

**Memorandum**

**TO:** Rep. Jonathan C. Jordan and Sen. Andy Wells—Co-Chairs of the Joint Legislative Administrative Procedure Oversight Committee

Rep. James L. Boles, Jr., Rep. Ted Davis, Jr., and Sen Shirley B. Randleman--- Co-Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety

**FROM:** T.C. Morphis, Jr. (General Counsel for the Town of Pinebluff) and Brady Herman

**DATE:** November 6, 2018

**RE: Response to the Requirements set forth in Section 3 of Session Law 2018-69 (House Bill 379) for the Town of Pinebluff, N.C.**

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Attached is the response of the Town of Pinebluff, North Carolina to the requirements set forth in Section 3 of Session Law 2018-69 for local governmental units. The attached document contains a list of all Pinebluff’s ordinances that create criminal offenses pursuant to G.S. 14-4(a), with brief descriptions of the prohibited conduct.

If you have any questions about this Memorandum, please contact either T.C. Morphis by email at [morphis@broughlawfirm.com](mailto:morphis@broughlawfirm.com), or Brady Herman at [bherman@broughlawfirm.com](mailto:bherman@broughlawfirm.com), at The Brough Law Firm, tel: (919)-929-3905. Also, please acknowledge receipt of this Memorandum and its sufficiency in complying with Session Law 2018-69, Section 3.

### **Chapter 3—Animals and Fowl**

Section 3-10—Interference with Administrator: Prohibits (1) interfering with, hindering, and/or molesting the Town Administrator or any police officer while in the performance of their duties authorized by this ordinance; or (2) seeking to release any animal in custody of the Town Administrator or other agent of the Town, except in a manner provided in this ordinance.

Section 3-12(a)—Animals Creating a Nuisance: Prohibits any owner or keeper within the Town, after receiving a notice of removal by the Town Administrator, to keep or possess any animal that: (1) habitually or repeatedly, without provocation, chases, snaps at or attacks pedestrians, bicycles, or vehicles even if the animal never leaves the owners property, or does so only to transgress upon the adjacent right-of-way and then returns to its owners of property; (2) seriously interferes with the reasonable use and enjoyment by neighboring residents of their property because of its odor, habitual barking, howling, crying, or other noise making; (3) is a female that is not confined while in heat in a building or secure enclosure in such a manner that she will not be in contact with another animal; (4) damages the property of anyone other than its owner or keeper; or (5) without provocation, inflicts on any person a serious injury requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.

Section 3-14(b)—Security of Dogs: Requires all persons owning security dogs to register such animals with the Town Police Department.

Section 3-25—Cruelty to Animals: Prohibits (1) willfully subjecting any animal to cruel treatment, including but not limited to overloading, wounding, inuring, torturing, cruelly beating, or killing any animal, or depriving an animal of adequate food, water, shelter or veterinary care, or cause or procure the same; (2) conducting, attending, or otherwise participating in animal fighting or cock fighting or possessing any paraphernalia for those purposes; (3) selling or giving away within the Town any baby chickens, baby ducklings, or other fowl or rabbits under eight (8) weeks of age; (4) changing the natural color of any baby chickens or other fowl or rabbits; (5) restraining any animal except in a humane fashion; (6) using any type of steel jaw trap for purposes of trapping animals; (6) enticing or luring any animal out of an enclosure or off the property of its owner or keeper or teasing any animal while the animal is held or controlled by its owner or keeper; (7) carrying, causing to be carried, or transporting any animal in or upon any vehicle without adequate ventilation or otherwise doing so in a cruel or inhumane manner; or (8) abandoning or forsaking any animal within the Town.

### **Chapter 4—Buildings; Construction and Related Activities**

#### **Article I- General**

Section 4-1—Scope of Chapter and Codes: Prohibits any structure or building within the Town to be constructed, altered, repaired, or removed except in conformity with the provisions of this ordinance.

Section 4-2—Inspections; Procedures: Requires the Zoning Administrator to inspect all buildings or structures during construction to see that the provisions of the Town Zoning Ordinance are complied with and that construction is procured in a safe manner. If the Zoning Administrator determines by reason of defective or illegal work in violation of this ordinance, where the continuance of a building

operation is contrary to public welfare, he or she may order all further work to be stopped and may require suspension of all work until the condition in violation is remedied.

Section 4-3—Removal or Repair of Unsafe Building: The Zoning Administrator has the authority to require that a building or structure that may be or become dangerous or unsafe to take down and remove said building, unless said building is made safe within a reasonable time after notice is given to the owner in writing of its unsafe condition.

Section 4-6—Penalty for Violations: Any person who violates a provision of this ordinance or otherwise fails to comply with any of the requirements thereof, or has erected, constructed, altered, or repaired a building or structure in violation of a detailed statement or plan submitted and approved, or of a permit or certificate issued thereunder, will be guilty of a misdemeanor.

### **Article III- Permits**

Section 4-31—Required: Prohibits any building or structure to be built, enlarged, altered, or moved without first obtaining a valid zoning permit from the Zoning Administrator and subsequent building permits from appropriate Moore County Agencies.

Section 4-32—Permit Required for Swimming Pools: A permit must be applied for and issued by the Zoning Administrator before construction of any swimming pool may begin. Before any permit is to be issued, such plans and specifications must be approved by the Building Inspector and the County Health Department.

Section 4-33—Permit Required for Satellite Antenna Structures: Requires a permit to be obtained from the Zoning Administrator prior to the erection of any antenna tower or satellite earth station antenna structure, per NC state law.

### **Article IV- Abandoned Structures**

Section 4-44—Standards for Enforcement: Every abandoned structure within the Town will be deemed a violation of this Article whenever such structure constitutes a hazard to the health, safety or welfare of the Town citizens as a result of: (1) the attraction of insects or rodents; (2) conditions creating a fire hazard; (3) dangerous conditions constituting a threat to children; or (4) frequent use by vagrants as living quarters in the absence of sanitary facilities.

### **Chapter 5—Businesses**

Section 5-1—Residential Solicitations Prohibited; Exceptions: Prohibits entering or remaining upon any residential premises within the Town, not having been requested or invited by the occupants or owners thereof, for the purpose of contacting said occupants to solicit the immediate or future purchase for the sale of goods, services or anything of value. This section does not apply to charitable, religious, or political solicitation or the solicitation of newspaper or magazine subscriptions unless a “No Solicitation” or “No Trespassing” sign is posted at or near the entrances to such residence.

Section 5-2—All Solicitations Prohibited by Posting Sign: Prohibits entering or remaining upon any public or private premises within the Town for the purpose of soliciting the immediate or future purchase for the sale of goods, services, or anything of value, or to solicit a gift or donation when a “No Solicitation”

or “No Trespassing” sign is posted at or near the entrance of such premises. This provision applies to all solicitations, including those that are charitable, religious, or political in nature.

Section 5-3—Attempt to Obtain Invitation Prohibited: Prohibits attempting to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase of sale of goods, services or any other thing of value, by knowingly making a false or deceptive representation or statement.

## **Chapter 6—Cemeteries**

Section 6-1—Burial Restrictions: Prohibits burying the body of any person within the corporate limits of the Town other than in a duly established cemetery or other burial ground. For each cemetery plot there must be only either one (1) casket or one may place two (2) urns in a cemetery plot.

Section 6-2—Structure Restrictions: Prohibits placing any structures, other than memorial markers and visitor accommodations provided for by the Town, on the Town cemetery premises.

## **Chapter 7—Civil Emergency Management**

Section 7-1—Proclamation Definition; Issuance: During the existence of a proclaimed state of emergency when a curfew has been imposed by the Town Mayor, prohibits anyone subject to such curfew from: (1) traveling upon any public street, alley, or public property unless in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of himself or herself or their family; (2) possessing off one’s own premises, to buy, sell or otherwise transfer or dispose of any explosives, firearms, ammunition, or dangerous weapons of any kind; (3) selling beer, wine, or intoxicating beverages of any kind, or possessing or consuming the same off one’s own premises; or (4) selling gasoline or any other similar petroleum products, or any other inflammable substances, except those that are expressly authorized by the provisions of the curfew imposed.

## **Chapter 8—Environment**

### **Article I- Maintenance of Premises and Vacant Lots**

Section 8-1-- Maintenance of Premises and Vacant Lots: Requires every person or entity owning, occupying, or leasing any premises or vacant lot in the Town limits, or within one mile thereof, to keep the premises or vacant lots free from noxious weeds, trash, scrap metal, junk, and all forms of animal or vegetable refuse which may be dangerous, prejudicial, or injurious to the public health, safety and general welfare or which may otherwise constitute as a public nuisance.

Section 8-2—Specifications for Weeds, Grass, or Other Noxious Growth: Every person or entity owning, occupying, or leasing any premises or vacant lot in the Town limits, or within one mile thereof, must keep said property improved by mowing or cutting down to within four (4) inches of the ground all weeds, grass, or other noxious growth of said lot as often as may be necessary to prevent such weeds or grass from exceeding a height of twelve (12) inches or otherwise becoming a public nuisance.

Section 8-5—Violation and Penalties: Any person violating this ordinance by allowing animal or vegetable matter to continue in such dangerous condition after a notice of removal by the Town will be liable for a penalty of fifty dollars (\$50.00), and failure to pay such penalty and charges within ten (10) days of the assessment will constitute a misdemeanor in addition to the penalty stated above.

## **Article II- Abandoned or Junked Vehicles**

Section 8-14—Abandoned or Junked Vehicles Prohibited on Public Streets, Alleys, or Highways: Prohibits any person or owner of an abandoned or junked motor vehicle to allow the motor vehicle to remain abandoned on any public street, alley, or highway after notice has been duly given to such person to have the vehicle removed. Requires the owner of said vehicle to pay all costs incident to such removal.

Section 8-19—Storage of Unlicensed Motor Vehicles: Prohibits causing, suffering, or permitting the storage of a motor vehicle, outside a fully enclosed structure, that does not display current license plates and a current inspection sticker unless a permit has been issued under this section of the Town Code.

## **Article III- Noise**

Section 8-21—Prohibited Generally: Prohibits making, causing, continuing to cause, or continuing to make any loud, raucous, or disturbing noise, which is defined as any sound because of its volume, duration and character annoys, disturbs or frightens, or endangers the comfort, health, safety or peace of a reasonable person, or otherwise disrupts the peaceful use and enjoyment of public and private property within the Town.

Section 8-22—Enumeration of Specific Noises: Prohibits the following acts, as defined in the previous section, declared to make and/or cause noises that are loud, raucous, or disturbing: (1) noise from any type of motorized vehicle; (2) playing any radio, musical instrument, TV, or any other electronic sound producing volume louder than is necessary for the convenience of the person listening to or operating the sound producing device; (3) playing such device as to annoy or disrupt the quiet comfort and enjoyment of any person(s) in any dwelling, hotel, church, or on any public property; (4) keeping, harboring, or authorizing to keep or harbor any animal which causes any type of frequent or continual noise for five (5) minutes or more that disrupts the comfort, quiet, or repose of any person or persons; (5) erecting, demolishing, altering, or repairing any building in a residential or business district other than between the hours of 7:00 am and 9:00 pm; or (5) firing or discharging any type of firearm, explosive, firework or similar device except as allowed by permit from the Police Department, or otherwise allowed by law.

## **Chapter 10—Fire Prevention, Protection, and Inspections**

Section 10-2—Consent Required for Steam Engine within Town Limits: Prohibits erecting or causing to be erected any steam engine within the fire limits without first obtaining the consent of the Town Council and the Fire Chief.

Section 10-3—Burning of Trash, Refuse, and the Like: Prohibits burning or causing to be burned any trash, refuse, shavings, paper, leaves, litter, or other materials of any kind outside any house, or on or in any street, alley, lot or yard within the Town limits before 4:00 pm Monday through Saturday. Burning is

prohibited on Sunday. Burning for construction or land clearing is permitted after 8:00 am by a permit issued from the Fire Chief or designee in charge.

Section 10-4—Bonfires: Prohibits on or in any street, road, land, public ground, or private lot with the Town: (1) kindling or maintaining any bonfire, (2) knowingly furnishing the material for any bonfire; or (3) authorizing any bonfire to be kindled or maintained. This provision does not apply if a written permit has been secured from the Fire Chief or designee in charge at the main fire station.

Section 10-5—Receptacles Required for Matter Susceptible to Spontaneous Ignition: Prohibits depositing ashes, smoldering coals, grease, oily substances, or other matter likely to have spontaneous ignition with fifteen (15) feet of any wooden or plastered wall, floor, sidewalk, shavings, rubbish, or other combustible material, except in metallic or other noncombustible receptors.

Section 10-6—Accumulations of Combustible Waste, Rubbish, and the Like: Prohibits the accumulation of any waste paper, weeds, litter or combustible or inflammable waste or rubbish of any kind to remain on any roof or in any court, yard, vacant lot, or open space. Every owner or occupant of property must cut down and remove all weeds, grass, vines, and other growth that endangers the property or any other property that is likely to get burned.

Section 10-7—Maintenance of Chimneys, Smokestacks, and Furnaces: Requires all chimneys, smokestacks, and other similar devices conveying smoke to the outer air, and the stoves, furnaces, and boilers to which they are connected to be maintained in such a manner by the owner or occupant as to not endanger adjacent property owners.

Section 10-8—Fire Extinguishers Required in Certain Buildings: Requires fire extinguishers to be installed in every store, factory, garage, or other building in the Town where readily inflammable material is stored, held, kept, or sold. Such fire extinguishers must be inspected by the Fire Chief or his or her designee.

Section 10-9—Assistance from Citizens in Case of a Fire: The Fire Chief and each member of the fire department, during the continuance of a fire, has the power to call any able-bodied person at the fire, to help and assist the firefighters in managing the hose and other equipment, or to perform any reasonable service in the prevention or extinguishing of the fire. Prohibits any such person to fail to obey such an order at the command of the Fire Chief.

## **Chapter 11—Firearms**

Section 11.1—Unauthorized Discharge Prohibited: Prohibits the unauthorized discharge of any firearm, pellet gun, BB gun, or other weapon of destruction anywhere within the Town limits.

Section 11-3—Violations and Penalties: Any person who is in violation of this ordinance will be liable to the Town for the penalty of fifty (\$50) dollars, and a failure to pay such a penalty within 10 days will constitute as a misdemeanor, in addition to the penalty stated above.

## **Chapter 12—Health and Sanitation**

**Section 12-21—Unauthorized Dumping Prohibited:** Prohibits the unauthorized dumping of any garbage, rubbish, cans, bottles, trash, leaves, industrial, animal or poultry wastes anywhere within the Town limits.

**Section 12-32—Littering Prohibited:** Prohibits (1) throwing or depositing litter upon any street, sidewalk, alley, or other public place within the Town except in the proper public or private receptacles; (2) sweeping into or depositing any accumulation of litter into any gutter, street, or other public place; (3) the driver or passenger of any vehicle to throw or deposit litter upon any street or other public place within the Town or private property; (4) throwing or depositing any litter into any public park, pond, lake or stream, or another body of water elsewhere within the Town; and (5) throwing or depositing any litter on any occupied, open, or vacant property within the Town.

**Section 12-33—Handbills:** Prohibits throwing or depositing any commercial or noncommercial handbill in or upon any (1) sidewalk, street, or other public place within the Town, (2) vehicle, (3) private premises which are temporarily or continuously uninhabited or vacant, and (4) private premises which are inhabited, except by handing or transmitting such building directly to the owner, occupant, or other person then present in or upon such private premises. Also prohibits throwing out, dropping, or depositing any litter, handbill, or other object from an airplane, or posting any notice, poster, or other paper or device calculated to attract the attention of the public to any lamp post, utility pole, or upon any public structure or building.

**Section 12-53—Penalties:** Any person, firm, or corporation in violation of the ordinance above within 10 days of notice from the Town will be liable for a penalty of fifty (\$50) dollars for each day the offense continues beyond the 10-day period of notice given. Failure to pay such penalty within 10 days of the final assessment will constitute a misdemeanor, in addition to the penalty above.

## **Chapter 13—Housing**

**Section 13-2—Compliance with Standards Required:** Every dwelling and dwelling unit used as a human habitation must comply with all of the minimum standards of fitness for human habitation and all of the requirements of this Chapter. Prohibits occupying as owner or letting another to occupy or use as a human habitation, any dwelling or dwelling unit that does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this Chapter.

**Section 13-11—Rubbish, Garbage, Scrap Material, and Waster Storage and Disposal:** Prohibits any owner or occupant to cause, suffer, or permit any waste, including rubbish, garbage, or scrap materials to accumulate on the premises such that the wastes become or threaten to become a fire hazard, or a harboring place for insects and rodents, or otherwise poses a danger to the public health, safety, and general welfare. Require every dwelling and dwelling unit to be supplied with approved container and cover for the storage of rubbish and garbage as required by the Town Code, and the owner in control of such dwelling is responsible for the removal of rubbish and garbage.

Section 13-9—Violations, Penalties and Alternative Remedies: Prohibits any owner or occupant of any dwelling or dwelling unit to (1) fail, neglect, or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same or the premises thereof, upon an order of the Zoning Administrator within the time specified in the order; or (2) with respect to an order by the Zoning Administrator that the premise is unfit for human habitation, or is otherwise in violation of the requirements of this chapter, 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 or closing. The violation of any of these provisions will constitute a misdemeanor.

## **Chapter 15—Municipal Utilities and Services**

Section 15-1—Water Connection Required: Requires each owner of improved property located upon or within a distance of 200 feet of a Town water or sewer line to connect the plumbing system of his or her premises with the Town water systems. Those property owners who had existing wells at the time the new Town water system was installed will have two years from the date of installation to connect to the Town System.

Section 15-2—Use of Well; Cross Connection Prohibited: Any wells that were in existence on July 22, 1986 may continue to be used by the owner or tenant of real property whereon the well is located other than domestic household water supply. Prohibits (1) any new private wells to be installed within the Town after August 29, 2002, the effective date of this ordinance; or (2) any cross-connection of the Town water system with any private well or any other source of water supply.

Section 15-2—Unauthorized Tampering or Altering the Condition of Town Water Meters: Prohibits the unauthorized tampering with or altering the condition of water meters installed by the Town anywhere within the Town limits. Any person whose water has been cut off by the Town and who is found, after the water has been cut off, to be receiving water from the Town without prior approval and knowledge of the Town Water Department, will have the water cut off and be additionally liable to the Town for a penalty of seventy-five (\$75) dollars. Failure to pay such a penalty within ten (10) days will constitute a misdemeanor, in addition to the penalty stated above.

## **Chapter 16—Occupational, Licenses, Taxation, and Regulations**

Section 16-21—Levy of Tax: Requires an annual privilege license tax to be levied on each business conducted within the Town.

Section 16-22—Who Must Pay Tax: Requires each person who conducts a business within the Town to be taxed under this ordinance. One conducts a business “within the Town” if he or she maintains a business located within the Town, or if he or she personally or through their agents solicits business within the Town or picks up or delivers goods or services within the Town.

Section 16-31—Application for Licenses: Requires a person to apply and submit their application to the tax collector for each license required under this Chapter no less than thirty (30) days before the tax is due.



Section 16-55—Duty to Post License: A licensee must post the license or licenses conspicuously in the place of business that is licensed. If the licensee has no regular place of business, the license must be kept where it may be inspected at all time by the Town officials. If a machine is licensed, the license must be affixed to the machine.

Section 16-61—Enforcement of Ordinance: It shall be a misdemeanor for any person, firm, or corporation conducting business within the Town without having (1) paid the required privilege licensee tax imposed by this ordinance; (2) without a valid license issued in accordance with this ordinance; or (3) without posting a license in compliance with this ordinance.

Section 16-82—Yard and Garage Sales Regulations: Prohibits conducting any “yard sale” or “garage sale” without first obtaining a valid permit from the Town at least one day before the sale, setting forth the information set out in this section of the Town Code and paying the applicable fee. The sales must be limited to daylight hours, and the permit must be posted on the premises where the sale is authorized so it can be seen from the streets. All signs for advertising must comply with the Town Zoning Ordinance and no sign may be exhibited for more than two days before the sale. Prohibits any sign from being posted on utility poles or other private property.

Section 16-83—Coverage: Prohibits any permit holder to allow any loud or boisterous conduct that amounts to a public nuisance or allow vehicles to impede the passage of normal traffic. All individuals must obey the reasonable orders of the Police Department in order to maintain the public safety and welfare.

## **Chapter 17—Offense and Miscellaneous Provisions**

Section 17-1—Consumption of Alcoholic Beverages on Public Property Prohibited: Prohibits consuming or having open containers of any malt beverage or unfortified wines on any property owned or occupied by the Town, including but not limited to all public streets, sidewalks, parkways, and other public rights-of-way, as well as Town Hall property, public works facility, all Town parks, and all other properties owned or occupied by the Town.

Section 17-2—Regulation of Smoking in Municipal Buildings and Vehicles: Prohibits smoking in (1) any building or facility or portion of a building or facility owned, leased, operated, occupied, managed, or controlled by the Town; and (2) any vehicle owned or leased by the Town.

Section 17-5—License Required for Sexually Oriented Businesses: Prohibits (1) any person to operate a sexual oriented business without a valid license issued by the Town pursuant to this ordinance; (2) any person who operates a sexually oriented business to employ a person who is not licensed as a sexually oriented business employee by the Town pursuant to this ordinance; and (3) any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this ordinance. The license, if granted by the Town, must be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at all times.

## **Chapter 18—Parks and Recreation**

Section 18-1—Use of Town Recreational Facilities: The use of Town recreational facilities is limited to the restricted population of the Town. The Pinebluff Lake may only be used by the residents and/or property owners within the Town, the members of their immediate families and their guests.

Section 18-2—Hours of Operation: Prohibits going upon or using Town recreational facilities between dusk and dawn unless granted permission by the Board of Commissioners.

Section 18-3—Littering Prohibited: Prohibits throwing or depositing any food, beverage, paper, bottle, or other waste materials either in the lake or upon any recreational property.

Section 18-4—Endangerment of Morals and General welfare: Prohibits making any immoral use of said premises, or to do anything upon said premises which would impair or in any way endanger morals, or the general welfare of any person using said premises or effect any person in the surrounding area.

Section 18-24—Proper Attire Required in the Lake: Prohibits using the Town Lake without being properly covered in such a manner as to protect his or her person from indecent exposure.

Section 18-25—No Animals Permitted in the Lake: Prohibits any person to allow any dogs or other animals to swim or in any way come into contact with the water of the swimming area of the lake at anytime between Memorial Day and Labor Day.

Section 18-26—Boats in the Lake: Prohibits having any boat in the lake other than powered by electric motors or paddles.

## **Chapter 20—Solid Waste Management**

Section 20-6—Metal and Similar Material Prohibited in Debris for curbside pickup: Prohibits placing any metal or similar materials, which cannot be safely disposed of by wood chipper, in with yard debris and other trash to be picked up at curbside, by the Town.

## **Chapter 22—Parking and Vehicles**

Section 22-32— Permit Required for Parades, Picket Lines, and Group Demonstrations: Prohibits any person to organize, conduct or participate in any parade, picket line, or group demonstration in or upon any street, sidewalk, parkway alley, or other public place within the Town unless a permit has been validly issued by the Tow Chief of Police in accordance with the requirements as set forth and designated in this Chapter of the Town Code.

Section 22-34—Certain Activities Prohibited: Prohibits the following acts or activities when performed or undertaken in conjunction with or as part of any parade, picket line or group demonstration: (1) carrying any firearm or weapon or article which might constitute a deadly weapon by its use; and (2) taking or keeping any dog or other vicious animal, whether leashed or unleashed.

Section 22-36—Interference Prohibited: Prohibits hampering, obstructing, impeding, or otherwise interfering with any parade, picket line, or group demonstration being conducted under the authority of a duly issued permit by the Chief of Police.

## **Chapter 23—Flood Damage Prevention Ordinance**

### **Article 3—General Provisions**

Section D—Compliance: Prohibits any structure or land to be located, extended, converted, altered or developed in any way without full compliance of the Floodplain Development application, permit and certification requirements by the terms of this ordinance and other applicable regulations.

Section H—Penalties for Violation: Any violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances or special exceptions will constitute a Class 3 misdemeanor.

### **Article 4—Administration**

Section D--Corrective Procedures; Failure to Comply with Order: If an owner of a building or property, after receiving notification from the floodplain Administrator that he or she is in violation of this ordinance, fails to comply with an order to take corrective action for which no appeal has been made, or fails to comply with an order by the Town Board of Commissioner following an appeal, the owner will be guilty of a Class 3 misdemeanor.

## **Unified Development Ordinance**

Article IV, Section 46—Permits Required: Prohibits substantially changing the use of property, commencing substantial clearing, grading, or excavating of property, or the constructing, erecting, moving, or substantially altering any building or other substantial structures unless in accordance with and pursuant to one of the following permits: (1) a zoning permit issued by the Land Use Administrator; (2) a special-use permit issued by the Board of Adjustment; or (3) a conditional use permit issued by the Board of Commissioners.

Article V, Section 92—Variances: An application for a variance must be submitted to the Board of Adjustment by filing a copy of the application with the Land Use Administrator in the planning department, and all applications are handled in the same manner as special-use permits as designated above. In granting variances, the Board of Adjustment may impose such reasonable conditions to ensure that the use of the property will be as compatible as practicable with the surrounding properties. The nature of the variance and any attached conditions must be entered onto the face of the zoning permit, and all such conditions are enforceable in the same manner as any other applicable requirement of the Town UDO.

Article VII, Section 114—Penalties and Remedies for Violation: Violations of the provisions of this UDO or failure to comply with any of the requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use or conditional-use permits will constitute as a misdemeanor that is punishable as provided in G.S. 14-4(a).