

**TUESDAY, MARCH 15, 2022**  
**TOWN OF SAWMILLS REGULAR COUNCIL MEETING**  
**6:00 PM**

**COUNCIL PRESENT**

Mayor Pro Tem Clay Wilson  
Joe Wesson  
Keith Warren  
Melissa Curtis  
Rebecca Johnson

**STAFF PRESENT**

Chase Winebarger  
Julie A Good  
Terry Taylor

**CALL TO ORDER:** Mayor Pro Tem Clay Wilson called the meeting to order at approximately 6:00pm.

**INVOCATION:** Councilman Joe Wesson gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Clay Wilson led the Pledge of Allegiance.

**ADOPT AGENDA:** Mayor Pro Tem Clay Wilson asked for a motion to adopt the March 15, 2022 Agenda.

Joe Wesson made a motion, and Melissa Curtis seconded, to adopt the March 15, 2022 Agenda. All were in favor.

**APPROVE FEBRUARY 15, 2022 REGULAR MEETING MINUTES:** Mayor Pro Tem Clay Wilson asked for a motion to approve the February 15, 2022 regular meeting minutes.

Rebecca Johnson made a motion, and Melissa Curtis seconded, to approve the February 15, 2022 regular meeting minutes. All were in favor.

**APPROVE FEBRUARY 15, 2022 CLOSED SESSION MINUTES:** Mayor Pro Tem Clay Wilson asked for a motion to approve the February 15, 2022 closed session minutes.

Melissa Curtis made a motion, and Keith Wesson seconded, to approve the February 15, 2022 closed session minutes. All were in favor.

**PUBLIC COMMENT:** Mayor Pro Tem Clay Wilson asked if anyone had any questions or comments at this time.

Jo Ann Miller spoke about the fundraiser for the Hudson American Legion Post 392.

## **PUBLIC HEARING: TEXT AMENDMENTS**

**OPEN PUBLIC HEARING:** Mayor Pro Tem Clay Wilson asked for a motion to open the public hearing.

Rebecca Johnson made a motion, and Joe Wesson seconded, to open the public hearing. All were in favor.

**STAFF COMMENTS/RECOMMENDATIONS:** Town Attorney Terry Taylor stated that municipalities are required to remove criminal (misdemeanor) language within their Town Codes, Zoning and Subdivision Ordinances specifically listed within senate bill 300 (SB300). The following sections of the town of Sawmills Ordinances will be affected:

Section 50.99 (Public Works penalties)

Section 113.99 (Junkyard penalties)

Section 153.999 (Zoning Ordinance)

Section 152.999 (Subdivision Ordinance)

Section 154.19 (Dwellings not in compliance)

Section 154.54 (Housing standards)

**PUBLIC COMMENT:** No one wished to speak.

**CLOSE PUBLIC HEARING:** Mayor Pro Tem Clay Wilson asked for a motion to close the public hearing.

Joe Wesson made a motion, and Keith Warren seconded, to close the public hearing. All were in favor.

**COUNCIL ACTION:** Rebecca Johnson made a motion, and Joe Wesson seconded, to adopt the Resolutions to amend Section 50.99 (Public Works penalties), Section 113.99 (Junkyard penalties), Section 153.999 (Zoning Ordinance), Section 152.999 (Subdivision Ordinance), Section 154.19 (Dwellings not in compliance), and Section 154.54 (Housing standards) of the Town of Sawmills Code of Ordinances. All were in favor.

## **RECOGNITIONS:**

**RECYCLE REWARDS WINNER:** Mayor Pro Tem Clay Wilson announced Gerald Harvey, as the March Recycle Rewards winner. A credit of thirty-two dollars (\$32.00) will

be added to the current sanitation bill.

No Council action was required.

#### **FINANCIAL:**

**HUDSON AMERICAN LEGION POST 392 DONATION REQUEST:** Mayor Johnnie Greene stated that the Hudson American Legion Post 392 had requested a donation in the amount of two hundred dollars (\$200.00).

Melissa Curtis made a motion, and Keith Warren seconded, to give a donation in the amount of two hundred dollars (\$200.00) to the Hudson American Legion Post 392. All were in favor.

#### **DISCUSSION:**

**TOWN OF SAWMILLS LICENSE AGREEMENT FOR CUTTING AND BAILING OF HAY:** Town Manager Chase Winebarger stated that staff would like to lease a portion of the Town's property located at 4077 Baird Drive for cutting and bailing of hay on a one (1) year lease, every year that portions of the property are not being used, with stipulations that are set out in the lease, so that Public Works can be freed up to work on other projects.

Joe Wesson made a motion, and Keith Warren seconded, to approve the Town of Sawmills License Agreement For Cutting and Bailing of Hay and for Town Manager Chase Winebarger to start the process to find someone for the first cutting and bailing. All were in favor.

**PUBLIC COMMENT:** Mayor Pro Tem Clay Wilson asked if anyone had any questions or comments at this time.

No one wished to speak.

#### **UPDATES:**

**MARCH CODE ENFORCEMENT REPORT:** Town Planner Dustin Millsaps stated that there are fourteen (14) code enforcement cases open:

- Casey L Wallace, 2634 Mission Road, Rubbish. Town Planner Dustin Millsaps stated that on February 24, 2022, a NOV letter was sent for rubbish;
- Casey L Wallace, 2636 Mission Road, Rubbish. Town Planner Dustin Millsaps stated that on February 24, 2022, a NOV letter was sent for rubbish;
- Casey L Wallace, 2630 Mission Road, Rubbish. Town Planner Dustin Millsaps stated that on February 24, 2022, a NOV letter was sent for rubbish;
- Gladys Greene, 2624 Mission Road, Rubbish. Town Planner Dustin Millsaps stated that on February 24, 2022, a NOV letter was sent for rubbish;

- Commercial Signs Outdoor, Inc., 4228 US Hwy 321a, Rubbish. Town Planner Dustin Millsaps stated that on February 24, 2022, a NOV letter was sent for Rubbish;
- Wiley Fletcher, 2502 Crest Ln, Rubbish and Zoning Violation. Town Planner Dustin Millsaps stated that on November 23, 2021, a NOV letter was sent for rubbish being located sporadically on the property, as well as a zoning violation for the accessory buildings located on the property. Town Planner Dustin Millsaps stated that as of December 3, 2021, there had been no progress., Town Planner Dustin Millsaps stated that on February 8, 2022 the trash has been picked up out of the yard but it is not completely finished. Town Planner Dustin Millsaps stated that a final letter will be issued. Town Planner Dustin Millsaps stated that he went by the property on March 8, 2022, and the property seems to be abandoned;
- Steven Killian, 4801 Helton Rd, Rubbish. Town Planner Dustin Millsaps stated that a NOV letter, along with a copy of the Town's trash pick up policy, was sent for rubbish sitting at the road. Town Planner Dustin Millsaps stated that as of December 3, 2021, rubbish had not been picked up but it seems that the rubbish has been covered with tarps. Town Planner Dustin Millsaps stated that a final letter will be issued for the need to call the Town of bulk pickup and resolve the issue. Town Planner Dustin Millsaps stated that on March 8, 2022, he was coordinating a plan for a bulk pickup with trash;
- Parker Cox, 2527 Sigmon Dr, Rubbish. Town Planner Dustin Millsaps stated that on November 23, 2021, a NOV letter was sent. Town Planner Dustin Millsaps stated that as of December 3, 2021, the it has started to be cleaned, but there is still a substantial amount of rubbish remaining. Town Planner Dustin Millsaps stated that the property has been cleaned a little, but not enough to make a difference. Town Planner Dustin Millsaps stated the a final letter will be issued. Town Planner Dustin Millsaps stated that he went by the property on March 8, 2022 and nothing has changed;
- Gary Hicks, 2520 Sigmon Dr, Rubbish. Town Planner Dustin Millsaps stated that on November 23, 2021, a NOV letter was sent fpr dilapidated amd structures on the property. Town Planner Dustin Millsaps stated that the NOV letter was returned to the Town on November 27, 2021. Town Planner Dustin Millsaps stated that he is trying to find different avenues to get the NOV letter to the right person. Town Planner Dustin Millsaps stated that he went by the property on March 8, 2022 and the poerty seems to be abandoned;
- Linda G. Wartko, 5299 Lakewood Dr., Rubbish. Town Planner Dustin Millsaps stated that on October 29, 2021, he received a complaint for stacks of newspapers and junk piled up around the yard. Town Planner Dustin Millsaps stated that he went by the home and observed numerous debris from the road in front, on the sides and all around the home and sent a NOV letter out. Town Planner Dustin Millsaps stated that he went to the address on November 9, 2021 and there has been no progress on the issues. Town Planner Dustin Millsaps stated that he went by the property on December 3, 2021, and the problem still persists, if not worse, and it sees that the newspapers have been covered with newspapers and leaves. Town Planner Dustin Millsaps stated that as of February 8, 2022 the newspapers have been moved to the back of the house and a pile at the street. Town Planner Dustin Millsaps that a final letter will be issued.

Town Planner Dustin Millsaps stated that he went by the property on March 8, 2022 and there has been no change;

- Teresa Annas Compton, 4486 Sawmills School Road. Abandoned Mobile Home/Garbage and Rubbish. Town Planner Dustin Millsaps stated he received a complaint on January 13, 2020. Town Planner Dustin Millsaps stated that a NOV letter was sent out on January 23, 2020 with a deadline of February 10, 2020. Town Planner Dustin Millsaps stated that the trailer is not finished and located on the same property as the Compton house that the Town abated in 2018. Town Planner Dustin Millsaps stated that staff will investigate and work with attorney for possible courses of abatement. Town Planner Dustin Millsaps stated that one (1) of Ms. Compton's sons is scheduled to meet with staff in late February to work towards getting the property in his name and get the property cleaned up. Town Planner Dustin Millsaps stated that staff has is waiting for Ms. Compton's son to schedule a time to come in and speak with staff regarding this property. Town Planner Dustin Millsaps stated that he went by the property on September 10, 2020 and the property is still in same condition with extremely high grass and would recommend demolition. Town Planner Dustin Millsaps stated that he has been in contact with Town Attorney Terry Taylor and former Town Planner to get all the evidence for this property. Town Planner Dustin Millsaps stated that on February 19, 2021, the title search process had been started with Town Attorney Terry Taylor. Town Planner Dustin Millsaps stated that on March 11, 2021, there were three (3) heirs found from the title search process and letters had been sent out to all three (3) heirs. Town Planner Dustin Millsaps stated that as of May 11, 2021, fines have started to occur on this property. Town Planner Dustin Millsaps stated that as of June 10, 2021, all information on this case has been handed over to Town Attorney Terry Taylor to explore all options that are left to close this case. Town Planner Dustin Millsaps stated that as of October 12, 2021 Town Attorney Terry Taylor is still engaged in the legal process of trying to find heirs to the property;
- David and Ashley Hoyle, 2465 Granville Dr, Rubbish. Town Planner Dustin Millsaps stated that on November 23, 2021, a NOV letter was sent. Town Planner Dustin Millsaps stated that as of December 3, 2021, it looks like there has been more rubbish added. Town Planner Dustin Millsaps stated that on February 8, 2022, there were more rubbish added, along with a tent that is now located on the property. Town Planner Dustin Millsaps stated that a final letter will be issued;
- Charles J. and Candis S. Hagaman, 1910 Leah Dr. #13, Rubbish. Town Planner Dustin Millsaps stated that on October 29, 2021, he received a complaint from Public Works regarding various different properties on Leah Drive, some of which encroach on Town property. Town Planner Dustin Millsaps stated that there was a NOV letter sent out. Town Planner Dustin Millsaps stated that he went by the property on November 9, 2021 and there has been no progress on the issue. Interim Town Planner Alison Adams stated that she spoke to someone on December 15, 2021 and was informed that they were hauling a trailer load off on December 16, 2021 and the remaining debris will be taken care of shortly. Town Planner Dustin Millsaps stated that as of February

8, 2022, the property has not been cleaned. Town Planner Dustin Millsaps stated that a final letter will be issued;

- Ronald B and Cynthia H Herman, 4126 Shoun Dr. Rubbish. Town Planner Dustin Millsaps stated that he received a complaint and a NOV letter was sent out on September 28, 2021 for many different rubbish items in the yard (lawn mowers, appliances, etc.). Town Planner Dustin Millsaps stated that he went by the property on October 12, 2021 and the problem has started to be addressed, however, not completely. Town Planner Dustin Millsaps stated that he went by the property on November 9, 2021, and it looks that the property is almost completely clean. Town Planner Dustin Millsaps stated that he went by the property on December 3, 2021, and the tenants seem to have accumulated more rubbish in the yard again. Town Planner Dustin Millsaps stated that as of February 8, 2022, the problem has gotten worse. Town Planner Dustin Millsaps stated that a final letter will be issued;

No Council action was required.

**TOWN MANAGER UPDATES:** Town Manager Chase Winebarger had the following updates:

- Town Manager Chase Winebarger stated that the asbestos inspection was completed on the house on Ardmore Ln. but the results have not come in. Town Manager Chase Winebarger stated that an asbestos test has to be performed before the house can be torn down.
- Town Manager Chase Winebarger stated that he met with the architect at Baird Park and he hopes to have something for Council to look in the coming months.
- Town Manager Chase Winebarger stated that the Veterans Park project should begin anytime. Town Manager Chase Winebarger stated that there was a meeting last week and Duke Energy representatives stated that the project should begin within the next two (2) weeks, weather permitting.
- Town Manager Chase Winebarger stated that he was contacted by a motorcycle club out of Hickory to use Veterans Park as a stop along a ride for them. Town Manager Chase Winebarger stated that he denied the club usage of Veterans Park but would like to know if Council would like to make donation to the cause.

Rebecca Johnson made a motion, and Melissa Curtis seconded, to give a donation in the amount of two hundred dollars (\$200.00) to the Forsaken Brotherhood. All were in favor.

- Town Manager Chase Winebarger stated that he has spoken with the Recreation Director at Granite Falls regarding free registration fees for Town of Sawmills Council and Staff children and grandchildren.
- Town Manager Chase Winebarger stated that customers are not calling in with extra trash pickups and are still putting the extra trash at the road which is still causing a nuisance. Town Manager Chase Winebarger stated that he is having public works pick

up the extra trash and staff is adding the extra pickups to the list. Town Manager Chase Winebarger stated that if the customers that do not call in go over their six (6) free pickups, that staff will add the seventy-five (\$75.00) charge per pickup after six (6) to the customer's bill.

- Town Manager Chase Winebarger stated that he had been talking to Town Planner Dustin Millsaps regarding the Planning and Zoning Fees that are being charged by the Town. The Town of Sawmills Planning and Zoning fees are very low compared to neighboring municipalities and would like to increase them with the budget. Town Manager Chase Winebarger stated he would have new fees ready for Council to modify with the budget.
- Town Manager Chase Winebarger stated that he would like to know Council's thoughts regarding putting in fuel pumps at the new Public Works building. Town Manager Chase Winebarger stated that the real benefit of putting in fuel pumps is that Public Works would have fuel to be able to continue to work in the event of a fuel shortage. Town Manager Chase Winebarger stated that he would try to get cost estimates together to discuss with Council at a later date.
- Town Manager Chase Winebarger stated that since Covid, the Town has not had any Town sponsored events and would like to know if Council would like to do the Easter Egg Hunt this year. Council informed Town Manager Chase Winebarger that they would like to have an Easter Egg Hunt. The Easter Hunt will be Thursday, April 14, 2022 at Veterans Park, with signups beginning at 5:30pm and the first egg hunt beginning at 6:00pm.

#### **COUNCIL COMMENTS:**

Rebecca Johnson wanted to thank Jo Ann Miller for coming to the meeting.

Joe Wesson wanted everyone to remember Johnnie and the Greene family. Joe Wesson wanted Jo Ann Miller to know that he appreciated everything that she does for the veterans. Joe Wesson told Council he hoped that hopefully they would see each other again.

**CLOSED SESSION PURSUANT TO N.C.G.S. §143.318-11(A)(3):** Mayor Pro Tem Clay Wilson asked for a motion to go into closed session.

Rebecca Johnson made a motion, and Joe Wesson seconded, to go into closed session pursuant to N.C.G.S. § 143.318-11(a)(3) at approximately 6:38pm. All were in favor.

Rebecca Johnson made a motion, and Joe Wesson seconded, to come out of closed session at approximately 6:44pm. All were in favor.

**MAYOR SEAT:** Town Manager Chase Winebarger stated that with the death of Mayor Johnnie Greene, Council would need to decide if they wanted to fill the empty seat immediately or wait until the next election.

Council wanted to table the matter until July 2022.

Town Manager Chase Winebarger stated that he had been approached regarding paying Mayor Johnnie Greene for the remainder of the 2021/2022 fiscal year.

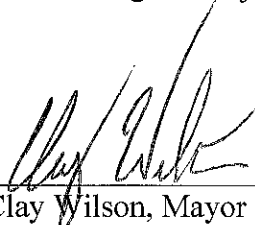
Rebecca Johnson made a motion, and Melissa Curtis seconded, to pay a lump sum to Mayor Johnnie Greene during the month of March for the fourth quarter. All were in favor.

Town Manager Chase Winebarger stated that any seats that Mayor Johnnie Greene held on committees would need to be filled. The EDC meetings that Mayor Johnnie Greene attended, is also attended by Town Manager Chase Winebarger and Councilwoman Melissa Curtis, and that will stay the same.

**COUNCIL ADJOURN:** Mayor Pro Tem Clay Wilson asked for a motion to adjourn.

Rebecca Johnson made a motion, and Keith Warren seconded, to adjourn the meeting. All were in favor.

The meeting was adjourned at approximately 7:01pm.

  
\_\_\_\_\_  
Clay Wilson, Mayor Pro Tem

  
\_\_\_\_\_  
Julie A. Good, Town Clerk





Adopted:

Date: MARCH 15, 2022

**NORTH CAROLINA**

**TOWN OF SAWMILLS**

**RESOLUTION: To Amend Section 50.99 of the Town Code of Ordinances (Penalty for the violation of Solid Waste ordinances)**

That whereas on September 2, 2021 Senate Bill 300 (S.L.-2021-138) was enacted that required changes to the Town of Sawmills Code of Ordinances;

That whereas, North Carolina law mandates no ordinance regulating trees may impose a criminal penalty; and

That whereas, this Resolution is intended to bring the Town of Sawmills Code of Ordinances into compliance with North Carolina law by providing no criminal penalties may be issued for the sections of this ordinance regulating trees.

NOW, THEREFORE, BE IT RESOLVED, that the Sawmills Town Council hereby amend Section 50.99 of the Town of Sawmills Code of Ordinances as follows:

Section. 50.99 PENALTY

*(A) Penalty not exclusive.*

(1) The imposition of a penalty under the provisions of this code shall not prevent the revocation or suspension of any license, franchise or permit issued or granted under the provisions of this code.

(2) If any violation of this code is designated as a nuisance under the provisions of this code, the nuisance may be summarily abated by the town in addition to the imposition of a civil monetary penalty of misdemeanor penalty.

*(B) Liability for violations by corporations and other associations.*

(1) Any violation of this code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his or her office or employment, shall in every case also be deemed to be a violation by the corporation, association, or organization.

(2) Any officer, agent, or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as the corporation, unincorporated association or organization for the violation by it of any provisions of this code, where the violation was the act or omission, or the result of the act, omission or order, of the person.

(C) *Criminal prosecution.* Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a Class 3 misdemeanor pursuant to G.S. § 14-4(a), and may be fined by the court not more than \$500. No criminal penalties shall be issued for acts that violate the sections of this chapter regulating trees.

(D) *Civil Penalty.*

(1) Upon the determination that any provision of this code is being violated, the Code Enforcement Officer shall provide due notice to the person(s) responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. Notice may include written notice by registered mail to the person(s). The notice shall provide the time period for abatement and shall state the penalties for noncompliance provided in this section. The provisions of this section are adopted pursuant to G.S. § 160A-175(c) and shall not constitute a misdemeanor infraction pursuant to G.S. § 14-4 unless the ordinance or code section provides otherwise.

(2) This section is enacted pursuant to G.S. § 160A-175, and may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction as more fully set out and stated in G.S. § 160A-175(d) and (e), incorporated herein by reference and as that statute may be subsequently amended.

(3) Violation of any provision of this code not corrected as provided in division (D)(1) shall subject the offender to a civil penalty in the amount and as set forth in § 10.99 of this code shall be in writing, signed by the Code Enforcement Officer, and shall be delivered to the offender either at his or her residence, place of business, or at the place where the violation occurred.

(4) Each day that a violation continues to exist shall constitute a separate and distinct offense without multiple citations being issued.

(E) *Orders of abatement and injunctive relief.* In addition to criminal prosecution or the imposition of civil penalties, the town may seek orders of abatement and/or mandatory or prohibitory injunctive relief in the General Court of Justice to compel compliance with this chapter.

(F) *Continuing Violation.* Each and every day of a continuing violation of any provision of this chapter shall be deemed to be a separate and distinct violation.

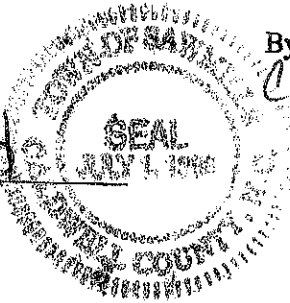
Adopted this the 15<sup>th</sup> day of March, 2022.

TOWN OF SAWMILLS

By: Clay Wilson  
Clay Wilson Mayor Pro Tem

ATTEST:

Julie A. Hodge  
Town Clerk



Adopted:

Date: MARCH 15, 2022

**NORTH CAROLINA**

**TOWN OF SAWMILLS**

**RESOLUTION: To Amend Section 113.99 of the Town Code of Ordinances (Penalty for the violation of ordinances regulating Junkyards)**

That whereas on September 2, 2021 Senate Bill 300 (S.L.-2021-138) was enacted that required changes to the Town of Sawmills Code of Ordinances;

That whereas, North Carolina law mandates no ordinance regulating and licensing businesses and trades may impose a criminal penalty; and

That whereas, this Resolution is intended to bring the Town of Sawmills Code of Ordinances into compliance with North Carolina law by removing the provision that would enforce regulation of junkyards with a criminal penalty.

NOW, THEREFORE, BE IT RESOLVED, that the Sawmills Town Council hereby amend Section 113.99 of the Town of Sawmills Code of Ordinances as follows:

Section. 113.99 PENALTY

Any person, firm, or corporation violating any of these provisions of this chapter shall further be subject to the imposition by citation of a civil penalty as set forth in Section 10.99 of the Town of Sawmills Code of Ordinances.

Adopted this the 15<sup>th</sup> day of March, 2022.

TOWN OF SAWMILLS

By: Clay W. Brown

Mayor Pro Tem

ATTEST:

Dee Ann Wood  
Town Clerk



Adopted;  
Date: March 15, 2022

**NORTH CAROLINA**

**TOWN OF SAWMILLS**

**RESOLUTION: To Amend Section 153.999 of the Town Code of Ordinances (Penalty for the violation of Zoning ordinances)**

That whereas, on September 2, 2021 Senate Bill 300 (S.L.-2021-138) was enacted that required changes to the Town of Sawmills Code of Ordinances;

That whereas, North Carolina law mandates no ordinance adopted under N.C. Gen. Stat. 160A-19, Planning Regulation of Development may impose a criminal penalty.

That whereas, this Resolution is intended to bring the Town of Sawmills Code of Ordinances into compliance with North Carolina law by removing the provision that would enforce an ordinance adopted under N.C. Gen. Stat. 160A-19, Planning Regulation of Development.

NOW, THEREFORE, BE IT RESOLVED, that the Sawmills Town Council hereby amend Section 153.999 of the Town of Sawmills Code of Ordinances as follows:

Section. 153.999      PENALTY.

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

(B) *Civil penalties.* Violation of any provision of this chapter shall subject the offender to a civil penalty in the amount of \$50, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after being cited. Citation shall be in writing, signed by the Zoning Enforcement Officer, and shall be delivered or mailed to the offender either at his or her residence or at his or her place of business or at the place where the violation occurred.

~~(C) *Criminal penalties for violation.* Any person, firm or corporation who violated the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 or imprisoned not 30 days. Each day that a violation continues to exist shall be considered a separate offence, provided that violation of this chapter is not corrected within 30 days after the notice of the violation has been given.~~

~~(Ord. passed 4-17-2012)~~

Adopted this the 15<sup>th</sup> day of March, 2022.

TOWN OF SAWMILLS

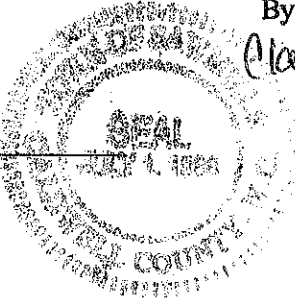
By: Clay Wilson

Mayor

Pro Tem

ATTEST:

Julie A. Wood  
Town Clerk



Adopted:

Date: March 15, 2022

**NORTH CAROLINA**

**TOWN OF SAWMILLS**

**RESOLUTION: To Amend Section 152.999 of the Town Code of Ordinances (Penalty for the violation of Land Usage ordinances)**

That whereas on September 2, 2021 Senate Bill 300 (S.L.-2021-138) was enacted that required changes to the Town of Sawmills Code of Ordinances;

That whereas, North Carolina law mandates city ordinances may be enforced by a misdemeanor only if the city specifies such in the ordinances; and

That whereas, this Resolution is intended to bring the Town of Sawmills Code of Ordinances into compliance with North Carolina law by providing an express explanatory statement in each code section enforceable by a misdemeanor.

NOW, THEREFORE, BE IT RESOLVED, that the Sawmills Town Council hereby amend Section 152.999 of the Town of Sawmills Code of Ordinances as follows:

Section. 152.999      **PENALTY.**

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

(B) ~~*Violation a misdemeanor. Violations of these regulations shall be punishable as provided in G.S. § 160A-375.*~~  
(Ord. § 110, passed 1-26-2007)

Add text: *Civil penalties.* Violation of any provision of this chapter shall subject the offender to a civil penalty in the amount of \$50, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after being cited. Citation shall be in writing, signed by the Zoning Enforcement Officer, and shall be delivered or mailed to the offender either at his or her residence or at his or her place of business or at the place where the violation occurred.




Adopted this the 15<sup>th</sup> day of March, 2022.

TOWN OF SAWMILLS

By: 

Clay Wilson Mayor Pro Tem

ATTEST:

  
Town Clerk



Adopted:

Date: March 15, 2022

**NORTH CAROLINA**

**TOWN OF SAWMILLS**

**RESOLUTION: To Amend Section 154.19 of the Town Code of Ordinances (Penalties for Land Usage: Dwellings not in compliance but not unfit for human habitation)**

That whereas on September 2, 2021 Senate Bill 300 (S.L.-2021-138) was enacted that required changes to the Town of Sawmills Code of Ordinances;

That whereas, North Carolina law mandates city ordinances may be enforced by a misdemeanor only if the city specifies such in the ordinances; and

That whereas, this Resolution is intended to bring the Town of Sawmills Code of Ordinances into compliance with North Carolina law by providing an express explanatory statement in each code section enforceable by a misdemeanor.

NOW, THEREFORE, BE IT RESOLVED, that the Sawmills Town Council hereby amend Section 154.19 of the Town of Sawmills Code of Ordinances as follows:

**Section. 154.19 DWELLINGS NOT IN COMPLIANCE BUT NOT UNFIT FOR HUMAN HABITATION**

(A) In any case where the Housing Inspector determines that a dwelling fails to fully comply with one or more but less than seven of the enumerated standards of dwelling fitness set forth in §§ 154.30 through 154.39, the dwelling shall not be found to be unfit for human habitation and shall not be subject to the procedures and remedies as provided for in this chapter for dwellings unfit for human habitation. Each such failure of noncompliance, however, shall constitute a violation of the terms of this chapter and shall subject the violator to the penalties and enforcement procedures, civil or criminal, or both. A person, firm, or corporation subject to criminal enforcement for violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 and imprisoned not 30 days.

(B) In making the determination as described in this section, the Housing Inspector shall not be required to make notice and hold the hearing as called for in § 154.17, but the Housing Inspector may do so if the determination of the severity and classification of dwelling fitness is not clear to the Housing Inspector upon preliminary investigation.

Adopted this the 15<sup>th</sup> day of March, 2022.

TOWN OF SAWMILLS

By: [Signature]

Blay W. Smith Mayor Pro Tem

ATTEST:

[Signature]  
Town Clerk



Adopted:

Date: MARCH 15, 2022

**NORTH CAROLINA**

**TOWN OF SAWMILLS**

**RESOLUTION: To Amend Section 154.54 of the Town Code of Ordinances (Alternative Remedies for Land Usage: Minimum Housing Standards)**

That whereas on September 2, 2021 Senate Bill 300 (S.L.-2021-138) was enacted that required changes to the Town of Sawmills Code of Ordinances;

That whereas, North Carolina law mandates city ordinances may be enforced by a misdemeanor only if the city specifies such in the ordinances; and

That whereas, this Resolution is intended to bring the Town of Sawmills Code of Ordinances into compliance with North Carolina law by providing an express explanatory statement in each code section enforceable by a misdemeanor.

NOW, THEREFORE, BE IT RESOLVED, that the Sawmills Town Council hereby amend Section 154.54 of the Town of Sawmills Code of Ordinances as follows:

Section. 154.54 ALTERNATIVE REMEDIES

(A) Nothing in this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided herein, any violation of the terms of this chapter shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in the penalty section of this code of the town. (see § 10.99). A person, firm, or corporation subject to criminal enforcement for violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 and imprisoned not 30 days.

(B) No dwelling shall be hereafter erected, altered, moved or changed in occupancy without a certificate of occupancy. In any case where the Housing Inspector, after notice and hearing as required herein, finds that a dwelling or dwelling unit is unfit for human habitation, he or she shall withhold issuance of a certificate of occupancy for the dwelling or dwelling unit until the time that he or she determines that it is fit for human habitation. In addition, in any case where the Housing Inspector, after preliminary investigation as provided for herein, concludes, based upon that investigation, that a dwelling or dwelling unit is unfit for human habitation and believes that the occupancy of the or dwelling unit could cause imminent peril to life or property from fire or other hazards, he or she shall withhold issuance of a certificate of occupancy for the dwelling or dwelling unit until the time that he or she determines that it is fit for human habitation.

(C) If any dwelling is erected, constructed, altered, repaired, converted, maintained or used in violation of this chapter or of any valid order or decision of the Housing Inspector or Board made pursuant to any ordinance or code adopted under authority of this chapter, the Housing Inspector may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or occupancy, to restrain, correct or abate the violation, to prevent the occupancy of the dwellings, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.


Adopted this the 15<sup>th</sup> day of March, 2022.

TOWN OF SAWMILLS

By: 

Clay Wilson Mayor Pro Tem

ATTEST:

  
Town Clerk

