

**TOWN OF DALLAS**  
**MINUTES FOR BOARD OF ALDERMEN MEETING**  
**SEPTEMBER 10, 2019**  
**6:00 PM**

The following elected officials were present: Mayor Coleman, Alderwoman Thomas, Alderman Huggins, Alderman Withers, Alderwoman Morrow, and Alderman Cearley.

The following staff members were present: Maria Stroupe, Town Manager; Da'Sha Leach, Town Clerk; Tom Hunn, Town Attorney; Allen Scott, Police Chief; Tiffany Faro, Development Services Director; Doug Huffman, Electric Director; Jonathan Newton, Finance Director; Garrett Lowery, Recreation Director; Bill Trudnak, Public Works Director; Matthew Knuapp, Assistant Fire Chief, and Earl Withers III, Fire Chief. Robert Walls, Police Captain was absent.

Mayor Coleman called the meeting to order at 6:00 pm. He opened with the Invocation and the Pledge of Allegiance to the Flag followed. He welcomed everyone to the meeting.

Mayor Coleman read the meeting rules for the audience. He asked if there were any additions or deletions to amend the agenda. There were two changes: Remove Item 8B until the Work Session on September 24<sup>th</sup>, and Add a Closed Session. Alderwoman Morrow made a motion to approve the agenda with changes, seconded by Alderman Cearley, and carried unanimously.

Alderwoman Thomas made a motion to approve the minutes from August 20<sup>th</sup>, 2019 Regular Meeting and August 27<sup>th</sup> Work Session, seconded by Alderman Withers, and carried unanimously.

**Recognition of Citizens:**

Anne Martin, 3328 Dallas High Shoals Rd., She discussed the back to school drive at the Dallas gym and gave thanks to the Police Chief, his department, and everyone else involved in making the event great for the children.

Curtis Wilson, 438 S. Gaston St., He prayed over the Town, Leadership, and the Employees.

**Consent Agenda:**

Fire Prevention Week Resolution (Exhibit A)

Public Power Week Resolution (Exhibit B)

Resolution for Asset Inventory Grant (Exhibit C)

Alderwoman Morrow made a motion to approve the Consent Agenda, seconded by Alderwoman Thomas, and carried unanimously.

## **Public Hearings:**

**Item 6A** was a Public Hearing for Permitted Uses Chart and Text Amendment Updated. This item was reviewed at the July 23<sup>rd</sup> Work Session. A Public Hearing was opened at the August 20<sup>th</sup> meeting and continued due to a missing consistency statement. The Development Services Director is recommending an update to our zoning ordinance to provide additional clarity for our permitted uses in each zoning district. Currently our permitted uses are listed as text under each zone identified, making the ordinance very lengthy and challenging to navigate. By replacing the text list with a permitted use chart- adopted as Appendix C of our Zoning Code- we will be able to provide a quick reference for residents and businesses on our allowable uses in each zone. Along with this formatting change, an update to the permitted uses is reflected in the proposed chart. Key changes being proposed include, but are not limited to: (1) Streamlined uses within B-3 Central Business to promote more restaurant/retail activity. (2) Expansion of allowable uses in Business zones to attract new businesses as we grow. (3) Elimination of zones not currently in use – uses incorporated into existing zones instead. (4) Industrial and Business zones primarily reserved for those uses- new residential in these zones to require conditional approval. (5) Some Industrial zone uses proposed as conditional only (relating to noise levels, odor, and impact on surroundings. (6) Added uses for additional clarity that were not listed before- adult businesses, solid waste/ septic facilities, bed & breakfasts, smoke shops, fitness centers, etc. Because supplemental regulations are currently within the text of the permitted uses, Staff and Planning Board are also proposing to relocate those elements to their own section- instead of within the requirements of each specific zone. This chart, and accompanying text, are proposed to be reviewed and updated again after analysis of our current land use map, or as needed to accommodate the Town's anticipated growth. The Town will begin community engagement efforts regarding desired land use map updates in this fiscal year. Mayor Coleman asked the Board if they have any other comments or questions. There were none. Mayor Coleman asked the audience if they have any other comments or questions. There were none. Alderwoman Thomas made a motion to exit the public hearing, seconded by Alderman Withers, and carried unanimously. Alderman Withers made a motion to approve the Chart and Text Amendment Update with the Consistency Statement as presented, seconded by Alderman Cearley, and carried unanimously. (Exhibit D)

**Item 6B** was a Public Hearing on Non-Conforming Uses Text Amendment. Alderwoman Thomas made a motion to enter the public hearing, seconded by Alderwoman Morrow, and carried unanimously. The Development Service Director Ms. Faro presented that the Planning Board's request recommended for a text amendment to the Non-Conforming Uses text to expand the allowances for non-conforming uses within the B-3 Central Business District. The current text states that a non-conforming use of any building or structure which is damaged to an extent exceeding 50% of its then reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, war, riots or Act of God, shall be discontinued, and such building or structure shall thereafter be used only in conformance with the provisions of the zone in which located. The proposed amendment would allow current non-conforming uses that located within B-3 that have been in operation for 5+ years to resume activities at their current location in the event of damages to the building or structure- regardless of the extent, as long as the use was resumed within 9 months. The consistency statements were read to the Board and audience. Mayor Coleman asked the audience if they have any other comments or questions. Audience member Mike Fields questioned further consideration of the timeline for repairs due to the timing needed when dealing with lengthy processing with insurance companies. Ms. Faro responded. Town Attorney Mr. Hunn asked for clarification on the timeline to ensure the change is suitable to all instead of a case by case situation. The Board decided that this item will need more time to clear up the verbiage before an official vote. Alderwoman Morrow made a motion to continue until October 8<sup>th</sup>, 2019 Regular Board Meeting, seconded by Alderman Withers, and carried unanimously. (Exhibit E)



### **Public Hearings continued:**

**Item 6C** was a Public Hearing on Ordinance Enforcement: Criminal vs. Civil. Alderwoman Thomas made a motion to enter the public hearing, seconded by Alderman Withers, and carried unanimously. The Development Services Director Ms. Faro requested a transition from criminal enforcement of the Town's nuisance ordinances to civil enforcement, which requires the approval of several text amendments. The ordinances read that violators shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions violated shall constitute a separate offense. The enforcement method in place now requires a significant amount of staff time and resources with no guaranteed abatement action. A transition to civil penalties allows Development Services and/or Public Works to handle both the notice and penalty of these violations. Since civil penalties can accrue daily until cleanup occurs, and are collectable in a variety of methods including court action, NC Debt Setoff, and/or property liens, staff anticipates increased compliance with the necessary abatement of violations. While it is legal to retain criminal enforcement while adding civil penalties, the North Carolina Supreme Court has held that if a local ordinance is criminally enforceable under G.S. 14-4, then the clear proceeds of any civil penalty or fine assessed for a violation of the local ordinance must be remitted to the local school administrative unit(s) in the county in which the penalty or fine was assessed. This item was discussed at the August 27<sup>th</sup> Work Session and is ready for approval. Mayor Coleman asked the audience if they have any other comments or questions. Mr. Queen said he has a nuisance problem with racoons. Alderman Withers made a motion to exit the public hearing, seconded by Alderwoman Morrow, and carried unanimously. Alderman Withers made a motion to approve as presented, seconded by Alderman Cearley. Yays were Alderman Withers, Alderman Cearley, Alderwoman Morrow, and Alderman Huggins. Nay - Alderwoman Thomas. (Exhibit F)

### **Old Business: NONE**

### **New Business:**

**Item 8A** was a Request for the Annual Crop Walk. This event is a fundraiser and it will be held on Sunday, October 20, 2019 from 2:00pm to 4:30pm at Cloninger Park in Dallas. The estimated attendance will be approximately 110 people. This event has been very successful in the past years and it is open to the general public. Alderwoman Morrow made a motion to approve, seconded by Alderman Cearley, and carried unanimously. (Exhibit G)

**Item 8B** was the Code Enforcement Position. This item was removed from the agenda and will be discussed on September 24<sup>th</sup> 2019 Work Session. (Exhibit H)

### **Manager's Report and General Notices:**

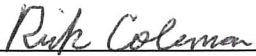
- The last Cruise-In and Concert will be on Saturday, September 14<sup>th</sup> featuring 20 Ride.
- FUSE Ground Breaking Ceremony will be on October 3<sup>rd</sup> at 5pm and they would like an RSVP for any Board members that plan to attend.
- NCDOT projects are on hold, including Hwy 279, and I85. The CMAP project has been through processing and the approval should come in by the end of the month.

**Closed Session**

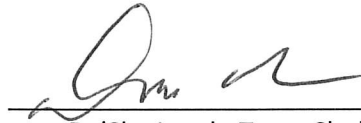
Alderman Huggins made a motion to go into Closed Session to discuss instructing the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition or real property by purchase, option, exchange, or lease as provided for in G.S. §143.318.11., seconded by Alderman Withers, and carried unanimously. (6:46)

Alderman Withers made a motion to exit the Closed Session, seconded by Alderman Cearley, and carried unanimously. (7:20)  
*No Action was taken.*

Alderman Withers made a motion to adjourn, seconded by Alderwoman Morrow, and carried unanimously. **(7:24)**



Rick Coleman, Mayor



Da'Sha Leach, Town Clerk





## Proclamation For Fire Prevention Week 2019

**WHEREAS**, the Town of Dallas, NC is committed to ensuring the safety and security of all those living in and visiting Dallas; and

**WHEREAS**, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

**WHEREAS**, the majority of U.S. fire deaths (4 out of 5) occur at home each year and home fires killed 2,630 people in the United States in 2017, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 357,000 home fires; and

**WHEREAS**, the fire death rate per 1000 home fires reported to U.S. fire departments was 4% higher in 2017 than in 1980; and

**WHEREAS**, Dallas' residents should identify places in their home where fires can start and eliminate those hazards; and

**WHEREAS**, working smoke alarms cut the risk of dying in reported home fires in half; so residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

**WHEREAS**, residents should listen for the sound of the smoke alarm and when it sounds respond by going outside immediately to a designated meeting place, as those who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

**WHEREAS**, residents should make a home escape plan, practice the home escape plan, and teach children to escape on their own in case adults can't help them; and

**WHEREAS**, residents should make sure everyone in the home knows how to call 9-1-1 from a cell phone or a neighbor's phone; and

**WHEREAS**, residents should get out and stay out, never going back inside the home for people, pets, or things; and

**WHEREAS**, firefighters are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

**WHEREAS**, the 2019 Fire Prevention Week theme, "Not Every Hero Wears a Cape. Plan and Practice Your Escape!" effectively serves to remind us that we need to take personal steps to increase our safety from fire.

**NOW, THEREFORE, BE IT PROCLAIMED**, that the Town of Dallas formally designates October 6-12, 2019 as Fire Prevention Week and urges all residents of Dallas to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and to support the many public safety activities and efforts of Dallas' fire and emergency services.

Adopted this the 10<sup>th</sup> day of September, 2019.

*Rick Coleman*

Rick Coleman, Mayor

Attested by:

*Da'Sha Leach*  
Da'Sha Leach, Town Clerk





## Proclamation For Public Power Week 2019

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**WHEREAS**, public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service and prompt restoration; and

**WHEREAS**, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country; and

**WHEREAS**, many of North Carolina's public power cities and towns have been electric providers for more than 100 years; and

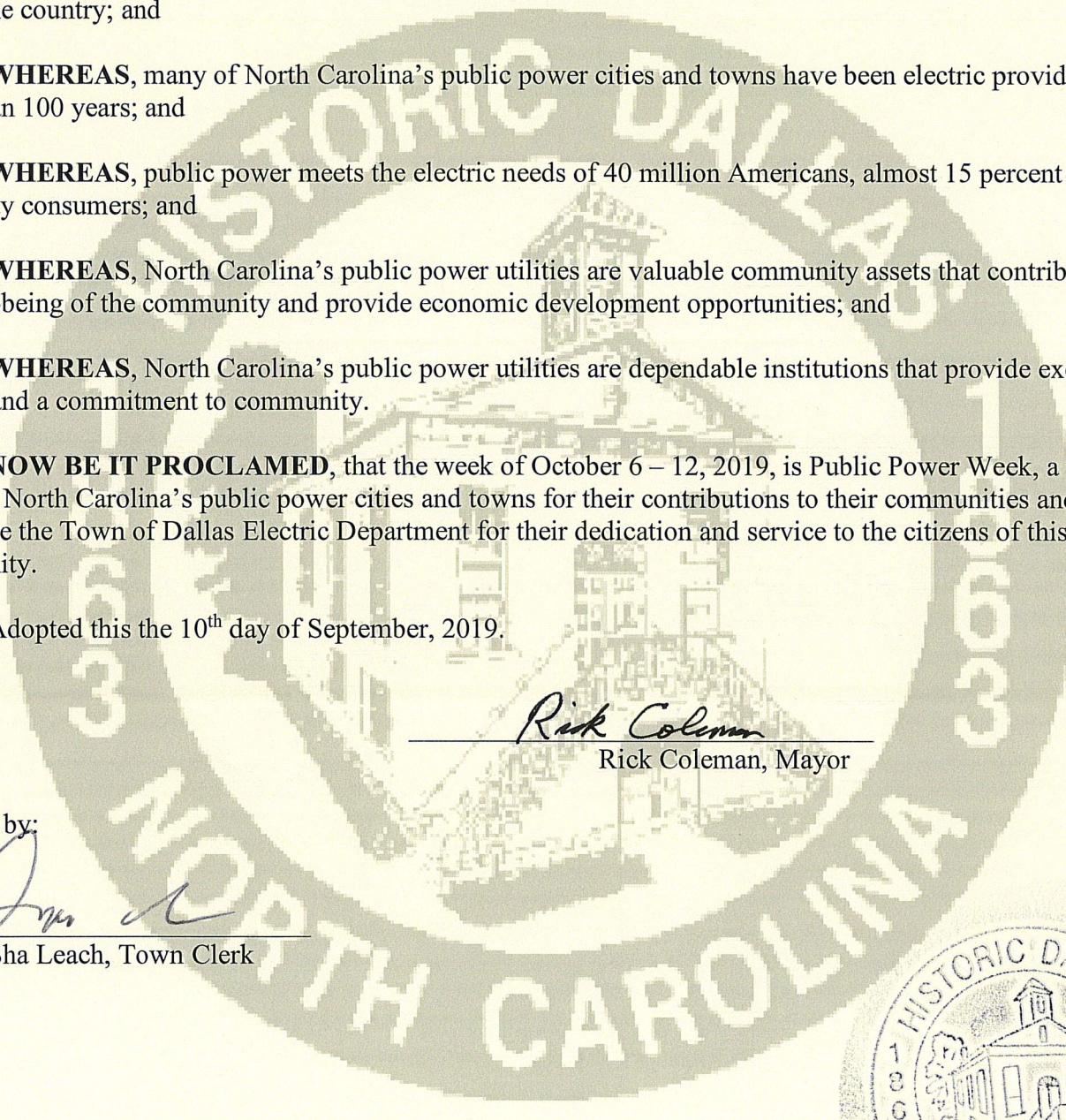
**WHEREAS**, public power meets the electric needs of 40 million Americans, almost 15 percent of electricity consumers; and

**WHEREAS**, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and

**WHEREAS**, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community.

**NOW BE IT PROCLAIMED**, that the week of October 6 – 12, 2019, is Public Power Week, a week to promote North Carolina's public power cities and towns for their contributions to their communities and to recognize the Town of Dallas Electric Department for their dedication and service to the citizens of this community.

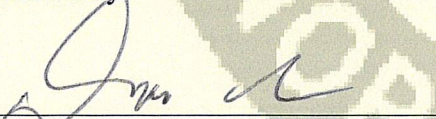
Adopted this the 10<sup>th</sup> day of September, 2019.



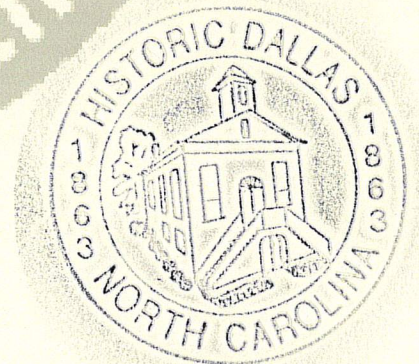
*Rick Coleman*

Rick Coleman, Mayor

Attested by:



Da'Sha Leach, Town Clerk





## Approval to Apply for State Grant Assistance for an Asset Inventory and Assessment of the Town's Water System

**WHEREAS**, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS §159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of water treatment works and drinking water distribution systems; and

**WHEREAS**, The Town of Dallas has need for and intends to conduct an asset inventory and assessment of its drinking water treatment and distribution system in order to manage its water assets in a manner that meets the required level of service in the most cost-efficient manner for present and future customers and to help plan for and prioritize future capital improvements; and

**WHEREAS**, The Town of Dallas intends to request state grant assistance for the project:

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS:**

That the Town of Dallas, the **Applicant**, will provide funding for all remaining costs of the project, if approved for a State grant award;

That the **Applicant** will utilize the information provided by this project for the efficient operation, maintenance, and improvement of its water treatment and distribution system;

That Town Manager Maria Stroupe, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above;

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 10<sup>th</sup> day of September, 2019 at Dallas, North Carolina.

*Rick Coleman*

Rick Coleman, Mayor

Attested by:

*Da'Sha Leach*

Da'Sha Leach, Town Clerk






## Consistency Statement: Permitted Uses Revisions

The proposed update of the Town's permitted uses chart and consolidation of ordinances guiding land use and development across all zones is consistent with the adopted 2003 Land Use Plan as it promotes a healthy and vibrant downtown area, provides for a mix of housing choices that complements the Town's character, and allows for further development of both office and industrial sites within the community. These text amendments are therefore deemed reasonable and in the public's best interest in order to clarify permitted uses for residents and developers alike, and promote targeted and intentional development across all zones within Town limits.

Applies to: 153.020, 153.022, 153.026, 153.027, 153.028, 153.029, 153.030, 153.031, 153.032, 153.034, 153.035, 153.038, 153.040, 153.041, 153.045, 153.051 (NEW) , Appendix C (NEW)



Curtis Wilson, Chairman



Date

**§ 153.020 TOWN DIVIDED INTO ENUMERATED ZONES.**

In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot area; to regulate and determine the areas of open spaces surrounding buildings and to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses, the town is hereby divided into the following zones.

- (A) R-15 Single-Family Residential.
- (B) R-12 Single-Family Residential.
- (C) R-10 Single-Family Residential.
- (D) R-8 Multi-Family Residential.
- (E) R-6 Multi-Family Residential.
- (F) O and I-1 Office and Institutional.
- (G) BC-1 Shopping Center.
- (H) B-1 Neighborhood Business.
- (I) B-2 Highway Business.
- (J) B-3 Central Business.
- (K) B-3P Central Business District Perimeter.
- (L) I-2 General Industrial.
- (M) RMF Multi-Family District.
- (N) RMF-H High Density Multi-Family District

**§ 153.022 R-15, R-12 AND R-10 ZONES: SINGLE-FAMILY RESIDENTIAL.**

Within the R-15, R-12 and R-10 zones as shown on the zoning map of the town, incorporated by reference in § [153.021](#), the following regulations shall apply.

**(A) Permitted uses. Refer to the Permitted Uses Chart (Appendix C)**

(B) *Lot area and width, yards and building height requirements.* The requirements set forth in the [Appendix A: Yard and Height Requirements for Residential Districts](#) and [Appendix B: Yard and Height Requirements for Business Districts](#) shall govern.

(C) *Off-street parking.* Off-street parking shall be provided by all uses as required by § [153.042](#).

(D) *Signs.* The requirements set forth in the sign regulations, §§ [153.080](#) through [153.087](#), shall apply.

(E) *Site plan.* As an initial step in applying for the issuance of a building permit for the construction, alteration, or expansion of any structure housing a municipal, county, state, federal or other governmental use, a site plan shall be submitted which shall include the following grading, engineering design, construction size, height, shape and location of the building, location and design of parking areas, pedestrian and vehicular circulation on site, and plans for collecting and depositing storm water and natural or artificial watercourses. The site plan must be approved by the Town Clerk and by the Building Inspector before the building permit is issued; however, if the site plan is disapproved the applicant may appeal such decision to the town Planning Board and then to the Board of Aldermen. The structure housing such municipal, county, state or federal use must be constructed, altered or expanded in accordance with the site plan before a certificate of occupancy is issued by the Building Inspector.

**§ 153.026 R-8 AND R-6 ZONES: MULTI-FAMILY RESIDENTIAL.**

Within the R-8 and R-6 zones as shown on the zoning map, incorporated by reference in § 153.021, the following regulations shall apply.

(A) **Permitted uses-** Refer to the Permitted Uses Chart (Appendix C).

(B) Lot areas and width, yards and building height requirements. The requirements set forth in Appendix A: Yard and Height Requirements in Residential Districts and Appendix B: Yard and Height Requirements in Business Districts shall govern.

(C) Off-street parking. Off-street parking shall be provided by all uses as required in § 153.042.

(D) Signs. The requirements set forth in the sign regulations, §§ 153.080 through 153.087, shall apply.

**§ 153.027 M O AND I ZONES: MEDICAL AND OFFICE INSTITUTIONAL. (Remove)****§ 153.028 O AND I-1 ZONES: OFFICE AND INSTITUTIONAL.**

Within the O and I-1 zones as shown on the zoning map, incorporated by reference in § 153.021, the following regulations shall apply.

(A) **Permitted uses-** Refer to the Permitted Uses Chart (Appendix C)

(B) Required lot area, lot width, yards and building height. For all permitted uses the requirements of the R-6 zones shall apply in this zone.

(C) Off-street parking. Off-street parking space shall be provided in accordance with § 153.042.

(D) Off-street loading. Off-street loading space shall be provided in accordance with § 153.044.

(E) Signs. For the purpose of advertising any use permitted in this zone, the regulations of §§ 153.080 through 153.087 shall apply.

**§ 153.029 O AND I-2 ZONES: OFFICE AND INSTITUTIONAL. (Remove)****§ 153.030 A-1 ZONES: ADVERTISING SIGN DISTRICT. (Remove)****§ 153.031 BC-1 ZONE: SHOPPING CENTER.**

Within the BC-1 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

(A) **Permitted uses-** Refer to the Permitted Uses Chart (Appendix —)

(B) Required screening areas building coverage and yards.

(1) A screen containing a mixture of deciduous and evergreen trees spaced in a staggered triangular pattern not more than ten feet apart and containing not less than two rows of dense plant materials shall be planted in a fifteen-foot buffer strip along such rear or side lines, either or both. The same shall be planted at an initial height of at least three feet and shall be of such variety that an average height of six feet can be expected by normal growth within four years from the time of initial planting. No plant material which would be a host to insects, would affect the plants on adjoining property, or would spread disease, can be used; and all plant materials must be nursery grown and conform to the guidelines as published by the American Association of Nurserymen in their 1959 edition. All plant materials shall be planted at least three feet from the side or rear lot line of adjoining property and shall be planted in the required buffer strip prior to the issuance of a certificate of occupancy by the Inspections Superintendent..



(2) Not more than 30% of the zoned area shall be covered by buildings.

(3) No building shall be closer than 20 feet to any exterior lot line or closer than 100 feet to any street right-of-way in a BC-1 Shopping Center zone.

(4) The tract of land upon which the proposed shopping center is to be erected must contain at least five acres.

(5) A BC-1 Shopping Center zone shall abut an existing or a proposed major thoroughfare for minimum distance of 400 feet and shall have a minimum average depth of 550 feet.

(C) Height. Not to exceed 40 feet.

(D) Off-street parking. Off-street parking shall be provided for all uses as required by § 153.042.

(E) Off-street loading and unloading. Off-street loading and unloading space shall be provided by all uses as required by § 153.044.

(F) Signs. For the purpose of advertising and use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(G) Data to be submitted with petition. The applicant for this classification shall present to the town Planning Board the following items for consideration at the time the petition for rezoning is filed.

(1) A valid market analysis indicating the economic feasibility of the proposed development by outlining:

- (a) The trade area of the proposed shopping center;
- (b) An estimate of the trade area population, present and future;
- (c) An estimate of the effective buying power of the trade area, both existing and proposed;
- (d) An estimate of the net potential customer buying power for stores in the proposed development;
- (e) An estimate of the amount of retail sales floor space in square feet currently lacking in the trade area.

(2) A statement indicating readiness to proceed with the proposed development by filing with the Zoning Officer an agreement signed by the owner or owners of the proposed development that actual construction shall begin within one year from the date final plans for the shopping center are approved and shall be prosecuted to completion within a reasonable period of time thereafter. In the event the town Planning Board and the Board of Aldermen find that the intent of this paragraph has been met or construction has not commenced within said one-year period, proceedings may be instituted for rezoning the area to its original classification. It is not the intent of this section, however, to prohibit a reasonable extension of the one-year limit by the Board of Aldermen.

(3) The preliminary site plan and the preliminary construction plan of the proposed development.

(H) Preliminary plan.

(1) The preliminary site plan shall be prepared on a 30" by 42" sheet of reproducible material using the largest scale possible and shall contain:

- (a) Dimensions of the property and adjacent lots and streets;
- (b) Location and proposed use of all buildings with dimensions and approximate ground floor area thereof;
- (c) Topography of existing ground and paved areas and elevation of street alleys, utilities sanitary and storm sewers, buildings and structure;
- (d) Plans for collecting and disposing of storm water and treatment of natural and artificial water courses;

(e) General indication of proposed grading, surface drainage, terraces retaining wall heights, grades on paved areas and ground floor elevations shown by contours or spot elevations;

(f) Parking areas with all spaces shown and dimensions thereof;

(g) Service area, truck loading facilities, service drives and dimensions thereof;

(h) Pedestrian walks or walkways with dimensions thereof;

(i) Drives and access to parking spaces with dimensions thereof;

(j) Curb cuts and points of ingress and egress and all sidewalks with dimensions thereof;

(k) Distances between the buildings and the property lines;

(l) Locations of plantings, walls and screening;

(m) Name and address of the development, name and address of the developer, date and scale of the plan, and the name of the person or firm preparing the plans;

(n) Vicinity map at a scale of 1 inch to 1,000 feet.

(2) The preliminary construction plan, the preliminary site plan and a detailed perspective drawing of the shopping center representing the general appearance of the buildings and grounds from the major thoroughfare must be prepared by a person authorized by law to prepare the same.

(3) Recommendations and suggestions concerning the preliminary plans for the proposed shopping center by the town Planning Board shall be upon the findings that the plans for the development are such that traffic hazards and congestion will not be created within the development and upon the public streets at the point of ingress and egress to the development and that the plans of a shopping center. Dedication of additional right-of-way for public street purposes may be required to resolve potential traffic hazards and congestion. The lack of minimum yard dimensions does not imply the lack of need for such minimum dimensions. The absence of minimum yard dimensions is to provide for flexibility and imagination in design of the development. The purpose of a preliminary site plan, preliminary construction plan and perspective drawing of the shopping center is to enable the town Planning Board to review the same in order that it may recommend and approve said plans prior to presentation of the written recommendation and report to the Board of Aldermen. In each case consideration shall be given to the location of the various facilities and buildings on the premises and minimum yard dimensions.

(4) The Board of Aldermen may refuse to approve a preliminary site plan or a preliminary construction plan on the grounds that either fails to provide unity of development with other business uses in the same zone, or that either fails to adequately protect residential uses in adjacent zones from the adverse effects of a business operation, or that either proposal fails to provide safe conditions for pedestrians and motorists or that either plan fails to conform with the requirements of this chapter.

(5) Preliminary plans for the entire shopping center shall be prepared; however, a section consisting of at least 33% of the total proposed area contained in the shopping center or a section of the shopping center consisting of not less than five separate buildings, each housing a separate use, may be designated for immediate development and final plans prepared for that section only.

(l) Final plans.

(1) A final construction plan shall be prepared and shall include the following:

(a) Detailed perspective drawing of the shopping center showing the appearance of the buildings and grounds from the major access street;

(b) Detailed final construction plans for purposes of building inspection to include elevations of every building from all sides at a scale of not less than 1/8 inch to 1 foot.

(2) The final site plan shall be prepared on a 30" by 42" sheet of reproducible permanent base material using the largest scale possible and shall include the following:

(a) Dimensions of the property and adjacent lots and streets;



- (b) Location, ground floor area and proposed use of the buildings with all dimensions thereof;
- (c) Parking area with all spaces shown and dimensions thereof;
- (d) Service area, truck loading facilities, service drives and dimensions thereof;
- (e) Pedestrian walks or walkways with dimensions thereof;
- (f) Drives and access to parking spaces with dimensions thereof;
- (g) Curb cuts and points of ingress and egress and all sidewalks with dimensions thereof;
- (h) Distances between the buildings and the property lines;
- (i) Location of plantings, walls and screening;
- (j) Name and address of the development, names and addresses of the developers, date, scale of plant and person or firm preparing the plan.

(3) The final site plan shall show all the information required of the preliminary site plan but the information shown shall be specific, precise and accurate to usual and recognized professional standards and not general in nature.

(4) A design of the storm sewerage system shall be submitted to the Town Clerk for his approval.

(5) The final site plan and final construction plan for the proposed development or changes within the development shall be submitted by the developer to the town Planning Board for its approval. After such approval is granted, the Building Inspector shall, if other pertinent town ordinances have been complied with, issue a building permit for the construction alteration or expansion of any building within a BC-1 Shopping Center zone upon application by the developer provided:

(a) Construction of at least five separate buildings housing at least five separate units or construction of at least 33% of the total proposed area contained in the shopping center, whichever is greater, must be commenced initially thereafter, the developer may construct on building at a time.

(b) No building shall be occupied within a BC-1 Shopping Center zone until a certificate of occupancy shall have been issued by the Building Inspector and no certificate of occupancy shall be issued unless the approved final plans have been substantially followed as to each completed building and the use of same complies with this chapter.

(c) The Inspection Superintendent may issue a certificate of occupancy for any completed structure or building even though some other structures shown in the approved final plans at the time are under construction.

(d) A certificate of occupancy shall not be issued for the buildings constructed until all drives, walks, parking spaces, screening and truck loading and unloading facilities shall have been provided and substantially improved as shown on the final plans as approved.

(6) Pursuant to the same procedure and subject to the same limitations and requirements set forth in this section, a site plan may be amended or revised, either partially or completely.

#### **§ 153.032 B-1 ZONES: NEIGHBORHOOD BUSINESS.**

Within the B-1 zones as shown on the zoning map, incorporated by reference in § 153.021, the following regulations shall apply.



**(A) Permitted uses- Refer to the Permitted Uses Chart (Appendix C)**

(B) Required lot area, lot widths and yards. Buildings used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses shall have a minimum front yard of 30 feet, provided that where the lot abuts on the side or rear of a residential zone, such buildings shall have a minimum side yard of eight feet on the abutting side, and a minimum rear yard of 20 feet on the abutting rear. For the purpose of this provision, where properties are separated by a street, or alleyway such properties are deemed abutting.

(C) Height. All buildings shall comply with the height requirements for residential zones.

(D) Off-street parking. Off-street parking space shall be provided by all uses as required by § 153.042.

(E) Off-street loading. Off-street loading space shall be provided by all uses as required by § 153.044.

(F) Signs. For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

**§ 153.033 B-2 ZONES: HIGHWAY BUSINESS.**

Within the B-2 zones, as shown upon the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

**(A) Permitted uses- Refer to the Permitted Uses Chart (Appendix C)**

(B) Required lot area, lot widths and yards. Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall have minimum side yard of eight feet on the abutting side, and a minimum rear yard of 20 feet on the abutting rear. For the purpose of this provision, where properties are separated by a street or alleyway, such properties are deemed abutting.

(C) Height. All buildings shall comply with the height requirements for residential zones.

(D) Off-street parking. Off-street parking shall be provided by all uses as required by § 153.042.

(E) Off-street loading and unloading. Off-street loading and unloading space shall be provided by all uses as required by § 153.044.

(F) Signs. For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

**§ 153.034 B-3 ZONE: CENTRAL BUSINESS.**

Within the B-3 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

**(A) Permitted uses- Refer to the Permitted Uses Chart (Appendix C)**

(B) Required lot area, lot widths and yards. Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.044(B).

(C) Height. No building or structure shall exceed 80 feet in height.

(D) Off-street loading and unloading. Off-street loading and unloading space shall be provided for all uses as required by § 153.044.

(E) Signs. For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080(B), 153.081, 153.085(E) through (H) and 153.086 shall apply.

**§ 153.035 B-3P ZONE: CENTRAL BUSINESS DISTRICT PERIMETER.**

Within the B-3P zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

**(A) Permitted uses- Refer to the Permitted Uses Chart (Appendix C)**

(B) Required lot area, lot widths and yards. Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.044(B).

(C) Height. No building or structure shall exceed 80 feet in height.

(D) Off-street parking. Off-street parking shall be provided shall by all uses as required by § 153.042.

(E) Off-street loading and unloading. Off-street loading and unloading space shall be provided by all uses as required by § 153.044.

(F) Signs. For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

**§ 153.036 B-4 ZONES: GENERAL BUSINESS. (Remove)****§ 153.037 I-1 ZONES: LIGHT INDUSTRIAL. (Remove)****§ 153.038 I-2 ZONES: GENERAL INDUSTRIAL.**

Within the I-2 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

**(A) Permitted uses- Refer to the Permitted Uses Chart (Appendix C)**

(B) Required lot area, lot widths and yards. Buildings used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.032(B).

(C) Height. Buildings used wholly or in part for residential purposes may exceed 35 feet in height but for each five feet or fraction thereof of additional height above 35 feet, each yard shall be increased five feet over the minimum requirements.

(D) Off-street parking. Off-street parking spaces shall be provided as required by § 153.042

(E) Off-street loading and unloading. Off-street loading and unloading space shall be provided as required by § 153.044.

(F) Signs. For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

**§ 153.039 I-2L ZONE: GENERAL INDUSTRIAL LIMITED. (Remove)****§ 153.040 EI-1 ZONES: EXCLUSIVE INDUSTRIAL. (Remove)****§ 153.041 EX-1 ZONES: EXTRACTIVE INDUSTRIAL. (Remove)**



### § 153.045 NON-CONFORMING USES, BUILDINGS AND STRUCTURES.

#### (A) Non-conforming uses.

(1) A non-conforming use shall not be extended; except, however, a non-conforming use of any building may be extended to any portion or portions of said building which were at the time such use became non-conforming manifestly arranged or designed for such use.

(2) No structural alterations shall be made in a building housing a non-conforming use, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building.

(3) The non-conforming use of any building or structure which is damaged to an extent exceeding 50% of its then reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, war, riots or Act of God, shall be discontinued, and such building or structure shall thereafter be used only in conformance with the provisions of the zone in which located.

**Any non-conforming use in existence 5 years prior to August 20, 2019 that is located within the B-3 Central Business District may continue to operate as its current non-conforming use in the event that the building or structure housing the non-conforming use is damaged by fire, flood, explosion, earthquake, war, riots or Act of God, regardless of the extent of damages, as long as business operations are not discontinued for longer than 9 months.**

(4) A non-conforming use shall not be changed to any but a conforming use. When a non-conforming use has been changed to a conforming use it shall not be changed again to any non-conforming use.

(5) No changes shall be made in the landscaping, grading of the lot, or external appearances of a non-conforming use without the grant by the Board of Adjustment of a special exception authorizing such change. The Board shall grant such an exception only upon an affirmative finding that the proposed change will have no adverse effect upon neighboring properties or upon the public and safeguards upon any such special exception which it grants for the further protection of neighboring properties in the public welfare.

(B) Non-conforming buildings or structures. Non-conforming buildings or structures shall be allowed to remain subject to the following provisions:

(1) A non-conforming building or structure shall not be extended unless such extension shall comply with all the requirements of this chapter for the zone in which it is located.

(2) A non-conforming building or structure which is damaged to an extent exceeding 75% of its then reproduction value, exclusive of foundation by fire, flood, explosion, earthquake, war, riot or Act of God, shall not be reconstructed except in conformance with the provisions of this chapter.

(3) Non-conforming signs or billboards shall be eliminated or changed to conform with the provisions of this chapter within 18 months of the date such signs or billboards become non-conforming.

### § 153.051 SUPPLEMENTAL USE REGULATIONS

(A) *Auto Service Stations located within Shopping Centers* must meet the following criteria for approval:

Auto service/ stations are within shopping centers are permitted to sell tires, tubes, gasoline, oil and other lubricants, motor and tire accessories and similar products; permitting the storage of tires, tubes, accessories and similar products and permitting minor repair work limited to the following:

(a) Servicing of spark plugs, batteries and distributors and distributor parts.

(b) Tire servicing and repair, but not recapping or regrooving.

(c) Replacement of mufflers and tail pipes, water hose, fan belts broke fluid, light bulbs, fuses, floor mats seat belts, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.



- (d) Radiator cleaning and flushing.
- (e) Providing and repairing fuel pumps, oil pumps and lines.
- (f) Minor servicing and repair of carburetors.
- (g) Emergency wiring repairs.
- (h) Adjusting and repairing brakes.
- (i) Minor motor adjustments not involving removal of the head or crankcase or racing the motor.

1. All of the aforesaid minor repair work, but excluding the normal servicing of automobiles, must take place within an enclosed structure on the premises.

2. The auto service station shall be designed as an integral part of the shopping center.

- a. The Board of Aldermen may refuse to permit an auto service station to be erected in a proposed shopping center on the grounds that it fails to provide unity of development with other business uses in the same zone or that it fails to adequately protect residential uses in adjacent zones from the adverse effects of a business operation, or that the proposal fails to provide safe conditions for pedestrians and motorists, or that the plan fails to conform with the requirements of this chapter; but not on the grounds that architectural designs or building materials are esthetically unsatisfactory.

(B) *Electronic gaming operation(s)* must meet the following criteria for approval:

- 1. That such uses provide, at minimum, off-street parking consistent with off-street parking requirements, § 153.042(J), Other Business or Service Uses, and requiring one parking space for each 200 square feet of gross floor area.
- 2. That no electronic gaming operation be located within 500 linear feet of the property line of any church/house of worship or any public or private elementary, middle, or high school, library, public park or playground, day care center, or residential-zoned district.
- 3. That no two electronic gaming operations be located within 1,000 linear feet of each other.
- 4. That no electronic gaming operation have more than 25 total electronic gaming machines or terminals.
- 5. That electronic gaming operations shall apply for and obtain a business registration from the Town to operate, and have fully paid, up-to-date, all required fees as prescribed by the Town of Dallas.
- 6. That electronic gaming operations shall be further regulated by Chapter 113: Game Rooms of the Dallas Code of Ordinances.
- 7. That during hours of operations, electronic gaming operations shall be open for direct, unobstructed access by all safety and enforcement personnel, and that all exit doors shall remain unlocked while patrons are on the premises.
- 8. No one under the age of 18 be allowed within the premises of an electronic gaming operation.

(C) *Mobile/ Manufactured Homes* - Must be Class A, and located in the R-6 zone only within approved mobile home parks or subdivisions.

(D) *Promotional Activities* must meet the following criteria for approval:

- 1. Be sponsored by or for trade or professions associations, or for civic, religious, charitable or eleemosynary groups.
- 2. No gaming, gambling, or similar (related) activities are permitted to be conducted as part of or accessory to the temporary use.
- 3. No temporary permitted use shall be permitted for a period of time exceeding ten consecutive days.
- 4. No temporary use shall begin until 9:00 a.m. and shall not extend beyond 12:00 midnight.
- 5. No permit for a temporary permitted use shall be granted by the Zoning Officer until permission therefore has first been granted by the Board of Aldermen.
- 6. No temporary permitted use shall be located within 400 feet of a residential use.

(E) *Public or private golf courses, non-commercial swimming or tennis clubs, and country clubs* subject to the following requirements: buildings, tennis courts and swimming pools shall be located at least 20 feet from any exterior lot line, on a site containing three acres or more.

(F) Temporary uses including a building or trailers, both residential and commercial, are only permitted in conjunction with authorized construction; and are subject to the following conditions:

- (1) No living quarters are provided in such building or trailer;
- (2) The construction shall commence prior to or simultaneously with the temporary use; and
- (3) A permit for such use must be secured from the Building Inspector who may not issue a permit for a longer period than six months at any one location without an order from town Planning Board.
- (4) Classroom trailers designed to be utilized by a public school provided a permit for such use is secured from the Building Inspector who may not issue such permit for a longer period than 12 months at any one location without an order from the town Planning Board.

## APPENDIX C

	Residential							Office	Business					Industrial
	R-15	R-12	R-10	R-8	R-6	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
<b>PERMITTED USES</b> (any use not specified below is eligible to apply for conditional zoning approval)														
<b>RESIDENTIAL</b>														
Single-family dwellings.	X	X	X	X	X									
Manufactured/ Mobile Homes					X									
Trailer Camps/ Mobile Home Parks					X									
Multi-family Residential				X	X	X	X			C	C	C	C	
Fraternities		C	C	C	C					C				
Homes for the aged and infirm	X	X	X											
Mixed Use Residential						X	X			C	C		C	
Nursing homes for chronic or convalescent patients	X	X	X											
<b>TRAVEL AND TOURISM</b>														
Boarding and rooming houses											X			
Motel / Hotel											X		X	
Bed and Breakfast Inn				C	C							X		
Tourist Homes	C	C	C	C	C						X			
<b>MUNICIPAL/PUBLIC</b>														
Assembly Hall									C	C	C		C	
Cemeteries	X	X	X	X	X			X		X	X			X
Municipal, county, state and federal uses not involving the outdoor storage of equipment or materials	X	X	X	X	X			X		X	X	X	X	X
Public libraries, public museums and art galleries.	X	X	X	X	X			X		X	X	X	X	X
Public or private utilities buildings and appurtenances, not to include the outdoor storage of equipment or materials	X	X	X	X	X			X		X	X		X	X
Public utility storage or service yards													X	X
<b>PROFESSIONAL SERVICES</b>														
Offices rendering professional services								X	X	X		X	X	X
Agencies offering specialized Services not involving retail trade or inventory								X	X	X		X	X	X
business offices										X		X	X	X
Data processing and computer centers											C		C	X
<b>BUSINESS AND RETAIL</b>														
<b>Automotive</b>														
Auto parts and supplies (new)									X		X		X	X
Auto parts and supplies (used)														X
Auto sales											X		X	X
Auto Service/Repair stations									X	X	X		X	X
Automobile Garages													X	X
Car Wash											X		X	X
Gas Stations										X	X		C	
Parking lots not for public use (principal use)												C	C	C
Trailer Sales and Service														X
<b>Services</b>														
Banks and financial institutions								X	X	X	X	X	X	X
Barber shops or beauty shops									X	X	X	X	X	X
Dry cleaning establishments (drop-off only)									X	X	X	X	X	X
Exterminator Office									X	X	X		X	X
Funeral Homes										X		C	X	X
Laundry pickup stations, laundrettes and laundromats									X	X	X			X
Radio and television repair shops.									X	X	X			X
Shoe repair shops									X	X	X	X	X	X
Tailor shops									X	X	X		X	X
Upholstery shops									X	X	X		X	X
<b>Food &amp; Drink</b>														
Alcoholic beverage package stores									X	X	X			X
Bake shops and dairy bars									X	X	X	X	X	
confectioneries									X	X	X	X	X	
delicatessens									X	X	X	X	X	
Eating and drinking establishments									X	X	X	X	X	X
Grocery stores									X	X	X		X	X
Microbreweries											X		X	X

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES



## APPENDIX C

	Residential							Office	Business					Industrial
	R-15	R-12	R-10	R-8	R-6	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
<b>PERMITTED USES</b> (any use not specified below is eligible to apply for conditional zoning approval)														
<b>Retail</b>														
Adult Use/ Sexually Explicit Retail									X	X	X			
Antique shops									X			X		
Apparel Shops									X			X		
Art/Music Supply and Retail									X	X	X	X	X	
Auction house (indoor)									X	X	X	X	X	X
Auction house (outdoor)										C				C
Bookstores									X	X	X	X	X	
camera shops									X					
Convenience Stores									X	X	X		C	
Department stores									X					
Drugstores									X	X	X		X	X
Dry goods stores									X	X	X	X	X	
Florist shop									X	X	X		X	X
Furniture stores									X	X	X	C	X	X
Hardware stores									X	X	X		X	X
Household appliance stores									X	X	X		X	
Jewelry stores									X	X	X	X	X	X
Newsstands									X	X	X	X	X	X
Pet shops									X					
Retail Stores within Mixed Use						X	X						C	
Retail Stores- other									X	X	X	C	C	X
Second Hand Precious Metal Business									X	X	X	X	X	
Shoe Stores									X	X	X	X	X	
Sporting goods stores									X	X	X	X	X	
Tobacco/ Smoke Shops									X					
Toy stores									X	X	X	X	X	
Variety stores									X	X	X			
Wholesale Departments									X	X				X
<b>ANIMAL/AGRICULTURAL</b> (Must comply with Chapter 90:Animals)														
Abattoirs and slaughterhouses														C
Animal feeds- Manufacturing, servicing, processing, assembling, and fabricating .														X
Beekeeping	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Farming (crops)	C	C	C											X
Greenhouses	C	C	C											C
Hatcheries														
Plant Nurseries	C	C	C											
Veterinary hospitals and commercial kennels														X
<b>EDUCATIONAL</b>														
Classroom trailers designed to be utilized by a public school	X	X	X	X	X			X		X	X	X	X	X
Schools and colleges kindergartens and day nurseries	X	X	X	X	X			X		X	X	X	X	X
<b>RELIGIOUS AND CHARITABLE ORGANIZATIONS</b>														
Churches and other places of worship.	X	X	X	X	X			X		X	X	X	X	X
Philanthropic and eleemosynary institutions.	X	X	X	X	X			X		X	X	X	X	X
Promo for Trade Associations or Civic, Religious groups									X	X	X		X	X
<b>RECREATIONAL</b>														
Electronic gaming operation(s)									X		X			
Adult Entertainment									X		X			
Fairs, carnivals and similar transient amusement enterprises														C
Fitness Center / Gymnasium									X	X	X		X	
indoor recreation									X	X	X	X	X	X
Movie theaters									X		X		X	
outdoor recreation (not racetracks)											X			
Public or private golf courses, non-commercial swimming or tennis clubs, and country clubs	X	X	X	X	X					X	X			X
<b>MEDICAL</b>														
dental offices and clinics								X	X	X	X		X	
Medical offices and clinics								X	X	X	X		X	
Clinical laboratories									X	X	X		X	
Hospitals for human care											X		X	

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

## APPENDIX C

	Residential							Office	Business					Industrial
	R-15	R-12	R-10	R-8	R-6	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
<b>PERMITTED USES</b> (any use not specified below is eligible to apply for conditional zoning approval)														
<b>INDUSTRIAL/MANUFACTURING</b>														
Auto wrecking or junk yards														C
Automobile accessories- Manufacturing, servicing, processing, assembling, and fabricating														X
Bedding Fabrication														X
Bedding, pillows and carpets- Manufacturing, servicing, processing, assembling, and fabricating														X
Bottling Plants														X
Building materials- Manufacturing, servicing, processing, assembling, and fabricating														X
Chemicals- Manufacturing, servicing, processing, assembling, and fabricating														X
Clothing and cloths Fabrication														X
Clothing including hosiery- Manufacturing, servicing, processing, assembling, and fabricating														X
Cold Storage Plants														X
Dry cleaning and pressing plants											C		C	X
Electric and electronic products- Manufacturing, servicing, processing, assembling, and fabricating														X
Food and food products, not to include slaughterhouses and abattoirs- Manufacturing, servicing, processing, assembling, and fabricating														X
Freezer lockers														X
Gasoline, oil, or alcohol storage above ground														C
Glass- Manufacturing, servicing, processing, assembling, and fabricating														X
Household appliances- Manufacturing, servicing, processing, assembling, and fabricating														X
Ice- Manufacturing, servicing, processing, assembling, and fabricating														X
Leather goods Fabrication, not to include processing or storage of raw hides														X
Leather goods- Manufacturing, servicing, processing, assembling, and fabricating														X
Machine tools- Manufacturing, servicing, processing, assembling, and fabricating														X
Metal products fabrication														X
Metals and metal products- Manufacturing, servicing, processing, assembling, and fabricating														X
Mixing plants for concrete or paving materials														X
Newspaper offices or printing plants														X
Paints- Manufacturing, servicing, processing, assembling, and fabricating														X
Paper products fabrication, not to include the manufacturing of paper														X
Paper products- Manufacturing, servicing, processing, assembling, and fabricating														C
Plastic containers and similar plastic product fabrication														X
Pottery, porcelain, and vitreous china- Manufacturing, servicing, processing, assembling, and fabricating														X
Rubber products- Manufacturing, servicing, processing, assembling, and fabricating														C
Soaps, detergents and washing compounds- Manufacturing, servicing, processing, assembling, and fabricating														X
Solid Waste/ Septage Management Facilities														C
Stone crushing, cutting and polishing														C
Storage of materials and equipment outdoors														C
Storage warehouses and yards, except storage of salvage														X
Textiles- Manufacturing, servicing, processing, assembling, and fabricating														X
Transportation Terminals														X
Welding shops														X
Wholesale and Jobbing Plants														X
Wholesale Distribution Centers														C
Wood and wood products, including furniture- Manufacturing, servicing, processing, assembling, and fabricating														X

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

Consistency Statement: Non-Conforming Uses

The proposed text amendment to 153.045 is consistent with the 2014 Town Center Plan as it protects long-standing small independent businesses that help to provide a "sense of place" to Dallas' historic Town Square, and is therefore deemed reasonable and in the public's best interest.

The proposed text amendment to 153.045 is also consistent with the 2003 Land Use Plan as the continued use of structures on Town Square adds to the economic vitality of the area while honoring the historic character of these businesses and the structures they are contained within, and is therefore deemed reasonable and in the public's best interest.

Curtis Wilson  
Curtis Wilson, Chairman

8/13/19  
Date



**§ 153.045 NON-CONFORMING USES, BUILDINGS AND STRUCTURES.****(A) Non-conforming uses.**

(1) A non-conforming use shall not be extended; except, however, a non-conforming use of any building may be extended to any portion or portions of said building which were at the time such use became non-conforming manifestly arranged or designed for such use.

(2) No structural alterations shall be made in a building housing a non-conforming use, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building.

(3) The non-conforming use of any building or structure which is damaged to an extent exceeding 50% of its then reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, war, riots or Act of God, shall be discontinued, and such building or structure shall thereafter be used only in conformance with the provisions of the zone in which located.

**a) Any non-conforming use in existence 5 years prior to September 10, 2019 that is located within the B-3 Central Business District may continue to operate as its current non-conforming use in the event that the building or structure housing the non-conforming use is damaged by fire, flood, explosion, earthquake, war, riots or Act of God, regardless of the extent of damages, as long as business operations are not discontinued for longer than 9 months.**

(4) A non-conforming use shall not be changed to any but a conforming use. When a non-conforming use has been changed to a conforming use it shall not be changed again to any non-conforming use.

(5) No changes shall be made in the landscaping, grading of the lot, or external appearances of a non-conforming use without the grant by the Board of Adjustment of a special exception authorizing such change. The Board shall grant such an exception only upon an affirmative finding that the proposed change will have no adverse effect upon neighboring properties or upon the public and safeguards upon any such special exception which it grants for the further protection of neighboring properties in the public welfare.

**(B) Non-conforming buildings or structures.** Non-conforming buildings or structures shall be allowed to remain subject to the following provisions:

(1) A non-conforming building or structure shall not be extended unless such extension shall comply with all the requirements of this chapter for the zone in which it is located.

(2) A non-conforming building or structure which is damaged to an extent exceeding 75% of its then reproduction value, exclusive of foundation by fire, flood, explosion, earthquake, war, riot or Act of God, shall not be reconstructed except in conformance with the provisions of this chapter.

(3) Non-conforming signs or billboards shall be eliminated or changed to conform with the provisions of this chapter within 18 months of the date such signs or billboards become non-conforming.



## **Coates' Canons Blog: Civil Penalties and Zoning: Why Fight 'Em, Just Cite 'Em**

By Richard Ducker

Article: <https://canons.sog.unc.edu/civil-penalties-and-zoning-why-fight-em-just-cite-em/>

This entry was posted on March 10, 2010 and is filed under Land Use & Code Enforcement

The expansion of a certain nonconforming junkyard and auto salvage yard violates the zoning ordinance, a condition that has existed for some time. Warnings have gone unheeded. The local government has sought to accommodate every promise made that the violator will comply, but has little to show for it. There is relatively little interest in spending public funds to litigate the matter. Should civil penalties be assessed against violators such as these? Why should we fight them when we can just cite them?

### **The Advantages and Disadvantages of Civil Remedies**

If my impressions are to be trusted, civil penalties to enforce zoning ordinances are more available for use and are actually used more today than ever before, particularly by municipalities. It is almost a badge of honor to be able to say that your city or county ordinance provides for the use of this remedy. And yes, civil penalties can have a deterrent effect. They can serve as a tangible indication that a town or county is willing to take action against violators, even when there is little chance that equitable relief will be sought or a criminal action will ever be initiated. Likewise citations are relatively easy to use and often result in voluntary compliance.

On the other hand many civil penalty citations go unpaid. Only when amounts accrue to a substantial size is it worth the time of a zoning official to try to secure a judgment in small claims court or to call in the city or county attorney. Those who violate zoning ordinances are also more likely to resist service or to be judgment-proof. Then, of course, there are examples like the club owner that receives so much publicity from illegal signs advertising his venue that the resulting revenues exceed the amount of whatever civil penalties may accrue while the signs are displayed.

### **Setting the Amount of the Penalty**

A variety of North Carolina state administrative agencies and regulatory entities are authorized to impose civil penalties for violations of state statutes or administrative rules. In most cases agency determinations concerning these penalties may be appealed to an administrative law judge (ALJ) and the North Carolina Administrative Procedures Act clarifies such matters as the factors to be taken into account in setting penalty amounts, how notice is to be served, and how appeals are to be taken. What's more, the North Carolina Supreme Court in the case of *In the Matter of Appeal from Civil Penalty*, 324 N.C. 373, 379 S.E.2d 30 (1989), upheld the ability of state administrative agencies to set civil penalties within statutory parameters, taking into account a series of factors concerning the nature of each individual violation of the law.

By comparison, the use of civil penalties by local governments is more of a frontier. Subsection (c) of G.S. 160A-175 and G.S. 153A-123 declares that civil penalties are to be provided for by ordinance in order to be used. We know that all procedural requirements called for in an ordinance must be followed if penalties are to be upheld, even though relevant statutory procedures are, for practical purposes, nonexistent. We know that each day's continuing violation constitutes a separate offense.



Within what range may the amount of a civil penalty for a zoning violation be set? There is no directly relevant statutory guidance. G.S. 14-4 does provide that the violation of a local government ordinance may be prosecuted as a criminal misdemeanor punishable by a fine of no less than \$50 but no more than \$500. Local ordinance civil penalty amounts for zoning violations tend to fit within this range. Most local governments establish a set penalty amount for any zoning violation, thereby avoiding the delegation of too much authority to a zoning administrator or running afoul of various unknown limitations on their authority. The blessing that a skimpy but arguably flexible statute provides can become a curse.

Compare this approach with that authorized in subsection (d) of G.S. 113A-126 of the Coastal Area Management Act (CAMA). It sets statutory maximum penalty amounts for violations of major development permits (\$10,000) and minor permits (\$1,000). It then authorizes the Coastal Resources Commission in determining the amount of civil penalties in individual cases to consider the following factors: (a) the degree and extent of harm, including, but not limited to, harm to the natural resources of the State, to the public health, or to private property resulting from the violation; (b) the duration and gravity of the violation; (c) the effect on water quality, coastal resources, or public trust uses; (d) the cost of rectifying the damage; (e) the amount of money saved by noncompliance; (f) whether the violation was committed willfully or intentionally; (g) the prior record of the violator in complying or failing to comply with programs over which the Commission has regulatory authority; and (h) the cost to the State of the enforcement procedures. Anyone who is assessed a civil penalty may also be assessed the reasonable costs (for major development permit violations, up to \$2,500) of any investigation, inspection, or monitoring that results in the assessment of the civil penalty. The CAMA statutes thus set out a comprehensive legislative framework for the administrative use of civil penalties. The legislature, or perhaps even a local government when it adopts an ordinance enforceable by civil penalties, could establish a similar set of criteria for determining the amount that may be assessed under a local ordinance.

#### Procedures and Appeals

Civil penalties are often assessed by zoning officials in the form of hand-delivered "citations." Zoning boards of adjustment may also impose, modify, or waive civil penalties since such a board, on appeal, has all of the powers of the official from whom the appeal was taken. One common practice is for a notice of violation (NOV) to provide that the violator must either comply with the ordinance within a specific period of time (which often corresponds to the period for appealing any decision of the zoning official) or be assessed a civil penalty for each day the violation continues once this period expires. One issue that remains unresolved is whether an appeal of the assessment of a civil penalty may be appealed independently from an appeal of the underlying NOV. Some ordinances try to address this matter by providing that if the NOV provides for the contingent initiation of civil penalties at a later date, either or both matters must be appealed during the period that begins to run from the date the NOV is served.

#### Where the Money Goes

Then there is the matter of the money collected. As one planning director posed the question, "The money is to go *where*?" In the case of most local governments the funds will need to be identified and transferred to the public schools in the county where collected, pursuant to Article IX, Section 7 of the North Carolina Constitution. In the absence of any provision in the zoning ordinance to the contrary, the violation of a zoning ordinance is a criminal misdemeanor, requiring the proceeds of both civil penalties and criminal fines collected for the breach of this penal law to be earmarked for the public schools. (For a fuller treatment of this subject see Dave Lawrence's blog of November 6, 2009.) There is one circumstance, however, when a local government may retain the proceeds from civil penalties collected for zoning violations. If the local unit amends the zoning ordinance to decriminalize zoning violations, civil penalties are no longer associated with the breach of the penal laws of the state and need not be transferred to the schools, at least to the extent that the penalty appears to be remedial rather than punitive in nature. Nonetheless, relatively few local governments have taken advantage of this option. For some, the possibility of using criminal prosecution as a weapon for zoning violations remains too attractive. In any event civil penalties have not up to now served as the money-maker that some elected officials may have assumed.





What does the future hold? The use of civil penalties is likely to increase, even though the popularity of the tool may exceed its effectiveness. Since many local governments are looking for ways to supplemental their revenues, more and more of them may try to find a way to keep the penalty funds they collect. But only when comprehensive civil penalty legislation is adopted will this ordinance enforcement tool reach its full promise.

## Links

- [www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_160A/GS\\_160A-175.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-175.html)
- [www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_153A/GS\\_153A-123.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-123.html)
- [www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_14/GS\\_14-4.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-4.html)
- [www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_113A/GS\\_113A-126.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_113A/GS_113A-126.html)
- [www.ncga.state.nc.us/Legislation/constitution/article9.html](http://www.ncga.state.nc.us/Legislation/constitution/article9.html)

# EXHIBIT F

NUISANCE TYPES	ORDINANCES	CURRENT PENALTY	PROPOSED PENALTY	ENFORCED BY
Garbage (piled)	51.02	51.99	51.99 new	Public Works/ Dev. Services
Garbage Carts	51.03 & 51.08			
Dumpsters	51.04			
Wet Garbage	51.05			
Noise	91.01, 91.02	91.99	91.99	Police
Firearms	91.03			
Unauthorized Posting/ Ads	91.04			
Special Event (Show, Circus, Exhibitions)	91.05			
Defacing Town Property	91.06			
Slingshots/ Bows & Arrows	91.07			
Discarding Iceboxes	91.08			
Outdoor Area as Nuisance	91.10	91.10 (C) 91.99	MOVE to 92.01	
High Grass (12"+)	92.01 (1)&(2)	92.01(C) 10.99	92.99 new	Development Services
Trash/Junk Accumulation	92.01 (3)	92.01(C) 10.99		
Dilapidated Accessory Structures/ Fencing	92.01 (4) &(5)	92.01(C) 10.99		
Human Waste	92.02	10.99		
Sale of Food	92.03	10.99		
Construction Debris	92.04	10.99		
Tree Trimmings	92.05	10.99		
Swimming Pool Safety	92.06	10.99		
Abandoned Vehicle	93.04	10.99	93.99 new	Development Services
Nuisance Vehicle	93.05	10.99		
Junk Motor Vehicle	93.06	10.99		
Shed/Awning Over Sidewalk	94.024	94.024(B) 94.99	94.99 updated	Dev. Services/ Public Works
Tree Trimmings on Sidewalk	94.036	94.99		
Street Numbers	94.090	94.99		



## CHAPTER 51: GARBAGE AND REFUSE COLLECTION

### § 51.02 GARBAGE REQUIRED TO BE PROMPTLY REMOVED.

(a) No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, café, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can or cans as hereinafter provided in this chapter.

(b) Violations shall subject the offending property owner and/or tenant to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 51.99.

(c) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 51.99

(d) Any violation of the condition above shall also constitute a violation of 92.01, and be subject to all associated penalties.

### § 51.03 GARBAGE CARTS AND RECYCLABLE ITEMS.

(A) The occupant of every building, premises or place where garbage does or may exist shall be provided with a garbage receptacle in which the occupant shall deposit all garbage existing at the place occupied by occupant. If the occupant needs additional garbage receptacle(s), the occupant shall contact the administrative office requesting the number needed. Receptacles are the property of the town and shall not be removed if the occupant vacates the premises. All garbage shall be placed in trash bags and tied or fastened securely before being placed in receptacles and all garbage receptacles shall be placed where they can be conveniently reached by the garbage collector (see § 51.08). Garbage receptacles shall be appropriately placed by 6:00 a.m. on the morning designated as the pick-up day at the occupant's location and shall be promptly removed to the back or side yard of that location after having been emptied by the garbage collector (see § 51.08). All receptacles shall be kept reasonably clean by the use of lye or other effective cleaners. ~~The occupant of every building, premises or place shall be provided with one recycling bin. If the occupant needs additional recycling bin(s), the occupant shall contact the administrative office requesting the number needed. Recyclable items are to be handled according to instructions given by the garbage collector.~~

(B) Violations shall subject the offending property owner and/or tenant to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 51.99.

(C) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 51.99

## CHAPTER 51: GARBAGE AND REFUSE COLLECTION

### § 51.04 DUMPSTERS.

(A) Every site upon which one or more dumpsters are to be placed shall be located and constructed so as to facilitate collection and minimize any harmful effect on persons occupying the development site, neighboring properties or public rights-of-way. Those premises hereafter that provide a dumpster shall locate the dumpster on the property it serves. The site shall be paved with concrete, asphalt or other bituminous paving and shall be located abutting a driveway of sufficient width to allow access by the private solid waste collection equipment. Sites and means of access shall be approved by the Town Planner.

(B) All dumpsters shall be screened where, in the absence of screening, they would be clearly visible at dumpster level to:

(1) Persons located within any dwelling unit on residential property other than that where the dumpster is located;

(2) Occupants, customers or other invitees located within any building on nonresidential property other than that where the dumpster is located, unless the other property is used for purposes permitted exclusively in the Industrial Zoning District; and

(3) Persons traveling on any public street, sidewalk or bikeway within the town.

**(C) Violations shall subject the offending property owner and/or tenant to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 51.99.**

**(D) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 51.99**

### § 51.05 WET GARBAGE.

(A) All wet garbage shall have the liquid drained off and shall be wrapped in paper or other combustible material before it is placed in the garbage can, thus preventing smell and the breeding of flies in summer and freezing and adhesion to the can in winter.

**(B) Violations shall subject the offending property owner and/or tenant to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 51.99.**

**(C) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 51.99**

### § 51.06 DEPOSIT OF GARBAGE IN PUBLIC PLACES AND ON PRIVATE PROPERTY. (Eliminate- Criminally enforceable as part of state laws)

~~No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the town limits, except in garbage cans or garbage vehicles as provided in this chapter.~~



## CHAPTER 51: GARBAGE AND REFUSE COLLECTION

### § 51.07 TRANSPORTATION OF GARBAGE AND SLOPS BY PRIVATE PERSONS. (Eliminate- no permit needed, occurs regularly by neighboring municipalities)

~~No person or persons shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the town, any garbage, without first having procured a permit therefore, from the Town Clerk.~~

### § 51.08 PLACEMENT AND REMOVAL OF GARBAGE CANS.

- (A) Garbage cans or similar containers containing garbage and trash for removal shall be placed at the curb/roadside of the premises from which the same are to be removed at or before 6:00 a.m. on the day scheduled for removal. After the garbage cans or similar containers have been emptied, the same shall be removed from the curb/roadside before 7:00 p.m. on the same day collected.

(B) Violations shall subject the offending property owner and/or tenant to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 51.99.

(C) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 51.99

### § 51.09 UNAUTHORIZED GARBAGE, BUILDING DEBRIS, TREE TRIMMINGS OR ANY OTHER TYPE OF REFUSE OR SOLID WASTE. (Eliminate- Criminally enforceable as part of state laws)

~~—It shall be unlawful for any person, firm or corporation to transport garbage, refuse or any other type of solid waste into the town and discard it anywhere within the town's corporate limits or deposit it in any residential or business garbage or trash receptacle for collection by the town.~~

### § 51.11 LITTERING. (Eliminate- Criminally enforceable as part of state laws)

~~—(A) *Definition.* **LITTER** means any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or machinery, wood, motor vehicle or equipment, sludge from a waste treatment facility, water supply treatment plant or air pollution control facility, from domestic, industrial, commercial, mining, agricultural or governmental operations. **LITTER** does not include political pamphlets, handbills, religious tracts, newspapers and other printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of the state.~~

~~—(B) *Littering prohibited.* No person, including, but not limited to, any firm, organization, private corporation or governing body, agents or employees of any municipal corporation, shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly, cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public or private property not owned by him or her within this state or in any waters under the jurisdiction of the town, including, but not limited to, any public street, highway, public park, lake, river, campground, forest land, recreational area, trailer park, highway, road, street or alley, except as the same shall be deposited into a litter receptacle in a manner so that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters. When litter is blown, scattered, spilled, thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed the offense. This presumption, however, does not apply to a vehicle transporting agricultural products or supplies when the litter from that vehicle is a nontoxic, biodegradable agricultural product or supply.~~



## CHAPTER 51: GARBAGE AND REFUSE COLLECTION

### § 51.99 PENALTY.

~~(A) Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$50, or imprisonment not to exceed 30 days and pay for the cost of clean up.~~

~~(B) (1) Any person, including, but not limited to, any firm, organization, private corporation or governing body, agents or employees of any municipal corporation who violates § 51.11 is guilty of a misdemeanor, punishable by a fine of \$200. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.~~

~~— (2) If the town or any person sustains damages arising out of a violation of this section, a court in a civil action may order the person to pay the town or the injured party up to three times the actual damages or \$200 whichever is greater. In addition, the court shall order the person to pay the town's or the injured party's court costs and attorney's fees.~~

### § 51.99 PENALTY (NEW)

(A) The Code Enforcement Officer or Public Works Director shall notify the property owner and tenant where applicable by first class mail of the conditions in violation of Town ordinances and shall order abatement thereof within 5 days following the date of the notice of violation.

(1) When the property owner and/or tenant has failed to comply with a notice of violation as described above, the Code Enforcement Officer or Public Works Director shall not be required to provide further notice of violation to that person with regard to the same property before taking any enforcement action.

(B) Any person, including, but not limited to, any firm, organization, private corporation or governing body, agents or employees of any municipal corporation- including tenants of real property- who violates this chapter shall be subject to a **civil penalty in the amount of \$50** after the given time to correct expires.

(1) Each day that a violation continues after a person has been notified that such a violation exists, and that he or she is subject to the penalty specified, shall constitute a separate offense once the time to correct has expired.

(2) The violator shall contact Town Hall or Public Works for a re-inspection once the violation is remedied in order to stop the accrual of civil penalties.

(3) Civil penalties may be recovered by the Town in a civil action in the nature of debt if the violation persists 30 days after the violator(s) have been cited for violation of the ordinance, or if a balance remains unpaid after a final invoice is mailed.

(C) A town agent or employee may enter upon the premises and perform any work that may be necessary to bring the property into compliance with this section and the town shall charge the cost thereof against the premises upon which the work was performed.

(1) The costs of any work performed under this section shall constitute a lien against the premises upon which the work was performed and may be collected in the same manner as taxes upon real property. The term **COST** as used in this section shall include interest at the rate of 8% per annum until the lien is paid. Interest does not accrue until a bill for the cost becomes overdue (Senate Bill 181, 1999).

(2) Chronic violators: the town shall notify any chronic violator of this section to whom a current violation notice has been provided that, pursuant to G.S. § 160A-200.1, the town shall take action to remedy the violation without further notice and the expense of the



## CHAPTER 51: GARBAGE AND REFUSE COLLECTION

action shall become a lien on the property and shall be collected as unpaid taxes. For the purposes of this section, a **CHRONIC VIOLATOR** is a person who owns property whereupon, in the course of the then current year, the town has provided the property owner notice of violation of any provision of this section at least two previous times.

(3) If the town or any person sustains damages arising out of a violation of this section, a court in a civil action may order the person to pay the town or the injured party up to three times the actual damages or \$200 whichever is greater. In addition, the court shall order the person to pay the town's or the injured party's court costs and attorney's fees.

(D) This chapter may also be enforced by any appropriate equitable action, including but not limited to injunctions or orders of abatement.

(E) The Town may enforce this chapter by any one or any combination of the foregoing remedies.

(F) Violations of the provisions of this chapter shall not be considered a misdemeanor pursuant to G.S. § 14-4.

## CHAPTER 91: GENERAL NUISANCES

### § 91.10 USE OF INDOOR FURNITURE, APPLIANCES AND OTHER ITEMS ON PORCHES AND OTHER OUTDOOR AREAS A NUISANCE. (Eliminate- incorporate into Chapter 92- Health Protection and Disease Prevention)

~~— (A) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, cardboard containers, household goods or any similar condition that increases the likelihood of a fire; may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property;~~

~~— (B) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacture use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks shall be prohibited.~~

~~— (C) If the renter or owner of the property is found in violation of divisions (A) or (B) above and the violation is not remedied within 15 days, then the renter or owner of the property shall be subject to a civil citation and fine.~~



## CHAPTER 92: HEALTH PROTECTION AND DISEASE PREVENTION

### § 92.01 PROPERTY MAINTENANCE, REMOVAL OF TRASH, WEEDS; LIEN.

(A) The existence of any of the following conditions on any lot or other parcel of land, whether vacant or occupied, within the corporate limits of the town is hereby declared to be dangerous and prejudicial to the public health or safety, and constitutes a public nuisance:

(1) Noxious weeds and other rank vegetation; any growth of weeds or grass or other vegetation to a height greater than 12 inches; or any accumulation of dead weeds, grass or brush;

(2) Uncontrolled growth of vegetation- undeveloped property: any uncut, uncontrolled growth of noxious weeds, vegetation, grasses, brush or bushes to a height of 12 inches on an undeveloped property shall constitute a nuisance. Notwithstanding the other sections of this chapter, this division (A)(2) applies only to the outer perimeter of the property to a depth of 50 feet and bordering a public right-of-way and/or developed properties;

(3) Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause accumulation of stagnant water or the inhabitation thereof by rats, mice, snakes or noxious insects; **including but not limited to:**

**(a) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, cardboard containers, household goods or any similar condition that increases the likelihood of a fire; may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property;**

**(b) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacture use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks**

(4) Any accessory building or structure that has become so dilapidated or deteriorated so as to constitute a public nuisance;

(5) All fences, retaining walls or similar structures that are not firmly anchored to the ground, maintained in good structural condition and free of deterioration. Deteriorated features shall be repaired, replaced or completely removed. Grass, weeds and other vegetation around the fences shall be maintained in compliance with division (A)(1). All fencing must be constructed of customary or normal fencing material used consistently throughout; the material used in the construction of the fence must be manufactured and marketed for construction of permanent fencing. Materials typically used for temporary fencing may not be used for permanent fences. For commercial and industrial uses only, barbed, razor or concertina wire may be used for security purposes on portions of fencing above six feet in height, and only in areas not visible from a street or public right-of-way. Electric fencing, with the exception of fencing designed to control and contain dogs and horses, is prohibited.

(6) Chronic violators: the town shall notify any chronic violator of this section to whom a current violation notice has been provided that, pursuant to G.S. § 160A-200.1, the town shall take action to remedy the violation without further notice and the expense of the action shall

## CHAPTER 92: HEALTH PROTECTION AND DISEASE PREVENTION

become a lien on the property and shall be collected as unpaid taxes. For the purposes of this division (A)(6), a **CHRONIC VIOLATOR** is a person who owns property whereupon, in the course of the then current year, the town has provided the property owner notice of violation of any provision of this section at least two previous times.

(B) (1) Where conditions as described in § 92.01(A)(1), (2), and (3) above exist so as to constitute a nuisance or danger to public health or safety, the Code Enforcement Administrator shall notify the property owner by first class mail of the conditions and shall order abatement thereof within five days following the date of the notice of violation.

(2) Where conditions as described in § 92.01(A)(4) and (5) above exist so as to constitute a nuisance or danger to public health or safety, the Code Enforcement Administrator shall notify the property owner by first class mail of the conditions and shall order abatement thereof within ten days following the date of the notice of violation.

(3) When the property owner has failed to comply with a notice of violation as described above, the Code Enforcement Administrator shall not be required to provide further notice of violation to that person with regard to the same property before taking any enforcement action.

**(4) All violations of this section shall subject the offending property owner and/or tenant where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 92.99.**

**(5) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 92.99.**

(6) In addition, a town agent or employee may enter upon the premises and perform any work that may be necessary to bring the property into compliance with this section and the town shall charge the cost thereof against the premises upon which the work was performed.

(a) In addition to the penalties provided for in § 92.99, the costs of any work performed under this section shall constitute a lien against the premises upon which the work was performed and may be collected in the same manner as taxes upon real property. The term **COST** as used in this section shall include interest at the rate of 8% per annum until the lien is paid. Interest does not accrue until a bill for the cost becomes overdue (Senate Bill 181, 1999).

### § 92.02 HUMAN WASTE.

(A) No person shall urinate or deposit any human waste of any kind on any street, lot or premises, except in approved sanitary facilities.

(B) Any structure that has sewer service and develops a sewage leak on private property, the owner or renter has 72 hours to make the necessary repairs after date of notification.

(C) If repairs are not made after the above mention time, the town will disconnect the water service.

**(D) All violations of this section shall subject the offending property owner and/or tenant where applicable to a civil penalty to be recovered by the city in a civil action in**



## CHAPTER 92: HEALTH PROTECTION AND DISEASE PREVENTION

the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 92.99.

(E) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 92.99.

### § 92.03 SALE OF FOOD; EATING ESTABLISHMENTS.

All persons, firms or corporations selling food of any kind or serving prepared meals shall comply with all requirements pertaining thereto of the State Board of Health.

(D) All violations of this section shall subject the offending property owner and/or tenant where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 92.99.

(E) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 92.99.

### § 92.04 DEBRIS FROM NEW CONSTRUCTION.

All refuse, lumber and debris, remaining both as a result of the repair of any old buildings or of the erection and completion of any new buildings, shall be removed by the property owner within ten days from the completion of the aforesaid work.

(D) All violations of this section shall subject the offending property owner and/or tenant where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 92.99.

(E) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 92.99.

### § 92.05 REMOVAL OF TREE TRIMMINGS.

(A) Tree trimmings will be collected by the town once each week, provided that the collections shall be limited to no more than one truck load per week per residence; if additional service is required or requested by the owner or occupant of the premises and if approved by the Town Clerk, the collections will be made on the basis of \$25 per truck load or portion thereof to be paid in advance to the town before the matter is loaded on the truck; tree trimmings shall be placed at a place that can be conveniently reached by the trash collector; tree trimmings

## CHAPTER 92: HEALTH PROTECTION AND DISEASE PREVENTION

shall not, however, be placed in the street right-of-way normally used by vehicles, pedestrians or for surface drainage; tree trimming shall not be longer than six feet in length nor weigh more than 50 pounds.

(B) The provisions of division (A) above shall not apply to persons who cut or trim trees for hire.

(C) Persons who cut or trim trees for hire shall, within ten days after the completion of a particular job, remove all tree trimmings and other remaining refuse from the premises upon which the job was performed, and disposed of the same at a landfill or other similar place of disposal.

**(D) All violations of this section shall subject the offending property owner and/or tenant where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 92.99.**

**(E) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 92.99.**

### § 92.06 SWIMMING POOL SAFETY REGULATIONS.

(A) For the purpose of this section, the term **SWIMMING POOL** is hereby defined as any structure, basin, chamber or tank containing an artificial body of water having a depth at any point of more than two feet, and intended for swimming, diving or recreational bathing, including in-ground, above-ground or on-ground swimming pools, hot tubs and spas.

(B) All outdoor swimming pools located within the town shall be completely enclosed by a fence that adheres to the most current North Carolina Building Code, Appendix G, and conforms with the requirements of [153.016](#), Fences in Residential Districts.

(1) All fence openings or points of entry into the pool area enclosure shall be equipped with gates.

(2) The fence and gates shall be at least four feet in height above the grade level and shall be constructed to meet the North Carolina Building Code and the county pool requirements.

(C) *Operation and maintenance.*

(1) At the end of the swimming season, the pool water, structure, or chamber shall be treated, altered, or maintained so as to prevent the development of unsanitary conditions.

(2) Pools under construction or that are no longer being operated shall be maintained in a manner so as to prevent the development of unsanitary conditions, potential injury, or possible drowning.

(3) Wastewater from the swimming pool shall be discharged into a sanitary sewer or by an alternative method that will not create a public health hazard or public nuisance.



**CHAPTER 92: HEALTH PROTECTION AND DISEASE PREVENTION**

(D) All violations of this section shall subject the offending property owner and/or tenant where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 92.99.

(E) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 92.99.

**§ 92.99 PENALTY (NEW)**

(a) Any person, firm or corporation violating any of the provisions of this section, including both property owner and/or tenant, for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall be subject to a **civil penalty in the amount of \$100** after the given time to correct expires, or after the first 10 calendar days following the Notice of Violation where not otherwise specified.

(b) Each day that a violation continues after a person has been notified that such a violation exists, and that he or she is subject to the penalty specified in subsection (a), shall constitute a separate offense once the time to correct has expired.

(b) The violator shall contact Town Hall for a re-inspection once the violation is remedied in order to stop the accrual of civil penalties. This penalty may be recovered by the Town in a civil action in the nature of debt if the violation persists 30 days after the violator(s) have been cited for violation of the ordinance, or if a balance remains unpaid after a final invoice is mailed.

(c) This chapter may also be enforced by any appropriate equitable action, including but not limited to injunctions or orders of abatement.

(d) The Town may enforce this chapter by any one or any combination of the foregoing remedies.

(e) Violations of the provisions of this section shall not be considered a misdemeanor pursuant to G.S. § 14-4.

## CHAPTER 93: ABANDONED, NUISANCE AND JUNK MOTOR VEHICLES

### § 93.04 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow the vehicle to be abandoned, as the term is defined herein.

(B) Upon investigation, proper authorized officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(C) All violations of this section shall subject the offending property owner and/or tenant where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 93.99.

(D) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 93.99.

### § 93.05 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, the Housing Inspector, or his or her designated representative, may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

(C) All violations of this section shall subject the offending property owner and/or tenant where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 93.99.

(D) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 93.99.

### § 93.06 JUNK MOTOR VEHICLES REGULATED; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements by this section.

(C) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements of the concealment requirements of this section.



## CHAPTER 93: ABANDONED, NUISANCE AND JUNK MOTOR VEHICLES

(D) Subject to the revisions of § 93.07, upon investigation, the Housing Inspector, or his or her designated representative, may order the removal of a junked motor vehicle, as defined in this chapter, after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. The finding shall be based on a balancing of the monetary loss by the apparent owner against that corresponding to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

(E) Permitted concealment or enclosure of junked motor vehicle:

(1) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the town's zoning regulations (Chapter 153) if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

(a) The Housing Inspector, or his or her designated representative, has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision.

(b) The covering must remain in good repair and must not be allowed to deteriorate the covering or enclosure must be compatible with the objectives stated in the preamble of this chapter.

(2) More than one junked motor vehicle: any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junk motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use of a garage or building structures erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

**(F) All violations of this section shall subject the offending property owner and/or tenant where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 93.99.**

**(G) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 93.99.**

### **§ 93.99 PENALTY (NEW)**

(a) Any person, firm or corporation violating any of the provisions of this section, including both property owner and tenant, for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall be subject to a **civil penalty in the amount of \$25 per vehicle** after the given time to correct expires, or after the first 10 calendar days following the Notice of Violation and/or Order for Removal where not otherwise specified.

**CHAPTER 93: ABANDONED, NUISANCE AND JUNK MOTOR VEHICLES**

(b) Each day that a violation continues after a person has been notified that such a violation exists, and that he or she is subject to the penalty specified in subsection (a), shall constitute a separate offense once the time to correct has expired.

(b) The violator shall contact Town Hall for a re-inspection once the violation is remedied in order to stop the accrual of civil penalties. This penalty may be recovered by the Town in a civil action in the nature of debt if the violation persists 30 days after the violator(s) have been cited for violation of the ordinance, or if a balance remains unpaid after a final invoice is mailed.

(c) This chapter may also be enforced by any appropriate equitable action, including but not limited to injunctions or orders of abatement.

(d) A Town agent, employee, or contractor may enter upon the premises to bring the property into compliance with this section; and any costs incurred shall be charged to the owner of the property upon which the work was performed and/or the registered owner of the vehicle removed.

(d) The Town may enforce this chapter by any one or any combination of the foregoing remedies.

(e) Violations of the provisions of this section shall not be considered a misdemeanor pursuant to G.S. § 14-4.



## CHAPTER 94: STREETS AND SIDEWALKS

### § 94.024 SHEDS AND AWNINGS.

(A) No person shall erect or repair over any sidewalk or street any wooden shed or awning or any wooden shed for the support of an awning or erect upon any street or sidewalk any post for the support of any awning.

(B) If any person shall violate this section, then each day that the above forbidden structure shall remain after notice shall constitute a separate violation; provided that this shall not be construed to prevent the erection over the sidewalk of cloth or metal awnings supported upon metallic frames firmly suspended from the building and at least seven feet above the level of the sidewalk.

(C) All violations of this section shall subject the offender where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 94.99.

(D) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 94.99.

### § 94.036 TREE TRIMMINGS.

(A) It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery on any street or sidewalk.

(B) All violations of this section shall subject the offender where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 94.99.

(C) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 94.99.

### § 94.070 MOVING OF BUILDING; PERMIT REQUIRED.

(A) No person shall move or assist in moving any building on, through or across any street, public alley or over any bridge or paved sidewalk with the town unless and until a permit therefor has been issued by the Town Clerk or his or her designee.

(B) If it is determined by the Public Utilities Director that the moving of any building may cause serious injury to the streets or other public improvements, the permit shall not be issued and the building shall not be moved over the streets.

(C) All violations of this section shall subject the offender where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 94.99.

## CHAPTER 94: STREETS AND SIDEWALKS

(D) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 94.99.

### § 94.090 STREET NUMBERS FOR BUILDINGS, HOUSES, MANUFACTURED HOMES, MOBILE HOMES AND MOBILE UNITS.

(A) All buildings, houses, manufactured homes, mobile homes and mobile units fronting on any street or alley in the town shall be numbered in some conspicuous place on the principal structure by the owner thereof, according to numbers assigned by the U.S. postal service: all odd numbers being on one side of the street and all even numbers on the other. The numbers are to be approximately three and three-fourth inches in height, a color different from surrounding colors, and placed so that they can be easily seen from the street by police, fire and rescue personnel. Reflective numbers are preferred but are not mandatory.

(B) Any person not knowing his or her street number shall apply to the Postmaster for a number. Any person failing or refusing to put the proper number on his or her building, house, manufactured home, mobile home or mobile unit or putting the wrong number thereon, or failing or refusing to comply with any other requirement of this section shall be ~~guilty of a misdemeanor~~ **subject to the penalties as outlined in 94.99, and each day's continuing violation shall be a separate and distinct offense.**

(C) All violations of this section shall subject the offender where applicable to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 94.99.

### § 94.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Failure to obtain a permit prior to moving a building or failure to comply with any other requirements of §§ 94.070 through 94.079 shall result in a civil penalty being imposed on the responsible party in the amount of \$500. In addition, the Town Clerk **or his/her designee** may refuse to issue any further house moving permits to the house mover and to the house mover's business until all appropriate penalties have been paid and all provisions of this chapter have been complied with. If a person fails to pay this civil penalty within ten days after being cited for a violation, the town may seek to recover this penalty by filing a civil action in the nature of a debt.

(2) Violations of the above mentioned sections shall not be considered a misdemeanor pursuant to G.S. § 14-4.

(3) The town may seek any appropriate equitable remedy from a court of competent jurisdiction to ensure compliance with above mentioned sections, including **but not limited to** an injunction or order to abate the violation.

(4) The town may seek to enforce §§ 94.070 through 94.079 by using any one or a combination of the foregoing remedies.



**CHAPTER 94: STREETS AND SIDEWALKS**

(D) (1) Any person, firm or corporation including but not limited to property owners and/or tenants violating provisions 94.024, 94.036, or 94.090, or failing or neglecting or refusing to comply with same, shall be subject to a civil penalty in the amount of \$50 after the given time to correct expires, or after the first 5 calendar days following the Notice of Violation where not otherwise specified.

(2) Each day that a violation continues after a person has been notified that such a violation exists, and that he or she is subject to the penalty specified in subsection (a), shall constitute a separate offense once the time to correct has expired.

(3) The violator shall contact Town Hall for a re-inspection once the violation is remedied in order to stop the accrual of civil penalties. This penalty may be recovered by the Town in a civil action in the nature of debt if the violation persists 30 days after the violator(s) have been cited for violation of the ordinance, or if a balance remains unpaid after a final invoice is mailed.

(4) A town agent or employee may perform any work that may be necessary to abate violations of this section, including but not limited to entering on private property and the removal and disposal of belongings, structures, or debris fully or partially contained within the right-of-way or on a sidewalk. The town shall charge the cost thereof against the premises upon which the violation originated and/or is present.

(a) The costs of any work performed under this section shall constitute a lien against the premises requiring work to be performed and may be collected in the same manner as taxes upon real property. The term *COST* as used in this section shall include interest at the rate of 8% per annum until the lien is paid. Interest does not accrue until a bill for the cost becomes overdue (Senate Bill 181, 1999).

(5) This section may also be enforced by any appropriate equitable action, including but not limited to injunctions or orders of abatement.

(6) The Town may enforce this chapter by any one or any combination of the foregoing remedies.

(7) Violations of the above mentioned sections shall not be considered a misdemeanor pursuant to G.S. § 14-4.



Town of Dallas

## Special Events/ Activities Application

Town of Dallas  
210 North Holland Street  
Dallas, NC 28034-1625  
(704) 922-3176  
Fax: (704) 922-4701

The purpose of this application is to provide information about your event or activity in order for the Town of Dallas to best assist you. Depending on the specific event, a permit application and/or fee(s) from other departments may be required.

The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan when applicable. The applicant is responsible for notifying the Town of Dallas of any changes after submittal of the application. Incomplete applications will not be accepted. A complete application must be submitted at least 30 days prior to the event.

### APPLICATION INFORMATION

Name of Event:	NORTH GASTON AREA CROP WALK		
Facility Requested:	DENNIS FRANKLIN Gym + CLONINGER PARK		
Applicant Name:	Vickie Boyd		
Organization:	NORTH GASTON AREA CROP WALK		
Mailing Address:	2305 Hillside Drive		
City / State / Zip:	DALLAS NC 28034		
Daytime Phone:	704-922-3745	Cell:	704-898-7725
E-Mail:	vboyd@bellsouth.net		
Description of the Event:	A WALK TO END HUNGER - THIS IS FUND RAISER - MANY CHURCHES IN DALLAS PARTICIPATE + NORTH GASTON HIGH SCHOOL. ALL FUNDS RAISED GO TO CHURCH WORLD SERVICE.		
Does the event have a Facebook, Twitter, or other social networking page:	NO		
If yes, please list URL(s):			
Date (s) Requested for Event:	October 20, 2019		
Event Start Time:	2:00 pm	Event End Time:	4:30 pm
Road Closure Time Begins (if applicable):	NONE	Road Closure Time Ends:	NONE
Set Up Begins:	12:30 pm	Set Up Ends:	1:45 pm
Preferred Date & Time of Inspection (if required):			
Estimated Attendance:	110		
The Event is:	<input type="checkbox"/> Private (by invitation only)	or	<input checked="" type="checkbox"/> Open to General Public
Describe the procedures to be used for selecting vendors and exhibitors for this event:			
NONE			

Applicant's Signature: Vickie BoydDate: August 27, 2019

A pre-event meeting may be required and will be scheduled to include appropriate staff. The event applicant must attend the meeting.



TYPE	Property Address	Description	Violation 2	Status
1	MINIMUM HOUSING	117 W fields	150.63 (A) Every abandoned structure within the town shall be deemed in violation when the structure constitutes a hazard to health, safety or welfare due to insects or rodents; fire hazards; dangerous conditions; and/or use by vagrants.	In Progress- ALMOST COMPLETE
2	MINIMUM HOUSING	512 E Robinson	150.63 (A) Every abandoned structure within the town shall be deemed in violation when the structure constitutes a hazard to health, safety or welfare due to insects or rodents; fire hazards; dangerous conditions; and/or use by vagrants.	In Progress- BOARDED BUT STILL VACANT, TO BE SOLD BY DECEMBER
3	MINIMUM HOUSING	607 W Main St	150.63 (A) Every abandoned structure within the town shall be deemed in violation when the structure constitutes a hazard to health, safety or welfare due to insects or rodents; fire hazards; dangerous conditions; and/or use by vagrants.	In Progress- COORDINATING WITH CHURCH, FD CAN BURN FOR FREE
4	MINIMUM HOUSING	522 E Carpenter St	150.43 (A) Certificate of compliance. No person shall occupy or allow another to occupy, or hold out for intended use for human habitation any building, dwelling unit or rooming unit designed or intended to be used for the purpose of human habitation which does not comply with the standards of this Code and for which a valid certificate of compliance has not been issued.	In Progress- OCCUPIED WITHOUT ACCESS TO UTILITIES
5	MINIMUM HOUSING	406 starr	150.63 (A) Every abandoned structure within the town shall be deemed in violation when the structure constitutes a hazard to health, safety or welfare due to insects or rodents; fire hazards; dangerous conditions; and/or use by vagrants.	In Progress- ORDINANCE TO DEMOLISH ADOPTED
6	MINIMUM HOUSING	519 e thornburg	150.63 (A) Every abandoned structure within the town shall be deemed in violation when the structure constitutes a hazard to health, safety or welfare due to insects or rodents; fire hazards; dangerous conditions; and/or use by vagrants.	In Progress- ORDINANCE TO DEMOLISH ADOPTED, TO BE BURNED IN SEPTEMBER
7	MINIMUM HOUSING	514 E Robinson St	150.43 (C) (3) All fixtures, receptacles, equipment and wiring should be maintained in a state of good repair, safe, capable of being used and installed in accordance with the electric code adopted by the town.	In Progress- OWNER GOT PERMITS FOR REMODEL
8	MINIMUM HOUSING	506 N Hill St	150.43 (F) (1) Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight, water-tight and rodent-proof; Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.	In Progress- PERMITS OBTAINED, OWNER GIVEN UNTIL AUGUST TO COMPLETE REPAIRS (EXTENSION REQUESTED- GRANTED DUE TO PROGRESS)
9	MINIMUM HOUSING	308 dallas stanley	150.43 (F) (1) Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight, water-tight and rodent-proof; Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.	Investigated- not yet started
10	MINIMUM HOUSING	311 N COLLEGE	150.43 (F) (1) Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight, water-tight and rodent-proof; Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.	Investigated- not yet started
11	MINIMUM HOUSING	312 S Holland	150.43 (A) Certificate of compliance. No person shall occupy or allow another to occupy, or hold out for intended use for human habitation any building, dwelling unit or rooming unit designed or intended to be used for the purpose of human habitation which does not comply with the standards of this Code and for which a valid certificate of compliance has not been issued.	Investigated- not yet started
12	MINIMUM HOUSING	511 E PEACHTREE	ABANDONED STRUCTURE- BOARDED	Investigated- not yet started
13	MINIMUM HOUSING	517 E PEACHTREE	ABANDONED STRUCTURE- BOARDED	Investigated- not yet started

14	MINIMUM HOUSING	427 S College St	150.43 (C) (3) All fixtures, receptacles, equipment and wiring should be maintained in a state of good repair, safe, capable of being used and installed in accordance with the electric code adopted by the town.	150.43 (D) Minimum standards for heating. Every building, dwelling unit and rooming unit shall have facilities for providing heat so as to heat each dwelling unit with minimum temperature of 70°F measured at a point three feet above the floor during ordinary minimum winter conditions, and shall be installed in accordance with the Building Code adopted by the town and shall be maintained in a safe and good working condition.	Investigated- not yet started
15	NUISANCE- CARS	302 Ingle	93.06 (B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements by this section.		In Progress- Violation sent
16	NUISANCE- CARS	2009 Red Leaf Ct	93.06 (B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements by this section.  One junked motor vehicle, in its entirety, can be located in the rear yard if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.		Investigated- not yet started
17	NUISANCE- CARS	308 W Main St	93.06 (B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements by this section.		Investigated- not yet started
18	NUISANCE- CARS	311 S HOLLAND ST	93.06 (B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements by this section.  One junked motor vehicle, in its entirety, can be located in the rear yard if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.		Investigated- not yet started
19	NUISANCE- CARS	502 N HILL ST	93.06 (B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements by this section.  One junked motor vehicle, in its entirety, can be located in the rear yard if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.		Investigated- not yet started
20	NUISANCE- CARS	608 NORTH ST	93.06 (B) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements by this section.  One junked motor vehicle, in its entirety, can be located in the rear yard if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.		Investigated- not yet started
21	NUISANCE- GENERAL	502 N Poplar	camper and junk		Investigated- not yet started
22	NUISANCE- HEALTH	300 W CHURCH ST	92.01 (A) 1- Noxious weeds and other rank vegetation; any growth of weeds or grass or other vegetation to a height greater than 12 inches; or any accumulation of dead weeds, grass or brush		Investigated- not yet started



23	NUISANCE- HEALTH	414 S Maple St	92.01 (A) 1- Noxious weeds and other rank vegetation; any growth of weeds or grass or other vegetation to a height greater than 12 inches; or any accumulation of dead weeds, grass or brush	92.01 (A) 4- Accessory building or structure that has become so dilapidated or deteriorated so as to constitute a public nuisance	Investigated- IN PROGRESS
24	NUISANCE- HEALTH	307 S HOLLAND ST	92.01 (A) 1- Noxious weeds and other rank vegetation; any growth of weeds or grass or other vegetation to a height greater than 12 inches; or any accumulation of dead weeds, grass or brush	BLOCKED VISIBILITY	Investigated- not yet started
25	NUISANCE- HEALTH MINIMUM HOUSING	308 S HOLLAND ST	92.01 (A) 1- Noxious weeds and other rank vegetation; any growth of weeds or grass or other vegetation to a height greater than 12 inches; or any accumulation of dead weeds, grass or brush	150.43 (A) Certificate of compliance. No person shall occupy or allow another to occupy, or hold out for intended use for human habitation any building, dwelling unit or rooming unit designed or intended to be used for the purpose of human habitation which does not comply with the standards of this Code and for which a valid certificate of compliance has not been issued.	Investigated- not yet started
26	NUISANCE- HEALTH	321 S HOLLAND ST	92.01 (A) 5-All fences , retaining walls or similar structures that are not firmly anchored to the ground, maintained in good structural condition and free of deterioration. Deteriorated features shall be repaired, replaced or completely removed. Grass, weeds and other vegetation around the fences shall be maintained in compliance with division (A)(1).	BLOCKED VISIBILITY	Investigated- not yet started
27	NUISANCE- HEALTH	403 MONARCH	92.05(C) Persons who cut or trim trees for hire shall, within ten days after the completion of a particular job, remove all tree trimmings and other remaining refuse from the premises upon which the job was performed, and disposed of the same at a landfill or other similar place of disposal.		Investigated- not yet started
28	NUISANCE- HEALTH	611 LEWIS ST	92.01 (A) 1- Noxious weeds and other rank vegetation; any growth of weeds or grass or other vegetation to a height greater than 12 inches; or any accumulation of dead weeds, grass or brush		Investigated- not yet started
29	NUISANCE- HEALTH	510 N Poplar	92.01 (A) 4- Accessory building or structure that has become so dilapidated or deteriorated so as to constitute a public nuisance		Investigated- not yet started
30	NUISANCE- HEALTH ZONING	202 W GIBBS ST	153.016 (E) Maintenance required. All fences and walls shall be kept in good repair, with construction, maintenance, replacement and reconstruction occurring as needed. A fence will be considered dilapidated when, by reason of inadequate maintenance, obsolescence or abandonment, it is deteriorated or decayed, or has bent or broken supports and panels and no longer adequately serves the purpose for which it was originally intended. If vegetative screening is included with the fence/wall, vegetation and shrubs must be trimmed and maintained.	92.01 (A) 5-All fences , retaining walls or similar structures that are not firmly anchored to the ground, maintained in good structural condition and free of deterioration. Deteriorated features shall be repaired, replaced or completely removed. Grass, weeds and other vegetation around the fences shall be maintained in compliance with division (A)(1).	In Progress
31	NUISANCE-GENERAL	103 E Church St	91.09 (A) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cars, containers, overhead containers,		In Progress

32	NUISANCE-GENERAL	305 N Davis	91.10 (A) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, cardboard containers, household goods or any similar condition that increases the likelihood of a fire; may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property		Investigated- not yet started
33	NUISANCE-GENERAL	506 E Poplar	91.10 (A) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, cardboard containers, household goods or any similar condition that increases the likelihood of a fire; may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property	92.01 (A) 3- Accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause accumulation of stagnant water or the inhabitation thereof by rats, mice, snakes or noxious insects.	Investigated- not yet started
34	NUISANCE-GENERAL NUISANCE- HEALTH	410 N COLLEGE ST	91.10 (A) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, cardboard containers, household goods or any similar condition that increases the likelihood of a fire; may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property	92.01 (A) 3- Accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause accumulation of stagnant water or the inhabitation thereof by rats, mice, snakes or noxious insects.	In Progress- active Notice of Violation
35	NUISANCE-GENERAL NUISANCE- HEALTH	301 Lay St	91.09 (A) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, cardboard containers, household goods or any similar condition that increases the likelihood of a fire; may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property	92.01 (A) 3- Accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause accumulation of stagnant water or the inhabitation thereof by rats, mice, snakes or noxious insects.	In Progress- active Notice of Violation
36	ZONING	610 BROOKGREEN	91.10 (A) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, cardboard containers, household goods or any similar condition that increases the likelihood of a fire; may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property	153.009 (B) (1) No accessory structure for which this section is applicable shall be constructed or placed on a lot without prior issuance of a zoning permit issued by the Development Services Director. No permit will be issued for accessory structures on lots without a principal structure present.	In Progress- COURT ACTION NEEDED
37	ZONING	507 E Poplar	old trailer- occupied? Dilapidated		Investigated- not yet started
38	ZONING	601 SUMMEY FARM	90.02(2) The area wherein the hive(s) are located shall be screened from view by either an opaque ("non see-through") fence of at least four feet in height, and/or an equivalent screening of vegetation. If a vegetative screen is used, such vegetation shall be installed at a minimal height of four feet upon planting. In no case shall a hive be visible from a public street or sidewalk.		Investigated- not yet started
39	PUBLIC WORKS ZONING	612 E TRADE ST	51.04 (A) Every site upon which one or more dumpsters are to be placed shall be located and constructed so as to facilitate collection and minimize any harmful effect on persons occupying the development site, neighboring properties or public rights-of-way.	51.04 (B) (1) All dumpsters shall be screened where, in the absence of screening, they would be clearly visible at dumpster level to Persons located within any dwelling unit on residential property other than that where the dumpster is located	Investigated- not yet started



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ZONING	112 N SUMMEY ST	<p>§ 153.003 (A) No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein for the zone in which it is located.</p> <p>Use: Commercial/vehicle storage lot in an R-8</p>	<p>§ 153.060 The outdoor storage of any motor vehicles or used appliances shall be screened from the public street and from any adjoining lots by a chain link fence at least five feet in height, and by a row of hedge or other natural planting of comparable opacity.</p>	Investigated- not yet started
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## CODE ENFORCEMENT OFFICER – PART-TIME

### General Statement of Duties

Performs responsible work in the enforcement of zoning and other Town ordinances.

### Distinguishing Features of the Class

An employee in this class is responsible for carrying out a consistent program of enforcement of various Town codes within the Town limits, and the ETJ where appropriate. The employee responds to and investigates issues concerning zoning or public nuisance-types, as well as following up on potential problems discovered during regular patrolling of the community. Initiative and collaborative conflict resolution is required in ensuring property owners, residents, and business owners comply with regulations. Duties are performed under the supervision of the Development Services Director and are evaluated through observation, reports, and feedback from the public.

### Duties and Responsibilities

#### Essential Duties and Tasks

- Tracks and responds to complaints regarding zoning, nuisance, or minimum housing violations.

- Conducts code enforcement operations within the Town to identify and address zoning, nuisance, and minimum housing code violations.

- Interprets the Town's ordinances and regulations to individuals.

- Conducts the necessary research into various matters and coordinates activities with other departments, as applicable.

- Issues violations, notices, warnings, and citations.

- Coordinates abatement actions as needed and verifies work is complete.

- Creates and processes invoices and/or liens related to code enforcement activities.

- Serves as a Town Representative at Town Board meetings and/or court proceedings as needed

- Removes illegal signs from rights-of-way.

- Works with other Town employees, including those within the Police Department and Fire Department, to further identify problem/blighted areas and affect a complete enforcement strategy.

- Assists in the development of new policies, procedures, and ordinances as needed.

#### Additional Job Duties

- Performs other duties as required.

### Recruitment and Selection Guidelines

#### Knowledge, Skills, and Abilities

- Skills to operate equipment/software/photography devices, typically used within an enforcement environment; including Microsoft Office applications, enforcement/planning software programs, personal computers, tablets, fax machines, and phone systems.

- Ability to learn and apply aspects of federal, state, and local laws, regulations, policies, procedures, and standards pertinent to assigned areas of responsibility.

- Ability to interpret codes and ordinances and their application to specific situations.

- Ability to develop legal citations and warnings.

- Ability to prioritize, manage, and organize a variety of enforcement activities.

- Ability to work collaboratively to resolve problems and to enforce regulations tactfully and firmly in a consistent manner.

- Ability to express ideas effectively in oral and written forms.



Ability to conduct themselves in a professional manner, regardless of the situation.

Ability to establish and maintain effective working relationships with Town and State officials, developers, property owners and the general public.

Ability to perform varied assignments under appropriate degrees of supervision.

## Physical Requirements

Must be able to physically perform the basic life operational functions of stooping, kneeling, reaching, standing, walking, climbing stairs, pulling, pushing, lifting, fingering, talking, hearing, and repetitive motions.

Must be able to perform light work exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects.

Must possess visual acuity to perform reviews, field inspections; prepare and analyze data and statistics, operate a computer and do extensive reading.

## Desirable Education and Experience

Requires graduation from High School and two years of experience in inspections or enforcement; or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

## Special Requirements

Possession of a valid North Carolina driver's license.

**Town of Dallas**  
**Budget Amendment**

Date: September 10, 2019

Action: Community Development

Purpose: To Appropriate Funds for Part-Time Code Enforcement Officer

Number: CD-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3999	0000	Fund Balance Appropriated	\$224,049	\$243,411	\$19,362
10	4110	0200	Salaries	\$62,101	\$77,301	\$15,200
10	4110	0250	FICA	\$3,900	\$4,842	\$942
10	4110	0251	Medicare	\$913	\$1,133	\$220
10	4110	3400	Equipment	\$120	\$1,920	\$1,800
10	4110	3500	Furnishings	\$0	\$1,200	\$1,200

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Approval Signature  
(Town Manager)