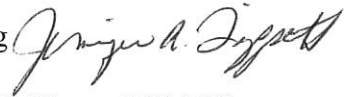


**VIA EMAIL AND
REGULAR MAIL**

MEMORANDUM

TO: Rep. Jonathon C. Jordan and Sen. Andy Wells, Co-Chairs of the Joint Legislative
Administrative Procedure Oversight Committee
FROM: Jennifer A. Tippet, City Clerk, City of Laurinburg 
DATE: November 28, 2018
SUBJECT: Requirements in Section 3 of Session Law 2018-69 (House Bill 379)

Please find attached the response from the City of Laurinburg pursuant to the requirements of Section 3 of Session Law 2018-69 (House Bill 379). The attached list contains City of Laurinburg ordinances that create criminal offenses in the City of Laurinburg Code of Ordinances and the City of Laurinburg Unified Development Ordinance. Below are links to the City of Laurinburg Code of Ordinances and the City of Laurinburg Unified Development Ordinance:

City Code: https://library.municode.com/nc/laurinburg/codes/code_of_ordinances
Unified Development Ordinance: http://www.laurinburg.org/wp-content/uploads/2018/01/Adopted-UDO-with-Amendments_12-12-2017_Duplex-Ready.pdf

If you have any questions, please do not hesitate to contact me.

Respectfully submitted.

CITY CODE OF ORDINANCES

Chapter 1 – General Provisions

Sec. 1-10. - General penalty; enforcement provisions; remedies available to city to rectify violations; continuing violations.

- (a) Wherever in this Code or in any ordinance of the city or in any rule, regulation, order or notice of any officer or agency of the city, under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whether in such Code, ordinance, rule, regulation, order or notice the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided, the violation of any such provision of this Code or any such ordinance, rule, regulation, order or notice shall be a misdemeanor as provided in G.S. 14-4 and shall subject each such violator to the punishment provided in such section.

Chapter 4 – Animals

Article I. – In General

Sec. 4-24. - Violations; penalties.

- (a) The violation of any provision of this chapter shall be a misdemeanor, and any person convicted of such violation shall be punished as provided in section 1-10. Each day's violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for fees imposed under this chapter.
- (b) In addition, enforcement of this chapter may be by appropriate equitable remedial injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 160A-175.
- (c) In addition to, or in lieu of, impounding a currently licensed dog found running at large, the animal control officer or his agent may issue a notice of violation of this chapter to the known owner of such dog. Such notice shall impose upon the owner of the dog a penalty as established by the city council, which penalty shall be on file in the office of the city clerk. The notice of violation referred to in this subsection may be delivered in person or mailed to the person violating the provisions of this chapter.

Chapter 6 – Buildings and Building Regulations

Article IV. – Abandoned Structures and Dwellings Unfit for Human Habitation

Sec. 6-109. – In rem action.

Sec. 6-109. - In rem action.

After failure of an owner of a structure to comply with an order of the building inspector issued pursuant to the provisions of this article, and upon adoption by the city council of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(4), (5) and 5-88(c), the building inspector shall proceed to cause such structure to either be repaired, closed or demolished as directed by the ordinance of the city council, and shall cause a placard to be posted on the main entrance of such structure, prohibiting the use or occupation of the

structure. Use or occupation of a posted building shall constitute a misdemeanor. Each such ordinance shall be recorded in the office of the register of deeds of the county, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-443(5).

Article V. – Unsafe Buildings

Sec. 6-147. - Failure to comply.

If the owner of a building or structure fails to comply with an order issued pursuant to section 6-145 from which no appeal has been made or fails to comply with an order of the city council following an appeal, he shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

Sec. 6-148. - Violations.

Whenever any violation is determined to be a misdemeanor under the provisions of this article, the city, 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.

Chapter 8 – Businesses

Article III. – Itinerant Merchants, Peddlers or Vendors

Sec. 8-80. – Revocation of license.

- (a) Licenses issued under the provisions of this article may be revoked by the zoning officer of the city, after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or a false statement contained in the application for the license;
 - (2) Fraud, misrepresentation or a false statement made in the course of carrying on the business as peddler or itinerant merchant;
 - (3) Any violation of this article;
 - (4) Convictions of any crime or misdemeanor involving moral turpitude;
 - (5) Conducting the business of peddler or itinerant merchant in an unlawful manner or in such a manner as to constitute a breach of the peace or a detriment to the health, safety or general welfare of the public.
- (b) Notice of the hearing for revocation of a license shall be given in writing, specifically setting forth the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for the hearing.

Sec. 8-82. - Violations; penalties.

- (a) Any violation of this article shall be a misdemeanor, and every person convicted of a violation of this article may be punished in accordance with section 1-10 of this Code.
- (b) Each day's violation of this article shall constitute a separate and distinct offense.
- (c) Notwithstanding subsection (a) of this section, the provisions of this article may be enforced by an appropriate equitable remedy issued from a court of competent jurisdiction.
- (d) The violation of this article shall subject the offender to a civil

penalty in the amount of \$250.00, provided, the offender does not pay the fine within ten days after he has been convicted of a violation of this article.

Chapter 12 – Civil Emergencies

Article II. – State of Emergency

Sec. 12-37. - Violations; penalties.

Any person who violates any provision of this article, and any person who violates any provision of a proclamation of a state of emergency enacted or proclaimed by the mayor or mayor pro tem under the authority of this article, shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-10.

Chapter 18 – Fire Prevention and Protection

Article II. – Fire Prevention Code

Sec. 18-52. - Violations; penalties.

(a) Any person who shall violate any of the provisions of the fire prevention code or fail to comply therewith, or who shall violate or fail to comply with any notice or order issued under the fire prevention code, or who shall build in violation of any detailed statement of specifications or plans submitted and approved under the fire prevention code, or who shall act in violation of any certificate or permit issued under the fire prevention code and from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the city council or by a court of competent jurisdiction within the time fixed in the fire prevention code shall, severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor and punished as provided by law.

(b) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(c) The application of the penalty set forth in subsection (b) of this section shall not be held to prevent the enforced removal of prohibited conditions.

Chapter 28 – Sales

Article II. – Yard Sales

Division I. – Generally

Sec. 28-38. - Violations; penalties.

(a) If any individual is convicted of an offense under this article, the city is instructed to cancel any existing yard sale permit held by the individual convicted and not to issue such individual another yard sale permit for a period of two years from the time of conviction.

(b) Every article sold, and each yard sale that is conducted, in violation of this article shall constitute a separate offense.

(c) Any violation of this article shall constitute a misdemeanor which shall be punishable pursuant to section 1-10 of this Code

Chapter 30 – Solid Waste Management

Article II. – Collection Service

Division 1. – Generally

Sec. 30-51. - Violations; penalties.

The city shall assess fines and/or penalties to any person or business disposing of any solid waste in a manner not in compliance with this article and/or the city's solid waste policies adopted from time to time by the city council. The amount of such fines shall be in accordance with policies established from time to time by the city council. Such fines shall be considered a debt owing to the city from the person or business and shall be billed as violations are discovered. In addition to, or in lieu of, such penalties, violations of this article may be prosecuted as misdemeanors in accordance with the state statutes.

Chapter 38 – Traffic

Article I. – In general

Sec. 38-8. - Funeral processions.

- (a) The provisions of this section apply to: (1) All operators of funeral homes located within the corporate limits of the city and all funeral directors and all agents and employees of such funeral homes; (2) All funeral processions passing through the city, which are directed or organized by the operator of any funeral home located within the city or within one mile outside the city, any funeral director or any agent or employee of such funeral home, whether the processions originate at the funeral home or at any church or other place, whether within or without the city limits.
- (b) Every operator, director, agent or employee of any funeral home within the corporate limits of the city or within one mile outside the corporate limits shall cause any funeral procession at any funeral directed by such operator, director or employee proceeding through or along the streets of the city to any cemetery, whether located within or without the city, to follow a route previously designated by the chief of police.
- (c) Any person violating the provisions of this section shall be guilty of a misdemeanor, and shall be punished as provided by section 1-10

Article II. – Traffic Control Devices

Sec. 38-51. - Obedience required; exceptions.

Any person failing or refusing to comply with the directions indicated on or by any sign, signal, marker or other official traffic control device erected or placed pursuant to the authority of the city council shall be guilty of a misdemeanor. This section shall not be construed to apply when the driver of a vehicle is otherwise directed by a police officer or when an exception is granted to the driver of an authorized emergency vehicle under section 38-7.

Article IV. – Stopping, Standing and Parking

Division 2. – Parking Lots and Zones

Sec. 38-172. - Improperly parked vehicles.

- (a) The operator of any vehicle which has been parked in a two-hour parking space beyond the period of legal parking time or which is parked in any space in violation

of any other provision of this division shall, upon request of any police officer of the city, immediately remove the vehicle from the parking space.

- (b) Any operator of a vehicle who shall fail or refuse, upon the request of any police officer of the city, to immediately remove the vehicle from the parking space upon which it is parked, when the vehicle has been parked in the parking space for a length of time beyond the legal parking time or when the vehicle is parked in the parking space in violation of any other provision of this division, shall be guilty of a misdemeanor and upon conviction, shall be fined \$10.00.

Sec. 38-174. - Failure to pay fines.

Any person who shall fail to pay the fines imposed by section 38-173 within the period of 72 hours, or who shall violate or fail to comply with any of the provisions of this division for which no specific penalty is provided, or shall counsel, aid or abet any such violation or failure to comply, shall be deemed guilty of a misdemeanor and shall be punished as provided in section 1-10 of this Code.

Chapter 40 – Utilities

Article III. – Water System

Division 2. - Water Conservation Ordinance

Sec. 40-141. - Enforcement and civil penalties.

- (a) Residential users. Any residential user who shall violate any provision of this division shall be subject to civil penalties. Civil penalties for a violation of Stage II - Levels A and B and Stage III mandatory restrictions shall be as follows: a warning for the first offense; a civil penalty in the amount of \$100.00 for the second offense; and a civil penalty in the amount of \$200.00 for the third and successive offenses. In Stages IV or V, there shall be no warnings given for violations by residential users of the mandatory restrictions of these stages, and the penalties shall be \$100.00 for the first offense and \$200.00 for the second offense and successive offenses.
- (b) Non-residential users. Any non-residential customer who violates any provision of this division shall be subject to a civil penalty. Civil penalties for a violation of any mandatory restriction of any stage of this division shall be as follows: a civil penalty of \$200.00 for the first violation; a civil penalty of \$500.00 for the second violation; and a civil penalty of \$1,000.00 for the third and successive offenses.
- (c) Cumulation of violations. Violations shall be accumulated by all customers so long as this division, in any of its stages, is continuously in effect and until no stage of this division has been in effect for a period of one calendar year. Violations of any of the mandatory restrictions of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.

Sec. 40-142. - Criminal fines.

Upon a fourth violation of this division a criminal warrant shall be issued to the offending person. Any violations of the provisions of this division shall constitute a class 3 misdemeanor punishable upon conviction by a term of imprisonment of up to 20 days and by a fine not

exceeding a maximum of \$500.00 as provided by G.S. 14-4 and in addition thereto such violation may be enjoined and restrained as provided in G.S. 160A-175. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties.

UNIFIED DEVELOPMENT ORDINANCE

Article 4. Legislative/Quasi-Judicial Procedures

4.4.9. Evidence/Presentation of Evidence.

4.4.9.2. All persons who intend to present evidence to the decision-making board shall be sworn in by the Chairperson. The Chairperson of the Board or any member acting as Chairperson and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the decision-making board, willfully swears falsely is guilty of a Class 1 misdemeanor.

Article 5. Development Review Process

5.7.4. Review Procedure for Major Subdivisions

5.7.4.8. Transfer of Lots in Unapproved Subdivision Plats. Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the city, thereafter subdivides his land in violation of applicable city ordinances or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under applicable city ordinances and recorded in the office of the Scotland County Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The city may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to NCGS 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the city may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

Article 9. Performance Standards

9.115.8. Penalties for Violation.

Violation of the provisions of this Ordinance 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 Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Laurinburg from taking such other lawful action as is necessary to prevent or remedy any violation.

9.116.3. Duties and Responsibilities of the Floodplain Administrator

9.116.3.16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, 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 or in charge of 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.

9.116.4. Corrective Procedures

9.1216.4.5. 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.