

From: [Dan Corder](#)
To: [Rep. Jonathan Jordan](#); [Sen. Andy Wells](#); [Rep. Jamie Boles, Jr.](#); [Rep. Ted Davis](#); [Sen. Shirley B. Randleman](#)
Cc: [Susan L. Sitze \(Legislative Analysis\)](#); ["Lanning, Amy C"](#)
Subject: Ordinances for Tobaccoville per Session Law 2018-69
Date: Friday, November 02, 2018 09:58:11 AM
Attachments: [Ordinance #44.pdf](#)
[Ordinance #87.pdf](#)
[Ordinance #134 \(Sex Offenders\).pdf](#)
[Ordinance #146 Gun.pdf](#)
[Ordinance #151 VillageFacilities.pdf](#)

I have reviewed our Ordinance Manual and consulted with our Village Attorney regarding the Ordinances for the Village of Tobaccoville which meet the requirements of Session Law 2018-69. I am forwarding those ordinances to the co-chairs of the Committees as required. I have copied legal counsel to the Committees and to our Village Attorney. If you have any questions I can be contacted by return e-mail at administrator@tobaccovillenc.org or at the office phone number listed below.

Dan Corder
Village Administrator
Village of Tobaccoville
336-983-0029

**AN ORDINANCE PROVIDING FOR THE PREVENTION AND
ABATEMENT OF PUBLIC NUISANCES CAUSED BY THE
UNCONTROLLED GROWTH OF NOXIOUS WEEDS AND GRASS AND
THE ACCUMULATION OF REFUSE**

WHEREAS, the uncontrolled growth of noxious weeds and grass, the accumulation of offensive animal and vegetable matter, and the accumulation of refuse causes or threatens to cause a nuisance dangerous and prejudicial to the public health or safety, and

WHEREAS, the Village of Tobaccoville is authorized by Section 160A-174, 160A-175, and 160A-193 of the General Statutes of North Carolina to define, remedy and abate nuisances,

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Tobaccoville, North Carolina:

Section 1. The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(a) The uncontrolled growth of noxious weeds or grass to a height in excess of twenty-four (24) inches causing or threatening to cause a hazard detrimental to the public health or safety. This does not include wooded lot or acreage lot.

(b) Any trees or shrubbery that shall interfere with or endanger the use of the public streets; interfere with or obstruct illumination of street lights; obscure sight distance or create a traffic hazard; interfere with the visibility of any traffic control device or sign; obstruct or impair the free passage of pedestrians on sidewalks; project into or overhang Village sidewalks or other city or state right-of-way at a vertical clearance of less than seven (7) feet; or endanger the life, health, safety or property of the public.

(c) Any accumulation of rubbish, trash, 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 therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(d) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhibitions therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(e) The open storage of any glass, building material, building rubbish, ice box, refrigerator, stove, washer, dryer, or similar items.

(f) Any condition detrimental to the public health which violates the rules and regulations of the Forsyth County Health Department.

Section 2. The Village Administrator, upon notice from any person of the existence of any of the conditions described in Section 1, shall cause to be made by the appropriate Village official, such investigation as may be necessary to determine whether, in fact, such conditions exist as to constitute a public nuisance as declared in Section 1.

Section 3. Upon a determination that such conditions constituting a public nuisance exist, the Village Administrator shall notify or person in possession of the premises in question of the conditions constituting such public nuisances and shall order the prompt abatement thereof within fifteen (15) days from the date of such notice.

Section 3A: Notices required to be given hereunder may be served in any manner permitted under Rule 4 of the North Carolina Rules of Civil Procedure regarding service or process, including, without limitation, posting at the site of the public nuisance, and notice shall be deemed delivered and received in accordance with the provision of the North Carolina Rules of Civil Procedure. Notice may be served by any proper person pursuant to Rule 4 of the North Carolina Rules of Civil Procedure, or by the Village Administrator. In addition to any other remedies set forth herein, the Village shall have the right to proceed with respect to any remedies available under North Carolina General Statutes 160A-175, including, without limitation, 160A-175(e) which permits the Village to proceed via injunction.

Section 4. Within seven (7) days from receipt of the notice provided for in Section 3 above, the owner, occupant, or person in possession of the premises may request a hearing before the Village Administrator or Village official whose investigation and findings resulted in the initial abatement order. The Village Administrator shall fix a time for the hearing, and the initial abatement order shall be temporarily suspended pending such hearing. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the Village Administrator shall consider the evidence before him and shall either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order.

Section 5. Upon the occurrence of either of the following conditions:

(1) a hearing is requested and held under Section 4 above resulting in either a final order with modifications or the reinstatement of the initial order as a final order, and such order is not complied with; or

(2) no hearing is requested or held, and the person having been ordered to abate such a public nuisance fails, neglects or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from receipt of said order; then, the Village Administrator shall cause said condition to be removed or otherwise remedied by having employees of the Village, or outside contractors, to go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Village Administrator. Any person who has been finally ordered to abate a public nuisance may within the time allowed by

this ordinance request the Village in writing to remove such condition, the cost of which shall be paid by the person making such request.

Section 6. The actual cost incurred by the Village in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and the Village Administrator shall request the Forsyth County Tax Collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the receipt thereof.

Section 7. In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement of charges as provided for in Section 6 of this ordinance, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G. S. 160A-193.

Section 8. In addition to other available remedies, any violation of the provisions of this ordinance may subject the offender to a civil penalty in the amount of \$10.00 per day, which may be recovered by the Village in a civil action in the nature of debt if the offender does not pay any levied penalty or deficiency within thirty (30) days after he has been cited by the Village Administrator.

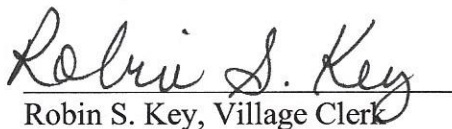
Section 9. This ordinance shall be in full force and effect from and after the date of its adoption.

AMENDED this 4th day of November, 1999. Originally adopted July 10, 1997 .

VILLAGE OF TOBACCOVILLE


Boyce E. Shore, Mayor

ATTEST:


Robin S. Key, Village Clerk



**AN ORDINANCE TO PROHIBIT UNAUTHORIZED
PERSONS ON SCHOOL PROPERTY**

WHEREAS, the Winston-Salem/Forsyth County Board of Education has requested that the Village of Tobaccoville adopt an ordinance prohibiting unauthorized persons on school property;

WHEREAS, the Village of Tobaccoville has determined that such a prohibition would be beneficial to public safety and the preservation of public property;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Tobaccoville, North Carolina, as follows:

A. Unauthorized Persons on School Property Prohibited

1. Restrictions: No person shall enter or remain on the property or premises of any Winston-Salem/Forsyth County School, located within the Village of Tobaccoville, between the hours of 9:00 p.m. and 6:00 a.m.
2. Exceptions: This section shall not be construed to prohibit a person's presence on school property when:
 - a. The person is an employee of the Winston-Salem/Forsyth County Schools and engaged in the performance of his/her duties.
 - b. The person is a student of the Winston-Salem/Forsyth County Schools engaged in authorized extra-curricular activities or providing transportation for such activities.
 - c. The person(s) has leased the property for a specified event by contract with the Winston-Salem/Forsyth County Schools.
 - d. The person is attending an authorized extra-curricular event (i.e. Board Meeting, sporting event, theatrical play, etc.) or an event sponsored by a person(s) who has leased the property.
 - e. The person is an employee or agent of the Village of Tobaccoville and engaged in the performance of his/her official duties.
3. Enforcement: Enforcement by the Forsyth County Sheriff's Department is hereby authorized.
4. Violations and penalties: If any person shall violate this ordinance, he/she shall be guilty of a Class 3 Misdemeanor and shall be fined not more than five hundred dollars (\$500.00).
5. This ordinance shall be effective upon adoption.

ADOPTED this 1st day of August, 2002.

Terry Shore, Mayor

Robin S. Key, Village Clerk

SEAL

**VILLAGE OF TOBACCOVILLE
ORDINANCE REGARDING PROHIBITION OF SEX OFFENDERS IN
PUBLIC PARKS AND RECREATIONAL FACILITIES**

**ARTICLE I
TITLE**

An ordinance of the Council of the VILLAGE of TOBACCOVILLE, NORTH CAROLINA (the “Village”), entitled, “Ordinance Regarding Prohibition of Sex Offenders in Public Parks and Recreational Facilities.”

**ARTICLE II
PURPOSE**

The purpose of this ordinance is to promote the general welfare and safety of the residents and visitors of the Village of Tobaccoville.

**ARTICLE III
DEFINITIONS**

- 1) Registered Sex Offender – An individual who is registered by any state or federal agency as a sex offender and whose name is published or required to be published on any state or federal registered sex offender listing, including, but not limited to the sex offender registry established in Article 27A of North Carolina General Statute Chapter 14.
- 2) Public Park – Any publicly owned, leased, operated or maintained land which is designated as a park by the Village, including any adjacent public parking area as well as the driveway, entrance way, or pedestrian walkways within or immediately adjacent to the park.
- 3) Recreational Facility – Any publicly owned, leased, operated or maintained property that is designated as a recreation facility by the Village, including any adjacent public parking area as well as the driveways and entranceways.
- 4) Official Meeting – A meeting that is required to be open to the public by the Open Meetings Law, G.S. Chapter 143, Article 33C.

**ARTICLE IV
PROHIBITION**

No Registered Sex Offender shall enter into or upon any Public Park or Recreation Facility owned, operated or maintained by the Village of Tobaccoville except for as stated in Article V.

**ARTICLE V
LIMITED EXCEPTIONS**

1) **Official Meetings** – a Registered Sex Offender who has the right to be present at an Official Meeting shall have the limited privilege of entering on or into a Public Park or Recreational Facility for such time and to the portion of the Public Park or Recreational Facility as is necessary to attend said meeting or function, but any form of loitering or lingering before or after such meeting or function shall be a violation of Article IV.

2) **Polling Place** – When a Recreational Facility or Public Park is used as a polling place for an election, a Registered Sex Offender may enter the portion of the Recreational Facility or Public Park for such time as is necessary for the limited purpose of voting if he/she qualifies to do so at the polling place.

**ARTICLE VI
PENALTIES**

Violation of Article IV shall be punishable by a fine of \$500.00 and/or incarceration for up to 30 days. Each entry into a Public Park or Recreation Facility, regardless of the time period between such entries, shall constitute a separate offence under this Ordinance.

The Village Administrator shall be charged with posting this regulation at the main entrance of each Public Park within thirty (30) days of the passage of this Ordinance.

APPROVED and ADOPTED by Council of the VILLAGE OF TOBACCOVILLE on June 2, 2011.

Myron W. Marion, Mayor Pro Tem

SEAL

ATTEST:

Robin S. Key, Village Clerk

**AN ORDINANCE REPEALING ORDINANCE #137 AND ENACTING
AN ORDINANCE RELATING TO
REGULATION OF THE POSSESSION OF WEAPONS ON
VILLAGE-OWNED PROPERTY**

WHEREAS, the General Assembly enacted, in its 2013 session, House Bill 937 (Session Law 2013-369), a law that changed various provisions of law related to the use of firearms; and

WHEREAS, these changes included amendments to G.S. 14-415.23, which had previously permitted local governments to post prohibitions against carrying concealed handguns in local government buildings, their appurtenant premises, and recreational facilities as defined in the statute; and

WHEREAS, the statutory changes, which became effective October 1, 2013, redefined and limited the definition of “recreational facilities”; and

WHEREAS, the Village of Tobaccoville desires to repeal existing Ordinance #137 and replace it with this ordinance to regulate possession of weapons on Village-owned property due to the passage of House Bill 937; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Tobaccoville, North Carolina as follows:

1. Ordinance #137 is hereby repealed and replaced by this Ordinance #146.

(A) Weapons Prohibited on Village Property. Except as provided in subsection (B) below, all persons are prohibited from possessing or carrying weapons, handguns, pistols or other firearms, concealed or not concealed, with or without a permit, on, in or within Village-owned buildings and property.

- (B) Exceptions.

- (1) This prohibition shall not apply to the following persons:

- (a) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
- (b) Civil and law enforcement officers of the United States while in the discharge of their official duties;
- (c) Officers and soldiers of the militia and the National Guard when called into actual service;

(d) Officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties.

(e) District attorneys, assistant district attorneys, and investigators employed by the office of a district attorney, and who have a concealed handgun permit issued pursuant to North Carolina law, when acting in the discharge of their official duties.

(f) Any other person as set forth in North Carolina General Statute 14-269(b).

(g) A member of the Village council or employee of the Village that has a valid concealed gun permit if the Village council has specifically voted to allow such council member or employee to carry a concealed weapon on Village property, including Village-owned buildings and appurtenant premises.

(h) A concealed handgun permittee while in the Village park during park hours.

(2) Notwithstanding this Ordinance, a concealed handgun permittee may secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle parked on Village-owned property and a concealed handgun permittee may transport such handgun from their vehicle in the parking lot(s) adjacent to the Village park solely for the purposes of entering the Village park during park hours.

(C) Posting of Signs Required. The Administrator is hereby authorized and instructed to post conspicuous signage indicating that carrying a weapon is prohibited on Village-owned property as described in this Ordinance in locations deemed appropriate by the Council and the Administrator.

(D) Location of Signs. Signs on buildings and recreational facilities shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Administrator shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises, recreational buildings and the immediate area.

(E) Penalty. With respect to possession of a prohibited weapon, handgun, pistol or other firearm, other than a concealed handgun held or possessed by a person with a concealed handgun permit issued in accordance with North Carolina General Statute Chapter 14, Article 54B, any person in violation of this Ordinance shall be guilty of a Class 2 misdemeanor and, upon conviction, may be fined \$500.00 or imprisoned for six (6) months or both. A second or subsequent offense shall be punishable as a Class I felony, in accordance with North Carolina law. With respect to concealed handguns held or possessed by a person with a concealed handgun permit issued in accordance with North Carolina General Statute Chapter 14, Article 54B, it is the intent of this Ordinance that the carrying of concealed handguns by concealed handgun permittees on the posted

premises will constitute a violation of North Carolina General Statute Chapter 14, Article 54B. Any concealed handgun permittee who violates the provisions of North Carolina General Statute Chapter 14, Article 54B shall be guilty of a Class 2 misdemeanor and, upon conviction, may be fined \$500.00 or imprisoned for six (6) months or both.”

(F) Contraband. Weapons possessed in violation of this ordinance are hereby declared to be contraband. The Forsyth County Sheriff’s Department shall hold such weapons for disposal pursuant to court order. In the absence of any court order, the weapon shall be destroyed.

(G) Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

ADOPTED this 6th day of February, 2014.

Billy W. McHone, Mayor

Robin S. Key, Village Clerk

(SEAL)

**AN ORDINANCE REGULATING THE OPERATION AND USE
OF THE VILLAGE PARK, ALL RECREATION FACILITIES, AND
ALL OTHER FACILITIES OWNED AND
CONTROLLED BY THE VILLAGE OF TOBACCOVILLE**

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TOBACCOVILLE:

PURPOSE The purpose of this ordinance is to establish regulations for the public health, safety and welfare in respect to the recreational activities, programs and facilities located within the Village Park as well as all other Village owned and controlled facilities. This ordinance is designed to maximize the enjoyment of recreation in the Village Park, provide rules for all Village owned and controlled facilities, and offer protection from conditions which could harm, injure or offend any group or individual.

SECTION 1

It shall be unlawful for any person in the Village Park, any recreation facility, or at Village Hall and all parking facilities thereof, and at all other properties owned or controlled by the Village of Tobaccoville to:

1. Willfully mark, deface, disfigure, injure, tamper with, display or remove any structure, equipment, facilities or other property, either real or personal.
2. Damage, cut, carve, transplant, or remove any tree or plant, injure the bark, pick the flowers or seeds of any tree or plant, to dig or otherwise disturb grass areas in any other way, or injure or impair the natural beauty or usefulness of any area.
3. Dump, litter, or leave any bottles, broken glass, gasoline, paper, boxes, cans, dirt, rubbish, wastes, garbage or refuse, or other trash. All trash, garbage, and recyclables must be properly disposed of in approved receptacles.
4. Park any motor vehicle in areas other than established or designated parking areas. It is further unlawful for any non authorized vehicle to be left in any Village owned parking lot after the facility which it serves is closed for the day unless authorized by the Village Administrator. Unauthorized vehicles may be towed at the owner's expense.
5. Drive any motor vehicle on any area except the paved parking areas or such other areas as may be specifically designated by a Village Administrator, or their designee. Other gas powered, remote control, and battery powered hobby cars, planes and vehicles are not permitted on any Village properties.
6. Rollerskate, skateboard, or rollerblade. Riding on sidewalks, walking trails, tennis courts, and ballfields, upon any bicycle, tricycle, scooter, sled, coaster, toy wagon, or other similar device is further prohibited.
7. Bring farm animals on to properties or to allow any dogs or other pets to run at large.

All pets must be restrained on a leash no more than ten (10) feet in length, except that all pets must be constrained on walking trails on a four (4) foot leash. Pet owners must clean up behind their pets and cleaning stations are provided in recreational areas.

8. Have fires in anything other than Village owned grills and enclosures. No grills of any type may be brought onto Village property unless exception is authorized by the Village Administrator for special events. No open fires are allowed.
9. Conduct vending operations by selling beverages, food, or merchandise without first obtaining permission from a Village Administrator or their designee.
10. Camp in any area. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping or for any other reason. Hammocks are also not permitted
11. Carry, possess, or use firearms on any Village property unless they are carried pursuant to Village Ordinance #146 regulating the possession of firearms by valid concealed carry permittees and other personnel authorized by N.C. State Statute.
12. Bring or use any other dangerous weapon or device on Village property including fireworks, slingshots, bows and arrows, blowguns, crossbows, air guns, and rockets. Non dangerous devices which mar and litter Village property are also prohibited and include silly string, sidewalk chalk, water guns, and water balloons.
13. Undertake any noxious or offensive activity which may become an annoyance or nuisance to other individuals or the neighborhood. This includes engaging in loud boisterous, threatening, abusive, insulting or indecent language or disorderly conduct and includes excessive noise.
14. Enter, use or remain within Village Park while it is closed for operation. One may also not enter, use, or remain on the premises (including parking lots) of any other Village owned building while closed for normal business hours. Exceptions are made for Village Council, Village employees, and law enforcement personnel who may enter the premises after hours. Violations will be considered trespassing.
15. Bring upon, possess, consume or display any beer, wine, whiskey or other intoxicating liquor or beverage or controlled substances or the containers thereof on any Village property. It shall be prohibited for a person under the influence of alcohol or any controlled substance to enter or remain on Village property and such person or persons shall immediately leave upon the request of a law enforcement officer, Village employee, designated volunteer or other person specified by Section 4(2) of this Ordinance. Nothing herein shall prohibit the use of or possession of prescribed medications, if possession of such substance is otherwise lawful.

SECTION 2

1. Flagrant misuse of parks and recreational facilities will result in forfeiture of future use and reservation privileges.
2. The Village Administrator and the Parks and Recreation Advisory Committee have the authority and responsibility to recommend rules and regulations governing the use and maintenance of parks and recreational facilities to the Village Council for their consideration. Such rules and regulations become effective when adopted by the Village Council.
3. Any requests for special events or use of the park and recreational facilities shall be presented to and approved by a Village Administrator or their designee.

SECTION 3

Any section or part of any park, recreation area, or any facility may be declared closed to the public by the Village of Tobaccoville at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and closed to certain uses.

SECTION 4

1. Users of all park and recreation facilities shall adhere to not only this ordinance, but also to any rules and regulations set by the Park and Recreation Advisory Committee as adopted by the Village Council.
2. The Village Administrator, the Village Council, or their designee and any authorized Village employee and any law enforcement agency shall have the authority to eject from any Village owned property, any person acting in violation of this ordinance, or in violation of other rules and regulations enacted pursuant to this ordinance by the Village Council.

SECTION 5

Persons violating this ordinance shall be guilty of a class three (3) misdemeanor and shall be fined not more than \$500.

ADOPTED this the 6th day of November, 2014.

ATTEST:

Billy W. McHone
Mayor

Robin S. Key
Village Clerk

SEAL