of the facility or by official signs.
- E. No person may discharge firearms, fireworks, or explosives on the facility property.
- F. The maximum allowable speed of vehicles at the facility is twenty miles an hour.
- G. Commercial vehicles and containers used for the collection and transportation of solid waste shall be covered, leak-proof, durable, and easily cleaned. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

H. All vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill, and shall be covered to prevent the blowing of material. If spillage or leakage should occur, the material shall be recovered immediately by the transponder and returned to the vehicle or container, and the area properly cleaned.

Section V. Solid Waste Convenience Center Operation as adopted January 1992

Solid waste receptacles are maintained at Convenience Centers throughout the county on land owned by the county for the convenience of solid waste; district residents from the unincorporated portions of Wilson County. Solid Waste may be deposited in the receptacles only in accordance with the provisions of this ordinance.

A. The following materials may not be deposited in solid waste receptacles:

- (1) Asbestos;
- (2) Burning or smoldering materials or any other materials that would create a fire hazard;
- (3) Commercial waste;
- (4) Construction waste
- (5) Hazardous waste;
- (6) Industrial waste;
- (7) Institutional waste;
- (8) Liquid waste;
- (9) Radioactive waste;
- (10) Regulation medical waste;
- (11) Used motor oil and other petroleum products or liquid hydrocarbons;
- (12) Yard trash;
- (13) Sludges;
- (14) Barrels;
- (15) Sharps not properly contained.
- (16) Aluminum cans
- (17) Other materials designated by the DSWM

Section VI. Litter

A. It shall be unlawful for any person to dump, throw, drop, discard, deposit or otherwise dispose of litter or other solid waste on any public or private property or in the waters of this County unless such solid waste is placed in an approved receptacle or at a location designated for the deposit of solid waste.

B. This prohibition shall not be construed to limit the temporary placement of construction material on a site under construction so long as those materials are properly placed or containerized so as to prevent those materials from being blown, scattered, thrown or placed on adjoining or nearby properties.

C. It is the intent of this ordinance that each person is responsible for the proper management of their own waste and is responsible for all acts involving vehicles and equipment owned by them.

D. The addressee of first class mail shall be responsible for the proper disposal of that mail when it becomes waste. The presence of first class mail in waste material shall be *prima facie* evidence that the addressee owns that waste. :

**Section VII Scrap Tires – Adopt state rules by reference 15A NCAC 13B, Section .1100
Scrap Tire Management and GS 130A-309.51-309.63.**

**Section VIII Registration of Residential Solid Waste Collectors Operating in the Solid
Waste Tax District of Wilson County**

- A. No person may engage in business as a residential solid waste collector in the Solid Waste Tax District of Wilson County unless registered with the county pursuant to this ordinance.
- B. A registration form, to engage in the business of residential solid waste collector, shall be filed with the Department of Solid Waste Management on forms approved by the DSWM. The registrant shall furnish the following information:
 - (1) Name and address of the registrant.
 - (2) A list of the equipment possessed, available, or to be obtained by the registrant, which said equipment and vehicles are used in residential collection only.
 - (3) Number of employees the registrant expects to use in the business;
 - (4) Experience of the registrant in residential solid waste collection;
 - (5) Planned areas of the county the registrant expects to serve;
 - (6) Name and location of the facility where collected residential waste is to be disposed of;
 - (7) A list of Wilson County residential customers, to be updated on January 1 of each calendar year, shall be made available for review by the DSWM.
- C. Before registering a firm, the DSWM may inspect or cause to be inspected all facilities and equipment the registrant plans to use in the residential solid waste collection business.
- D. (1) The DSWM will register a firm only when it finds that the registrant's facilities, equipment, and proposed operating methods are in compliance with this ordinance and applicable rules of the DSWM and that the registrant will perform residential solid waste collection in an efficient and sanitary manner.
(2) A registration shall be valid for a period of one year from the date of issuance and will be automatically renewed on January 1 of the following calendar year if all registration conditions have been met.
- E. A registrant shall submit an annual report to the DSWM containing the following information:
 - (1) Number of residential customers added or deleted;
 - (2) New and replacement equipment;
 - (3) Any other information requested by the DSWM and pertinent to the residential solid waste collection business.
- F. (1) Commercial vehicles and containers used for the collection and transportation of solid waste shall be covered, leak-proof, durable, and easily cleaned. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.
(2) All vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill, and shall be covered to prevent the blowing of material. If spillage or leakage should occur,

the material shall be recovered immediately by the transporter and returned to the vehicle or container, and the area properly cleaned.

- G. When the DSWM finds that a registrant has violated this ordinance or the conditions of the registration, the DSWM shall give the registrant written notice of the violation and inform him that if another violation occurs within thirty days, or in the case of a continuing violation, if it is not corrected within ten days, the registration may be revoked. If another violation occurs within the thirty-day period, or, if the continuing violation is not corrected within ten days, the Department Director may give the registrant written notice that the registration is revoked.
- H. No registration issued pursuant to this chapter shall be assignable. Enforcement, Penalties **and** Remedies

Section IX. Enforcement, Penalties and Remedies

- A. The Wilson County Solid Waste Director is hereby empowered to issue civil citations upon the observance of a violation of this ordinance. The Solid Waste Department is further empowered to allow persons to perform cleanup work in a quantity and at a time satisfactory to the department in lieu of prosecution and/or civil penalties for violations.
- B. **Criminal penalty:** Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed \$500 or imprisonment for not more than 30 days, or both. Each day's violation shall be treated as a separate offense.
- C. **Civil penalty:** Any person who is found in violation of this ordinance shall be subject to a civil penalty in amounts as hereinafter set forth and as provided in G.S.: 153A- 123. Each day's violation shall be treated as a separate offense.
- D. Civil penalties may be recovered by Wilson County in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice for such violation.
- E. Such notice shall, among other things:
 - a. State upon its face the amount of the penalty if such penalty be paid within 72 hours from and after the issuance of the notice, and the late fee (\$10.00) if paid more than 72 hours after its issuance.
 - b. Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of \$25.00, together with the cost of the action to be taxed by the court.
 - c. Further provide that such offender may pay the said notice, and may pay stated penalty to the Wilson County Finance Office at its mailing address, or by making payment to the Wilson County Finance Office, at the appropriate address, and that upon payment, such Case or claim and right of action by Wilson County will be deemed compromised and settled.
 - d. State that such penalties must be paid within 72 hours from issuance of such notice. Such notice shall further state that if such notice of violation is not paid within said 72 hour period, court action' by the filing of a civil complaint for collection of such penalty may be: taken. Failure to pay the penalty, as required, will result in the offender not being allowed to use the Wilson County Solid Waste Management

Facility or the County Convenience Centers.

F. The Wilson County Finance Office is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action which Wilson; County may have to enforce such penalty by civil action in the nature of debt. Plaintiff of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such contended violation or violations.

G. The notice of violation referred to herein may be delivered to the person violating the provisions of this ordinance in person, or may be mailed to said person at the last known address.

H. In addition to the penalties prescribed in the subsection below, a \$10 penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized 72 hour period. Should it become necessary to institute a civil action to collect any penalty hereunder, then the violation shall also be subject to an additional penalty of \$25.

I. All penalties paid to the Wilson County Finance Office or as may be recovered in a civil action in the nature of debt as herein provided shall be paid into the 'general fund of Wilson County.

The civil penalties for violation of this ordinance shall be the following:

1. Scavenging:

First Offense:	\$25.00
Second Offense:	\$50.00
Subsequent offenses	\$100.00
2. Illegal dumping, including dumping prohibited materials or quantities of materials in unapproved areas including rivers, creeks, lakes, public and private land.

First offense:	\$100.00
Second Offense:	\$200.00
Subsequent Offenses:	\$400.00
3. Improper transportation- improper transportation, including uncovered trucks and unsecured loads. Improper vehicles or improper registration by contract haulers of solid waste constitutes another offense:

First offense:	\$100.00
Second Offense:	\$200.00
Subsequent Offenses:	\$400.00
4. Illegal burning - illegal burning of any product except yard waste, including garbage, plastic, wire, tires and other rubber products, agricultural chemicals, household chemicals, shingles and any other product for the purpose of disposal.

First Offense:	\$100.00
Second Offense:	\$200.00
Subsequent Offenses:	\$400.00
5. Littering in Wilson County includes, but is not limited to, the act of tossing, or allowing it to be blown, refuse from a motor vehicle or dropping it by hand on the ground or in our waterways.

First Offense:	\$50.00
Second Offense:	\$100.00
Subsequent Offenses:	\$200.00

- J. This ordinance may be enforced by anyone or more, or all of the remedies set forth herein. The County may seek enforcement of this ordinance in any court having jurisdiction.
- K. **Remedies:** This ordinance may be enforced by equitable remedies, and any unlawful condition existing or in violation of this ordinance may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.

Section X

Conditions existing on the effective date of this Ordinance and which existed prior to the effective date hereof and which would constitute a violation of Sections III. D and E ~ad this] Ordinance previously been in effect shall be removed and abated and brought into compliance with this Ordinance within one hundred twenty (120) days of said effective date. Conditions existing on the effective date of this Ordinance and which existed prior to the effective date hereof and which would constitute a violation of Sections III, F had this Ordinance previously been in effect shall be removed and abated and brought into compliance with this Ordinance within seven (7) days of said effective date. Any such violation as described in this section which is not corrected within the one hundred twenty (120), or the seven (7) day period, whichever is applicable, shall thereafter be subject to the Enforcement, Penalties, and Remedies Section (Section IX) of this Ordinance.

Section XI. Severability

- A. If any provision or clause of this ordinance with application thereof to any person or circumstances, is held invalid, such holding shall not invalidate any other provisions or clauses of this ordinance and the same shall remain in full force and effect.

Section XII Effective Date

This ordinance shall be in full force and effect from and after the 5th day of April, 1999.

WILSON COUNTY WATERSHED PROTECTION ORDINANCE

ARTICLE 100: AUTHORITY AND GENERAL REGULATIONS.

Section 101. Authority and Enactment

The Legislature of the State of North Carolina has, in chapter (153A), Article (6) Section 121; and in the Watershed Protection Rules, Chapter 143, Article 21, delegated the responsibility and directed local governmental units to adopt regulations designed to promote the public health safety, and general welfare of its citizenry. The governing Board of Wilson County does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Wilson County.

Section 102. Jurisdiction

The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled; Watershed Protection Map of Wilson County, North Carolina, which is adopted simultaneously herewith. The Watershed map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the County Manager.

Section 103. Exceptions to Applicability.

- (A) Nothing contained herein shall repeal, modify; or amend any Federal or State law or regulation, or any ordinance or regulations pertaining thereto, except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Wilson County; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in Wilson County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- (B) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land; then the provisions of these regulations shall control.
- (C) Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.
- (D) A pre-existing lot owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this ordinance. However, this exemption is not applicable to multiple contiguous lots under single ownership. See Section 307(A) (2) regarding the recombination of existing lots.

Section 104. Criminal Penalties.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues, shall constitute a separate offense.

Section 5. Remedies

- (A) If any subdivision; development and/or land use is found to be in violation of this Ordinance, the Wilson County Board of Commissioners may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$100.00, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business or use in or about the premises. In addition, the N. C. Environmental Management Commission may assess civil penalties in accordance with G. S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.
- (B) If the Watershed Administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, building, or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

Section 106. Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional. .

Section 107. Effective Date.

This Ordinance shall take effect and be in force on January 1, 1994.

ARTICLE 200: SUBDIVISION REGULATIONS.

Section 201. General Provisions.

- (A) No subdivision plat of land within the Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior CoW1 shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this Article.
- (B) The approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.
- (C) All subdivisions shall conform to the mapping requirements contained in G.S.47-3Q.

(D) All subdivisions of land within the jurisdiction of Wilson County after the effective date of this ordinance shall require a plat to be prepared, approved, and recorded pursuant to this ordinance.

Section 202. Subdivision Application and Review Procedures.

(A) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a Vicinity map to the Watershed Administrator to determine whether or not the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this ordinance. In addition, subdivisions within a WS-IV watershed are subject to the provisions of this ordinance only when an erosion and sedimentation plan is required under the provisions of State law or approved local program. Subdivisions within the designated watershed area shall comply with the provisions of this Article and all other state and local requirements that may apply.

(B) Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, fourteen (14) copies of the plat; and supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board. The application and maps must be submitted to the Watershed Administrator Fourteen (14) days prior to the Board's regularly scheduled meeting.

(C) The Watershed Administrator shall review the completed application and submit recommendations to the Watershed Review Board for further review and final action. The Watershed Review Board shall either approve, approve conditionally or disapprove each application by a majority vote of the members present and voting. First consideration of the application shall be at the next regularly scheduled meeting of the Board after the application is submitted. The Board shall take final action within forty-five (45) days of its first consideration. The Watershed Administrator or the Board may provide public agencies and opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit. Said public agencies may include, but are not limited to the following:

- (1) The district highway engineer with regard to proposed streets and highways.
- (2) The director of the Health Department with regard to proposed private water system or sewer systems normally approved by the Health Department.
- (3) The state Division of Environmental Management with regard to proposed sewer systems normally approved by the Division, engineered storm water controls or storm water management in general.
- (4) All other agency or official designated by the Watershed Administrator or Watershed Review Board

(D) If the Watershed Review Board approves the application; such approval shall be indicated on both copies of the plat by the following certificate and signed by the chairman or other authorized member of the Board:

Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Watershed Review Board for recording in the Register of Deeds office.

Date

Chair, Watershed Review Board

NOTICE: This property is located within a Public Water Supply Watershed-development restrictions may apply.

- (E) If the Watershed Review Board disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and entered in the minutes. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review.
- (F) All subdivision plats shall comply with the requirements for recording the County Register of Deeds.
- (G) The Subdivider shall record the approved plat in the Wilson County Register of Deeds within fifteen (15) days of final plat approval.

Section 203. Subdivision Standards and Required Improvements.

- (A) All lots shall provide adequate building space in accordance with the development standards contained in Article 300. Lots which are smaller than the minimum required for residential lots shall be identified on the plat as, "NOT FOR RESIDENTIAL PURPOSES".
- (B) For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- (C) Storm Water Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts storm water runoff away from surface waters and incorporates best management practices, as adopted by the NC Department of Transportation, to minimize water quality impacts.
- (D) Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the NC Division of Land Quality.
- (E) Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed so to minimize their impact on water quality.

Section 204. Construction Procedures

- (A) No construction or installation of improvements shall commence in a proposed subdivision until a subdivision plat has been approved by the Watershed Review Board.
- (B) No building or other permits shall be issued for erection of a structure on any lot not for record at the time of adoption of this Ordinance until all requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Watershed Administrator to provide for adequate inspection.

Section 205. Penalties for Transferring Lots in Unapproved Subdivision

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of Wilson County, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference

to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. Wilson County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

ARTICLE 300. DEVELOPMENT REGULATIONS

Section 301. Establishment of Watershed Areas

The purpose of this Article is to list and describe the watershed areas herein adopted.

For purposes of this ordinance the Wilson County is hereby divided into the following areas:

- (1) Toisnot WS – II Pa (Protected Area)
- (2) Contentnea WS – IV CA (Critical Area); and
- (3) Contentnea WS – IV PA (Protected Area)

Section 302. Watershed Areas Described

(A) WS-III Watershed Areas – Protected Area (WS-III-PA). In order to maintain a low to moderate land use intensify pattern, the following minimum requirements shall be met for all residential and non-residential uses:

- (1) Residential: Single Family
 - (a) Lots with septic tanks outside of a zoned area – 40,000 sq. ft.
 - (b) No residential lot shall be less than one-half (1/2) acre (including lots connected to City water and sewer) unless they are in an approved cluster development.
- (2) Non-Residential and all other residential development shall not exceed a maximum of twenty-four percent (24%) built-upon area on a project by project basis.
- (3) Allowed Uses:
 - (a) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
 - (b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-0209).
 - (c) Residential development.
 - (d) Non-residential development excluding discharging landfills and the storage of toxic and hazardous materials unless a spill containment plan is implemented.

(B) WS-IV Watershed Areas – Critical Area (WS-IV-CA). Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this ordinance when located in the WS-IV

watershed. The Watershed Administrator may request the developer to provide, in writing, confirmation from the NC Division of Land Quality that the proposed development does not require such a plan. In order to address a moderate to high land use intensity pattern, the following minimum requirements shall be met for all residential and non-residential uses:

- (1) Residential: Single Family
 - (a) Lots with septic tanks outside of a zoned area – 40,000 sq. ft.
 - (b) Lots located in an AR (Agricultural-Residential) zoning district – 43,560 sq. ft.
 - (c) No residential lot shall be less than one half (1/2) acre (including lots connected to City water and sewer) unless they are in an approved cluster development.
- (2) Non-residential and all other residential development shall not exceed a maximum of twenty-four percent (24%) built-upon area on a project by project bases. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- (3) Allowed Uses:
 - (a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minutes) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.
 - (b) Silviculture. Subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II 6101-. 0209).
 - (c) Residential development.
 - (d) Non-residential development excluding: 1) discharging landfills and the storage of toxic and hazardous materials unless a spill containment plan is implemented; and 2) Sites for land application of residuals or petroleum contaminated soils.

(C) WS-IV Watershed Areas - Critical Area (WS-IV-CA). Only new development activities that require an erosion/sedimentation control plan under State law or approved focal program are required to meet the provisions of this ordinance when located in the WS-IV watershed. The Watershed Administrator may request the developer to provide, in writing, confirmation from the NC Division of Land Quality that the proposed development does not require such a plan: In order to address a moderate to high land use intensity pattern, the following minimum requirements shall be met for all residential and non-residential uses:

- (1) Residential: Single Family
 - (a) Lots with septic tanks outside of a zoned area - 40,000 square foot.
 - (b) Lots located in an AR (Agricultural-Residential) zoning district - 43,560 square foot.
- (2) Non-residential and all other residential development shall not exceed a maximum of twenty-four percent (24%) built-upon area on a project by project bases. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- (3) Allowed Uses:
 - (a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
 - (b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 116101-.0209).
 - (c) Residential development.
 - (d) Non-residential development excluding the storage of toxic and hazards materials unless a spill containment plan is implemented.

Section 303. Cluster Development.

"Clustering of development is allowed in all Watershed Areas under the following conditions:

- (A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 302. Built upon area of the project shall not exceed that allowed for the critical area or balance of watershed (Protected Area), whichever applies.
- (B) All built-upon area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.
- (C) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Section 304. Buffer Areas Required

- (A) A minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted
- (B) No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.

Section 305. Rules Governing the Interpretation of Watershed Area Boundaries.

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

- (A) Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof such lines shall be construed to be said boundaries.
- (B) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the County as evidence that one or more properties along these boundaries do not lie within the watershed area
- (C) Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
- (D) Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot lines, the location of watershed area boundaries shall be construed to be the lot line.
- (E) Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board

Section 306. Application of Regulations.

- (A) No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.
- (B) No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.
- (C) Every residential building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified, except as permitted in Section 307.
- (D) If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited

Section 307. Existing Development.

Any existing development as defined in this ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculation.

- (A) **Vacant Lots.** This category consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of Wilson County. Lots may be used for any of the uses

allowed in the watershed area in which it is located, provided the following:

- (1) Where the lot area is below the minimum specified in this ordinance the Watershed Administrator is authorized to issue a watershed protection permit.
- (2) Notwithstanding the foregoing whenever two (2) or more contiguous residential vacant lots or record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, such lots shall be combined to create one or more lots that meet the standards of this ordinance, or if this is impossible, reduce to the extent possible the nonconformity of the lots.

(B) **Occupied Lots.** This category consists of lots occupied for residential purposes at the time of the adoption of this ordinance. These lots may continue to be used provided that whenever two or more adjoining lots of record, one of which is occupied, are in single ownership at any time after the adoption of this ordinance, and such lots individually or together have less area than the minimum requirements for residential purposes for the watershed area in which they are located, such lots shall be combined to create lots which meet the minimum size requirements or which minimize the degree of nonconformity.

(C) **Uses of Land.** This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located: Such uses may be continued except as follows:

- (1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
- (2) Such use of land shall be changed only to an allowed use.
- (3) When such use ceases for a period of at least one (1) year, it shall not be reestablished.

(D) **Reconstruction of Buildings or Built-upon Areas.** Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

- (1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
- (2) The total amount of space devoted to built-upon area may not be increased.
- (3) The use conforms with the Wilson County Zoning Ordinance (if applicable).

Section 308. Watershed Protection Permit.

(A) Except where a single family residence is constructed on a lot deeded prior to the effective date of this ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator. No Watershed Protection permit shall be issued except in conformity with the provisions of this ordinance.

(B) Watershed Protection Permit applications shall be filed with the Watershed Administrator. The application shall include a completed application form and supporting documentation deemed necessary by the Watershed Administrator.

- (C) Prior to issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.
- (D) A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant with twelve (12) months from the date of issuance.

Section 309. Building Permit Required:

Except for a single family residence constructed on a lot deeded prior to the effective date of this ordinance, no permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

Section 310. Watershed Protection Occupancy Permit.

- (A) The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.
- (B) A Watershed Protection Occupancy Permit either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within (10) days after the erection or structural alterations of the building.
- (C) When only a change in use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met coincident with the Watershed Protection Permit.
- (D) If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.
- (E) No building or structure which has been erected, moved; or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

ARTICLE 400: PUBLIC HEALTH REGULATIONS

Section 401. Public Health, in General.

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion, control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment for toxic and hazardous materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.

Section 402. Abatement.

- (A) The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- (B) The Watershed Administrator shall report all findings to the Watershed Review Board: The Watershed Administrator may consult with any public agency or official and request recommendations.
- (C) Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

ARTICLE 500: ADMINISTRATION, ENFORCEMENT AND APPEALS

Section I. Watershed Administrator and Duties Thereof

Wilson County shall appoint a Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this ordinance as follows:

- (A) The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.
- (B) The Watershed Administrator shall serve as clerk to the Watershed Review Board.
- (C) The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management.
- (D) The Watershed Administrator is granted the authority of administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the Wilson County. The Watershed Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.
- (E) The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

Section 502. Appeal from the Watershed Administrator

Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) days from the date the order, interpretation, decision or

determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing any party may appear in person, by agent or by attorney.

Section 503. Changes and Amendments to the Watershed Protection Ordinance.

- (A) The Wilson County Board of Commissioners may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described here.
- (B) No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within forty-five (45) days after submission of the proposal to the Chairman of the Watershed Review Board, the Wilson County Board of Commissioners may proceed as though a favorable report has been received.
- (C) Under no circumstances shall the Wilson County Board of Commissioners adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adapted by the N.C. Environmental Management Commission. All amendments must be filed with the NC Division of Environmental Management, NC Division of Environmental Health and the N.C. Division of Community Assistance.

Section 504. Public Notice and Hearing Required

Before adopting or amending this ordinance, the Wilson County Board of Commissioners shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.

Section 505. The Wilson County planning Board shall serve as the Watershed Review Board

Section 506. Powers and Duties of the Watershed Review Board

- (A) **Administrative Review.** The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.

(B) **Variance.** The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as well not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, Wilson County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

(1) Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

- (a) A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures, parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
- (b) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.
- (c) The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed. Such notice shall include a description of the variance being requested Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board

(2) Before the Watershed Review Board may want grant a variance, it shall make the following three (3) findings which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based.

- (a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five (5) following conditions exist:
 - (1) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable use of, his property, merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.
 - (2) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardships.

- (3) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.
- (4) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance; or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.
- (5) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in: the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

- (b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- (c) In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done: The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

- (3) In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.
- (4) The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application:
- (5) A variance issued in accordance with this Section shall be considered a Watershed Protection permit and shall expire if a Building Permit or Watershed Occupancy permit for such use is not obtained by the applicant with six (6) months from the date of the decision.
- (6) If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
 - (a) The variance application;
 - (b) The hearing notices;
 - (c) The evidence presented;
 - (d) Motions, offers of proof, objections to evidence, and rulings on them;
 - (e) Proposed findings and exceptions;
 - (f) The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental management Commission for its review as follows:

- (a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance if granted will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a commission decision and send it to the Watershed Review Board. If the Commission approved the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.
- (b) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a commission decision and send it to the Watershed Review Board. The decision of the Commission shall be final, however, the applicant may appeal the Commission's decision to the Superior Court.

(C) Subdivision approval. See Article 200.

(D) Public Health. See Article 400.

Section 507. Appeals from the Watershed Review Board

Appeals from the Watershed Review Board must be filed with the Superior Court within thirty (30) days from the date of the decision. The decisions by the Superior Court will be in the manner of certiorari.

ARTICLE 600: DEFINITIONS

Section 601. General Definitions

Agricultural Use: The use of waters for stock watering, irrigation and other farm purposes.

Animal Unit: A unit of Measurement developed by the US Environmental Protection Agency that is used to compare different types of animal operation.

Best Management Practices (BMP): A structural or nonstructural management-based practice used singular or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer: An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Built-upon area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Cluster development: The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

Composting Facility: A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operation is deposited

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half (1/2) mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half (1/2) mile upstream from the intake located directly in the stream or river (run-of-the river), or the ridge line of the watershed (whichever comes first).

Customary Home Occupations: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling, for residential purposes and does not change the character thereof Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over twenty-five percent (25%) of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service truck, delivery truck, etc.

Development: Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill: A landfill which discharges treated leachate and requires a National Pollution Discharge Elimination System (NPDES) permit.

Dwelling Unit: A building, or portion thereof, providing complete and permanent living facilities for one family.

Existing Development: Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

- (1) Substantial expenditures or resources (time, labor, money) based on a good faith

reliance upon having received a valid local government approval to proceed with the project, or

- (2) Having an outstanding a valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1); or
- (3) Having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1)

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Hazardous Material: Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CW (oil and hazardous substances).

Industrial Development: Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous materials for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the NC General Statutes. For the purpose of this Ordinance this term does not include composting facilities.

Lat: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Major Variance: A variance from the minimum statewide water supply watershed protection rules that results in the relaxation by a factor of greater than ten (10) percent of any management requirement that takes the form of a numerical standard.

Minor Variance: A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to ten (10) percent of any management requirement under the low density option.

Non-conforming Lat of Record: A lot described by a plat or a deed that was recorded prior to the effective date of this Ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this Ordinance.

Non-residential Development: All development other than residential development, agriculture and silviculture.

Plat: A map or plan of a parcel of land which is to be, or has been subdivided.

Protected Area: The area adjoining and upstream of the critical area of WS-IV watershed. The boundaries of the protected area are defined as with five (5) miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within ten (10) miles upstream; and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, Collages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Single Family Residential: Any development where: 1) no building contains more than one (1) dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one (1) dwelling unit.

Street (Road): A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure: Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Subdivider: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined

Subdivision: All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance;
- (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance; .
- (5) The division of a tract into plots or lots used as a cemetery.

Toxic Substance: Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, Inhalation, or assimilation into any organism, either directly from the environment or indirectly by Ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunction (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Variance: A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Water Dependent Structure: Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks-and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

Watershed Administrator: An official or designated person of Wilson County responsible for administration and enforcement of this ordinance.

Section 602. Word Interpretation

For the purpose of this ordinance, certain words shall be interpreted as follows:

- Words in the present tense include the future tense.
- Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the word indicates otherwise.
- The word "person" includes a firm; association, corporation, trust, and company as well as an individual.
- The word "structure" shall include the word "building":
- The word "lot" shall include the words, "plot", "parcel", or "tract":
- The word "shall" is always mandatory and not merely directory.
- The word "will" is always mandatory and not merely directory.

Section 603. Adoption.

This ordinance was adopted on December 6, 1993.

ARTICLE 700: HIGH DENSITY DEVELOPMENT

Section 701. High Density Development Standards.

(A) The Watershed Review Board shall approve high density development proposals consistent with the following standards:

- (1) **WS-III Watershed Areas-Protected Area (WS-III PA).** Where new development exceeds either the minimum lot size area as stated in Article 300. Development Regulations or twenty-four (24%) built-upon area, engineered storm water controls shall be used to control runoff, from the first inch of rainfall and development shall not exceed fifty percent (50%) built-upon area.
- (2) **WS-IV Watershed Areas-Critical Area (WS-IV CA).** Where new development exceeds either the minimum lot size area as stated in Article 300. Development Regulations or twenty four percent (24r;) built-upon area, engineered storm water controls shall be used to control runoff from the first inch of rainfall and development shall not exceed fifty percent (50%) built-upon area
- (3) **WS-IV Watershed Areas-Protected Area (WS-IV PA).** Where new development requires a Sedimentation/Erosion Plan and exceeds either the minimum lot size area as stated in Article 300. Development Regulations or twenty-four (24%) percent built-upon area, engineered storm water controls shall be used to control runoff from the first inch of rainfall and development shall not exceed seventy percent (70%) built-upon area

(B) The following type of high density development shall be permitted consistent with the requirements of the Ordinance: Industrial Development and/or uses.

Section 702. High Density Development Permit Applications.

(A) A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.

(B) Application for a High Density Development permit shall be addressed and submitted to the Watershed Review Board through the Watershed Administrator. Application for a High Density Development permit shall be made on the proper form and shall include the following information;

- (1) A completed High Density Development Permit application signed by the Owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;
- (2) Two (2) reproducible copies of the development plan within the drainage basin including the applicable information listed in Appendix A, Application Forms and detailed information concerning built-upon areas. In cases where the developer intends to sell development rights to a third party or subdivide the property, the plans must specify the maximum allowed built upon area for each parcel or tract.
- (3) Two (2) reproducible copies of the plans and specifications of the storm water control consistent with Section 703.
- (4) When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;
- (5) Permit application fees consistent with Section 706.

(C) Prior to taking final action on any application, the Board or the Watershed Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action with the prescribed time limit.

(D) The Watershed Review Board shall either approve or disapprove each application for a High Density Development permit based on the applicable criteria contained in this Ordinance. First consideration of a completed application shall be at the next regularly scheduled meeting of the Board following its receipt. The Board shall take action on the application at its first consideration or within sixty-five (65) days of its first consideration.

- (1) If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the storm water control structure. A High Density Development permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 704 (E) (J) and executes an Operation and Maintenance agreement as required in Section 704 (C). A copy of the permit and one (1) copy of each set of plans shall be kept on file at the Watershed Administrator's office. The original permit and one (1) copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

(2) If the Board disapproves the application based on its findings, the reasons for such action shall be stated in the minutes of the Board and presented to the applicant in writing either by personal service or registered mail, return receipt requested. The applicant may make changes and submit a revised plan. All revisions shall be submitted, reviewed and act upon by the board pursuant to the procedures of this section.

Section 703. Storm water Control Structures,

(A) All storm water control structures shall be designed by either a North Carolina registered professional engineer or landscape architect, to the extent that the General Statutes, Chapter 89A, allow. Other storm water systems shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architect, to the extent that the design represents incidental drainage with subdivision, as provided in General Statutes 89(C) – 3(7).

(B) All storm water controls shall use wet detention ponds as a primary treatment system. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the following design criteria:

- (1) Wet detention ponds shall be designed to remove eighty-five percent (85%) of total suspended solids in the permanent pool and storage run off from a one (1) inch rainfall from the site above the permanent pool;
- (2) The designed runoff storage volume shall be above the permanent pool;
- (3) The discharge rate from these systems following the one (1) inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn to the permanent pool level within at least five (5) days;
- (4) The mean permanent pool depth shall be a minimum of three (3) of three (3) feet;
- (5) The inlet structures shall be designed to minimize turbulence using baffles of other appropriate design features;
- (6) Vegetative filters shall be constructed for overflow and discharge of all storm water wet detention ponds and shall be at least thirty (30) feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five percent less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics;

(C) In addition to the vegetative filters required in Section 703 (B) (6), all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion with thirty (30) days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Section 704 (C).

(D) A description of the area containing the stormwater control structure shall be prepared and filed consistent with Section 707 ?4 and B), as a separated deed with the Wilson County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the detention pond, vegetative filters, all pipes and water control structures, berms, dikes, etc. and sufficient area to perform inspections, maintenance,

repairs and reconstruction.

(E) Qualifying areas of the stormwater control structure may be considered previous when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one (1) site, it shall not be used to compute the built-upon area for any other site or area.

Section 704. Posting of Financial Security Required.

(A) All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance of the stormwater control structures.

(B) Financial assurance shall be in the form of the following:

(1) Security Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to Wilson County or placed in escrow with a financial institution designated as an official depository of Wilson County. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the Watershed Review Board. The total cost of the stormwater control structure, shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and, grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

(2) Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with Section 707 (C)(1), the permit applicant shall deposit with Wilson County either cash or other instrument approved by the Watershed Review Board that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten (10) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 705 (A). The amount shall be computed by estimating the maintenance for twenty-five (25) years and multiplying this amount by two fifths (2/5) or 0.4.

(C) Consistent with Section 702, the permit applicant shall enter into a binding Operation and Maintenance Agreement between the Watershed Review Board and all interests in the development. Said Agreement shall require the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Wilson County Register of Deeds by the Watershed Review Board

(1) Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an

engineering estimate. The Board shall return any funds not spent in completing the improvements to the owning entity.

(E) Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the Board shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Board shall not return any of the deposited cash funds.

Section 705. Maintenance and Upkeep.

(A) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions: The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

(B) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or the extent of interfering with any easement or access to the stormwater control structure.

(C) Except for general landscaping and grounds management, the owning entity shall notify the Watershed Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect the completed improvements and shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said improvements. The Watershed Administrator may consult with an engineer or landscape architect to the extent that the General Statutes, Chapter 89A, allow) designated by the Watershed Review Board.

(D) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Watershed Review Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Watershed Administrator prior to consideration by the Watershed Review Board.

- (1) If the Watershed Review Board approves the proposed changes; the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Watershed Administrator.
- (2) If the Watershed Review Board disapproves the changes, the proposal may be revised and resubmitted to the Watershed Review Board as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

(E) If the Watershed Review Board finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity or any required change and shall prepare and file copies of the revised agreement with the Wilson County Register of Deeds, the Office of the Watershed Administrator and the owning entity.

Section 706. Application and inspection Fees.

(A) Processing and inspection fees shall be submitted in the form of a check or money order made payable to Wilson County. Applications shall be returned if not accompanied by the required fee.

(B) A permit and inspection fee schedule, as approved by the Wilson County Board of Commissioners, shall be posted in the Office of the Watershed Administrator.

(C) Inspection fees shall be valid for sixty (60) days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Section 705 (C), except in the case when a similar fee has been paid within the last sixty (60) days.

Section 707. Inspections and Release of Performance Bond.

(A) The stormwater control structure shall be inspected by the Watershed Administrator, after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide:

(1) The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Wilson County Register of Deeds;

(2) A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans: and specifications.

(B) The Watershed Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Watershed Review Board at its next regularly scheduled meeting.

(1) If the Board approves the inspection report and accepts the certification, deed and easement with the Wilson County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and issue a Watershed Protection Occupancy Permit for the stormwater control structures, consistent with Section 310.

(2) If deficiencies are found, the Board shall direct that improvements and inspections be made and/or documents corrected and resubmitted to the Board.

(C) No sooner than one (1) year after the filing date of the deed, easement and maintenance agreement, the developer may petition the Watershed Review Board to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Watershed Administrator shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Watershed Administrator shall present the petition, inspection report and recommendations to the Watershed Review Board.

- (1) If the Board approves the report and accepts the petition, the developer shall deposit with the Watershed Review Board a cash amount equal to that described in Section 704 (B)(2) after which, the Board shall release the performance bond or other security.
- (2) If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release of the performance bond or other security.

(D) A watershed Protection Occupancy permit shall not be issued for any building within the permitted development until the Watershed Review Board has approved the stormwater control structure, as provided in Section 707 (B).

(E) All stormwater control structures shall be inspected at least on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one (1) year of filing date of the deed for the stormwater control structure.

(F) In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Watershed Review Board.

(G) Appeals of any order, requirement, decision, or determination made by the Watershed Administrator may be made to and decided by the Watershed Review Board consistent with Section 502.

Section 708. Sanctions.

In addition to the remedies described in Article 100 of this Ordinance and consistent with G.S.153A-123, the Watershed Review Board may seek enforcement of this Ordinance through the Wilson County Board of Commissioners by assessing a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the ordinance. Said violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, the defendant may be cited for contempt and Wilson County may execute the order of abatement. Wilson County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the

terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this ordinance may be by anyone, all or a combination of the remedies authorized in this ordinance. Each Day's continuing violation shall be a separate and distinct offense.