

WILLIAMS MULLEN

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VIA EMAIL

Rep. James L. Boles, Jr.
(Jamie.Boles@ncleg.net)
Rep. Ted Davis, Jr.
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Sen. Shirley B. Randleman
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Joint Legislative Oversight Committee
on Justice and Public Safety

Rep. Jonathan C. Jordan
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Sen. Andy Wells
(Andy.Wells@ncleg.net)
Joint Legislative Administrative Procedure
Oversight Committee


Dear Representatives and Senators:

On behalf of the Town of Manteo ("Town"), and as required by Session Law 2018-69, please find enclosed a list of applicable ordinances under the Town's Code of Ordinances and Zoning Ordinance that may be subject to criminal punishment upon violation.

If you require additional information, please do not hesitate to contact me at the phone number or email address shown above.

Yours sincerely,

WILLIAMS MULLEN



Wyatt M. Booth

WMB/kmh

Enclosure

cc: Committee Staffer – Susan Sitze (Susan.Sitze@ncleg.net)
Committee Staffer – Chris Saunders (Chris.Saunders@ncleg.net)

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| Ordinance | Link | Section | Description |
|---|------------------------------|------------------------------|---|
| Chapter 4: Affordable Housing | | | |
| Inclusionary Zoning- Percentage of Lots | Section 4-4 | Article I, Section 4-4 | 20% of the total number of residential units or lots within any covered development must be affordable housing units. To calculate the number of affordable housing units the total number of proposed units or lots shall be multiplied by 20 percent. If the product includes a fraction, a fraction of .5 or more shall be rounded up, and a fraction of less than .5 shall be rounded down. For all covered developments, the applicant shall file an application for approval on a form provided and required by the town which is reviewed concurrently with the planning and zoning application. As part of the approval of a covered development project, the applicant shall present to the town an inclusionary housing plan that outlines and specifies the covered development's compliance with each of the applicable requirements. Specific items the inclusionary housing plan must include are listed in subsection (b) of Section 4-5. |
| Inclusionary Zoning- Application | Section 4-5 | Article I, Section 4-5 | |
| Inclusionary Zoning- Development Agreement | Section 4-7 | Article I, Section 4-7 | Prior to issuance of a building permit for any covered development, the applicant shall have entered into a development agreement with the town regarding the specific requirements and restrictions regarding affordable housing and the covered development. All documents must be recorded in the Dare County Register of Deeds. Affordable housing units or lots shall not be segregated and should be interspersed among the market rate units throughout the covered development and the locations shall be approved by the town planner. Affordable unit price are determined by calculating 72.5 percent of the median income (HUD MFI) multiplied by 3.5. Prices for affordable lots in subdivisions are determined by calculating 72.5 percent of the median income (HUD-MFI) multiplied by 3.5 and divided by four. |
| Inclusionary Zoning- Integration of Units | Section 4-9 | Article I, Section 4-9 | |
| Price of Affordable Units or Lots Ordinance | Section 4-11 | Article I, Section 4-11 | Only eligible households with pre-approved loans are permitted to make application for an affordable housing unit or lot for purposes of this chapter. Priority will be given to residents and employees of the town. |
| Eligibility of Households Ordinance | Section 4-12 | Article I, Section 4-12 | |
| Chapter 6: Animals | | | |
| Bird Sanctuary Ordinance | Section 6-2 | Article I, Section 6-2 | No person shall kill, trap or otherwise take any bird within the town. It shall be unlawful for any person to interfere with, hinder or molest the animal control department or its agents, or animal control officers or veterinarians in the performance of any duty authorized by this chapter, or seek to release any animal in the custody of such agents. |
| Animal Control Ordinance | Section 6-3 | Article I, Section 6-3 | |
| Penalties and Appeals | Section 6-4 | Article I, Section 6-4 | Unless otherwise stated, penalties for violations and/or appeals of this chapter shall be administered as prescribed in chapter 1-6. No person shall knowingly harbor, feed, keep by confinement any animal which is not in his custodial care, unless, within 24 hours he/she has notified the animal control officer or police department and must surrender any such stray dog or other animal to the animal control division. |
| Custodian of Animals Ordinances | Section 6-31 | Article II, Section 6-31 (d) | No custodian shall keep any vicious, fierce or dangerous animal within the town unless it is confined within a secure building or enclosure or unless it is securely muzzled and under restraint by means of leash, chain or rope at all times. It shall be unlawful for the custodian of any dog or other animal, other than an ordinary domesticated house cat or bees kept under article III of this chapter, to fail to keep the animal from running at large within the town. |
| | Section 6-35 | Article II, Section 6-35 | Identification tags- It shall be unlawful for any custodian to fail to provide his dog with an identification tag or fail to take such action as is necessary to ensure that such identification tag is worn by such dog at all times. |
| Identification and Rabies Tags Ordinances | Section 6-32 | Article II, Section 6-32(a) | |

Rabies tags- No dog custodian shall fail to comply with the state laws relating to the control of rabies and must provide any dog with a collar for the wearing of the rabies tags.

Article II, Section 6-32(b)

Article II, Section 6-32(c)

Wild Animals Ordinance

Section 6-36

Article II, Section 6-36

Dog Barking Ordinance

Section 6-37

Article II, Section 6-37

Bothering Animals Ordinance

Section 6-38

Article II, Section 6-38

Injured Dog Ordinance

Section 6-39

Article II, Section 6-39

Cruel Treatment Ordinance

Section 6-40

Article II, Section 6-40

General Treatment of Animals Ordinance

Section 6-41

Article II, Section 6-41

Livestock Ordinances

Section 6-46

Article II, Section 6-46

Section 6-47

Article II, Section 6-47

Section 6-48

Article II, Section 6-48

Article II, Section 6-49

Section 6-49

Beekeeping Ordinance

Section 6-53

Article III, Section 6-53(a)

Article III, Section 6-53(b)

Chapter 10: Buildings

Building Permit Ordinance

Section 10-3

Section 10-3

No person shall, within the town, erect, construct or demolish, or commence the erection, construction or demolition, or alter or commence the alteration of any type of building without first obtaining a building permit in accordance with the provisions and procedures set forth in the town zoning ordinance.

Chapter 14: Businesses

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| Business License Ordinance | <u>Section 14-62</u> | Article II, Section 14-62 (a) and (b) |
| Peddlers and Itinerant Merchants Ordinance | <u>Section 14-92</u> <u>Section 14-94</u> | Article III, Section 14-92 Article III, Section 14-94 |

Chapter 18: Civil Emergencies

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| State Of Emergency Ordinance | <u>Section 18-36</u> | Article II, Section 18-36 |
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Chapter 21: Boats

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| Mooring of Boats Ordinance | <u>Section 21-1</u> | Section 21-1(a), (b), (d) |
| No Discharge Zone Ordinance | <u>Section 21-2</u> | Section 21-2 (b) |

Chapter 22: Environment

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| Smoking in Municipal Buildings Ordinance | <u>Section 22-1</u> | Article I, Section 22-1 |
| Noise Ordinance | <u>Section 22-31</u> | Article II, Section 22-31 |

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| <u>Section 22-33</u> | Article II, Section 22-33 (Penalties) |
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Criminal remedies-Conducting business within this town without having paid the license privilege tax imposed by this article, without a valid license issued pursuant to this article or without posting a license pursuant to section 14-56, is a misdemeanor, punishable as provided in G.S. 14-4. Each day that a person conducts business in violation of this article is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of his liability for taxes imposed under this article. (b) Equitable remedies- Pursuant to G.S. 160A-175(d), the town may seek an injunction against any person conducting a business in violation of this article.

It shall be unlawful for any peddler or itinerant merchant to peddle any articles of merchandise until such person has first secured a permit to peddle the merchandise and must keep and produce and exhibit the permit to any official of the town upon demand.

Section 14-94 (a)-(k) sets out specific regulations Peddlers and Itinerant Merchants must adhere to.

During the existence of a proclaimed state of emergency it shall be unlawful for any person to violate any provision of any regulation or restriction imposed by any proclamation authorized by this article.

No person shall moor or tie a boat or other personal watercraft to the dock adjacent to the boat ramp located on the north side of the foot of the Cora Mae Basinlight Bridge and leave such boat or personal watercraft unattended exceeding a period of one hour. No person shall moor or tie a boat or personal watercraft to the dock known as Roanoke Marshes Lighthouse Pier for greater than 24 hours. Unless otherwise stated, penalties for violation and/or appeals of this chapter shall be administered as prescribed in section 1-6.

It shall be unlawful for any person to discharge treated or untreated sewage into the jurisdictional waters of a "no discharge zone" from any water-borne craft, whether moored, docked, in transit, or otherwise located within these waters.

Prohibition of smoking in enclosed places. Smoking shall be prohibited in the following places within town-owned structures: Hazardous material or operation areas, mechanical areas, computer and sensitive office equipment areas, conference rooms, private offices, classrooms, hallways, any assembly room, open or enclosed work areas and restrooms.

It shall be unlawful for any person to make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the town. Specific acts that are declared to be loud/disturbing are listed in Section 22-32.

Unless otherwise stated, penalties for violation and/or appeals of this chapter shall be administered as prescribed in section 1-6.

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| Nuisance- Maintenance of Premises Ordinance | <u>Section 22-56</u> | Article III, Section 22-56 |
| Nuisance- Trees Ordinance | <u>Section 22-57</u> | Article III, Section 22-57 |
| | <u>Section 22-58</u> | Article III, Section 22-58 (Violations) |

Chapter 26: Fire Protection

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| Fireworks Ordinance | <u>Section 26-1</u> | Section 26-1 |
| Open Burning Ordinance | <u>Section 26-3</u> | Section 26-3 (a) and (b) |
| Aerial Luminary Devices Ordinance | <u>Section 26-4</u> | Section 26-4 |

No shooting of firecrackers, sky rockets, Roman candles or other fireworks of any description is permitted within the town limits by any person.

No person shall burn or cause to be burned any trash, refuse, paper, leaves, litter outside any house, on or in street, alley, lot or yard within the corporate limits of the town without first obtaining a burn permit from the code enforcement officer. Specific conditions are listed in the code. Unless otherwise stated, penalties for violation and/or appeals of this chapter shall be administered as prescribed in section 1-6.

It shall be unlawful to buy sell, possess, ignite or cause to ignite any such aerial luminary device

Chapter 30: Offenses and Misc

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| Alcoholic Beverages Ordinance | <u>Section 30-2</u> | Section 30-2 (b) |
| | | Section 30-2 (c) |
| | | Section 30-2 (d) |
| Drainage Ditches Ordinance | <u>Section 30-4</u> | Section 30-4 |
| Discharging Firearms Ordinance | <u>Section 30-5</u> | Section 30-5 |
| Indecent Exposure Ordinance | <u>Section 30-6</u> | Section 30-6 |
| Damaging Public Notices Ordinance | <u>Section 30-7</u> | Section 30-7 |

It shall be unlawful for any person to display, consume or possess any malt beverage or unfortified wine in or on any street, sidewalk, alley or public place, unless in a plastic, paper or styrofoam cup, except as may be provided under G.S. ch. 188 within the town unless such consumption or display is expressly authorized on the premises pursuant to a permit issued by the state board of alcoholic control.

No person shall consume or possess malt beverages or unfortified wine of any kind on or in the public streets, boulevards, alleys, parks, sidewalks, or public buildings within the town, unless in a plastic, paper or styrofoam cup.

Unless otherwise stated, penalties for violation and/or appeals of this chapter shall be administered as prescribed in section 1-6.

No person shall fill up or in any way obstruct free passage of water through any public or private ditch, conduit or other channel that may be cut for purpose of drainage within the town limits; provided, that this section shall not apply to any individual filling in private channels on his own land, when not needed for drainage or for purpose of channeling drainage on his own premises.

It is unlawful for any person to fire or discharge shotguns, rifles, pistols or any other firearm, or discharge any explosive device, by whatever name called, within the town within 300 yards of any structure, on or across any public road or highway, or in any government owned building, municipal parks, and recreation areas.

It shall be unlawful for anyone to indecently expose his person upon any street, sidewalk, beach or wharf or in any public place or in any private place which is exposed to public view and/or for any immoral purpose.

No person shall, without proper authority, remove, deface, mutilate or destroy any notice or other paper posted for the information of the public on any bulletin board in the town hall, courthouse, post office or other public building.

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| Interfering with Town Officers Ordinance | <u>Section 30-8</u> | Section 30-8 |
| Impersonation of Town Officer Ordinance | <u>Section 30-9</u> | Section 30-9 |
| Town Boat Ramp Ordinance | <u>Section 30-10</u> | Section 30-10 (a) and (c) |
| Loitering Ordinance | <u>Section 30-11</u> | Section 30-11 (b) and (c) |

No person shall carelessly or willfully interfere with, hinder or obstruct any officer or employee of the town who is engaged in, en route to or returning from the performance of official duty, whether such interference, hindrance or obstruction is by threat, assault or otherwise.

No person shall falsely represent himself to be an officer or employee of the town, or without proper authority wear or display any uniform, insignia or credential which identifies any town officer or employee; nor shall any person without proper authority assume to act as an officer or employee of the town, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose.

No person shall moor or tie a boat or other personal watercraft to the docks adjacent to the boat ramp located on the north side of the foot of the Cora Mae Basnight Bridge and leave such boat or personal watercraft unattended exceeding a period of one hour. Unless otherwise stated, penalties for violation and/or appeals of this chapter shall be administered as prescribed in section 1-6.

It shall be unlawful to loiter for the purpose of engaging in drug related activity. The following circumstances may suggest a manifestation of the intent to engage in drug-related activity. Unless otherwise stated, penalties for violation and/or appeals of this chapter shall be administered as prescribed in section 1-6.

Chapter 34: Solid Waste

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| Solid Waste Management Ordinance | <u>Section 34-2</u> | Article I, Section 34-2 |
| Collection Service Ordinance | <u>Section 34-31</u> | Article II, Section 34-31 |
| Metal Can Ordinance | <u>Section 34-33</u> | Article II, Section 34-33 |
| Littering Ordinances | <u>Section 34-61</u> | Article III, Section 34-61 |
| | <u>Section 34-62</u> | Article III, Section 34-62 |

It shall be unlawful for any person to deposit refuse of any kind upon any street, sidewalk, public place, vacant lot, beach, marsh, stream or other body of water within the town; except, that shells and other substances calculated to improve the marsh may be deposited therein, and garbage and trash may be set out for collection as provided in article II of this chapter.

No person shall permit to remain on or within any premises owned or occupied by him any garbage or trash which is or which may become a menace to health or cleanliness for a longer period of time than is reasonably necessary to remove and deposit such garbage or trash in a proper receptacle as provided in this article for the collection thereof.

No person shall, without proper authority, overturn, remove, tamper with or interfere with any metal can or receptacle used for the storage of garbage or trash.

It shall be unlawful for any person to throw or deposit upon any street or sidewalk, or upon any private property except with written permission of the owner of occupant of the private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type of litter.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town, or upon private property.

Chapter 38: Public Places

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| Use of Public Places Ordinances | <u>Section 38-1</u> | Article I, Section 38-1 (a) and (d) |
| Obstruction of Sidewalks/Streets Ordinances | <u>Section 38-31</u> | Article II, Section 38-31 |
| | <u>Section 38-32</u> | Article II, Section 38-32 |

Use of Cartwright Park- Restricted hours of operation. Cartwright Park shall be open to the public from 7:00 a.m. until 9:00 p.m. Sunday through Saturday. Any use beyond the restricted hours shall only be permitted with the consent of the town manager.

Alcoholic beverages are not permitted at any time nor use profane or indecent language by any person. Penalties for violation and/or appeals of this chapter shall be it shall be unlawful for any person to close or obstruct any sidewalk or street so as to prevent the free and convenient passage of persons and vehicles, except as provided in this article.

It shall be unlawful for any person to propel a vehicle or to walk upon or ride or drive an animal upon any portion of a street or sidewalk which has been closed for repairs, when a barricade has been erected or a sign posted giving notice of such closing.

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| Playing on Streets Ordinance | <u>Section 38-33</u> | Article II, Section 38-33 |
| Obstruction of Vision Ordinance | <u>Section 38-35</u> | Article II, Section 38-35 |
| Construction of Drains Ordinance | <u>Section 38-61</u> | Article III, Section 38-61 |
| Digging Holes Ordinance | <u>Section 38-62</u> | Article III, Section 38-62 |
| Removing Sand/Dirt Ordinance | <u>Section 38-64</u> | Article III, Section 38-64 |
| Parade, Demonstration Permit Ordinances | <u>Section 38-98</u> | Article IV, Section 38-98 |
| | <u>Section 38-104</u> | Article IV, Section 38-104 |

Chapter 42: Taxation

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| Taxation Ordinance | <u>Section 42-2</u> | Chapter 42 Section 42-2 |
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All annual taxes assessed or levied by the board of commissioners shall be due and payable on September 1 of the year in which they are assessed or levied, subject to the discounts and penalties provided in the G.S. 105-345.

Chapter 46: Traffic and Vehicles

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| Traffic and Vehicles Ordinances | <u>Section 46-2</u> | Article I, Section 46-2 |
| | <u>Section 46-3</u> | Article I, Section 46-3 |
| | <u>Section 46-33</u> | Article II, Section 46-33 |
| | <u>Section 46-34</u> | Article II, Section 46-34 |
| | <u>Section 46-35</u> | Article II, Section 46-35 |
| | <u>Section 46-37</u> | Article II, Section 46-37 |
| | <u>Section 46-43</u> | Article II, Section 46-43 |

It shall be unlawful for any person to do any act forbidden or fail to perform any act required by this chapter.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer, or any lawful order or direction of a member of the fire department having authority to direct traffic at or near the scene of a fire.

It shall be unlawful for any person to erect upon the streets or sidewalks of the town, or at the margin thereof, any traffic sign or traffic control signal or device of any description, except such as may be specifically authorized by an officer or agent of the town acting under authority of the board of commissioners.

The driver of any vehicle and pedestrians shall obey the instructions of any applicable official traffic control device unless otherwise directed by a police officer, Whenever authorized signs are placed, erected or installed indicating that no right or left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Whenever authorized stop signs are placed, erected or installed indicating that vehicles shall be brought to a stop before proceeding into an intersection, no driver of a vehicle shall disobey the directions contained in or given by such signs.

Whenever authorized signs are placed, erected or installed indicating a zone wherein the overtaking and passing of a vehicle is prohibited, no driver of a vehicle shall overtake and pass another vehicle.

It shall be unlawful for any person to throw, catch, bat or play ball or engage in any type of game or contest on the streets of the town. No person shall use, on a street or highway where playing is prohibited except in a safe manner, roller skates, skateboards or other devices on wheels, bicycles and licensed vehicles. Exceptions may be out or maintenance of any sign, hedge, shrubbery, natural growth or other obstruction to the view higher than three feet six inches above the level of the center of the adjacent intersection

No person shall cut a drain across any sidewalk without a permit to do so granted by the town manager. Any such permit shall prescribe the conditions under which the work is to be done and the specifications for the construction of the drain, and all work shall be subject to supervision by the town manager.

It shall be unlawful for any person to dig any hole or ditch or to make any excavation whatsoever upon, across or under any street, sidewalk or public place in the town without having first procured a permit so to do from the town manager.

It shall be unlawful for any person to remove any sand, dirt, stone or other material which is a part of any street, sidewalk or public place in the town without having first secured a permit in writing from the town manager.

It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk or other public place within the town unless a permit therefor has been issued by the town in accordance with the provisions of this article.

No person shall hamper, obstruct, impede or interfere with any parade, picket line or group demonstration being conducted under authority of a permit duly issued by the chief of police.

Chapter 50: Utilities

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| | <u>Section 46-44</u> | Article II, Section 46-44 | Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof, except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. |
| | <u>Section 46-72</u> | Article III, Section 46-72 | No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. |
| | <u>Section 46-73</u> | Article III, Section 46-73 | It shall be unlawful for any person to sound the horn or warning signal of any motor vehicle in such manner as to disturb the public, either by sounding the horn for an unusual period of time, or by blowing a horn that has a sound similar to a fire siren. |
| | <u>Section 46-75</u> | Article III, Section 46-75 | No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this section. |
| | <u>Section 46-76</u> | Article III, Section 46-76 | No person shall drive a vehicle on a highway or on any parking lot, drive, driveway, road, roadway, street or alley upon the grounds and premises of any public or private hospital, educational institution, benevolent institution, school, orphanage, church or any of the institutions maintained and supported by this state, county or town. |
| | <u>Section 46-77</u> | Article III, Section 46-77 | No person shall drive a vehicle on any street in the town which is not a part of the state highway system at a speed in excess of 20 miles per hour. |
| | <u>Section 46-79</u> | Article III, Section 46-79 | Whenever authorized signs are placed, erected or installed indicating speed limits no driver of a vehicle shall disobey the directions contained in or given by such signs. |
| | <u>Section 46-112</u> | Article IV, Section 46-112 | It shall be unlawful for any person to stop any vehicle in any street, except for the purpose of parking as prescribed in this chapter, |
| Tampering with Water System Ordinance | <u>Section 50-1</u> | Article I, Section 50-1 | No unauthorized person may manipulate, tamper with, or harm in any manner whatsoever any water line, sewer line, main, or appurtenance or any other part of the water or sewer system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system. |
| Penalties and Appeals of this Chapter Ordinance | <u>Section 50-7</u> | Article I, Section 50-7 | Unless otherwise stated, penalties for violation and/or appeals of this chapter shall be administered as prescribed in section 1-6. |
| Connection Permit Ordinance | <u>Section 50-33</u> | Article II, Section 50-33 | No person shall make or have made any connection to the water system until they have received a permit to do so and paid the appropriate connection fee as required by this article. |
| Unauthorized Water Supply Ordinance | <u>Section 50-40</u> | Article II, Section 50-40 | It shall be unlawful for any person to turn on the water supply to any premises from which the water has been shut off by the town except by authority of the utilities superintendent. |
| Sewer Services Ordinance | <u>Section 50-44</u> | Article II, Section 50-44 | All water and sanitary sewer service accounts shall be due and payable within 20 days from the date of billing, on the 21st day there will be added a ten-percent penalty. If the account is not paid within 30 days from the date of billing, the water service shall be shut off from such property or premises until the account is paid in full. In the case of a sewer connection on property which is not connected with the water system, the sewer system shall be severed and discontinued until the account is paid in full. |
| Supplying and Selling Water Ordinance | <u>Section 50-47</u> | Article II, Section 50-47 | No unauthorized person may supply or sell water from the town system to other persons or carry away water from any hydrant, public water fountain, or other such public outlet without specific authorization from the town. |
| Tampering with Water Meter Ordinance | <u>Section 50-48</u> | Article II, Section 50-48 | No unauthorized person shall tamper with the water meter so as to alter the true reading for the amount of water consumed and sewage discharged, attach or cause to be attached any connection to the waterline before the water meter. |

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| Cross- Connection Control Ordinance | <u>Section 50-52</u> | Article II, Section 50-52 (d) (2)-(5) | No customer shall allow an unprotected cross-connection to be made or to remain involving the customer's private water system. No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow assembly, appropriate to the degree of hazard. No customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and no customer shall fail to submit to the town any record. |
| | | Article II, Section 50-52 (m) | Violations- A written notice must be presented to any customer/person who has been found to be in violation of any part of this section. Such notice must explain the violation and give the time period within which the collation must be corrected (not exceed 30 days). Specific Penalties are listed in subsection (m)(2) |
| | | | It shall be unlawful for any person to place, deposit upon public or private property any human or animal excrement, garbage or other objectionable waste or to discharge to any natural outlet. It is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, is required at his expense to install suitable toilet facilities connected directly with the proper public sewer within 30 days after date of official notice to do so; provided, that the public sewer is within 200 feet of the property line and can be reached by gravity flow. No property owner shall be required to connect to the public sewer system if he must first purchase an easement in which to install sewer lines. |
| Sewer System Ordinance | <u>Section 50-101</u> | Article III, Section 50-101 (a)-(e) | No person may connect or be connected to the water or sewer system of the town until a permit for such a connection has been issued pursuant to section 50-103. |
| Connection to Public Sewers Ordinance | <u>Section 50-102</u> | Article II, Section 50-102 | No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the town. |
| Alterations of Public Sewers Ordinance | <u>Section 50-106</u> | Article III, Section 50-106 | No person shall discharge wastes to the town sanitary sewer which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances. Specific substances are listed in the code under subsection (a) 1-11. |
| Prohibitions on Discharges Ordinance | <u>Section 50-126</u> | Article III, Section 50-126 | No person shall discharge or cause to be discharged any radioactive waste into a town sewer. Except when a person is authorized to use radioactive materials, when discharge is in strict conformity with the Atomic Energy Commission (AEC) regulations, when the person is in compliance with all lawful rules and regulations of applicable regulatory agencies having jurisdiction, and/or upon notification cooperate in limiting the release of the material. |
| Radioactive Waste Ordinance | <u>Section 50-129</u> | Article III, Section 50-129 | No person shall discharge any substances directly into a manhole or other opening in a town sewer other than through an approved building sewer, unless he has been issued a permit by the town. |
| Discharging of Substances in a Manhole Ordinance | <u>Section 50-131</u> | Article III, Section 50-131 | No user shall contribute or cause to be contributed into the POTW (publicly owned treatment works) the following pollutants, substances, or wastewater which will cause pass through or interfere with the operation or performance of the POTW. |
| Discharging of Oil/Grease Ordinance | <u>Section 50-171</u> | Article IV, Section 50-171 | |
| Penalties/ Appeals of this Chapter Ordinance | <u>Section 50-178</u> | Article IV, Section 50-178 | Unless otherwise stated, penalties for violation and/or appeals of this chapter shall be administered as prescribed in section 1-6. |

MANTOE ZONING ORDINANCE

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| Zoning Permits | <u>Section 3-4</u> | Article II, Section 3-4 | Requires zoning permit or conditional use permit for change of use |
| Building Permits | <u>Section 3-14</u> | Article III, Section 3-14 | Requires building permit for all construction |
| Certificate of Occupancy | <u>Section 3-17</u> | Article III, Section 3-17 | Requires certificate of occupancy for occupancy of buildings |
| Plat Approval | <u>Section 3-37</u> | Article III, Section 3-37 | Requires plat approval prior to any subdivision of land |

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| Inclusionary Zoning- Percentage of Units | <u>Section 11-3</u> | Article XI, Section 11-3 | 20% of the total number of residential units or lots within any covered development must be affordable housing units. To calculate the number of affordable housing units the total number of proposed units or lots shall be multiplied by 20 percent. If the product includes a fraction, a fraction of .5 or more shall be rounded up, and a fraction of less than .5 shall be rounded down. For all covered developments, the applicant shall file an application for approval on a form provided and required by the town which is reviewed concurrently with the planning and zoning application. As part of the approval of a covered development project, the applicant shall present to the town an inclusionary housing plan that outlines and specifies the covered development's compliance with each of the applicable requirements. |
| Inclusionary Zoning- Application | <u>Section 11-4</u> | Article XI, Section 11-4 | Prior to issuance of a building permit for any covered development, the applicant shall have entered into a development agreement with the town regarding the specific requirements and restrictions regarding affordable housing and the covered development. All documents must be recorded in the Dare County Register of Deeds. Affordable housing units or lots shall not be segregated and should be interspersed among the market rate units throughout the covered development and the locations shall be approved by the town planner. Affordable unit price are determined by calculating 72.5 percent of the median income (HUD MFI) multiplied by 3.5. Prices for affordable lots in subdivisions are determined by calculating 72.5 percent of the median income (HUD-MFI) multiplied by 3.5 and divided by four. Regulates locations of adult oriented businesses Regulates locations of pawnbrokers and pawnshops Regulates setbacks for auto and boat sales and repairs Regulates outdoor storage of vehicles and boats, and prohibits junkyards in certain zones. Regulates location of service stations and convenience stores with fuel pumps Prohibits jetski rentals along town waterfront, and regulates marina development Regulates telecommunications towers Regulates wind generation power facilities (windmills and wind turbines) |
| Inclusionary Zoning- Integration of Units | <u>Section 11-8</u> | Article XI, Section 11-8 | |
| Inclusionary Zoning- Price of Units | <u>Section 11-10</u> | Article XI, Section 11-10 | |
| Adult Entertainment Businesses | <u>Section 12-2</u> | Article XII, Section 12-2 | |
| Pawnshops | <u>Section 12-2.1</u> | Article XII, Section 12-2.1 | |
| Auto and Boat Sales and Repairs | <u>Section 12-3</u> | Article XII, Section 12-3 | |
| Vehicle and Boat Storage | <u>Section 12-4</u> | Article XII, Section 12-4 | |
| Automobile Related Services | <u>Section 12-5</u> | Article XII, Section 12-5 | |
| Self-Storage Facilities | <u>Section 12-6</u> | Article XII, Section 12-6 | |
| Marinas | <u>Section 12-7</u> | Article XII, Section 12-7 | |
| Telecommunication Towers | <u>Section 12-8</u> | Article XII, Section 12-8 | |
| Wind Generation Facility | <u>Section 12-8.1</u> | Article XII, Section 12-8.1 | |
| Access and Curb Cuts | <u>Section 13-2</u> | Article XIII, Section 13-2 | Regulates location and dimension of access points and curb cuts for new development |
| Vision Clearance at Intersections | <u>Section 13-3</u> | Article XIII, Section 13-3 | Regulates vision clearance and sight triangles at intersections Requires all new construction to abut a public right of way or private street at least 30 feet in width |
| Access to Lots | <u>Section 13-4</u> | Article XIII, Section 13-4 | Regulates dimensions of newly constructed streets |
| Street Width Requirements | <u>Section 13-7</u> | Article XIII, Section 13-7 | Regulates location and construction of sidewalks |
| Sidewalk Requirements | <u>Section 13-9</u> | Article XIII, Section 13-9 | Establishes parking requirements for apurtenant uses |
| Parking Requirements | <u>Section 14-3</u> | Article XIV, Section 14-3 | Regulates dimensions of parking spaces |
| Parking Spaces | <u>Section 14-4</u> | Article XIV, Section 14-4 | Regulates width of drive aisles |
| Drive Aisles | <u>Section 14-5</u> | Article XIV, Section 14-5 | Requires building permit for fences over 6 ft. and establishes standards |
| Walls and Fences | <u>Section 15-5</u> | Article XV, Section 15-5 | Establishes tree planting requirements along new streets |
| Trees Along Dedicated Streets | <u>Section 15-12</u> | Article XV, Section 15-12 | Establishes tree planting requirements for new parking lots |
| Trees in Parking Lots | <u>Section 15-13</u> | Article XV, Section 15-13 | Requires screening of trash dumpsters |
| Screening of Dumpsters | <u>Section 15-14</u> | Article XV, Section 15-14 | Regulates retention and protection of large or historic trees, with related construction standards |
| Protection of Historic Trees | <u>Section 15-21</u> | Article XV, Section 15-21 | Requires proper maintenance of required landscaping |
| Maintenance of Landscaping Materials | <u>Section 15-22</u> | Article XV, Section 15-22 | Requires revegetation of disturbed land |
| Revegetation | <u>Section 15-23</u> | Article XV, Section 15-23 | Requires public dedication of greenways established in new developments |
| Public Pedestrian Greenways | <u>Section 16-3</u> | Article XVI, Section 16-3 | Requires public dedication of historic/traditional drainage ditches |
| Drainage Ditches | <u>Section 16-4</u> | Article XVI, Section 16-4 | |
| Homeowners' Association | <u>Section 16-5</u> | Article XVI, Section 16-5 | Requires establishment of homeowners association for new residential developments |
| Stormwater Discharge System | <u>Section 17-3</u> | Article XVII, Section 17-3 | Prohibits and regulates connection and discharge into the town stormwater system |

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| Stormwater Management | <u>Section 17-5</u> | Article XVII, Section 17-5 | Regulates stormwater management and establishes stormwater management plan criteria |
| Stormwater Runoff | <u>Section 17-7</u> | Article XVII, Section 17-7 | Establishes stormwater runoff and retention criteria |
| Outdoor Advertising Permit | <u>Section 18-2</u> | Article XVIII, Section 18-2 | Requires permit for all signs and outdoor advertising |
| Materials and Design of Signs | <u>Section 18-3</u> | Article XVIII, Section 18-3 | Requires signs to comply with NC Building Code |
| Illuminated Signs | <u>Section 18-5</u> | Article XVIII, Section 18-5 | Require lighted signs to comply with NC electrical code |
| Prohibited Signs | <u>Section 18-6</u> | Article XVIII, Section 18-6 | Establishes design and location standards for signs |
| Signs Permitted in R-2 and R-5 Zones | <u>Section 18-7</u> | Article XVIII, Section 18-7 | Establishes sign regulations for R2 and R5 zones |
| Signs Permitted in B-1 Zone | <u>Section 18-8</u> | Article XVIII, Section 18-8 | Establishes sign regulations for B1 zone |
| Signs Permitted in B-2 Zone | <u>Section 18-9</u> | Article XVIII, Section 18-9 | Establishes sign regulations for B2 zone |
| Signs Permitted in B-3 Zone | <u>Section 18-10</u> | Article XVIII, Section 18-10 | Establishes sign regulations for B3 zone |
| Lighting Prohibited | <u>Section 19-3</u> | Article XIX, Section 19-3 | Establishes outdoor lighting and light fixture standards |
| Outdoor Lighting | <u>Section 19-4</u> | Article XIX, Section 19-4 | Establishes construction and location standards for outdoor lighting |
| Lighting for New Construction | <u>Section 19-5</u> | Article XIX, Section 19-5 | Requires a lighting plan for all new construction |
| Lighting and Brightness Criteria | <u>Section 19-6</u> | Article XIX, Section 19-6 | Establishes lighting performance and brightness criteria |
| Applications for Lighting | <u>Section 19-7</u> | Article XIX, Section 19-7 | Establishes lighting application standards for canopies, security, architectural and sporting event lighting |
| Location of Utilities | <u>Section 20-2</u> | Article XX, Section 20-2 | Establishes location and construction criteria for utilities |
| Sites for Dumpsters | <u>Section 20-3</u> | Article XX, Section 20-3 | Establishes location standards for dumpsters |
| Flood Hazard Areas | <u>Section 26-19</u> | Article XXVI, Section 26-19 | Establishes general standards and requirements for flood hazard prevention |
| Special Flood Hazard Areas | <u>Section 26-20</u> | Article XXVI, Section 26-20 | Establishes specific standards for flood hazard prevention |
| Drainage of Developments | <u>Section 26-32</u> | Article XXVI, Section 26-32 | Establishes drainage standards for residential and non-residential construction, manufactured homes, and elevated structures. |
| Stormwater Management for Developments | <u>Section 26-36</u> | Article XXVI, Section 26-36 | Establishes stormwater management criteria for new developments |
| Sedimentation and Erosion Control | <u>Section 26-41</u> | Article XXVI, Section 26-41 | Establishes sedimentation and erosion control standards |