

Town of Haw River
Ordinances with Misdemeanor Upon Violation Memorandum

Executive Summary: In order to comply with NC Session Law 2018-69 (House Bill 379), entitled “An Act to Assist the Criminal Law Recodification Working Group”, the Town of Haw River submits this memorandum to list all of the town ordinances whose violation could result in a misdemeanor charge, except those relating to operation or parking of vehicles.

Applicable ordinances are listed in numeric order, with the section number and title from the Town of Haw River (“the Town”) Ordinances provided first. A description of the conduct subject to criminal punishment in each ordinance is also provided, with a list of the applicable sections that are enforceable by the penalty described.

1. **(Under Chapter 10, General Provisions) §10.99 GENERAL PENALTY.** Any person, firm, or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$500 or imprisonment not to exceed 20 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

Description of Conduct: If there is a violation of an ordinance and no other penalty is provided, then a general penalty under this section applies. This would result in a Class 3 misdemeanor and fine not to exceed \$500 or imprisonment not to exceed 20 days.

2. **(Under Chapter 50, Recycling) § 50.99 PENALTY.**

- A) Any violation of this chapter is a misdemeanor punishable by fine of not more than \$500 or imprisonment for not more than 30 days, or both fine and imprisonment. For a continuing offense, each days violation is a separate offense.
- B) This chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

Description of Conduct: If there is a violation of any Recycling ordinance in the Town (Chapter 50), then this section applies. This includes violating the following sections:

§ 50.04 PARTICIPATION IN RECYCLING PROGRAM.

- (A) All persons, including both residential and commercial generators and commercial haulers, shall participate in the Alamance County Recycling Program as provided herein.
- (B) All persons, including both residential and commercial generators, shall separate from their solid waste prior to collection of the solid waste for disposal all target recyclables.
- (C) All commercial haulers shall and are hereby required to obtain a license from the Alamance County Health Department issued pursuant to the Alamance County Solid Waste Ordinance prior to entering into the collection or transportation of target recyclables.
- (D) All commercial haulers which collect or transport target recyclables from residential generators shall transport and dispose of those target recyclables at the facility. No target recyclable from residential generators shall be transported outside of the boundaries of the County of Alamance except when necessary as part of a normal collection route or as necessary as the most direct route to the facility.
- (E) It shall be a violation of this chapter for anyone to place any garbage, trash, or refuse in a

container for target recyclables provided the container is marked so as to indicate it is to be used only for target recyclables.

§ 50.05 UNAUTHORIZED PICK-UP.

(A) It shall be a violation of this chapter for any person unauthorized by the County of Alamance, for those areas outside of the territorial limits of any municipality located in Alamance County, or unauthorized by any municipality, for those areas within the territorial limits of such municipality, to collect or pick-up or cause to be collected or picked up any target recyclable which has been placed at the curb by any residential generator or commercial generator for collection, or placed in a container or box by a residential or commercial generator for collection or pick-up by a commercial hauler.

(B) It shall be a violation of this chapter for any person unauthorized by the County of Alamance to collect or pick-up or cause to be collected or picked up any target recyclable placed in a drop-off center provided for the use of the public by virtue of or on account of a contract with the County of Alamance.

3. **(Under Chapter 90, Parks and Recreation) § 90.99 PENALTY.**

A) Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, in the discretion of the court, as provided by G.S. § 14-4.

B) The Recreation and Parks Supervisor or his or her designee, any authorized town employee, or any law enforcement agency shall have the authority to eject from any recreation facility any person acting in violation of this chapter or other rules and regulations enacted pursuant to this chapter by the Recreation and Parks Advisory Committee.

Description of Conduct: if there is a violation of any Parks and Rec Ordinance under Chapter 90, then this section applies. This includes violating the following sections:

§ 90.05 PROHIBITED ACTIVITIES.

It shall be unlawful for any person in any park, recreation area, playground, ballfield, tennis court, or any other recreation facility and the parking facilities thereof, owned or controlled by the town to:

(A) Willfully mark, deface, disfigure, injure, tamper with, or remove any structure, equipment, facilities, or other property, either real or personal.

(B) Damage, cut, carve, transplant, or remove any tree, injure the bark, pick the flowers or seeds of any tree or plant, dig or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(C) Bring in, dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, wastes, garbage, refuse, or other trash.

(D) Fail to obey all traffic officers and recreation personnel and volunteers, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks.

(E) Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking and all others posted for proper control and to safeguard life and property.

(F) Drive any motor vehicle, minibike, minicycle, motorcycle, or any other vehicle whatsoever upon any area except the paved or graveled park roads or parking areas or other

areas as may be designated specifically by the Recreation and Parks Supervisor or his or her designee. It shall be within the discretion of the Recreation and Parks Supervisor to ban such vehicles as may be detrimental to the facility on account of excessive noise, fumes, smoke, tire damage, or other forms of nuisance or damage.

(G) Park any motor vehicle, minibike, motorcycle, or other vehicle in other than an established or designated parking area.

(H) Boat, swim, bathe, wade, or fish in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with those regulations as are herein set forth or as may be established by the Recreation and Parks Department.

(I) Allow or permit any horse, dog, or other animal to run at large.

(J) Violate the regulation that use of the individual picnic sites and picnic shelters, together with tables and benches, follows generally the rule of first come, first served, unless a picnic reservation has been issued according to established town policy.

(K) Leave a picnic area or shelter before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in receptacles provided. If no trash receptacles are available, then refuse and trash shall be carried away from the park area by the user to be properly disposed of elsewhere.

(L) Camp in any area without permission of the Recreation and Parks Supervisor or his or her designee. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in any park after closing hours any movable structure or special vehicle to be used or that could be used for this purpose, such as a camper-trailer, house trailer, or the like, without permission of the Recreation and Parks Supervisor.

(M) Bring or have in his or her possession, set off, or otherwise cause to explode, discharge, or burn any firecrackers or other fireworks or explosives or discharge or throw them into any such area from land or highway adjacent thereto.

(N) Build or attempt to build a fire except in those areas and under those regulations as may be designated for the purpose. No person shall drop, throw, or otherwise scatter lighter matches, burning cigarettes or cigars, or other inflammable material within any park area or on any highway, road, or street abutting or contiguous thereto.

(O) Enter an area posted as "closed to public."

(P) Engage in disorderly conduct as defined by G.S. § 14-288.4(a).

(Q) Disturb or interfere unreasonably with any person or party occupying any area or participating in any authorized activity.

(R) Sell food, beverages, or merchandise or solicit donations for any individual, group, company, or corporation which is not solely nonprofit in nature.

(S) Carry, use, or possess firearms or other dangerous weapons of any nature within any park except that nothing in this section shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on park grounds or areas. However, this division shall not apply to law enforcement officers when engaged in the discharge of their duties. Nothing herein contained shall prevent specific authorization by the Recreation and Parks Supervisor or his or her designee of such events as archery training, practice, or exhibition of gun shows or exhibitions not including the firing of firearms.

(T) Enter, use, or remain within any park between the hours of 11:00 p.m. and 9:00 a.m. in the spring and summer, and 6:00 p.m. and 9:00 a.m. in the fall and winter. Unless a town-sponsored event is delayed or a written permit therefor has been obtained from the

Recreation and Parks Supervisor or his or her designee, spring and summer hours will be in effect Easter Monday through October 30. Fall and winter hours will be in effect October 31 through Easter Sunday.

(U) Bring upon, possess, consume, or display beer, wine, whiskey, other intoxicating liquor or beverage, or controlled substances, or the containers thereof, within the confines of any parks and recreation area. It shall be prohibited for a person under the influence of alcohol or any controlled substance to enter or remain in a recreation facility or program.

§ 90.06 OPEN FIRES PROHIBITED.

No open fires are allowed. All fires must be contained in grills or a designated area provided by the town or the user.

§ 90.08 MISUSE OF PARKS AND RECREATION FACILITIES.

Flagrant misuse of parks and recreation facilities will result in the forfeiture of future use and reservation privileges.

4. **(Under Chapter 94, Nuisances; Health and Sanitation) § 94.99 PENALTY.**

A) Whoever shall violate any of the provisions of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.

B) (1) Any violation of the provisions of §§ 94.45 and 94.46 shall constitute a misdemeanor, punishable as provided in G.S. § 14-4. (2) A violation of any of the provisions of §§ 94.45 and 94.46 shall subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 15 calendar days after being cited by a designated official of the town for a violation, the penalty may be recovered by the town in a civil action in the nature of debt. (3) Each day that any violation continues after a person has been notified that such violation exists and that he or she is subject to the penalties specified in this section shall constitute a separate offense. (4) This subchapter may be enforced by any appropriate action for injunctions, orders of abatement, and by any other action which may be appropriate as designed by ordinance or other applicable law. (5) The town may enforce §§ 94.45 and 94.46 by any one of or any combination of the foregoing remedies.

Description of Conduct. If there is a violation of any Nuisance Ordinance under Chapter 94, then this section applies. This includes violating the following sections:

§ 94.03 ABATEMENT BY TOWN.

(A) If any person, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, the Town Manager shall cause the condition to be removed or otherwise remedied by having employees of the town go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Manager. Any person who has been ordered to abate a public nuisance may, within the time allowed by this section, request the town in writing to remove the condition, the cost of which shall be paid by the person making the request.

(B) The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Town Manager to mail a statement of these charges to the owner or other person in

possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

(C) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in division (B) of this section, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

§ 94.15 EXCESSIVE SMOKE, DUST, NOISE PROHIBITED.

(A) No person, firm, or corporation shall operate or cause to be operated within the town, or within one mile outside the corporate limits, any business or other operation emitting excessive smoke, dust, or noise or create any condition causing offensive odors, so as to adversely affect the health of any of the citizens of the town. (B) Each day of operation in violation of this section shall constitute a separate offense.

§ 94.30 UNNECESSARY NOISE PROHIBITED.

Subject to the provisions of this subchapter, the creation of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of a character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited.

§ 94.31 PROHIBITED ACTS ENUMERATED.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(A) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; or the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of the device for any unnecessary and unreasonable period of time.

(B) The use of any gong or siren upon any vehicle other than police, fire, or other emergency vehicles.

(C) Playing of any television, radio, phonograph, or musical instrument in a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence.

(D) The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity.

(E) The use of any automobile, motorcycle, or other vehicle so out of repair, loaded, or modified in a manner as to create loud or unnecessary grating, grinding, rattling, or other noise.

(F) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(G) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(H) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(I) The erection (including excavation), demolition, alteration, or repair of any building in a

residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety, and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues.

(J) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same is in session, or within 150 feet of any hospital, which unreasonably interferes with the working of the institution, provided conspicuous signs are displayed in the street indicating that the same is a school, court, or hospital street.

(K) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in the streets adjacent to churches indicating that the same is a church street.

(L) The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(M) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.

(N) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturb the quiet and peace of the neighborhood.

(O) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show, or sale or display of merchandise.

(P) The use of any mechanical loudspeaker or amplifier on trucks or other moving vehicles for advertising or other purposes, except where specific license is received from the Police Department.

(Q) The conducting, operating, or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between hours of 11:00 p.m. and 7:00 a.m.

(R) The firing or discharging of a gun, squibs, crackers, gunpowder, or other combustible substance in the streets or elsewhere, for the purpose of making a noise or disturbance, except by permit from the Police Department.

(S) The unnecessary spinning of the tires of a motor vehicle by its operator on the pavement of any public street, alley, or public parking lot resulting in a screeching noise.

§ 94.45 DECLARATION OF POLICY.

(A) The Board hereby declares that the uncontrolled accumulation of scrap materials on any premises constitutes a danger to the health, safety, and welfare of the citizens of the town in that such accumulations can furnish shelter and breeding places for vermin, present physical dangers to the safety and well-being of children and other citizens, pose a danger of fire, and depreciate property values or cause a loss of business by detracting from the character of residential and commercial neighborhoods.

(B) For the purposes of this subchapter, scrap materials shall include, but not be limited to, nonoperable machines and parts, metals, wood, plastics, and all other materials and substances which may pose such threats or dangers as are herein sought to be abated.

(Ord. passed 9-1-89) Penalty, see § 94.99

§ 94.46 ACCUMULATION OF SCRAP MATERIALS.

No person may cause, suffer, or permit scrap materials to accumulate or remain on premises under his or her control unless the scrap materials are:

(A) Surrounded by a fence of sufficient height, strength, and construction to deny persons, especially small children, access to them and to shield neighboring properties from the view of them;

or

(B) Are so stored within a structure or within a container outside of a structure as to minimize substantially the dangers set forth in § 94.45.

5. **(Under Chapter 96, Animals) § 96.99 PENALTY.** Any person, firm, or corporation violating any of the provisions of any section or subsection of this chapter for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 for first offense, \$250 for second offense, \$500 for third and subsequent offenses or imprisonment not to exceed 20 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

Description of Conduct. If there is a violation of any Animals Ordinance under Chapter 96, then this section applies. This includes violating the following sections:

§ 96.04 INHUMANE TREATMENT PROHIBITED.

It shall be unlawful for any owner to fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. It shall be unlawful for any person to beat, cruelly treat, torment, overload, overwork, secure animal by use of chaining for an extended period or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

§ 96.05 ANIMALS RUNNING AT LARGE.

(A) It shall be unlawful for the owner of any dog or cat to permit his or her dog or cat to run at large on the streets or sidewalks in the town unless the dog is under the control of a competent person either by leash, collar, chain, or otherwise. No person, whether he or she be the owner of user of any animal or reptile, including but not limited to any fowl, horse, mule, cow, hog or other animal, shall permit the same to run at large in the town.

(B) When an animal at large is reasonably believed to present a clear and present danger to the community and attempts to seize the animal are ineffective, the animal control officer or any other law enforcement officer may tranquilize and/or by use of any other non-lethal method tranquilize and subdue the animal in an attempt to facilitate a seizure of the animal, but if this is not feasible, the animal control officer or any other law enforcement officer may destroy the animal

§ 96.06 COLLARS ON DOGS REQUIRED.

Every owner is required to see that his or her dog is wearing a collar with the owner's name and address stamped on or otherwise firmly attached to it. This collar shall be worn at all times.

§ 96.08 ANIMAL CONSTITUTING A PUBLIC NUISANCE.

It shall be unlawful for any owner to keep or have within the town any animal or reptile, including but not limited to any dog, cat, fowl, horse, mule, cow, hog or other stock animal if the animal is reported as creating a public nuisance. Any animal or reptile including but not limited to any dog, fowl, horse, mule, cow, hog or other stock animal is a public nuisance if the animal control officer or other law enforcement officer has, after investigation and written notice to the owner, made a determination that the animal or reptile is a public nuisance as defined in § 96.01.

§ 96.11 NUMBER OF DOGS ALLOWED TO BE KEPT ON PREMISES IN TOWN OF HAW RIVER.

(A) It shall be unlawful for any person to keep or maintain more than two dogs on any lot or parcel of land having less than 30,000 square feet, and an additional 7,000 square feet shall be required for an additional dog. A total of no more than three dogs shall be allowed on any lot or parcel of land within the town limits regardless of square footage. Provided, however, this limitation shall not apply to dogs which are less than five months of age.

(B) This restriction on the number of dogs will not apply to any dog on any lot or parcel of land on the date of enactment of this section. The Town Manager or other staff as he or she shall designate will establish a procedure for parties to register dogs with the Town of Haw River for verification and compliance with this provision.

§ 96.12 STABLES.

In order to maintain any horse, mule, cow or other stock animal on any tract of property within the town, the tract of property must exceed three acres and have a stable. It shall be unlawful for any person who owns or maintains a stable in the corporate limits of the town, in which horses, mules or other stock animals are kept, to maintain such stable within 100 feet of any residence, business or church or within 100 feet from any street. It shall be unlawful in any event to keep such stable in an unclean or unsanitary condition. Such stable shall be thoroughly clean, and manure and other refuse accumulating therein shall be removed.

6. **(Under Chapter 97, Residential Sales) § 97.99 PENALTY.** [...] (B) Criminal penalties. A violation of this chapter shall constitute a misdemeanor, punishable by a fine of up to \$100 as authorized by G.S. § 14-4.

Description of Conduct. If there is a violation of any Residential Sales Ordinance under Chapter 97, then this section applies. This includes violating the following sections:

§ 97.02 TIME LIMITATIONS.

It shall be unlawful to conduct a residential yard sale for more than two consecutive days with operating hours from 6:00 a.m. to 6:00 p.m., or to conduct more than three separate sales at the same dwelling within any calendar year.

§ 97.03 SPACE LIMITATIONS.

(A) Under the provisions of this section, a person may not place on display any goods closer than ten feet from the front property line of the dwelling.

(B) Displays may not extend beyond the property line of the permitted dwelling.

- (C) Articles for sale may be displayed inside the garage, in the yard, and/or on a driveway, but so as not to hinder emergency equipment access to any structures on the property.
- (D) Nothing in this section shall be construed as preempting additional restrictions imposed by the Town of Haw River or the State of North Carolina.

§ 97.04 PERMIT REQUIRED.

(A) A permit must be obtained in person at the Town of Haw River Municipal Building for each sale. An administrative fee of \$2 must be paid in advance of the sale, and permits will be address specific.

(B) Failure to produce an authorized permit upon request by a town official may result in a warning or fine.

7. **(Under Chapter 111, Canvassers and Solicitors) §111.99 PENALTY.** Any person, firm, or corporation violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with the provisions of § 10.99.

Description of Conduct. If there is a violation of any Canvassers and Solicitors Ordinance under Chapter 97, then this section applies. This includes violating the following sections:

§ 111.02 PERMIT REQUIRED.

It shall be unlawful for any solicitor or canvasser to engage in such business within the corporate limits of the town without first obtaining a permit therefor in compliance with the provisions of this chapter.

§ 111.06 DURATION.

A permit issued under § 111.05 shall be effective during the fiscal year beginning July 1 and ending on June 30, unless the application requests permission to do business for a lesser period, in which case the permit shall be valid for that period. The permit is applicable only during the hours between 8:00a.m. and 8:00 p.m.

§ 111.07 DISPLAY OF BADGE; PRODUCTION OF PERMIT.

(A) The badge issued under the provisions of § 111.05(B) shall, during the time the solicitor is engaged in soliciting, be worn constantly by him or her on the front of his or her outer garment in a way as to be conspicuous.

(B) It shall be the duty of any police officer in the town to require any person seen soliciting or canvassing to produce his or her solicitor's or canvasser's permit and to enforce the provisions of this chapter against any person found to be violating the same.

8. **(Under Chapter 150, Land Usage) § 150.25 PERMITS REQUIRED;**

APPLICATION. [...] (3) No permit issued under G.S. §§ 143-136 through 143-143.2 or §§ 143-151.8 through 143-151.21 shall be required for any construction, installation, repair, replacement, or alteration costing \$5,000 or less in any single-family residence or farm building unless the work involves: the addition, repair, or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement, or change in the design of

heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute a misdemeanor.

Description of Conduct. Failure to obtain a permit for construction under G.S. §§ 143-136 through 143-143.2 or §§ 143-151.8 through 143-151.21, save for the exceptions considered above.

§ 150.33 PERMIT FOR REPLACEMENT AND DISPOSAL OF ROOFING

MATERIALS. [...] (D) The violation of this chapter shall be a misdemeanor punishable by a fine not to exceed \$500 or imprisonment of not more than 30 days, or both fine and imprisonment.

Description of Conduct. Failure to obtain a permit for the replacement and disposal of roofing materials if the cost of such replacement and disposal exceeds \$1,500.

§ 150.46 CONDEMNATION OF ESPECIALLY DANGEROUS BUILDINGS. [...]

(B) If any person shall remove any notice that has been affixed to any building or structure by the Inspector that states the dangerous character of the building or structure, he or she shall be guilty of a misdemeanor.

Description of Conduct. Removing a notice from a building that the Inspector has designated as dangerous.

§ 150.49 ENFORCEMENT PROCEDURES AGAINST OWNER.

If the owner of a building or structure fails to comply with an order issued pursuant to § 150.47(C) from which no appeal has been taken, or fails to comply with an order of the Town Council following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Description of Conduct. If an owner of a condemned building fails to comply with an order to remedy the defective conditions (or other steps as prescribed by the Inspector), or failing to comply with the order after an appeal to the Town Council.

§ 150.76 DUTIES AND POWERS OF INSPECTORS.

[...] (E) Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner or in substantial violation of any state or town building law, or in a manner that endangers life or property, the appropriate inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed.

(1) The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved local modification thereof to the North Carolina Commissioner of Insurance or his designee within a period of five days after the order is

issued. Notice of appeal shall be given in writing to the Commissioner of Insurance or his designee, with a copy to the Town Inspector. The Commissioner of Insurance or his designee shall promptly conduct a hearing at which the appellant and the Inspector shall be permitted to submit relevant evidence. The Commissioner of Insurance or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the ruling by the Commissioner of Insurance or his designee on an appeal no further work shall take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the options of:

- (a) Appealing to the Building Code Council; or
- (b) Appealing to the Superior Court as provided in G.S. § 143-141.

(2) The owner or builder may appeal from a stop order involving alleged violation of a local zoning ordinance by giving notice of appeal in writing to the Board of Adjustment. The appeal shall be heard and decided within the period established by the ordinance, or if none is specified, within a reasonable time. No further work shall take place in violation of a stop order pending a ruling.

(3) Violation of a stop order shall constitute a Class 1 misdemeanor.

Description of Conduct. Violating a stop order from an Inspector regarding stopping work in a condemned area.

§ 150.79 INSPECTION PROCEDURE. [...] (D) Certificates of compliance. At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if he or she finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he or she shall issue a certificate of compliance. No new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the Inspection Department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the Inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a misdemeanor.

Description of Conduct. Occupying a new building, addition to a building, or altered existing building before the Inspection Department has issued a certificate of compliance for that building.

9. (Under Chapter 151, Minimum Housing Standards) **§ 151.52 IN REM ACTION BY INSPECTOR; PLACARDING** (A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the Town Council of an ordinance authorizing and directing him or her to do so as provided by G.S. § 160A-443 (5) and § 151.50(C)(2) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Town

Council and shall cause to be posted on the main entrance of such dwelling or dwelling unit 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 misdemeanor.

Description of Conduct. Occupying a building that, through the process described above, has been deemed unfit for human habitation and placarded as such.

§ 151.56 VIOLATIONS. (A) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section of this chapter, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(B) The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.

Description of Conduct. The owner of a building failing to comply with the order of an Inspector under this chapter regarding the vacating, closing, demolishing, or repair of a dwelling.

10. **(Under Chapter 152, Flood Damage Prevention) § 152.27 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.** [...] (P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

Description of Conduct. Failing to comply with a stop-work order issued by a Floodplain Administrator.

§ 152.99 PENALTY. (A) Violation of the provisions of this chapter 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 chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. (B) Each day such violation continues shall be considered a separate offense. (C) Nothing herein contained shall prevent the Town Council from taking such other lawful action as is necessary to prevent or remedy any violation.

Description of Conduct. If there is a violation of any Flood Damage Prevention Ordinance under Chapter 152, then this section applies. This includes violating the following sections:

§ 152.26 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) *Application requirements.* Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in § 152.07, or a statement that the entire lot is within the special flood hazard area;
 - (c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 152.07;
 - (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in § 152.07;
 - (e) The base flood elevation (BFE) where provided as set forth in § 152.07; § 152.27(K) and (L); or § 152.43;
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (g) Certification of the plot plan by a registered land surveyor or professional engineer.
- (2) Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - (a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (b) Elevation in relation to mean sea level to which any nonresidential structure in Zone AE, A or AO will be flood-proofed; and
 - (c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed.
- (3) If flood-proofing, a flood-proofing certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood-proofing measures.
- (4) A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include but are not limited to:
 - (a) The proposed method of elevation, if applicable, such as fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls;
 - (b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with § 152.41(D)(3), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- (5) Usage details of any enclosed areas below the regulatory flood protection elevation.
- (6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (7) Copies of all other local, state and federal permits required prior to floodplain development permit issuance (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, and the like).
- (8) Documentation for placement of recreational vehicles and/or temporary structures, when

applicable, to ensure § 152.41(F) and (G) of this chapter are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown

on plot plan) showing the location of the proposed watercourse alteration or relocation.

(B) Permit requirements. The floodplain development permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit.

(2) The special flood hazard area determination for the proposed development per available data specified in § 152.07.

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(4) The regulatory flood protection elevation required for the protection of all public utilities. (5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable. (7) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(C) Certification requirements.

(1) Elevation certificates.

(a) An elevation certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a

certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be

corrected by the permit holder prior to the beginning of construction. Failure to submit the certification

or failure to make required corrections shall be cause to deny a floodplain development permit.

(b) An elevation certificate (FEMA Form 81-31) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the

duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the

reference level, in relation to mean sea level. Any work done within the seven-day calendar period and

prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator

shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit

the certification or failure to make required corrections shall be cause to issue a stop-work order for the

project.

(c) A final as-built elevation certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit

holder to submit to the Floodplain Administrator a certification of final as-built construction of the

elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder

immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification

or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(2) Flood-proofing certificate. If nonresidential flood-proofing is used to meet the regulatory flood protection elevation requirements, a flood-proofing certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It

shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the flood-proofed design elevation of the reference level and all attendant utilities, in relation to mean sea

level. Flood-proofing certification shall be prepared by or under the direct supervision of a professional

engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny

a floodplain development permit. Failure to construct in accordance with the certified design shall be

cause to withhold the issuance of a certificate of compliance/occupancy.

(3) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per § 152.41(C).

(4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project

on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and

downstream; and a map showing the location of the proposed watercourse alteration or relocation shall

all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(5) Certification exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/flood-proofing certification requirements specified in divisions

(C)(1) and (2):

(a) Recreational vehicles meeting requirements of § 152.41(F)(1);

(b) Temporary structures meeting requirements of § 152.41(G); and

(c) Accessory structures less than 150 square feet meeting requirements of § 152.41(H).

§ 152.28 CORRECTIVE PROCEDURES.

(A) Violations to be corrected. When the Floodplain Administrator finds violations of applicable

state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

(B) Actions in event of failure to take corrective action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(1) That the building or property is in violation of this chapter;

(2) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be

heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(C) Order to take corrective action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of this chapter,

they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a

specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order

that corrective action be taken in such lesser period as may be feasible.

(D) Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator

and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order

of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a

reasonable time and may affirm, modify and affirm, or revoke the order.

(E) Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(Ord. passed 8-7-06) Penalty, see § 152.99

§ 152.40 GENERAL STANDARDS

In all special flood hazard areas the following provisions are required:

(A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service

facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment,

water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, and the like), hot water heaters, and electric outlets/switches.

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(H) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this chapter, shall meet the requirements of new construction as contained in this chapter.

(I) Nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.

(J) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in § 152.29(J). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or flood-proofed to at least the regulatory flood protection elevation and certified according to § 152.26(C) of this chapter.

(K) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(L) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(M) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(N) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

§ 152.41 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in § 152.07, or § 152.27(K) and (L), the following provisions, in addition to § 152.40, are required:

(A) *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated

no lower than the regulatory flood protection elevation, as defined in § 152.05 of this chapter.

(B) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated

no lower than the regulatory flood protection elevation, as defined in § 152.05 of this chapter.

Structures

located in A, AE and A1-30 Zones may be flood-proofed to the regulatory flood protection elevation in

lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the flood-proofing elevation shall be in accordance with § 152.46(C). A registered professional engineer or architect shall

certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in § 152.26(C), along with the operational and maintenance plans.

(C) *Manufactured homes.*

(1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in § 152.05

of this chapter.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with

the most current edition of the state of North Carolina Regulations for Manufactured Homes adopted by

the Commissioner of Insurance pursuant to G.S. § 143-143.15. Additionally, when the elevation would

be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36

inches in height, an engineering certification is required.

(3) All enclosures or skirting below the lowest floor shall meet the requirements of § 152.41(D)(1), (2), and (3).

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within

flood-prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the

local Emergency Management Coordinator.

(D) *Elevated buildings.* Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles

(garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living

area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned

into separate rooms, except to enclose storage areas;

(2) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(3) Shall include, in Zones A, AO, AE, and Al-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;

(a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(d) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;

(e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of

structural status, is considered an enclosure and requires flood openings as outlined in this division.

(E) Additions/improvements.

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new

construction.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

(b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must

comply with the standards for new construction.

(F) Recreational vehicles. Recreational vehicles shall either:

(1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(2) Meet all the requirements for new construction.

(G) *Temporary nonresidential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for

review and written approval:

(1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

(2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(3) The time frame prior to the event at which a structure will be removed (such as a minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(5) Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

(H) *Accessory structures.* When accessory structures (sheds, detached garages, and the like) are to be placed within a special flood hazard area, the following criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(2) Accessory structures shall not be temperature-controlled;

(3) Accessory structures shall be designed to have low flood damage potential;

(4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(5) Accessory structures shall be firmly anchored in accordance with § 152.40(A);

(6) All service facilities such as electrical shall be installed in accordance with § 152.40(D); and

(7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with § 152.41(D)(3).

(8) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or flood-proofing certificate. Elevation or flood-proofing certifications are required for all other accessory structures in accordance with § 152.26(C).

§ 152.43 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the special flood hazard areas designated as Approximate Zone A and established in § 152.07, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to §§ 152.40 and 152.41, shall apply:

(A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

- (1) If base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or flood-proofed in accordance with standards in § 152.27(K) and (L).
- (2) All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference per § 152.07 to be utilized in implementing this chapter.
- (3) When base flood elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in § 152.05.

§ 152.44 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (A) Standards outlined in §§ 152.40 and 152.41; and
- (B) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

§ 152.45 FLOODWAYS AND NON-ENCROACHMENT AREAS.

(A) Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in § 152.07. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in §§ 152.40 and 152.41, shall apply to all development within such areas:

- (B) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
 - (1) The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (2) A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (C) If § 152.45(A) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.
- (D) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (1) The anchoring and the elevation standards of § 152.41(C); and
 - (2) The no encroachment standard of § 152.45(A).

§ 152.46 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the special flood hazard areas established in § 152.07, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to the requirements of § 152.40, all new construction and substantial improvements shall meet the following requirements:

(A) The reference level shall be elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or

at least two feet above the highest adjacent grade plus a freeboard of two feet if no depth number is specified.

(B) Nonresidential structures may, in lieu of elevation, be flood-proofed to the same level as required in § 152.46(A) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per §§ 152.26(C) and 152.41(B).

(C) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

11. (Under Chapter 153, Manufactured Homes) § 153.99 PENALTY.

(A) Violation of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days.

(B) Each day the violation continues shall be considered a separate offense.

(C) In addition, if the Building Inspector shall find that a park operating under a manufactured home

park permit is violating the terms of this chapter or any special conditions set forth in the manufactured home park permit, he or she may revoke the permit, and further operation of the park without the permit shall be considered a separate offense.

(D) The owner, manager, operator, or tenant of any manufactured home park, or any other person who commits, participates in, assists in, or maintains such violation in any manufactured home park may each be found guilty of a separate offense and suffer the penalties provided in division (A) of this section. The owner or tenant of any manufactured home outside any manufactured home park, or any person who rents, leases, or otherwise furnishes land for a manufactured home, or any other person who contributes to violation of this chapter may be each found guilty of a separate offense and suffer the penalties herein provided.

(E) Nothing herein contained shall prevent the town from taking other lawful action as is necessary to prevent or remedy any violation.

Description of Conduct. If there is a violation of any Manufactured Home Ordinance under Chapter 153, then this section applies. This includes violating the following sections:

§ 153.03 MANUFACTURED HOME TO BE CONTAINED WITHIN MANUFACTURED HOME PARK.

It shall be unlawful for any person to place or maintain any manufactured home for living or

sleeping purposes on any premises of the town unless it is contained within a manufactured home park which complies with the provisions of this chapter and all other ordinances of the town.

§ 153.05 MANUFACTURED HOME PARK PLAN.

(A) The manufactured home park plan shall show or propose all requirements listed in this section. In addition, upon issuance of a manufactured home park permit, all of these requirements shall be complied with before an occupancy permit is issued.

(1) All manufactured home parks shall be developed on a parcel of land not less than six acres in size and shall contain no more than five manufactured homes per gross acre.

(2) Each manufactured home space shall consist of a minimum of 8,000 square feet and a minimum width of 50 feet frontage on a driveway, unless the lot is within a curve or cul-de-sac where

the lot square footage is 8,000 square feet. In these instances, the minimum lot width is 40 feet.

(3) Manufactured homes shall be parked one to a space. Manufactured homes and structural additions thereto shall not be placed closer than 20 feet to a driveway or public street; nor shall they be

placed closer than ten feet to any boundary of a manufactured home space; nor shall they be placed closer than 20 feet to any building; nor shall they be placed closer than 20 feet to any adjacent property

used for, zoned for, or to be used for single-family dwelling purposes; nor shall they be placed closer than 15 feet to any adjacent property used for, zoned for, or to be used for other than single-family dwelling purposes.

(4) The park shall be located on a well-drained and properly graded site.

(5) All manufactured home spaces shall abut on an interior driveway of no less than 20 feet in width which shall have unobstructed access to a public street or highway and shall be constructed of concrete, asphalt, gravel, crushed stone, macadam, or marl and treated with dust-preventative materials

and be property maintained at all times. Walkways at least four feet wide shall be provided to permit reasonable direct access to service buildings. All main walks shall be continuous and constructed of concrete, asphalt, or fine stone, providing a safe, stable footing.

(6) Each manufactured home space shall be provided with at least two off-drive parking spaces. These spaces shall be no farther away than 50 feet from it. In addition, there shall be provided one offdrive

parking space for each two manufactured home spaces in the manufactured home park. Each offdrive

parking space shall be at least nine feet wide and at least 20 feet long. No automobile parking shall be allowed in other than the parking areas specified in the manufactured home park plan, and areas so

specified shall be off the drive.

(B) When an arrangement other than that specified by division (A)(3) of this section can be shown to provide more useful open space without infringing upon the privacy of manufactured home dwellers

or neighboring property owners, or when screening devices can be shown to compensate for any slight

reductions in space between manufactured home spaces or space between a manufactured home space

and another building or property, the Planning Board may recommend approval of a manufactured home park permit if, in its opinion, the manufactured home park plan submitted is equal to or better than an arrangement which would conform to division (A)(3) of this section. In this case, the manufactured home park plan shall be forwarded to the Town Council with a favorable recommendation for approval by the Town Council.

(C) All existing manufactured home parks at the time of adoption of amendments so specified above shall be exempt from the terms of divisions (A)(1) and (A)(2), but all manufactured home parks constructed after the adoption date shall comply with the terms of divisions (A)(1) and (A)(2) notwithstanding the requirements so stipulated under § 153.07.

§ 153.06 GENERAL REQUIREMENTS FOR MANUFACTURED HOME PARKS.

(A) *Minimum size of manufactured homes.* No manufactured home placed in a manufactured home park shall have less than 800 square feet of interior floor space or fail to contain a built-in bathroom with

water closet, lavatory, and shower or tub which are in working condition.

(B) *Sewage and water supply systems.* Each manufactured home space shall be provided with and each manufactured home connected to the sanitary sewage and water supply systems of the town or shall

in the absence of public sewage and water and with approval of the County Director of Health be connected to a private well and septic tank, constructed under standards required by the County Health

Department and county manufactured home park ordinance. Each manufactured home so parked in accordance with this chapter must have an individual meter connected to an electrical supply and must

have an approved fuse disconnect at the metered location.

will be in accordance with the Alamance County Manufactured Home Park Ordinance and the county health regulations.

(2) In those areas where the town is in the process of constructing water and/or sewer lines, the manufactured home park plans must indicate where the connections will be made.

(C) *Lighting.* All interior drives and walkways within the park shall be lighted at night with electric lamps of no less than 100 watts each, spaced at intervals of no more than 100 feet, or equivalent lighting

as approved by the town. Lighting shall be the responsibility of the park owner.

(D) *Refuse collection facilities.* One metal garbage can with tight-fitting cover and a capacity of at least 20 gallons and no more than 27 gallons shall be provided for each manufactured home space. Garbage cans shall be located no farther than 100 feet from any manufactured home space. The cans

shall be kept in sanitary condition at all times by the owner of the park. Garbage collection will be the

town's responsibility for those manufactured home parks inside the town limits; however, the town reserves the right to discontinue the service with a 90 day notice to park owners. For those manufactured

home parks outside the town limits, the park owner is responsible for the collection and removal of solid waste. The park owner may provide conveniently located dumpsters. The dumpsters shall be set up so

not to allow children access or cause a rodent/vermin problem.

(E) *Service, administrative, and other buildings.*

(1) Within a manufactured home park, one manufactured home may be used as an administrative office. Other administrative and service buildings, housing sanitation and laundry facilities, or any other such facilities shall be of permanent structure, complying with all applicable ordinances and statutes regarding buildings, electrical installations, and plumbing and sanitation systems.

(2) Service buildings shall be well lighted at all times of the day and night and shall be well ventilated, with screened openings, shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68°F during the period from October 1 through May 1. The floors of service buildings shall be of water-impervious material.

(3) No building shall be located closer than 20 feet to any manufactured home.

(4) All service buildings and the grounds of the park shall be kept clean and free from any condition that will menace the health of any occupant or the public or will constitute a nuisance. This

shall be the responsibility of the owner of the manufactured home park.

(F) *Structural additions.* All structural additions to manufactured homes, other than those which are built into the unit and designed to fold out or extend from it, shall be erected only after a building

permit shall have been obtained, and the additions shall conform to the building code of the town where

applicable. The building permit shall specify whether the structural addition may remain permanently,

must be removed when the manufactured home is removed, or must be removed within a specified length of time after the manufactured home is removed. Structural alterations existing at the time of passage of this chapter shall be removed within 30 days after the manufactured home which they serve

is moved unless attached to another manufactured home on the same site within that period.

(G) *Fire protection.* No open fires shall be permitted.

(H) *Management.* In each manufactured home park, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home park, its facilities, and equipment

in a clean, orderly, safe, and sanitary condition. All property which is allowed to count for meeting the

density requirements of this chapter shall be kept clear of all underbrush, and grass on the property shall

not be allowed to exceed eight inches in height.

(I) *Register of occupants.* It shall be the duty of each permittee to keep a register containing a record of all manufactured home owners and occupants located within the park including the date of arrival.

(J) *Occupancy permit.* The Building Inspector shall issue an occupancy permit when all provisions

of this section have been met and before any manufactured home is parked.

§ 153.07 EXISTING MANUFACTURED HOME PARKS.

(A) All manufactured home parks existing at the time of the adoption of this chapter shall be required to provide a minimum ratio of land per manufactured home space of one acre of land for every 12 manufactured home spaces at the time additional manufactured home spaces are added . When additional manufactured home spaces are added to any manufactured home park existing on the effective date of this chapter, and any amendments, land shall be provided in a minimum ratio of one acre of land for every three manufactured home spaces added until such time as the total area of the entire manufactured home park contains five manufactured home spaces per gross acre. All manufactured home spaces added thereafter shall be provided with land in a minimum ratio of one acre of land for every five manufactured home spaces.

(B) All manufactured home parks in the town existing at the time of the adoption of this chapter shall be exempt from the terms of § 153.05(A)(2) through (6) and (B), but all manufactured home spaces added to existing manufactured home parks shall comply with § 153.05.

12. (Under Chapter 154, Subdivisions) § 154.99 PENALTY.

- (A) Any person who, being the owner or agent of the owners of any land located within the subdivision regulation jurisdiction of the town, hereafter subdivides such land in violation of this chapter or transfers or sells any part of such land by reference to, exhibition of or any other use of a plat showing a subdivision of land before such plat has been properly approved under the provisions of this chapter and recorded in the office of the County Recorder, shall be guilty of a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days
- (B) This chapter may also be enforced by injunction, order of abatement or other equitable remedy upon application to the courts, as permitted to G.S. § 160A-375.
- (C) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the equitable remedy of injunction.

Description of Conduct. If there is a violation of any Subdivision Ordinance under Chapter 154, then this section applies. This includes violating the following sections:

§ 154.40 GENERAL REQUIREMENTS.

- (A) Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed.
- (B) Land shall be subdivided in compliance with pertinent official development plans and ordinances.

§ 154.41 STREETS.

(A) Street names shall not duplicate or closely approximate phonetically, existing street names in the county, and street names of existing streets shall be projected where applicable.

(B) Streets shall be designed in coordination with existing and proposed streets in the surrounding area providing for the continuation of appropriate streets.

(C) Means of ingress and egress for adjoining property shall be provided in the layout of streets.

(D) If land is to be subdivided into tracts larger than typical building lots, streets and roads shall be graphically arranged on the preliminary plan so as to allow for future resubdivision and opening of streets.

(E) Cul-de-sacs or other dead-end streets designed to be permanently closed shall be no longer than 800 feet and shall be provided at the closed end with sufficient right-of-way for vehicular circulation. Circular right-of-way at the closed end shall conform to requirements set forth in "Subdivision Roads

Minimum Construction Standards," published July 1, 1985 by the North Carolina Department of Transportation and as it may be subsequently amended.

(F) Parkways or double streets may be required to traverse a drainage, watercourse or stream. The width of the right-of-way shall be adequate to accommodate the flow of storm water.

(G) Parallel access streets may be required along existing or proposed arterials and major collectors to afford separation of local traffic from through traffic.

(H) The widths of right-of-way and roadway surfacing on streets adjacent to existing or proposed nonresidential properties may be increased up to 15 feet to insure the free flow of traffic without interference by vehicles entering or leaving the property.

(I) Private streets or reserve strips shall not be platted in any subdivision.

(J) Street and road rights-of-way shall be reserved and dedicated as follows:

(1) Arterials and major collectors shall be reserved in compliance with official street plans if direct access to the property is to be prohibited. If direct access to the property is to be permitted, such

rights-of-way shall be dedicated in compliance with official street plans.

(2) Rights-of-way for minor collectors and local streets shall be dedicated in compliance with official street plans and the provisions of this chapter.

(K) Subdivision streets shall conform to the following requirements and minimum standards of design.

Design Speed Maximum Grade Minimum Stop Sight Distance

40 m.p.h. 7% 275 feet

(1) Design speed may be reduced in mountainous areas, as defined by the State Department of Transportation.

(2) Grades steeper than the above maximum grade are allowable in mountainous areas, as defined by the State Department of Transportation. Grades for 100 feet each way from intersections shall

not exceed 5%, and grades less than 0.5% shall not be used. All changes in grade shall be connected by

vertical curves of minimum length equal to 3.5 times the algebraic difference in rates of grade for minor

collectors and 20 times the algebraic difference for local streets.

(1) The following minimum standards shall apply to street intersections.

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than a 60° angle.

(2) Intersections, whether full or tee intersections, shall not occur at less than the distance indicated:

Minimum Distance

Street Type Between Intersections

Arterial 1,000 feet

Major Collector 800 feet

Minor Collector 400 feet

Local 200 feet

(3) Right-of-way on each corner at an intersection shall be enlarged by constructing a triangle.

One point of the triangle shall be the intersection of the center lines of the two streets abutting the corner

lot. The other point on minor collectors and local streets and shall be located on the center lines of the

two streets abutting the corner lot. The minimum distance from center line intersections for arterials and

major collectors shall be determined by the State Department of Transportation.

(4) Sight distance at each intersection shall not be obstructed and shall be enlarged by

constructing a triangle. One point of the triangle shall be the intersection of the center lines of the two

streets abutting the corner lot, and the other points shall be located a minimum of 100 feet distance along

the center lines of the two streets abutting the corner lot except as otherwise determined by the State Department of Transportation.

(M) Curb and gutter is mandatory on new subdivision streets.

§ 154.42 BLOCKS.

Blocks shall be laid out with due consideration given to the traffic circulation pattern and the contemplated use.

(A) Blocks shall have sufficient width to provide two tiers of lots of minimum size, except blocks may be one lot in width where reverse frontage lots are required to separate development from through

traffic on arterials and major collectors or to separate residential development from nonresidential.

(B) Along each side of each street the distance between through streets shall fall between the minimum and maximum specified below, provided that the minimum distance specified shall not prevent

access from adjoining a property to a street.

Distance

Minimum Maximum

Regular Large-lot

Street Type Subdivision Subdivision

Arterial (1,000 feet) -----

Major Collector (800 feet) -----

Minor Collector (600 feet) 2,000 feet 2,000 feet

Local (400 feet) 1,400 feet 1,800 feet

§ 154.43 LOTS.

Lots shall be designed in shape, size and location with due regard to topographic conditions, features

of the surrounding area, contemplated use and official plans and ordinances.

(A) Every lot shall front or abut on a public street.

(B) Double frontage and reverse frontage lots shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development

from nonresidential development.

(C) Side lot lines shall be substantially at right angles or radial to street lines.

(D) All lots shall conform with the minimum standards noted below and the minimum standards contained in any applicable zoning ordinance, building code or other such regulation.

(1) In calculation of lot areas, lot depths and lot widths, land within any street right-of-way or railroad right-of-way shall not be considered.

(2) Corner lots shall have an extra width of 20% of the average lot width within the subdivision, but no corner lot shall be required to exceed 100 feet in width.

(3) Land subject to flooding or land which may aggravate the flood hazard or increase the danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered

in determining the minimum lot area or maximum lot depth as herein specified. The criteria as developed

by the state shall be used.

(4) A strip of land 40 feet in width, in addition to the minimum required lot depth and width, shall be provided between all railroads, arterial and major streets, nonresidential properties and like uses,

and properties of existing or proposed residential development. This strip shall be a part of the lots and

reserved permanently for screening conflicting uses of land.

(5) Nonresidential lots shall be of suitable area and dimension to accommodate the development anticipated and shall be of sufficient area to include off-street service facilities and off-street vehicular

parking for patrons and employees. The minimum area of lots with sewer and water facilities shall be

approved by the Director of the County Health Department on the basis of anticipated use, type of sewer

and water facilities proposed and site analysis.

(6) Residential lots shall conform to the following minimum standards.

(a) The width of residential lots shall be no less than 400 of the depth of the lot, but no lot shall be required to be more than 150 feet in width.

(b) On-site sewer and water facilities shall be approved by the Director of the County Health Department.

(c) Any residential lot located within a watershed of a stream designated for public water supply shall be a minimum of 40,000 square feet where on-site wastewater disposal is used. Maps indicating those watersheds are available in the County Health and Planning Departments.

(d) The minimum lot area for residential lots with on-site facilities shall be determined by the results of soil surveys and investigations, site evaluations and other appropriate criteria and tests, but

in no case shall a lot be smaller than specified by the County Health Regulations or the town's zoning ordinance.

§ 154.44 BUILDING SETBACK LINES.

The building setback from the lot line shall be no less than the following distances.

Setback line Distance

From the front property line on streets

Arterial As Zoned

Major collector As Zoned

Minor collector As Zoned

Local As Zoned

From the side property line

abutting streets As Zoned

From the side property line not

abutting streets As Zoned

From the rear property line As Zoned

§ 154.45 EASEMENTS.

(A) Utility easements, when and where required, shall be a minimum of 20 feet in width along rear lot lines and subdivision boundaries and ten feet in width along side lot lines. Where possible, these easements shall be centered on lot lines providing ten feet on each side of the rear lot line and five feet

on each side of the side lot line. An easement of ten feet along a subdivision boundary is sufficient if there is an easement of like or greater size on the opposite side of the boundary.

(B) Where a drainage way, watercourse or stream traverses or borders a subdivision, it shall be shown on the preliminary plan and the final plat conforming with the lines of the watercourse and at a

width adequate to accommodate the flow of storm water.

(1) Watercourse boundaries as drawn on preliminary plans and final plats are to be interpreted as approximations of actual boundaries. For example, a 20 foot watercourse shall be deemed to extend

approximately ten feet on each side of the center of water flow, unless otherwise specified.

(2) Where a subdivider proposes to create a new watercourse in order to relocate an existing watercourse or to handle road runoff, a drainage easement along the proposed new watercourse shall be

indicated on the preliminary plan and the final plat. Any channels, diversions or other improvements needed to carry water to or along this new course shall be constructed or guaranteed prior to final plat

approval.

(3) A strip of land 40 feet in width shall be reserved permanently between all railroads, arterial and major streets, nonresidential properties and like uses, and properties of existing proposed residential development.

§ 154.63 JURISDICTION OF ADJOINING MUNICIPALITIES.

Within the subdivision regulation jurisdiction of any municipality whose governing body agrees by

resolution to the provisions of this chapter, the required improvements, such as grading and surfacing of streets and installing storm drainage and community water and sewer facilities, shall be in accordance with the requirements and standards specified by the respective municipalities.

§ 154.64 REMOVAL OF DEBRIS.

(A) All fallen trees, stumps, junk and rubbish of any nature resulting from the grading of streets or the clearing of lots in the subdivision shall be completely buried, destroyed or removed from the subdivision site.

(B) All debris, fallen trees, junk and other accumulations of a nature that will impede the passage of waters in their downstream course or cause flooding shall be removed from the channel and banks of any stream, creek or drainage way of the subdivision site.

§ 154.65 STREET SIGNS.

Street name signs shall be erected by the subdivider at each street intersection. Street name signs shall conform to those adopted and in use by the town.

§ 154.66 MONUMENTS AND MARKERS.

Monuments and markers shall be located and installed as required and in accordance with the rules and regulations of the North Carolina Manual of Practice for Land Surveying, Volume I, and G.S. §§ 39-32.1 through 39-32.4, as amended. Monuments and markers shall be of the design and type described in these rules and regulations.

§ 154.67 COMMUNITY UTILITIES.

(A) Where an established public water system is available in the extraterritorial jurisdiction to a subdivision and water lines may be extended from it to all lots in the subdivision at a cost equal to or less

than the cost of installing a well on each lot in the subdivision, the subdivider shall be required to provide each lot in the subdivision with access to a water line connected to the public water system. All

lots within the town jurisdiction shall connect to the town water system.

(B) Where an established public sewage system is available and sewer lines may be extended from it to all lots in the subdivision at a cost equal to or less than the cost of installing a septic tank and nitrification lines on each lot in the subdivision, the subdivider shall be required to provide each lot in

the subdivision with access to a sewer line connection to the public sewage system. All lots within the

town limits shall connect to the town sewer system.

(C) Further, the subdivider is encouraged to cooperate with utility companies in the installation of underground telephone and electrical systems.

13. (Under Chapter 155, Zoning Code) **§ 155.261 OFFICERS, RULES AND**

REGULATIONS. [...] (A) Oaths. The Chairman, or in his or her absence, the Vice-Chairman or clerk to the Board, may administer any oaths to witnesses to a matter coming

before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class I misdemeanor.

Description of Conduct. Swearing falsely while under oath before the Board of Adjustment.

§ 155.999 PENALTY.

(A) Any person violating any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with G.S. § 14-4. Each day that the violation continues shall constitute a separate offense.

(B) (1) Any person, firm or corporation convicted of violating any provision of §§ 155.225 through 155.250 shall be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days, as provided by G.S. § 14-4. Each calendar day during which a violation continues shall constitute a separate offense.

(2) Pursuant to the provisions of G.S. § 160A-175(c), any person violating any provision of §§ 155.225 through 155.250 may be subject to a civil penalty. Each day's violation shall be treated as a separate offense.

(3) Pursuant to the provisions of G.S. § 160A-175(c), the town may file a civil action to recover said penalty if the offender does not pay said penalty.

(4) Pursuant to the provisions of G.S. § 160A-175(d), the town may also seek any appropriate equitable relief that it deems necessary to ensure the health, safety and welfare of the citizens or the natural resources of the town, including but not limited to civil damages resulting from violation of §§ 155.225 through 155.250.

(5) Pursuant to the provisions of G.S. § 160A-175(e), the town may seek an injunction when, in the judgment of town, the facility is creating an imminent hazard to the health, safety and welfare of the public.

(6) Except as otherwise provided herein, any person, firm, corporation or any other legal entity which owns, leases, occupies, manages, designs, or causes any activity or use of land or structure in violation of this code shall be subject to issuance of a notice of violation (NOV) and the imposition of a civil penalty in the amount of \$250 for the first violation and a separate penalty for each additional violation. For each day said violation is not corrected, a penalty of \$250 per day shall be imposed. The civil penalty shall be assessed from the date of receipt of the NOV until such time as compliance is achieved. The filing of an action to collect penalties incurred pursuant to this section shall not foreclose further proceedings for penalties coming due after the date of the filing of a prior proceeding.

Description of Conduct. If there is a violation of any Zoning Code Ordinance under Chapter 155, then this section applies. This includes violating the following sections:

§ 155.036 ZONING AFFECTS EVERY BUILDING AND USE.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

§ 155.037 REDUCTION OF LOT AND YARD AREAS PROHIBITED.

No yard or lot existing at the time of passage of this chapter shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the

effective date of this chapter shall meet at least the minimum requirements established by this chapter.

§ 155.070 TABLE OF PERMITTED USES. [Violation of Permitted Uses as described in this section – A copy of this section (pp 153 – 173) has been inserted hereafter and incorporated herein as Exhibit A].

§ 155.121 NOTES TO TABLE.

(A) All rear and side property lines abutting a residential zoning district require the erection of an opaque fence or screen at least six feet in height and designed in such a way as to obstruct the view from abutting residential zoning districts. Screens are not to be brightly colored, multicolored or otherwise visually obtrusive; colors and textures are to be visually harmonious with nature and with surrounding residential structures and buildings. The planting or maintenance of a vegetated buffer strip, as described in division (B), may be substituted for this fence or screen requirement.

(B) All rear and side property lines abutting a residential zoning district require the planting of a new or maintenance of an existing, densely vegetated buffer strip, at least ten feet wide, and consisting

of evergreen trees and shrubs, which at maturity will reach a minimum height of ten feet.

(C) Area, yard, height and screening requirements for mobile homes on individual lots are the same as for single-family dwellings. Such requirements for mobile home parks are contained in Chapter 153.

(D) Front yard setbacks for multi-family developments, as specified in the table below, vary based on where the development is located. In no case shall a setback greater than 50 feet be required.

Location of Multi-Family Dwelling(s) Minimum Front Yard Requirement

Along NC Highway 49, US Highway 70 & Wilkins Road.

40 feet or 1 ½ times the building height, whichever is greater.

Within 500 feet of an R-18 Residential District. 40 feet or 1 ½ times the building height, whichever is greater.

Within 500 feet of an R-12 Residential District. 35 feet or 1 ½ times the building height, whichever is greater.

Location of Multi-Family Dwelling(s) Minimum Front Yard Requirement

All other locations. 25 feet or 1¼ times the building height, whichever is greater.

(E) On lots of more than 40,000 square feet in area which contain three or more dwelling units, all buildings shall observe front yard setback requirements from any street on which the lot abuts.

(F) For permitted residential dwellings, the requirements of the R-7 Residential District shall apply.

(G) For buildings over 50 feet in height, one foot of additional front yard depth is required for each two feet of height over 50 feet.

(H) The first five feet may be developed only for sidewalk, grass and plants; it may not be used for off-street parking.

(I) A minimum total lot depth of 120 feet is also required.

(J) Boarding houses and rooming houses shall comply with regulations for single-family dwellings.

(K) In no case shall a rear yard depth greater than 75 feet be required.

(L) On any street except West Main Street (US 70), East Main Street (US 70) and Roxboro Street (NC 49), the minimum required front yard depth shall be ten feet less than shown herein if:

(1) The average front yard depth of the two closest dwellings fronting on the same side of the street and within 500 of the lot in question is ten or more feet less than the indicated minimum front yard

depth, or;

(2) The average front yard depth of all dwellings fronting on the same street and within 500 feet of the lot in question is ten or more feet less than the indicated minimum front yard depth.

(M) When the front or rear entrances of a multi-family development face a side lot line, or if the lot exceeds 40,000 square feet in area.

(N) The side yard setback requirement for multi-family developments abutting a street is half of the front yard setback requirement, half of the front yard setback requirement of adjacent single-family lots

or 15 feet, whichever is greater.

(O) Minimum lot width shall be sufficient to accommodate building(s) and all minimum side yard requirements.

(P) When located within 200 feet of any residential district.

(Q) When located adjacent to lot(s) zoned or used for residential purposes.

(R) When more than half the frontage on the same side of the block is zoned or used for residential purposes.

(S) One foot for each two feet of building height in excess of 50 feet.

(T) Setback applies to buildings and parking areas.

§ 155.122 EXCEPTIONS AND MODIFICATIONS TO AREA AND YARD REQUIREMENTS.

(A) *Projection of sills, eaves and the like into required yards.* Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for ordinary projection of sills, belt

courses, chimney flues, buttresses, ornamental features and eaves, provided, however, that none of the

aforesaid projections shall project into a minimum side yard more than one-third of the width of such side yard.

(B) *Projection of fire escapes and the like into required yards.* Open or lattice-enclosed fire escapes, fire proof outside stairways and balconies opening upon fire towers projecting into a yard not

more than four feet shall be permitted where so placed as not to obstruct light and ventilation.

(C) *Established front yard lines.* Established average front yard lines shall be observed where lots comprising 40% or more of the frontage on one side of a block are developed with buildings at the time

of adoption of the ordinance, the average alignment of the existing building along such frontage shall be

the minimum front yard required along said side of said block and no building hereafter erected or structurally altered shall project beyond the average front yard lines.

(D) *Reduction of minimum front yards and the buildings on the two lots are within 100 feet of a proposed structure, where adjoining lots have less than required minimum.* Where the front yards of adjoining lots on either side of a lot are less than the minimum front yard of the district, the average front yard of the adjoining lots shall be the minimum front yard for such lot, or within ten feet of the

street right-of-way line, whichever is greater.

(E) *Corner lots adjoining along common rear lot line.* Where a corner lot in any district adjoins a corner lot in a residential district along a common rear lot line, the minimum side yards along the common street line shall be 20 feet. Accessory buildings shall also be subject to this requirement.

(F) *Front yards on through lots.* On through lots the minimum front yards for the respective districts shall apply wherever such lots have frontage on a public street.

(G) *Projection of bay windows into required yards.* A bay window occupying not to exceed 30% of the width of the building may project not more than three feet into the front yard.

(H) *Visibility at intersections.* On a corner lot in any residential district no planting, structure, fence wall or obstruction to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points

on said street lines each of which is 25 feet distant from the point of intersection.

(I) *Yards abutting railroad tracks.* No yard shall be required along the side or rear of a non-residential lot where the side or rear respectively of such lot abuts a railroad track which is or will

be used to provide railroad service to the lot.

(J) The requirements of § 155.124 shall not apply to property zoned B-1.2 Central Business District II.

§ 155.135 GENERAL REQUIREMENTS.

(A) A parking space is an area for storage of vehicles separate from driveways and circulation aisles. A parking space shall consist of an area at least nine feet wide and at least 18 feet deep. In all districts, there shall be provided at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity or before conversion from one type of use or occupancy to another, permanent off-street parking spaces in the amount specified by this chapter. Adequate maneuvering space to allow vehicle entrance into each parking space shall be provided. All off-street parking spaces required by this chapter shall lie entirely outside any street right-of-way and shall not be

used for any purpose except parking. Such parking spaces may be provided in a parking garage or properly graded open area.

(B) Where the Town Council determines that the off-street parking requirements of this chapter would impose undue hardship upon development of a lot in the B-1 Central Business District, it may reduce or waive off-street parking requirements for that lot.

(C) All off-street parking requirements in the B-1.2 Central Business District II are waived.

§ 155.138 MINIMUM REQUIREMENTS. [Violation of Minimum Requirements as described in this section – A copy of this section (pp 204 – 208) has been inserted hereafter and incorporated herein as Exhibit B].

§ 155.139 MULTI-FAMILY REQUIREMENTS.

The minimum number of off-street parking spaces required within multi-family developments shall be as follows:

- (A) In all residential developments sponsored or developed by a public or nonprofit agency for restricted-income families or elderly persons: one parking space for each dwelling unit.
- (B) In all other multi-family developments, the minimum number of off-street parking spaces shall be 1 ½ times the number of one- and two-bedroom units, plus 2 times the number of three-or-more bedroom dwelling units.
- (C) No required parking space shall be more than 200 feet distant from the dwelling unit it serves.
- (D) Adequate vehicular access shall be provided for garbage and trash pickup, parcel deliveries and maintenance and service vehicles.
- (E) No parking or loading areas or vehicle maneuvering areas shall be located in a required front yard or in a required side yard adjacent to a street.
- (F) All parking spaces, drives and vehicle maneuvering spaces shall be paved with a dustless all-weather material, such as asphalt or concrete, capable of carrying, without damage, the heaviest vehicle loads that can reasonably be anticipated on such surface.

§ 155.140 LIGHTING REQUIREMENTS FOR PARKING AND LOADING AREAS.

Access ways, walkways and parking and loading areas shall be lighted adequately by lighting fixtures which shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

§ 155.141 SAFETY BARRIER REQUIREMENTS.

Curbs, walls, fences or similar devices shall be located along the perimeter of parking lots, garages and storage areas, except at entrances and exits indicated in approved parking plans. Such barriers shall be so designed and located as to prevent parked vehicles from extending beyond property lines of parking lots and garages and to protect public rights-of-way and adjoining properties from the adverse effects of surface drainage.

§ 155.142 PARKING LOT LOCATION, DESIGN AND IMPROVEMENT STANDARDS.

- (A) All off-street parking facilities including exits, entrances and maneuvering areas and parking areas shall:
 - (1) Be graded;
 - (2) Be permanently maintained by the owners;
 - (3) Have access to a dedicated street or alley; and
 - (4) Have gravel or crushed rock access drives or lanes which are at least ten feet wide for single lane movement and 20 feet wide for double lane movement; all business, industrial, office and institutional uses shall have access drives paved with either asphalt or concrete.
- (B) Off-street parking areas for more than ten vehicles shall be effectively screened, on each side which adjoins or faces premises situated in any residential or institutional district, by a suitable fence or hedge at least five feet high. Such fence or hedge shall be maintained in good condition.
- (C) All parking lots that are used regularly at least five days per week shall be paved with asphalt

or concrete up to the required paved driveway, except that this paving requirement shall not apply to parking lots used only by churches, private clubs or similar organizations using said parking facilities on an irregular schedule and parking lots where ten or less spaces are required. Parking lots not requiring paving shall be graded and surfaced with crushed stone or gravel or other approved suitable

material to provide a surface which will help reduce dust and erosion.

(D) Parking may not be assigned to two uses, however, required parking spaces for any number of separate buildings or uses may be combined in one lot. The spaces required for one use may not be assigned to another use at the same time except that required parking for places of assembly may be assigned to parking spaces that are otherwise assigned to other uses, provided that the parking spaces

are normally used at different times.

(E) All parking facilities shall be so designed that the required access to public streets shall be by forward motion of vehicles exiting the parking facility.

(F) A public alley may be accounted as part of the required maneuvering and access area of off-street parking facilities, but not as part of the parking spaces required.

(G) All parking areas or spaces, access-drives, travel-ways, loading areas, and vehicle-use areas within the B-1.2 Central Business District II must be paved, marked, signed, surfaced, and maintained

with asphalt, concrete, or similar materials so as to provide a durable and dustless surface that will accommodate intended traffic volumes and weights. Alternative paving materials can be used in lieu of

asphalt or concrete if such material(s) will promote a reduction in stormwater runoff. The alternative material must exhibit equal wear resistance and load bearings as asphalt and concrete. Alternative paving

methods must be approved by the Town Engineer and the Haw River Town Council.

§ 155.143 OFF-STREET LOADING REQUIREMENTS.

The number of off-street loading berths required by this section shall be considered as the absolute minimum, and the developer shall evaluate his or her own needs to determine if they are greater than

the minimum specified by this section. For purposes of this section, an off-street loading berth shall have

minimum plan dimensions of 12 feet by 40 feet and 14 feet overhead clearance with adequate means for

entrance and exits. A loading space requirement may be modified or waived by the Board of Adjustment

on application in the case of a bank, theater, assembly hall or other building having similar limited loading space requirements.

Number of Required Off-Street Loading Berths Square Feet of Gross Floor Area Required Number of Berths

0 — 25,000 1

25,000 — 40,000 2

40,000 — 100,000 3

100,000 — 160,000 4

160,000 — 240,000 5

240,000 — 320,000 6

320,000 — 400,000 7

Each 90,000 above 400,000 1

§ 155.158 SIGN PLACEMENT.

The following provisions shall apply to the placement of all signs in all districts.

(A) In General.

(1) Signs must be located entirely on private property, unless otherwise permitted by this section.

(2) No sign may be located so that it blocks the sight triangle at any driveway or public street intersection.

(B) Wall signs. Wall mounted signs shall not extend above the eave or parapet of any building.

(C) Freestanding signs.

(1) All parts of freestanding signs must be set back a minimum of five feet from the property line.

(2) No freestanding sign shall be located closer than 15 feet from another structure on the same zoning lot.

(3) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way, unless expressly permitted by this subchapter.

(D) Temporary signs.

(1) Temporary signs shall be located on private property unless expressly permitted by this section to be posted on public property.

(2) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.

§ 155.162 PROHIBITED SIGNS.

Notwithstanding § 155.159 and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:

(A) Signs extending into the public right-of-way other than those expressly permitted by this subchapter or otherwise approved by the Town Council if placed along public streets;

(B) Flashing, fluttering, swinging, wind-activated, rotating, animated signs and other digital or electronic message boards, excluding flashing time and/or temperature signs that are not otherwise permitted in this subchapter. Provided, however, traffic signals, railroad crossing signals and other official warning or regulatory signs and electronically controlled message centers or reader boards where

different copy changes, involving alphabetical or numerical characters only, present messages of a public

service or commercial nature shall not be considered flashing signs, as long as such signs comply with

the provisions of this chapter;

(C) Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad

crossing, or which interferes with the effectiveness of any traffic sign, device, or signal;

(D) Illuminated or highly reflective signs which hamper the vision of motorists or cyclists;

(E) Any sign that resembles traffic signals, traffic signs, or emergency vehicle lights and any other

sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs;

(F) Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs;

(G) Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light

or air except for permitted window signs;

(H) Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other structure or surface located on, over, or across any public street right-of-way or property unless expressly authorized

by this subchapter or the Town Council;

(I) Off-premises signs advertising adult establishments;

(J) Off-premises signs on parcels of land that are zoned residential, used primarily for residential purposes, or which do not include an active permitted use as established by this subchapter;

(K) Inflatable devices or balloons;

(L) High intensity searchlights;

(M) Any object displayed in a manner which is intended to attract attention to a site, product, or event; or

(N) Any sign not expressly permitted by this subchapter.

§ 155.180 PERFORMANCE STANDARDS.

Within the I-1 and I-2 zoning districts, all uses shall conform with the following performance standards:

(A) *Dust, dirt, fly ash or other air pollutants.* There shall be no emission of dust, dirt, fly ash, gases, fumes, vapors or other air pollutants into the atmosphere that could cause damage to the public

health, or to animals, to vegetation or to other forms of property.

(B) *Electrical interference.* There shall be no electrical disturbances affecting the operation of any equipment other than that of the creator of such disturbances.

(C) *Heat and glare.* There shall be no heat or glare perceptible to human senses at the property line of any use creating heat or glare.

(D) *Landscaping.* All front yards and side yards shall be suitably landscaped.

(E) *Enclosure.* All processing shall be within a building.

(F) *Liquid or solid waste.* There shall be no discharge of any liquid or solid waste into any stream except as authorized by the State of North Carolina.

(G) *Noise.* The sound-pressure level of sound radiated from an establishment, measured at the lot line, shall not exceed the values in any octave band of frequency that are specified in the table below. The sound-pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American Standards Association:

Cycles per Second Decibels

20 - 75 69

75 - 150 57

150 - 300 52

300 - 600 46

600 - 1,200 42

1,200 - 2,400 37

2,400 - 4,800 33

4,800 - 10,000 30

(H) *Odor*. There shall be no objectionable odors perceptible to the human senses at or beyond the property line of any use that may create odors.

(I) *Radioactivity*. There shall be no radioactive emission that would be dangerous to health.

(J) *Smoke*. There shall be no emission into the atmosphere of smoke from any operation of a shade darker than #1 on the Ringleman Smoke Chart as published by the U.S. Bureau of Mines, except that

smoke of a shade not darker than #3 on said chart may be omitted for not more than two minutes in any

30-minute period.

(K) *Traffic*. There shall be no industrial vehicular traffic on any minor residential street.

(L) *Vibration*. There shall be no vibration perceptible to human senses at the property line of any use that may create vibration.

§ 155.192 LOCATIONAL REQUIREMENTS FOR PERMITTED ACCESSORY BUILDINGS.

(A) No encroachment in any required front yard setback shall be permitted.

(B) If the gross floor area of an accessory building is equal to or less than 300 square feet, the structure or building may be located three feet from a side or rear lot line. If the gross floor area is greater than 300 square feet, it must meet the setback requirements of the principal building(s).

(C) Within all residential zoning districts, all accessory buildings and structures must be located behind the front building line of the principal building(s).

(D) Within nonresidential zoning districts, accessory structures and buildings may be in front of the front building line of the principal building(s), but must meet the same front yard setback requirements

as the principal building(s)

(E) Accessory buildings in the rear yard of a corner lot abutting the side yard of a residentially zoned lot and with a gross floor area greater than 300 square feet shall be located at least as far from the

common lot line as the distance specified for the side yard setback of the adjoining residential lot.

(F) Where the side yard of a lot abuts a street and the adjoining lot fronts on that street, no accessory building shall be located in that portion of the rear yard lying closer to that street than the distance specified by this chapter as the minimum side yard width.

§ 155.206 NONCONFORMING LOTS OF RECORD.

(A) In any district a permitted use may be constructed by right on any lot made nonconforming by this chapter as long as approval is granted by the Zoning Enforcement Officer and the structure and customary accessory buildings do not encroach into required front, rear and side yard setbacks. If a proposed building on a nonconforming lot is approved by the Zoning Enforcement Officer, but would

encroach into required setbacks, a variance shall be sought from the Board of Adjustment.

(B) Wherever two or more nonconforming lots in single ownership with continuous frontage exist, permitted structures may be erected on each lot if all setback requirements can be met. If all setbacks

cannot be met, the lands involved shall be considered to be an individual parcel for the purposes of this

chapter. No portion of the parcel shall be used or sold which does not meet the dimensional requirements of this chapter.

§ 155.207 NONCONFORMING USES OF OPEN LAND.

This category of nonconformance consists of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges and similar open uses where the only buildings on the lot are

incidental and accessory to the open use of the lot and where such use of the land is not permitted to be

established hereafter, under this chapter, in the district in which it is located.

(A) When a nonconforming open use of land is changed to a conforming use, it shall not thereafter be used for any nonconforming use.

(B) Nonconforming open uses of land may be changed to conforming uses.

(C) A nonconforming open use of land shall not be enlarged or extended to cover more land than was occupied by that use when it became nonconforming.

(D) When any nonconforming open use of land is discontinued for a period of 90 days, any future use of the land shall be limited to those uses permitted in that district under the provisions of this chapter. Vacancy and/or nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

(E) All nonconforming open uses of land involving only minor structures, such as automobile wrecking yards, billboards or outdoor advertisement signs, and junk yards, shall be discontinued within two years from the date of adoption of this chapter.

§ 155.209 NONCONFORMING STRUCTURES.

When a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on lot coverage, height, yards

or other characteristics of the structure or its location on the lot, such structure may be continued so long

as it remains otherwise lawful, subject to the following provisions:

(A) No structure may be enlarged or altered in a way which increases its nonconformity.

(B) Normal maintenance and repair of a nonconforming structure is permitted and encouraged provided it does not extend the nonconformity.

(C) Should such a structure be moved for any reason for any distance whatever, it shall hereafter conform to the regulations for the district in which it is located after it is moved.

§ 155.210 REPAIRS AND MAINTENANCE.

(A) Buildings or structures other than single-family houses that are destroyed by any means to an extent of more than 60% of replacement cost or bulk, exclusive of foundations and land value, shall not

be reconstructed except in conformity with the provisions of this chapter. Nonconforming single-family

houses that are damaged or destroyed may be rebuilt on the same lot as long as the amount of nonconformity is not increased.

(B) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any county official charged with protecting the public safety, upon order of such official.

§ 155.231 SUBDIVISION STANDARDS AND REQUIRED IMPROVEMENTS.

(A) *General.* Subdivisions in any designated drinking supply watershed shall comply with general requirements and minimum standards of design of the Haw River Subdivision Ordinance as well as the

requirements specified below.

(B) *Lots.* All lots shall provide adequate building space in accordance with the development standards contained in § 155.233. Lots which are smaller than the minimum required for residential lots

shall be identified on the plat as, "NOT FOR RESIDENTIAL PURPOSES."

(C) *Built-upon area.* 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.

(D) *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 to minimize water quality impacts.

(E) *Erosion and sedimentation control.* The application shall be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the N.C. Division

of Land Quality, if required.

(F) *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.

§ 155.233 BACK CREEK LAKE WATERSHED - CRITICAL AREA OVERLAY DISTRICT (WS-II-CA).

(A) *Intent.* In order to maintain a predominately undeveloped land use intensity pattern, single-family residential uses shall be allowed at a maximum of one dwelling unit per two acres. All other residential and nonresidential development shall be allowed at a maximum 6% built-upon area.

(B) *Permitted uses.*

(1) All uses allowed in the underlying zoning districts where the watershed is located, subject to the modifications noted below, unless specifically excluded as a prohibited use.

(2) 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 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 minute) 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.

(3) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(C) *Prohibited uses.*

(1) Manufacture, use or storage of any hazardous or toxic materials waste as listed on the EPA hazardous material list or determined by the Alamance County Board of Commissioners unless a spill

containment plan is implemented.

(2) New underground fuel or chemical storage tanks.

(3) Developments with curb and gutters.

(4) Sanitary landfills or incinerators.

(5) Sites for land application of sludge/residuals or petroleum contaminated soils.

(6) Petroleum products storage up to 100,000 gallons.

(7) Commercial uses which sell, store or distribute motor fuels or other hazardous materials.

(8) Metal salvage facilities including junkyards.

(9) Package treatment plants or public community sewage treatment facilities may only be allowed if the Health Department determines that an existing public health problem can be alleviated by

constructing sewage facilities.

(D) *Density and built-upon limits.*

(1) Single-family residential development shall not exceed one dwelling unit per two acres on a project-by-project basis. Nor shall any single-family residential development exceed a 6% density threshold area of built upon area to total area of the property. Nor shall any high-density residential development(s) exceed a 24% density threshold area of built upon area to total area of the property. No

residential lot shall be less than two acres, except within an approved cluster development. For purposes of density calculations, total project acreage shall not include area within the designated right-of-way of

any public or private street within the project, nor shall it include any area within the project donated or dedicated to the public.

(2) Nonresidential development shall not exceed 3,000 square feet of floor space and such uses shall only be for the immediate neighborhood.

§ 155.235 BUFFER AREAS REQUIRED.

Buffer. A minimum 50 foot vegetative buffer is required for any new development activity which exceeds the basic density/built-upon limitations along all perennial waters indicated on the most recent

versions of USGS 1:24,000 scale topographic maps and the most recent published NRCS Soil Survey

maps. Nothing in this division shall prevent artificial streambank or shoreline stabilization. The town's

riparian buffer protection ordinance shall have precedence over all stream or riparian buffer regulations

within the Town of Haw River's jurisdiction.

§ 155.237 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 chapter 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 this chapter.

(D) If a use or class of use is not specifically indicated as being allowed in a watershed area, such or class of use is prohibited.

§ 155.238 EXISTING DEVELOPMENT.

Any existing development, as defined in § 155.227, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing developments must meet the

requirements of this subchapter, however, the built-upon area of the existing development is not required

to be included in the density calculations.

(A) *Vacant lots.* Vacant lots for which plats or deeds have been recorded in the Office of the Register of Deeds of Alamance County 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 subchapter, the owner may apply for a variance which provides for compliance with the buffer requirement to the maximum extent practicable. The Zoning Enforcement Officer is authorized to issue a watershed protection permit.

(2) Where the buffer standard needs to be modified due to the shape and/or size of a residential or nonresidential lot, the owner may apply for a variance in order to obtain a watershed protection permit, provided the buffer requirement is complied with to the maximum extent practicable. The procedures for obtaining a minor or major variance are found in § 155.249.

(3) Notwithstanding the above provisions, whenever two or more contiguous residential vacant lots of record are in single ownership at any time after the adoption of this chapter 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 chapter, or if this is impossible, reduce to the extent possible the nonconformity of the

lots. (B) *Occupied lots.* Lots occupied for residential purposes at the time of the adoption of this chapter

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 chapter, 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.* Uses existing at the time of adoption of this chapter where such use of the land is not permitted to be established hereafter in the watershed area in which it is located 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 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 chapter that has been damaged or destroyed by any means to an extent of more than 50% of its replacement cost or bulk, exclusive of foundations and land value 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 12 months and completed within two years of such damage.
 - (2) The total amount of space devoted to built-upon area may not be increased unless storm water control that equals or exceeds the previous development is provided.

§ 155.239 WATERSHED PROTECTION PERMIT REQUIRED.

- (A) Except where a single-family residence is constructed on a lot deeded prior to the effective date of this chapter, 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 Zoning Enforcement Officer. No watershed protection permit shall be issued except in conformity with the provisions of this chapter.
- (B) Watershed protection permit applications shall be filed with the Zoning Enforcement Officer. The application shall include a completed application form and supporting documentation consistent with § 155.230(B). If the application is for a single structure, the Zoning Enforcement Officer may waive some of the documentation requirements; however, compliance with all watershed protection measures must be assured.
- (C) Prior to issuance of a watershed protection permit, the Zoning Enforcement Officer may consult with qualified personnel for assistance to determine if the application meets the requirements of this subchapter.
- (D) A watershed protection permit shall expire if a building permit or watershed occupancy permit for such use is not obtained by the applicant within 12 months from the date of issuance.

§ 155.240 BUILDING PERMIT REQUIRED.

After receiving a watershed protection permit, a building permit shall be obtained from the Alamance County Inspections Department for construction or alteration of any building or structure pursuant to the procedures of the County Inspections Department.

§ 155.241 WATERSHED PROTECTION OCCUPANCY PERMIT REQUIRED.

(A) The Zoning Enforcement Officer shall issue a watershed protection occupancy permit certifying that all requirements of this chapter 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 at the same time as the application for a watershed protection permit and shall be issued or

denied within ten days after the erection or structural alterations of the building.

(C) When only a change in use of land or existing building occurs, the Zoning Enforcement Officer shall issue a watershed protection occupancy permit certifying that all requirements of this chapter have

been met at the same time the watershed protection permit is issued.

(D) If the watershed protection occupancy permit is denied, the Zoning Enforcement Officer 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 Zoning Enforcement Officer has approved and issued a watershed protection occupancy permit.

§ 155.242 PUBLIC HEALTH REGULATIONS.

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 use 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 plan for toxic and hazardous materials;

the improper management of storm water runoff; or any other situation found to pose a threat to water

quality. In the event that any of these threats exist, appropriate enforcement authorities (for example the

County Health Department, N.C. Land Quality Division) may increase the minimum requirements of

this chapter, in order to protect the public health.

14. **(Under Chapter 156, Fire Prevention) § 156.99 PENALTY.** (A) Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment for not more than 30 days as provided by G.S. § 14-4. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within 30 days when not otherwise specified. Each 30 days that prohibited conditions are maintained shall constitute a separate offense.
- (B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions and violators shall be further subject to the provisions of G.S. § 160A-175. Whenever any violation is denominated a misdemeanor under the provisions of this chapter, the town, either in addition to or in lieu of other remedies, may initiate any

appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

Description of Conduct: If there is a violation of any Fire Prevention ordinance in the Town (Chapter 156), then this section applies. This includes violating the following sections:

§ 156.05 COMPLIANCE.

It shall be unlawful for any person or entity to violate this chapter, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the Fire Inspector in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

§ 156.07 ADMINISTRATION.

(A) The Fire Inspector shall be responsible for the enforcement of this chapter. It shall be the duty of the Fire Inspector to investigate and to recommend to the Fire Chief such additional ordinances, or

amendments to existing ordinances, as he or she may deem necessary for safeguarding life and property against fire.

(B) The Fire Inspector shall inspect or cause to be inspected all premises on a periodic basis and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

(C) Whenever the Fire Inspector shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire, he or she shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to penalties as hereinafter provided. The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order

may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the Fire Inspector making the order, by mailing such copy

by certified mail to the owner's last known post office address.

(D) It shall be unlawful for any person to kindle or maintain, or, authorize to be kindled or maintained any open burning when atmospheric conditions or local circumstances make such fires hazardous, or, when in violation of any official state or local ban on any open burning. The Fire Chief,

any of his officers, or the Fire Inspector is authorized to order the extinguishment of any such fire by

the person who kindled or is maintaining the fire. In the event the fire is not extinguished, the fire department is authorized to extinguish the fire. The person who kindled or maintained the fire as well

as the person who authorized said fire to be kindled or maintained shall be liable to penalties as hereinafter provided. Open flame cooking devices such as charcoal burners or LP gas-fueled cooking

devices shall be exempt from this section as long as they are maintained in accordance with this chapter,

unless the Fire Inspector deems such operation to be hazardous to life or property from fire.

(E) It shall be unlawful for any person to kindle or maintain, or, authorize to be kindled or maintained any fire for the burning of refuse that is in violation of any regulations of any federal, state,

or local agency or organization.

(F) It shall be unlawful for any person to kindle or maintain, or, authorize to be kindled or maintained any open burning during the period of town collection of yard waste each year. The Fire Chief, any of his officers, or the Fire Inspector is authorized to order the extinguishment of any such fire

by the person who kindled or is maintaining the fire. In the event the fire is not extinguished, the fire

department is authorized to extinguish the fire. The person who kindled or maintained the fire as well

as the person who authorized said fire to be kindled or maintained shall be liable to penalties as hereinafter provided.

15. **(Under Chapter 157, Phase II Stormwater Code) § 157.99 PENALTY.** [...] (2) *Criminal penalties.* Violation of §§ 157.01 through 157.32 may be enforced as a misdemeanor subject to the maximum fine permissible under state law.

Description of Conduct: If there is a violation of any Phase II Stormwater Code ordinance in the Town (Chapter 157), then this section applies. This includes violating the following sections:

§ 157.17 GENERAL STANDARDS.

All development and redevelopment to which this chapter applies shall comply with the standards of this subchapter.

§ 157.18 DEVELOPMENT STANDARDS FOR LOW-DENSITY PROJECTS.

Low-density projects (no more than two dwelling units per acre or 24% built-upon area for all residential and non-residential development) shall comply with each of the following standards:

- (A) Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.
- (B) (1) No built-upon area shall be allowed in the floodway (as identified by the Federal Emergency Management Agency in its most recent Flood Insurance Study) or within 50 feet of a perennial stream where no flood hazard has been defined, as specified in the town's Flood Damage Prevention Code (§§ 152.40 and 152.43).
- (2) All built-upon area shall be at a minimum of 30 feet landward of all intermittent surface waters. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233(3)(a) or similar site-specific determination made using division-approved methodology.
- (C) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

§ 157.19 DEVELOPMENT STANDARDS FOR HIGH-DENSITY PROJECTS.

- (A) High-density projects (any project that exceeds the low density thresholds for dwelling units per acre or built-upon area) shall implement structural stormwater management systems that comply with each of the following standards:
 - (1) The measures shall be designed to control and treat the stormwater run-off generated by the one inch of rain;
 - (2) Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours;
 - (3) All structural stormwater treatment systems used to meet the requirements of the program shall be designed to have a minimum of 85% average annual removal for total suspended solids (TSS);
 - (4) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the *Stormwater BMP Design Manual*;
 - (5) (a) No built-upon area shall be allowed in the floodway (as identified by the Federal Emergency Management Agency in its most recent Flood Insurance Study) or within 50 feet of a perennial stream where no flood hazard has been defined, as specified in the town's Flood Damage Prevention Code (§§ 152.40 and 152.43).
 - (b) All built-upon area shall be at a minimum of 30 feet landward of all intermittent surface

waters. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233(3)(a) or similar site-specific determination made using division-approved methodology.

(6) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that

future development and redevelopment maintains the site consistent with the approved project plans.

(B) In the event new development or redevelopment has, in the opinion of the Stormwater Administrator or his designee, the potential to cause increased downstream flooding and erosion, a structural stormwater management system will be required that does not allow stormwater to leave the

project site at a rate greater than the predevelopment discharge rate for the 10-year, 24-hour storm.

§ 157.23 NUTRIENT SENSITIVE WATERS PROGRAM.

In addition to the standards for stormwater handling set out in the *Stormwater BMP Design Manual*, development and redevelopment shall design and implement the best stormwater practices that reduce

nutrient loading, while still meeting the other requirements of this chapter.

(A) *Nutrient management and application program.* This section requires both inorganic fertilizer and organic nutrient application to be performed with the most current state-recognized technical guidance on proper nutrient management.

(B) *Applicability.* This program shall apply to the following persons within the corporate limits and extraterritorial jurisdiction of the town as follows:

(1) Persons who own or manage cropland areas for commercial purposes;

(2) Persons who own or manage commercial ornamental and floriculture areas and greenhouse production areas;

(3) Persons who own or manage golf courses, grassed public recreational lands, grassed road or utility rights-of-way, or other institutional lands totaling at least five acres in size;

(4) Persons hired to apply nutrients to the lands described in divisions (1) through (3) above or to residential, commercial, industrial or institutional properties, if the total area of the properties served exceeds 10 acres. This shall not apply to residential, commercial, or industrial landowners who

apply nutrients to their own property.

(5) Nutrient management consultants hired by persons listed in this section to provide nutrient management advice for lands in the town's jurisdiction.

(C) *Requirements.* Persons to whom this section applies shall meet the following requirements:

(1) Any person subject to this rule who applies nutrients to, or who is hired to provide nutrient management advice for, land within the town's jurisdiction shall either:

(a) Attend and complete nutrient management training pursuant to division (C) of this section; or

(b) Complete and properly implement a nutrient management plan for all lands to which they apply or manage the application of nutrients, or for which they provide nutrient management advice,

pursuant to division (D) of this section.

(2) Persons who hire an applicator to apply nutrients to the land that they own or manage shall either:

(a) Ensure that the applicator they hire has attended and completed nutrient management training pursuant to division (C) of this section; or

(b) Ensure that the applicator they hire has completed a nutrient management plan for the land that they own or manage pursuant to division (D) of this section; or

(c) Complete a nutrient management plan for the land that they own or manage pursuant to division (D) of this section and ensure that the applicator they hire follows this plan.

(D) Nutrient management training. Persons who choose to meet this requirement by completing nutrient management training shall meet the following requirements:

(1) Persons who are subject to this chapter as of its effective date, and persons who become subject to this chapter after its effective date, shall complete training provided by either the Cooperative

Extension Service or the North Carolina Department of Environment and Natural Resources - Division

of Water Quality within five years and obtain a certificate from the training entity to that effect. Training

shall be sufficient to provide participants with an understanding of the value and importance of proper

management of nitrogen and phosphorus, and the water quality impacts of poor nutrient management,

and the ability to understand and properly carry out a nutrient management plan.

(2) Persons who become subject to this chapter after its effective date shall complete the training provided by either the Cooperative Extension Service or the North Carolina Department of Environment and Natural Resources - Division of Water Quality and obtain a certificate to that effect

from the training entity within one year from the date that they become subject verifying completion of

training that addresses the elements identified in division (C)(1) above.

(3) Persons who fail to obtain the nutrient management certificate within the required timeframes or who are found by the Stormwater Administrator to have knowingly failed to follow nutrient management requirements as referenced in division (C)(2)(a) through (c) of this section shall

develop and properly implement nutrient management plans pursuant to division (E) of this section.

(4) Training certificates must be kept on-site, at the job site, or be produced within 24 hours of a request by the town.

(E) Nutrient management plans. Persons who choose to meet the nutrient application requirement by completing and implementing a nutrient management plan shall meet the following requirements:

(1) Persons who are subject to this chapter as of its effective date and persons who become

subject to this chapter after its effective date shall develop and implement a nutrient management plan

that meets the following standards within five years of the effective date or within 6 months from the date

that they become subject, whichever is later.

(a) Nutrient management plans for cropland shall meet the standards and specifications adopted by the NC Soil and Water Conservation Commission, including those found in 15A NCAC 06E

.0104 and 15A NCAC 06F .0104, which are incorporated herein by reference, including any subsequent

amendments and additions to such rules that are in place at the time that plans are approved by a technical specialist as required under division (D)(2) of this section.

(b) Nutrient management plans for turfgrass shall follow the North Carolina Cooperative Extension Service guidelines in "Water Quality and Professional Lawn Care" (NCCES publication number WQMM-155), "Water Quality and Home Lawn Care" (NCCES publication number WQMM-151), or other equivalent or more stringent guidance distributed by land-grant universities for

turfgrass management.

(c) Nutrient management plans for nursery crops and greenhouse production shall follow the Southern Nurserymen's Association guidelines promulgated in "Best Management Practices Guide

For Producing Container-Grown Plants" or guidelines distributed by land-grant universities. The materials related to nutrient management plans for turfgrass, nursery crops and greenhouse production

are hereby incorporated by reference including any subsequent amendments and editions and are available for inspection at the Department of Environment and Natural Resources Library, 512 North

Salisbury Street, Raleigh, North Carolina.

(2) The person who writes the nutrient management plan shall have the plan approved in writing by a technical specialist. Appropriate technical specialists shall be as follows:

(a) Nutrient management plans for cropland using either inorganic fertilizer or organic nutrients shall be approved by a technical specialist designated pursuant to the process and criteria specified in rules adopted by the Soil and Water Conservation Commission for nutrient management planning, including 15A NCAC 06F .0105, excepting sub-item (a)(2) of that rule.

(b) Nutrient management plans for turfgrass and nursery crops and greenhouse production shall be approved by a technical specialist designated by the Soil and Water Conservation Commission

pursuant to the process and criteria specified in 15A NCAC 06F .0105, excepting sub-item (a)(2) of that

rule. If the Soil and Water Conservation Commission does not designate such specialists, then the Environmental Management Commission shall do so using the same process and criteria.

(3) Nutrient management plans and supporting documents must be kept on-site or be produced within 24 hours of a request by the town.

§ 157.25 GENERAL STANDARDS FOR MAINTENANCE.

(A) *Function of BMPs as intended.* The owner of each structural BMP installed pursuant to this chapter shall maintain and operate it so as to preserve and continue its function in controlling stormwater

quality and quantity at the degree or amount of function for which the structural BMP was designed.

(B) *Annual maintenance inspection and report.* The person responsible for maintenance of any structural BMP installed pursuant to this chapter shall submit to the Stormwater Administrator an annual

inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, or landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report

shall contain all of the following:

- (1) The name and address of the land owner;
- (2) The recorded book and page number of the lot of each structural BMP;
- (3) A statement that an inspection was made of all structural BMPs;
- (4) The date the inspection was made;
- (5) A statement that all inspected structural BMPs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this chapter; and
- (6) The original signature and seal of the engineer, surveyor, or landscape architect.

(C) All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date

of as-built certification and each year thereafter on or before the date of the as-built certification.

§ 157.26 OPERATION AND MAINTENANCE AGREEMENT.

(A) *In general.*

(1) Prior to the conveyance or transfer of any lot or building site to be served by a structural BMP pursuant to this chapter, and prior to issuance of any permit for development or redevelopment requiring a structural BMP pursuant to this chapter, the applicant or owner of the site must execute an

operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural BMP. Until the transference of all property, sites,

or lots served by the structural BMP, the original owner or applicant shall have primary responsibility

for carrying out the provisions of the maintenance agreement.

(2) The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the structural BMP, and shall state the terms, conditions, and schedule of maintenance for the structural BMP. In addition, it shall grant to the town a right of entry

in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect,

monitor, maintain, repair, or reconstruct the structural BMP; however, in no case shall the right of

entry, of itself, confer an obligation on the town to assume responsibility for the structural BMP. (3) The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded

with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within 14 days following its recordation.

(B) *Special requirement for homeowners' and other associations.* For all structural BMPs required pursuant to this chapter and that are to be or are owned and maintained by a homeowners' association,

property owners' association, or similar entity, the required operation and maintenance agreement shall

include all of the following provisions:

(1) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

(2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the structural BMPs.

If structural BMPs are not performing adequately or as intended or are not properly maintained, the town, in its sole discretion, may remedy the situation, and in such instances the town shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the structural BMPs, provided that the town shall first consent to the expenditure.

(3) Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer shall

pay into the escrow account an amount equal to 15% of the initial construction cost of the structural BMPs. Two-thirds of the total amount of sinking fund budget shall be deposited into the escrow account

within the first five years and the full amount shall be deposited within ten years following initial construction of the structural BMPs. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account.

Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of

anticipated work used to create the sinking fund budget.

(4) The percent of developer contribution and lengths of time to fund the escrow account may be varied by the town depending on the design and materials of the stormwater control and management facility.

(5) Granting to the town a right of entry to inspect, monitor, maintain, repair, and reconstruct structural BMPs.

(6) Allowing the town to recover from the association and its members any and all costs the town expends to maintain or repair the structural BMPs or to correct any operational deficiencies. Failure to pay the town all of its expended costs, after 45 days written notice, shall constitute a breach of the agreement. In case of a deficiency, the town shall thereafter be entitled to bring an action against

the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

(7) A statement that this agreement shall not obligate the town to maintain or repair any structural BMPs, and the town shall not be liable to any person for the condition or operation of structural BMPs.

(8) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the town to enforce any of its ordinances as authorized by law.

(9) A provision indemnifying and holding harmless the town for any costs and injuries arising from or related to the structural BMP, unless the town has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

§ 157.27 INSPECTION PROGRAM.

(A) Inspections and inspection programs by the town may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based

upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing

maintenance and repair records; sampling discharges, surface water, groundwater, and material or water

in BMPs; and evaluating the condition of BMPs.

(B) If the owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. § 15-27.2 or its

successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

§ 157.26 OPERATION AND MAINTENANCE AGREEMENT.

(A) *In general.*

(1) Prior to the conveyance or transfer of any lot or building site to be served by a structural BMP pursuant to this chapter, and prior to issuance of any permit for development or redevelopment

requiring a structural BMP pursuant to this chapter, the applicant or owner of the site must execute an

operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions

of the site, and lots or parcels served by the structural BMP. Until the transference of all property, sites,

or lots served by the structural BMP, the original owner or applicant shall have primary responsibility

for carrying out the provisions of the maintenance agreement.

(2) The operation and maintenance agreement shall require the owner or owners to maintain,

repair and, if necessary, reconstruct the structural BMP, and shall state the terms, conditions, and schedule of maintenance for the structural BMP. In addition, it shall grant to the town a right of entry

in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect,

monitor, maintain, repair, or reconstruct the structural BMP; however, in no case shall the right of entry, of itself, confer an obligation on the town to assume responsibility for the structural BMP.

(3) The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded

with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within 14 days following its recordation.

(B) *Special requirement for homeowners' and other associations.* For all structural BMPs required pursuant to this chapter and that are to be or are owned and maintained by a homeowners' association,

property owners' association, or similar entity, the required operation and maintenance agreement shall

include all of the following provisions:

(1) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

(2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the structural BMPs.

If structural BMPs are not performing adequately or as intended or are not properly maintained, the town, in its sole discretion, may remedy the situation, and in such instances the town shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the structural BMPs, provided that the town shall first consent to the expenditure.

(3) Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer shall

pay into the escrow account an amount equal to 15% of the initial construction cost of the structural BMPs. Two-thirds of the total amount of sinking fund budget shall be deposited into the escrow account

within the first five years and the full amount shall be deposited within ten years following initial construction of the structural BMPs. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account.

Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of

anticipated work used to create the sinking fund budget.

(4) The percent of developer contribution and lengths of time to fund the escrow account may be varied by the town depending on the design and materials of the stormwater control and management facility.

(5) Granting to the town a right of entry to inspect, monitor, maintain, repair, and reconstruct

structural BMPs.

(6) Allowing the town to recover from the association and its members any and all costs the town expends to maintain or repair the structural BMPs or to correct any operational deficiencies. Failure to pay the town all of its expended costs, after 45 days written notice, shall constitute a breach of the agreement. In case of a deficiency, the town shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

(7) A statement that this agreement shall not obligate the town to maintain or repair any structural BMPs, and the town shall not be liable to any person for the condition or operation of structural BMPs.

(8) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the town to enforce any of its ordinances as authorized by law.

(9) A provision indemnifying and holding harmless the town for any costs and injuries arising from or related to the structural BMP, unless the town has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

§ 157.27 INSPECTION PROGRAM.

(A) Inspections and inspection programs by the town may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based

upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing

maintenance and repair records; sampling discharges, surface water, groundwater, and material or water

in BMPs; and evaluating the condition of BMPs.

(B) If the owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. § 15-27.2 or its

successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

§ 157.29 NOTICE TO OWNERS.

(A) *Deed recordation and indications on plat.* The applicable operations and maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded

with the county Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site,

then the operations and maintenance agreement shall be recorded with the county Register of Deeds so

as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

(B) *Signage.* Where appropriate in the determination of the Stormwater Administrator to assure compliance with this chapter, structural BMPs shall be posted with a conspicuous sign stating who is

responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

§ 157.30 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES.

The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

§ 157.31 NUISANCE.

The owner of each stormwater BMP, whether structural or non-structural BMP, shall maintain it so as not to create or result in a nuisance condition.

§ 157.32 MAINTENANCE EASEMENT.

Every structural BMP installed pursuant to this chapter shall be made accessible for adequate maintenance and repair by a maintenance easement. This access maintenance easement shall have a minimum width of 20 feet, a maximum slope of 15%, be connected to public right-of-way, be cleared, and be traversable by construction equipment. The easement shall be recorded and its terms shall specify who may make use of the easement and for what purposes.

Zoning Code

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(5) *Innovative development standards.* After the property has been reclassified to the CMX District by the Town Council, the Town Council, as part of the approval process for development of property located in the CMX District, may modify the following standards established in these regulations and Subdivision Chapter for the Town of Haw River in order to accommodate a development project proposed for the MX district:

- (a) Street right-of-way;
- (b) Street type and construction standards (including width) for public or private streets;
- (c) Sidewalks, curbs, and gutters;
- (d) Minimum lot size;
- (e) Public street frontage;
- (f) Setbacks and yards;
- (g) Off-street parking; and
- (h) Lot width.

(6) *Development standards of general applicability.* Except as otherwise provided in this part, all uses and structures permitted in the CMX District shall meet the applicable development standards set out in these regulations. Signs shall be permitted in the CMX District in accordance with the approved sign plan. In no instance may more signage be permitted than would be allowed in a Unified Business Development for any commercial signage. Signage in residential areas must meet the sign ordinance of the Town of Haw River for residential development.
(Ord. passed 11-2-15)

§ 155.070 TABLE OF PERMITTED USES.

Districts in which uses are permitted as a use by right are indicated by "X". A blank indicates districts in which uses are prohibited. Districts in which uses are permitted as a permitted special use, upon Town Council approval are indicated by "S". See §§ 155.080 through 155.086 for required conditions for special use permits. Additional uses may be added to this chapter by amendment.

[Table begins on next page]

	Single-Family Residence	Single-Family Residence	Single and Two-Family Residence	Multi-Family Residence	General Residence	Conditional Residential	Institutional & Community	Neighborhood Business	General Business	Central Business	Central Business II	Conditional Business	Conditional Mixed Use	Light Industry	Heavy Industry	Conditional Industry	Notes and/or Special Requirements
<i>Permitted Uses (Residential)</i>	R18	R12	R7	RM-F	RG	CR	I-C	B3	B2	BI	B-1.2	CB	CMX	II	I2	CI	
Accessory buildings and uses	x	x	x	x	x	C							C				(a)
Adult care homes	s		s	x	x	C	s	s	x			C	C	x	s		
Boarding houses, rooming houses				x	x	C	x	x					C				
Condominiums					x	C					x		C				(b)
Dwellings: single-family detached	x	x	x	x	x	C	x	x	x				C				
Dwellings: two-family (duplexes)			x	x	x	C	x	x	x				C				
Dwellings: multi-family				x	x	C					x		C				(c)
Dwellings located in the second or higher story of a commercial structure								x	x	x	x	C	C				(d)
Class A manufactured home (mobile home) One dwelling unit per lot	x	x	x	x	x		x	x	x								
Class B manufactured home (mobile home) One dwelling unit per lot	x			x													
Class C manufactured home (in manufactured home parks only)					x												
Class C manufactured home (mobile home) park					s												
Residential quarters for operators, caretakers, watchmen, etc., in or adjacent to buildings designed primarily for nonresidential use	x	x	x	C	C	x	x	C									
Group homes	s	s	s	s	s	C	s	s	s	s		C	C	s	s		

	Single-Family Residence	Single-Family Residence	Single and Two-Family Residence	Multi-Family Residence	General Residence	Conditional Residential	Institutional & Community	Neighborhood Business	General Business	Central Business	Central Business II	Conditional Businesses	Conditional Mixed Use	Light Industry	Heavy Industry	Conditional Industry	Notes and/or Special Requirements
Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Accessory buildings and uses							x	x	x	x	x	C	C	x	x	C	(a)
Adult establishment (inc. bookstores)															s		
Airports															s	C	
Manufacturing, alcohol															x	C	
Animal hospitals, veterinary clinics									x		x	C	C	x	x	C	
Shops, specialty (antiques, gifts, tile, florists, etc.) located in structures originally designed for residential uses							s	x	x	x	x	C	C	x			
Manufacturing, asphalt mixing plants															x	C	(f)
Manufacturing, assembling, compounding, or treatment of articles or merchandise from previously prepared materials														x	C	C	(g)(h)
Auditoriums, gymnasiums, stadiums and similar facilities where admissions are charged or organized athletic events are held				s	s	s	s	s	s	C	s	C	s	C			
Automobile parts & accessories sales								x	x	x		C	C	x		C	
Amusement establishments, indoor and public (billiard rooms, dance halls, bowling alleys, skating rinks, etc.)									x	x	x	C	C	x			

Haw River - Land Usage

	Single-Family Residence	Single-Family Residence	Single and Two-Family Residence	Multi-Family Residence	General Residence	Conditional Residential	Institutional & Community	Neighborhood Business	General Business	Central Business	Central Business II	Conditional Businesses	Conditional Mixed Use	Light Industry	Heavy Industry	Conditional Industry	Notes and/or Special Requirements
<i>Permitted Uses (Nonresidential)</i>	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Automobile assembly, painting, upholstery, rebuilding, reconditioning, body & fender works														x	x	C	
Automobile body and fender repair, conducted within a completely enclosed building									x	x		C	C	x	x	C	
Automobile repair shops, not including body or fender repair									x	x		C	C	x	x	C	
Automobile sales: new and used									x	x		C	C	x	x	C	
Baked goods production plant														x	x	C	
Bakeries selling retail products produced on premises								x	x	x	x	C	C	x	x	C	
Banks, savings and loans and similar financial institutions							x	x	x	x	x	C	C	x			
Barber shops, beauty parlors								x	x	x	x	C	C	x			
Bottling plant, dairy or dairy products processing plant									x					x	x	C	
Building supplies and lumber sales, not including storage sheds or storage yards									x	x		C	C	x	x	C	

	Single-Family Residence	Single-Family Residence	Single and Two-Family Residence	Multi-Family Residence	General Residence	Conditional Residential	Institutional & Community	Neighborhood Business	General Business	Central Business	Central Business II	Conditional Businesses	Conditional Mixed Use	Light Industry	Heavy Industry	Conditional Industry	Notes and/or Special Requirements
Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Building supplies or lumber sales, including storage sheds or storage yards														x	x	C	
Cabinet woodworking and upholstery shops									x					x	x	C	
Campgrounds, commercial, not including spaces for camping vehicles									x			C	C	x	x	C	
Camping, recreational vehicle parks									x			C	C	x	x	C	
Car wash (self-service and drive-through)								s	x	x		C	C	x	x	C	
Cemeteries or mausoleums					s				s			C	C	s	s	C	
Churches and convents	x	x	x	x	x	C	x	x	x	x	x	C	C	x	x	C	
Cleaning establishments: rags, bags and carpets														x	x	C	
Clubs, golf, swimming and tennis clubs (operated by nonprofit organizations)	s	s	s	s		C			s			C	C	s	s	C	
Clubs, night clubs and dance halls									x	x		C	C	x	x	C	
Cold storage plant														x	x	C	
Community centers, not including gymnasiums or stadiums	s	s	s	s	s	C	s	s	s	s	s	C	C	s	s	C	
Contractors' offices (not including storage sheds or storage yards)							x	x	x	x		C	C	x	x	C	
Convenience store								x	x	x	x	x	C				

Haw River - Land Usage

	Single-Family Residence	Single-Family Residence	Single and Two- Family Residence	Multi-Family Residence	General Residence	Conditional Residential	Institutional & Community	Neighborhood Business	General Business	Central Business	Central Business II	Conditional Businesses	Conditional Mixed Use	Light Industry	Heavy Industry	Conditional Industry	Notes and/or Special Requirements
Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Day care centers with an outdoor play area of at least 200 square feet per child or client			C	x	x	x	C	C	x	x	x	x	x				
Day care centers operated as home occupations, with an outdoor play area of at least 200 square feet per child or client				x	x	x	x	x	C	x	x	x	C	x			
Dry cleaning and pressing plants									x					x	x	C	
Dry cleaning pickup establishments								x	x	x	x	C	C	x	x	C	
Electronic plants								x	x	x		C	C	x	x	C	
Explosives storage, long-term or temporary														x	x	C	(j)
Fairs, circuses, carnivals, sideshows												C	C	s	s	C	
Family (Group) care home A	x	x	x	C	x	C	C										
Family (Group) care home	x	C			x	C	C										
Farms	x	x	x	x	x		x	x	x						x	x	
Farm machinery sales, service and repairs									x	x		C	C	x	x	C	
Feed & seed store									x			C		x		C	
Fire & police stations	C				x	C	x		x			C	C	x	x	C	

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<i>Permitted Uses (Nonresidential)</i>	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Flea market							s	s	s			s	s	s			
Florist shop								x	x	x	x	x	C				
Food and beverage storage and distribution									x	x		C	C	x	x	C	
Food processing in wholesale quantities excluding slaughtering														x	x	C	
Funeral homes and mortuaries							x	x	x	x		C	C	x			
Golf courses, except par three, miniature courses and lighted driving ranges	s	s	s			C							C	s	s	C	
Golf courses: miniature								x	x			C	C	x		C	
Golf courses: par three					x									x	x	C	
Golf driving ranges: lighted									x			C	C	x		C	
Government offices							x		x		x	C		x			
Greenhouses: commercial, including greenhouses on the same site as florists shops									x			C	C	x	x	C	
Grocery store								C	x	x	x	x	C				
Hatcheries														x	x	C	
Home occupations	x	x	x	x	x	C	x	x	x	x	x	C	C	x	x	C	
Hospitals, except animal hospitals and hospitals operated for the treatment of chronic alcoholics, the insane, infectious diseases or narcotic patients				s	s	C	s	s	x	C		C	s				

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<i>Permitted Uses (Nonresidential)</i>	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Hospitals, for the treatment of chronic alcoholics, the insane, infectious diseases or narcotic patients	s	s	s	s	s		s	s	s					s	s	C	
Hotels, motels									x	x		C	C	x	x	C	
Industrial equipment, sales, repair and servicing														x	x	C	
Industrial research and educational facilities									x	x		C	C	x	x	C	
Jail, prison							s		s					s	s	C	
Junk yards, scrap metal processors, automobile wreckers														s	s	C	
Kennels													x		x	x	(n)
Laboratories for research and testing, except testing of explosives or of any other device or product producing noise, dust, odor or smoke									x					x	x		
Landfills, sanitary and demolition	s				s									s	s	C	
Landscape, horticulture service									x	C		C	C	x	x	C	
Laundries: except self-service									x	x		C	C	x	x	C	
Laundries: self-service								x	x	x	x	C	C	x	x	C	
Libraries, art galleries, museums							x	x	x	x	x	C	C	x	x	C	
Locksmith, gunsmith									x	x	x	C	C	x	x	C	

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Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Lodges, civic, social and fraternal organizations, not including lodges or other buildings rented or used for parties at night						s	C	s	x	x		x	C	C	x	C	
Lodges or other buildings rented or used for parties at night	s								x	x		C	C	x		C	
Lumber yards, building materials storage & sales, inc. fenced open storage									x	C		C		x	x	C	
Machine shops														x	x	C	(q)
Manufactured & modular home sales									x	x		C	C	x	x	C	
Manufacturing, bags															x	C	
Manufacturing, brick, tile, terra cotta, etc.															x	C	
Manufacturing, cement, concrete, lime, plaster, etc.															x	C	
Manufacturing, furniture															x	C	
Manufacturing - General Business, Light & Heavy Industry: monuments, stonecutting & sales; optical and scientific instruments; signs (includes painting and maintenance)							x		x	x							
Manufacturing - heavy industry, not otherwise listed															x	C	(m)

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Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Manufacturing, ice (includes storage and sales)														x	x	C	
Manufacturing, insecticide and pesticide mixing plant														x	x	C	
Manufacturing, machine tools															x	C	
Manufacturing, mattresses, bedding and pillows														x	x	C	
Manufacturing, metal fabrication plant, including boiler and tank works									x					x	x	C	
Manufacturing, monuments, stonecutting, sales																	
Manufacturing, optical and scientific instruments														x	x	C	
Manufacturing, paint and enamel															x	C	
Manufacturing, paper, pulp, cardboard, etc.															x	C	
Manufacturing, pharmaceutical products														x	x	C	
Manufacturing, pottery and porcelain														x	x	C	
Manufacturing, rubber products															x	C	

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Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Manufacturing, signs (includes painting and maintenance)									x			C	C	x	x	C	
Manufacturing, soaps, detergents and washing compounds															x	C	
Manufacturing, tanning of leathers															x	C	
Manufacturing, textiles															x	C	
Manufacturing, tobacco products														x	x	C	
Meat processing and packing, not including any slaughter														x	x	C	
Nursing homes, convalescent homes, homes for the aged, orphanages	s		s	x	x	C	s	s	x			C	C	x	s		
Offices, government					x	x	x				x						
Offices, medical, dental and paramedical clinics							x	x	x	x	x	C	C	x	x	C	
Offices or agencies not engaged in retail sales to the general public, or the maintenance of a stock of goods, merchandise or supplies on the premises							x	x	x	x	x	C	C	x			
Parking lots; commercial									x	x	x	C	C	x	x	C	

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	Single-Family Residence	Single-Family Residence	Single and Two-Family Residence	Multi-Family Residence	General Residence	Conditional Residential	Institutional & Community	Neighborhood Business	General Business	Central Business	Central Business II	Conditional Businesses	Conditional Mixed Use	Light Industry	Heavy Industry	Conditional Industry	Notes and/or Special Requirements
<i>Permitted Uses (Nonresidential)</i>	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Parking lots: operated in conjunction with a permitted use located in another district						x	x	x	C	C		x	x	C			(s)
Parking lots: serving uses permitted in the district in which the lot is located	x	x	x	x	x	C	x	x	x	x	x	C	C	x	x	C	(r)
Parks and recreation facilities, public (not including auditoriums, gymnasiums, stadiums and similar facilities where admissions are charged or organized athletic events are held)		x	x	x	x	C	x	x	x	x	x	C	C	x	x	C	
Pawn shops								x	x	x		C	C	x	x	C	
Photographic studios, camera shops								x	x	x	x	C	C	x			
Plant nurseries: commercial				s	s				x					x	x	C	
Plumbing shops									x			C	C	x	x	C	
Plumbing, heating, air conditioning and electrical contractors									x			C	C	x	x	C	(t)
Post office								x	x	x	x	C	C	x			
Printing and binding establishments									x	x		C	C	x	x	C	
Produce markets, farmers' markets								x	x	x	x	C	C	x	x	C	(u)

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Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CMX	I-1	I-2	CI	
Public safety stations: ambulance, emergency services, fire, police	x				x	x	x										
Pulpwood yards, including loading facilities for temporary storage of wood for shipment														x	x	C	
Quarries: gravel, sand and clay pits															x	C	
Race tracks for automobiles, motorcycles or other motorized vehicles														s	s	C	
Radio and television stations: studios, offices and transmission towers								x	x	x		C	C	x	x	C	
Remnant shops								x	x	x		C	C	x	x	C	
Restaurants, drive-ins or drive-through									x	x		C	C	x			(i)
Restaurants, including all eating places, except drive-ins, night clubs and lodges									x	x	x	C	C	x	x	C	
Retail establishments: not otherwise listed herein						x	x	x	x	x	x	C	C	x			
Roadside stands: temporary sale of agricultural produce on the premises, by a resident	x	x	x	x		x	C	C				x	x				

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Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Roofing contractor's office, plant and yards									x			C	C	x	x		
Sawmill engaged in custom sawing of timber brought to the site and removed as finished lumber														x	x	C	(w)
Sawmill and lumber processing yard with retail and storage facilities														x	x	C	
Schools (academic): elementary, secondary, public or private	s			s	s	C	x	s	x			C	C	x	x	C	
Schools (nonacademic): commercial, vocational, public or private							x	s	x	x		C	C	x	x	C	
Schools: music, art, dancing								x	x	x	x	C	C	x			
Septic tank installation and servicing agencies														x	x	C	
Service stations with no gasoline or oil pump, appliance, or concession located within 15 feet of any property line unless within a building								x	x	x		C	C	x			
Shops for radio and television repair, shoe repair, tailoring, dressmaking, repair of small items								x	x	x	x	C	C	x	x	C	
Stables: commercial, including riding academies	s													s	s	C	

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Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Storage, petroleum products (up to 100,000 gallons)								x	x	x				x	x	C	
Storage, petroleum products (over 100,000 gallons)															x	C	
Storage, tobacco products														x	x	C	
Storage warehouses: for rubber, foam rubber, proxylin plastics oxidizing or radioactive materials, or any other readily combustible material not otherwise listed herein														x	x	C	
Storage warehouses (no outdoor storage): for materials not otherwise listed herein														x	x	C	
Storage yard														x	x	C	(x)
Swimming pool, community, nonprofit	x	x	x	x	x	C	x	x	x	x		C	C	x	x	C	
Swimming pool, private, as an accessory use	x	x	x	x	x	C	x				x		C				(y)
Taverns and bars									x	x	x	C	C	x			
Taxi stands								x	x	x		C	C	x			
Telephone exchanges with business offices							x	x	x	x		C	C	x	x	C	
Temporary buildings and materials storage in conjunction with construction on the same lot					x	C	x	x	x	x	x	C	C	x	x	C	

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Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Temporary mobile office units	x	x	x	x	x	C	x	x	x	x		C	C	x	x	C	(AE), (AF), (AG), (AH)
Theaters: drive-in									s			C	C	s	s	C	
Theaters: indoor									x	x	x	C	C	x			
Tire recapping and retreading (accessory use)									x	x				x	x	C	
Tire recapping and retreading (principal use)														x	x	C	
Transportation terminals: freight														x	x	C	
Transportation terminals: passenger									x	x		C	C	x			
Truck gardening and noncommercial nurseries, as an accessory use	x	x	x	x	x	C	x	x	x	x		C	C	x	x	C	
Truck sales									x	x		C	C	x	x	C	
Truck storage and repair														x	x	C	
Unified business development									s			C	C	s			(aa)
Utilities, public: distribution lines, transformer stations, transmission lines, telephone exchanges (without business offices, water tanks, fire towers)				s	s	C	s	s	s	s		C	C	s	s	C	
Utilities, public: warehouses, storage yards and repair areas														x	x	C	

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Permitted Uses (Nonresidential)	R18	R12	R7	RM-F	RG	CR	I-C	B-3	B-2	B-1	B-1.2	CB	CM X	I-1	I-2	CI	
Veterinarian's office (no outdoor kennels or pens)									x			C	C	x	x	C	
Waste collection, bailing or recycling: paper, glass, plastics, rags, etc.														x	x	C	
Welding shop														x	x	C	
Wholesale distributors, not otherwise listed herein									x			C	C	x	x	C	

(Ord. passed 11-2-15; Am. Ord. passed 7-10-17; Am. Ord. passed 6-18-18)

§ 155.071 NOTES TO TABLE OF PERMITTED USES.

(A) Permitted in accordance with provisions of §§ 155.190 through 155.192, accessory building and use requirements.

(B) Condominiums are defined as a grouping of individually owned units in multi-family structures in combination with common areas and facilities shared by all the owners. Condominiums are permitted in the same zoning districts as multi-family dwellings and are subject to the same regulations and requirements as multi-family developments, including area, yard, height and screening requirements (see §§ 155.120 through 155.124) and off-street parking and loading requirements (see §§ 155.135 through 155.143). In addition, condominiums shall conform to applicable requirements of the town ordinance to regulate the platting and recording of subdivision of land. Condominium ownership may be created by the owner or co-owners of a structure by an express declaration of intent to submit such property to the provisions of G.S. Chapter 47A, "Unit Ownership of North Carolina," in strict compliance with the Unit Ownership Act, and upon approval of the Haw River Town Council, and recordation of such approval in the office of the Alamance County Register of Deeds.

(C) Issuance of a zoning permit for all multi-family uses (including condominiums) is contingent upon the submission of a site plan and determination by the Zoning Enforcement Officer that the proposed use is in compliance with the following minimum requirements:

(1) Adequate off-street parking and loading areas are provided, in compliance with §§ 155.135 through 155.143.

(2) Area, yard, height and screening requirements are met as provided in §§ 155.120 through 155.124.

(3) Adequate landscaping and plantings are provided.

(4) Adequate space between buildings is provided to assure access for firefighting and emergency equipment and personnel.

(5) All signs are in compliance with §§ 155.155 through 155.166.

(D) Provided adequate light and air and bathroom arrangements are provided and maintained.

(E) May not be located within required front, side or rear yard setbacks.

(F) Provided such plants are equipped with both a primary and a fugitive dust collection system; and provided that such systems shall be designed to discharge dust particles into a secondary collector system equipped with either water sprinklers or a comparable dust retard device; and provided further that all tanks used for the storage of asphalt shall be equipped with automatic controls and temperature gauges intending to eliminate dangers from explosion due to overheating.

(G) Including bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (except planing mills), yarns and paint (provided no boiling process is employed).

(H) When a manufacturing or industrial use is indicated elsewhere in this table, that entry shall govern.

(I) An eight-foot high, opaque fence is required along the perimeter of the site where adjacent to residential zoning districts or residential uses.

(J) In accordance with the provisions of the National Fire Codes, Volume 11, Chapter 3, Storage of Explosives, and provided that all magazines are properly secured when not in use.

(K) Accessory uses and structures including open storage are permitted only in business and industrial districts where indicated, provided the storage yard is enclosed by a solid, opaque fence at least eight feet high or a natural vegetative buffer at least ten feet wide and 12 feet high, which screens from

view all stored materials. However, the storage of uncured hides, explosives or oil and gasoline products is prohibited within such general use storage yards.

(L) Gasoline and oil pumps, appliances and concessions must be located at least 20 feet from all property lines, unless they are located within a building. All service, storage and similar activities must be conducted on the property on which the service station is located. Repair, service and storage must be within the building, and there can be no outside storage on the premises within the B-1 and B-3 zoning districts.

(M) Provided the Board of Adjustment finds such industry is similar to other industries permitted in the I-2 Industrial District and that the operation of such industry will not violate any provision of this chapter.

(N) Provided all pens and runs are at least 50 feet from any property line.

(O) May not be located any closer than one-half mile to another family care home.

(P) Home occupations are permitted when conforming to the following requirements:

(1) A home occupation shall not increase the traffic, noise, electrical interference, glare, dust, smoke or odor which is normally found in its vicinity when its use is not in operation.

(2) Home occupations shall be conducted entirely inside the building with no outside storage and shall be clearly incidental and secondary to the permitted use of the building.

(3) The floor area used for home occupations shall not exceed 25% of the total floor area of a dwelling unit except where lodging is provided for a resident guest; and one home occupation shall not operate in more than one dwelling unit or residential lot.

(4) No exterior evidence of the presence of a home occupation shall be permitted nor shall the presence of the incidental use change the exterior character of the dwelling unit.

(5) There shall be no sales rooms or display windows, nor shall any material or supplies be stored in the open.

(6) No sign announcing the presence of a home occupation shall be permitted other than an occupancy sign which complies with §§ 155.155 through 155.166.

(7) Not more than one employee who is not a member of the immediate family residing in the same dwelling unit may be employed in the operation of a home occupation.

(Q) No punch presses (over 20 tons rated capacity), drop hammers or automatic screw machines shall be permitted in the I-1 Zoning District.

(R) In any residential district(s), a special use permit shall be required whenever it is proposed that the total parking area for any nonresidential establishment exceed one-half acre in size.

(S) Satellite dishes, television and short wave antennas in residential districts shall be subject to the following restrictions:

(1) No short-wave, television antenna or satellite dishes shall be constructed, built or maintained within the right-of-way of any street, highway or sidewalk in any residential district.

(2) No short-wave, television antenna or satellite dishes exceeding a height of four feet shall be constructed, built or maintained in any residential district within four feet of the edge of the pavement or shoulder of any street, highway or sidewalk.

(T) Provided there is no outdoor storage of wares or equipment other than vehicles.

(U) Produce markets or stands, see "roadside stands."

(V) Provided no part of such stand is located within any street right-of-way line.

(W) No lumber shall be stored longer than 14 days; provisions shall be made for removal of sawdust before accumulations become excessive.

(X) Opaque screen required when located adjacent to any residential zoning districts.

(Y) Manufactured homes used as temporary dwelling are permitted as special uses for up to 12 months upon issuance of a permit from the Zoning Enforcement Officer. The permit may be extended for up to 12 additional months (see §§ 155.080 through 155.086, special uses).

(Z) Such temporary uses are to be terminated at the completion of construction.

(AA) Telecommunication tower heights cannot be any longer than the distance from the nearest residential, commercial or any other structure not related to the tower's operation plus 50 ft.

(AB) In R-18 and R-12 districts, the telecommunications tower must be designed to be inconspicuous or in a manner that does not draw attention.

(AC) In I-1 districts adjacent to lots zoned or used for residential purposes, the setback requirements for self-storage units (including mini-warehouses) shall not be increased and shall remain the standard minimums as found in §§ 155.120 through 155.124 (area, yard, height and screening requirements).

(AD) "Flea markets" are permitted as a special use, as specified in the table, provided the following conditions are met:

(1) A minimum lot area of one acre is required;

(2) Flea market uses will not be allowed as an accessory use;

(3) Adequate and safe permanent public restrooms and/or toilet facilities are required. No portable restroom facilities will be allowed;

(4) If all or a portion of the flea market use will take place outdoors, the following regulations apply:

(a) Sales or display areas shall not encroach upon any required setback, block sidewalks or parking areas, or impede vehicular or pedestrian traffic;

(b) All tables, stands, and/or other display equipment and all vehicles shall be removed from the parcel any time that the flea market is not open to the public;

(c) All sales items shall be stored indoors when the flea market is not open for business or removed from the site at the close of business each day; and

(d) All screening and fencing requirements for the zone within which the proposed flea market will be set shall apply.

Additional Required Information for Application:

- If all or a portion of the flea market use will take place outdoors, in addition to the general requirements, the site plan must also include the location, dimensions, and number of individual booths or sales areas;

- A lighting plan; and

- Proposed hours and days of operation.

(AE) Temporary mobile office units are permissible on industrial sites while under construction only.

(AF) Temporary mobile office units are permissible on residential major subdivision sites only while under construction (planned subdivision in excess of ten houses constitutes a major subdivision).

(AG) Temporary mobile office units are permissible on business sites while under construction only.

(AH) Temporary mobile office units are never permissible in any zoning if they are being used in a permanent fashion and not just as a temporary space during the completion of permanent construction. (Ord. passed 11-2-15) Penalty, see § 155.999

(B) Where the Town Council determines that the off-street parking requirements of this chapter would impose undue hardship upon development of a lot in the B-1 Central Business District, it may reduce or waive off-street parking requirements for that lot.

(C) All off-street parking requirements in the B-1.2 Central Business District II are waived.
(Ord. passed 11-2-15; Am. Ord. passed 6-18-18) Penalty, see § 155.999

§ 155.136 CERTIFICATE OF MINIMUM PARKING AND LOADING REQUIREMENTS.

Each application for a zoning permit submitted to the Zoning Enforcement Officer as provided for in this chapter shall include information as to the location and dimensions of off-street parking spaces and loading berths and the means of ingress and egress to such spaces and berths. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this chapter are met.

(Ord. passed 11-2-15)

§ 155.137 EXCEPTIONS.

(A) *Remote parking spaces.* Except for dwelling units, if the off-street parking space required by this chapter cannot reasonably be provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use and provided such land is in a zoning district in which such parking is permitted.

(B) *Combination of parking spaces.* The required parking space for a number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another for use during the same hours.

(Ord. passed 11-2-15)

§ 155.138 MINIMUM REQUIREMENTS.

The number of off-street parking spaces specified in the following tables shall be considered the minimum required. However, these minimum requirements may be exceeded if deemed necessary. Requirements based on the number of employees shall apply to the highest number of employees present during any regular work period or shift.

<i>Residential and Related Uses</i>	<i>Minimum Number of Required Off-Street Parking Spaces</i>
Boarding house, rooming house	1 space for each 2 rental units
Dwelling, one-family detached	2 spaces
Dwelling, two-family	2 spaces per dwelling unit
Dwellings, multi-family	1 ½ spaces for each one or two bedroom unit, plus 2 spaces for each three or more bedroom unit (see § 155.139).
Mobile homes on individual lots	2 spaces per mobile home

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<i>Residential and Related Uses</i>	<i>Minimum Number of Required Off-Street Parking Spaces</i>
Mobile home parks	2 parking spaces per mobile home if provided on each mobile home plot, or 1 ½ spaces per mobile home plot if provided in off-street parking lots. No parking space shall be more than 100 feet distant from the dwelling unit it serves or on the opposite side of the street from the dwelling unit it serves.
Group homes	1 space per employee
Home occupations, except doctors' and dentists' offices	1 space in addition to residential requirements
<i>Nonresidential Uses</i>	<i>Minimum Number of Required Off-Street Parking Spaces</i>
Amusements, commercial	1 space for each 4 persons in designed capacity
Animal hospital, veterinarian	4 spaces for each doctor
Auditoriums, gymnasiums, stadiums, and the like	1 space for each 4 fixed seats, or 1 space for each 40 square feet of floor space where movable seats are used
Automobile accessories sales	1 space for each 200 square feet gross floor area
Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender repairing	1 space for each 200 square feet gross floor area
Automobile laundry	15 spaces
Automobile laundry, self-service	2 waiting spaces for each bay, in addition to the bay space
Automobile sales	1 space for each 600 square feet gross floor area
Banks, savings and loans and similar financial institutions	1 space for each 200 square feet gross floor area used by the public, plus 1 space for each 600 square feet other gross floor area, plus waiting space for at least 4 cars, at each drive-in banking device
Building supply sales	1 space for each 600 square feet gross floor area

<i>Nonresidential Uses</i>	<i>Minimum Number of Required Off-Street Parking Spaces</i>
Building material storage, contractor's yards	2 spaces for each 3 employees
Churches	1 space for each 7 seats
Cleaners of carpets, rugs and the like	1 space for each 200 square feet gross floor area used by the public
Community centers, libraries, art galleries, museums	1 space for each 200 square feet gross floor area used by the public
Day-care centers and preschools	1 space for each employee
Drive-through establishments, dry cleaners, fast-food, beverages and the like	1 space for each 200 square feet gross floor area used by the public, plus waiting space for at least 4 cars at any drive-through window
Dry cleaning and pressing plants	2 spaces for each 3 employees
Fairs, circuses, carnivals, sideshows	1 space for each 600 square feet gross area
Food and beverage storage and distribution, food processing	2 spaces for each 3 employees
Funeral homes	1 space for each 4 seats in chapel (or parlor, if no chapel)
Golf, swimming and tennis clubs; indoor commercial recreation	1 space for each 4 persons in designed capacity
Greenhouses, commercial and plant nurseries	3 spaces, plus 1 space for each employee
Government buildings: town hall, police, fire & emergency services, post office and the like	1 space for each 200 square feet gross floor area used by the public, plus 1 space for each 600 square feet other gross floor area
Hospitals	1 space for each 2 beds, plus 1 space for each doctor and each nurse, plus 1 space for each 4 other employees
Hotels, motels	1 space for each rental unit, plus 1 space for each 2 employees
Laboratories, research facilities	1 space for each 200 square feet gross floor area

<i>Nonresidential Uses</i>	<i>Minimum Number of Required Off-Street Parking Spaces</i>
Lodges, clubs	1 space for each 4 persons in designed capacity
Medical, dental and paramedical offices and clinics	4 spaces for each doctor, plus 1 space for each other employees
Nursing homes, convalescent homes, homes for the aged	1 space for each 4 beds, plus 1 space for each doctor and each nurse, plus 1 space for each 4 other employees
Office and professional buildings	1 space for each 200 square feet gross floor area used by the public, plus 1 space for each 600 square feet other gross floor area
Philanthropic institutions	1 space for each 200 square feet gross floor area
Photographers studio	1 space for each 300 square feet gross floor area
Radio, television studio	1 space for each employee
Restaurants, cafes, night clubs and eating and drinking establishments	2 spaces for each 5 seating accommodations, plus 1 space for each 2 employees
Retail establishments, high volume, such as grocery stores, drug stores, and department stores	1 space for each 200 square feet gross floor area
Retail stores, low volume, such as furniture stores, machinery sales, mobile home sales and carpet stores	1 space for each 600 square feet gross floor area
Schools, elementary and junior-high	1 space for each employee
Schools, high schools	1 space for each employee, plus 3 spaces for each classroom
Schools, commercial, vocational, music, art, dancing	1 space for each employee, plus 1 space for each 4 persons in design capacity
Service establishments dealing infrequently with the public, such as repair or secretarial services	1 space for each 600 square feet gross floor area
Service establishments dealing frequently with the public, such as barber shops or beauty shops	1 space for each 200 square feet gross floor area

<i>Nonresidential Uses</i>	<i>Minimum Number of Required Off-Street Parking Spaces</i>
Service stations, no repair area	1 space per employee, plus off-street waiting space for at least 2 cars in each line
Stables, commercial	1 space for each 2 stalls
Theaters, indoor	1 space for each 4 seats
Tourist homes, bed and breakfasts	1 space for each room rented plus 1 space for each employee, plus 2 spaces for permanent occupants
Transportation terminals, freight	2 spaces for each 3 employees
Transportation terminals, passenger	1 space for each 200 square feet gross floor area
Warehouses	2 spaces for each 3 employees
Wholesale establishments, industrial and manufacturing uses	1 space for each 900 square feet gross floor area, or 1 space for each 2 employees, plus 1 space for each vehicle used to conduct such a use (whichever is greater)

(Ord. passed 11-2-15) Penalty, see § 155.999

§ 155.139 MULTI-FAMILY REQUIREMENTS.

The minimum number of off-street parking spaces required within multi-family developments shall be as follows:

(A) In all residential developments sponsored or developed by a public or nonprofit agency for restricted-income families or elderly persons: one parking space for each dwelling unit.

(B) In all other multi-family developments, the minimum number of off-street parking spaces shall be 1 ½ times the number of one- and two-bedroom units, plus 2 times the number of three-or-more bedroom dwelling units.

(C) No required parking space shall be more than 200 feet distant from the dwelling unit it serves.

(D) Adequate vehicular access shall be provided for garbage and trash pickup, parcel deliveries and maintenance and service vehicles.

(E) No parking or loading areas or vehicle maneuvering areas shall be located in a required front yard or in a required side yard adjacent to a street.