

ORDINANCE NO. 2021-08 01

**AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA
TO AMEND THE VILLAGE CODE OF ORDINANCES TO MAKE CONFORMING
AMENDMENTS RELATED TO THE DIRECTION OF THE UTILITIES AND PUBLIC
WORKS DEPARTMENTS BY A PUBLIC SERVICES DIRECTOR**

WHEREAS, the Village is responsible for providing water and sewer utilities to its residents and property owners; and

WHEREAS, the Village is responsible for maintaining the Village's public parks, roads, right-of-way, buildings, and equipment; and

WHEREAS, the Village believes it will gain certain efficiencies by having its utilities and public works departments under the direction of a public services director; and

WHEREAS, the Village desires to make certain other changes to the Code of Ordinances to reflect modern operations and capabilities of the utilities and public works departments; and

WHEREAS, the Village Council has determined it to be in the best interests of the Village to amend the Code of Ordinances as stated herein.

NOW, THEREFORE, BE IT ORDAINED, by the Village of Bald Head Island, North Carolina that:

Section 1. Section 20-1(d) of the Village code is hereby amended and restated to read as follows:

(d) *Violation and penalty.* Any person who violates this section shall be subject to a civil citation carrying a penalty in the amount of \$500.00 per offense pursuant to GS. 160A-175, which penalty shall be exempt from prosecution under G.S. 14-4. The civil penalty shall be paid during regular business hours at the office of the village clerk or online at the village website within forty-eight (48) hours of issuance of the civil citation. The village reserves the right to seek an appropriate equitable remedy to abate a violation of this section from a court of competent jurisdiction.

Section 2. Section 20-36 of the Village code is hereby amended and restated to read as follows:

Sec. 20-36. Pickup of major discarded items and yard debris.

(a) Major discarded items. Major discarded items such as appliances, furniture or scrapped vehicles cannot be handled in regular garbage pick-up. Property owners must arrange for the removal of major discard items at their own expense. The placing or leaving of such articles along the streets is forbidden and each day, or portion of a day, that said articles are placed or left constitutes a separate violation.

(b) Yard debris. The public works unit will provide mulching or removal services for yard debris on a schedule to be determined by the director. This service will be provided with the following limitations:

- (1) Arrangements must be made in advance with the public works unit.
- (2) Only yard debris generated by the owner as part of the maintenance of the property will be processed. Mulch will be left at the residence unless otherwise specified.
- (3) Yard debris is to be left in an accessible place adjacent to the road, but not impeding access on the road.
- (4) No yard debris in excess of six inches in diameter will be processed.
- (5) This service will not be provided for large quantities of debris generated by clearing a property for sale or construction, whether to work is carried out by the owner or by a contractor.
- (6) In all cases in which debris is generated by a contractor, the village will not be responsible for the removal of the waste generated.

Section 3. Section 20-40 of the Village code is hereby amended and restated to read as follows:

Sec. 20-40. Authority to regulate.

Any person who violates this article shall be subject to a civil citation carrying a penalty in the amount of \$500.00 per offense pursuant to G.S. 160A-175, which penalty shall be exempt from prosecution under G.S. 14-4. The civil penalty shall be paid during regular business hours at the office of the village clerk or online at the village website within forty-eight (48) hours of issuance of the civil citation. The village reserves the right to seek an appropriate equitable remedy to abate a violation of this article from a court of competent jurisdiction.

Section 4. Section 22-15 of the Village code is hereby amended and restated to read as follows:

Sec. 22-15. Notice of private stormwater pumping.

(a) Any person desiring to pump stormwater, by electrical or mechanical means, to a location that is outside the boundaries of his property or to a location on his property that causes stormwater to discharge to a municipal drainage system or the surface waters of the village, must notify the village building inspector, the director of public services, and the director of the department of public safety of the intent to pump not less than 24 hours in advance of pumping. Section 22-6 notwithstanding, a violation of the mandatory notice provision in this subsection (a) shall result in a civil penalty of \$50.00. The civil penalty shall be paid during regular business hours at the office of the village clerk within 48 hours of issuance of the civil citation. Violation of this subsection (a) shall be exempt from prosecution pursuant to G.S. 14-4.

(b) Any private stormwater pumping must comply with all provisions of applicable law. This subsection (b) shall be subject to enforcement pursuant to section 22-6.

Section 5. Section 24-33(e) of the Village code is hereby amended and restated to read as follows:

(e) Interference with underground utilities prohibited. Each permittee shall ensure that no intrusive act or activity shall interfere with any underground utilities, including but not limited to electrical, cable television, water distribution or service, sewer collection and/or telephone cable or conduit, and shall comply with all provisions of G.S. 87-115 et seq.; and no permit issued pursuant to this article shall be construed by the permittee or any

other person to include certification that any proposed intrusive act shall comply with G.S. 87-115 et seq.

Section 6. Section 24-36 of the Village code is hereby amended and restated to read as follows:

Sec. 24-36. Penalty for violation of article.

Any person who violates this article shall be subject to a civil citation carrying a penalty in the amount of \$50.00 per offense, pursuant to GS. 160A-175, which penalty shall be exempt from prosecution under G.S. 14-4. The civil penalty shall be paid during regular business hours at the office of the village clerk or online at the village website within forty-eight (48) hours of issuance of the civil citation. The village reserves the right to seek an appropriate equitable remedy to abate a violation of this article from a court of competent jurisdiction.

Section 7. Sections, 30-43, 30-45, 30-46, 30-47, 30-48, 30-115, and 30-153 of the Village Code be amended such that references to “director of public utilities” be replaced with “director of public services.”

Section 8. Section 30-182 of the Village Code be amended such that reference to “the utilities director” be replaced with “the director of public services.”

Section 9. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 10. This ordinance shall become effective upon adoption.

Passed and adopted by the Village Council this the 20th day of August, 2021.



BY: J A Sayre
J. ANDREW SAYRE, Mayor

ATTEST:

Carin Faulkner
CARIN FAULKNER, Deputy Village Clerk