



CAROLINA BEACH
TOWN COUNCIL MEETING
MINUTES • NOVEMBER 1, 2016

Council Chambers

Regular Meeting

6:30 PM

1121 N. LAKE PARK BLVD.
CAROLINA BEACH, NC 28428

1. CALL MEETING TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Wilcox called the meeting to order. He announced that Mr. D. A. Lewis, a longstanding and involved community member had passed away. A few minutes of silence was observed followed by the Pledge of Allegiance.

MPT Pierce was excused from the meeting.

Attendee Name	Title	Status	Arrived
Dan Wilcox	Mayor	Present	
LeAnn Pierce	Mayor Pro Tem	Excused	
Steve Shuttleworth	Council Member	Present	
Tom Bridges	Council Member	Present	
Gary Doetsch	Council Member	Present	
Michael Cramer	Town Manager	Present	
Ed Parvin	Assistant Town Manager	Present	
Debbie Hall	Finance Director	Present	
Kim Ward	Town Clerk	Present	
Noel Fox	Attorney	Present	

2. ADOPT THE AGENDA

Council Member Bridges asked to reinstate the helicopter issue with the exception of Section 18 which deals with the height requirement.

Town Attorney Noel Fox stated that the agenda is controlled by the council even though the email went out council has to change the agenda but it does require a public hearing and staff did put it on Facebook and sent it out to the Sunshine list. I think the lack of people here tonight is probably indicative that people do not believe it is going to appear on the agenda. It is council's choice whether or not they want to move forward.

Ed Parvin said he has put a few points in front of council I would like to review where we are trying to get more information but have recently found some. 1. Initially we were basing our authorities under the North Carolina General Statutes to regulate land use. We also looked at FAA standards. There is a preemption clause that overrides our authority that is listed in the general statutes. That is one of the reasons we were looking at moving away from hearing this tonight. 2. Another concern is at Planning and Zoning there was a recommendation to prohibit the use outright in every zoning district. This was something different that what staff had pushed forward. About 6 months ago we went through the effort to rework municipal code or our town code to update all aspects of it. In one part we eliminated the sections of code that specifically said certain uses were prohibited on the advice of the town attorney. We do think we can move forward with prohibiting a use but we need to create some clarifying statements in the code as to why we are doing that which we have started and is included in the packet. We need more time to finalize that language. 3. Planning and Zoning's motion was to

outline a reason why we are putting regulations in there because Carolina Beach is a congested area which is something the FAA coins as a term describing how high an aircraft can fly. We did find out that the FAA does not define congested area but we cannot define it either. They take it on a case by case basis and it is in their purview not local or state government. 4. For the past 15 years there have been regulations at the state level that if you are within 5 miles of a military base that you have to notify them of any zoning map or text amendment. We have been letting MOTSU know that and we have never had a response. We have been checking with them to make sure they have been getting the letters. Yesterday we did get a response from MOTSU saying they have concerns. We haven't had a chance to find out what those concerns are yet and we would like to do that before moving forward with the ordinance as well. 5. Clarification and consistency with our definition of aircraft, looking at FAA definitions to ensure consistency. Manned vs unmanned aircraft is something that came up at P&Z, there is too much grey area to move forward. 6. The town attorney has been requesting information from FAA and they have been responsive but have asked for more time. We are still trying to gather more information from them. Based on those 6 points our hope is we can have more time on this code and bring it back to our November 21st TRC meeting and we will invite MOTSU to come to that for their comments or concerns. I'm thinking they will send us a letter based on our conversations. Then that would go back to our December 8th P&Z and then before council on January 10th.

Council Member Doetsch - Asked about MOTSU's concerns.

Ed Parvin - Said he received secondhand information from another staff member at MOTSU that their concern is relative to the proximity of the use to the buffer zone.

Mayor Wilcox - Said state statute requires that text amendments and zoning go through P&Z. What was given to P&Z and their recommendations specifically on the definitions that have nothing to do with the height but of aircraft and it talks about congested area, that definition could change substantially which means what we would get would not be what P&Z reviewed. Is it your understanding under statute that it has to go to TRC, back to P&Z and back to council?

Ed Parvin - If there are substantial changes and the intent or design of the code changes then I believe you would have to go back through P&Z. Right now that is our intent to take it back to the December 8th P&Z meeting.

Council Member Shuttleworth - What was the P&Z vote? (Unanimous) Why is staff coming back with option 1? If you are going to TRC and then back to P&Z, why do you keep coming back with allowable use? Didn't P&Z recommend not to allow it?

Ed Parvin - There are two options, one is what staff originally came up with which was to allow it in the industrial area. The second was P&Z's recommendation which is what we are still struggling with making sure we are not running afoul with federal regulations. I think we can get there and if we can meet all federal and state regulations then we will.

Mayor Wilcox - Staff always leaves all options on the table when they bring it to council.

Noel Fox - We are just discussing whether or not this item should appear on the agenda which has not been adopted yet. Staff's recommendation is to remove the item from the agenda for the aforementioned reasons.

Council Member Bridges withdrew his request.

Council Member Doetsch made a motion to remove item 6.a. from the public hearing. Motion carried unanimously.

3. SPECIAL PRESENTATIONS

a. November and December Special Events

(Requested by Brenda Butler, Planning & Development)

Ed Parvin presented the special events for November and December.

b. Presentation of Audit by Bernard Robinson & Company LLP

(Requested by Michael Cramer, Town Manager's Office)

Victor Blackburn with Bernard Robinson & Company LLC presented the findings of the annual audit. The town received an unmodified opinion on audited statements and no findings or internal control issues were noted. Actual results for 2016 resulted in only a decrease in fund balance of \$1.4M vs \$3.1M appropriated fund balance as some capital expenditures/maintenance projects were not fully completed. A review was given of the general fund available fund balance, utility fund net position, and transfer between funds.

Council Member Shuttleworth - Question to manager, give us a general idea on the \$1.7M what are the funds that we didn't spend that we had projected on projects, what are those projects and that we carried them forward. On the \$600,000 we transferred back from the utility fund, was that for a specific project that we fronted the money out of the general fund?

Michael Cramer - Every year we budget a transfer from the utility fund to cover administrative costs that are in the general fund for utility operations. Regarding the \$1.7M some of that was carried over. He referred to a YTD appropriation from fund balance for carryovers for specific projects. The majority of the \$1.7M is for things we didn't expend.

Council Member Shuttleworth - Would like some bullet points for how that breaks down.

c. Project Update - Gil Dubois

(Requested by Michael Cramer, Town Manager's Office)

Gil Dubois gave following updates:

Phase D and area the around Atlanta is moving along. We are receiving weekly updates from T.A. Loving. Wastewater treatment plant projects - EQ basin has a temporary, partial certification. The final will be after the aerator is installed in the next two weeks and finished by November 23rd. Wastewater treatment outfall line - we met with DENR and CAMA and the project is scheduled to start on November 7th and projected to be completed by Thanksgiving. The crew returned from flooded areas and they are working on the Birmingham area. They will stay until it is completed, hopefully by December 15th. Directional drill from Driftwood to the lake is finished. We need to put a structure up to maintain the pipe and strainers into the lake and it will be done in the next couple of weeks. The concrete is done. The lights around the lake are on schedule.

Jerry Haire gave the following updates:

Boardwalk Northern Extension:

Construction commenced November 1 with demolition of Pelican Lane Access
Completion expected by mid-March 2017.

Public and all adjacent property owners have been contacted concerning construction, schedule, etc.

Area between Pelican and lay down area in parking lot across from Gibby's will be busy with construction traffic so use caution.

Island Greenway:

Joint project review meeting held Oct. 20 with senior MPO and DOT staff to complete final plan approval.

Received positive review comments and support from DOT staff for final plan and document revisions.

Revise project schedule:

Final Plans and Contract Submittal - 12/5/2016

45 calendar days from 10/24/2016

Final Plans and Contract Review Comments - 1/2/2017

30 calendar days

Final Plans and Contract Revisions (if necessary) - 1/16/2017

14 calendar days

Request for ROW Certification - 1/2/2017

70 calendar days from 10/24/2016

Final ROW Certification from NCDOT - 1/16/2017

14 calendar days

Submit Construction Fund Request - 1/17/2017

Need PCE, ROW Certification, Engineer's Estimate

Advertise Project - 2/15/2017

Project Letting - 3/16/2017

Construction - April - August 2017

MOTSU easement signed and being forwarded to the Army Real Estate Division for final execution; also submitted to DOT for ROW Certification.

Cape Fear Multi-Use Path:

Revisions to construction plans and documents underway in response to DOT review comments

Revised project schedule: currently working with NCDOT to abbreviate normal review schedule (25%, 65%, 90% plan reviews) to coincide with Island Greenway timeline

Lake Dredge:

Construction bid advertised Oct. 27; bid opening November 28;

Begin construction January and run through end of May, then re-start next October with completion by spring 2017.

Construction will require closing of parking, playground area and all but eastern portion of trail.

Gil Dubois - The crosswalks have arrived and will go in at Carolina Sands, Tennessee, Alabama, Ocean, Atlanta and Hamlet in December/January.

d. Manager's Update

(Requested by Michael Cramer, Town Manager's Office)

Michael Cramer gave an update on the following:

Hurricane Matthew reimbursements and repair and replacements: Currently we have spent approximately \$40,000 of the \$50,000 budget on materials and expenses during the storm. Labor expenses have not been charged back to the account yet.

Currently, we have about \$35,000 in staff overtime and \$7,000 in contractor time. Equipment costs can be reported to FEMA for reimbursement (around \$40,000). Operational components of the storm are about \$125,000. There were also 6 town infrastructures that were damaged: well house #2 on Lake Park at the lake (\$90,000 repairs), coke filter trays on treatment plant on Raleigh Street were knocked off (\$20,000 repairs), roof shingles on Help Center (\$5,000 repairs), Sea Oats crossover steps were undermined (\$10,000), damage to new operations building doors, damage to the marina bulkhead and walkway next to it (getting evaluations completed through engineering firms on entire strip). Minus the marina dock area, there are estimated repairs for damage of \$133,000. Reimbursement forms have been filled out. Council needs to approve a designation of authority at the next council meeting through a resolution for he and Ed Parvin to issue bills and invoices into FEMA and ask for reimbursement. All told with both the operational components and the repair components minus the marina - \$258,000 worth of expenses for the storm.

Help Center - The renovations have been completed for the old library into the new community center. There are 2 areas for meeting space and an open common area. We moved all of the groups that used to meet in the community center in to the new community center and redid the old community center as the new Help Center. They should be moving from the rec center into new facility any time now.

Northern Boardwalk Project Management - We had awarded the contract at approximately \$715,000. At the time there were a few bills that had not come through the process and will need approximately \$21,652 to make it so our budget completes that northern extension portion of the boardwalk. We have received quotes from four different organizations for a project manager and we decided to go with B&R Construction who is very familiar with the plans and specifications. Between that and special inspections/minor engineering costs we will be requesting during the consent agenda a budget adjustment for the boardwalk of \$46,152. That is the \$21,000 in construction costs and \$24,500 for the project management costs.

4. OLD BUSINESS

a. Towing Regulation Change

(Requested by Michael Cramer, Town Manager's Office)

Ed Parvin presented and reviewed the changes to the towing ordinance. We made our ordinance consistent with state regulations and clarified administrative and enforcement provisions in our code. We have worked with the tow companies on their responsibilities and private property owners with lots where they enforce towing. Consistent signage was a major change, the code must be displayed on their signs and follow location and number requirements. Types of towing regulations: Police impoundment (public health or safety threat) and trespass tow (must go through dispatch and give pertinent information). Penalties and fees were increased \$50 for each offense.

**Council Member Bridges made a motion to adopt Ordinance 16-1032.
Motion carried unanimously.**

5. PUBLIC DISCUSSION

No one spoke.

6. PUBLIC HEARINGS

- a. Text Amendment: Consider amending Chapter 40 Sec. 40-72, 40-150, 40-261, 40-548 and Chapter 18 Sec. 18-7 to address standards and allowance for aircraft takeoff and landing zones. Applicant: Town of Carolina Beach

(Requested by Jeremy Hardison, Planning and Zoning)

Due to additional research into Federal Aviation Administration (FAA) standards, staff is requesting Town Council table the proposed amendments to Chapter 18 and Chapter 40. Specific reasons why include:

1. Although the North Carolina General Statutes give the Town the authority to regulate aircraft flights this language is preempted by federal regulations. Both the Technical Review Committee (TRC) and Planning and Zoning Commission (PZ) were still under the assumption that the state statute was enforceable when the draft ordinance was presented.
 2. During PZ there was a motion to move forward an option to prohibit the allowance for aircraft take offs and landings completely. Earlier this year we removed all uses that were specifically prohibited based on attorney recommendations that if you specifically call out a use that is prohibited it could by default mean that a use not listed as prohibited was allowed. Staff has discussed this with the Town Attorney and we do believe we could move forward with an option to prohibit the use however we would need a statement in the zoning ordinance identifying why that specific use was pointed out as "prohibited." That language was not ready when Town Council's packets were published.
 3. The PZ's amendment recommendation references congested area which is a term used but not defined by FAA. At PZ it was thought that the Town could determine that we are a congested area. After additional research we have discovered that "congested area" is determined by the FAA on a case by case basis.
 4. Over the past 15 or so years the Town has been sending letters to MOTSU any time a new zoning text or map amendment is proposed as required by NCGS. We have never received a response until now. Right now all we know is there are concerns. Staff would like to investigate those concerns to find out how they impact the proposals and provide accurate information to PZ and TC.
 5. The proposed definition of an aircraft was taken from another community and may have some implications and unintended consequences for manned and unmanned aircraft. Utilizing FAA definitions and regulations as a baseline should help to clarify the code.
 6. Staff has been working with the Town Attorney to craft the code. The Town Attorney has been in contact with FAA, however, the FAA has requested additional time to address our comments/questions.
- Based on these concerns the attached ordinance may have serious flaws that need to be addressed. Staff proposes bringing the language back to the:
November 21st Technical Review Committee, December 8th Planning and Zoning and the January 10th Town Council meeting.

7. **CONSENT AGENDA**

Mayor Wilcox made a motion to approve the consent agenda. Motion carried unanimously.

The following items were approved under the consent agenda:

Set a Public Hearing for December 13, 2016 at 7pm or soon thereafter to consider a Conditional Use Permit (CUP): for a Bar with an associated Art Gallery located at 11 Boardwalk Suite 110.

Budget amendments and transfers as presented by the finance director.

Minutes from October 6, 2016, October 7, 2016, October 11, 2016 5:30 p.m. and October 11, 2016 6:30 p.m.

8. NEW BUSINESS

a. Irrigation Water Use Rate Adjustment

(Requested by Michael Cramer, Town Manager's Office)

Michael Cramer said this item was discussed at the workshop - background, current costs, statistics and the recommendations. He gave an overview of that discussion which included: 2009 state requirement for separate meter for irrigation systems, cost of meter installation, charge for water only (not sewer), rate established at \$9 per 1,000 gallons (although it was charged at \$10, reason unknown) and potable water rate of \$3.30 per 3,000 gallons at that time. In 2014/15 all use rates were increased by 5% and in 2016/17 increased by 11.5%. Meters cost \$705 on the same service to install, separate service approximately \$2,100 plus associated charges. Irrigation water rates were set up higher than water rates based on conservation. Comparison with other communities and their charges and rate structures was shown. An admin fee is included in irrigation water use due to associated costs. Based on council's desire to reduce the rate, staff has recommended the following:

Change the per 1,000 gallons water use rate on irrigation water from \$11.72 per 1,000 gallons to \$4.34 per 1,000 gallons.

Keep water rate the same as the water use rate for potable water over 3,000 gallons.

Reduce administration fee from \$11.72 to \$2.00.

These recommendations are estimated to reduce irrigation revenue by \$16,730.00 in Fiscal Year 2016/2017.

There are currently 123 irrigation meters that have been installed since 2009. Because current billing system sends out two separate bills, staff has been looking at different software packages to change that and other issues.

Council Member Doetsch made a motion to approve Ordinance 16-1034 that includes the admin fee. Motion carried unanimously.

b. Emergency Identification Program

(Requested by Michael Cramer, Town Manager's Office)

Michael Cramer said the current vehicle identification decals are married with parking permits which is extremely costly and the decals fade. There are multiple issues with the program to include people driving the wrong vehicle, you need a tag for every vehicle, tags not placed on every vehicle, wrong driver, rental cars, multiple properties owned by same person, caregivers/property managers etc., passes associated with vehicles vs people.

Recommended improvements: Move to an "Insurance Card" type identification issued to three categories of people - property owners, agents and permanent residents/business owners. Cards would be issued annually. The would be free between January 1st and February 15th, \$5.00 after February 15th, \$5.00 first replacement, \$10.00 second replacement. Card would be non-transferable, non-refundable and not prorated. Definitions and requirements for property owners,

agents and permanent residents/business owners were reviewed as well as forms to be used. Property owner will be issued two cards for each property. Identification cards will have barcodes. There would be a station at the end of the bridge with a database of identification info and scanner. The program would be less expensive, easy to carry, could be automated in the future, easier to manage, can print cards from the customer service desk, track entry and exits with barcode, police can always ID, consistent with new EOP Evacuation areas and paper can be ordered on line or in bulk.

Council Member Doetsch recommended color coding for each category of people.

Council Member Bridges made a motion to approve Ordinance 16-1035. Motion carried unanimously.

c. Parking Passes and Regulation Changes

(Requested by Michael Cramer, Town Manager's Office)

Michael Cramer said because we marry our vehicle identification passes in our current system with our parking passes staff looked at adjusting the code so we could separate them and identify the changes. Those ordinance changes were reviewed as well as the section for parking passes and regulations for updating.

Mayor Wilcox asked about changes to the contract with the parking enforcement company.

Michael Cramer said it is an administrative function to change the terms that he typically hasn't brought back to council but can do that in the future.

Mayor Wilcox said if it is a police enforcement issue and it is changing something that council was looking at when they approved the contract that is his question.

Included in the changes would be changing the paid parking time from 8:00 am to 7:00 pm, to 9:00 pm.; three tiers for parking passes (resident at \$5, business employees in the CBD that don't have parking provided to parking in long-term parking lots at \$25, non-residential at \$75). Passes will be color coded.

Mayor Wilcox asked about having employees park in the gravel lot in front of the Marriott only.

Michael Cramer said it could be restricted to a specific lot.

Mayor Wilcox said he would like to us to think about restricting employees for the CBD to the lot in front of the Marriott.

Michael Cramer said these changes to the parking (what they are doing now) and the no parking on the north end streets, and going to a three tiered pass for parking passes, would cost considerably less.

Council Member Doetsch recommended staying on top of enforcement to preclude people going into the residential areas.

Mayor Wilcox would like the business owners notified of the change in meter time to get their feedback and table this until the next meeting.

Michael Cramer is concerned about the need to order passes very soon, so if the time for the meters and the enforcement is an issue he suggested removing that portion.

Council Member Bridges made a motion to adopt ordinance 16-1036 with the exception of striking the time extension and also specifying the CBD business pass be restricted to the Marriott gravel lot. Motion carried unanimously.

9. NON-AGENDA ITEMS

None.

10. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER

Mayor Wilcox made a motion to go into closed session to discuss a personnel matter in accordance with NCGS 143-318.11(a)(6). Motion carried unanimously.

Council returned to open session and mentioned that they conducted appointed staff evaluations for the Town Manager, Finance Director and Clerk.

11. ADJOURNMENT

Mayor Wilcox made a motion to adjourn at 9:30 p.m.

Kimberlee Ward
Kimberlee Ward, Town Clerk

12.13.2016
Date Approved

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Amend Chapter 16 Motor Vehicles and Traffic, Article VII Wrecker/Towing Services and Impoundment.

ARTICLE VII. - WRECKER/TOWING SERVICES AND IMPOUNDMENT

Sec. 16-239. - Findings and intent.

- (a) The Town Council of the Town of Carolina Beach has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order.
- (b) North Carolina General Statute 160A-174 allows a town by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public, and the peace and dignity of the city.
- (c) Some practices related to the non-consensual towing of motor vehicles from private property have resulted in the public and members of the towing industry being exposed to harm.
- (d) The Carolina Beach Town Council desires to minimize and control the harmful and adverse effects that occur during the non-consensual towing of motor vehicles.

Sec. 16-240. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Highway means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous;

Private parking only means the parking lot is for private use only and is not open for use by the general public.

Customer parking only means the parking lot is for private use of customers to the identified business only and is not open for use by the general public.

Pay for parking only means the parking lot is operated by a profit making company and is open to the general public and a fee will be charged.

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Tow in any of its forms means to remove a vehicle by any means including towing and to store the vehicle.

Tower means the person who towed the vehicle.

Towing fee means the fee charged for towing and storing.

Winching fee means a charge when a vehicle leaves the street or highway or overturns and requires use of winch and a cable to recover the vehicle to the highway for removal;

Wrecker applicant means any person or company that can provide wrecker and towing service within the town.

(Code 1986, § 9-140; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010)

Sec. 16-241. - Administrative responsibility.

The Chief of Police or his designee is hereby designated as a responsible agent for maintaining a list of eligible wrecker/towing services and ensuring that criteria as set out in this chapter is strictly adhered to both initially and following execution of the agreement.

(Code 1986, § 9-141; Ord. No. 07-711, 10-9-2007)

Sec. 16-242. - Wrecker service application/agreement.

It is the policy of the town that any applicant desiring to perform wrecker/towing services within the town limits of the Town of Carolina Beach shall at the police request shall submit a wrecker service application/agreement in duplicate to the town on an annual basis, no later than January 15th each year. The application form shall be obtained from the town hall and will be evaluated by the Chief of Police or his designee. Failure to accept comply with this chapter and NCCGS statutes dealing with towing services or to adhere to it at any time shall enable the Town Manager or his designee to rescind or nullify this agreement and issue a notice of violation to the property owner and tow company. A non-refundable annual application fee pursuant to the town's annually adopted rate and fee schedule will be charged. The annual business application fee as set by town council must be paid prior to processing. Each driver of wreckers will be required to submit an application for an operators permit with fees set by town council.

(Code 1986, § 9-142; Ord. No. 07-711, 10-9-2007)

Sec. 16-243. - Duties and requirements of wrecker tow services.

It will be the responsibility of any applicant to assure continued compliance with all provisions and requirements set forth in the agreement, and this article and NCCGS statutes dealing with towing services.

(Code 1986, § 9-143; Ord. No. 07-711, 10-9-2007)

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Sec. 16-244. - Availability and storage requirements; location and towing.

- (a) The applicant shall provide continuous 24-hour on-duty or on-call service at all times for the purpose of receiving and releasing vehicles. The person on call shall be capable of acknowledging requests to retrieve a towed vehicle within 15 minutes of receiving such request, and of releasing said vehicle within 45 minutes of receiving the request. The applicant must at his garage, or in its immediate vicinity, provide sufficient fenced storage space with security lights for storage of vehicles and indoor storage for motorcycles.
- (b) Towing firms and wreckers must be located within New Hanover County.
- (c) In no case shall a vehicle be towed outside New Hanover County or its extra-territorial jurisdiction without prior consent of the vehicle owner or operator.
- (d) If any vehicle is removed pursuant to this section and there is a place of storage within 15 miles, the vehicle shall not be transported for storage more than 15 miles from the place of removal. For all other vehicles, the vehicle shall not be transported for storage more than 25 miles from the place of removal. The vehicle shall be secured and lighted in such a manner as to keep the vehicle safe from break-ins or damage while in storage. A fenced storage yard with average surface level lighting of two foot candles shall be deemed compliant with this section.

(Code 1986, § 9-144; Ord. No. 07-711, 10-9-2007)

Sec. 16-245. - Liability; insurance.

The applicant shall assume all liability and shall indemnify and save the ~~city~~ town harmless from such liability for damages sustained by vehicles while being towed or stored and for all personal injuries occurring to any of the applicant's employees and other persons and maintain a minimum of \$45,000.00, or other amount as determined by the Chief of Police, liability insurance to cover damage, personal injury, or loss of property while the vehicles are in the applicant firm's custody.

(Code 1986, § 9-145; Ord. No. 07-711, 10-9-2007)

Sec. 16-246. - Wrecker equipment.

- (a) Each wrecker shall be a truck chassis having a minimum gross vehicle weight of 6,500 pounds and boom assembly having a lift capacity of not less than 8,000 pounds as rated by the manufacturer and equipped with dollies on each tow truck.
- (b) A car carrier or rollback is defined as a vehicle designed to tow or carry vehicles damage free. The truck chassis shall have a minimum gross vehicle weight rating (GVWR) of 14,500 pounds. Two lift cylinders, minimum 2½-inch bore; individual power winch pulling capacity of not less than 10,000 pounds; 50 feet of 5/16-inch cable on winch drum; and four tie-down hook safety chains. The carrier bed shall be a minimum of 18 feet in length and a minimum of 84 inches in width inside side rails. A cab protector constructed of aluminum or steel must extend a minimum of ten inches above the height of the bed.

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- (c) The following equipment shall be on the wrecker, carrier or rollback:
- (1) Brakes (G.S. 20-124).
 - (2) Glasses (G.S. 20-127, 20-135).
 - (3) Horn (G.S. 20-125).
 - (4) Lights (G.S. 20-129, 20-129.1, 20-130, 20-131).
 - (5) Mirrors (G.S. 20-126, 20-117.1).
 - (6) Mufflers (G.S. 20-128).
 - (7) Reflectors (G.S. 20-129.1).
 - (8) Turn signals (G.S. 20-125.1).
 - (9) Windshield wipers (G.S. 20-127).
 - (10) Tires (G.S. 20-122.1).
- (d) Each wrecker, carrier or rollback must be equipped with the following:
- (1) Ax.
 - (2) Large broom.
 - (3) Fire extinguisher; five-pound multi-purpose dry chemical.
 - (4) Shovel.
 - (5) Flares, eight or traffic cones, 28 inches in height.
 - (6) Two snatch blocks.
 - (7) Two scotch blocks.
 - (8) Dollies (except rollback wreckers).
 - (9) 20 pounds of StayDry or similar type of absorbent material.
 - (10) Cable; one spool having at least 100 feet and measuring three-eighths inches in diameter.
 - (11) Bolt cutters.
 - (12) Safety vest.
- (e) In general, an applicant must assure the ~~city~~ town that they will have available equipment capable of towing any automobile or truck from the streets and other public or private places upon request by the police department ~~or private property owner or lessee~~. All wreckers must be kept in good working condition and meet the minimum safety requirements, not only as specified above and elsewhere, but in all applicable sections of G.S. Ch. 20, motor vehicles. A safety vest will be worn at all times when out at the scene of a collision.

(Code 1986, § 9-146; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010)

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Sec. 16-247. - Inspections.

The applicant will agree to permit periodic inspections by the Chief of Police or his designee to assure that all criteria of this article are met.

(Code 1986, § 9-147; Ord. No. 07-711, 10-9-2007)

Sec. 16-248. - Regulations governing wrecker operations.

- (a) *Driver's license.* Any individual operating a wrecker must have in his possession a valid Class A, B or C driver's license; ~~and must be 18 years of age or older. and must have a town permit in their possession at all times.~~
- (b) *Registration plate.* Each wrecker vehicle must conform to G.S. 20-50 or 20-79 in that each wrecker is required to have a proper registration plate. No dealers' plates may be displayed on wreckers.
- (c) *Applicant's name on both sides of vehicle; cleanup.* All wreckers must have the name of the towing service (applicant) clearly printed on both sides of the wrecker. The wrecker operator or driver will be responsible for clearing debris from the street or highway. This not only means large obstacles but also glass and small fragments. Wreckers must be at the scene within 30 minutes from the time called.
- (d) *Chasing or running wrecks.* Wreckers are specifically prohibited from chasing or running wrecks or soliciting business at accident scenes.
- (e) Tow truck operators and towing companies shall accept all major forms of payment to include, but not limited to cash, private checks, and major credit or debit cards.
- (f) The towing or storage firm shall provide a receipt for each payment at the time the payment is made. Each receipt shall be legible and shall contain the following information:
 - (1) The name, address and telephone number of the tow company.
 - (2) Sufficient information to allow the employee who towed the vehicle to be identified.
 - (3) A total fee with a breakdown of towing and storage fees.
 - (4) A clear and accurate reason for the towing and the date and time of the towing. Receipts shall not use descriptions that might cause individuals to associate private property towing with municipal action.
- (g) The tow operator must provide a fee schedule to the police department. Any changes in fees must be provided to the police.
- (e) ~~*City business license.* Each towing firm shall be required to obtain a city business license for towing and ensure drivers hold current town permit.~~

(Code 1986, § 9-148; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010)

~~Sec. 16-249. - Responsibility for charges.~~

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All costs incident to towing and storage shall be paid by the vehicles owner or person in charge or possession of the towed and stored vehicle to the owner of the wrecker company, and a receipt for payment shall be issued to such person. ~~The town shall assume no liability or responsibility for any vehicle removed from an owner's premises without the city's town's authority or the collection of the fee. It is the responsibility of any applicant under agreement with the city town that it notify the police department prior to removing a vehicle not authorized by the police department from private property.~~

~~(Code 1986, § 9-149; Ord. No. 07-711, 10-9-2007; Ord. No. 09-806, 9-8-2009; Ord. No. 10-826, 4-13-2010)~~

~~Sec. 16-250. - Duties and responsibilities of police officers - Wrecker and tow services:~~

- ~~(a) - The Chief of Police shall have the right to use a specific wrecker company to perform the duties needed for the police department. The following specifically regulates the operations, as to tows, by the police: Police and accident investigations personnel will ascertain from each owner or operator of the vehicle if he desires any particular towing firm. The officer will dispatch the wrecker of the owner's or operator's choice, provided the wrecker driver did not chase the accident, is not at the scene and did not solicit the business from the street or highway. Wreckers at the scene will not be permitted to pull a wrecked vehicle unless the officer determines that an emergency exists, a person is trapped in a vehicle or traffic congestion is such that requires immediate service.~~
- ~~(b) - If the owner or operator of the vehicle does not request a particular towing firm, then the officer will have the police dispatcher call the wrecker service designated by the Chief of Police or his designee.~~

~~(Code 1986, § 9-150; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010)~~

~~Sec. 16-251. - Same - Police Impoundments - Towing of vehicles from town right of way or public property.~~

~~If a vehicle is being removed pursuant to the direction of a law enforcement officer or the Town Manager or his designee in accordance with the provisions of this Code or applies to towing pursuant to N.C.G.S. 115C-46(d) or G.S. 143-340(19) then it is deemed a public health or safety threat and authorized as a Police Impoundment.~~

~~In compliance with the policy of the police department, the following procedure shall be followed by all police department personnel when they have a vehicle towed or stored:~~

- ~~(1) - The officer causing the vehicle to be towed or stored shall:~~
- ~~a. - Complete the storage/towed vehicle report at the scene prior to the vehicle being towed or stored.~~

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- b. ~~Fill in all available information including the towing vehicle driver's name on the front part of the stored/towed vehicle report.~~
- c. ~~Conduct a complete inventory of all items in the vehicle (i.e., C.B. radios, tape decks, tools and all other items of value). Make note if AM/FM radio or spare tire is missing, or if there is any damage to the vehicle's interior or exterior.~~
 - 1. ~~If the vehicle is locked, if possible, open the vehicle, inventory all items inside, including the trunk. If a crime has been committed, all loose items of value shall be turned into the evidence technician as evidence, otherwise for safekeeping.~~
 - 2. ~~If the vehicle is locked and cannot be opened, list all items that can be seen from the outside of the vehicle to be stored/towed.~~
 - 3. ~~Have the towing vehicle (wrecker) driver verify and sign the inventory and provide a copy of inventory to the towing firm.~~
 - 4. ~~When applicable, the officer will issue a parking citation to each towed vehicle and attach to the stored/towed vehicle report.~~
- (2) ~~When an officer finds that an illegally parked vehicle cannot be identified by registration or by VIN, the officer shall place on the windshield, or other conspicuous place, a notice that the vehicle will be towed in 24 hours if not removed prior to that time. After the 24-hour period has expired, the officer may have the vehicle towed. Notice by posting on the windshield or other conspicuous place need not be given when the vehicle is impeding the flow of traffic or otherwise jeopardizing the public welfare so that immediate towing is necessary.~~
- (3) ~~The officer causing the vehicle to be towed or stored shall turn the report into the records center at the first opportunity.~~
- (4) ~~If the vehicle is registered in the state, the officer must, within 24 hours after the towing, notify the owner by telephone and provide the following:~~
 - a. ~~A description of the vehicle.~~
 - b. ~~The location of vehicle storage.~~
 - c. ~~The violation with which the owner is charged, if any.~~
 - d. ~~The procedure that the owner must follow to have the vehicle returned.~~
 - e. ~~The procedure that the owner must follow to request a probable cause hearing about the towing.~~
- (5) ~~If the vehicle has an out of state registration, the notice must be given to the owner within 72 hours.~~
- (6) ~~If the owner of the vehicle does not have a telephone or contact cannot be made by telephone, no further attempts are required. However, this shall be noted in the remarks section of the stored/towed vehicle report.~~

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- ~~(7) Pursuant to G.S. 20-220 and 20-225 N.C.G.S. statutes dealing with towing services, if the owner of the vehicle requests a hearing on the probable cause of the towing, he shall be requested to contact the magistrate to make the arrangements. The magistrate shall then have 72 hours to set up a hearing to determine if the officer had probable cause for the towing. If a hearing is requested, the magistrate shall notify the owner of the vehicle, the law enforcement officer and the person who towed the vehicle of the time, date and location of the hearing.~~
- ~~(8) If the magistrate finds probable cause in the hearing for vehicle towing, the owner is responsible for towing fees to be paid to the towler. If the magistrate finds that there is not probable cause for towing, the officer and the agency are responsible for paying the towing fees.~~
- ~~(9) Release of the stored/towed vehicle when:~~
- ~~a. The stored/towed vehicle is marked "safekeeping."~~
- ~~1. The owner shall be required to come to the records center with the proof of ownership of the vehicle and obtain a written release.~~
- ~~2. The stored/towed vehicle shall be pulled from the store vehicle file, and a copy of the release form shall be attached to the back, and all copies placed in the released vehicle file.~~
- ~~b. The stored/towed vehicle report is marked "hold" (meaning the vehicle is being held for investigation, evidence, etc.) and only the storing officer may sign the release form.~~
- ~~(10) A report shall not have to be made for request tow.~~
- ~~(11) The completion of the stored/towed vehicle report in no way diminishes the requirement of making stolen or recovered vehicle reports and investigative reports.~~

(Code 1986, § 9-151; Ord. No. 07-711, 10-9-2007)

Sec. 16-252. - Duties and responsibilities of wrecker firms providing towing for impoundment purposes.

Any individual or wrecker firm (applicant) providing impoundment services for the ~~city~~ TOWN under this chapter will execute a agreement with the ~~city~~ TOWN similar to the agreement addressed in the accident towing policy with the exception of wrecker service application/agreement with the following additional requirements:

- (1) The applicant will agree to work closely and cooperatively with the town police department, and if error is made in the impoundment of a vehicle, to promptly release such vehicle at the order of the police department without financial liability to either the individual vehicle owner or the ~~city~~ TOWN.
- (2) If an owner of a stored vehicle requests a hearing by a magistrate, and the magistrate does not find probable cause for the vehicle to be stored, the towing firm must release the vehicle

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to the owner or person in charge of possession of the stored vehicle without any financial liability to the officer or the town or the owner or legal possessor of the vehicle.

- (3) Any vehicle seized by the police department as evidence in a crime scene shall be towed to the town storage lot. The towing firm shall release any vehicle that is awarded to the police department by the courts without any financial liability to the police department or the town.

(Code 1986, § 9-152; Ord. No. 07-711, 10-9-2007; Ord. No. 10-826, 4-13-2010)

Sec. 16-253. – ~~Trespass Tow~~ – ~~Trespass~~ Towing of unauthorized vehicles from private lots.

- (a) It shall be unlawful to tow or remove or immobilize, by the use of a wheel lock or other method, a vehicle ~~that~~ which is parked on private property without the ~~written request~~ permission of the owner or lessee ~~on of that private property~~ unless the following requirements are met by the towing operator. In the event that a towing operator has the permission to periodically trespass tow vehicles from a private lot by contract or other arrangement, the towing operator shall file a written request or contract from the private property owner with the police department for each property in which they have been given the authority to trespass tow vehicles.

- (1) ~~When towing a vehicle pursuant to this article, the tow truck operator who is removing the vehicle shall report by telephone to the New Hanover County 911 Non-Emergency Dispatch the following minimum information: Notice of a trespass tow shall be given to the police department within 45 minutes of the removal of a vehicle from a private lot by faxing a form supplied by the police department to a fax number provided with the following minimum information provided:~~

- a. Description of the vehicle being towed.
- b. The vehicle license number.
- c. The vehicle identification number.
- d. The date, time and location from which the vehicle was towed.
- e. The location to which the vehicle was towed.

This report to the police department shall be made before the tow truck towing the vehicle leaves the private property from which the vehicle is towed.

- (2) ~~Notice shall be posted on the private property from which the towing or removal is made. Each towing company shall receive a sign permit from the Police Chief or his designee, at which time, the requirements of the sign standards will be discussed with the applicant and a list of properties shall be identified by the towing company in which they will be performing towing activities. A sign permit is required for each property under contract with the towing company for towing services. Such notice shall fulfill the following requirements:~~

- a. ~~A notice, in the form of a sign structure, shall be not less than two feet by two feet in size, shall be prominently placed on the private property within 5 feet of all entrances allowing vehicular access to the property and within five feet of the street right-of-way~~

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line and shall face the public street. If there are no curb or access barriers, signs shall be posted not less than one sign each 50 feet of the frontage to the public street. The maximum size for any sign shall be four square feet.

b. The sign structure displaying the required notices shall be permanently installed with the bottom of the sign not less than four (4) feet above ground level and not more than six (6) feet above ground level. Pedestrian safety should be taken into consideration when locating freestanding signs.

c. The sign structure displaying the required information shall be clearly display in letters not less than 1 1/2-inch in height on a contrasting background.

d. The notice will clearly display the following:

1. The name of the property owner or lessee or individual authorizing the tow,
2. A statement indicating that parking by unauthorized vehicles is prohibited by the use of the phrase "Private Parking Only", "Customer Parking Only" or "Pay For Parking Only",
3. A statement indicating that towing will be enforced by the use of the phrase "Towing Enforced",
4. A statement of when the parking is restricted or the hours that paid parking is available, and
5. A statement indicating that all towing expenses will be the responsibility of the vehicle owner by the use of the phrase "At Vehicle Owners Expense",
6. The name of the towing company, telephone number at which a person available to release the vehicle that has been towed, removed, or immobilized may be contacted at any time.
7. A statement indicating that town parking passes are not honored in the lot by the use of the phrase "Town Parking Passes are **NOT** Honored Here".

(2) Notice shall be posted on the private property from which the towing or removal is made. Each towing company shall receive a sign permit from the Police Chief or his designee, at which time, the requirements of the sign standards will be discussed with the applicant and a list of properties shall be identified by the towing operator in which they will be performing towing activities. The cost for said permit shall be \$25.00 per individual permit with each location requiring a separate permit. The cost of said permit may be amended from time to time by the Police Chief. Such notice shall fulfill the following requirements:

a. A notice, in the form of a sign structure, not less than two feet by two feet in size, shall be prominently placed on the private property at each access or curb cut allowing vehicular access to the property, within five feet of the street right-of-way line. If there are no curb or access barriers, signs shall be posted not less than one sign each 50 feet of the frontage to the public street. The maximum size for any sign shall be four square feet.

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- b. ~~The notice shall clearly display the following:~~
- ~~1. In not less than 1 1/2-inch high letters on a contrasting background, the words "tow-away" or "tow-away zone" or "towing enforced."~~
 - ~~2. In not less than one-inch high letters on a contrasting background, a statement indicating that parking by unauthorized vehicles is prohibited by the use of a phrase such as "private property," "leased parking," "no parking," "parking for customers only," "parking for residents only," or a similar phrase. If parking by unauthorized vehicles is not prohibited on a 24-hour continuous basis, the days of the week and hours of the day during which unauthorized parking is prohibited shall be posted.~~
- c. ~~1. In not less than one-half-inch high letters on a contrasting background, the telephone number at which a person available to release the vehicle that has been towed, removed, or immobilized may be contacted at any time. Calls to the telephone number must be answered by a person and a person with the authority and ability to release the vehicle must respond to the location of the vehicle within 30 minutes of a call and as outlined in subsection (a)(8) of this section.~~
- ~~2. The sign structure displaying the required notices shall be permanently installed with the bottom of the sign not less than six feet above ground level and not more than eight feet above ground level. Pedestrian safety should be taken into consideration when locating freestanding signs.~~
- (3) The vehicle being towed shall be adequately secured prior to towing on the private property with no further securing of the vehicle required after the vehicle has been towed from the private property. The vehicle shall be towed directly to the impound lot of the tow operator. The staging of vehicles in an unsecured location is prohibited.
 - (4) Tow truck operators shall release a vehicle to the vehicle owner when approached by the owner on the private lot from which the vehicle is being towed from or if contact is made with the towing company prior to the owner's vehicle leaving the municipal limits of the town, provided that payment can be made at the time of the drop request. Drop charges shall not exceed the maximum as specified in this article or as amended by the town council from time to time.
 - (5) Any tow service that is engaged in a trespass tow shall, upon the request of the vehicle operator, permit the vehicle operator to have access to the trespass vehicle for the purpose of retrieving personal property therefrom.
 - ~~(6) Tow truck operators and towing companies shall accept all major forms of payment to include, but not limited to cash, private checks, and major credit or debit cards. A receipt for such payment shall be presented to the vehicle owner at the time the vehicle owner submits payment for the towing or drop charge.~~
 - ~~(7) The lot or facility to which any trespass vehicle is removed shall be located within 20 miles of the town limits. The vehicle shall be secured and lighted in such a manner as to keep the vehicle safe from break-ins or damage while in storage. A fenced storage yard with average surface level lighting or two footcandles shall be deemed compliant with this section.~~

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~~(8) Any tow service that engages in a trespass tow shall have a person on call 24 hours every day who is capable of acknowledging requests to retrieve a towed vehicle within 15 minutes of receiving such request, and of releasing said vehicle within 15 minutes of receiving the request.~~

~~(9) Vehicle storage charges for vehicles towed from private property shall not be charged until the vehicle has been stored at the premises of the towing company for a minimum of 24 hours, at which time, the standard storage fees for other towed vehicles, as typically charged by that company, shall be permissible and shall not exceed 25 percent of the base towing charge per day following the first 24-hour period.~~

(b) Applicability. The provisions of this article shall apply to private property used for commercial or residential parking purposes in all areas of the town.

(c) Exceptions. Notwithstanding any other provision of this section, no notice shall be required for the towing or removal or immobilization of a vehicle:

(1) If the vehicle obstructs adequate ingress and egress;

(2) If the vehicle has been left on the private property for a period of time greater than 48 hours; or

(3) If the vehicle is being removed pursuant to the direction of a law enforcement officer or the Town Manager or designee in accordance with the provisions of this Code or state law.

(Code 1986, § 9-153; Ord. No. 07-689, 6-12-2007; Ord. No. 07-711, 10-9-2007; Ord. No. 09-806, 9-8-2009)

Sec. 16-254. - Penalty.

~~a) Any violation of the provisions of this article or a failure to comply with any of its requirements shall subject the offender to a civil penalty pursuant to the town's annually adopted rate and fee schedule.~~

~~b) This article may also be enforced by an appropriate equitable action.~~

~~c) Any violation of the provisions of this article shall be a misdemeanor punishable as provided by N.C.G.S. § 14-4.~~

~~d) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this article.~~

~~Any person violating any provisions of this article shall be charged with a Class 3 misdemeanor and upon conviction shall be fined pursuant to the town's annually adopted rate and fee schedule in the discretion of the court or a civil penalty pursuant to the town's annually adopted rate and fee schedule.~~

(Code 1986, § 9-154; Ord. No. 09-806, 9-8-2009)

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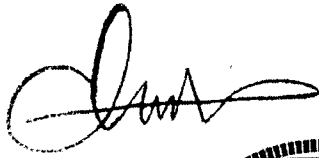
Town of Carolina Beach
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Rate and Fee Schedule Changes

Chapter 16-254: Trespass towing from private lots

- (1) In the amount of one hundred dollars (\$100.00) for the first offense;
- (2) In the amount of two hundred dollars (\$200.00) for the second offense within a twelve-month period; and
- (3) In the amount of three hundred dollars (\$300.00) for each offense when the offense is the third or subsequent offense with a twelve-month period.
- (4) The third violation within any twelve-month period shall trigger a review of the wrecker service application agreement by the town council.

Chapter 16-242: Wrecker service application / agreement \$200.00



Dan Wilcox, Mayor



Attest: Kimberlee Ward, Town Clerk

11-1-2016

Date Approved

Ordinance 16-1034

Town of Carolina Beach
Town Council



Town of Carolina Beach, North Carolina Fiscal Year 2016/2017 Budget Ordinance Amendment

Whereas, the Town of Carolina Beach is directed by the North Carolina General Statutes to prepare, adopt and operate by a fiscal budget, and

Whereas, the Town of Carolina Beach endeavors to operate responsibly and efficiently in order to maximize the benefit of all revenues and comply with Federal, State and Local guidelines regarding operation and expenditures of public funds, and

Whereas, the Town of Carolina Beach recognizes the benefits and returns enjoyed by sound financial planning and management of resources,

Be It Therefore Resolved by the Town Council of the Town of Carolina Beach, North Carolina, That;

The following rates in the Rate and Fee Schedule are amended as follows:

Water and Sewer Variable Metered Rates:

Basic water and sewer rates for monthly billing inside the city limits shall be as follows:

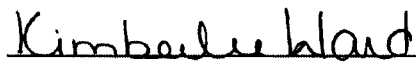
<u>Usage</u>	<u>Water Rate</u>
Irrigation / 1,000 gallons	\$11.72 \$4.34 per 1,000 gallons
Administration Fee	\$2.00

These rate will be effective beginning November 16th, 2016.



Dan Wilcox, Mayor





Attest: Kimberlee Ward, Town Clerk

11.1.2016
Date Approved

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Sec. 16-20. - Town identification card decal required.

- (a) ~~It shall be required that every motor vehicle or passenger vehicle, as defined within this chapter and required to be licensed by the state, Property Owner, Agent, or Permanent Resident / Business resident within the town shall be issued to display a town identification card decal in order to identify the Property Owner, Agent, or Permanent Resident / Business Owner as someone authorized to enter residents of the town during times of natural disaster, to which the town is subject, and during or other emergencies following evacuation or when restricted access is necessary.~~
- (b) ~~The town identification card decal shall be issued annually for a duration of one-year period commencing on January 1st and terminating on December 31st of each year. The initial period of issuance shall be from January 1st until February 15th of each year at a cost pursuant to the town's annually adopted rate and fee schedule. ; thereafter, decals shall be issued with an additional penalty charge pursuant to the town's annually adopted rate and fee schedule. The cost of the decal is not to be prorated. The card is non-transferable, non-refundable and the cost is not to be prorated.~~
- (c) ~~The town identification card shall be issued by the Billing Department, Town Hall, 1121 N. Lake Park Blvd., Carolina Beach, NC, to every Property Owner identified by the New Hanover County Tax Department as owning property within the town limits, is an Agent of the property owner or is a Permanent Resident / Business Owner renting or leasing property from the property owner, upon presentation of proper vehicle registration and payment as specified hereto before. The decals shall be registered with town hall containing the owner's name, address, state license plate number, make, model, year, and color of vehicle and decal number.~~
- (d) ~~The term "resident within the town," when referring to motor vehicles and passenger vehicles, includes, but is not limited to, the following:~~
- ~~(1) Those vehicles owned or principally used by a person who establishes a residence within the town, temporarily or permanently, for a period of 30 days or more, and which vehicle is used or stored within the town.~~
 - ~~(2) Those vehicles used and maintained or stored in connection with a business within the town.~~

(Code 1986, § 9-22; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998)

Sec. 16-21. - Recording. Authorized Card Holder

The decals shall contain an identification number which shall be registered with the owner's name and a record thereof shall be kept at the billing office of the town.

Authorized Card Holders may be either Property Owners, Agents or Permanent Resident / Business Owner within the town limits.

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(a) Property Owners - Upon presentation of approved documentation, individuals, groups or corporations identified by the New Hanover County Tax Department as owning property within the town limits may receive (2) two town identification cards at Town Hall, 1121 N. Lake Park Blvd., Carolina Beach, NC.

(1) Proper identification of property ownership includes:

- a.) Valid State issued identification, and
- b.) Copy of property deed from New Hanover County Tax Department, or
- c.) Copy of a utility bill, cable bill or telephone bill identifying the individual and the property.

(b) Agent - Upon presentation of approved documentation, individuals, groups or corporations identified by the property owner as an "Agent" of the property owner may receive (2) two town identification cards at Town Hall, 1121 N. Lake Park Blvd., Carolina Beach, NC. Agents can be Property Management Companies, Brokers or State Licensed Contractors who are identified by the property owner on the Emergency Property Security Authorization Form.

(1) Proper identification of an Agent includes:

- a.) Valid State Issued Identification, and
- b.) Properly executed Emergency Property Security Authorization Form, and
- c.) Copy of the Property Management Listing Agreement signed by the Broker in Charge, and/ or
- d.) Copy of a Valid NC State Contractors License

(c) Permanent Resident / Business Owner - Upon presentation of approved documentation, individuals, groups or corporations identified by the property owner as a "Permanent Resident / Business Owner" of the property owner may receive (2) two town identification cards at Town Hall, 1121 N. Lake Park Blvd., Carolina Beach, NC. Owners of boats docked at property within the town limits may qualify as a Permanent Resident / Business Owner. Permanent Resident / Business Owners may be identified by the property owner on the Emergency Property Security Authorization Form.

(1) Proper identification of Permanent Resident / Businesses include:

- a.) Valid State Issued Identification, and
- b.) Properly executed Emergency Property Security Authorization Form, or
- c.) Valid State Privilege License or Personal Property Title, or
- d.) Copy of a lease document for the property used as a residence, business or dock, and/or
- e.) Copy of a utility bill, cable bill or telephone bill or town business registration identifying the individual / business and the property.

(Code 1986, § 9-23; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998)

Sec. 16-22. - Display of identification card decals.

The authorized Property Owner, Agent or Permanent Resident / Business Owners shall present the identification card and Valid State Issued Identification, in order to gain entry into town or parts of town following a natural disaster and during other emergencies, vehicle identification decal shall be displayed inside the lower right-hand corner of the front windshield (passenger's side).

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(Code 1986, § 9-24; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998)

~~Sec. 16-23. - Non-resident owners.~~

~~Purchase and display of these identification decals by non-resident owners of property within the town is optional.~~

(Code 1986, § 9-25; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998)

~~Sec. 16-24. - Exemptions.~~

~~During times of emergencies other individuals may be issued approval documentation to enter the town per the Town of Carolina Beach Emergency Operations Plan. The motor vehicle and passenger vehicle identification decal required by this article shall not apply to the following:~~

- ~~(1) Vehicles belonging to members of the armed forces of the United States on duty within the town and exempted by federal law.~~
- ~~(2) Vehicles held for sale as part of a stock for an approved and licensed vehicles sales facility.~~
- ~~(3) Vehicles used for emergency service during periods of natural disaster or other emergencies.~~
- ~~(4) Exemptions from section 16-20(d).~~

(Code 1986, § 9-26; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998)

~~Sec. 16-25. - Transfer of decal to another vehicle.~~

~~The authorized decal issued by the town shall be assigned to the designated vehicle of the owner acquiring said decal and shall not be transferable to another vehicle of the individual to which issued or to another owner whether by sale of vehicle or otherwise.~~

(Code 1986, § 9-27; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998)

~~Sec. 16-246. - Tampering with identification card decals.~~

~~It shall be unlawful for any person to willfully alter, mutilate, counterfeit paint, or otherwise deface any card decal issued by the town. for current display on any motor or passenger vehicle on which required.~~

(Code 1986, § 9-28; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998)

~~Sec. 16-257. - Violations.~~

~~Any Property Owner, Agent, or Permanent Resident / Business Owners resident motor vehicle or passenger vehicle, as defined in section 16-20(d), and not exempt as specified in section 16-24, which who does not properly display an official town identification card decal, displays a card decal which is not assigned to the appropriate Property Owner, Agent, or Permanent Resident / Business Owners motor vehicle or passenger vehicle, or which has been altered or defaced in accordance with section 16-246, will not gain access to the town and shall be subject to fines as defined by the town's annually adopted rates and fees schedule. A person liable failing to comply with a written order regarding any situations or~~

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conditions and not fined through the judicial process with a criminal fine for committing acts causing the situations and conditions, is subject to civil monetary charges being imposed by the official in an amount defined in the town's annually adopted rates and fees schedule. Said civil charges are not penal sanctions imposed for violation of criminal laws.

(Code 1986, § 9-29; Ord. No. 98-429, 8-11-1998; Ord. No. 13-915, 6-11-2013)

Secs. 16-208—16-42. - Reserved.

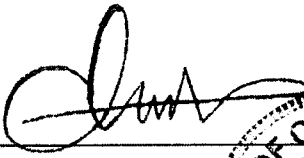
Rate and Fee Schedule

VEHICLE IDENTIFICATION DECALS EMERGENCY IDENTIFICATION CARD, PARKING AND FREEMAN PARK FEES

Vehicle identification (VID) Emergency Identification Cards and parking decals go on sale January 1st each year. Costs are listed below:

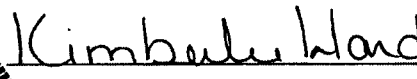
Vehicle Identification Decals	Fee
Purchased January 1 st — March 31 st	\$ 5.00
Purchased April 1 st — December 31 st	\$15.00
Additional Decals for owners of more than one property	\$ 1.00
Replacement Decals	\$ 5.00

<u>Emergency Identification Cards</u>	Fee
Purchased between January 1 st to February 15 th	FREE
Purchased between February 15 th to March 31 st	\$ 5.00
Purchased between April 1 st to December 31 st	\$15.00
Additional Cards may be purchased with proper documentation	\$10.00
First Replacement Card	\$ 5.00
Second Replacement Card	\$ 10.00



Dan Wilcox, Mayor





Attest: Kimberlee Ward, Town Clerk

11-1-2016

Date Approved

Town of Carolina Beach
Ordinance No.

Ordinance 16-1036

Town of Carolina Beach
Town Council



Sec. 16-206. - Schedule C, no parking, limited public parking, metered parking, police parking, handicapped parking, loading/unloading areas, public parking lots.

The following schedule, in conjunction with the official parking map as adopted by the town council, shall establish the areas throughout the corporate limits of the town, where such activities shall or shall not take place. No full-time or extended duration parking shall be allowed in public parking areas or within any designated drivable corridor on public beaches except as may be noted elsewhere in this schedule.

- (1) *Designated no parking areas.* Except as may qualify for residential exceptions, based on written criteria established by the Director of Planning and Development, no parking shall be allowed on the following streets:

Alabama Avenue—West of U.S. Highway 421 (S. Lake Park Boulevard) to Bowfin Lane.
Alabama Avenue, Texas Avenue, South Carolina Avenue, Ocean Boulevard, North Carolina – West of U.S. Highway 421 (S. Lake Park Boulevard) to Bowfin Lane.
Annie Drive—(north/south section only) from Spencer Farlow Drive to the intersection with Risse Lane east/west section corner.
Barrier Bridge Road—From the intersection with Dow Road north to the intersection with Spencer Farlow Drive.
Canal Drive North from the intersection with Carl Winner Avenue to termination (with the exception of designated limited loading/unloading areas adjacent to the town marina).
Carolina Beach Avenue North—North from the intersection of Canal Drive (with the exception of metered, on-street spaces located between Sandfiddler Lane and Sea Oats Lane).
Carolina Beach Avenue South—South from the intersection of Hamlet Avenue to the intersection with U.S. Highway 421 (S. Lake Park Boulevard).
Carolina Sands Drive—(North/south of the road) from S. Lake Park Boulevard west to the corner of Seafarer Drive.
Dow Road—From the intersection with U.S. Highway 421 (N. Lake Park Boulevard) south to the corporate limits.
Pelican Lane, Dolphin Lane, Scallop Lane, Sea Gull Lane, Sailfish Lane, Oystershell Lane, Sandpiper Lane, Seahorse Lane, Scotch Bonnet Lane, Starfish Lane, Sand Dollar Lane, Clam Shell Lane, Periwinkle Lane, Sand Fiddler Lane, Sea Oats Lane and Salt Marsh Lane – Between Canal Drive and Carolina Beach Avenue North

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Raleigh Avenue—From the intersection with U.S. Highway 421 (N. Lake Park Boulevard) to the intersection with Canal Drive Woody Hewett Avenue (with the exception of areas designated for limited loading/unloading areas located on the northern side of said street).
Spencer-Farlow Drive from the intersection of Risso Lane extending west 150 feet and located on the southern side of Spencer-Farlow Drive.
U.S. Highway 421 (Lake Park Boulevard)—From the intersection with Harper Avenue north to Snow's Cut Bridge and from the intersection with Harper Avenue south to the corporate limits (with the exception of areas designated for public on-street parking on the official map).
Ocean Boulevard—West of U.S. Highway 421 (S. Lake Park Boulevard) to Bowfin Lane.
Wilson Avenue – Between N. Lake Park Boulevard to N. Third Street
Woody Hewett Avenue—From the intersection with Harper Avenue south to the intersection with U.S. Highway 421 (S. Lake Park Boulevard).
North Lake Park Boulevard, west side, adjacent to 201 and 203 North Lake Park Boulevard.
South Lake Park Boulevard, west side between Carolina Beach Lake and Lake Drive.
South Lake Park Boulevard, northwest side at intersection with Greenville Avenue.
Between South Lake Park Blvd. and Bowfin Texas Avenue, South Carolina Avenue and North Carolina Avenue.
In public beach areas beyond the northern terminus of Canal Drive and West of the designated drivable corridor from Canal Drive to the corporate limits.
In public beach areas beyond the northern terminus of Canal Drive and east of the drivable corridor for a distance of 300 feet.
Other areas as may be described by the Carolina Beach Town Code or as established by the Town Manager or Police Chief.

(2) Issuance of parking ticket.

(a) When one (1) of the violations identified in this section has occurred, the law enforcement officer or other person, authorized by and whose enforcement duties are as defined by the chief of police detecting the apparent violation is authorized to take the state and registration number of the vehicle involved, and to place a parking ticket in or on the vehicle involved, or to serve the ticket if the owner or operator is present.

(3) Civil penalty.

(a) For each violation as set forth below, there shall be a fixed civil penalty charge as established by the Town Council and displayed in the town's budget for unlawful parking, said violations being set forth as follows:

- (1) Expired meter parking
- (2) Parking over the specified time limit
- (3) Protrusion beyond designated parking space

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- (4) Double parking.
- (5) Parking in a controlled residential parking area without a valid residential parking permit.
- (6) Vehicles parked so as to obstruct sidewalk, private driveway, crosswalk, or bike lanes.
- (7) Vehicles parked unattended in commercial and passenger loading zones.
- (8) Vehicles parked in front of or within five (5) feet in either direction of a private driveway or road.
- (9) Vehicles other than buses parked in a bus stop.
- (10) Vehicles parked within twenty-five (25) feet of an intersection.
- (11) Oversize vehicles parked on town streets.
- (12) Vehicles parked on medians.
- (13) Vehicles parked in "No Parking Anytime" zone.

When the owner of a vehicle, or his agent, makes proper payment of a parking ticket within seven (7) days following the date of issuance of the ticket, the obligation thereunto shall be discharged. If such charge has not been paid within the seven day period set out above, the parking violation ticket shall be deemed to be delinquent and subject to the additional penalties set forth by the Carolina Beach Annual Budget and subject to periodic change by the town council. The parking violation shall have stated thereon that payment is due within seven (7) days from date of issue to avoid an additional penalty and court costs. If such charge has not been paid within fifteen (15) days, the delinquent parking violation ticket shall be subject to an additional penalties set forth by the Carolina Beach Annual Budget and subject to periodic change by the town council. The parking violation shall have stated thereon that payments delinquent more than fifteen (15) days after the date of issue are subject to a penalty and court costs.

- (b) The Finance Director may accept payments in full and final settlement of the claim or claims, rights or rights of action which the town may have to enforce such penalties, by civil action in the nature of debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty plus additional penalties for each separate parking violation ticket as set forth by the Carolina Beach Annual Budget and subject to periodic change by the town council.
- (c) A violation listed in this section shall not constitute a misdemeanor or infraction punishable under G.S. § 14-4, but instead shall be subject to the civil penalties fixed by subsection (a) of this section and the civil remedies provided by G.S. § 160A-175. Any properly designated town official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.
- (d) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment, civil action, or otherwise, shall belong to the town and shall be paid into the general fund of the town under such conditions as prescribed by the annual budget.
- (e) Each hour a vehicle is parked in the same space following the issuance of a parking ticket shall constitute a separate violation subject to issuance of a new parking ticket and additional civil penalty to be applied to such vehicle.

(4) Computing overtime violations.

The moving of a parked vehicle from one (1) restricted space to another restricted space in the same block is deemed to be one (1) continuous parking period for the purpose of determining overtime parking violations.

(5) Accountability for parking tickets.

The chief of police or parking contractor shall cause all parking tickets to be serially numbered, and shall cause the records of the issuance and disposition of parking tickets to be so maintained that they can be accounted for. The Finance Director or parking contractor shall periodically investigate the records for the purpose of determining the disposition of the parking tickets and shall report the result of the investigation to the town manager.

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(6) Prima facie evidence

It shall be prima facie evidence in any court in the state that any motor vehicle which was parked in violation of any of the provisions listed in this section was parked and left upon such street, alley or public way or place by the person in whose name such vehicle is then registered with the state division of motor vehicles.

~~Parking enforcement, rates, types of parking available and other items of the parking program. Parking rates for all forms of public parking within the town shall be established by the Town Council and displayed in the town's budget.~~

(73) Enforcement of paid parking in all town public parking spaces.

- a. The town enforces its paid parking program between April 1 and October 31 of each year. Daily parking during this time period is enforced from 8:00 a.m. to 7:00 p.m. The dates and times for parking enforcement and collection of paid parking are subject to change from time-to-time by the Town Council. All parking spaces are available for temporary parking only. No parking spaces can be used for commercial purposes or the sale of any vehicle without the written consent of the Town Manager.
- b. The cost for violations or parking tickets to customers that are in violation of this section are subject to change and shall be addressed in the town's annual budget fee schedule.
- c. Parking spaces and parking lots are for temporary paid parking. The commercial use of spaces, the selling of automobiles, and parking in multiple spaces without payment for all spaces is prohibited with out the written consent of the Town Manager.

(84) Parking permits.

- a. The town sells parking permits to residents, and non-residents and business employees in the Central Business District in order to make parking more convenient. Parking permits allow vehicles to be parked in a parking area lots or space without paying for the service provided.
- b. Resident parking passes can be purchased by ~~are generally provided to~~ owners of property in the town or individuals renting or leasing property in town. when the property owner applies for a hurricane re-entry decal. Resident parking permits are valid in all of the paid parking areas to include metered spaces and parking lots. Vehicles that have a parking permit displayed can use the two-hour parking spaces but the permit does not allow any special privileges with regard to the two-hour maximum per space per block. Resident parking pass rates are typically, there is a nominal charge for the parking decal for property owners with the rate being set forth by the Carolina Beach Annual Budget and subject to periodic change by the town council.
- c. Non-resident parking passes can be purchased by individuals who ~~are generally provided to those that do not own property in the town. The parking pass is the same as the resident parking pass with the fee associated with the permit being different. Non-resident parking permits are valid in all of the paid parking areas to include metered spaces and parking lots. Vehicles that have a parking permit displayed can use the two-hour parking spaces but the permit does not allow any special privileges with regard to the two-hour maximum per space per block. Non-resident parking pass rates are Non-resident decal rates are typically more than resident rates with the rate being set forth by the Carolina Beach Annual Budget and subject to periodic change by the town council.~~
- d. Business employee parking passes can be purchased by businesses complying with the Business Registration Program and that are located in the Central Business District. Business employee parking passes may be purchased by businesses which are located in the Central Business District and to businesses that do not have dedicated parking for their employees. Business employee parking passes are only valid in town owned (Mack Lot) at

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Town of Carolina Beach
Town Council

104 Charlotte Ave. Business employee parking pass rates are set forth by the Carolina Beach Annual Budget and subject to periodic change by the town council.

Parking permits are not valid in areas that are marked as such. Parking permits are valid in all of the paid parking areas to include metered spaces and parking lots. Vehicles that have a parking permit displayed can use the two-hour parking spaces but the permit does not allow any special privileges with regard to the two-hour maximum per space per block.

(95) ***Paid parking program and other forms of parking.*** Except for those that may qualify for residential exceptions based on written criteria established by the Director of Planning and Development Town Manager, time limited public parking areas for marked, on-street spaces are designated as follows:

a. ***Two-hour Metered parking.*** The town has two-hour, free metered parking spaces in various locations throughout the town. The two-hour maximum parking per space per block is implemented to encourage turnover of these spaces. These locations are identified on the Official Carolina Beach Parking Map which is adopted and amended by the town council from time to time. Two-hour parking space locations are specifically located on the official parking map and generally include on-street parking spaces along Lake Park Boulevard from Harper Avenue to Atlanta Avenue. Two-hour parking is also available on Cape Fear Boulevard from Canal Drive to Third Street. Attached are other regulations for two-hour parking spaces:

1. Maximum two-hour time limitation per space per block.

Resident and Non-resident parking permits passes are not valid at two-hour parking locations and owners of parking permits must follow the two-hour time limitation per space per block.

b. ***Unlimited Metered parking spaces.*** The town has installed parking meters in various locations throughout the town. Unlimited Metered spaces require that payment be made at all times when the vehicle is occupying a space except for those times outside of enforcement periods. These metered locations are identified on the Carolina Beach Parking Map which is adopted and amended by the town council from time to time. Metered spaces are specifically located on the adopted official parking map and generally include parking along the town's oceanfront, on Lake Park from Woody Hewett to Carolina Sands Drive, on Harper Avenue and at the southern end of Carolina Beach Avenue North. Attached are other regulations for metered parking spaces:

1. Time must be on the meter during enforcement time periods to be valid.

2. Resident and Non-resident parking permits are allowed in metered parking spaces without having to pay for the meter.

3. Parking for time periods greater than 24 continuous hours in duration is prohibited without written consent from the Town Manager.

c. ***Public parking lots.***

1. The town owns or leases numerous parking lots throughout the town. These parking lots are typically equipped with pay stations, meters or honor boxes. Motorists that park in these lots must pay for the privilege of parking during times and dates of enforcement. Paid parking lot locations are located on the adopted Carolina Beach Parking Map town parking map. Fees for paid parking lots are set forth by the Carolina Beach Annual Budget and subject to periodic change by the town council will be identified in the town annual budget with changes occurring from time to time as approved by the town council.

2. Resident, Non-Resident and Business Employee Parking permits passes are valid in all public parking lot locations. Parking permits passes (decals) will be valid for not more than 24 consecutive hours in public parking lots. Pay by the day vehicles must be removed by 8:00 a.m. the next morning. Lots are subject to the following provisions:

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Town of Carolina Beach
Town Council

- (i) Time must be on the meter space during enforcement time periods to be valid.
 - (ii) Parking permits passes are allowed in metered parking spaces without having to pay for the meter.
 - (iii) Parking for time periods greater than 24 continuous hours in duration is prohibited without written consent from the Town Manager.
- d. *Free parking, unlimited.*
- 1. Public parking spaces located west of Canal Drive on street ends at sound access areas. The lot and spaces must be marked and signed as designated parking areas.
 - 2. Public parking spaces located on Lumberton Ave west of U.S. Highway 421 (Lake Park Boulevard).
 - 3. All parking areas marked handicapped parking located on public streets and within public parking area lots whether metered or paid parking lots throughout the town.
- e. *Resident on-street parking.* The special residential exception is primarily intended to assist owner-occupied, single-family residents where existing development on nonconforming lots or uses create parking hardships. It is not intended to alleviate parking requirements for poorly planned rental property nor to serve as guest parking in residential areas.
- 1. Reasonable consideration for special residential exceptions to allow parking in no parking or time limited parking areas will be given by the ~~Director of Planning and Development~~ Town Manager when the following criteria can be met:
 - a. Applicant is a yearround resident in a nonconforming single-family dwelling or multi-unit rental structure established before 1980 and continuously in use for those purposes since established provided subsection (9)e.1a through d. of this section are also met.
 - b. No off-street parking option is available on the applicant's property or by private arrangement within 500 feet of the property. (Documentation of private efforts to otherwise accommodate parking needs is required.)
 - c. Chief of Police and Fire Chief verifies that on-street parking will not pose substantial safety problems for emergency vehicles.
 - 5. ~~Fire Chief verifies that on-street parking will not pose substantial safety problems for emergency vehicles.~~
 - 6. ~~Applicant is a yearround resident in a nonconforming multi-unit rental structure established before 1980 and continuously in use for those purposes since established, provided subsection (5)e.2 through e.4 of this section are also met.~~
 - 7. ~~Other nonconforming residential situations, provided subsections (5)e.2 through e.4 of this section are also met.~~
 - 8.
 - d. Parking requests for more than one vehicle per adult year round resident otherwise meeting the above criteria will not qualify for exceptions.
- f. *Taxi only parking area.* The designation and location of such locations shall be approved by the Town Manager.
- g. *Police parking areas.* The designation and such locations shall be approved by the Police Chief.
- h. *Handicapped parking areas.* Handicap parking spaces shall be provided to reasonably accommodate those with disabilities.
- i. *Loading/unloading areas.*
- 1. The town may establish and sign certain parking spaces within the town for loading/unloading. Loading/unloading spaces can be identified by the Town Manager. Spaces are to only be used for temporary purposes of loading and unloading and only for durations less than 20 minutes. Loading/unloading spaces are enforced year round and 24 hours a day.
 - 2. The space located on the Westside of Canal Drive adjacent to the marina and Carl Winner Avenue adjacent to the Marina can be used for extended periods greater than

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20 minutes but are still to be only used for temporary parking related to the use of the marina.

- (106) *Parking on the beach.* Parking of any vehicle on the municipal beach strand, unless otherwise approved by the town council or Town Manager, shall be prohibited. Vehicles performing a public duty as authorized by the Town Manager shall be exempt. The parking of vehicles is allowed in designated areas of Freeman Park, provided that all other provisions of this Code are being met.
- (117) *Prohibited turns.* It shall be unlawful to make a left turn from the north bound lanes of U.S. Highway 421 (N. Lake Park Boulevard) in the area beginning at the northern road right-of-way line of Carl Winner Avenue at the intersection with U.S. Highway 421 (N. Lake Park Boulevard) and proceeding North along U.S. Highway 421 to a point 50 feet therefrom.

Rates and Fee Schedule

Sec. 16-206(3)(a)

(1) Expired meter parking	\$10.00
(2) Parking over the specified time limit.	\$10.00
(3) Protrusion beyond designated parking space.	\$10.00
(4) Double parking.	\$10.00
(5) Parking in a controlled residential parking area without a valid residential parking permit.	\$10.00
(6) Vehicles parked so as to obstruct sidewalk, private driveway, crosswalk, or bike lanes.	\$10.00
(7) Vehicles parked unattended in commercial and passenger loading zones.	\$10.00
(8) Vehicles parked in front of or within five (5) feet in either direction of a private driveway or road.	\$10.00
(9) Vehicles other than buses parked in a bus stop.	\$10.00
(10) Vehicles parked within twenty-five (25) feet of an intersection.	\$10.00
(11) Oversize vehicles parked on town streets.	\$10.00
(12) Vehicles parked on medians.	\$10.00
(13) Vehicles parked in "No Parking Anytime" zone.	\$10.00

Parking Passes


Resident Pass	\$ 5.00
CBD Business Pass	\$25.00
Non-Resident Pass	\$75.00

Parking Permit Decals

Resident	Included with purchase of VID (one per vehicle)
Out of Town Property Owners	Free with proof of ownership and purchase of VID
Non-Resident	\$50.00


Dan Wilcox, Mayor




Attest: Kimberlee Ward, Town Clerk

11-1-2016
Date Approved

Town of Carolina Beach
Ordinance No. 16-1036