

To: The Joint Legislative Administrative Procedure Oversight Committee and  
The Joint Legislative Oversight Committee on Justice and Public Safety  
VIA EMAIL TO CO-CHAIRS:

The Hon [Rep. Jonathan C. Jordan](#)

The Hon [Sen. Andy Wells](#)

The Hon [Rep. Sarah Stevens](#)

The Hon Rep. James L. Boles, Jr.

The Hon Rep. Ted Davis, Jr.

The Hon Sen. Shirley B. Randleman

CC: Susan Sitze, Esq., [susan.sitze@ncleg.net](mailto:susan.sitze@ncleg.net)

From: Town of Holly Springs

RE: Ordinance report requirement for criminalized local ordinances

To Whom It May Concern,

The information below details a breakdown of the criminalized ordinances in the Town of Holly Springs. The left column specifies the applicable ordinance and in some case identifies the exact part of the ordinance which is criminalized. The center column provides a brief description of the applicable ordinance and in some cases provides reference to the larger article if applicable. The right column details the penalty imposed for violating the corresponding ordinance.

Town Ordinance	Description	Penalty
Sec. 1-6 – General penalty; enforcement of ordinances, continuing violations (specifically (c))	Sec. (c) states that any person who fraudulently fails to pay any civil penalty imposed herein is guilty of a misdemeanor.	Guilty of misdemeanor and punishable by a \$500 fine or 30 day imprisonment or both as provided in G.S. 14-4 (class 3 misdemeanor and shall not be fined more than \$500).
Sec. 4-130. – Penalty (specifically (1))	Chapter 4 (Businesses) Article V deals with Peddling and Soliciting and the Application process and requirements for a permit and associated fees as well as the prohibited acts. Prohibited acts are: not having permission to enter private owned premises for soliciting; failing to display photo ID or a certified copy of permit upon demand by a police officer while soliciting; or conducting business between 6pm and 9am Monday through Saturday or any time on Sunday.	Anyone violating this article shall be guilty of a class 3 Misdemeanor and fined not more than \$100 or imprisoned for not more than 20 days.
Sec. 6-141. – Violations; penalty	Article IV of Chapter 6 (Code Enforcement) deals with Minimum Housing Standards and the various standards regarding: fitness for dwelling, structural condition, facilities, ventilation,	Violations of the provision of this article shall constitute a misdemeanor punishable in accordance with section 1-6 (class 3 misdemeanor, \$500 fine

	etc. and also deals with the responsibilities of owners and inspectors and what powers the inspectors and enforcement procedures. Any owner that fails to follow the order of the inspector regarding this Article and/or occupies or allows occupancy after having an order placed upon them violates Sec. 6-141.	and/or 30 day imprisonment). Each day of failure, neglect, or refusal to comply with an order shall constitute a separate and distinct offense.
Sec. 6-232. – Owner’s duty to maintain property.	This section specifies that if any owner fails to maintain a lot or parcel of land such that conditions in sec 6-231 exist on the property then they are in violation of this section. Section 6-231(Uncontrolled growth of weeds and... refuse declared public nuisance) enumerates conditions to be dangerous and prejudicial to public health and safety and constitute a public nuisance are: (1) uncontrolled growth of noxious weeds or grass which cause or threaten to cause a hazard; (2) offensive animal or vegetable matter based on odor or by the inhabitation of snakes and other vermin; (3) accumulation of trash or rubbish to cause or threaten to cause a fire hazard or stagnant water which could invite snakes or vermin; (4) conditions adverse to public health against the regulations of the county health department; (5) vegetation that impedes the sight triangle of an intersection or view of traffic.	Violators shall be guilty of a Class 1 misdemeanor or a civil penalty at the discretion of the code enforcement officer.
Sec. 8-48. – Penalties (specifically (3))	Any person violating this article (Soil Erosion and Sedimentation Control, Stream and Wetland Protection, Land Disturbance) will cause the director of engineering to weigh the factors outlined in sec. 8-48(1) to determine the appropriate penalty. This article mainly details the standards for land disturbing activities including design and performance standards and the landowner’s responsibility for maintenance of the site. Factors to determine the penalty for violating the article include but are not limited to: severity, degree and extent of harm caused, type, cause, was the violation committed willfully, etc.	If the violation was knowing and willful, the violator shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed \$5,000.00 as provided in G.S. § 113A-64
Sec. 8-93. – Penalties for violation	Any person who fails to comply with the various standards and requirement of Chapter 8 (Environment) Article III	Violation or failure to comply with this article and its requirements shall constitute a

	dealing with Flood Damage Prevention shall incur a penalty under Sec. 8-93. This Article refers to having a floodplain development permit and abiding by State and FEMA standards around special flood hazard areas.	misdemeanor and upon conviction will be fined not more than \$50.00 or imprisoned for not more than 30 days. Each day the violation continues shall be considered a separate offense.
Sec. 8-123. – Duties and responsibilities of the floodplain administrator. (Specifically (17))	Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article (Flood Damage Prevention), the floodplain administrator may order the work to be immediately stopped.	Violation of a stop-work order constitutes a misdemeanor.

Sec. 8-124. – Corrective procedures (specifically (5))	Under this section, if an owner fails to comply with an order to take corrective action on their building or development which is deemed in violation of the flood damage prevention ordinance or fails to comply with an order of the appeal board following an appeal, then they are guilty of a misdemeanor.	Owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.
Sec. 8-302. – Remedies and penalties (Specifically (3))	Under this Phase II Post-Construction Stormwater Ordinance (Chapter 8 Article V), if the person does not abide by the rules and regulations therein, then under this section they will have to remedy their violation and may incur a civil or criminal penalty. This article mainly details the procedures, standards, and maintenance requirements to control the adverse effects of post-development stormwater runoff.	Violations of this article may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina Law.
Sec. 8-356. – Criminal Prosecution	Under this NPDES Phase II Stormwater Illicit Discharge Detection and Elimination Ordinance (Chapter 8 Article VI), if a person does not abide by the rules and regulations therein, then under this section they shall be liable for criminal prosecution. This article establishes methods for controlling the introduction of pollutants into the municipal storm sewer system in order to comply with requirements of the NPDES permit process.	Any person that has violated or continues to violate this article shall be liable for criminal prosecution as a Class 1 Misdemeanor pursuant to N.C.G.S. § 160A- 175 and 14-3 to the maximum extent.
Sec. 12-65. – Cruelty to animals (specifically (f))	Under this section, it is unlawful for any person to molest, torture, torment, deprive of sustenance, beat, needlessly mutilate or kill, wound, injure, poison, etc. any animal. This section lists prohibited acts which largely revolve around failing to	Unless otherwise stated, a violation of this section shall be punishable as a Class 1 misdemeanor with a maximum of \$50.00 per day, with each day

	provide adequate food, water, and shelter to the animal.	constituting a separate and distinct offense.
Sec. 12-80. – Horses, cattle, swine, chickens, and other animals and fowl (Specifically (1))	Under this section, a person who harbors domestic fowl without or permit or who does not follow the listed provisions is in violation of this section. Listed provision include: one coop and pen per lot; kept in the rear of the property; non-commercial purpose; enclosed and kept sanitary; and not kept for fighting purposes.	Violations of this section shall constitute a class 1 misdemeanor or shall subject the landowner to a civil penalty of \$50.00 per day, each day of noncompliance, at the discretion of the citing officer.
Sec. 12-81. – Imposition of penalties for violations of this article (Specifically (f))	Under this article for Animals (Chapter 12 Article 3) any person who allows such things as: allowing animals to run loose, allowing animals to create nuisance, keeping a wild or exotic animal, failing to confine or restrain a dangerous animal, disposing of feces and keeping sanitary conditions, inoculating and tagging animals, and proper adoption or redemption requirements.	Violation of any provision of this article shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 (class 3 misdemeanor and not fined more than \$500)
Sec. 12-343. – Discharging guns, firearms, firecrackers, regulated. (specifically (5))	No person shall fire or otherwise discharge any type of gun, firearm, etc. unless it is part of an approved recreational or instructional program, being used in a lawful defensive purpose, or permitted under applicable state statute.	Violation of this section shall be punished by a Class 1 misdemeanor or a civil penalty of \$100.00 pursuant to G.S. 160A- 175, at the discretion of the charging officer. Considerations involved are: extent to which violation creates unsafe situation; responsiveness of offender to comply with ordinance requirements; amount and nature of previous violations of this section.
Sec. 12-513. – Parks and recreation facilities; unauthorized parking.	It is unlawful for any vehicle to park on any roadway or in any designated parking space within a town park or recreation facility except for the specific use of the park or facility.	Violations of this section shall be a misdemeanor and vehicles in violation will be issued a citation and/or may be towed.
Sec. 12-516. – Operation of unlicensed motorized vehicles prohibited.	It is unlawful to operate a motorized vehicle in town streets unless said vehicle is a properly licensed motor vehicle. Except for golf crossings it prohibits: go-carts, scooters, and golf-carts.	Violation of this section shall be in the form of a civil penalty or a misdemeanor and vehicles will be issues a citation and/or may be towed.
Sec. 14-66 Penalties Specifically (a)	Under this article for Construction and Demolition Debris Landfill Franchises in Chapter 14 (Public Works) a person must apply to the Town to be granted a landfill franchise, must comply with other State and US laws, comply with the applicable	Any person in violation of this article shall be guilty of a misdemeanor punishable in accordance with section 1.6

	term of years, or comply with the Town if a termination or suspension is sought.	
Sec. 14-124. - Encroachments	If in the opinion of the manager a building, sidewalk, wall or fence has been or is being constructed on a street or public alley, then the manager shall cause a survey of the line of such street or alley to be made by a competent surveyor. If the survey shows the street or alley is obstructed, and if the person refused or neglects to remove the obstruction then they violate this section.	Every person who is found to have encroached in any street or public way by their building, sidewalk, wall, or fence and refuses or neglects to remove the obstruction upon notice from the manager within one week from the date thereof, shall upon conviction, be guilty of a misdemeanor and punished in accordance with section 1-6.
Sec. 14-125. – Assembly on sidewalk.	All persons are forbidden from assembling, collecting, or standing so as to obstruct the flow of traffic and pedestrians on any sidewalk or street, and all persons so collecting and standing shall disperse and move upon demand of any police officer.	Any person violating this section shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-6.
Sec. 14-222. – Violation.	Under division 5 entitled Excavations, a person is required to do the following: (1) not dig any hole, ditch, or trench in order to lay pipes of wires without a permit by the building inspector; (2) repair any street, sidewalk, or other public place they tear or dig up; (3) not leave an excavation area unprotected; (4) not construct a sidewalk with unapproved material; (5) not run or cause to be dragged any harrow or other implement upon any permanently paved or dirt street; (6) not move a house on or across public streets without written consent or town council and to deposit a bond sufficient to cover possible damages; and (7) not drive through a street barricade.	All persons found guilty of this division shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with section 1-6.
Se. 16-54. – Enforcement and penalties (specifically (e))	Under Article II (Water Service) of Chapter 16 (Public Enterprises) a person who violates the ordinances therein would incur a penalty. The most relevant section to incur a possible misdemeanor penalty under this article is sec. 16-53 which: prohibits the tampering with water or sewer systems, requires permission and supervision for excavation by a water or sewer system, and not operating a water valve without prior approval.	In addition or in lieu of subsection (a) and (d) (civil penalty of \$1000 and equitable remedies) of this section, violations of this article may be prosecuted as a misdemeanor in accordance with G.S. 160A-175(unless Council provides otherwise, refers to G.S. 14-4) and G.S. 14-4 (class 3 misdemeanor and not more than \$500 fine).

Sec. 16-102 Penalty	Under division 3 (Extensions) of Article II (Water Service) a person must: apply for an extension of water service and be approved, follow the applicable requirements of minimum distance and size of water mains, finance the extension, and construct and install the extension according to the approved specifications and requirements of the town.	The violation of any provision of this division shall constitute a misdemeanor punishable upon conviction in accordance with section 1-6.
Sec. 16. 16-206. – Enforcement and penalties. (Specifically part (e))	Under division 2 of Article III (Sewer Service) a person with real property in town limits must: connect to the town sewer lines; not occupy or allow occupancy of property if premises is not connected to sewer or make false statements about such; or tamper with the sewer system; and not connect or excavate without a town employee to supervise.	Violations of this division may be prosecuted as a misdemeanor in accordance with provisions of G.S. 160A- 175 and G.S. 14-4.

Sec. 16-311. – Enforcement procedure. (Specifically (b),(c), and (d))	Under Article IV (Reclaimed Water Regulation) if a person violates the provisions of this article then they incur a penalty under 16-311. Violations of this article mainly involve the: usage of reclaimed water regarding the requirement of a permit; prohibited uses for reclaimed water; shortages and conservation restrictions; maintenance by customer; and the prohibition against cross connection of reclaimed water. Permit under sec. 16-230 requires: Prohibited uses of reclaimed water under sec. 16-323 are: human consumption; irrigation of direct food chain crops; swimming pools, hot tubs, etc.; direct reclaimed as raw potable water supply and; any uses prohibited under the state code for reclaimed water.	(b)Criminal penalty if not involving imminent danger of death or serious bodily injury: (1) If violation is committed negligently, crime is a class 2 misdemeanor and may include a fine not to exceed \$15K per day per violation. (2) If violation is committed knowingly and willfully, crime is class I felony and may include fines not to exceed \$100K per day. (c) Criminal penalty if involving imminent danger of death or serious bodily injury: (1) any person who knowingly violates the: Town standards and limitations; terms, conditions, or requirements of a permit issued pursuant to this part; or who knowingly fails to apply for or secure a required permit and thereby places another in imminent danger or serious bodily injury shall be guilty of a class C felony, a fine not to exceed \$250K per violation per day. (d) Any person who knowingly makes any false statement or representation on any record or
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		document filed or required to be maintained under this section; knowingly make a false statement of material fact in appeal under this section; or falsifies or tampers with any recording or monitoring device required to be operated or maintained under this section shall be guilty of a class 2 misdemeanor and may include a fine not to exceed \$10K.
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Sincerely,

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