

TOWN OF LA GRANGE
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November 29, 2018
Delivered via First Class Mail

North Carolina General Assembly
Joint Legislative Oversight Committee on Justice and Public Safety
Legislative Building
16 West Jones Street
Raleigh, NC 27601

Re: Response of the Town of La Grange Pursuant to S.L. 2018-69

To Whom It May Concern:

Pursuant to Session Law 2018-69, the Town of La Grange submits the following information concerning ordinances adopted by the Town of La Grange into our Code of Ordinances and Zoning Ordinance which create criminal offenses under Section 14-4(a) of the North Carolina General Statutes.

From an overview standpoint, any violation of the Town's ordinances constitutes a criminal act. Section 1-6 of the La Grange Code of Ordinances states: "violation of any provision of this Code or any ordinance shall be a misdemeanor as provided in G.S. 14-4, punishable upon conviction by a fine not exceeding \$500 or by imprisonment not exceeding 30 days or by both such fine and punishment."

Likewise, Section 7-5 of the La Grange Zoning Ordinance states, "violations of the provisions of this ordinance or failure to comply with any of these requirements, including violations of any conditions and safeguards established in connection with grants of variances or conditional-use permits, shall constitute a misdemeanor, punishable by a fine or up to \$500, or a maximum 30 days' imprisonment, or both."

What follows, therefore, is a brief summary of some of the types of regulations contained within the Town's Code of Ordinances and Zoning Ordinance, the violation of which would constitute a criminal act.

La Grange Code of Ordinances:

- Chapter 4 contains regulations/requirements related to animals. Contained within are prohibitions on split-hooved animals, keeping adult dogs in excess of three (3), allowing animals to roam at large, keeping of vicious animals, keeping (housing) chickens in excess of ten (10) and/or not providing adequate housing, etc.
- Chapter 6 contains regulations/requirements related to buildings and them being maintained in a safe condition. The regulations mirror those as found in the NC Building Codes. Work being done without permits, stop work orders removed without authority, unsafe conditions not corrected, etc.

- Chapter 8 contains regulations/requirements related to conducting/operating a business within La Grange. Misdemeanor offenses exist if false information is submitted on any application as well as business operations without all the applicable permits/licenses;
- Chapter 14 contains regulations/requirements related to emergency management, particularly during the times of emergency. This chapter covers procedures during the time of emergencies, curfew proclamations, ignoring proclamations during states of emergency, etc.
- Chapter 16 contains regulations/requirements related to emergency services. This chapter prohibits interference with emergency service personnel, duties of emergency service personnel, vehicles and interference with said vehicles during emergencies, etc.
- Chapter 18 contains regulations/requirements related to environmental issues. Within this chapter are regulations of lawn care, property maintenance, etc. along with vehicle storage, noise, open burning, and other environmental areas that could be impacted based on care of property. While there are allowances related to abatement of some of these violations, Section 18-33 states that "this division shall not prevent the Town from proceeding in a criminal action against any person violating the provisions of this chapter." In this, violations could result in criminal charges and fines;
- Chapter 20 contains regulations/requirements related to fire prevention and protection and primarily deals with the adequate and safe storage of materials/chemicals that are flammable, volatile, and dangerous. It also contains regulations directed to safe buildings and structures. Anyone willfully violating portions of this ordinance and/or not correcting issues as directed could result in misdemeanor charges being issued;
- Section 32-61 contains regulations/requirements related to assembling on streets and sidewalks and that failure to disperse as directed would result in misdemeanor charges being issued;
- Section 36-40 contains regulations/requirements related to tampering with any meter installed and/or regulated by La Grange (water, electric, etc.) In addition to fines being assessed, criminal charges will also be sought for anyone in violation of this ordinance;
- Chapter 39 contains regulations/requirements related to the operation of golf carts. It is required that golf carts be inspected and licensed prior to their operation and the chapter outlines that their operation is to be done in a safe manner.

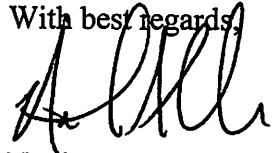
La Grange Zoning Ordinance:

- Article 4 contains regulations/requirements related to permits. Application procedures are found within this section and it is required that any development activity or use of land have the applicable permits secured prior to said activities starting;
- Article 8 contains regulations/requirements related to nonconforming uses and buildings. Any nonconformity that existed prior to the adoption of the ordinance, is permitted to remain. No expansion of said nonconformity, either use or structure, may be expanded;
- Article 11 contains regulations/requirements related to permissible uses by zoning districts. It is a violation for a use to exist within a zoning district where it is prohibited. This would include accessory uses as well;

- Article 13 contains regulations/requirements related to development standards for specific uses. Within this article are specifications pertaining to locations of accessory buildings, communication towers, tattoo parlors, adult oriented businesses, manufactured homes, multi-family dwellings, planned unit developments, recreation and utility facilities, solar energy facilities, etc.;
- Article 14 contains regulations/requirements related to signage. It contains specific regulations pertaining to size, location, and types of signs permitted within each zoning district. It ensures that sign construction is in compliance with NC Building Code along with regular maintenance to ensure safety for the general public;
- Article 15 contains regulations/requirements related to parking and loading. This article ensures appropriate parking is provided, especially in compliance to ADA requirements.

Should your committee need additional information about the Town's ordinances, please do not hesitate to contact me.

With best regards,

A handwritten signature in black ink, appearing to read 'Nathan Rhue', with a stylized flourish at the end.

Nathan Rhue
Planning Director