

November 29, 2018

*Via Electronic Mail*

Joint Legislative Administrative Procedure Oversight Committee

Joint Legislative Oversight Committee on Justice and Public Safety

Re: Town of Whitakers - Session Law 2018-69 Submission

Dear Sirs and Madams:

Attached, please find a listing and description of all ordinances of the Town of Whitakers which are punishable pursuant to N.C. Gen. Stat. §14-4(a). Please contact me if additional information is required.

With best regards, I am

Very truly yours,

**CAULEY PRIDGEN, P.A.**



J. Brian Pridgen

JBP/slf  
Attachment  
cc: Client

## SESSION LAW 2018-69 SUBMISSION

FROM: TOWN OF WHITAKERS, NASH AND EDGECOMBE COUNTIES, NORTH CAROLINA

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TO: THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE AND THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

DATE: NOVEMBER 29, 2018

### Part 1 Use of the Code and Penalties

Sets forth the penalties for violating town ordinances.

- 1-1005 Penalty for violations; criminal penalty; not exclusive remedy; continuing violations.
- 1-1007 Damaging ordinances prohibited.

### Part 3 Civil Emergencies

Prohibits certain conduct during times of a declared state of emergency.

- 3-3001 State of emergency; curfew authorized.
- 3-3002 Form and content of proclamations.
- 3-3003 Penalty for violation.

### Part 4 Public Works

#### Chapter 1 Streets and Sidewalks

Prohibits (1) damaging streets or sidewalks; (2) unpermitted construction impacting Town streets or sidewalks; (3) obstructing streets or sidewalks by assembly, construction, placement of objects, or display of goods; (4) burning or throwing trash on streets; (5) and riding bicycles or playing baseball on streets or sidewalks.

- 4-1006 Installation of utilities; definition of "public utilities".
- 4-1007 Responsibility of property owners.

- 4-1008 Construction according to specifications.
- 4-1009 Opening and improving streets without petition.
- 4-1010 Resurfacing improvements.
- 4-1011 Property owner's cost.
- 4-1012 Assessments under petitions.
- 4-1013 New subdivisions.
- 4-1014 Developer's cost.
- 4-1015 Street lights.

- Article B      Excavation and Repair.
- 4-1021 Permit to dig in streets
  - 4-1022 Application for permit; fees.
  - 4-1023 Municipal liability.
  - 4-1024 Supervision and control.
  - 4-1025 Disposition of fees.
  - 4-1026 Street repair.
  - 4-1027 Excavations; leaving unprotected.
  - 4-1028 Streets not to be damaged.
  - 4-1029 Violation; penalty.
  - 4-1030 Sidewalk construction.
  - 4-1031 House moving.
  - 4-1032 Damage to municipal property.
  - 4-1033 Permit to mix building materials.
  - 4-1034 Driveways; permit required.
  - 4-1035 Same; application.
  - 4-1036 Same; standards.
  - 4-1037 Same; construction.

Chapter 2      Garbage and Refuse Collection and Disposal

Requires disposal of various materials in compliance with the ordinance and prohibits use and placement of waste containers and waste not in compliance with the requirements of the ordinance.

- 4-2001 Definitions.
- 4-2002 Refuse required to be deposited in approved containers.
- 4-2003 Burning or burying garbage and refuse regulated.
- 4-2004 Accumulation of garbage and refuse prohibited.
- 4-2005 Containers required.
- 4-2006 Pre-collection practices.
- 4-2007 Location of containers.
- 4-2008 Unlawful to displace containers.
- 4-2009 Special or bulk collections regulated.
- 4-2010 Removal of dead animals.
- 4-2011 Transportation of garbage and refuse by private citizens.

## Chapter 3

### Municipally Owned Cemeteries

Prohibits (1) burial within a town cemetery without permission of the town or not in accordance with requirements of the ordinance and (2) tampering with or alteration of a town cemetery.

4-3003	Cemetery use
4-3004	Plantings.
4-3005	Trees, shrubbery.
4-3006	Landscaping.
4-3007	Transfer of lots.
4-3008	Conduct.
4-3009	Vehicles.
4-3010	Cleanliness.
4-3011	General regulations.
4-3012	Lot changes.
4-3013	Burial regulated.
4-3014	Damaging gravestones, etc., prohibited.

### Municipal Utilities

#### Water Supply and Distribution

Prohibits (1) connection to the Town water system without approval of the town; (2) tampering with water lines or meters; and (3) unauthorized use of town water.

5-1002	Permit for connection required.
5-1003	Separate connections required.
5-1004	Water required.
5-1005	Use of town water.
5-1006	Utility rates; cutting off water.
5-1007	Tampering with or obstructing water lines prohibited.
5-1008	Private water supply regulated.
5-1010	Work on water system.
5-1011	Non-payment of bills.
5-1012	Resale of water.
5-1013	Access to property.
5-1014	Fire hydrants.

## Sewer System

Prohibits (1) connection to the Town sewer system without approval of the town; (2) use of waste collection other than Town sewer with certain limited exceptions; (3) tampering with sewer lines or meters; and (4) discharge of certain materials/chemicals into the sewer system.

5-2003	Separate connections required.
5-2004	Use of public sewers required.
5-2005	Sewer rates.
5-2006	Tampering with or obstructing sewer lines prohibited.
5-2007	Sewer superintendent.
5-2008	Work on sewer system.
5-2009	Sewer connections.
5-2013	Inspections of connections.
5-2014	Same; remedies.
5-2015	Grease, oil and sand interceptors.
5-2016	Placing of substances in sewers restricted.
5-2017	Use of sanitary sewer limited.
5-2018	Specifications of connections.
5-2019	Specifications of pipes.
5-2020	Private sewage disposal.
5-2021	Excavations; protection of public; restoration.
5-2022	Water closets.
5-2023	Penalty for violations.

## Water and Sewer Extensions

5-3017	Sewer lines and connections required.
5-3025	Connections under town supervision.
5-3026	Effect of unauthorized connections.

## Chapter 1 Businesses and Trades

Prohibits certain peddling and solicitation activities.

6-1074	Peddling upon public streets.
6-1075	Soliciting subscriptions.

## Chapter Two Street and Sidewalk Use and Regulation

Prohibits blocking streets and sidewalks by assembly, display of goods, placement of objects, construction, or vehicles.

Article A        Obstructing  
6-2001        Assembly on streets or sidewalks.  
6-2002        Display of goods prohibited.  
6-2003        Placing objects on streets and sidewalks.  
6-2004        Construction near sidewalk.  
6-2005        Sheds and awnings.  
6-2006        Repair of motor vehicles.  
6-2007        Games, etc. in streets.  
Section 6-2008 through section 6-2010 reserved.

Article B        Use and Cleanliness

Prohibits littering on public property and from automobiles.

6-2011        Littering prohibited.  
6-2012        Same; from vehicles.  
6-2013        Maintenance of public areas.  
6-2014        Same; receptacles.  
6-2015        Violations; penalties.  
6-2016        through Section 6-2020 reserved.

Article C        Parades and Demonstrations

Prohibits conducting parades, picket lines, or demonstrations on public streets/sidewalks without a permit.

6-2021        Definitions.  
6-2022        Permit required.  
6-2023        Standards.  
6-2024        Requirements and issuance of permits.  
6-2025        Certain activities prohibited.  
6-2026        Revocation of permit.  
6-2027        Interference prohibited.  
6-2028        Additional regulations applicable to picketing.  
6-2029        Exceptions.  
6-3030        Reserved.

Part 8        Offenses

Chapter 1        Disorderly Conduct

Prohibits (1) prostitution and (2) public drinking or intoxication.

8-1001        Drinking or display of alcoholic beverages in public.

- 8-1002 Prostitution.
- 8-1003 Public drunkenness, etc.
- 8-1004 Possession and Consumption of Alcoholic Beverages, Malt Beverages or Unfortified wine in public places and on municipal property.

## Chapter 2      Animals

Prohibits (1) cruelty to animals; (2) maintaining dangerous, nuisance, noisy or unsecured animals; (3) failure to comply with rabies, vaccination, and privilege fee requirements; (4) keeping non-domestic animals.

- 8-2001 Animals at large.
- 8-2002 Dogs.
- 8-2003 Pig pens.
- 8-2004 Animals on sidewalks.
- 8-2005 Restrictions as to animals in public places.
- 8-2006 Bird sanctuary.
- 8-2007 Hunting of wildlife prohibited.
- 8-2008 Maintaining stock regulated.

## Chapter 3      Abandoned, Junked and Nuisance Vehicles

Prohibits maintaining abandoned, junked, or nuisance vehicles.

- 8-13 Administration.
- 8-14 Definitions.
- 8-15 Abandoned vehicle unlawful; removal authorized.
- 8-16 Nuisance vehicle unlawful; removal authorized.
- 8-17 Junked motor vehicle regulated; removal authorized.

## Chapter 4      Weeds and Refuse

Prohibits the uncontrolled growth of weeds and grass on private property.

- 8-4001 Uncontrolled growth of weeds and accumulation of refuse declared public nuisance
- 8-4004 Failure of owner to abate nuisance

## Chapter 5      General Health Regulations

Prohibits violations of the County Health Regulations, unauthorized installation of septic tanks, removal of town trees, spitting in public, keeping unsanitary businesses, failure to fill abandoned wells, use of privies.

- 8-5001 Unlawful to violate county health regulations.
- 8-5002 Unlawful to interfere with health officer.
- 8-5003 Right of entry.
- 8-5004 Septic tanks regulated.
- 8-5005 Planting and protection of trees.
- 8-5006 Tree removal.
- 8-5007 Businesses kept in sanitary condition.
- 8-5008 Same; businesses specified.
- 8-5009 Spitting prohibited.
- 8-5010 Maintenance of ditches and drains.
- 8-5011 Unused or abandoned wells.
- 8-5012 Offensive printed matter regulated.
- 8-5013 Maintenance of privies.
- 8-5014 Disposition of decayed perishable products.
- 8-5015 Urinating and defecating.

#### Chapter 6 Other General Nuisances

Prohibits discharge of firearms in town limits, excessive and disturbing noise, posting of bills/advertisements, abandonment of refrigerators and other containers, obstructing drains, etc.

- 8-6001 Unnecessary noises prohibited.
- 8-6002 Same; noises expressly prohibited.
- 8-6003 Firearms regulated.
- 8-6004 Posting bills; other advertising.
- 8-6005 Fire bombs prohibited.
- 8-6006 Same; enforcement.
- 8-6007 Abandonment of refrigerators and other containers.
- 8-6008 Injuring property; obstructing drains.
- 8-6009 Loitering.
- 8-6010 Profanity.
- 8-6011 Fireworks.
- 8-6012 Discharging firearms within the Town limits of Whitakers.
- 8-6013 Possession of a Dangerous Weapon while impaired.



## Part 9

### Article D Minimum Housing Standards

Prohibits (1) failure to maintain a dwelling that meets the minimum housing standards and (2) maintaining an abandoned dwelling.

- 9-1061 Purpose.
- 9-1062 Definitions.
- 9-1063 Minimum Standards of Fitness for Dwellings and Dwelling Units.
- 9-1064 Structural Condition.
- 9-1065 Basic Plumbing, Heating, and Electrical Equipment and Facilities.
- 9-1066 Ventilation.
- 9-1067 Space, Use and Location.
- 9-1068 Safe and Sanitary Maintenance.
- 9-1069 Control of Insects, Rodents, and Infestations.
- 9-1070 Applicable to Rooming Houses.
- 9-1071 Responsibilities of Owners and Occupants.
- 9-1072 Powers and Duties of Code Enforcement Officer.
- 9-1073 Inspections; Duty of Owners and Occupants.
- 9-1074 Procedure for Enforcement.
- 9-1075 Service of Complaints and Orders.
- 9-1076 In Rem Action by Code Enforcement Officer; Placarding.
- 9-1077 Costs, a lien on premises.
- 9-1078 Enforcement of Order.
- 9-1079 Alternative Remedies.
- 9-1080 Town Board of Commissioners to Hear Appeals.
- 9-1081 Conflict with other provisions.
- 9-1082 Violations; Penalty.
- 9-1083 Extraterritorial Provision.

#### Abandoned Structures

- 9-1094 Standards for Enforcement.
- 9-1095 Procedure for Enforcement.
- 9-1096 Violation; Penalty.

- 9-2001 Restrictions upon individual mobile home units.

#### Subdivision Ordinance

Prohibits the construction of a subdivision without (1) obtaining approval from the town or (2) not in compliance with Town subdivision regulations.

- 1.6 Enforcement and Penalties.
- 4.3 Complete Application Required.

- 4.4 Sketch Plat Approval.
- 4.5 Preliminary Plat Approval.
- 4.6 Final Plat Approval.
- 4.7 Recordation of Final Plat.

## Zoning

Prohibits (1) development of property not in accordance with district use regulations and (2) development or change of use of property without Town approval.

## General Regulations

- 3.1 Applicability
- 3.2 Compliance required
- 3.3 Dimensional Requirements
- 3.4 Utilities
- 3.5 Fences and Walls
- 3.6 Buffer Requirements
- 3.7 Visibility at Intersections
- 3.8 Nonconformance

## Manufactured Home Regulations

- 7.1 Purpose
- 7.2 Applicability
- 7.3 Definitions
- 7.4 Manufactured Home (Family)
- 7.5 Manufactured Home Park Regulations

## Off-street Parking and Loading

- 8.1 Purpose
- 8.2 General Requirements
- 8.3 Off-street Parking
- 8.4 Off-street Loading
- 8.5 Plans Required:

## Sign Regulations

- 9.1 Purpose
- 9.2 Applicability
- 9.3 Definitions
- 9.4 Permits Required
- 9.5 General Requirements
- 9.6 Exempted Signs:
- 9.7 Prohibited Signs

- 9.8 Temporary Sign
- 9.9 Incidental Sign
- 9.10 On-premise Signs
- 9.11 Off-premise Advertising Signs:
- 9.12 Table of Permitted Signs

#### Enforcement and Penalties

- 13.3 Penalties for Violations