

**Title I Chapter 10
General Provisions**

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GENERAL PROVISIONS

§10.01 Title of Code

- (A) This codification of ordinances by and for the Town of Calabash shall be designated as the Code of Calabash and may be so cited.
- (B) Alternative equivalent terms such as “Calabash Code”, Calabash Ordinances”, “Town Ordinances”, “Ordinance(s)” or terms of similar or the same meaning may be used throughout the code of ordinances.

§10.02 Authority

- (A) NCGS § 160A-174 provides the town with general ordinance making power. A city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.
- (B) A city ordinance shall be consistent with the Constitution and laws of North Carolina and of the United States. An ordinance is not consistent with State or federal law when:
 - (1) The ordinance infringes a liberty guaranteed to the people by the State or federal Constitution;
 - (2) The ordinance makes unlawful an act, omission or condition which is expressly made lawful by State or federal law;
 - (3) The ordinance makes lawful an act, omission, or condition which is expressly made unlawful by State or federal law;
 - (4) The ordinance purports to regulate a subject that cities are expressly forbidden to regulate by State or federal law;

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- (5) The ordinance purports to regulate a field for which a State or federal statute clearly shows a legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulation;
- (6) The elements of an offense defined by a city ordinance are identical to the elements of an offense defined by State or federal law.
- (C) The fact that a State or federal law, standing alone, makes a given act, omission, or condition unlawful shall not preclude city ordinances requiring a higher standard of conduct or condition.
[Reference NCGS § 160A-174]

§10.03 History

- (A) The Calabash Code of Ordinances was maintained by a second party and was last recodified in 1994. Periodic supplementary updates were performed by the second party until 2002.
 - (1) There has been no verification of legislative changes since 1994 (other than as required during the internal ordinance amendment process).
 - (2) There have been no supplemental updates since 2002.
- (B) During the June 13, 2006 Board of Commissioners routine meeting a decision was made to have Title XV, "Land Use" recodified by Holland Consulting. Title XV was renamed The Unified Development Ordinance (UDO) and as of September 2009 is undergoing review.
- (C) During the November 11, 2008 routine meeting the Board of Commissioners voted unanimously to perform a recodification of all ordinance titles other than Title XV internally due to the significant number of amendments made since the last recodification and the town has numerous resources available that had not been available prior to the last recodification.
 - (1) Recodification will be done and approved as individual chapters.
 - (2) Update to include all presently approved amendments.
 - (3) Verify and update to reflect any recent revisions in the North Carolina General Statutes.
 - (4) Reformat to eliminate the two column format.
 - (5) Increase typeface to a minimum of 11 pt. to improve readability.
 - (6) Add page header to include title and chapter identification.
 - (7) Consecutive numbering per chapter rather than for entire ordinance.
 - (8) Review and amend as appropriate to insure conformity with desired best practices.

§10.04 Interpretation

- (A) Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.
- (B) The rules of construction given in G.S. 12-3 and 153A-1 shall govern, so far as applicable, the construction of words not defined in this section or other sections of this Code.
[Reference: NCGS §12-3 and §153A-1]

§10.05 Application to Future Ordinances

- (A) All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided
- (B) Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes (NCGS) and that section is later amended or superseded,

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the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

§10.06 Captions and Indexes

- (A) Headings, captions and indexes used in this code other than the title, chapter, and section numbers are employed for reference purpose only and shall not be deemed a part of the text of any section.

§10.07 Definitions

- (A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense and as defined in a standard American English dictionary. Words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires different meaning.

Administrative Value: No longer useful to the intended recipient(s) for reference, action or research.

Board of Commissioners, Town Board or Board or abbreviated B.O.C. : The legislative body of the town.

Code, This Code, Ordinances or This Code of Ordinances: This town code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

County: Brunswick County, North Carolina.

May: The act referred to is permissive.

Month: A calendar month.

Publish: To make available for public inspection in a written format either on paper and/or electronically.

Town, Municipal Corporation or Municipality: The Town of Calabash, North Carolina.

Oath: Affirmations in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR and SWORN** shall be equivalent to the words **AFFIRM and AFFIRMED**.

Officer, Office, Employee, Commission or Department: An officer, office, employee, commission, or department of this town unless the context clearly requires otherwise.

Person: Extends to and includes person, persons, firm, corporation, partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to corporations, the officers or agents thereof.

Preceding or Following: Next before or next after, respectively.

Shall: The act referred to is mandatory.

Signature or Subscription: Includes a mark when the person cannot write.

State: The state of North Carolina.

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Subchapter: A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

Written: Any representation of words, letters, or figures, whether by printing or otherwise.

Year: A calendar year, unless otherwise expressed; equivalent to the words **YEAR OF OUR LORD.**

[Am. Ord. pass 6-8-10]

§10.08 Rules of Interpretation

- (A) The construction of all ordinances of this town shall be by the following rules, unless such construction is plainly repugnant to the intent of the Board of Commissioners or of the context of the same ordinance:
- (B) The rules of construction given in G.S. 12-3 and 153A-1 shall govern, so far as applicable, the construction of words not defined in this section or other sections of this Code.
 - (1) **AND** or **OR.** Either conjunction shall include the other as if written “and/or,” if the sense requires it. The words “and” and “or” have their ordinary meanings.
 - (2) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.
 - (3) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.
 - (4) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.
[Reference: NCGS §12-3 and §153A-1]

§10.09 Severability

- (A) The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentence, clauses, or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.
- (B) If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§10.10 Reference to Other Sections

- (A) Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered

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by the amendment or revision.

§10.11 Reference to Offices

- (A) Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this town exercising the powers, duties, or functions contained in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§10.12 Errors and Omissions

- (A) If an error is discovered consisting of the misspelling of any words; typographical errors, the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or submitted as will conform with the intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.
- (B) No alteration shall be made or permitted if any question exists regarding the nature or extent of such error and the Board of Commissioners shall provide clarification.

§10.13 Official Time

- (A) The official time, as established by applicable state/federal laws, shall be the official time within this town for the transaction of all municipal business.
- (B) Whenever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in the county.
- (C) Computation of time
 - (1) Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
 - (2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.
 - (3) Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

§10.14 Reasonable Time

- (A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.
- (B) Reasonable time shall be defined in measurable terms (hours, days, weeks, months etc.) in each instance an act is to be performed.
- (C) The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded.

§10.15 Ordinances Repealed

- (A) From and after its effective date of each chapter recodification or amendment, shall contain or reference all of the provisions-pertaining to the subjects contained.
- (B) All prior ordinances pertaining to the subjects treated by this recodified or amended code shall be deemed repealed from and after the effective date of the chapter recodification or amendment.

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§10.16 Ordinances Unaffected

- (A) All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this amended or recodified code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§10.17 Effective Date of Ordinances

- (A) Each ordinance and/or amendment may be issued an effective date by the Board of Commissioners at the time of ordinance passage.
 - (1) Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.
 - (2) All ordinances passed by the Board of Commissioners requiring publication shall take effect:
 - a. From and after the issuance of an effective date and publication which shall be within five days of passage if no specific effective date is expressly provided.
 - b. From and after the issuance of an effective date and publication as expressly provided by the Board of Commissioners.

§10.18 Repeal or Modification of Ordinances

- (A) Whenever any ordinance or part of an ordinance is repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.
- (B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.
- (C) When any ordinance repealing a former ordinance, clause, or provision is repealed, the repeal shall not be constructed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§10.19 Ordinances Which Amend or Supplement Code

- (A) If the Board of Commissioners amends any existing chapter or section of this code, the chapter or section is repealed on the effective date of the amendment. A new chapter or section, containing the desired amendment shall be submitted in its place.
- (B) Each amendment is done as a chapter recodification and all amendments shall be inserted into the code in proper order with all required title, chapter, sections and page numbers updated to correct chapter order. All repealed sections are removed from the code as the newly amended code is issued.

§10.20 Section Histories, Statutory References

- (A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: [Ord. passed 5-13-60; Am. Ord. passed 1-1-70; Am. Ord. passed 1-1-80; Am. Ord. passed 1-1-85]
- (B) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: [G.S. § 160A-69] [Ord. passed 1-17-80; Am. Ord. passed 1-1-85]

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§10.21 Tampering or defacing code unlawful

- (A) It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to alter or tamper with the code in any manner whatsoever which will cause the ordinances of the Town of Calabash to be misrepresented thereby.
- (B) Any person violating this section shall be guilty of a misdemeanor, and shall be fined \$200 as provided in section §10.99 of the Town of Calabash code. Each violation is a separate and distinct offense.

§10.22 §10.29Reserved

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PUBLIC RECORDS

§10.30 General

- (A) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

[Reference: GS § 121-2. Definitions.(8)]

- (B) The Town Clerk is custodian for all city records.

[GS 160A-171 Duties of the Town Clerk]

- (C) The Department of Cultural Resources shall be the official archival agency of the State of North Carolina with authority as provided throughout this Chapter and Chapter 132 of the General Statutes of North Carolina in relation to the public records of the State, counties, municipalities, and other subdivisions of government.

For purposes of this ordinance The Department of Cultural Resources means specifically The Department of Cultural Resources, Division of Historical Resources, Archives and Records Section, Government Records Branch.

[Reference: GS§ 121-5. (a) NCDCCR responsible for the management of public records]

- (D) No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court.

[Reference: GS§ 121-5. (b) destruction of public records regulated]

- (E) When the custodian of any official State records certifies to the Department of Cultural Resources (NCDCCR) that such records have no further use or value for official and administrative purposes and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

[Reference: GS§ § 121-5. Public records and archives(b) "NCDCCR approval required for disposal]

- (F) A records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of official records shall be administered by the Department of Cultural Resources. It shall be the duty of that Department, in cooperation with and with the approval of the Department of Administration, to establish standards, procedures, and techniques for effective management of public records, to make continuing surveys of paper work operations, and to recommend improvements in current records management practices including the use of space, equipment, and supplies employed in creating, maintaining, and servicing records.

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[Reference: § 132-8.1. Records management program administered by Department of Cultural Resources]

- (G) The North Carolina Historical Commission is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section. When any State, county, municipal, or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine.

[Reference: GS§ 121-5, Public records and Archives(b) liability of custodian shall cease]

- (H) The Department of Cultural Resources provides a schedule of Records Retention and Disposition dated May 19, 2009 (or most current revision) which is made a part of this ordinance by reference. **This schedule is the primary way DCR gives its consent.**

- (1) This schedule if available by request from the North Carolina Dept. of Cultural Resources, Government Records Branch or available electronically as of June 2010 at the official web site [<http://www.records.ncdcr.gov/local/default.htm>].
- (2) **By approving this schedule it becomes the official schedule for the municipality. Without approving this schedule, the municipality is obligated to obtain the Department's permission to destroy *any* record, no matter how insignificant.**
- (3) **If there are questions regarding the status of a public record in respect to the Records Retention and Disposition Schedule the North Carolina Dept. of Cultural Resources, Government Records Branch has the responsibility for determining category and disposition.**
- (4) NCDCCR recommends record destruction according to the schedule. Records may be retained longer only for specific and documented reason.

[Reference: NCDCCR Retention and Disposition Schedule, Municipal; pg. ii]

§10.31 Classification of Public Records

- (A) Public Records With Short Term Value include, but are not limited to:
- (1) facsimile cover sheets containing only transmittal ("to" and "from") information, or information that does not add significance to the transmitted material;
 - (2) routing slips or other records that transmit attachments;
 - (3) reservations and confirmations;
 - (4) personal messages (including electronic mail) not related to official business;
 - (5) preliminary or rough drafts containing no significant information that is not also contained in the final drafts of the records;
 - (6) documents downloaded from the World Wide Web or by file transfer protocol not used in the transaction of business;
 - (7) records that do not contain information necessary to conduct official business, meet statutory obligations, carry out administrative functions, or meet organizational objectives.

The records described above or listed as such on the Records Retention and

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Disposition Schedule may be destroyed or otherwise disposed of when their reference value ends. Most email and routine correspondence will be in this category.

[Reference: NCDCCR Retention and Disposition Schedule, Municipal; pg. x]

- (B) Short Term records that are maintained Records Retention and Disposition schedule for variable periods include, but are not limited to:
 - (1) Project files
 - (2) Work orders (equipment repair)
 - (3) Activity reports (animal control)
 - (4) Accounts payable
 - (5) Accounts receivable
- (C) Permanent and listed as such on the Records Retention and Disposition Schedule records include, but are not limited to:
 - (1) Ordinances, one official copy.
 - (2) official minutes of the governing board and its subsidiary boards are considered to be permanent records
 - (3) Public hearing minutes

[Reference: NCDCCR Retention and Disposition Schedule, Municipal]

§10.32 Means of record destruction

- (A) burned, unless prohibited by local ordinance;
- (B) shredded, or torn up so as to destroy the record content of the documents or material concerned;
- (C) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
- (D) buried under such conditions that the record nature of the documents or materials will be terminated;
- (E) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold as documents or records.
- (F) Electronic records (e.g. email and the like) may be deleted.

[Reference: NCDCCR Retention and Disposition Schedule, Municipal; pg.iv;
N.C. Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510]

§10.33 Adoption of schedule

- (A) The Town of Calabash shall use the Schedule of Records Retention and Disposition, Municipal, dated May 19, 2009 (or most current revision) for the efficient management of public records.
- (B) The signed municipal Records and Retention Schedule agreement is made a part of this ordinance and is on file with the office of the Town Clerk, Town of Calabash NC.

[Subchap. Addition pass 6-8-10]

§10.34-§10.49 Reserved

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ADMINISTRATION

§10.50 Administrative Procedure for Ordinance Amendment

- (A) An Ordinance Change Request Form (form TOC 0001) shall be generated for each revision request and provide the following information:
- (1) Who is requesting the change.
 - (2) Where in the ordinance is or the changes are requested.
 - (3) What is the reason for the change (justification).
 - (4) What is the desired change (a brief description e.g. revise Title I, Chapter 10 to add a section to provide for the creation and maintenance of a Code of Ordinances history file. Define file contents, the length of time it is to be maintained and the process used to issue revisions to each official book holder”).
- (B) The town staff or the requestor shall prepare a “red line” document with the text to be changed lined through and the replacement text highlighted for board review (General code reviewed by Board of Commissioners and Land Usage (UDO) reviewed by both Planning and Zoning Board and Board of Commissioners) plus a copy of the advertised public hearing notice.
- (C) The town shall maintain a history file of ordinance changes for a period of at least ten years.
- (D) For each ordinance change the following shall be placed in each file:
- (1) The Ordinance Change Request Form.
 - (2) The red line/highlighted document.
 - (3) The date of BOC approval for reference to minutes of the appropriate board meeting.
 - (4) Any ancillary information deemed necessary by town staff necessary to better explain the change rationale.
- (E) Each ordinance change history will be maintained in order of Chapter/Article, Section and chronologically in order of revisions so that successive revisions of the same section are immediately obvious to the researcher.
- (F) Copies of the changed ordinance shall be prepared and provided to each holder of an official book of ordinances.
- (1) Entire pages will be replaced if the ordinance is in an editable format. The book holder is responsible for the removal and destruction of the original page.
 - (2) If the original ordinance is non-editable, the revised ordinance is to be given the page number of the original ordinance page followed by an alpha suffix (e.g. “page 123A”) and it shall immediately follow the original page.
 - (3) If appropriate, the changed ordinance will be posted on the town web site for citizen reference.
- (G) Forms may be generated as needed in order to provide complete information and supplemented as required by an ordinance.
- (1) Forms exist to supplement ordinances and, as such, are not in themselves an ordinance and should not contain specific requirements.
 - (2) Forms that are specific to an ordinance should reference the ordinance they supplement.
 - (3) Forms shall be sequentially numbered “TOC-0001” for forms supplementing general code (or supplemental to both general ordinances and land usage

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ordinances e.g. TOC-0001 may be used for changes in either general ordinances or land use ordinances). Forms supplemental to land usage/unified development ordinances shall be numbered "TOC-1001".

- (4) For each form the version date shall immediately follow the form number.
- (5) Forms shall be indexed and become an appendix to the book of general ordinances so they are available to holders of all official books of ordinances.
- (6) If appropriate, the form may be placed on the town's web site for citizen accessibility. [Ord. passed 02-12-2008]

§10.51 Official Books of Ordinances

- (A) The Town Clerk shall be responsible for the maintenance of all official books of town ordinances.
- (B) Official books shall be provided to:
 - (1) Elected officials shall have copies of both the general ordinances and land use (or Unified Development Ordinance). Six books total.
 - (2) Planning and zoning board members, land use (or Unified Development Ordinance). Seven books total.
 - (3) Town staff, copies of both the general ordinances and land use (or Unified Development Ordinance). Six books total.
 - (4) Board of Adjustment, land use (or Unified Development Ordinance). Eight books total.
 - (5) The Town Attorney. One book.
- (C) The Town Clerk shall issue 13 updates and cover letter containing instructions pertaining to updating each "official" book of code for amendments to the Town of Calabash general code and 28 updates if the amended code is for the land usage (or Unified Development Ordinance).
[Am. Ord. pass 6-8-10]

§10.52 §10.79 Reserved

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PENALTY

§10.80 §10.98 Reserved

§10.99 General Penalty

- (A) Violation of local ordinances misdemeanor.
- (1) Except as provided in subsection (b), any person who violates an ordinance of the Town of Calabash shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).
 - a. *Criminal.* Any person, firm, or corporation violating any section or provision of this Code shall, upon conviction, be guilty of a class 3 misdemeanor. Each day a violation continues, however, shall be a separate and distinct offense.
 - b. *Civil.* Each day such violation continues shall be a separate and distinct offense.
 - (2) In addition to the imposed fines, the town shall recover the cost of court and a reasonable attorney's fee.
 - (3) Written citations incurring fines issued for violations of provisions of this Code shall be payable at the town hall not later than three days following issuance.
 - (4) If any person shall violate an ordinance of the Town of Calabash regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).
- (B) Any provision of this code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be defense to the application of the town for equitable relief that there is an adequate remedy at law.
- (C) Any provision of this code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the State Rules of Civil Procedure in general and Rule 65 in particular.
- (1) In addition to an injunction, the court may enter an order of abatement, as part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the buildings on the property; that grass mowed; or that any other action be taken that is necessary to bring the property into compliance with this code.
 - a. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and Calabash may execute the order of abatement.
 - b. The costs of the proceedings, in actions for injunctions, in actions for orders of abatement and in actions for contempt proceedings, shall

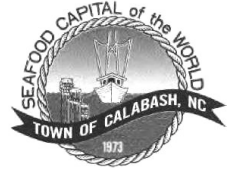
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include but are not necessarily limited to:

- (a) All imposed fines.
 - (b) The town shall recover the cost of court.
 - (c) Reasonable attorney's fees.
- c. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man's lien.
- (2) The defendant may secure cancellation of an order abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order or abatement shall not suspend or cancel an injunction issued in conjunction therewith.
- (D)** The provisions of this code and any other town ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.
- (E)** Except as otherwise specifically provided, each day's continuing violation of any provision of this code or any other town ordinance shall be a separate and distinct offense. [G.S. § 160A-175] [Am. ord pass 12/14/2010]

Town of Calabash

Ordinance Change Request



This change request is to be initiated any time there is a requested revision/addition to an existing ordinance, a request for a zoning change or a requested change to a previously approved conditional use. Explain in sufficient detail so as to provide the reviewer(s) with both the present condition and the requested change. Attach and reference supplemental material and/or "red lined" existing and approved documentation. Zoning change requests are to provide (1) an area overview location map with the property highlighted (2) property to be rezoned showing dimensions and existing structures.

Date of submittal: Month _____ Day _____ Year _____
--

Who is requesting the change: Name: _____
Address: _____ City: _____
State: _____ Zip Code: _____ Phone: _____

What is the requested change: <u>Article, section identification</u> <u>Desired change</u>

Why is this change requested:

When is this change needed: <input type="checkbox"/> Urgent <input type="checkbox"/> Routine <input type="checkbox"/> Need by

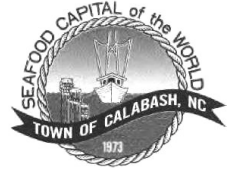
Received by Town of Calabash: Month _____ Day _____ Year 20 _____
By: _____

Effective Date of Ordinance: This ordinance shall be in full force and effect on its publication or as specified.
Date Passed: _____ day of _____ 20 _____
Effective Date: _____ day of _____ 20 _____

Town Clerk

Town of Calabash

Ordinance Change Notification



Wednesday, December 15, 2010

Dear Book holder;

Enclosed you will find current amendments for placement in your volume of the Town of Calabash Official book of ordinances.

Entire pages are to be replaced if the ordinance is in an editable format. If the original ordinance is non-editable, the revised ordinance has been given the page number of the original ordinance page followed by an alpha suffix (e.g. "page 123A") and it shall immediately follow the original page. The original (old section(s) are to be defaced by marking through so it is obvious that the amendment has been inserted

You, as a book holder, are responsible for the removal and destruction of the original page.

Thank you for your attention to this matter!

(Town Clerk or Designate)