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November 26, 2018

Rep. James L. Boles, Jr.
300 N. Salisbury Street, Room 528
Raleigh, NC 27603

Rep. Ted Davis, Jr.
300 N. Salisbury Street, Room 417B
Raleigh, NC 27603

Sen. Shirley B. Randleman
300 N. Salisbury Street, Room 628
Raleigh, NC 27603

Rep. Jonathan C. Jordan
300 N. Salisbury Street, Room 420
Raleigh, NC 27603

Sen. Andy Wells
300 N. Salisbury Street, Room 1028
Raleigh, NC 27603

RE: Session Law 2018-69 Report

Honorable Representatives and Senators,

Enclosed you will find the report provided on behalf of the Town of Black Mountain as required by Session Law 2018-69. I am the Town Attorney and I compiled this report at the direction of the Board of Aldermen, so if there are any questions or if you desire to have this information in a different format, please let me know.

Sincerely,


Ronald E. Sneed

Enclosure

ORDINANCE REPORT
Town of Black Mountain
160 Midland Avenue
Black Mountain, NC 28711

Ordinances That Create Criminal Penalties pursuant to NCGS §14-4(a)

This information is provided by Ronald E. Sneed, Town Attorney for the Town of Black Mountain, and any questions or requests for additional information can be directed to Ronald E. Sneed, P.O. Box 995, Black Mountain, NC 28711, Phone 828-669-7953, Fax 828-669-4322, or email ronsneed@bellsouth.net.

NOTE 1: The first number of the ordinance sections listed below denotes the chapter in the Code of Ordinances for the Town of Black Mountain (the "Code"). Appendix A of the Code of Ordinances, the Land Use Code ("LUC"), has its own chapter numbers, but none of those are included here as §1.1.10 of the Land Use Code provides that civil penalties may be imposed for any violation of the Land Use Code.

NOTE 2: The various ordinance sections set out below may impose criminal penalties pursuant to N.C.G.S. §14-4(a) in three ways. §1-21 of the Code of Ordinances of the Town of Black Mountain states that any act that is made unlawful by an ordinance is punishable by fine or imprisonment. For those, the "source" stated is "Code §1-21." Others recite that they are punishable as a misdemeanor or as provided in N.C.G.S. §14-4, and for those the source is set out as "Stated." Others provide no remedy, and those are made misdemeanors by the language of N.C.G.S. §14-4, and for those the source is stated as "NCGS §14-4."

The full Code of Ordinances for the Town of Black Mountain can be viewed at the Municode website, and the site address is https://library.municode.com/nc/black_mountain.

<u>Code Section</u>	<u>Act prohibited or required</u>	<u>Source</u>
§1-19	Prohibition against altering Code of Ordinances	Code §1-21
§2-74	Prohibition against non-officers in police cars	Code §1-21
§2-93	Prohibition against non-firemen in fire vehicles	Code §1-21
§2-94	Prohibition against people within fire lines	Code §1-21
§4-1	No alcohol consumption on municipal properties	Code §1-21
§4-2	No alcohol containers deposited on town property	Code §1-21

§9-147	Prohibition against operating pool hall without permit	Code §1-21
§9-148	Prohibition against operating pool hall after 10:00 p.m or on Sunday	Code §1-21
§9-180	Prohibition against soliciting when “No Solicitation” sign is posted on property	Stated
§9-181	Prohibition against soliciting money without permit	Code §1-21
§10-2	Prohibition against disturbing graves or removing markers or any flowers, trees, shrubs or other property in cemetery	Code §1-21
§10-3	Prohibition against disturbing quiet and good order in a cemetery	Stated
§13-5 & §13-11	Prohibition against violating provisions of restrictions imposed during state of emergency	Code §1-21 & Stated
§20-151(b)	Violation of the conditions of county permits or licenses to possess, manage or dispose of hazardous materials	Stated
§20-171	Prohibition against unreasonably loud, disturbing noise in Town	Code §1-21
§20-258	Prohibition against topping trees on public property	Code §1-21
§20-260	Prohibition against interfering with urban forestry work on public grounds	Code §1-21
§20-308	Prohibition against pruning, treating or removing street or park trees	Code §1-21
§31-54	Prohibition against damaging or interfering with property of police department	Code §1-21
§31-55	Prohibition against damaging or interfering with property of fire department	Code §1-21
§31-84	Prohibition against getting on or off train in motion for purpose of getting free ride	Code §1-21

§31-112	Prohibition against discharging firearms or fireworks within town	Code §1-21
§31-113	Prohibition against possessing weapons on town property	Stated
§31-139	Prohibition against manufacture, possession or transporting of molotov cocktails and firebombs	Code §1-21
§31-140	Prohibition against possession of materials to manufacture molotov cocktails or firebombs	Code §1-21
§31-172	Prohibition against violation of curfew for minors and emergency curfews	Stated
§33-1	Prohibition against trespass or allowing domestic animals to trespass upon posted, public lands owned by town	Stated
§33-25	Limitations on boating on Lake Tomahawk	Stated
§33-54	Prohibition against walking, riding, hunting, fishing or trespassing on town watershed	Code §1-21
§33-55	Prohibition against allowing domestic animals on watershed	Code §1-21
§33-56	Limitations on pedestrian traffic on golf course	Stated
§33-71	Prohibition against sex offenders in public parks and recreational facilities	Stated
§40-2	Prohibition against dumping or burning trash in town	Code §1-21
§40-3	Limits on disposal of waste in municipal limits	NCGS §14-4
§40-28	Limits on storage of waste	NCGS §14-4
§40-29	Requirements for transportation of waste	NCGS §14-4
§40-32	Prohibition against non-residents bringing garbage into town for purpose of having town pick up and remove	Code §1-21 & Stated
§43-1	Prohibition against obstructions in streets or on sidewalks	§14-4

§43-2	Prohibition against placing trash on streets or sidewalks, or on private property without written permission (43-51 makes the penalty up to \$200.00)	Code §1-21
§43-3	Prohibition against vending machines on public streets or sidewalks	Code §1-21
§43-25	Prohibition against ditching or cutting into street or sidewalk without town permission	Code §1-21
§43-47	Limitation on location of driveways to businesses	NCGS §14-4
§43-48	Limitation on location and width of driveways to residences	NCGS §14-4
§43-49	Prohibition against constructing driveway across public sidewalk without a permit	Code §1-21
§47-238 & §47-239	Prohibition against bicycling on public rights of way without helmet for rider and passenger	Stated
§48-40	Failure to connect to county sewerage system or other approved system	Code §1-21
§48-99	Prohibition against interfering with hydrants, plugs or sidewalk cutoffs	Code §1-21
§48-196	Prohibition against use of water for listed purposes during water shortages	Code §1-21