



TITLE: AN ORDINANCE MAINTAINING THE CRIMINAL ENFORCEMENT OF CERTAIN EXISTING COUNTY ORDINANCES

WHEREAS, Counties may impose criminal and civil penalties for violations of a county ordinance pursuant to G.S. 153A-123 and G.S. 14-4; and,

WHEREAS, Part XIII of Session Law 2021-138 (Senate Bill 300) reformed how local governments may impose criminal penalties to enforce their ordinances by, in part, requiring counties to specify the criminal penalty in each ordinance; and,

WHEREAS, Gaston County seeks to preserve its existing authority to impose criminal penalties for certain pre-existing ordinances that protect the health, safety, and well-being of its residents.

NOW, THEREFORE, BE IT ORDAINED by the Gaston County Board of Commissioners that the Code of Ordinances, Gaston County, North Carolina is amended as follows:

(a) Section 1-8 is amended to read as follows:

Wherever in this Code or in any ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or an infraction or a misdemeanor, where no specific penalty is provided therefor the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than ~~forty five hundred~~ fifty five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days for each separate violation; provided, that the punishment for an infraction shall be a fine of not more than fifty dollars (\$50.00). Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

(b) Section 5-8 is amended to read as follows:

It shall be unlawful for any person to violate any of the provisions of this chapter, or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this chapter or any regulation or plan issued thereunder. Such violation shall be punishable as a misdemeanor and the violator shall be punished or held liable pursuant to G.S. 14-4, 14-288.20A and 166A-19.62 as well as Gaston County Code of Ordinances Section 1-8, and any other applicable law or ordinance.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

(c) Section 5.5-101 is amended by adding at the end the following:

(c) A violation of this section is punishable as a misdemeanor.

(d) Section 8-1 is amended by adding at the end the following:

(d) Violation. A violation of this section is punishable as a misdemeanor.

(e) Section 8-32(a) is amended to read as follows:

(a) Misdemeanor. Any person violating any provision of this article shall be guilty of a misdemeanor punishable by a fine not to exceed ~~forty~~ fifty hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days, as provided by N.C.G.S. §§ 14-4 and 130A-25. Each day of a continuing violation may constitute a separate violation.

(f) Section 10-50 is amended to read as follows:

Pursuant to G.S. 153A-250, it shall be unlawful for any person to provide ambulance service in the county or to operate an ambulance in the county without having first been granted a franchise by the board of commissioners to do so; provided that this section shall not apply to ambulances passing through the county or from a destination outside the county to a destination inside of the county or to the vehicles operated by the rescue squad in the performance of rescue work, or to any vehicles operated for such purposes upon the direction of the designated ambulance dispatcher in the county police department. A violation of this section is punishable as a misdemeanor.

(g) Article IV of Chapter 10 is amended by adding at the end a new section to read as follows:

Sec. 10-92. Violations.

A violation of this article is punishable as a misdemeanor.

(h) Section 11-1 is amended to read as follows:

Open containers of alcoholic beverages. It shall be unlawful for any person to possess open containers of or to consume any malt beverages, or unfortified wine, all as defined in G.S. 18B-101 upon the premises of any buildings owned or occupied by the county, except as specified in Chapter 12 of the Gaston County Code of Ordinances, or at an event sponsored by Gaston County or a not-for-profit corporation that directly supports a county function and such event is authorized by the county. A violation of this section is punishable as a misdemeanor.

(i) Section 14-245 is amended to read as follows:

(a) It shall be unlawful for any person(s) without the written consent of Gaston County to:

...

(b) A violation of this section is punishable as a misdemeanor.

Date of Adoption: _____

Chad Brown, Chairman
Gaston County Board of Commissioners

ATTEST:

Donna S. Buff, Clerk to the Board