

Town of Leland Response to Requirements of Section 3 of Session Law 2-18-69 - House Bill 379.
Below are all ordinances which violation of creates a misdemeanor.

Chapter 1 - General Provisions.

https://library.municode.com/nc/leland/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR

Sec. 1-11. - General penalty for violation of Code.

Except as provided in subsection (b) of this section, if any person shall violate an ordinance of the town, he shall be guilty and fined in accordance with the provisions of **G.S. 14-4**.

If any person shall violate an ordinance of the town regulating the operation of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty in accordance with **G.S. 14-4**.

Each day's continuing violation shall be a separate and distinct offense.

In this section, the term "violation of this Code" means any of the following:

Doing an act that is prohibited or made or declared unlawful, an offense, a violation, an infraction, a civil infraction or a **misdemeanor** by ordinance or by rule or regulation authorized by ordinance.

Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation, an infraction, a civil infraction or a **misdemeanor** by ordinance or by rule or regulation authorized by ordinance.

In this section, the term "violation of this Code" does not include the failure of a town officer or town employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

Except as otherwise provided by law or ordinance:

With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

With respect to other violations, each act constitutes a separate offense.

The imposition of a **penalty** does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

This Code may also be enforced as authorized and in accordance with G.S. 160A-175. Specifically, and without limitation, any section of this Code may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. This Code may be enforced by any one, all, or a combination of the remedies authorized by G.S. 160A-175.

Chapter 14 - Buildings and Building Regulations

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ARTICLE II. - BUILDING CODES

Sec. 14-25. - Adoption of the state building code; area of jurisdiction.

The state building code, including all amendments, as published by the state building code council and the state department of insurance, are adopted by reference as the building code for the town. It shall be unlawful for any person to fail, neglect or refuse to comply with the provisions of such code.

ARTICLE III - MINIMUM HOUSING CODE

Sec. 14-70. - Administrative procedure.

Preliminary investigation; notice; hearing. Whenever a petition is filed with the inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the inspector (on his own motion) that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges in that respect and containing a notice that a hearing will be held before the inspector (or his designated agent) at a place within the county in which the property is located, not less than ten days nor more than 30 days after the serving of said complaint; and that the owner and any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling.

Procedure after hearing. After such notice and hearing, the inspector shall state in writing his determination whether such dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(1) If the inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner within the time specified in the order to repair, alter or improve the dwelling or dwelling unit to comply with the minimum standards established by this article. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account:

- a. The nature of the necessary repairs, alterations, or improvements;
- b. The current state of the property; and
- c. Any additional risks due to the presence and capacity of minors under the age of [18](#) or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subsection (d) of this section.

(2) If the inspector determines that the dwelling or dwelling unit is dilapidated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order requiring the owner, within the time specified in the order, to remove or demolish such dwelling. However, notwithstanding any other provision of law, if the dwelling is located in a historic district of the town and the historic district commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a). Upon completion of required improvements, a new certificate of occupancy must be issued prior to the subsequent leasing or sale of the dwelling to a third party.

Sec. 14-74. - Alternative remedies.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by **G.S. 14-4** and [section 14-77](#), and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Sec. 14-77. - Violations; penalty.

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 14-70](#), 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. The violation of any provision of this article shall constitute a **misdemeanor**, as provided by **G.S. 14-4**. In addition to the remedy specified in this and in other sections of this article, the provisions of this article may also be enforced by the town by injunction and order or abatement or by any other equitable remedy issuing from a court of competent jurisdiction, as specified in G.S. 160A-450 and G.S. 160A-365.

ARTICLE IV - DANGEROUS OR HAZARDOUS BUILDINGS

Sec. 14-100. - Order to take corrective action.

If, upon a hearing held pursuant to the notice prescribed in [section 14-99](#), the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, he shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within such period, not less than 60 days, as the inspector may prescribe; provided that where the inspector finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

Sec. 14-102. - Failure to comply with order.

If the owner of a building or structure fails to comply with an order issued pursuant to [section 14-100](#) from which no appeal has been taken, or fails to comply with an order of the town council following an appeal, he shall be guilty of a **Class 1 misdemeanor**.

ARTICLE V - FIRE PREVENTION AND PROTECTION

Sec. 14-147. - Immediately dangerous or hazardous conditions.

Whenever the fire chief or his designee finds in any building or upon any premises dangerous conditions or materials as described below, he shall order such dangerous conditions or materials be removed or remedied in such manner as the fire chief or his designee may specify:

Dangerous storage or unlawful amounts of combustible, flammable, or explosive or otherwise hazardous materials;

Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, flammable or explosive or otherwise hazardous materials;

Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly combustible materials;

Accumulations of dust or waste material in air conditioning or ventilation systems, or of grease in kitchen or other exhaust ducts, or inadequate clearances to unprotected combustible materials from hoods, grease extractors, and ducts;

Obstructions to or in fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or impede egress of occupants in the case of fire, including locked or blocked fire exits;

Overcrowding in violation of occupancy limits established pursuant to the North Carolina State Building Code and required under the North Carolina Fire Prevention Code.

Sec. 14-149. - Enforcement of chapter.

Failure to comply with the provisions of this chapter shall constitute a **misdemeanor under** G.S. 160A-175 and **G.S. 14-4**. Additionally, the fire chief or his designee may enforce the provisions of this article in civil court and seek any and all appropriate remedies authorized by G.S. 160A-175. Each day's continuing violation shall constitute a separate and distinct offense.

Compliance with the fire chief's notice of violation and order to correct.

Other correction orders. All other correction orders issued under this article for violations that do not constitute imminent hazards shall be corrected within 30 days. Failure to correct such violations within 30 days shall result in the imposition of **civil and/or criminal penalties** as set out in Appendix "A" of the ordinance from which this article derives.

Chapter 18 - Businesses and Business Regulations

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ARTICLE II. - ADULT ESTABLISHMENTS

Sec. 18-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult bookstore means a bookstore:

Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or

Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult establishment means an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, or massage business.

Adult live entertainment means any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas.

Adult live entertainment business means any establishment or business wherein adult live entertainment is shown for observation by patrons.

Adult mini-motion picture theater means an enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult motion picture theater means an enclosed building or premises used for presenting motion pictures a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons. The term "adult motion picture theater" does not include any adult mini-motion picture theater.

Massage means the manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping, by hand or mechanical device.

Massage business means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios or massage parlors.

Sexually oriented devices means, without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Specified anatomical areas means:

Less than completely and opaquely covered:

Human genitals, pubic region;

Buttock; or

Female breast below a point immediately above the top of the areola; or

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

Human genitals in a state of sexual stimulation or arousal;

Acts of human masturbation, sexual intercourse or sodomy; or

Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

Sec. 18-20. - Penalty for violation.

A violation of the provisions of this article shall be punished by a **fine of up to \$500.00** as provided in **G.S. 14-4**. Each day any violation of this article shall continue shall constitute a separate offense.

Chapter 26 - Environment, Floods and Stormwater

https://library.municode.com/nc/leland/codes/code_of_ordinances?nodeId=PTIICOOR_CH26ENFLST

ARTICLE II - FLOOD DAMAGE PREVENTION

Sec. 26-63. - Duties and responsibilities of the floodplain administrator.

The floodplain administrator shall perform, but not be limited to, the following duties:

(1) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to ensure that the requirements of this article have been satisfied.

(2) Advise permittee that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.

(3) Notify adjacent communities and the state department of crime control and public safety, division of emergency management, state coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(4) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of [section 26-39](#) are met.

(6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with [section 26-32\(c\)](#).

(7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been flood proofed, in accordance with [section 26-32\(c\)](#).

(8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with [section 26-32\(c\)](#).

(9) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with [section 26-32\(c\)](#) and [section 26-37\(2\)](#).

- (10) Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.
- (11) When base flood elevation (BFE) data has not been provided in accordance with [section 26-24](#), obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to [section 26-38\(2\)\(b\)](#), in order to administer the provisions of this article.
- (12) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with [section 26-24](#), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this article.
- (13) When the lowest ground elevation of a parcel or structure in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the letter of map amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this article and make these records available for public inspection.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, 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**.
- (17) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures [section 26-34](#).
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS report, FIRM and other official flood maps and studies adopted in accordance with [section 26-24](#), including any revisions thereto, including letters of map change, issued by FEMA. Notify state and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-F) and letters of map revision (LOMR).

Sec. 26-64. - Corrective procedures.

- (a) *Violations to be corrected.* When the floodplain administrator finds violations of applicable state and local laws, it shall be his 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 article;
 - (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 in subsection (b) of this section, the floodplain administrator shall find that the building or development is in violation of this article, he 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, he 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.

Chapter 34 - Noise and Nuisances.

https://library.municode.com/nc/leland/codes/code_of_ordinances?nodeId=PTIICOOR_CH34NONU

ARTICLE II - NOISE

Sec. 34-21. - Prohibitions.

Generally. The creation and continuation of any loud and disturbing noises that disturb the quiet, comfort or repose of a reasonable person is prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to disturb the quiet and peace of a reasonable person.

Acts deemed loud, disturbing. The following acts, among others, are declared to be loud, disturbing, annoying noises in violation of this section; but such enumeration shall not be deemed to be exclusive:

Blowing horns. The sounding or blowing of any horn or signal device on any automobile, motorcycle, motorbus or other vehicle, except as a danger signal, for any unreasonable period of time.

Electronic media. The playing of any electronic media in such manner or with such volume as to annoy or disturb any reasonable person, or disturb the quiet, comfort or repose of any reasonable person in any permanent or temporary dwelling.

Pets. The keeping of any animal which by causing frequent or long-continued noise shall disturb the comfort or repose of any reasonable person in the vicinity.

Use of vehicle. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded, or used or repaired in such manner as to create loud noises, particularly grating, grinding, rattling, riveting or other disturbing noises, including the unnecessary screeching of tires, or in such a manner as to cause the tire to propel rock, sand or gravel.

Blowing whistles. 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.

Exhaust discharge. To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motorboat engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises.

Devices using compressed air. The use of any mechanical device operated by compressed air unless the noise created by such use is effectively muffled and reduced.

Building operations. The erection, including excavation, demolition, alteration or repair, of any building in a residential or business district other than between the hours of dawn to dusk, except in cases of urgent necessity in the interest of public safety and then only with a permit from the town.

Noises near schools, hospitals, churches, etc. The creation of any excessive noises on any street adjacent to any school, institution of learning, library, sanatorium, hospital or court, while in session, or adjacent to any church during church services, which unreasonably interferes with the work or worship in any such place or institution; provided that signs must be displayed in such streets indicating that the location is a school, hospital, church, library, sanatorium or court.

Loading and unloading operations. The creation of loud and excessive noises in connection with loading or unloading any vehicle, or repairing any vehicle, or opening and destroying bales, boxes, crates and containers.

Bells or gongs. The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of any reasonable person in the vicinity.

Hawking, peddling or soliciting. Shouting, loud talking, crying or soliciting by peddlers, hawkers, taxi drivers, solicitors and vendors, which disturbs the quiet and peace of reasonable persons.

Loudspeakers or amplifiers on vehicles. The use of any mechanical loudspeaker or amplifiers on trucks, airplanes or other vehicles using more than 20 watts of power.

Business noises at night near residences. The operation of any garage, filling station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m., in such manner as to create loud and disturbing noises of such frequency or volume as to disturb the quiet, comfort, peace or repose of any reasonable person in any temporary or permanent dwelling.

ARTICLE III - NUISANCES

Sec. 34-50. - Conditions declared as nuisances.

The existence of any of the following conditions on any lot or other parcel of land within the corporate limits of the town is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(1) The uncontrolled growth of noxious weeds or grass to a height in excess of 12 inches causing or threatening to cause a hazard detrimental to the public health or safety, including fallen trees and tree damage caused by storms.

(2) Any accumulation of waste, animal or vegetable, such as, but not limited to waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, rooming houses and boardinghouses, and all other deleterious substances that are offensive by virtue of odors, vapors or by the inhabitation of rats, mice, snakes or vermin of any kind which are or may be dangerous or prejudicial to the public health.

(3) Any accumulation of rubbish, garbage, trash or any material of any kind that has been discarded, rejected, cast aside, stored or thrown away as worthless or junk causing or threatening to cause a fire hazard or causing or threatening to cause the accumulation of stagnant water, or causing or threatening

to cause the inhabitation of rats, mice, snakes or vermin of any kind which are or may be dangerous or prejudicial to the public health.

(4) Any accumulation of trash or rubbish such as tin cans, paper, boxes, glass, wood, shrubs, yard clippings, leaves, tree trimmings and other deleterious substances on the premises of private residences, commercial institutions and in the streets which greatly increases the danger of fire and spread of infections, or contagious and epidemic diseases.

(5) Any accumulation of construction or demolition debris such as bricks, concrete, lumber, scrap lumber, ashes, direct plaster, or large chunks of metal, such as automobile bodies, frames, stoves, refrigerators, beams or other metal materials. These shall not be stored, kept or placed upon any property unless prior arrangement for collection of such materials have been made and approved by the town.

(6) Any accumulation of abandoned or deteriorated structures such as boats, dog houses, storage sheds or the like which greatly increase the danger of fire and spread infections, or contagious and epidemic diseases.

(7) Any accumulation of pine straw, wood chips, grass clippings, bushes or yard debris which greatly increases the danger of fire or creates the inhabitation of rats, mice, snakes or vermin of any kind which are or may be dangerous to the public health.

(8) Any condition detrimental to the public health which violates the rules and regulations of the county health department.

(9) Any building or other structure which has been burned, or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the town manager or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(10) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.

(11) The outside or outdoor use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.

(12) Unsecured and deteriorated windows, doors or other openings in dwellings or structures that:

a. Do not have water or other utility services;

b. Are used or have been used by persons, not residents, as living quarters in the absence of sanitary facilities; or

c. Are used or have been used for criminal activity.

(13) The failure of the owner of developed or undeveloped land within the incorporated areas of the town to maintain stormwater conveyance facilities, such as waterways, streams, creeks, ditches, swales, channels, canals, conduits and culverts, and stormwater control facilities, such as ponds, lakes and other structural BMPs as defined in [chapter 26](#), article III, within their property. The use of non-targeted herbicide application in the maintenance of stormwater conveyance facilities is prohibited.

Sec. 34-56. - Additional remedies.

The procedure set forth in this article shall be in addition to any other remedies that exist under law for the abatement of public nuisances, and this article shall not prevent the town from issuing a civil citation and proceeding under this Code or proceeding in a criminal action against any person violating the provisions of this article as provided in **G.S. 14-4**, or both.

Chapter 38 - Offenses and Miscellaneous Provisions

https://library.municode.com/nc/leland/codes/code_of_ordinances?nodeId=PTIICOOR_CH38OFMIPR

Sec. 38-7. - Presence of registered sex offenders on or about public parks.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Public Park means any publicly owned or maintained land which is designated by the town as a park or recreational facility.

Registered sex offender means an individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to, the sex offender registry established by G.S. 14-208.5 et seq.

(b) *Prohibited.* It shall be unlawful for any person or persons registered as a sex offender with the state or with any other state or federal agency to knowingly enter into or on any public park owned, operated or maintained by the town.

(c) *Penalty.* Anyone who is found in violation of this section shall be guilty of a **misdemeanor** as provided in **G.S. 14-4** and shall be **fined not more than \$500.00**. Each and every entry into a park, regardless of the time period involved, shall constitute a separate offense under this section.

Chapter 50 - Subdivisions.

https://library.municode.com/nc/leland/codes/code_of_ordinances?nodeId=PTIICOOR_CH50SU

ARTICLE II - MINOR DEVELOPMENTS

Sec. 50-20. - Permit requirements.

Permits required in AECs. After the date designated by the secretary of environment, health and natural resources, every person shall obtain a development permit prior to undertaking any development activity within any area of environmental concern.

Permit officer. For minor development within the jurisdictional area of the town, the permit shall be obtained from the Coastal Area Management Act officer of the town, who for the purposes of this article is designated the permit officer.

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Minor development means any development which does not require permission, licensing, approval, certification or authorization in any form from the environmental management commission, the department of environment, health and natural resources, the department of administration, the state mining commission, the state pesticides board, the state sedimentation controls board or any federal agency; which occupies a land area of 20 acres or less; which does not contemplate drilling for or excavating natural resources on land or under water; or which occupies on a single parcel a structure with a ground area of 60,000 square feet or less.

Posting requirements. The following materials shall be posted by the permit officer in the town:

A precise description and map approximating all AECs within the jurisdictional area of the town.

A copy of the standards for development adopted by the coastal resources commission for each type of AEC found in the jurisdictions and the statutory grounds on which a permit may be denied or conditioned.

A copy of this article, together with locally adopted administrative policies for its enforcement.

The name, location and mailing address of the permit officer designated in subsection (b) of this section.

Sec. 50-21. - Permit application.

Required materials. An application for a minor development permit shall consist of submitting the following to the permit officer and the secretary of environment, health and natural resources:

A completed application using a form approved and adopted by the coastal resources commission. The application may be made in duplicate to the permit officer, who will then forward a copy to the secretary of environment, health and natural resources.

An administrative fee in the amount of \$50.00.

Time limits. Upon receipt of a complete application for a minor development permit, the permit officer shall have 25 calendar days to make final disposition of the application unless the applicant is given written notice by registered mail of one additional 25-day extension. Such extensions may be made only in circumstances where the magnitude or complexity of the proposed development requires additional time for proper evaluation of the application.

Incomplete and inappropriate applications. The permit officer shall return incomplete, insufficient or unauthorized applications to the applicant within 15 calendar days. Any applications received for any activity which constitutes major development shall be returned by the permit officer with instructions for submitting the application to the appropriate state agency.

Coordination with other local permits. The permit officer shall determine from the application what other permits are required for the development and shall inform the applicant of these other permit requirements.

Disposition of permit application. After consideration of the evidence submitted with the application, the permit officer shall grant, deny or give conditional approval to the minor development permit. The permit officer shall maintain a record of all evidence and all matters of relevant information to each minor development permit application. Such relevant information shall include, but is not limited to applications, correspondence, public notices, responses to public notices and a copy of the final disposition. Statutory grounds upon which a permit officer bases the denial, conditioned grant or return of applications shall be set out in writing. One copy shall be maintained by the permit officer, and one copy shall be given to the applicant either in person or by registered mail.

Grant. A minor development permit shall be granted only if consideration of the application results in none of the appropriate findings listed in G.S. 113A-120(a)(1)—(8).

Conditional approval. The approval of the minor development permit may be conditioned upon the acceptance by the applicant of certain reasonable conditions as set out by the permit officer to protect the public interest with respect to the appropriate findings listed in subsection (e)(1) of this section. The applicant must sign the conditioned grant of approval as an acceptance of the amendments of the proposed project plans in a manner consistent with the conditions set out by the permit officer before the permit shall become effective.

Passive approval. Failure of the permit officer to approve or deny a properly completed and filed application or to give notice of an extension beyond the initial 25-day disposition period shall result in a passive grant. A passive approval shall have the full force and effect of an unconditional approval.

Permit display. The property owner shall cause the properly granted minor development permit to be displayed in full view on the site of the development. This requirement shall apply to every permit no matter how it is granted. It is, therefore, necessary that the property owner acquire a permit received by passive approval for purposes of posting on the site before proceeding with the development.

Sec. 50-23. - Injunctive relief and penalties.

Injunctive relief. Upon violation of the provisions adopted by the town pursuant to the Coastal Area Management Act (CAMA) relating to the issuance of minor development permits, the permit officer may, either before or after the institution of proceedings for the collection of any penalty imposed by the CAMA for such violation, institute a civil action in the general court of justice in the name of the town upon the relation of the permit officer for injunctive relief to restrain the violation and for such other or further relief in the premises as the court shall deem proper. Neither the institution of the action nor any of the proceedings shall relieve any party to such proceedings from any penalty prescribed by the CAMA for any violation.

Penalties. Any person adjudged guilty of knowingly and willfully undertaking any development requiring a minor development permit without acquiring such a permit, or of conduct exceeding the authority of a permit or of failure to observe the agreed modifications of a conditioned grant, or of violation of any other applicable regulations adopted by the town or the commission pursuant to the CAMA shall be guilty of a **misdemeanor** and for each violation shall be liable for a **fine of not less than**

\$100.00 nor more than \$500.00 or shall be imprisoned for not more than 30 days, or both. In addition, if any person continues or further commits any of these violations after written notice from the permit officer, the court may determine that each day during which the violation continues or is repeated constitutes a separate violation subject to these penalties.

Notice. The permit officer shall notify the secretary of any civil action undertaken by or against such officer under the CAMA.

Sec. 50-65. - Effect of plat approval on dedications.

Pursuant to G.S. 160A-374, the approval of a plat does not constitute or effect the acceptance by the town or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat and shall not be construed to do so.

Pursuant to G.S. 160A-374, the town council, by resolution, may accept the dedication of all lands and facilities for streets, parks, public utilities or other public purposes that have been approved by the planning board for public dedication when the lands or facilities are located within its subdivision regulation jurisdiction and meets the town's requirements. The city shall not accept the dedication of such lands and facilities until it determines, based upon recommendation of the subdivision administrator, that: All lands and facilities have been properly dedicated through recorded plats, deeds, or deeds of easements;

All lands and facilities meet city standards and have been inspected and approved by the subdivision administrator and/or affected departments of the town;

The subdivider has requested that the lands and facilities be accepted as public; and

The subdivider has provided a valuation of all lands and facilities to be dedicated to the town.

The acceptance of any lands and facilities by the town shall be subject to the following terms and conditions:

The subdivider shall guarantee all materials and workmanship for a period of 12 months from the date of official acceptance by the recordation of the final plat;

The acceptance by the town shall not be interpreted in any way to relieve any developer, contractor, subcontractor, insurance company, owner, or other person of his individual or several obligations under any ordinance, policy, or contract or to his individual or several obligations under any ordinance, policy, or contract or to otherwise reduce or eliminate the rights of the town, its agents and employees against any other party connected with or in any way related to the development of the subdivision and facilities. The acceptance shall not be interpreted as a waiver of any defense or immunities which the town, its agencies or employees may assert or be entitled to;

All rights, privileges and warranties of whatsoever nature and kind, for equipment, supplies, materials, goods, and services shall be assigned to the town and any and all benefits derived there from shall inure to the town, its agents, and employees. The acceptance of the lands and facilities shall be conditioned upon the owners covenanting and warranting that they are lawfully seized and possessed of all the lands and facilities dedicated to the public; that they have good and lawful authority to dedicate the same to the public for the stated purpose; that the lands and facilities are free and clear of any deed of trust, mortgage, lien or assessments; and that the dedicators for their heirs, successors, executors, administrators, and assigns, covenant that they will warrant and defend the dedication of such land and facilities against any and all claims and demands whatsoever;

Acceptance of dedication of lands and facilities shall not obligate the town to construct, maintain, repair, replace, extend, improve, build or operate any public facilities or utilities, which are not in existence as of the date of the acceptance of the lands and facilities. Such acceptance shall not obligate the town to construct any main, line, pipe, lateral, or other extension or permit connection to the city's water, sanitary sewer, storm sewer, drainage or other public utilities systems.

Sec. 50-66. - Penalties for violation.

No person who, being the owner or agent of the owner of any land located within the jurisdiction of the town, shall subdivide his land in violation of this article or transfer or sell land by reference to, exhibition

of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the office of the 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 town 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 this chapter. Building permits required pursuant to G.S. 160A-417 shall be denied for lots that have been illegally subdivided. In addition to other remedies, the town 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.

The violation of any provision of this article shall subject the offender to a civil penalty in the amount of \$500.00 to be recovered by the town. Violators shall be issued a written citation, which must be paid within ten days.

Each day's continuing violation of this article shall be a separate and distinct offense.

Nothing in this section shall be construed to limit the use of remedies available to the town. The town may seek to enforce this article by using any one, all, or a combination of remedies.

Chapter 58 - UTILITIES

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ARTICLE II. - SEWER SERVICE

Sec. 58-21. - Administrative remedies.

Notification of violation. Whenever the POTW director finds that any industrial user has violated or is violating this article; wastewater permit; or any prohibition, limitation or requirements; or any other pretreatment requirement, the POTW director may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for its satisfactory correction shall be submitted to the town by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

Consent orders. The POTW director is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (d) of this section.

Show cause hearing.

The POTW director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this article or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. If the POTW director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, including any proposed civil penalty, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

The POTW director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

Any action or inaction taken by the POTW director under this section is subject to an administrative appeal under [section 58-54\(i\)](#).

Administrative orders. When the POTW director finds that an industrial user has violated and continues to violate this article, permits or orders issued under this article or any other pretreatment requirements, the POTW director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

Immediately comply with all requirements;

Comply in accordance with a compliance time schedule set forth in the order;

Take appropriate remedial or preventive action in the event of a continuing or threatened violation;

Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

Emergency suspensions.

The POTW director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW, or causes the POTW to violate any condition of its NPDES or nondischarge permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW director prior to the date of the hearing.

Termination of permit.

Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having its permit terminated:

Failure to accurately report the wastewater constituents and characteristics of his discharge;

Failure to report significant changes in operations or wastewater constituents and characteristics;

Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

Violation of conditions of the permit.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under subsection (c) of this section why the proposed action should not be taken.

Sec. 58-23. - Other available remedies.

Remedies, in addition to those previously mentioned in this article, are available to the POTW director, who may use any single one or combination against a noncompliant user. Additional available remedies include but are not limited to:

Criminal violations. The district attorney for the 13th Judicial District may, at the request of the town, prosecute noncompliant users who violate the provisions of G.S. 143-215.6B.

Injunctive relief. Whenever a user is in violation of the provisions of this article or an order or permit issued under this article, the POTW director, through the town attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

Water supply severance. Whenever an industrial user is in violation of the provisions of this article or an order or permit issued under this article, water service to the industrial user may be severed; and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.

Public nuisances. Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued under this article is declared a public nuisance and shall be corrected or abated as directed by the POTW director. Any person creating a public nuisance shall be subject to the provisions of this Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying the nuisance.

Chapter 66 - Zoning.

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ARTICLE III - BOARD OF ADJUSTMENT

Sec. 66-69. - Powers Board of Adjustment.

The board shall have the following powers:

- (1) *Hear appeals.* The board of adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of the zoning ordinances or FlexCode and may hear appeals arising out of any other ordinance that regulates land use or development that includes a provision for granting variances in accordance with the provisions of this chapter.
- (2) *Authorize variances.* When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance or FlexCode, the board of adjustment shall vary any of the provisions of such ordinances upon a showing of all of the following:
 - a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (3) *Change in permitted uses and conditions.* No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
- (4) *Oaths.* The chair of the board or any member acting as chair 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 board of adjustment, willfully swears falsely is guilty of a Class 1 **misdemeanor**.