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VIA EMAIL ONLY

Joint Legislative Administrative Procedure Oversight Committee
Rep. Jonathan C. Jordan, Co-Chair
Jonathan.Jordan@ncleg.net

Joint Legislative Administrative Procedure Oversight Committee
Sen. Andy Wells, Co-Chair
Andy.Wells@ncleg.net

Joint Legislative Oversight Committee on Justice and Public Safety
Rep. James L. Boles, Jr., Co-Chair
Jamie.Boles@ncleg.net

Joint Legislative Oversight Committee on Justice and Public Safety
Rep. Ted Davis, Jr., Co-Chair
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Joint Legislative Oversight Committee on Justice and Public Safety
Sen. Shirley B. Randleman, Co-Chair
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Susan Sitze
North Carolina General Assembly, Legal Counsel
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**RE: Town of Butner – Ordinance Reporting Requirement Pursuant to Session
Law 2018-69**

Dear Joint Legislative Oversight Committees:

The following information is being provided as required by North Carolina Session Law 2018-69. The Municipal Code of Ordinances and the Land Development Ordinance are available on the Town of Butner's website. Below is a list of the applicable ordinances along with a brief description of the conduct subject to criminal punishment in each ordinance. For direct access to these ordinances, please see the following link: <http://www.butnernc.org/departments/planning-and-zoning/>

- **TOWN OF BUTNER - MUNICIPAL CODE OF ORDINANCES**

- Article IV – Street and Sidewalk Use and Regulation; Section 401 – Assembly on Streets and Sidewalks
 - 401: “Except as provided in Article VI, it shall be unlawful for crowds or assemblages of persons to congregate on the streets or sidewalks of the town in such a way as to unnecessarily interfere with pedestrian or vehicular traffic. Any person refusing to disperse upon being so ordered by a Public Safety officer shall be guilty of a misdemeanor.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - The foregoing violation is punishable as described above.
- Article XI – Disorderly Conduct; Section 1102.2 – Discharge of Firearms and Other Weapons
 - 1102.2: “Any person who shall knowingly and willfully permit his minor child under 18 years of age to discharge, fire, shoot, or operate, within the corporate limits of the town, any such air rifle, BB gun or pellet gun, shall be guilty of a misdemeanor.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - The foregoing violation is punishable as described above.
- Article XIV – Public Nuisances; Section 1410 - Procedure is in Addition to Other Authorized Procedures
 - 1410.3: “As provided in N.C. Gen. Stat. §§160A-175 and 14-4, the violation of this Article is a Class 3 misdemeanor. The maximum fine for a violation of this Article is Five Hundred Dollars (\$500.00).”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - A violation of Article XIV (“Public Nuisances”) shall constitute a Class 3 misdemeanor.
- Article XVI – Minimum Housing Code; Section 1615.3.1- Failure to Comply with Order
 - 1615.3.1: “If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Public Officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed. The Public Officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: ‘This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.’ Occupation of a building so posted shall constitute a Class 1 Misdemeanor as set forth in N.C. Gen. Stat. §160A-443(4).”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - The foregoing violation is punishable as described above. As described below, a violation of Article XVI (“Minimum Housing Code”) shall constitute a Class 3 misdemeanor.
- Article XVI – Minimum Housing Code; Section 1629 - Remedies
 - 1629.2: “Misdemeanor; Fine. Except as specifically set out herein to the contrary, the violation of this Article is a Class 3 misdemeanor as set out in N.C. Gen. Stat. §§ 160A-175 and 14-4. The maximum fine for a violation of this Article is \$500.00.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*

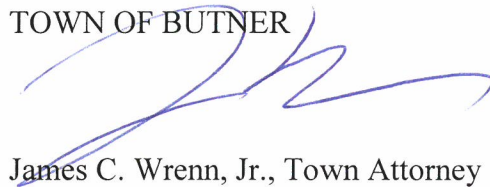
- A violation of Article XVI (“Minimum Housing Code”) shall constitute a Class 3 misdemeanor.
- Article XVII – Nonresidential Building and Structure Code; Section 1707.4.1 – Failure to Comply with Order and Ordinances
 - 1719.2: “Any person who occupies or knowingly allows the occupancy of a nonresidential building or structure so posted shall be guilty of a Class 3 Misdemeanor.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - When a building has been deemed unfit for any use and it has been posted that the use or occupation of this building for any purpose is prohibited and unlawful, any such violation thereof shall be punishable as set out above.
- Article XVII – Nonresidential Building and Structure Code; Section 1719 - Penalties and Remedies
 - 1719.2: “Misdemeanor; Fine: Except as specifically set out herein to the contrary, the violation of any provision of this Article is a Class 3 Misdemeanor as set out in N.C. Gen. Stat. §§ 160A-175 and 14-4. The maximum fine for a violation of this Article is \$500.00.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - A violation of Article XVII (“Nonresidential Building and Structure Code”) shall constitute a Class 3 misdemeanor.
- Article XVIII – Fire Prevention; Section 1805 – Remedies
 - Section 1805.2: “Misdemeanor; Fine. Except as specifically set out herein to the contrary, the violation of this Article is a Class 3 misdemeanor as set out in N.C. Gen. Stat. §§ 160A-175 and 14-4. The maximum fine for a violation of this Article is \$500.00.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - A violation of Article XVIII (“Fire Prevention”) shall constitute a Class 3 misdemeanor.
- Article XX – Town of Butner State of Emergency Ordinance;
 - Section 2013 – Penalty for Violation
 - “Except as provided in Section 6, any person violating any prohibition or restriction imposed by a proclamation authorized by this ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding 30 days, as provided by G.S. 14-4.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - See ordinance language set out above.
- **TOWN OF BUTNER - LAND DEVELOPMENT ORDINANCE**
 - **Article 2 - Administration; Section 2.6.2(C)(14)– Powers and Duties**
 - “Violation of a stop-work order constitutes a misdemeanor.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - The Floodplain Administrator has the authority to issue stop-work orders as required and violation of such order is punishable as set out above.

- **Article 4 - Enforcement; Section 4.6.7 – Criminal Penalties**
 - “Pursuant to North Carolina General Statutes Section 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). The criminal penalties set for above are for violations of this Ordinance only. Violations of some of the provisions of this Ordinance also are violations of state law. In those instances, the Town may seek to criminal penalties authorized by statute. Such statutes include but are not limited to N.C. Gen. Stat. §143-215.6B which is applicable to violations of the Falls Lake Rules.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - See ordinance language set out above.
- **Article 15 – Watershed Protection; Section 15.1.2(E) – Subdivision Regulations**
 - “Any person who, being the owner or agent of the owner of any land located within the jurisdiction of [the Town], 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.”
 - *Brief Description of Conduct Subject to Criminal Punishment:*
 - The foregoing provision regulates subdivisions of land within areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission.

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

Sincerely,

TOWN OF BUTNER



James C. Wrenn, Jr., Town Attorney

CC: Thomas S. Marrow, Town Manager